

2013

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**Broadcasting Services Amendment (Advertising for Sports Betting) Bill 2013**

EXPLANATORY MEMORANDUM

(Circulated by authority of Adam Bandt MP)

## **BROADCASTING SERVICES AMENDMENT (ADVERTISING FOR SPORTS BETTING) BILL 2013**

### **OUTLINE**

The *Broadcasting Services Amendment (Advertising for Sports Betting) Bill 2013* is being introduced in order to curb the problem of excessive promotion of potentially harmful gambling services as part of sports broadcasts.

In recent times, the nexus between sports wagering companies and broadcasters has become more entrenched, leading to more advertisements, the promotion of live odds during games, and the appearance of bookmakers as guests during sporting broadcasts. This unmistakable increase has caused significant debate over the future of sport and has caused a high level of concern in the community.

Due to the popularity of sports broadcasts with children and families and the potential for harm inherent in gambling products, there is consensus amongst academic experts and the public that steps should be taken to minimise the exposure to children of gambling promotions. This Bill limits that exposure by limiting TV and radio broadcasts from:

- Broadcasting live odds advertisements or information;
- Broadcasting gambling advertisements before 9pm at night;
- Promoting gambling services as part of editorial content.

### **NOTES ON CLAUSES**

#### **Clause 1 – Short Title**

1. This is a formal provision specifying the short title.

#### **Clause 2 – Commencement**

2. This clause indicates that the Act will commence the day it receives the Royal Assent.

#### **Clause 3 – Schedules**

3. This clause provides that an Act that is specified in a Schedule is amended or repealed as set out in that Schedule, and any other item in a Schedule operates according to its terms.

## **Schedule 1 – Amendments of *Broadcasting Services Act (1992)***

### **Item 1**

This item amends Schedule 2 of the Act to add further conditions on the provision of a commercial television broadcasting license. New section 7AB(1) places three restrictions on what a licensee may broadcast with regards to sports wagering.

Section 7AB(1)(a) stipulates that the licensee must not broadcast advertisements with odds for sports betting, as these terms are defined in new section 7AB(2). This clause is a prohibition on the advertising of odds at any time. While other advertisements for sports betting services are allowed under other circumstances, they may not include numerical odds.

Section 7AB(1)(b) stipulates that any advertisements for sports betting must be broadcast after 9pm at night. Although advertisements for sports betting are generally not aired during children's viewing hours there remains an exemption to this convention in the case of sports broadcasts. This clause seeks to prevent the over-exposure of children to inappropriate advertisements by limiting them to a time of day when younger children are less likely to be watching.

Section 7AB(1)(c) prohibits the broadcasting of information about odds within a 30-minute window of a sports broadcast (such as a live or recorded sporting event) or a sports-related broadcast (such as a panel or discussion show about sport or a sport). This clause would prohibit commentators from discussing the odds being offered by bookmakers prior to or during a sporting event.

New section 7AC relates to the promotion of sports betting products and services outside of the usual commercial breaks. This section is intended to prohibit so-called "cash for comment" promotion, where commentators on the program mix commercial messages with editorial content. Information about sports betting products and services must not be discussed outside of a regular schedule advertising break by the commentators on a broadcast, including guests, if the licensee is paid to do so.

### **Item 2**

This item creates restrictions identical to Item 1 for commercial radio licensees.

### **Item 3**

This item creates restrictions identical to Items 1 and 2 for subscription television licensees.

### **Item 4**

This item provides that the amendments in the Act apply from the date the Act receives Royal Assent.