



Responsible Wagering Australia
Inquiry into the Communications Legislation Amendment (*Online Content Services and Other Measures*) Bill 2017

Responsible Wagering Australia (RWA) welcomes the opportunity to participate in the Environment and Communications Legislation Committee's inquiry into the *Communications Legislation Amendment (Online Content Services and Other Measures) Bill 2017* ('the Bill').

RWA is the independent peak body for the Australian online wagering industry. Our objective is to ensure that Australia has the best conducted, socially responsible wagering industry in the world. RWA's members include leading online wagering companies bet365, Betfair, CrownBet, Ladbrokes, Sportsbet and Unibet. Importantly, our members are required to abide by a publicly available Code of Conduct that includes commitments to meet global best practice in the responsible provision of gambling and harm minimisation. This includes industry leading commitments to reduce the volume of wagering advertising and to ensure that appropriate controls exist on a national basis.

RWA considers that the gambling advertising restrictions announced by the Australian Government on 6 May 2017 represent significant reform and will meaningfully reduce the levels of gambling advertising seen by people under the age of 18. RWA and its members recognise there is public concern about the level of gambling advertising, particularly the volume of gambling advertising that is viewed by minors, and we believe the Government's announcement adopts a sensible response to these community concerns. We welcome the opportunity to work constructively with the Government on the implementation of these restrictions across all platforms.

RWA is thus supportive of the Government's goals in establishing a legislative framework that can be used to apply the gambling promotions restrictions to online content services. However, we have reservations with some aspects of Bill that we believe should be considered.

In particular, RWA recommends that the Bill includes the following:

- the Department of Communications be given responsibility for the consideration of exemptions rather than the Australian Communications and Media Authority (ACMA);
- an exemption for online wagering providers, acknowledging they are required to age gate their services; and
- a clear commencement date.

These issues are outlined in greater detail below.

1. Consolidation of responsibilities

Consistent with our feedback provided to the Department of Communications during its consultation of the exposure draft of the Bill, RWA continues to have concerns with the proposed separation of responsibilities between the Department and the ACMA.

As outlined in the Bill, exemptions to the online content service provider rules will be considered by the ACMA once the legislation has passed the Parliament. From industry's perspective, this results in a disjointed process under which the entity responsible for the legislation (the Department) cannot speak to nor provide assurances around which exemptions will apply – despite this being a pivotal issue for industry. Similarly, the proposed entity responsible for the consideration of exemptions (the ACMA) is awaiting finalisation of the legislation before it will discuss possible exemptions in any great detail. In RWA's view, it would be highly preferable for the Department to have full responsibility for the package of measures being proposed, including with respect to exemptions.

2. An exemption for online wagering providers

The Bill takes an expansive view of what constitutes an 'online content service' for the purposes of the legislation, with the legislation providing a mechanism for exemptions to be made by the ACMA. In our view, this approach provides no certainty to industry. As RWA has previously relayed to the Department, we believe that Australian licensed online wagering providers should be provided with an exemption in the legislation due to the robust age and identification processes that they utilise.

Australian licensed online wagering providers are required to verify the identity of their customers. This ensures that online wagering providers know their customers, including their name and age. This is a key protection against financial fraud, money laundering and terrorism financing. Importantly in the context of this legislation, it enables online wagering providers to ensure that minors that seek to establish accounts can be identified and denied access to wagering products and services. As a result, any Australian licensed online wagering provider's online assets, such as their app or website, are appropriately age gated. For these reasons, RWA believes that online wagering providers that stream live sport in an age gated, closed environment should continue to be able to broadcast wagering advertising during the streaming of live sport and thus should be included in the list of exemptions provided under Clause 3 of Schedule 8 of the Bill. This would exempt online wagering operators from the outset and provide certainty to industry.

3. Commencement date

RWA believes the implementation timeline for the proposed legislation is ambiguous and provides little certainty for industry. Despite the Minister for Communications, Senator the Honourable Mitch Fifield, clearly stating that the restrictions "*will apply across all platforms and it will apply from March 2018*"¹, there is no detail contained in the Bill about the commencement date of the restrictions. Instead, the Bill empowers the ACMA to create its own timeframes, meaning the restrictions could take effect prior to or later than the March

¹ <http://mitchfield.com/Media/Transcripts/tabid/71/ArticleType/ArticleView/ArticleID/1353/Default.aspx>

deadline. It is RWA's view that the legislation should stipulate a commencement date for the new restrictions as a way of significantly improving certainty for industry.

Thank you for the opportunity to provide this submission on the Bill. To summarise, RWA is supportive of the Australian Government's approach to restricting gambling advertising during live sport as a way of reducing the volume of gambling advertising that is viewed by minors. To that end, we believe the issues highlighted above would strengthen the Bill and provide further certainty to industry with respect to the implementation of the restrictions.

If RWA can be of any further assistance on this matter, please do not hesitate to contact our office on .

Yours sincerely

Stephen Conroy
Executive Director