

Senate Select Committee on COVID-19
ANSWERS TO WRITTEN QUESTIONS ON NOTICE
Infrastructure, Transport, Regional Development and Communications

Division: Content

Inquiry: Inquiry into the Australian Government's response to the COVID-19 pandemic

Topic: Online Gambling

Question Type: Written (29/06/2020)

Senator Siewert asked:

We know gambling advertising and inducements encourage riskier betting and increase gambling expenditure. We also know children are particularly susceptible to marketing messages that normalise gambling. We can reasonably expect they would be exposed to a greater volume of gambling ads during lockdown due to increased time watching television and studying online.

5. What steps has the government taken to reduce exposure to gambling advertising while Australian families were in isolation and children were required to study online?

Corporate bookmakers went to extreme lengths to keep Australians gambling at any cost during COVID-19 lockdown, including offering novelty markets on extraordinary events such as the ASX markets, weather, even the colour of Scott Morrison's tie.

6. What steps did the Federal Government take to ensure these markets were legal under the NT Regulations, and if they were legal, why does the Federal Government allow this to occur.

During lockdown, a number of Aristocrat's simulated online poker machine applications regularly ranked among top grossing apps in Australia. These apps often replicate land-based poker machines in simulating their addictive nature and design, but fall outside strict gambling regulations due to being unable to cash-out credits.

8. What consumer protections did the government put in place to reduce the risk of vulnerable adults and children who are able to freely access them?

9. Why has the government not legislated to include these apps under the Interactive Gambling Act 2001?

Answer:

5. The Morrison Government is aware of community concern about gambling advertising during the COVID-19 pandemic and is committed to reducing gambling-related harms for all Australians.

The Government also recognises the importance of gambling promotions being presented in a responsible manner. While providers of lawful services such as online gambling have a legitimate interest in advertising their services, the Australian government believes that this must be subject to controls which appropriately reflect community standards, and this principle is reflected in the regulatory safeguards which apply to the advertising of gambling.

Regulation of broadcasting services

Most content broadcast in Australia is regulated by co-regulatory codes of practice developed by broadcasting industry sectors in accordance with the *Broadcasting Services Act 1992*. This co-regulatory system recognises the importance of ensuring that television and radio content reflects community standards. Codes of practice are available on the Australian Communication and Media Authority's (ACMA's) website at [acma.gov.au/industry-codes-practice](https://www.acma.gov.au/industry-codes-practice).

Broadcast television requirements in relation to gambling promotions generally relate to the content or scheduling of advertisements, rather than volume. However, there are hourly limits for advertising in general, which apply to commercial free-to-air and subscription television and are set out in the relevant codes of practice.

Gambling advertising restrictions during children's viewing hours on broadcast platforms

The *Commercial Television Industry Code of Practice* (the Commercial TV Code), which applies to commercial free-to-air television broadcasters, prohibits gambling advertisements:

- during General (G), Preschool (P) or Children's (C) rated programs broadcast between:
 - 6.00 am and 8.30 am; and
 - 4.00 pm and 7.00 pm; and
- during any program that is broadcast between 5.00 am and 8.30 pm and which is principally directed at children.

These prohibitions do not apply to advertisements broadcast in news, current affairs or sports programs during those time periods. They also do not apply to advertisements relating to such things as government sanctioned lotteries, keno or competitions, or, generally, to advertisements for entertainment or dining facilities where gambling may take place.

The *Subscription Broadcast Television Codes of Practice* (Subscription TV Code), which applies to subscription television broadcasters, requires relevant licensees to take into account the intellectual and emotional maturity of the intended audience of the relevant channel when scheduling advertising relating to betting or gambling.

Gambling advertisements during live sports broadcasts

In 2018, further restrictions were applied to the showing of gambling promotions during live sporting events broadcast on commercial television, commercial radio, subscription television and the Special Broadcasting Service. More information about these restrictions is available on ACMA's website at [acma.gov.au/gambling-ads-during-live-sports-broadcasts](https://www.acma.gov.au/gambling-ads-during-live-sports-broadcasts).

Gambling advertisements during sports streamed over the internet

In September 2018 new rules came into effect which restrict the showing of gambling promotions during online streams of live sporting events. *The Broadcasting Services (Online Content Service Provider Rules) 2018* (Online Rules) contain gambling promotions restrictions that are, to the extent possible, similar to those which broadcasting industry codes impose on the broadcast of live sporting events.

More information about the Online Rules is available on ACMA's website at [acma.gov.au/gambling-ads-during-sport-streamed-over-internet](https://www.acma.gov.au/gambling-ads-during-sport-streamed-over-internet).

6. The Government is aware that during the COVID-19 lockdown, there has been a reported increase in online gambling, including novelty betting. Novelty bets are approved betting

contingencies under Northern Territory licensing conditions. The National Consumer Protection Framework, consisting of harm minimisation measures, applies to all online wagering services including novelty bets offered by Australian licensed operators. The Government will continue to monitor these types of bets and examine if any further consumer protections are needed.

8. To assist consumers to make informed choices about what they or their children play, the National Classification Scheme requires computer games to be classified before they are sold or published in Australia. Content in computer games is classified according to standards in the National Classification Code and the Guidelines for the Classification of Computer Games. Games with simulated gambling are considered under the classifiable element of 'Themes'. Generally, the Classification Board or the International Age Rating Coalition tool for online games will provide the consumer advice of 'simulated gambling' in games where simulated gambling is the dominant feature (i.e. social casino games).

On 16 December 2019, the Australian Government announced that Mr Neville Stevens AO would lead a review of Australian classification regulation. Issues relating to the classification of computer games that depict simulated gambling were considered in the review, as part of consideration of the Guidelines for the Classification of Computer Games. Mr Stevens submitted his report at the end of May 2020 and the report is currently being considered by the Government. Further information and public submissions to the review are available at www.communications.gov.au/have-your-say/review-australian-classification-regulation.

In addition to classification information, parental controls are available on most devices including computers, tablets, and smartphones and gaming consoles. The Office of the eSafety Commissioner's website at www.esafety.gov.au offers information and advice regarding online gaming and gambling risks, as well as information about parental controls.

9. Aristocrat's simulated online poker machine applications do not meet the definition of 'gambling service' as set out in the *Interactive Gambling Act 2001* (IGA) as consumers are unable to cash out simulated winnings. It is for this reason that these services are not prohibited under the IGA. The Government will continue to monitor this issue and examine what is being done internationally to determine if intervention is warranted.