

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Budget Estimates May 2017

Communications Portfolio

The Australian Communications and Media Authority

Question No: 173

The Australian Communications and Media Authority

Hansard Ref: Written, 07/06/2017

Topic: Gambling Advertising

Senator Urquhart, Anne asked:

1. Was the ACMA consulted by the Minister on the proposal to restrict gambling advertising during live sports broadcasts before the announcement to do so was made on 6 May 2017?
 - (a) If so, what date/s did the consultation occur?
 - (b) If so, what was the nature of the consultation?
 - (c) If so, what was the nature of any advice the ACMA provided to the Minister on the proposal?
2. What evidence will the ACMA obtain to satisfy itself whether industry codes of practice, amended in accordance with the Government's proposal to restrict gambling advertising during live sports broadcasts, are in accordance with community standards?
3. In view of Government concerns about the impact of gambling advertising on the Australian community, is the ACMA satisfied that the commencement of the amended industry codes of practice in early-to-mid 2018 is appropriate?

Answer:

1. Prior to the announcement the Australian Communications and Media Authority (ACMA) did provide general information on the operation of current code of practice-based advertising restrictions.
 - (a) This occurred on the 20th and 21st of April 2017.
 - (b) On 20 April 2017, during a meeting between the ACMA and staff of the Minister's Office, there was a discussion about the current approaches to broadcast advertising restrictions. On 21 April 2017, the ACMA provided follow-up written information via email to staff of the Minister's Office.
 - (c) The email from the ACMA provided information on the co-regulatory scheme set out in the *Broadcasting Services Act 1992* and the operation of the various approaches to broadcast advertising restrictions currently in place (including code of practice based restrictions on gambling advertising).
2. Subsection 123(4) of the *Broadcasting Services Act 1992* provides that the ACMA must register a broadcasting code of practice if it is satisfied that:
 - (i) the code of practice provides appropriate community safeguards for the matters covered by the code; and

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- (ii) the code is endorsed by a majority of the providers of the broadcasting services in that section of the industry; and
- (iii) members of the public have been given an adequate opportunity to comment on the code.

To assess if a code provides appropriate community safeguards, the ACMA considers a range of matters including:

- information put forward and views expressed during the public submission process;
 - any relevant information submitted by the industry group;
 - relevant ACMA community research;
 - any relevant government policy; and
 - evidence and information obtained through the ACMA's co-regulatory role in investigating complaints about alleged breaches of the codes of practice.
3. Implementation of the Minister's announcement requires amendment to five industry codes developed by three industry groups (Commercial Radio Australia, Free TV Australia and the Australian Subscription Television and Radio Association), as well as changes to the Special Broadcasting Service's code of practice.

The *Broadcasting Services Act 1992* requires that, prior to formally submitting the relevant code to the ACMA for registration, the applicable industry group develop the relevant provisions for each code, conduct a public consultation on the relevant provisions and seek support from industry members for the provisions. Once the provisions are agreed upon, broadcasters will need to ensure that internal processes are put in place to effect the changes anticipated by the new codes.

Given all these requirements, the ACMA is of the view that commencement of the amended industry codes of practice in early-to-mid 2018 is appropriate and realistic.