

Dissenting comments by the Chair and Senators Di Natale and Madigan

1.1 While we agree with the majority of the committee's report and some recommendations, we believe that others need to be significantly strengthened.

Promotion of Live odds

1.2 We welcome the government announcement on 26 May 2013 to ban the promotion of live odds.¹ It is a step forward but it has come quite late given the level of community concern around gambling promotion. We note that from the time of the first government announcement about taking action on live odds in May 2011 to an industry code amendment being in place will be over two years. Given the amount of community concern it is an extraordinarily long time from decision to implementation, and includes a late shift in position by the government.

1.3 We wish to note that in the committee's second report in December 2011, it indicated that it believed the level of concern in the community about the promotion of live odds was sufficient to warrant a total ban during the broadcast, including pre-match coverage and at venues and that this should be legislated. It noted that information about betting odds would still be easily available through websites, TABs and other betting outlets at stadiums.² We maintain legislation is necessary³ so the industry is not setting its own rules. They will look after their interests. While the industry may produce a code that looks at first glance to be acceptable, there will be no compulsion to go any further, to keep it updated as the environment and technology changes, and no punitive arrangements. We therefore reiterate the committee's recommendation from its second report that legislation is required.

Recommendation 1

1.4 We recommend that the government legislate a total ban of the promotion of live odds both at venues and during the broadcast of a sporting event.

Gambling advertising

1.5 We do not accept the proposition put by the wagering industry representatives that the amount of sports betting advertising is only about a battle for market share

1 The Hon Julia Gillard MP and Senator the Hon Stephen Conroy, 'Betting Odds Advertising Banned during the Broadcast of Live Sports Matches, *Joint media release*, 26 May 2013.

2 Joint Select Committee on Gambling Reform, *Second Report, Interactive and online gambling and gambling advertising and Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011*, December 2011, p. 266.

3 We note the Victorian Premier has indicated that he wishes the federal government to legislate the ban rather than leave it to the broadcasting industry. See Sean Nicholls, Jonathan Swan and Jacqueline Maley 'O'Farrell out to trump PM on sports betting', *The Age*, 27 May 2013.

and not about growth through recruiting new customers.⁴ As the data indicates, wagering expenditure is growing at four to five per cent per annum.⁵ This does not include data from overseas betting companies.

Influence on children

1.6 The approach in the committee's report, which reflects the government's position, allowing generic gambling advertising during commercial breaks⁶ is a fundamental weakness. The promotion of live odds is a subset of gambling advertising and we remain concerned that the changes proposed still do not take a sufficiently cautious approach where the long-term effects on children of exposure to gambling advertising is likely to be very harmful.

1.7 The committee heard that even though sports betting promotion is not directly targeting children, they are being softened to and consuming the message and brands and it is becoming part of their vernacular.⁷ Research also shows it is difficult for children to clearly distinguish commentators from bookmakers.⁸

1.8 In line with a public health approach to gambling we should not wait for the problems to occur but should take a cautious approach, particularly as research shows children are vulnerable to advertising.⁹

1.9 Current broadcasting restrictions have been developed to ensure that gambling and sports betting advertisements are not placed in programs likely to have a substantial audience of children. While gambling advertisements are not permitted during G classification periods, exemptions are made for sporting programs.¹⁰

1.10 The argument of the broadcasters and industry that not many children are watching, and those that do are mainly in the company of an adult,¹¹ is simply not logical. If we accept the rationale for the current restrictions that children should not be exposed to gambling advertising when they are likely to be watching then there

4 Mr Cormac Barry and Mr Giles Thompson, *Committee Hansard*, 27 March 2013, pp 20-21.

5 Mr Cormac Barry, *Committee Hansard*, 27 March 2013, p. 17.

6 We note that the NSW Premier is calling for a blanket ban on gambling advertising during live sports events as well as action on internet gambling. See Sean Nicholls, Jonathan Swan and Jacqueline Maley 'O'Farrell out to trump PM on sports betting', *The Age*, 27 May 2013.

7 Joint Select Committee on Gambling Reform, *Second Report, Interactive and online gambling and gambling advertising and Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011*, December 2011, pp 254-255.

8 Associate Professor Samantha Thomas, *Committee Hansard*, 27 March 2013, p. 41; Associate Professor Samantha Thomas, *Submission 33*, pp 1-2.

9 Victorian Responsible Gambling Foundation, *Submission 19*, p. 4; Australian Psychological Society, *Submission 18*, p. 3.

10 Free TV, *Submission 9*, p. 3.

11 Mr Cormac Barry, *Committee Hansard*, 27 March 2013, p. 27; Mr Chris Downy, *Committee Hansard*, 27 March 2013, p. 28; Mr Andrew Maiden, *Committee Hansard*, 27 March 2013, p. 33.

should be no exemption for sporting matches which are marketed as family friendly. Relying on children to be in the company of an adult is a fairly loose safety net under those children.

Recommendation 2

1.11 We recommend that the government legislate to remove the exemption for gambling advertisements during sporting programs being shown during G classification periods.

Sports-related broadcasts

1.12 We note the promotion of live odds is not limited to sports broadcasts but also occurs through sports-related programs (for instance the Nine Network's The Footy Show). Commentators on these programs regularly promote gambling products and live odds. This highlights the increasing blurring of the line between advertising and content, with its disproportionate potential to influence children.

1.13 As sports-related programs also have substantial audiences of young children, similar restrictions should apply as for the broadcasting of sporting events.

Recommendation 3

1.14 We recommend that a ban on the promotion of live odds extend to sports-related programs, and that the government legislate to prohibit the paid promotion of gambling services during editorial segments of sports and sports-related broadcasts.

Sporting uniforms

1.15 We note that the uniforms of senior teams carry sports betting promotion.¹² We have concerns that an admired player, a sporting hero for many children and a role model, has highly visible gambling promotion on their uniform. Young people are watching the game and we would argue that children and adults are affected by gambling promotion being on the uniform of their favourite players. There is no point in having it there otherwise. We agree that children can't be protected from every piece of gambling marketing but this has to be viewed in the context of the current excessive amount of gambling advertising. Each piece of marketing is reinforcing a message and prime position on a sporting hero's jersey will at the very least promote brand recognition in children and contribute to the normalisation of betting. Again the government should be ensuring a cautious approach.

Recommendation 4

1.16 We recommend that governments ban gambling promotion from senior sporting uniforms as these players are role models for children and young people.

12 Mr Shane Mattiske, *Committee Hansard*, 27 March 2013, p. 8.

Broadcasting Services Amendment (Advertising for Sports Betting) Bill 2013

1.17 As indicated above, our personal views are that legislation is required in this area. We therefore support legislation such as the Broadcasting Services Amendment (Advertising for Sports Betting) Bill 2013.

Recommendation 5

1.18 We recommend that the Broadcasting Services Amendment (Advertising for Sports Betting) Bill 2013 be passed.

1.19 Finally, we also note the advice from Mr Waterhouse that he was unavailable to speak with the committee at a hearing. Given his high public profile in this area and genuine ability to assist the committee with its inquiry, a submission and offer to answer questions on notice is not sufficient. The committee should have the opportunity to speak to him in person to discuss these important issues and to better understand the industry. Furthermore, Mr Waterhouse's recent comments and apology regarding restricting the amount of future advertising his firm engages in are at odds with his submission to this inquiry, which maintained such advertising was vital in maintaining the viability of the medium.¹³ The Parliament should have been given the opportunity to interrogate this discrepancy.

1.20 Other operators have been cooperative with the committee and we believe he has treated the Parliament with contempt.

Mr Andrew Wilkie MP

Chair

Senator Di Natale
Australian Greens
Senator for Victoria

Senator John Madigan
Democratic Labor Party
Senator for Victoria

13 Tom Waterhouse.com, *Submission 49*.