

**Victorian Responsible Gambling Foundation submission to the Senate
Environment and Communications Legislation Committee inquiry in relation to
the Communications Legislation Amendment (Online Content Services and Other
Measures) Bill 2017**

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Introduction

The Foundation welcomes the opportunity to provide feedback on the proposed Communications Legislation Amendment (Online Content Services and Other Measures) Bill 2017.

The Foundation notes the intention of the Commonwealth government's reform of advertising and the promotion of gambling during live sport. This being, to create a clear and practical safe zone where parents can be confident children can watch live sport without experiencing messages that normalise gambling as a part of sport.¹

The Foundation shares the government's concerns regarding the normalisation of gambling in relation to sport, particularly in relation to the way children are being encouraged by gambling advertising and promotions to view sport. This normalisation is occurring at a time where children, especially of primary school age, have limited comprehension and reference points.² Further, in the case of all sports except horse and dog racing it runs counter to traditional Australian engagement with sports.

Traditionally, Australian's have engaged as fans of sport, supporting teams or players and appreciating the skills and efforts of those playing. In relation to children, Australia has a strong culture of using sport to model behaviours and teach lessons about effort, co-operation, and fair play. In contrast, gambling on sport prioritises seeing it as a series of opportunities to make bets that will have outcomes of win or loss for the individual making the bets. This is a very different framing of the values and perceptions of what it means to watch sport.

The Foundation in its own prevention program, [Love the Game Sporting Clubs Program](#), emphasises the former values and works with sporting organisations to continue those values and shield children from exposure to promotions of a culture of gambling on sport.

The Foundation views the introduction of a ban on advertising and promotions during live sport as an important step in protecting children from the socialisation effects of widespread promotions and advertising of gambling that saturate all the media environment – a socialisation that changes the meaning of sport and encourages false ideas about both the normality of gambling and the risks associated with gambling.

¹ <https://www.communications.gov.au/what-we-do/television/broadcast-and-content-reform-package>

² For discussion see, Brand, JE. 2007 *Television Advertising to Children: A review of contemporary research on the influence of television advertising directed to children*, ACMA, May 2007

The Foundation notes the Victorian government's position on gambling advertising, which sees further restrictions as necessary. In particular, that any live sport which commences before the relevant 8.30pm restrictive zone should continue to be free from gambling advertising and promotions until 5 minutes after it finishes.³ This would allow children to watch the match to its conclusion in the same safe zone they began watching it in.

About the Foundation

The [Victorian Responsible Gambling Foundation](#) is a statutory authority established in 2012 with the bipartisan support of the Victorian Parliament.

Taking a public health approach, the Foundation strives to meet its mandate by acting across four key areas:

- 1) increasing community awareness about the risks of gambling and the help available, through public campaigns and community education
- 2) providing information and advice to the community on the Victorian gambling environment to promote discussion and participation in decisions about gambling
- 3) conducting research to better understand the impact and address the negative consequences of gambling in our communities.
- 4) providing effective and accessible Gambler's Help counselling services

The foundation is firmly focused on identifying, understanding and ameliorating the impact of gambling harm.

Evidence supporting reform

There is strong evidence that children as young as eight are absorbing in a positive manner messages from gambling advertising, including recognition of brands and perceptions that gambling can be risk free because you will be offered your money back. Older children, in late primary school and early high school, are also absorbing notions of how to bet and what to bet on. The applicability and importance of odds is also becoming part of children's views of how one should see sport.⁴

Standard Media Index reports that, Australia wide, the gambling industry spent \$234 million on all advertising in 2016. This expenditure has been steadily increasing throughout the decade, it is up from around \$90 million in 2011⁵. Gambling advertising is highly prevalent in broadcast media and currently occurs even in children's television viewing times if news or sport is being broadcast. Further, it is not

³ The Hon Marlene Kairouz, Media Release, [Gambling Ad Ban Near Schools, Roads and Public Transport](#), 17 September 2017

⁴ Pitt H, Thomas SL, Bestman A, Daube M, Derevensky J. 2017 What do children observe and learn from televised sports betting advertisements? A qualitative study among Australian children, *Australian and New Zealand Journal of Public Health* [online](#); Pitt H, Thomas SL, Bestman A, Stoneham M, Daube, M. 2016, "It's just everywhere!" Children and parents discuss the marketing of sports wagering in Australia. *Australia and NZ Journal of Public Health* 40(5):480-6; Thomas S, Pitt H, Bestman A, Randle M, Stoneham, M, Daube M. 2016, [Child and Parent Recall of Gambling Sponsorship In Australia](#). Melbourne: Victorian Responsible Gambling Foundation; Hing N, Vitartas P, Lamont M, Fink E. 2014, 'Adolescent exposure to gambling promotions during televised sport: An exploratory study of links with gambling intentions'. *International Gambling Studies*. 14(3):374-93; Derevensky J, Sklar A, Gupta R, Messerlian C. 2010, 'An empirical study examining the impact of gambling advertisements on adolescent gambling attitudes and behaviors'. *International Journal of Mental Health and Addiction*. 8(1):21-34.

⁵ Figures from Standard Media Index. Note, they do not include sporting sponsorships or program branded content.

surprising that the effects of advertising are strong on those children who like to watch sport, since live sport and programs about sport are where the advertising is concentrated.⁶ Moreover, adolescents may have higher exposure to gambling advertising than adults.⁷

This mass advertising of gambling in relation to sport is a relatively new phenomenon, so definitive evidence of the impact this advertising on children will have on their adult gambling is not yet there. However, research has found that many young adult gamblers now regard gambling as a major part of how they are watching and regarding sport.⁸

Moreover, betting on sports is the form of gambling that is growing fast in Victoria and elsewhere.⁹ In terms of experience of harm from gambling on sports, Foundation analysis of Victorian findings indicates that around 37 per cent of those gambling on sport experience some form of harm.

Foundation submissions to code revisions

The Foundation recently made submissions on proposed code revisions of the:

- Commercial Television Industry Code of Practice
- Subscription Television Industry Code of Practice
- Commercial Radio Code of Practice.

These submissions made recommendations relating to the Commonwealth government's reform of advertising and the promotion of gambling during live sport. All three submissions are attached and may be useful to this inquiry.

Foundation recommendations

The Foundation's recommendations to the proposed amendments in the Online Content Services Bill are similar to the recommendations made in our submissions on the proposed code revisions.

The Foundation's view is that the time zoned restrictions of 5am to 8.30pm should apply across all of Australia.

By anchoring any restrictions to Australian Eastern Standard Time (AEST) or daylight saving time (AEDST) or wherever the greatest population is, undermines the purpose of the restrictions and denies their importance. In effect, it says that only *some* Australian children should be protected by the 8.30pm restriction.

The purpose of the government policy cannot be but to treat all children as equally valuable and to provide for all of them the safe zone it has determined upon.

⁶ Pitt 2017

⁷ Sproston 2015 pp143-7;

⁸ Deans EG, Thomas SL, Daube M, Derevensky J. 2017, 'The influence of marketing on the sports betting attitudes and consumption behaviours of young men: implications for harm reduction and prevention strategies' *Harm Reduction Journal* 14:5; Deans EG, Thomas SL, Daube M, Derevensky J. 2016, 'The role of peer influences on the normalisation of sports wagering: A qualitative study of Australian men'. *Addiction Research and Theory*. 2016;25(2):103-113

⁹ [Australian Gambling Statistics](#) 33rd edition, Hare S. 2015, [Study of Gambling and Health in Victoria](#), Victorian Responsible Gambling Foundation

The Foundation also believes that long forms of sport are no different to 'siren to siren' sports and should not be treated differently.

The intentions of the Commonwealth government are clear and the legislation should be too. That is, when any live sport is being shown, parents will be able to be confident that children will not be exposed to gambling advertising and promotions.

Thus a day broadcasting test cricket or the Australian Open, or the Olympics, is a live sport event until there is a substantial break that has programming unrelated to the live sport. This is a common sense view that constitutes a reasonable expectation of what government policy will provide.

- 1. The Foundation recommends that if online service providers cannot be equitable to all Australians at the appointed times, *in the time zone they are watching in*, then the restrictions must be widened to be adequate to protect all children. Thus the restrictions should be from 5am AEST (or AEDST) to 8.30pm Western Australian Standard Time (WAST).**
- 2. At all times, the live sport broadcast of all sport in any form should abide by the restrictions relating to no advertising before, after or during the broadcast, between 5am and 8.30pm. This will be a clear and practical measure supporting the provision of a safe zone for children to watch sport without it being linked to gambling.**
- 3. The Foundation further recommends that the Bill be comprehensive in its definition, covering off all forms of gambling promotions and advertising, including sponsorships, brand promotions and merchandising.**
- 4. With regard to sports tipping and fantasy competitions, the Foundation recommends distinguishing between those promoted by bookmakers (acting as a form of marketing and often with large cash prizes) and more innocuous games presented purely for entertainment value and in no way associated with gambling or the gambling industry. Only the latter are acceptable.**
- 5. With regard to the start and finishing time restrictions of 5 minutes before and after, the Foundation recommends it should be the five minutes before the cross to the ground or event venue and for five minutes after all the players have left the ground, playing area. This accords realistically with when the attention of the audience, particularly children, is likely to be engaged with the event as a live event.**
- 6. With regard to delayed transmission of events, it is recommended that for any transmission of a full or a substantial part of sporting event, within the 24 hours after it has occurred, the restrictions will still apply. For example, a delayed re-broadcast of an Olympic event that occurred overnight, at 8.00am, would be captured by the restrictions.**

Overall, the government's intention could not be clearer: no gambling advertising during live sport between 5am and 8.30pm. This should be applied in a blanket manner, in order to provide a safe zone where all Australian children can watch live sport without advertising and promotions intruding. The intention is to make this a safe zone where parents can be confident children will not be exposed to messages that give them the impression that gambling is a part of participation in watching or following sport.

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