

**THE COALITION OF MAJOR PROFESSIONAL AND PARTICIPATION SPORTS
INCORPORATED**

**SUBMISSION TO THE AUSTRALIAN SUBSCRIPTION TELEVISION AND RADIO
ASSOCIATION (ASTRA)**

21 DECEMBER 2017



INTRODUCTION

COMPPS consists of the following organisations:

- Australian Football League (**AFL**);
- Cricket Australia (**CA**);
- Football Federation Australia (**FFA**);
- National Rugby League (**NRL**);
- Netball Australia (**NA**);
- Rugby Australia (**RA**) and
- Tennis Australia (**TA**).

These sports play a huge role in developing, promoting and presenting sport in Australia from the grass roots through to the international level. They are not-for-profit bodies and are responsible for the long-term development and sustainability of their sports.

Each of these organisations is the governing body and custodian of a major professional sport in Australia. They are mass participation sports - between them, they have over 9 million participants and 16,000 clubs.

COMPPS members provide a wide range of public benefits through a self-funding business model. A large portion of the revenue of COMPPS members is devoted to enhancing, promoting and developing sport for all Australians both at national and 'grassroots' level.

BACKGROUND

Thank you for providing the opportunity to comment in relation to the new draft provisions of the Subscription Television Broadcasting and Narrowcasting Codes of Practice (**Codes**) relating to the broadcast of gambling and betting commercials and the promotion of odds (**Gambling Provisions**) during live sporting events.

In general, COMPPS considers that ASTRA's drafting of the provisions reflects a practical implementation of the principles outlined in the Minister's Media Release of 6 May 2017 whilst at the same time acknowledging the importance of advertising for ASTRA members which indirectly feeds back, through rights fees paid to sporting federations, to the community via grass roots sporting programs.

Our comments in relation to the draft gambling provisions in Appendix A of the Codes are as follows:

Appendix A: Betting Advertising in a Live Sporting Event

1. It appears that some headings have been inadvertently incorrectly numbered (clauses 3, 7 and 10) which has impacted upon referencing to clauses throughout the Appendix.

2. We request that the Appendix be amended to include a clarification that for Long Form Live Sporting Events (**LFLSE**) that are multi-day sporting matches such as Cricket's Test Matches which are conducted over a 5-day period, that each day's Play constitutes a separate sporting event. This is currently reflected in clause 5 of the current ASTRA Code that recognises that an event may last for more than one day.
3. In relation to ASTRA's Explanatory Note with regard to deletion of clause 11, does this reasoning also apply to the deletion of clause 10? That is, does the AANA Wagering Code also deal with the obligations contained in current clause 10 that provides that Promotions of Betting Odds and Betting Advertisements during a Live Sporting Event must be socially responsible and accompanied by a responsible gambling message? If not, we seek to amend the drafting of this clause to reinstate the current clause 10 requirements.
4. In general, COMPPS supports the consistent application of all provisions and any safeguards. To this end, we are seeking that such provisions and safeguards be implemented and applied consistently across each of the ASTRA, Commercial Radio Australia, Free TV and Online Codes (**Industry Codes**) and their respective platforms. In order to achieve consistency, we seek:
 - a) consistent references to time, being 5am and 8.29pm across each of the Industry Codes (refer to clauses 2, 4 and 8 in ASTRA Codes);
 - b) that the definitions in the revised Free TV Code be used, where applicable, as the base of reference in each of the Industry Codes. For example, we seek to have the definition of 'Play' amended to mirror the corresponding definition in the proposed revised Free TV Code, being:

***Play** means the period of the actual run of play or active progress of the sporting event or game which is the subject of a Live Sporting Event. It commences at the formal commencement of the relevant match, game or Session (for example, first siren, whistle, or at the commencement of active play as applicable), and concludes at the formal conclusion of play (for example, final whistle, siren or at the conclusion of active play) for the relevant match, game or Session as applicable. It includes ad hoc unscheduled breaks such as:*

 - (a) stoppages for injuries; and*
 - (b) stoppages for adjudication by third or TV umpires/referees; and*
 - (c) time outs and substitutions in games such as basketball.*

In respect of Long Form Live Sporting Events, Play does not include separate or other programs in Scheduled Breaks;
 - c) the exemptions in clause 14 in relation to Low Audience Share Channels (and related definitions) be deleted; and

- d) the reference to an alternative subsidiary service in clause 16(b) be clarified to ensure that the alternative service is merely an interactive means to select additional data or non-live content and not a means of diverting the viewer to a separate or alternative broadcast of the applicable or other live sporting event.
5. Clause 9 – long form event table contained within this clause be amended to delete the row that references the Rugby League and Rugby Union Tournaments, as follows:

Rugby Union Sevens, and Rugby Union Tens and Rugby League Nines Tournaments (or similar tournaments) League	Between matches and not more than 4 times on each day of competition
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6. Clause 18 (Definitions) – definition of ‘*Betting Advertising or Betting Advertisement*’ be amended to exclude an advertisement relating to Esports, as follows:

Betting Advertising or Betting Advertisement means an advertisement by, or a distinct ... does not include an advertisement or a reference:

- (a) ...
 (b) *Relating to Esports or fantasy sports betting products;*
 (c) ...

7. Clause 18 (Definitions) - definition of ‘Sessions’ be amended to include reference to a T20 Cricket Match, as follows:

Session means:

...

- (d) *In relation to one-day and T20 cricket, an innings;*

....

8. Clause 18 (Definitions) - definition of ‘Scheduled Break in Play’ be amended to update the Rugby League section of the Scheduled Break table, as follows:

<i>Rugby League</i>	<ul style="list-style-type: none"> • <i>Half-time</i> • <i>Between full time and commencement of golden point extra time (22)</i>
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9. In the interests of practicality and consistency across all Industry Codes we seek that where the broadcast of a live sporting event occurs simultaneously across more than one license area or region, AEST or AEDT is applied for the purposes of determining when the 5am to 8.29pm restrictions on gambling advertising apply.

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Yours sincerely



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