

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

**SUBMISSION TO DEPARTMENT OF COMMUNICATIONS AND THE ARTS (ONLINE
GAMBLING, CONTENT AND COPYRIGHT BRANCH)**

INTERACTIVE GAMBLING AMENDMENT BILL 2016



INTRODUCTION

COMPPS consists of the following organisations:

- Australian Football League (**AFL**);
- Australian Rugby Union (**ARU**);
- Cricket Australia (**CA**);
- Football Federation Australia (**FFA**);
- National Rugby League (**NRL**);
- Netball Australia (**NA**); 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. Between them, they have 8.95 million participants and 16,000 clubs.

Each of these organisations is the governing body and custodian of a major professional sport in Australia.

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. One of COMPPS’ roles is to provide a collective response on behalf of its member sports where their interests are aligned.

COMPPS SUBMISSION

We appreciate the opportunity to comment on the draft legislation and accompanying documents with a view to identifying errors or unintended consequences. Accordingly, we make the following comments.

1. We support the thrust of the proposed legislation, insofar as it assists the sports in their work to protect the integrity of their sports. We look forward to working with the Australian Government to implement a full suite of disruptive measures as soon as possible.
2. Specifically, concerning cricket, we offer the following comment:

In relation to the guideline for definition of ‘sporting event’ the *Explanatory Memorandum Outline* mentions that:

- (a) for sports that involve matches – the match is the sporting event;
- (b) for other sports, the whole race, rally, tournament or competition is the sporting event, unless there are rounds, stages or sessions scheduled to each occur on a different day, in which case the round, stage or session is the sporting event.

We agree the above rules concerning ‘rounds, stages and sessions is intended to provide a simple and clear distinction that is relatively easy for industry and the regulator to understand and apply’, and hold the view that cricket matches held over a one day period (e.g. twenty over or fifty over a side events) do not present a difficulty when characterising a “match” as a “sporting event” – as per item (a) above.

However, a cricket event with a duration longer than one day (e.g. 5 day Test Matches, 4 day First Class Matches) should not fall within the scope of item (a) above. A scheduled multi-day cricket event fits more neatly under the definition of *stages or sessions scheduled to each occur on a different day, in which case the round, stage or session is the sporting event*. This leads to the reasonable inference that a scheduled day's cricket in a multi-day match is the equivalent to a scheduled stage in a cycling multi-day race or a round of a multi-day golf tournament. This is despite the fact that these sports can also have events/tournaments that are only scheduled over one day.

Notably, each of these sports has an individual provision under section 10A to cater for their sometimes multi-day characteristics and how they sit in the context of the definition of a "sporting event".

We note the *Interactive Gambling Amendment Bill 2016 Outline* states that 'from time to time, gambling firms claim that parts of sporting events, such as the innings of a test cricket match, are sporting events in their own right.' We don't agree that the innings of a multi-day cricket match are sporting events in their own right, as an innings within a multi-day cricket match is dictated by the play of the match, its duration can last for an undefined amount of time, and can be dictated by pace of wickets and a captain's decisions. This can be clearly contrasted with a day's scheduled play, which has clearly defined starting and finishing times.

Based on the above, the "scheduled day's play" of a cricket match can be clearly differentiated from the uncertain nature of an innings and, therefore, should form the basis of the definition of a "sporting event" under the Act.

Given the scheduled multi-day format of some cricket events and the relatively fewer wagering opportunities between the conclusion of a scheduled day's play and the start of the next, we submit the following changes be made the draft legislation:

1. Remove "cricket" from s10A(1)(c) (*Sports that involve matches*).
2. Add a new subsection within s10A as follows:

Cricket

In the case of the sport of cricket, the following provisions have effect for the purposes for the Act:

- (a) a match is a ***sporting event***;
- (b) if a match is scheduled to occur over multiple days, each scheduled day's play is a ***sporting event***;
- (c) nothing else is a ***sporting event***.

It is essential that these nuances of cricket are appropriately captured by the definition of a "sporting event" in the same way as these nuances have been resolved for cycling and golf. Additionally, to ensure clarity of the interplay of the Act and online, in-play betting on cricket it would be best to ensure cricket (in its entirety) is addressed solely by the newly proposed subsection above as opposed to retaining cricket in subsection (1) and only inserting a separate subsection to address multi-day matches.

We note concerns regarding problem gambling on Page 9 of the *Regulation Impact Statement*:

A sporting event provides a greater opportunity for a larger number of bets to be placed via the Internet, which goes against the intent of the IGA to minimise the scope of problem gambling amongst Australians. However, in play wagering is allowed via the telephone as calling a live operator is likely to slow down the betting activity of the customer and therefore reduce the risk to problem and at risk gamblers.

These concerns are likely founded on the continually changing betting opportunities that the ebb-and-flow of a sporting event provides. However, in cricket, once a scheduled day's play concludes, these changing opportunities disappear, and the movement in odds remains relatively stable between days of play. This should provide comfort for legislators that the potential for rapid-fire online wagering by problem gamblers is no more likely relative to pre-match online wagering (in the same way as for golf or cycling), which is permitted under current legislation.

3. We thank the Department for the opportunity to make comments and are happy to play a further part in implementing the recommendations of the O'Farrell Review as and when called upon.

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Yours sincerely



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