

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

**SUBMISSION TO FREE TV AUSTRALIA – DRAFT PROVISIONS OF THE
COMMERCIAL TELEVISION INDUSTRY CODE OF PRACTICE**

15 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 Commercial Television Industry Code of Practice (**Free TV Code**) relating to gambling advertising during live sporting events.

In general, COMPPS considers that Free TV's drafting of the provisions reflects a practical implementation of the principles outlined in a media release by the Minister for Communications of 6 May 2017, whilst at the same time acknowledging the importance of advertising for Free TV 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 3 of the Free TV Code are as follows:

Part B: Proposed Gambling Provisions

1. Clause IV – the clause provides examples of Long Form Live Sporting Event (**LFLSE**) sports such as Tennis that have numerous sporting events or games in a tournament, but does not consider multi-day sporting matches such as Cricket's Test Matches, which are conducted over a 5-day period. We seek to amend the drafting of this clause to state that for a LFLSE that is conducted over several days, that each day's Play constitutes a separate sporting event. This is currently reflected in clause

VI of the current Free TV Code that recognises that an event may last for more than one day.

2. Clause XI – this clause does not pick up the requirement in clause VIII of the current Free TV Code that provides that a Commercial must be socially responsible and not mislead or deceive the audience. We seek to amend the drafting of this clause to include these requirements.
3. Clause XIX (Definitions) – definition of ‘Commercial relating to Betting or Gambling’ be amended to exclude a commercial relating to Esports, as follows:

Commercial relating to Betting or Gambling means a distinct ... does not include:

- (a) *A commercial relating to such things as Government lotteries, betting on the outcome of lotteries, lotto, keno, contests, or fantasy sports, Esports and sports tipping competitions;*
- (b) ...

4. Clause XIX (Definitions) – definition of ‘Sessions’ be amended to include reference to a T20 Cricket Match, as follows:

Session means:

...

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

....

General comments

We agree with Ms Longstaff’s comment in Free TV’s Media Release of 17 November 2017 that the safeguards implemented within the Free TV Code be applied consistently across all platforms including online. To this end we will seek the following from the relevant organizations:

1. in the interests of practicality and consistency across all Codes – being the Free TV, ASTRA, Radio and Online Codes – we seek that where the broadcast of a live sporting event occurs simultaneously across more than one license area, AEST or AEDT is applied for the purposes of determining when the 5am to 8.30pm restrictions on gambling advertising apply;
2. that the ASTRA Code, Radio Code and the Online Code all contain a similar provision to clause XVIII that provides that any exemptions granted or made in relation to other platforms will be deemed to apply to licensees under Appendix 3;
3. that the provisions and definitions in each of the Free TV, ASTRA, Radio and Online Codes be consistent across all platforms; and

4. to ensure consistency, seek that the definitions of the Free TV Code be used as the base of reference in each of the ASTRA, Radio and Online Codes.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Malcolm Speed', written in a cursive style.

Malcolm Speed AO
Executive Director