

19 September 2016

Ms Cate Carr
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By email: LiquorGamingandRacingEnquiries@justice.vic.gov.au

Dear Ms Carr

STATIC BETTING ADVERTISING

Thank you for your letter dated 22 August 2016 and for the opportunity to provide input about the proposed changes to static betting advertising in Victoria.

Our responses to the consultation questions are set out below.

1. Should the government consider the development and implementation of the policy proposals to restrict static betting advertising?

We understand that areas proximate to schools and public transport infrastructure (including train, tram, bus and taxi infrastructure) have been identified as locations for prohibition of static betting advertising. We agree with the proposal for static betting advertising to be prohibited in areas proximate to schools, so long as these prohibitions are applied to:

- all forms of gambling (including lotteries, casinos, pokies and TABs); and
- advertising of or in retail TABs, which are state-based monopolies. Alternatively, if retail TABs are exempted from the prohibitions then all retail premises (including newsagents) should be exempted from the prohibitions.

Anything other than the above will surely constitute a discriminatory burden on interstate trade.

We object to the proposal for static betting advertising to be prohibited in or on public transport infrastructure. This is because most public transport infrastructure is in close proximity to

racecourses and sporting grounds (for example, Caulfield Station, Flemington Racecourse Station, Jolimont Station, Richmond Station, etc).

If this specific prohibition were to come into effect, there should be an exemption for the weeks leading up to major racing carnival days (for example, Caulfield Cup, Cox Plate, Derby Day, Melbourne Cup, Oaks Day, Stakes Day, etc) and major sporting events (for example, AFL Grand Final day, etc). During those weeks, wagering service providers should be able to advertise in major public transport hubs (such as Southern Cross Station and Flinders Street Station) and in public transport infrastructure that is proximate to racecourses and sporting grounds because the majority of the patrons who access that infrastructure are adults attending race days or sporting events.

We believe that any prohibition should not apply to the following, amongst other types of static betting advertising:

- Static betting advertising in racing industry press and sporting industry press (for example, Best Bets, Big League Magazine, etc);
- Static betting advertising aimed race-goers (for example, form guide section of newspapers); and
- Uniform sponsorships because sporting teams rely on the funds received from wagering sponsors.

2. What factors should the government consider in identifying locations where static betting advertising should be prohibited?

The government should consider the following factors in identifying locations where static betting advertising should be prohibited:

- The proximity between the infrastructure and racecourses and/or sporting grounds;
- The time of year (for example, Spring Racing Carnival, AFL Finals Series, etc); and
- The patrons who are most likely to access the infrastructure based on the time of the year.

3. Should the government consider prohibiting betting advertising on other mediums in or on public transport or near schools (e.g. digital advertising, audio-visual advertising)?

No.

4. What impact (economic, commercial and social) will the policy proposals have on wagering service providers, advertising agencies, public transport operators, sporting bodies or members of the community?

The policy proposals will benefit the intrastate TABs over all of the other stakeholder groups mentioned. The economics of wagering service providers, advertising agencies, public transport operators and sporting bodies will be negatively impacted, which will ultimately disadvantage community members involved with all of those groups.

5. What arrangements should the government put in place to enable wagering service providers to transition to any new arrangements?

A clear timetable in relation to the proposed changes and consultation process should be set out. Wagering service providers should be given at least 1 year notice of any new arrangements that will come into effect, and existing arrangements should be permitted to run their course.

6. What other proposals could the government consider to minimize the harm caused by exposure to static betting advertising?

The government could consider the implementation of a mandatory responsible gambling message on static betting advertising. For example, the NT Code of Practice for Responsible Online Gambling 2016 provides that “online gambling operators must ensure advertising and promotions contain appropriate problem gambling warning messages in a clearly visible manner”.

Please do not hesitate to contact me if I can provide further information.

Yours faithfully



Patrick Brown | *General Counsel & Corporate Affairs Manager*