

**Senate Standing Committee on Environment and Communications**

**Answers to Senate Estimates Questions on Notice**

**Budget Estimates Hearings May 2014**

**Communications Portfolio**

**Australian Communications and Media Authority**

**Question No: 101**

**Program No. Australian Communications and Media Authority (ACMA)**

**Hansard Ref: In Writing**

**Topic: Online Gambling**

**Senator Xenophon asked:**

In the Additional Estimates Hearings February 2012 I was informed that in relation to the advertising of interactive gambling services, the then Department of Broadband, Communications and the Digital Economy considered complaints, and if it appeared that a breach may have occurred, refers the matter to the AFP or ACMA.

1. Does ACMA or the Department of Communications consider complaints relating to the advertising of interactive gambling services?
2. How many complaints did ACMA receive about the advertising of interactive gambling services (either directly or by referral) in 2010, 2011, 2012 and 2013?
3. What action can ACMA take if advertising breaches have occurred?
4. What are the barriers for enforcement action for online gambling service advertisements that contravene the Interactive Gambling Act 2001 (IGA)?
5. Is ACMA aware of any prosecutions or fines issued by the AFP for contraventions of the IGA for both internet gambling content and advertising of interactive gambling services?

**Answer:**

1. The ACMA has jurisdiction over complaints relating to the advertising of interactive gambling services on television or radio. The Department of Communications takes responsibility for complaints relating to other forms of advertising of interactive gambling services, for example, in print, online or on billboards.
2. In 2010, the ACMA received two referrals from the Department about the alleged broadcast of interactive gambling advertisements on commercial television. The ACMA has not received any complaints about the advertising of interactive gambling services on television or radio from 2011 to 2013.

The ACMA does refer complaints about the advertising of interactive gambling services (for example in print or online) to the Department and the numbers are as follows:

- Zero in 2010 (as complainants were advised to contact the Department directly)
  - 22 advertising matters in 2011
  - 13 advertising matters in 2012
  - 34 advertising matters in 2013
3. The broadcast of interactive gambling advertisements on television or radio is a breach of a licence condition under the *Broadcasting Services Act 1992* (the BSA). The enforcement actions available to the ACMA are set out in Part 10 of the BSA and include remedial directions, suspension of a licence or cancellation of a licence.

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4. There are no barriers to enforcement for the ACMA if the interactive gambling service advertisements are broadcast on television or radio and contravene the *Interactive Gambling Act 2001*. The ACMA does not have an investigation and enforcement role in relation to advertisements for interactive gambling services that appear in print, online or on billboards – these are matters for the Department and the AFP under the *Interactive Gambling Act 2001*.
5. The ACMA is not aware of any prosecutions or fines issued by the AFP for contraventions of the *Interactive Gambling Act 2001*.