



Gambling Legislation Amendment (Online and Other Betting) Bill 2019

Submission from the Outdoor Media Association

01. THE AUSTRALIAN OUT OF HOME ADVERTISING INDUSTRY

Outdoor Media Association (OMA) members advertise third party products on digital and traditional signs across a variety of Out of Home (OOH) formats and locations, including airports, bicycle stations, billboards, buses, bus stations, cafés, doctors' surgeries, medical centres, office buildings and lifts, pedestrian bridges, railway stations, shopping centres, taxis, trains, trams, universities and street furniture.

OMA members make significant economic contributions to government and the community. Each year, OOH contributes close to \$647 million to Australia's GDP and supports 3,100 jobs. Most OMA members are Australian owned and operated, with profits going back to the Australian economy; two OMA members are ASX listed. The industry provides a revenue stream to government, returning \$1 in every \$2 of revenue in rent and taxes.¹

In 2018, OMA members donated \$69 million in media services and advertising placement to over 200 community groups and charities. The industry delivers essential services and savings; OOH built and maintains \$352 million of public infrastructure. The 17,664 pieces of public infrastructure delivered by OOH make our cities more user-friendly – the industry is investing in innovation and providing digital utility such as Wi-Fi and wayfinding services. OOH is one of the most trusted channels to broadcast government and community awareness messages, including road safety, public health and community service campaigns.

02. THE OUTDOOR MEDIA ASSOCIATION

The OMA is the national peak industry body that represents 80% of Australia's traditional and digital OOH media display companies and production facilities. Part of the role of the OMA is to help develop and advocate for policy and regulation for outdoor advertising that is fair and equitable to governments, the community and

¹ Deloitte Access Economics (2016). "Out of Home Adds Value: Out of Home Advertising in the Australian Economy," Outdoor Media Association.

the industry. The industry's aim is to deliver high quality, well-designed and innovative signage that provides economic and utility benefits to communities.

03. COMMENTS ON THE DRAFT

The OMA welcomes the opportunity to again comment on the draft copy of the Gambling Legislation Amendment (Online and Other Betting) Bill 2019 (the draft bill) and the associated Guidelines.

The OMA is pleased with the changes implemented by Liquor and Gaming NSW (L&GNSW) to ensure there is adequate protections for media publishers who, in good faith, distribute advertisements from gambling service providers.

The OMA maintains its position that a clearer definition of 'inducement' would assist the OOH industry to better meet L&GNSW's requirements for the display of gambling advertising.

It is the OMA's view that the definition of inducement which has remained within the draft bill and the guidelines does not sufficiently reflect the common law position outlined in *Ladbrokes Digital Australia Pty Ltd v Liquor and Gaming NSW*. This decision sought to distinguish between advertising merely offering a gambling product that may induce someone to gamble and an actual inducement which promoted something external to a gambling product. The court found in this case that only the latter was intended to be prohibited by law and that merely advertising products available was permitted under the law.

The OMA acknowledges that gambling harm minimisation is an important outcome for the setting of advertising standards. We note, however, that clarity for advertisers is also a key purpose in producing the guidelines.

Notwithstanding this point, the OMA is satisfied that its members are now adequately protected; we hope that the guidelines and any associated enforcement action follow the common law interpretation of the legislation and the original intention for which it was set.

04. CONTACT

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