

18 December 2015

AANA Wagering Code Discussion Paper
Suite 301, 100 William Street
Sydney NSW 2011



AANA Discussion Paper: AANA Wagering Advertising & Marketing Communications Code

Submission from the Outdoor Media Association

01 INTRODUCTION

The Outdoor Media Association (OMA) is the peak national industry body representing most of Australia's Out of Home (OOH) media display and media production companies, as well as some media display asset owners.

The OMA and its membership are supportive of the system of self-regulation in Australia. We believe it is a mature and robust framework that ensures the content of all advertising and marketing communications is within prevailing community standards.

All members of the OMA are committed to responsible advertising. The OOH industry self-regulates according to the *Australian Association of National Advertisers (AANA) Code of Ethics* and other relevant Codes and policies.

02 FEEDBACK ON THE PROPOSED CODE

The OMA is broadly supportive of the AANA's proposed *Wagering Advertising and Marketing Communications Code*. We recognise the Code is designed to ensure that advertising and marketing communications reflect community sentiment in ensuring consideration is given to Australians adversely affected by gambling and to manage children's exposure to gambling.

In terms of the proposed contents of the Code, the OMA would like to raise a few points/seek clarifications on the following consultation questions:

Consultation question 1. *How can the Code ensure that it does not place overly burdensome regulation on licensed Australian-based wagering service providers while maintaining strong levels of consumer protection, harm minimisation and protection for the integrity of sport and racing and the industry as a whole from the increasing influence of illegal offshore operators?*

The OMA considers this point to be very important given there are a number of overlapping Codes. It is our view that any additional Codes must, where possible, reference existing Codes to ensure ease and consistency. Provision of clear guidance and training on any new Codes is also paramount to their successful application.

The OMA would like to ensure the Code does not add administrative burden, is easy to understand, comply with and enforce.

Consultation question 9. *Is there any reason that certain media formats should not be covered by the Code? If yes, please give details.*

The OMA believes that the Code must be applied in a platform-neutral manner if it is to be effective, clearly understood and not disadvantage a particular media sector.

Consultation question 11. *Should any of the standards listed above not be included? If so, why?*

- a) The OMA would like to note that some of its members have concerns regarding the requirement that advertising: “must not depict an adult who is under 25 years of age”.

The legal age for wagering in Australia is 18 years, as such this provision is seen as overly restrictive.

- b) The OMA would like some clarity regarding the provision: “must not depict or promote the consumption of alcohol whilst engaged in a wagering activity”.

OMA agrees there should be no association between gambling and intoxication, but is concerned about the interpretation of this provisions. For example, would an advertisement for the Melbourne Cup depicting a person drinking champagne be considered to breach?

The OMA suggests alternative wording in line with the FreeTV Commercials Advice: *Producing a TVC promoting Gambling and Gaming*:

The commercial must not: associate betting with alcohol.

- c) The OMA would like some clarity regarding the provision: “must not reflect or be associated with youth culture, including by featuring a character or personality with particular appeal to minors”.

We would like to clarify the definition of ‘youth culture’. There are some celebrities, music genres and Television shows that appeal equally to youth and adults and we would like to ensure that members do not inadvertently breach this section of the Code. We would recommend that the definition of youth culture is culture of children under 18 years of age.

Please provide a definition of ‘youth culture’ – this also forms our recommendation for **Consultation question 15.** *Are there any words or phrases that need to be added to the Glossary?*

03 RECOMMENDATIONS

The OMA is keen to see the above clarifications and would welcome further opportunities for consultation throughout the development of the Code.

In addition, the OMA would like to invite the AANA to deliver training on this Code during the OMA 2016 Content Training. The OMA would also like to include a section on this wagering Code in its content manual and would request that the AANA provide input to ensure its clarity and accuracy if possible.

06 CONCLUSION

The OMA confirms its ongoing commitment to support the effectiveness of the AANA Codes through any continuous improvement processes. Further, we support this self-regulatory system which enables continuous improvements to be made without cumbersome or costly parliamentary/governmental procedures.

The OMA thanks the AANA for the opportunity to participate in this process, and is eager to provide further information if required.

Please contact the OMA's Senior Policy Adviser, Tess Phillips, on tess.phillips@oma.org.au or 02 9357 9922 for further information on this submission.