



13/10/2006

NICK XENOPHON M.L.C.

INDEPENDENT NO POKIES
MEMBER OF THE LEGISLATIVE COUNCIL

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Our ref: NX/ IGA 229/cw

11 October 2006

Mr Robert Chappell
Executive Director
Independent Gambling Authority
Level 4, 45 Grenfell Street
ADELAIDE SA 5000

Hand Delivered

Dear Sir,

Re: Review 2006 - Advertising Code - External Signage

I refer to your letter of 15 September 2006 which asks for further submissions on the Authority's consideration of further restrictions on gambling venue signage. I refer to my previous submissions to the Authority where I have set out my position that there should be a total ban on all advertising for gambling products, of which signage is a part.

I provide the following additional material:

1. I refer to my previous written submission to the Review 2006, and in particular paragraph 1.1.2 regarding clause 3(2)(g) of the Gambling Venues Advertising Code of Practice ('the Advertising Code')- I reiterate the views expressed in that submission.
2. I am supportive of the Authority's consideration of restricting external advertising on gambling venues. I submit that there be in place a restriction in the same terms as section 44 of the New South Wales *Gaming Machines Act 2001* which provides:
 - (1) A hotelier or registered club must not display or cause to be displayed any gambling-related sign:
 - (a) anywhere outside or in the vicinity of the hotel or club, or
 - (b) anywhere inside the hotel or club so that it can be seen from outside the hotel or club.
3. Adopting such a provision would overcome the current difficulty with interpreting the Advertising Code in terms of on venue signage. In November 2004, I attempted to move an amendment to the Gaming

Machines Act that would specify that any codes that the Authority makes had the power to deal with all forms of advertising, including advertising at the licensed premises. This was in response to complaints made to the Commissioner in relation to on venue signage, in which the Commissioner indicated that venue signage was not covered by the Advertising Code. Those complaints related to advertising which referred to 'win', '\$', 'try your luck' and the like. I attach the relevant excerpt from the Hansard in relation to this.

4. I urge the Authority to obtain evidence from gambling counsellors, many of whom have indicated to me that problem gamblers find the presence of such signs as a stimulus for gambling - particularly problem gamblers attempting recovery.

I am more than willing to provide evidence at any public hearing should the Authority require.

Yours sincerely



NICK XENOPHON

AYES (13)

Dawkins, J. S. L.	Evans, A. L.
Gilfillan, I.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Reynolds, K. J.
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	Stephens, T. J.
Xenophon, N. (teller)	

NOES (5)

Gazzola, J. M.	Holloway, P. (teller)
Roberts, T. G.	Sneath, R. K.
Zollo, C.	

PAIR

Kanck, S. M.	Gago, G. E.
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Majority of 8 for the ayes.

Suggested amendment carried.

Clause 39 passed.

New clause 39A.

The Hon. NICK XENOPHON: I move:

After clause 39 insert:

39A—Insertion of Section 73BA.

After section 73B insert:

73BA—Gamblers Rehabilitation Fund

- (1) The Gamblers Rehabilitation Fund is established.
- (2) The fund will be kept at the Treasury.
- (3) The Treasurer will invite contributions to the fund from stakeholders in the gambling industry.
- (4) The money constituting the fund will be applied in accordance with the directions of a committee established by the Minister for Families and Communities towards—
 - (a) providing treatment for persons suffering from gambling addiction; and
 - (b) overcoming other behavioural and social problems resulting from gambling; and
 - (c) community and school education programs designed to reduce problem gambling; and
 - (d) other appropriate early intervention strategies.
- (5) The procedures of the committee will be as determined by the Minister for Families and Communities.

This amendment is consequential to the previous amendment with respect to the Gamblers Rehabilitation Fund. The first was a test clause about the 3 per cent of gaming tax revenue being applied to such a fund, and I spoke to it previously. This amendment is about setting up the fund and its being used for gamblers' rehabilitation. I do not know whether the government wants to divide on that, but the arguments are the same.

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: I do not agree that it is, but I am happy to speak to the government and to other members about that between now and tomorrow, as well as looking at the *Hansard* in terms of the concerns expressed and, if necessary, to recommit that. It is consequential.

The Hon. R.I. LUCAS: If it is passed tonight, I am happy for there to be discussions between the Hon. Mr Xenophon and the government about amendments to it. I am not clear as to which minister controls it at the moment. I am wondering whether the minister could indicate whether the Minister for Families and Communities currently controls it and whether there is any difference in terms of the fund being kept at the Treasury. I presume it is a special deposit account administered through Treasury at the moment, but under subclause (2) does this mean anything different from what the current arrangements are?

The Hon. P. HOLLOWAY: My advice is that we will just continue the current arrangements, but the Minister for Families and Communities is responsible for the fund.

New clause inserted.

Clauses 41 and 42 passed.

Clause 43.

The Hon. NICK XENOPHON: I move:

Page 23, after line 37—

After subclause (2) insert:

- (2a) Schedule 1(na)(i)—after 'Authority' insert: dealing with all forms of advertising, including advertising at the licensed premises

This relates to what I believe is an anomaly or a loophole with respect to the codes of practice that are intended to deal with all forms of advertising, including advertising at licensed premises, because the codes of practice refer to having signage that refers to 'win' and 'try your luck' or words to that effect. This is something that was proscribed in the codes of practice, but my understanding from my discussions with the Office of the Liquor and Gambling Commissioner after I made a complaint (I do not know whether there has been a formal determination of that complaint and perhaps the Deputy Commissioner via the minister can assist us on that) is that signage at premises is not caught by the codes under the current wording. This is intended to alter or remedy that anomaly.

The Hon. P. HOLLOWAY: The advertising code of practice determined by the IGA already covers all forms of advertising made by a licensee, including advertising at the licensed venue. That is the advice we have, so there simply is not a need for this. My advice is that, if the Hon. Nick Xenophon has any particular issues of concern with respect to the scope of the advertising code, he should address those to the authority for consideration in the next updates of the codes of practice, which with the amendments tomorrow—and even without them—will be disallowable.

The Hon. NICK XENOPHON: As briefly as possible, the advice I have had from one of the government's advisers (and I am very grateful for that advice) is that it is an issue with the drafting on the authority's part and is something I should take up with the authority. I will take it up with the authority; I think there are differing views as to how it should work. Clearly, the code is not working as it is meant to at the moment, and I think it might be in the nature of a technical issue, so I will take it up with the authority and, if that does not resolve it, I will be back here with one of those private members' bills in the new year that I am sure honourable members will be delighted to be dealing with.

The ACTING CHAIRMAN: Are you proceeding, Hon. Mr Xenophon?

The Hon. NICK XENOPHON: In the light of that advice, I will not proceed; I withdraw my amendment.

Amendment withdrawn; clause passed.

Clauses 44 and 45 passed.

Progress reported; committee to sit again.

PARLIAMENTARY REMUNERATION (RESTORATION OF PROVISIONS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.