

2023

The Parliament of the
Commonwealth of Australia¹

HOUSE OF REPRESENTATIVES/SENATE

Presented and read a first time

Broadcasting Services Amendment (Ban gambling advertisements on TV) Bill 2023

No. , 2023

(Written By: Slow-passenger)

**A Bill for an Act to amend the Broadcasting Services
Act 1992, and for related purposes**

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**A Bill for an Act to amend the Broadcasting
Services Act 1992 , and for related purposes**

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act is the Broadcasting Services Amendment (*Ban gambling advertisements during live)sport Bill 2023*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. The whole of this Act	the day this Act receives the Presidential Assent)	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments

Broadcasting Services Act 1992

1 At the end of paragraph 130M(1)((d)

Add:

(iii) to the extent to which the code deals with advertising on a commercial television broadcasting service, a subscription television or broadcasting service —the code provides that no gambling promotional content be broadcast on television for 24/7; and

1 At the end of section 130M

Add:

(5) The provisions of this section have no effect to the extent (if any) that their operation:

- (a) would infringe any constitutional doctrine of implied freedom of political communication; or
- (b) would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph).

(6) Subsection (5) does not limit the application of section 15A of the *Acts Interpretation Act 1901* to this Act.

(7) In this section:

gambling promotional content means:

- (a) advertising matter; or
- (b) sponsorship matter; or
- (c) promotional matter;

that relates to a gambling service other than Government sanctioned lotteries, lotto, keno or competitions.

gambling service has the same meaning as in Schedule 8.

live, in relation to a sporting event, has the same meaning as in Schedule 8.

sporting events have the same meaning as in Schedule 8.

3 After subclause 13(1) of schedule 8

Insert:

(1A) Without limiting subclause (1), the online content service provider rules must provide that no gambling promotional content be provided on television services for 24 hours every day.

(1B) Subclause (1A) does not apply to gambling promotional content that relates to Government sanctioned lotteries, lotto, keno or competitions.

4 Transitional provision

(1) If:

- (a) on or before the commencement day, an industry code is registered under Part 9B of the *Broadcasting Services Act 1992* ;
and
- (b) on the commencement day, the industry code does not comply with subparagraph 130M(1)(d)(iii) of that Act as added by this Schedule;

then, at the end of the transition period determined under subitem (3), the industry code ceases to be registered under Part 9B of that Act.

Note: Changes to an industry code may be achieved by registering a replacement code (see section 130Q of the *Broadcasting Services Act 1992*).

(2) Before the end of the transition period determined under subitem (3), the ACMA must review, and vary as appropriate, any online content service provider rules made under clause 11 of Schedule 8 to the *Broadcasting Services Act 1992* , having

regard to subclauses 13(1A) and (1B) of that Schedule as inserted by this Schedule.

(3) The Minister must, by legislative instrument, determine a transition period for the purposes of subitems (1) and (2).

(4) In this item:

commencement day means the day this Schedule commences.