



## Office of the Hon Paul Fletcher MP

Minister for Communications, Cyber Safety and the Arts  
Federal Member for Bradfield

MC20-010349

Cr David O'Loughlin  
Mayor for City of Prospect  
President  
Australian Local Government Association  
8 Geils Court  
Deakin ACT 2600

Dear Cr O'Loughlin

Thank you for your letter of 21 August 2020 to the Hon Paul Fletcher MP, Minister for Communications, Cyber Safety and the Arts, concerning three local council motions that relate to matters relevant to the Minister's portfolio. The Minister has asked me to reply to you on his behalf and I am sorry it has taken so long to provide you with a response.

Responses to the three motions detailed in your letter are included below.

### *Motion 98*

The Australian Government's policy is that all people in Australia should be able to access modern telecommunications services regardless of where they live or do business. Often, this means new telecommunications facilities need to be installed to provide those services.

Telecommunications carriers have certain specific powers under the *Telecommunications Act 1997* (the Act) to inspect, install and maintain facilities. The Act and the *Telecommunications Code of Practice 2018* (the Code) provide conditions related to the carrying out of an authorised installation or maintenance activity. For example, carriers are required to install low-impact facilities in a way that causes as little damage as practicable, and carriers must also restore land to a similar condition to how it was before the activity.

If a landowner is concerned that carriers are not meeting the conditions set out in the Act or Code, they can contact the Australian Communications and Media Authority (ACMA) to make a complaint on 1300 850 115 or by email to [info@acma.gov.au](mailto:info@acma.gov.au).

If the Australian Local Government Association would like to meet with the Department of Infrastructure, Transport, Regional Development and Communications, or write further on telecommunications deployment policy issues, please contact Amy Crawford, Director Telecommunications Deployment Policy at [amy.crawford@communications.gov.au](mailto:amy.crawford@communications.gov.au) or phone (02) 6171 1057.

A detailed explanation of the problems experienced by local governments regarding the costs arising from the installation and maintenance of services and utilities, including information or data, will help the Department to better understand the impact of the issue and to consider the need for any legislative change.

#### *Motion 105*

I acknowledge the concerns raised by the Australian Local Government Association about the impact of loot boxes in games and its interest in the Government taking steps to prevent harm to children and vulnerable people.

It is important that the content of computer games is classified appropriately. This helps Australians to make informed choices about what games they or their children watch and play. The National Classification Scheme requires that computer games are classified before they are sold or published in Australia. Computer games are classified by the Classification Board (the Board) or the International Age Rating Coalition (IARC) tool (for online and mobile games in participating storefronts including the Google Play, Microsoft and Nintendo stores). Content in computer games is classified according to standards in the National Classification Code and the Guidelines for the Classification of Computer Games (the Guidelines). Computer games are assigned a classification rating (e.g. G, PG) and include consumer advice. Consumer advice can relate to the six classifiable elements (themes, violence, sex, language, drug use and nudity) and can also include information about content in a game such as online interactivity and/or in-game purchases. More information can be found on the Australian classification website, [www.classification.gov.au](http://www.classification.gov.au).

In December 2019, the Government appointed Neville Stevens AO as the independent expert to lead a review of Australian classification regulation. The review included consideration of the classification of games with loot boxes. Mr Stevens provided his report to the Government at the end of May 2020 and the Government is considering the report. Public submissions to the review can be viewed at [www.communications.gov.au/have-your-say/review-australian-classification-regulation](http://www.communications.gov.au/have-your-say/review-australian-classification-regulation).

In relation to the concerns raised about the broadcast of gambling advertising on television and radio, the Government is aware of community concern about gambling advertising and is committed to reducing gambling-related harms for all Australians.

The Government also recognises the importance of gambling promotions being presented in a responsible manner. While providers of lawful services have a legitimate interest in advertising their services, the Government believes that such advertising must be subject to controls that appropriately reflect community standards. This principle is reflected in the regulatory safeguards that apply to the advertising of gambling services.

Most content broadcast in Australia is regulated by co-regulatory codes of practice developed by broadcasting industry sectors, in consultation with ACMA, in accordance with the *Broadcasting Services Act 1992*. This co-regulatory system recognises the importance of ensuring that television and radio content reflects community standards. Codes of practice are available on the ACMA's website at [acma.gov.au/industry-codes-practice](http://acma.gov.au/industry-codes-practice).

The *Commercial Television Industry Code of Practice* (the Commercial TV Code) applies to commercial free-to-air television broadcasters. The *Commercial Radio Code of Practice* (the Commercial Radio Code) applies to commercial radio broadcasters.

Relevantly, the Commercial TV Code prohibits gambling advertisements:

- during General (G), Preschool (P) or Children's (C) rated programs broadcast between:
  - 6.00 am and 8.30 am; and
  - 4.00 pm and 7.00 pm; and
- during any program that is broadcast between 5.00 am and 8.30 pm and which is principally directed at children.

These prohibitions do not apply during news, current affairs or sports programs broadcast during those time periods. They also do not apply to advertisements relating to such things as government sanctioned lotteries, keno or competitions, or, generally, to advertisements for entertainment or dining facilities where gambling may take place.

The Commercial TV Code and the Commercial Radio Code also include restrictions in relation to the showing of gambling promotions during live broadcasts of sporting events.

Broadcasting industry codes of practice are periodically reviewed. Interested parties may contact the relevant peak industry body to raise their concerns, and to enquire about how they can contribute to future review processes.

For commercial television broadcasters, Free TV Australia's contact details are:

Free TV Australia  
First Floor  
44 Avenue Road  
MOSMAN NSW 2088  
Web: [www.freetv.com.au](http://www.freetv.com.au)

For commercial radio broadcasters, Commercial Radio Australia's contact details are:

Commercial Radio Australia Ltd  
Level 5  
88 Foveaux Street  
Surry Hills NSW 2010  
Phone: (02) 9281 6577  
Fax: (02) 9281 6599  
Web: [www.commercialradio.com.au](http://www.commercialradio.com.au)

#### *Motion 151*

As indicated in the response to Motion 105, the Government also recognises the importance of gambling promotions being presented in a responsible manner. While providers of lawful services have a legitimate interest in advertising their services, the Government believes that such advertising must be subject to controls that appropriately reflect community standards. This principle is reflected in the regulatory safeguards that apply to the advertising of gambling services.

In 2018, further restrictions were applied to the showing of gambling promotions during live sporting events broadcast on commercial television, commercial radio, subscription television and the Special Broadcasting Service. More information about these restrictions is available on ACMA's website at [acma.gov.au/gambling-ads-during-live-sports-broadcasts](http://acma.gov.au/gambling-ads-during-live-sports-broadcasts).

Additionally, in September 2018 new rules came into effect which restrict the showing of gambling promotions during online streams of live sporting events.

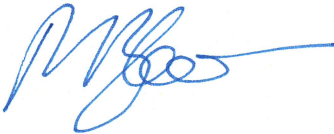
The *Broadcasting Services (Online Content Service Provider Rules) 2018* (Online Rules) contain gambling promotions restrictions that are, to the extent possible, similar to those which broadcasting industry codes impose on the broadcast of live sporting events.

More information about the Online Rules is available on ACMA's website at [acma.gov.au/gambling-ads-during-sport-streamed-over-internet](http://acma.gov.au/gambling-ads-during-sport-streamed-over-internet).

When considering appropriate policy settings, the Government engages regularly with individuals and organisations and has regard to prevailing community expectations.

Thank you for bringing the local council motions to the Minister's attention. I hope the information in this letter is of some help.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ryan Bloxsom', with a long horizontal flourish extending to the right.

Ryan Bloxsom  
Chief of Staff

12 / 11 / 2020