



12 May 2003

Manager, Broadcasting and Online Content
Licensed Broadcasting
Department of Communications, Information Technology and the Arts
GPO Box 2154
CANBERRA ACT 2601

Dear Sir / Madam

Re: Review of Issues Related to Commonwealth Interactive Gambling Regulation

ASTRA welcomes the opportunity to submit to the review of issues related to Commonwealth Interactive Gambling Regulation ('**Review**').

It is ASTRA's view that the Interactive Gambling Act ('**Act**') should not restrict the subscription television industry in any way that puts it at a disadvantage compared with other industry sectors.

In this regard, ASTRA recommends reform to the Act to permit subscription television to provide wagering services, if it chooses to, through interactive applications deemed 'in-play' or 'in-the-run'.

ASTRA also submits that the digital technology provides an environment which enables responsible and controlled use of interactive applications on subscription television services.

Digital Capabilities and Controls

The opportunity to receive interactivity is already available for some subscribers through the range of services and the content able to be offered on subscription television services via digital technology – most notably by the regional provider AUSTAR.

Whether delivered by digital or analog, the provision of subscription television services to consumers is controlled through a number of mechanisms. For example, specified subscription television services are only provided to a household after the adult contracting with the subscription television service provider has authorized that they be made available to the household. Once services are available to the household, further restrictions permit the control of these 'accessible services' to selected household members through the use of blocking devices. Such devices can, for example, prevent the screening of certain services to individuals that do not have access codes.

Providers of subscription television, using a range of procedures and technologies are therefore able to ensure that the delivery of all services, including interactive applications, occurs in a safe and

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responsible manner.

Digital technology enhances this ability by providing for greater options and applications for the control of receipt and use of services.

Consequently, subscription television providers are in a unique position to offer services such as interactive gambling in a controlled, well regulated manner thereby aligning appropriately with broad social policy surrounding the provision of gambling services to the Australian public.

In addition, subscription television services are regulated and controlled via extensive and comprehensive state and territory legislation.

Continuation of Exclusions for Broadcasters

ASTRA submits that the current exemption for broadcasting in section 8C of the Act should continue and recommends reform as set out below.

Equity with Telephone Wagering: In-the-Run Wagering

ASTRA submits that there should be no difference in treatment in the Act between a wagering transaction that occurs over a phone line versus one that occurs through use of the phone line but via a digital receiver (through an interactive television application).

On this basis, ASTRA submits that 'in-play' or 'in-the-run' wagering should be permitted via subscription television's interactive services and not be limited only to telephony.

To achieve this reform would require a broadening of what are currently excluded wagering services (dealt with under section 8A of the Act).

ASTRA makes no additional comment with regard to the Act but seeks the opportunity to comment on any proposed amendments that may arise from the current Review.

Should ASTRA be able to provide you with any further information please do not hesitate to contact me.

Yours Sincerely

Debra Richards
Executive Director