

Response from Professor Derek Wilding, Co-Director of the Centre for Media Transition at the University of Technology, Sydney:

There are different, legitimate policy objectives that need to be addressed here, and it's difficult to strike the right balance between minimising gambling harms and promoting the sustainability of Australian broadcasting. But the merits of a policy that excludes low audience channels are not obvious, and there's no public interest reason for allowing the simulcast exemption to protect international streaming services. The exemption makes sense for a local free-to-air broadcaster who also shows the program on their own online service, but it doesn't make sense to give an international streaming service like Disney+ an exemption that applies to an Australian pay TV channel. The obligations restricting gambling ads should apply to both service providers in respect of their own audiences. For online services, the online content rules – which also give ACMA more effective enforcement powers – should apply to their online content. Allowing the current situation to continue will undermine the reasons for government intervening and seeking to limit the availability of gambling ads.