

2013-2014-2015

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Interactive Gambling Amendment
(Sports Betting Reform) Bill 2015**

No. , 2015

(Senator Xenophon)

A Bill for an Act to amend the *Interactive Gambling Act 2001*, and for related purposes

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| OPC drafter to complete | |
|--|-----|
| 1. Does this Bill need a message? (See H of R Practice, sixth ed, pp. 423-427, and OGC advice.) If yes: <ul style="list-style-type: none">• List relevant clauses/items—• Prepare message advice (see Drafting Direction 4.9)• Give a copy of the message advice to the Legislation area. | No |
| 2. Does this Bill need a notice? (See H of R Standing Order 178 and Drafting Direction 3.2.) If no list relevant clauses/items— | Yes |
| 3. Is there any constitutional reason why this Bill should not be introduced in the Senate? (See Constitution sections 53 and 55 and Drafting Direction 3.2.) | No |

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A Bill for an Act to amend the *Interactive Gambling Act 2001*, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Interactive Gambling Amendment (Sports Betting Reform) Act 2015*.

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.

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Commencement information

| Column 1 | Column 2 | Column 3 |
|---|--|--------------|
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | |
| 2. Schedule 1 | The day after the end of the period of 3 months beginning on the day this Act receives the Royal Assent. | |

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

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

3 Schedules

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9 repealed as set out in the applicable items in the Schedule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

2 *Interactive Gambling Amendment (Sports Betting Reform) Bill 2015* No. , 2015
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Schedule 1—Amendments

Interactive Gambling Act 2001

1 At the end of section 3

Add:

- This Act also regulates the conduct of restricted wagering services by prohibiting such sports betting services from various practices such as offering micro-betting, credit or inducements.
- The Interactive Gambling Regulator has a variety of functions in relation to enforcing compliance of this conduct, as well providing advice and information.
- A person may also regulate their own interactions with restricted wagering services by applying to be included on the National Self-exclusion Register which is kept under this Act. Restricted wagering services must check the Register, which is kept and administered by the Regulator, before creating accounts for individuals to place bets using their services.

2 Section 4

Insert:

betting limit, in relation to a period, means the total maximum amount nominated by an individual that he or she may bet using a restricted wagering service during the period.

category A document, in relation to an individual, means any of the following:

- a licence or permit issued in the name of the individual;
- a passport issued in the name of the individual;
- a birth certificate in the name of the individual;

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Schedule 1 Amendments

1 (d) any other document in relation to the individual that is
2 recognised as proof of identity under a law of the
3 Commonwealth, a State or a Territory.

4 **category B document**, in relation to an individual, means any of
5 the following:

- 6 (a) a credit card, debit card or other automatic teller machine
7 card that has the name and signature of the individual;
8 (b) a Medicare card issued in the name of the individual;
9 (c) a passbook issued in the name of the individual by an ADI
10 (within the meaning of the *Banking Act 1959*);
11 (d) a statement of account issued for a utilities or rates account
12 that:
13 (i) was issued in the previous 12 months; and
14 (ii) includes the name and address given by the individual.

15 **civil penalty provision** has the same meaning as in the Regulatory
16 Powers Act.

17 **credit** has the meaning given by section 11A.

18 **G classified**, in relation to a television program, means classified G
19 in accordance with whichever of the following industry codes of
20 practice included in the register under section 123 of the
21 *Broadcasting Services Act 1992* is relevant:

- 22 (a) the Commercial Television Industry Code of Practice;
23 (b) the Subscription Broadcast Television Codes of Practice;
24 (c) the Subscription Narrowcast Television Codes of Practice.

25 **micro betting** means betting that relates to a horse race, a harness
26 race, a greyhound race or a sporting event and either:

- 27 (a) the bet is:
28 (i) on the outcome of the race or event; and
29 (ii) placed, made, received or accepted after the beginning
30 of the race or event; or
31 (b) the bet is on a contingency that may or may not happen in the
32 course of the race or event.

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- 1 **personal details**, in relation to an individual mean:
- 2 (a) the individual's name, residential address, telephone number,
- 3 email address, date of birth and gender; and
- 4 (b) any other information of a kind prescribed by the regulations
- 5 for the purposes of this definition that identifies the
- 6 individual.
- 7 **personal information** has the same meaning as in the *Privacy Act*
- 8 *1988*.
- 9 **protected information** means personal details or other personal
- 10 information to the extent that this information:
- 11 (a) is obtained under, or in accordance with, this Act; or
- 12 (b) is derived from a record of information that was made under,
- 13 or in accordance with, this Act; or
- 14 (c) is derived from a disclosure or use of information that was
- 15 made under, or in accordance with, this Act.
- 16 **Register** means the National Self-exclusion Register kept under
- 17 section @61HA.
- 18 **Regulator** means the Interactive Gambling Regulator established
- 19 under section @61JA.
- 20 **Regulatory Powers Act** means the *Regulatory Powers (Standard*
- 21 *Provisions) Act 2014*.
- 22 **restricted wagering service** means a gambling service that:
- 23 (a) is provided to customers using any of the following:
- 24 (i) an internet carriage service;
- 25 (ii) any other listed carriage service;
- 26 (iii) a broadcasting service;
- 27 (iv) any other content service;
- 28 (v) a datacasting service; and
- 29 (b) relates to the placing, making, receiving or acceptance of bets
- 30 on, or on a series of, any or all of the following:
- 31 (i) a horse race;
- 32 (ii) a harness race;

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Schedule 1 Amendments

- 1 (iii) a greyhound race;
2 (iv) a sporting event.

3 *verified* has the meaning given by section 11B.

4 **3 After section 11**

5 Insert:

6 **11A Meaning of *credit***

7 For the purposes of this Act, *credit* is provided by a restricted
8 wagering service if under a contract or other arrangement:

- 9 (a) payment of a debt owed by one person to another is deferred;
10 or
11 (b) one person incurs a deferred debt to another.

12 **11B Meaning of *verified***

13 For the purposes of this Act, an individual's identity is *verified* for
14 the purposes of creating an account, or otherwise facilitating the
15 placing of bets, with a restricted wagering service, if:

- 16 (a) the service is given the originals or certified copies of either:
17 (i) 2 category A documents, each of a different kind,
18 identifying the individual; or
19 (ii) one category A document and 2 category B documents,
20 each of a different kind, identifying the individual; and
21 (b) the personal details contained in those documents correspond
22 to the personal details provided by the individual for the
23 purposes of creating the account, or otherwise facilitating the
24 placing of bets.

25 **4 After Part 1**

26 Insert:

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Part 1A—Offence of failing to train gambling service employees

14A Offence of failing to train gambling service employees

(1) If:

(a) a person provides a gambling service; and

(b) either:

(i) the person is a corporation to which paragraph 51(xx) of the Constitution applies; or

(ii) the service is provided to customers using an internet carriage service; and

(c) the person has employees who have direct contact in the course of their employment with individuals who use the service;

the person must ensure that each such employee is provided with the information, training or instruction prescribed by the regulations for the purposes of this subsection.

(2) A person commits an offence if:

(a) the person is subject to a requirement under subsection (1); and

(b) the person fails to comply with the requirement.

Penalty: 120 penalty units.

Regulations

(3) Regulations made for the purposes of subsection (1) may include:

(a) information, training or instruction relating to the following:

(i) recognising problem gambling behaviour;

(ii) assisting individuals to access information regarding the Register and other services or programs to deal with problem gambling;

(iii) dealing with individuals who have identified themselves as having a gambling problem; and

1 (b) when such information, training or instruction must be
2 provided.

3 **5 At the end of Part 3**

4 Add:

5 **Division 4—Injunctions**

6 **31A Injunctions**

- 7 (1) The Federal Circuit Court of Australia may, on application by the
8 Regulator, grant an injunction referred to in subsection (2) if the
9 Court is satisfied that:
- 10 (a) an ADI facilitates transactions in relation to a gambling
11 service; and
 - 12 (b) the gambling service is a prohibited internet gambling
13 service.
- 14 (2) The injunction is to require the ADI to take reasonable steps to
15 prohibit transactions in relation to the prohibited internet gambling
16 service.

17 *Parties*

- 18 (3) The parties to an action under subsection (1) are:
- 19 (a) the Regulator; and
 - 20 (b) the ADI; and
 - 21 (c) the prohibited internet gambling service.

22 *Service*

- 23 (4) The Regulator must notify the:
- 24 (a) the ADI; and
 - 25 (b) the prohibited internet gambling service;
- 26 of the making of an application under subsection (1).

1 *Matters to be taken into account*

- 2 (5) In determining whether to grant the injunction, the Court may take
3 into account the following matters:
4 (a) whether prohibiting transactions in relation to the prohibited
5 internet gambling service is a proportionate response in the
6 circumstances;
7 (b) whether it is in the public interest to prohibit transactions in
8 relation to the prohibited internet gambling service;
9 (c) whether access to, or transactions in relation to, the
10 prohibited internet gambling service has been disabled or
11 prohibited by orders from any court of another country or
12 territory;
13 (d) any other matter prescribed by the regulations;
14 (e) any other relevant matter.

15 *Rescinding and varying injunctions*

- 16 (6) The Court may:
17 (a) limit the duration of; or
18 (b) upon application, rescind or vary;
19 an injunction granted under this section.
20 (7) An application under subsection (6) may be made by:
21 (a) any of the persons referred to in subsection (3); or
22 (b) any other person prescribed by the regulations.

23 *Costs*

- 24 (8) The ADI is not liable for any costs in relation to the proceedings
25 unless the ADI enters an appearance and takes part in the
26 proceedings.

27 **6 After Part 7A**

28 Insert:

1 **Part 7B—Restricted wagering services**

2 **Division 1—Offences and civil penalty provisions**

3 **@61GA Restricted wagering service must not offer credit**

- 4 (1) A person contravenes this subsection if:
- 5 (a) the person intentionally provides a restricted wagering
- 6 service in Australia; and
- 7 (b) the service provides, or offers to provide, credit to individuals
- 8 to use the service.

9 *Fault-based offence*

- 10 (2) A person commits an offence if the person contravenes
- 11 subsection (1).

12 Penalty: 300 penalty units.

13 *Civil penalty provision*

- 14 (3) A person is liable to a civil penalty if the person contravenes
- 15 subsection (1).

16 Civil penalty: 120 penalty units.

17 *Continuing offences or contraventions*

- 18 (4) A person who contravenes subsection (1) is guilty of a separate
- 19 offence or contravention of a civil penalty provision in respect of
- 20 each day (including a day of a conviction for the offence, or the
- 21 contravention of the civil penalty provision, or any later day)
- 22 during which the contravention continues.

23 **@61GB Restricted wagering service must not induce a person to use**

24 **the service**

- 25 (1) A person contravenes this subsection if:

- 1 (a) the person intentionally provides a restricted wagering
2 service; and
3 (b) the person:
4 (i) induces, or attempts to induce, another individual to use
5 the service; or
6 (ii) causes another person to induce, or attempt to induce,
7 another individual to use the service.

8 *Fault-based offence*

- 9 (2) A person commits an offence if the person contravenes
10 subsection (1).

11 Penalty: 300 penalty units.

12 *Civil penalty provision*

- 13 (3) A person is liable to a civil penalty if the person contravenes
14 subsection (1).

15 Civil penalty: 120 penalty units.

16 *Continuing offences or contraventions*

- 17 (4) A person who contravenes subsection (1) is guilty of a separate
18 offence or contravention of a civil penalty provision in respect of
19 each day (including a day of a conviction for the offence, or the
20 contravention of the civil penalty provision, or any later day)
21 during which the contravention continues.

22 **@61GC Restricted wagering service must not offer or accept micro**
23 **betting**

- 24 (1) A person contravenes this subsection if:
25 (a) the person intentionally provides a restricted wagering
26 service in Australia; and
27 (b) the service offers or accepts micro betting.

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Schedule 1 Amendments

1 *Fault-based offence*

2 (2) A person commits an offence if the person contravenes
3 subsection (1).

4 Penalty: 300 penalty units.

5 *Civil penalty provision*

6 (3) A person is liable to a civil penalty if the person contravenes
7 subsection (1).

8 Civil penalty: 120 penalty units.

9 *Continuing offences or contraventions*

10 (4) A person who contravenes subsection (1) is guilty of a separate
11 offence or contravention of a civil penalty provision in respect of
12 each day (including a day of a conviction for the offence, or the
13 contravention of the civil penalty provision, or any later day)
14 during which the contravention continues.

15 **@61GD Restricted wagering service must require certain details be**
16 **provided to establish account**

17 (1) A person must not create an account, or otherwise facilitate the
18 placing of bets, for an individual unless the individual provides his
19 or her personal details.

20 *Fault-based offence*

21 (2) A person commits an offence if the person contravenes
22 subsection (1).

23 Penalty: 120 penalty units.

24 *Civil penalty provision*

25 (3) A person is liable to a civil penalty if the person contravenes
26 subsection (1).

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reform\Draft Bill (Interactive Gambling Amendment (Sports Betting) Bill 2015).docx 16/11/2015
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1 Civil penalty: 60 penalty units.

2 **@61GE Restricted wagering service must verify identity of**
3 **account-holder before creating account etc.**

- 4 (1) A person contravenes this subsection if:
5 (a) the person intentionally provides a restricted wagering
6 service in Australia; and
7 (b) the service creates an account, or otherwise facilitates the
8 placing of bets, for an individual; and
9 (c) the person has not verified the individual's identity.

10 *Fault-based offence*

- 11 (2) A person commits an offence if the person contravenes
12 subsection (1).

13 Penalty: 300 penalty units.

14 *Civil penalty provision*

- 15 (3) A person is liable to a civil penalty if the person contravenes
16 subsection (1).

17 Civil penalty: 120 penalty units.

18 **@61GF Restricted wagering service must check the National**
19 **Self-exclusion Register before creating account**

- 20 (1) A person contravenes this subsection if:
21 (a) the person intentionally provides a restricted wagering
22 service in Australia; and
23 (b) the service creates an account, or otherwise facilitates the
24 placing of bets, for an individual; and
25 (c) the person has not submitted the individual's personal details
26 to the National Self-exclusion Register to check whether the
27 individual's personal details are included on the Register.

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Schedule 1 Amendments

1 *Fault-based offence*

2 (2) A person commits an offence if the person contravenes
3 subsection (1).

4 Penalty: 300 penalty units.

5 *Civil penalty provision*

6 (3) A person is liable to a civil penalty if the person contravenes
7 subsection (1).

8 Civil penalty: 120 penalty units.

9 *Continuing offences or contraventions*

10 (4) A person who contravenes subsection (1) is guilty of a separate
11 offence or contravention of a civil penalty provision in respect of
12 each day (including a day of a conviction for the offence, or the
13 contravention of the civil penalty provision, or any later day)
14 during which the contravention continues.

15 **@61GG Restricted wagering service must include pre-commitment** 16 **options when creating account**

17 (1) A person who intentionally provides a restricted wagering service
18 must require each individual who creates an account with the
19 service to register and set annual and monthly maximum betting
20 limits.

21 Note: The service must not permit these limits to be exceeded (see section
22 @61GK, and may only increase the limits if notice is provided (see
23 section @61GI).

24 *Fault-based offence*

25 (2) A person commits an offence if the person contravenes
26 subsection (1).

27 Penalty: 200 penalty units.

1 *Civil penalty provision*

2 (3) A person is liable to a civil penalty if the person contravenes
3 subsection (1).

4 Civil penalty: 80 penalty units.

5 *Continuing offences or contraventions*

6 (4) A person who contravenes subsection (1) is guilty of a separate
7 offence or contravention of a civil penalty provision in respect of
8 each day (including a day of a conviction for the offence, or the
9 contravention of the civil penalty provision, or any later day)
10 during which the contravention continues.

11 **@61GH Restricted wagering service must not create accounts etc.**
12 **for individuals on the National Self-exclusion Register**

- 13 (1) A person contravenes this subsection if:
- 14 (a) the person intentionally provides a restricted wagering
15 service in Australia; and
 - 16 (b) the service creates an account, or otherwise facilitates the
17 placing of bets, for an individual whose personal details are
18 included on the National Self-exclusion Register; and
 - 19 (c) the person either:
 - 20 (i) knew that the individual's personal details were
21 included on the National Self-exclusion Register; or
 - 22 (ii) was reckless as to whether the individual's personal
23 details were included on the National Self-exclusion
24 Register.

25 *Fault-based offence*

26 (2) A person commits an offence if the person contravenes
27 subsection (1).

28 Penalty: 300 penalty units.

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Schedule 1 Amendments

1 *Civil penalty provision*

2 (3) A person is liable to a civil penalty if the person contravenes
3 subsection (1).

4 Civil penalty: 120 penalty units.

5 *Continuing offences or contraventions*

6 (4) A person who contravenes subsection (1) is guilty of a separate
7 offence or contravention of a civil penalty provision in respect of
8 each day (including a day of a conviction for the offence, or the
9 contravention of the civil penalty provision, or any later day)
10 during which the contravention continues.

11 **@61GI Restricted wagering service must not increase individual's** 12 **betting limit**

13 (1) A person contravenes this subsection if:

14 (a) the person intentionally provides a restricted wagering
15 service in Australia; and

16 (b) the person increases, or causes to be increased, the monthly
17 or annual betting limit set by the individual.

18 (2) Subsection (1) does not apply if the individual has:

19 (a) requested that the person increase the monthly or annual
20 betting limit; and

21 (b) either:

22 (i) in relation to the monthly betting limit—the individual
23 requested the increase at least 7 days before the limit
24 was increased; or

25 (ii) in relation to the annual betting limit—the individual
26 requested the increase at least 14 days before the limit
27 was increased; and

28 (c) the individual has not made more than one other such request
29 in the previous 12-month period.

30 Note: A defendant bears an evidential burden in relation to the matter in
31 subsection (2).

Sensitive: Legal

1 *Fault-based offence*

2 (3) A person commits an offence if the person contravenes
3 subsection (1).

4 Penalty: 200 penalty units.

5 *Civil penalty provision*

6 (4) A person is liable to a civil penalty if the person contravenes
7 subsection (1).

8 Civil penalty: 80 penalty units.

9 *Continuing offences or contraventions*

10 (5) A person who contravenes subsection (1) is guilty of a separate
11 offence or contravention of a civil penalty provision in respect of
12 each day (including a day of a conviction for the offence, or the
13 contravention of the civil penalty provision, or any later day)
14 during which the contravention continues.

15 **@61GJ Restricted wagering service must not induce a person to**
16 **increase betting limit**

- 17 (1) A person contravenes this subsection if:
- 18 (a) the person intentionally provides a restricted wagering
19 service; and
 - 20 (b) the person:
 - 21 (i) induces, or attempts to induce, an individual to increase
22 his or her monthly or annual betting limit; or
 - 23 (ii) causes another person to induce, or attempt to induce,
24 an individual to increase his or her monthly or annual
25 betting limit.

26 *Fault-based offence*

27 (2) A person commits an offence if the person contravenes
28 subsection (1).

1 Penalty: 300 penalty units.

2 *Civil penalty provision*

3 (3) A person is liable to a civil penalty if the person contravenes
4 subsection (1).

5 Civil penalty: 120 penalty units.

6 **@61GK Restricted wagering service must not permit**
7 **account-holder to exceed betting limit**

8 (1) A person contravenes this subsection if:

9 (a) the person intentionally provides a restricted wagering
10 service in Australia; and

11 (b) the service accepts a bet from an individual that exceeds the
12 monthly or annual betting limit nominated by the individual
13 for the service.

14 *Fault-based offence*

15 (2) A person commits an offence if the person contravenes
16 subsection (1).

17 Penalty: 200 penalty units.

18 *Civil penalty provision*

19 (3) A person is liable to a civil penalty if the person contravenes
20 subsection (1).

21 Civil penalty: 80 penalty units.

22 *Continuing offences or contraventions*

23 (4) A person who contravenes subsection (1) is guilty of a separate
24 offence or contravention of a civil penalty provision in respect of
25 each day (including a day of a conviction for the offence, or the
26 contravention of the civil penalty provision, or any later day)
27 during which the contravention continues.

1 **@61GL Restricted wagering service must provide statement**

2 (1) A person who provides a restricted wagering service must provide
3 each individual who uses the service with a statement of the
4 individual's transaction history that complies with regulations
5 made for the purposes of this subsection.

6 *Fault-based offence*

7 (2) A person commits an offence if:
8 (a) the person is required to provide a statement under
9 subsection (1); and
10 (b) the person fails to provide the statement as required.

11 Penalty: 120 penalty units.

12 *Civil penalty provision*

13 (3) A person is liable to a civil penalty if:
14 (a) the person is required to provide a statement under
15 subsection (1); and
16 (b) the person fails to provide the statement as required.

17 Penalty: 60 penalty units.

18 *Continuing offences or contraventions*

19 (4) A person who contravenes subsection (1) is guilty of a separate
20 offence or contravention of a civil penalty provision in respect of
21 each day (including a day of a conviction for the offence, or the
22 contravention of the civil penalty provision, or any later day)
23 during which the contravention continues.

24 *Regulations*

25 (5) Regulations made for the purposes of subsection (1) must
26 prescribe:
27 (a) the period which the statement must cover; and
28 (b) how frequently the statement must be provided (which must
29 not be less than once a month); and

1 (c) the manner and form in which the statement is to be
2 provided.

3 **@61GM Restricted wagering service must not disclose information**
4 **for marketing purposes**

- 5 (1) A person contravenes this subsection if:
6 (a) the person provides a restricted wagering service; and
7 (b) the person discloses personal information of an individual
8 who uses the service to another person or entity; and
9 (c) the information is disclosed for use by the other person or
10 entity in relation to marketing of a good or service.

11 *Fault-based offence*

- 12 (2) A person commits an offence if the person contravenes
13 subsection (1).

14 Penalty: 300 penalty units.

15 *Civil penalty provision*

- 16 (3) A person is liable to a civil penalty if the person contravenes
17 subsection (1).

18 Civil penalty: 120 penalty units.

19 **@61GN Restricted wagering service must include link to National**
20 **Self-exclusion Register website**

- 21 (1) A person contravenes this subsection if:
22 (a) the person provides a restricted wagering service; and
23 (b) the service includes a website; and
24 (c) the website does not include a clear and prominent link to the
25 National Self-exclusion Register website that complies with
26 regulations made for the purposes of this paragraph on each
27 page.

1 *Fault-based offence*

- 2 (2) A person commits an offence if:
3 (a) the person is subject to a requirement under subsection (1);
4 and
5 (b) the person fails to comply with the requirement.

6 Penalty: 120 penalty units.

7 *Civil penalty provision*

- 8 (3) A person is liable to a civil penalty if:
9 (a) the person is subject to a requirement under subsection (1);
10 and
11 (b) the person fails to comply with the requirement.

12 Civil penalty: 60 penalty units.

13 *Continuing offences or contraventions*

- 14 (4) A person who contravenes subsection (1) is guilty of a separate
15 offence or contravention of a civil penalty provision in respect of
16 each day (including a day of a conviction for the offence, or the
17 contravention of the civil penalty provision, or any later day)
18 during which the contravention continues.

19 *Regulations*

- 20 (5) Regulations made for the purposes of paragraph (1)(c) may include
21 requirements in relation to the following:
22 (a) the position of the link;
23 (b) the size of the link;
24 (c) logos that must be included with the link;
25 (d) any other information that may be required to be included
26 with the link.

1 **Division 2—Prohibition of advertising of restricted**
2 **wagering services**

3 **@61GO Restricted wagering service advertisements not to be**
4 **broadcast during certain programs**

- 5 (1) A person contravenes this subsection if:
6 (a) the person broadcasts a restricted wagering service
7 advertisement in Australia; and
8 (b) the broadcast is during:
9 (i) a G classified television program; or
10 (ii) a television program that consists of coverage of a
11 sporting event.

12 Penalty: 120 penalty units.

- 13 (2) A person contravenes this subsection if:
14 (a) the person authorises or causes a restricted wagering service
15 advertisement to be broadcast in Australia;
16 (b) the broadcast is during a G classified television program or a
17 television program that consists of coverage of a sporting
18 event.

19 Penalty: 120 penalty units.

20 *Fault-based offence*

- 21 (3) A person commits an offence if the person contravenes
22 subsection (1) or (2).

23 Penalty: 120 penalty units.

24 *Civil penalty provision*

- 25 (4) A person is liable to a civil penalty if the person contravenes
26 subsection (1) or (2).

27 Civil penalty: 60 penalty units.

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Definitions

(5) In this section:

broadcast means transmit by means of a broadcasting service.

broadcasting service means a service that delivers television programs or radio programs to persons having equipment appropriate for receiving that service, whether the delivery uses the radiofrequency spectrum, cable, optical fibre, satellite or any other means or a combination of those means, but does not include:

- (a) a datacasting service; or
- (b) a service that delivers programs using the internet, where the delivery does not use the broadcasting services bands.

program has the same meaning as in the *Broadcasting Services Act 1992*.

restricted wagering service advertisement means writing, still or moving picture, sign, symbol or other visual image, or any audible message, or any combination of 2 or more of those things, that gives publicity to, or otherwise promotes or is intended to promote:

- (a) a restricted wagering service; or
- (b) restricted wagering services in general; or
- (c) the whole or part of a trade mark in respect of a restricted wagering service; or
- (d) a domain name or URL that relates to a restricted wagering service; or
- (e) any words that are closely associated with a restricted wagering service (whether also closely associated with other kinds of services or products).

1 **Division 3—Compliance and enforcement**

2 **@61GP Civil penalty provision**

3 *Enforceable civil penalty provision*

- 4 (1) A civil penalty provision in Division 1 or 2 of this Part is
5 enforceable under Part 4 of the Regulatory Powers Act.

6 Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to
7 be enforced by obtaining an order for a person to pay a pecuniary
8 penalty for the contravention of the provision.

9 *Authorised applicant*

- 10 (2) For the purposes of Part 4 of the Regulatory Powers Act, the
11 Regulator is an authorised applicant in relation to a civil penalty
12 provision in Division 1 or 2 of this Part.

13 *Relevant court*

- 14 (3) For the purposes of Part 4 of the Regulatory Powers Act, the
15 Federal Circuit Court of Australia is a relevant court in relation to a
16 civil penalty provision in Division 1 or 2 of this Part.

17 *Extension to external Territories etc.*

- 18 (4) Part 4 of the Regulatory Powers Act, as it applies in relation to a
19 civil penalty provision in Division 1 or 2 of this Part, extends to:
20 (a) every external Territory; and
21 (b) acts, omissions, matters and things outside Australia.

22 **@61GQ Infringement notices**

23 *Enforceable provisions*

- 24 (1) A civil penalty provision in Division 1 or 2 of this Part is
25 enforceable under Part 5 of the Regulatory Powers Act.

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Infringement officer

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(2) For the purposes of Part 5 of the Regulatory Powers Act, a person appointed under subsection (3) is an infringement officer in relation to the provisions mentioned in subsection (1).

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(3) The Regulator may, in writing, appoint a person who holds, or performs the duties of, an APS 6 position, or an equivalent or higher position, within the Department.

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Relevant chief executive

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(4) For the purposes of Part 5 of the Regulatory Powers Act, the Regulator is the relevant chief executive in relation to the provisions mentioned in subsection (1).

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Amount payable

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(5) The amount to be stated in an infringement notice for the purposes of paragraph 104(1)(f) of the Regulatory Powers Act for the alleged contravention of a civil penalty provision mentioned in subsection (1) of this section is:

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Extension to external Territories etc.

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(6) Part 4 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to:

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20

(a) every external Territory; and

21

(b) acts, omissions, matters and things outside Australia.

22

@61GR Enforceable undertakings

23

Enforceable provisions

24

(1) The provisions of Division 1 and 2 of this Part are enforceable under Part 6 of the Regulatory Powers Act.

25

Sensitive: Legal

Schedule 1 Amendments

1 *Authorised person*

2 (2) The Regulator is an authorised person in relation to the provisions
3 of Division 2 and 3 of this Part for the purposes of Part 6 of the
4 Regulatory Powers Act.

5 *Relevant court*

6 (3) The Federal Circuit Court of Australia is a relevant court in
7 relation to the provisions of Division 1 and 2 of this Part for the
8 purposes of Part 6 of the Regulatory Powers Act.

9 *Extension to external Territories etc.*

10 (4) Part 6 of the Regulatory Powers Act, as it applies in relation to the
11 provisions of Division 1 and 2 of this Part, extends to:

- 12 (a) every external Territory; and
13 (b) acts, omissions, matters and things outside Australia.

14 **@61GS Injunctions**

15 *Enforceable provisions*

16 (1) The provisions of Division 1 and 2 of this Part are enforceable
17 under Part 7 of the Regulatory Powers Act.

18 *Authorised person*

19 (2) The Regulator is an authorised person in relation to the provisions
20 of Division 1 and 2 of this Part for the purposes of Part 7 of the
21 Regulatory Powers Act.

22 *Relevant court*

23 (3) The Federal Circuit Court of Australia is a relevant court in
24 relation to the provisions of Divisions 1 and 2 of this Part for the
25 purposes of Part 7 of the Regulatory Powers Act.

1 *Extension to external Territories etc.*

2 (4) Part 7 of the Regulatory Powers Act, as it applies in relation to the
3 provisions of Divisions 1 and 2 of this Part, extends to:

4 (a) every external Territory; and

5 (b) acts, omissions, matters and things outside Australia.

6 **Part 7C—National Self-exclusion Register**

7 **Division 1—National Self-exclusion Register**

8 **@61HA National Self-exclusion Register**

9 (1) The Regulator must keep a register of individuals who wish to
10 self-exclude from restricted wagering services.

11 (2) The register is to be known as the National Self-exclusion Register.

12 (3) The register is to be kept in electronic form.

13 (4) The register is not a legislative instrument.

14 (5) The Regulator must begin to comply with subsection (1) as soon as
15 practicable after the commencement of this section.

16 (6) For the purposes of the *Privacy Act 1988*, the primary purpose of
17 the register is to facilitate:

18 (a) self-exclusion from restricted wagering services; and

19 (b) the prohibition, under section @61GH, of restricted wagering
20 services creating accounts, or otherwise facilitating the
21 placing of bets, for individuals who have self-excluded.

22 **@61HB Regulator may correct or update information in Register**

23 The Regulator may correct or update information in the Register.

1 **@61HF Removal from Register**

- 2 (1) The Regulator must, by legislative instrument, make a
3 determination that makes provision for a person to apply for his or
4 her name to be removed from the Register.
- 5 (2) Without limiting subsection (1), the determination must include:
6 (a) the form of application for individual's personal details to be
7 removed from the Register; and
8 (b) the information which must accompany the application; and
9 (c) the documentation that must be provided in support of the
10 individual's application.

11 **@61HG Administration of the Register—determinations**

12 The Regulator may, by legislative instrument, make a
13 determination that makes provision for and in relation to any or all
14 of the following:

- 15 (a) the form of application for individual's personal details to be
16 entered on the Register;
17 (b) the manner in which such applications are to be made;
18 (c) the manner in which entries are to be made on the Register;
19 (d) the correction of entries in the Register;
20 (e) the removal of entries from the Register on the Regulator's
21 own initiative;
22 (f) any other matter relating to the administration or operation of
23 the Register.

24 **Division 2—Dealing with protected information in the**
25 **Register**

26 **@61HH Authorised dealings with protected information**

27 *Uploading personal information to the Register*

- 28 (1) A person may collect, make a record of, disclose or otherwise use:
29 (a) personal information; or

1 (b) relevant personal details;
2 if the person does so for the purposes of including the information
3 in the Register.

4 Note: This subsection is an authorisation for the purposes of other laws,
5 including the Australian Privacy Principles.

6 *Using or disclosing protected information in the Register*

7 (2) A person may make a record of, disclose or otherwise use
8 protected information if:

9 (a) the person does so for the purposes of the Register, and the
10 person is:

11 (i) an officer or employee of the Commonwealth or of an
12 authority of the Commonwealth; or

13 (ii) engaged by the Commonwealth, or by an authority of
14 the Commonwealth, to perform work relating to the
15 purposes of the Register; or

16 (iii) an officer or employee of, or is engaged by, a person
17 referred to in subparagraph (ii) to perform work relating
18 to the purposes of the Register; or

19 (b) the person does so for the purposes of performing the
20 person's functions, or exercising the person's powers, under
21 this Act.

22 Note: This subsection is an authorisation for the purposes of other laws,
23 including the Australian Privacy Principles.

24 **@61HI Offence relating to protected information**

25 A person commits an offence if:

26 (a) the person obtains information; and

27 (b) the information is protected information; and

28 (c) the person makes a record of, discloses or otherwise uses the
29 information; and

30 (d) the making of the record, or the disclosure or use, is not
31 authorised by section @61HH.

32 Penalty: Imprisonment for 2 years or 120 penalty units, or both.

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Part 7D—Interactive Gambling Regulator

@61JA Establishment of the Interactive Gambling Regulator

There is to be an Interactive Gambling Regulator.

Note: In this Act, *Regulator* means the Interactive Gambling Regulator (see section 4).

@61JB Functions of the Regulator

The Regulator has the following functions:

- (a) to advise and assist persons in relation to their obligations under this Act;
- (b) to monitor, promote, investigate and enforce compliance with this Act;
- (c) to develop, in consultation with industry (including restricted wagering services, gambling counselling services and financial counselling services), a code of practice relating to responsible gambling that is to be applicable to restricted wagering services;
- (d) to collect, analyse, interpret and disseminate information relating to the operation of this Act, including aggregated and de-identified data on gambling expenditure and trends in gambling patterns or behaviours;
- (e) to monitor and evaluate the operation of this Act;
- (f) to provide information and advice to the Minister about the operation of this Act;
- (g) to undertake or commission research in relation to the gambling matters and the operation of this Act;
- (h) such other functions as are conferred on the Regulator by this Act or any other law of the Commonwealth;
- (i) to do anything incidental to or conducive to the performance of any of the above functions.

- 1 (2) A person is not eligible for appointment to act as the Regulator
2 unless the person is eligible for appointment as the Regulator.

3 **@61JF Remuneration and allowances**

- 4 (1) The Regulator is to be paid the remuneration that is determined by
5 the Remuneration Tribunal. If no determination of that
6 remuneration by the Tribunal is in operation, the Regulator is to be
7 paid the remuneration that is prescribed by the legislative rules.
- 8 (2) The Regulator is to be paid the allowances that are prescribed by
9 the regulations.
- 10 (3) This section has effect subject to the *Remuneration Tribunal Act*
11 *1973*.

12 **@61JG Leave of absence**

- 13 (1) The Regulator has the recreation leave entitlements that are
14 determined by the Remuneration Tribunal.
- 15 (2) The Minister may grant the Regulator leave of absence, other than
16 recreation leave, on the terms and conditions as to remuneration or
17 otherwise that the Minister determines.

18 **@61JH Outside employment**

19 The Regulator must not engage in paid employment outside the
20 duties of his or her office without the Minister's approval.

21 **@61JI Disclosure of interests to the Minister**

22 The Regulator must give written notice to the Minister of all
23 interests, pecuniary or otherwise, that the Regulator has or acquires
24 and that conflict or could conflict with the proper performance of
25 the Regulator's functions.

1 **@61JM Delegation by Regulator**

- 2 (1) The Regulator may, by writing, delegate any or all of the
3 Regulator's functions or powers to:
4 (a) the Secretary of the Department; or
5 (b) an SES employee, or acting SES employee, in the
6 Department.
- 7 (2) A delegate must comply with any written directions of the
8 Regulator.

9 **@61JN Staff assisting the Regulator**

10 The staff assisting the Regulator are to be persons engaged under
11 the *Public Service Act 1999* and made available for the purpose by
12 the Secretary of the Department.

13 **@61JO Consultants**

- 14 (1) The Regulator may, on behalf of the Commonwealth, engage
15 persons having suitable qualifications and experience as
16 consultants to the Regulator.
- 17 (2) The consultants are to be engaged on the terms and conditions that
18 the Regulator determines in writing.

19 **@61JP Annual report**

20 The Regulator must, as soon as practicable after the end of each
21 financial year, prepare and give to the Minister, for presentation to
22 the Parliament, a report on the operations of the Regulator during
23 that year.

24 Note: See also section 34C of the *Acts Interpretation Act 1901*, which
25 contains extra rules about annual reports.

