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21 November 2016

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600
E-mail: ec.sen@aph.gov.au

Dear Committee Secretary,

The Synod of Victoria and Tasmania, Uniting Church in Australia, and Uniting Communities welcome the opportunity to make a submission to the Senate Standing Committees on Environment and Communications on the *Interactive Gambling Amendment Bill 2016*. The Synod and Uniting Communities support the passage of the Bill.

The Synod of Victoria and Tasmania and its members have been increasingly concerned by the growth in online gambling and especially its penetration into sport in Australia. In 2011, the Synod meeting of approximately 400 representatives from across Victoria and Tasmania passed a resolution, which in part stated:

To urge the Federal Government:

- 1. To take more effective steps in seeking to prohibit internet gambling on online EGMs and casinos; and*
- 2. To introduce legislation and regulation to end aggressive and unethical marketing activities by online sports wagering companies.*

The Synod and Uniting Communities support the Government's moves to close off any doubt that the *Interactive Gambling Act* closes off in-play betting by 'click-to-call' which some online gambling providers (William Hill, SportsBet, bet365, Ladbrokes and Unibet) unethically continued to actively promote to people in Australia despite the Government having stated that they believed such a means to gamble was already banned under the Act and that the Government would move to put the matter beyond doubt. The Synod and Uniting Communities believe the Government is right to be concerned about in-play betting as it moves sports betting and other wagering to be more of a continuous form of gambling. It is the understanding of the Synod and Uniting Communities the continuous forms of gambling are more likely to be associated with harmful gambling behaviours, as noted in the Regulatory Impact Statement. The submitting bodies welcome the amendment to the *Interactive Gambling Act* to ensure no online wagering business licensed in future through any State or Territory in Australia will be able to offer 'click-to-call' in play betting.

However, the Synod and Uniting Communities are disappointed at the carve out for excluded gaming services in the Bill, which could provide a significant loophole for online gambling businesses to provide devices on which in-play betting can be conducted. It will favour those gambling providers that already have their own geographical locations that people gambling can go to. The submitting bodies would prefer to see this exemption removed, while noting that the intention of the exemption is to permit the on-going provision of existing electronic betting terminals in places such as TABs, casinos, hotels and clubs where they are licensed under a



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State or Territory law. The submitting bodies also notes the existing safeguard that the gambling business needs to hold a licence under a State or Territory law that authorizes the gambling activity in question in the particular place, and any other conditions specified by the Minister, by legislative instrument, have been satisfied. So the harm done will be determined by each State and Territory within their own jurisdiction, which does provide a safeguard from the Northern Territory (currently) authorizing activities that would cause harm in other States.

The Synod and Uniting Communities support the following aspects of the Bill:

- the definition of prohibited internet content at Section 8F of the Bill;
- the civil penalties for providing a Australian-customer link by a gambling business that does not hold a licence to offer gambling under a State or Territory law;
- the modifications to allow complaints to be made to the ACMA, for the ACMA to be able to handle the entire process from receipt of complaints to enforcement and for the ACMA to also be able to refer complaints to an Australian police force;
- that the ACMA will be able to notify international regulators of information relating to prohibited or regulated interactive gambling services and where their licensees are breaching the provisions of the *Interactive Gambling Act*;
- the measures to prohibit advertising of designated interactive gambling services;
- the civil penalty for authorizing or causing a designated interactive gambling service advertisement to be broadcast or datacast in Australia when it is in breach of the Act;
- the civil penalties for publishing a designated interactive gambling service advertisement in Australia or authorizing or causing a designated interactive gambling service advertisement to be published in Australia when it is in breach of the Act;
- the ability of the ACMA to issue infringement notices for breaches of parts of the *Interactive Gambling Act*;
- the ability for the ACMA to be able to notify the Department of Immigration and Border Protection of information relating to prohibited or regulated interactive gambling businesses, including the names of directors or principals of offending gambling businesses so they may be placed on the Movement Alert List, and also so any travel to Australia may be able to be disrupted; and
- the ACMA maintaining a public register of eligible regulated interactive gambling businesses so that members of the Australian community know which online gambling businesses are allowed to operate legally within Australia.

The Bill provides a good balance of measures to reduce the harms caused by offshore online gambling businesses that are acting illegally in allowing Australians to gamble with them and the harms caused by online gambling businesses that are licensed in Australia (by the Northern Territory at the moment). It is important to address the harms caused by both at the same time.

The submitting bodies note that for the measures in the Bill to be effective the ACMA will need to be provided with sufficient resources to carry out enforcement activities. The Regulatory Impact Statement (page 37 of the Explanatory Memorandum) suggests that these costs will be in the order of \$500,000 as a one off capital cost and then \$2 million a year for staffing, investigation and enforcement.

The Synod and Uniting Communities look forward to the further reforms that will follow this Bill at a later date to establish a national consumer protection framework including prohibiting online gambling corporations from providing credit to gamblers, a national self-exclusion register,



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enhanced staff training and enhanced research.

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