

Ms Christine McDonald  
Secretary  
Environment and Communications Legislation  
Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2601

21 November 2016  
By Email

ec.sen@aph.gov.au

Dear Ms McDonald

**Inquiry into the Interactive Gambling Amendment Bill 2016**

Thank you for the opportunity to make a submission in relation to the Interactive Gambling Amendment Bill 2016 (**Bill**).

The Government has made significant progress in this area, and Tabcorp considers that the Bill goes a long way to delivering the Government's pre-election commitment and aligns to the community's expectations about online gambling.

Tabcorp generally agrees with the Bill but has some further suggestions to address residual uncertainty and to ensure that the Bill both fully reflects the Government's intentions and aligns to the community's expectations.

In this submission, Tabcorp has detailed a number of proposed amendments in this regard.

Should you have any queries regarding this submission please do not hesitate to contact myself on \_\_\_\_\_ or Tom Callachor, General Manager – Government and Industry Relations on \_\_\_\_\_

Yours sincerely

**DAVID ATTENBOROUGH**  
Managing Director & Chief Executive Officer

CC The Hon. Alan Tudge MP, Minister for Human Services  
Senator the Hon. Mitch Fifield, Minister for Communications



Tabcorp  
Holdings Limited

Level 31, 680 George Street  
Sydney NSW  
Australia 2000

GPO Box 4168  
Sydney NSW  
Australia 2001

Tel 61 2 9218 1000  
Fax 61 2 9264 6145

[www.tabcorp.com.au](http://www.tabcorp.com.au)  
ABN 66 063 780 709

## Annexure A

### Section 8AA (Telephone betting services)

Section 8AA(1) of the Bill requires that a service be made wholly by way of voice call (and that it potentially satisfy other requirements) for it to be a “telephone betting service” and, therefore, capable of legally being used for the purpose of accepting live or ‘in the run’ bets.

Section 8AA(8) goes on to provide what we understand is a non-exhaustive list of the elements of a betting interaction that must take place by way of voice call. These all appear to be clear and reasonable.

We did note, however, the omission of the customer’s provision of betting account login information (or other form of identifying information) from the list.

This may not be a problem if it is clear that the list in section 8AA(8) is non-exhaustive but this aspect of the customer interaction was notable to us by omission. Could the Committee please clarify the position in this regard and if, as anticipated, the intention is that account or other identification information must be communicated by voice, recommend that section 8AA(8) be amended accordingly to avoid doubt and ambiguity.

### Section 8BA (Place-based betting services)

Tabcorp welcomes the introduction of section 8BA and the recognition that pubs, clubs, TABs and race tracks in particular are accepted by the community as appropriate places to bet. These locations are already heavily regulated by State and Territory laws and operate within well-developed harm minimisation frameworks.

Our suggestion is that it is made even clearer that a service falls within the scope of section 8BA only if the following elements are in place (in addition to those contemplated by the Bill):

- (a) the relevant customer is actually at the particular place at the time the service is conducted; and
- (b) the licensee is licensed (however described) under *the* law of the relevant State or Territory in which that place is located that authorises the provision of the service at that place.

These suggested additions may seem nuanced but are important in the context of preserving the exclusive retail frameworks that apply to Australian totalisator operators. Totalisator operators have the important role of funding the Australian racing industry and contributing to various stakeholders including State and Territory governments, hotel and club owners and others.

Experience with the *Interactive Gambling Act 2001* (Cth) to date has shown that many domestic and international operators will look to exploit any perceived vulnerabilities in this regard.

We have suggested some potential drafting amendments immediately below.

#### **8BA Place-based betting service**

- (1) For the purposes of this Act, a **place-based betting service** is a service covered by paragraph (a) or (b) of the definition of **gambling service** in section 4:
  - (a) to the extent to which the service is provided to customers who are at a particular place **when the service is provided**; and
  - (b) to the extent to which the service is provided on the basis that:
    - (i) dealings with customers involve the use of electronic equipment made available to customers at that place; and **[Note: please refer comment below]**
    - (ii) the electronic equipment is available for use by any customer who is at that place; and

- (iii) *the electronic equipment is not available for use by customers in connection with another gambling service unless the other gambling service is provided by the provider of the first-mentioned service;*
- so long as:*
- (c) *the provider of the service holds a licence (however described) under ~~a~~the law of the ~~a~~ State or Territory in which that place is located that authorises the provision of the service at that place; and*
- (d) *the other conditions (if any) determined under subsection (2) have been satisfied.*
- (2) *The Minister may, by legislative instrument, determine one or more conditions for the purposes of paragraph (1)(d).*

### **Section 10A (Sporting events)**

Tabcorp considers that the approach taken in section 10A of the Bill to prescribe “sporting events” by legislative instrument is well-considered and provides appropriate flexibility to accommodate changes and new events over time.

In the interests of clarity, Tabcorp suggests that a draft legislative instrument be circulated in the near term to provide insight in relation to the proposed list of “sporting events” that will be in place upon the Bill coming into effect. The changes being instituted by the Bill will require changes to current systems and processes for Tabcorp and other operators. Early insight in relation to the proposed outcome will allow for the requisite transition planning to occur.