

Inquiry into the Interactive Gambling Amendment Bill 2016 [Provisions]

Written Questions on Notice

Canberra, 28 November 2016

Department of Communications and the Arts

**Senator Kakoschke-Moore**

1. There are concerns that the lack of clarification within the Act's explanatory memorandum of what a 'electronic betting terminal' is defined as, will allow Tabcorp to hand out electronic devices to provide punters within venues the ability to circumvent the in-play online betting ban. Can the Department clarify whether electronic devices such as these will allow in-play betting?

**Department response:**

The 'place-based betting service' exemption in proposed section 8BA is intended to permit betting services, including potentially in-play betting services, to be provided on electronic equipment (which may include easy betting terminals and/or tablets) made available to customers in places such as TABs, casinos and clubs. The proposed exemption is subject to various restrictions: the electronic equipment must be available for use by any customer; the equipment must not be available for use in connection with another gambling service (except if provided by the provider of the first-mentioned service); and the service provider must hold a State or Territory licence authorising the service.

Proposed subsection 8BA(2) would allow the Minister to determine, by legislative instrument, further conditions which would need to be satisfied in order for a service to be a place-based betting service. This provides an important safeguard that could be used in the event that the exemption was abused.

Section 8BA of the Bill clarifies the status of certain gambling products that are currently available to consumers and are provided in places that are licensed and regulated at the State and Territory level. The Government notes that the relevant venues are subject to harm minimisation controls enforced by the States and Territories. The Bill reflects an important distinction between equipment that is provided in a regulated environment which is available to all customers, and gambling on personal devices used in the home or other private places which would not be subject to harm minimisation controls.

**Senator Kimberley Kitching**

2. It has been stated by the Department of Communications that the Government is clarifying existing state/territory laws that allow in-play betting on devices within a venue including electronic betting terminals (EBTs). Please provide all legal advice relating to in-play betting in venues and specifically, what legal advice the Government has that outlines in-play betting is legal under Section 15 of the *Interactive Gambling Act 2001* which prohibits all interactive betting over a "listed carriage service"?

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**Department response:**

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Proposed subsection 8BA(2) would allow the Minister to determine, by legislative instrument, further conditions which would need to be satisfied in order for a service to be a placed-based betting service. This provides an important safeguard that could be used in the event that the exemption was abused.

The provision of any specific legal advice to the Committee, or details of what advice may be held, is a matter for the Minister for Communications.

3. Australian-licensed betting companies work closely with law enforcement agencies and sporting bodies, such as Cricket Australia and the AFL, to identify suspicious betting activities. How does cash-based in-play betting through EBTs assist in the identification of criminal activity, such as match-fixing?

**Department response:**

Matters relating to sports integrity are outside the role of the Department of Communications and the Arts and are not regulated under the *Interactive Gambling Act 2001*. However, the Department understands that all Australian-licensed betting companies, both land-based and online, have agreements in place with racing and sporting organisations to share information, including to report suspicious betting activity. Irrespective of how the bet is placed, e.g. over the counter, via an easy betting terminal in a venue, or online, the bet would be recorded in the operator's wagering system and tracked back to the time, date and place the bet was made. Surveillance equipment and other means would then be used to identify the person or persons responsible for the suspicious bet.

4. Given online in-play betting is being liberalised in TABs, clubs and pubs and that Tatts and its UBet brand – which operates TABs in Qld, SA, Tas and NT – has stated "UBET Live is a digital in-play sports betting solution which will allow punters to bet through a customised app on a tablet device" and is expected to "attract a younger more sports-focused punter", how is this not expanding the Australian gambling market?

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**Department response:**

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Proposed subsection 8BA(2) would allow the Minister to determine, by legislative instrument, further conditions which would need to be satisfied in order for a service to be a placed-based betting service. This provides an important safeguard that could be used in the event that the exemption was abused.

The Bill is not specifically focused on preventing the expansion of the Australian gambling market overall. Rather, it clarifies the regulatory framework for interactive gambling products.