

# Chapter 1

## Introduction

1.1 This is the final report of the Joint Select Committee on Gambling Reform. The committee was established on 30 September 2010 to inquire into and report on a number of areas, detailed below, and present its final report no later than 30 June 2013.<sup>1</sup>

1.2 The committee has tabled six reports covering references and legislation:

- the **first** report covered the design and implementation of a mandatory pre-commitment system for electronic gaming machines;
- the **second** report covered interactive and online gambling and gambling advertising and the Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011;
- the **third** report covered the prevention and treatment of problem gambling;
- the **fourth** report covered the National Gambling Reform Bill 2012 and related bills; and
- the **fifth** report covered the advertising and promotion of gambling services in sport and a related bill.

1.3 The committee will briefly revisit its initial Terms of Reference to record the committee's actions and decisions. The committee was asked to inquire into and report on:

- (i) The Productivity Commission report on gambling, released in June 2010, including a national response to the full set of its recommendations;

1.4 Established in 2010, the terms of reference for the COAG Select Council on Gambling Reform indicate that, considering the recommendations of the Productivity Commission report, it was to develop a national approach to minimise harm from problem gambling. It was also to advise COAG on monitoring and implementing the recommendations. The final report to COAG was due by the end of 2011. This appears not to have occurred. The Council has met three times since 2010 with its most recent meeting held 27 May 2011.<sup>2</sup> In an effort to provide as much information as possible which could be used as input for such work, through its six reports, the committee has covered the key areas in the 2010 Productivity Commission report.

- (ii) The design and implementation of a best practice full pre-commitment scheme – that is uniform across all States and Territories and machines -

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1 *Journals of the Senate*, No. 3—30 September 2010, pp 141–142.

2 See <http://www.fahcsia.gov.au/our-responsibilities/communities-and-vulnerable-people/programs-services/problem-gambling/coag-select-council-on-gambling-reform> (accessed 7 May 2013). The website notes that the remit of the Select Council on Gambling Reform expired in December 2011.

consistent with the recommendations and findings of the Productivity Commission.

1.5 This issue was covered in the committee's first report.

(iii) Legal advice commissioned and received by the Commonwealth by 1 February 2011 regarding the Commonwealth's constitutional competence and prospects for successfully legislating in this area, including the reasoning supporting the legal advice and financial and other consequences flowing from it.

1.6 The committee received the legal advice from the government by 1 February 2011. It decided not to conduct a separate inquiry into this area but noted it would be covered when the government legislation was introduced. Ultimately it was not a key issue raised with the committee during its inquiry into the National Gambling Reform Bill 2012 and related bills (fourth report).

(iv) Any gambling-related legislation that has been tabled in either House, either as a first reading or exposure draft;

1.7 Bills referred to the committee were examined in the committee's second, fourth, fifth and sixth reports.

(v) Appropriate terms of reference, to be set by no later than 30 June 2013, of a further Productivity Commission Inquiry to examine the impact of pre-commitment schemes on problem gambling and to determine what further harm minimisation measures may be necessary.

1.8 This requirement was overtaken by the government's gambling legislation which required the Productivity Commission to undertake a review of assessment of progress in complying with the requirements around pre-commitment. The committee recommended that several areas be included in the review: the ban on the use of biometrics; the linking of pre-commitment to loyalty schemes; whether there are grounds for further exemptions for smaller venues in regional and remote areas; and any unintended consequences of not including EFTPOS transactions in the \$250 per day ATM withdrawal limit.<sup>3</sup>

(vi) Monitoring the impact of reforms to address problem gambling.

1.9 This was covered in the committee's third, fourth, fifth and sixth reports.

(vii) Such other matters relating to gambling referred by either House.

1.10 This was covered in the committee's second, third, and fifth reports.

1.11 This **sixth** and final report covers the remaining matters referred to the committee:

- Poker Machine Harm Reduction (\$1 Bets and Other Measures) Bill 2012;

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3 See Joint Select Committee on Gambling Reform, *Fourth Report: National Gambling Reform Bill 2012 and Related bills*, p. 34.

- Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012; and
- Interactive Gambling Amendment (Virtual Credits) Bill 2013.

**Structure of the report**

1.12 Chapters 2 and 3 cover the Poker Machine Harm Reduction (\$1 Bets and Other Measures) Bill 2012.

1.13 The Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012 is detailed in Chapter 4; and

1.14 The Interactive Gambling Amendment (Virtual Credits) Bill 2013 is covered in Chapters 5 and 6.

