(Amendments to be moved by Senator Xenophon, on behalf of the Nick Xenophon Team, in committee of the whole)

(1) Schedule 1, item 6, page 5 (after line 8), at the end of section 3, add:

- This Act also regulates the conduct of restricted wagering services by imposing restrictions on these sports betting services in relation to 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 as 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.

(restricted wagering services; Interactive Gambling Regulator; National Self-exclusion Register)

(2) Schedule 1, item 7, page 5 (after line 12), after the definition of ACMA official, insert:

banning 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.

(definitions)

(3) Schedule 1, item 7, page 5 (after line 14), after the definition of carriage service, insert:

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

(a) a licence or permit issued in the name of the individual;
(b) a passport issued in the name of the individual;
(c) a birth certificate in the name of the individual;
(d) any other document in relation to the individual that is recognised as proof of identity under a law of the Commonwealth, a State or a Territory.
category B document, in relation to an individual, means any of the following:

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

[definitions]

(4) Schedule 1, item 7, page 5 (after line 18), after the definition of civil penalty provision, insert:

credit has the meaning given by section 11A.

[definitions]

(5) Schedule 1, item 7, page 5 (after line 26), after the definition of Federal Circuit Court, insert:

G classified, in relation to a television program, means classified G in accordance with whichever of the following industry codes of practice included in the register under section 123 of the Broadcasting Services Act 1992 is relevant:
(a) the Commercial Television Industry Code of Practice;
(b) the Subscription Broadcast Television Codes of Practice;
(c) the Subscription Narrowcast Television Codes of Practice.

[definitions]

(6) Schedule 1, item 9, page 6 (before line 5), before the definition of personal information, insert:

micro betting means betting that relates to a horse race, a harness race, a greyhound race or a sporting event and either:
(a) the bet is:
   (i) on the outcome of the race or event; and
   (ii) placed, made, received or accepted after the beginning of the race or event; or
(b) the bet is on a contingency that may or may not happen in the course of the race or event.

personal details, in relation to an individual, means:
(a) the individual’s name, residential address, telephone number, email address, date of birth and gender; and
(b) any other information of a kind prescribed by the regulations for the purposes of this definition that identifies the individual.

[definitions]

(7) Schedule 1, item 12, page 6 (before line 22), before the definition of regulated interactive gambling service, insert:

protected information means personal details or other personal information to the extent that this information:
(a) is obtained under, or in accordance with, this Act; or
(b) is derived from a record of information that was made under, or in accordance with, this Act; or
(c) is derived from a disclosure or use of information that was made under, or in accordance with, this Act.

Register means the National Self-exclusion Register kept under section 61HA.

[definitions]

(8) Schedule 1, item 12, page 6 (after line 23), after the definition of regulated interactive gambling service, insert:

Regulator means the Interactive Gambling Regulator established under section 61JA.

[definitions]

(9) Schedule 1, item 12, page 6 (after line 25), after the definition of Regulatory Powers Act, insert:

restricted wagering service means a gambling service that:
(a) is provided to customers using any of the following:
   (i) an internet carriage service;
   (ii) any other listed carriage service;
   (iii) a broadcasting service;
   (iv) any other content service;
   (v) a datacasting service; and
(b) relates to the placing, making, receiving or acceptance of bets on, or on a series of, any or all of the following:
   (i) a horse race;
   (ii) a harness race;
   (iii) a greyhound race;
   (iv) a sporting event.

[definitions]

(10) Schedule 1, item 17, page 7 (after line 15), after the definition of unlicensed regulated interactive gambling service, insert:

verified has the meaning given by section 11B.

[definitions]

(11) Schedule 1, page 16 (after line 12), after item 32, insert:

32A After section 11
Insert:

11A Meaning of credit

For the purposes of this Act, credit is provided by a restricted wagering service if under a contract or other arrangement:
(a) payment of a debt owed by one person to another is deferred; or
(b) one person incurs a deferred debt to another.
11B Meaning of verified

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

(a) the service is given the originals or certified copies of either:
   (i) 2 category A documents, each of a different kind, identifying the individual; or
   (ii) one category A document and 2 category B documents, each of a different kind, identifying the individual; and

(b) the personal details contained in those documents correspond to the personal details provided by the individual for the purposes of creating the account, or otherwise facilitating the placing of bets.

32B After Part 1

Insert:

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

[definitions; offences and civil penalty provisions]

(12) Schedule 1, page 22 (after line 24), after item 66, insert:
Add:

**Division 4—Injunctions**

**31A Injunctions**

(1) The Federal Circuit Court may, on application by the Regulator, grant an injunction referred to in subsection (2) if the Court is satisfied that:
   (a) an ADI (within the meaning of the *Banking Act 1959*) facilitates transactions in relation to a gambling service; and
   (b) the gambling service is a prohibited interactive gambling service.

(2) The injunction is to require the ADI to take reasonable steps to prohibit transactions in relation to the prohibited interactive gambling service.

*Parties*

(3) The parties to an action under subsection (1) are:
   (a) the Regulator; and
   (b) the ADI; and
   (c) the provider of the prohibited interactive gambling service.

*Service*

(4) The Regulator must notify the:
   (a) the ADI; and
   (b) the provider of the prohibited interactive gambling service;
   of the making of an application under subsection (1).

*Matters to be taken into account*

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

*Rescinding and varying injunctions*

(6) The Court may:
   (a) limit the duration of; or
   (b) upon application, rescind or vary;
   an injunction granted under this section.

(7) An application under subsection (6) may be made by:
(a) any of the persons referred to in subsection (3); or
(b) any other person prescribed by the regulations.

Costs

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

[Injunctions]

(13) Schedule 1, page 31 (after line 19), after item 138, insert:

138A After Part 7A

Insert:

Part 7B—Restricted wagering services

Division 1—Simplified outline of this Part

61G Simplified outline of this Part

This Part sets out a number of restrictions on the conduct of restricted wagering services in relation to sports betting. These restrictions aim to ensure that such services do not engage in certain predatory practices, particularly in relation to problem gamblers, and that sports betting services are provided in a responsible manner.

These restrictions include bans on offering micro-betting, credit or inducements, as well as requirements for the restricted wagering service to check that individuals are not included on the National Self-exclusion Register before creating new accounts.

Restricted wagering services that contravene these restrictions may commit an offence or contravene a civil penalty provision.

Division 2—Offences and civil penalty provisions

61GA Restricted wagering service must not offer credit

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

Fault-based offence

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

Penalty: 500 penalty units.

Civil penalty provision

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

Civil penalty: 500 penalty units.
Continuing offences or contraventions

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

61GB Restricted wagering service must not induce a person to use the service

(1) A person contravenes this subsection if:
   (a) the person intentionally provides a restricted wagering service; and
   (b) the person:
      (i) induces, or attempts to induce, another individual to use the service; or
      (ii) causes another person to induce, or attempt to induce, another individual to use the service.

Fault-based offence

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

Penalty: 500 penalty units.

Civil penalty provision

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

Civil penalty: 500 penalty units.

Continuing offences or contraventions

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

61GC Restricted wagering service must not offer or accept micro betting

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

Fault-based offence

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

Penalty: 2,000 penalty units.

Civil penalty provision

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

Civil penalty: 2,000 penalty units.
Continuing offences or contraventions

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

61GD Restricted wagering service must require certain details be provided to establish account

(1) A person contravenes this subsection if:
   (a) the person intentionally provides a restricted wagering service in Australia; and
   (b) the person creates an account, or otherwise facilitates the placing of bets, for an individual; and
   (c) the individual has not provided his or her personal details.

Fault-based offence

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

Penalty: 120 penalty units.

Civil penalty provision

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

Civil penalty: 120 penalty units.

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

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

Fault-based offence

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

Penalty: 300 penalty units.

Civil penalty provision

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

Civil penalty: 300 penalty units.

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

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

Fault-based offence

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

Penalty: 300 penalty units.

Civil penalty provision

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

Civil penalty: 300 penalty units.

Continuing offences or contraventions

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

61GG Restricted wagering service must include pre-commitment options when creating account

(1) A person contravenes this subsection if:
   (a) the person intentionally provides a restricted wagering service; and
   (b) the person does not require each individual who creates an account with the service to register and set annual and monthly maximum betting limits.

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

Fault-based offence

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

Penalty: 200 penalty units.

Civil penalty provision

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

Civil penalty: 200 penalty units.

Continuing offences or contraventions

(4) A person who contravenes subsection (1) is guilty of a separate offence or contravention of a civil penalty provision in respect of each day (including a day of a conviction for the offence, or the day the relevant civil penalty order is made, or any later day) during which the contravention continues.
61GH  Restricted wagering service must not create accounts etc. for individuals on the National Self-exclusion Register

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

Fault-based offence

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

Penalty: 500 penalty units.

Civil penalty provision

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

Civil penalty: 500 penalty units.

Continuing offences or contraventions

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

61GI  Restricted wagering service must not increase individual’s betting limit

(1) A person contravenes this subsection if:
   (a) the person intentionally provides a restricted wagering service in Australia; and
   (b) the person increases, or causes to be increased, the monthly or annual betting limit set by the individual.

(2) Subsection (1) does not apply if the individual has:
   (a) requested that the person increase the monthly or annual betting limit; and
   (b) either:
       (i) in relation to the monthly betting limit—the individual requested the increase at least 7 days before the limit was increased; or
       (ii) in relation to the annual betting limit—the individual requested the increase at least 14 days before the limit was increased; and
   (c) the individual has not made more than one other such request in the previous 12-month period.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2).
Fault-based offence

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

Penalty: 300 penalty units.

Civil penalty provision

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

Civil penalty: 300 penalty units.

Continuing offences or contraventions

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

61GJ Restricted wagering service must not induce a person to increase betting limit

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

Fault-based offence

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

Penalty: 300 penalty units.

Civil penalty provision

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

Civil penalty: 300 penalty units.

61GK Restricted wagering service must not permit account-holder to exceed betting limit

(1) A person contravenes this subsection if:
   (a) the person intentionally provides a restricted wagering service in Australia; and
   (b) the service accepts a bet from an individual that exceeds the monthly or annual betting limit nominated by the individual for the service.

Fault-based offence

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

Penalty: 200 penalty units.
Civil penalty provision

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

Civil penalty: 200 penalty units.

Continuing offences or contraventions

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

61GL Restricted wagering service must provide statement

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

Fault-based offence

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

Penalty: 120 penalty units.

Civil penalty provision

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

Civil penalty: 120 penalty units.

Continuing offences or contraventions

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

Regulations

(5) Regulations made for the purposes of subsection (1) must prescribe:
(a) the period which the statement must cover; and
(b) how frequently the statement must be provided (which must not be less than once a month); and
(c) the manner and form in which the statement is to be provided.

61GM Restricted wagering service must not disclose information for marketing purposes

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

*Fault-based offence*

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

Penalty: 300 penalty units.

*Civil penalty provision*

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

Civil penalty: 300 penalty units.

61GN Restricted wagering service must include link to National Self-exclusion Register website

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

*Fault-based offence*

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

Penalty: 120 penalty units.

*Civil penalty provision*

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

Civil penalty: 120 penalty units.

*Continuing offences or contraventions*

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

*Regulations*

(5) Regulations made for the purposes of paragraph (1)(c) may include requirements in relation to the following:
   (a) the position of the link;
   (b) the size of the link;
   (c) logos that must be included with the link;
   (d) any other information that may be required to be included with the link.
Division 3—Prohibition of advertising of restricted wagering services

61GO Restricted wagering service advertisements not to be broadcast during certain programs

(1) A person contravenes this subsection if:
   (a) the person broadcasts a restricted wagering service advertisement in Australia; and
   (b) the broadcast is during a G classified television program or a television program that consists of coverage of a sporting event.

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

Fault-based offence

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

Penalty: 120 penalty units.

Civil penalty provision

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

Civil penalty: 120 penalty units.

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).
Part 7C—National Self-exclusion Register

Division 1—National Self-exclusion Register

61HA National Self-exclusion Register

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

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

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

(4) The register is not a legislative instrument.

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

(6) For the purposes of the Privacy Act 1988, the primary purpose of the register is to facilitate:
   (a) self-exclusion from restricted wagering services; and
   (b) the prohibition, under section 61GH, of restricted wagering services creating accounts, or otherwise facilitating the placing of bets, for individuals who have self-excluded.

61HB Regulator may correct or update information in Register

The Regulator may correct or update information in the Register.

61HC Applications for registration

(1) An individual may apply to the Regulator for the individual’s personal details to be entered on the Register.

(2) The application must:
   (a) include the individual’s personal details; and
   (b) be in the form specified by the Regulator under section 61HG; and
   (c) be made in the manner specified by the Regulator under section 61HG.

61HD Registration

If:
   (a) an application is made for an individual’s personal details to be entered on the Register; and
   (b) the applicant satisfies the Regulator that the details provided under paragraph 61HC(2)(a) are the applicant’s personal details;
   the applicant’s personal details must be entered on the Register.

61HE Duration of registration

(1) The registration of a person’s name and personal details:
   (a) takes effect when the name and details are entered on the Register; and
(b) unless sooner removed from the Register in accordance with section 61HF or 61HG, remains in force indefinitely.

(2) If a person’s name and personal details are removed from the Register, this Act does not prevent the person from being re-registered on the Register.

61HF Removal from Register

(1) The Regulator must, by legislative instrument, make a determination that makes provision for a person to apply for his or her name to be removed from the Register.

(2) Without limiting subsection (1), the determination must include:
   (a) the form of application for individual’s personal details to be removed from the Register; and
   (b) the information which must accompany the application; and
   (c) the documentation that must be provided in support of the individual’s application.

61HG Administration of the Register—determinations

The Regulator may, by legislative instrument, make a determination that makes provision for and in relation to any or all of the following:
   (a) the form of application for individual’s personal details to be entered on the Register;
   (b) the manner in which such applications are to be made;
   (c) the manner in which entries are to be made on the Register;
   (d) the correction of entries in the Register;
   (e) the removal of entries from the Register on the Regulator’s own initiative;
   (f) any other matter relating to the administration or operation of the Register.

Division 2—Dealing with protected information in the Register

61HH Authorised dealings with protected information

Uploadng personal information to the Register

(1) A person may collect, make a record of, disclose or otherwise use:
   (a) personal information; or
   (b) relevant personal details;
if the person does so for the purposes of including the information in the Register.

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

Using or disclosing protected information in the Register

(2) A person may make a record of, disclose or otherwise use protected information if:
   (a) the person does so for the purposes of the Register, and the person is:
      (i) an officer or employee of the Commonwealth or of an authority of the Commonwealth; or
      (ii) engaged by the Commonwealth, or by an authority of the Commonwealth, to perform work relating to the purposes of the Register; or
(iii) an officer or employee of, or is engaged by, a person referred to in subparagraph (ii) to perform work relating to the purposes of the Register; or
(b) the person does so for the purposes of performing the person’s functions, or exercising the person’s powers, under this Act.

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

61HI Offence relating to protected information

A person commits an offence if:
(a) the person obtains information; and
(b) the information is protected information; and
(c) the person makes a record of, discloses or otherwise uses the information; and
(d) the making of the record, or the disclosure or use, is not authorised by section 61HH.

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

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 Parts 7B and 7C;
(b) to monitor, promote, investigate and enforce compliance with Parts 7B and 7C;
(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:
   (i) aggregated and de-identified data on gambling expenditure and trends in gambling patterns or behaviours; and
   (ii) information relating to the operation of Parts 7B and 7C;
(e) to monitor and evaluate the operation of Parts 7B and 7C;
(f) to provide information and advice to the Minister about the operation of Parts 7B and 7C;
(g) to undertake or commission research in relation to gambling matters and the operation of Parts 7B and 7C;
(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.
61JC  Powers of the Regulator

The Regulator has power to do all things necessary or convenient to be done in connection with the performance of the Regulator’s functions.

61JD  Appointment of the Regulator

(1) The Regulator is to be appointed by the Minister by legislative instrument.

Note: For reappointment, see section 33AA of the Acts Interpretation Act 1901.

(2) A person is not eligible for appointment as the Regulator unless the Minister is satisfied that the person has substantial knowledge, qualifications or experience in at least one of the following fields:
   (a) public administration;
   (b) consumer protection;
   (c) mental health.

(3) The Regulator holds office on a full-time basis.

(4) The Regulator holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

61JE  Acting Regulator

(1) The Minister may, by written instrument, appoint a person to act as the Regulator:
   (a) during a vacancy in the office of the Regulator (whether or not an appointment has previously been made to the office); or
   (b) during any period, or during all periods, when the Regulator:
      (i) is absent from duty or from Australia; or
      (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the Acts Interpretation Act 1901.

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

61JF  Remuneration and allowances

(1) The Regulator is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Regulator is to be paid the remuneration that is prescribed by the regulations.

(2) The Regulator is to be paid the allowances that are prescribed by the regulations.

(3) This section has effect subject to the Remuneration Tribunal Act 1973.

61JG  Leave of absence

(1) The Regulator has the recreation leave entitlements that are determined by the Remuneration Tribunal.

(2) The Minister may grant the Regulator leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.
61JH  Outside employment

The Regulator must not engage in paid work outside the duties of his or her office without the Minister’s approval.

61JI  Disclosure of interests to the Minister

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

61JJ  Resignation

(1) The Regulator may resign his or her appointment by giving the Minister a written resignation.

(2) The resignation takes effect 2 weeks after it is received by the Minister or, if a later day is specified in the resignation, on that later day.

61JK  Termination of appointment

(1) The Minister may terminate the appointment of the Regulator:
   (a) for misbehaviour; or
   (b) if the Regulator is unable to perform the duties of his or her office because of physical or mental incapacity.

(2) The Minister may terminate the appointment of the Regulator if:
   (a) the Regulator:
       (i) becomes bankrupt; or
       (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
       (iii) compounds with his or her creditors; or
       (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
   (b) the Regulator is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
   (c) the Regulator engages, except with the Minister’s approval, in paid work outside the duties of his or her office (see section 61JH); or
   (d) the Regulator fails, without reasonable excuse, to comply with section 61JI.

61JL  Other terms and conditions

The Regulator holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

61JM  Delegation by Regulator

(1) The Regulator may, by writing, delegate any or all of the Regulator’s functions or powers to:
   (a) the Secretary of the Department; or
   (b) an SES employee, or acting SES employee, in the Department.

(2) A delegate must comply with any written directions of the Regulator.
Staff assisting the Regulator

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

Consultants

(1) The Regulator may, on behalf of the Commonwealth, engage persons having suitable qualifications and experience as consultants to the Regulator.

(2) The consultants are to be engaged on the terms and conditions that the Regulator determines in writing.

Annual report

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

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

Minister may give directions to the Regulator

(1) The Minister may, by legislative instrument, give written directions to the Regulator about the performance of the Regulator’s functions and the exercise of the Regulator’s powers.

Note 1: For variation and revocation, see the *Acts Interpretation Act 1901*.

Note 2: Section 42 (disallowance) and Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* do not apply to the directions (see regulations made for the purposes of paragraphs 44(2)(b) and 54(2)(b) of that Act).

(2) A direction under subsection (1) must be of a general nature only.

(3) The Regulator must comply with a direction given under subsection (1).

[offences and civil penalty provisions; National Self-exclusion Register; Interactive Gambling Regulator]

Schedule 1, item 139, page 32 (lines 13 to 16), omit subsection 64B(2), substitute:

<table>
<thead>
<tr>
<th>Authorised applicant</th>
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(2) For the purposes of Part 4 of the Regulatory Powers Act:

(a) the ACMA is an authorised applicant in relation to the civil penalty provisions of this Act other than Divisions 2 and 3 of Part 7B; and

(b) the Regulator is an authorised applicant in relation to a civil penalty provision in Division 2 or 3 of Part 7B.

[compliance and enforcement]

Schedule 1, item 139, page 33 (after line 15), after subsection 64C(1), insert:

| (1A) A civil penalty provision in Division 2 or 3 of Part 7B is subject to an infringement notice under Part 5 of the Regulatory Powers Act. |
| [compliance and enforcement] |
(16) Schedule 1, item 139, page 33 (after line 20), after subsection 64C(2), insert:

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

(2B) 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.

[compliance and enforcement]

(17) Schedule 1, item 139, page 33 (after line 24), after subsection 64C(3), insert:

(3A) 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 (1A).

[compliance and enforcement]

(18) Schedule 1, item 139, page 33 (line 25), after “chief executive”, insert “mentioned in subsection (3)”.

[compliance and enforcement]

(19) Schedule 1, item 139, page 33 (after line 32), after subsection 64C(5), insert:

Amount payable

(5A) 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 (1A) of this section must be one-fifth of the maximum penalty that a court could impose on the person for that contravention.

[compliance and enforcement]

(20) Schedule 1, item 139, page 34 (after line 5), after section 64C, insert:

64CA Enforceable undertakings

Enforceable provisions

(1) The provisions of Division 2 and 3 of Part 7B are enforceable under Part 6 of the Regulatory Powers Act.

Authorised person

(2) The Regulator is an authorised person in relation to the provisions of Division 2 and 3 of Part 7B for the purposes of Part 6 of the Regulatory Powers Act.

Relevant court

(3) For the purposes of Part 6 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the provisions of Division 2 and 3 of Part 7B:

(a) the Federal Court;
(b) the Federal Circuit Court.

Extension to external Territories etc.

(4) Part 6 of the Regulatory Powers Act, as it applies in relation to the provisions of Division 2 and 3 of Part 7B, extends to:
(a) every external Territory; and
(b) acts, omissions, matters and things outside Australia.

[compliance and enforcement]

(21) Schedule 1, item 139, page 34 (after line 20), after subsection 64D(1), insert:

(1A) The provisions of Division 2 and 3 of Part 7B are enforceable under Part 7 of the

[compliance and enforcement]

(22) Schedule 1, item 139, page 34 (after line 24), after subsection 64D(2), insert:

(2A) For the purposes of Part 7 of the Regulatory Powers Act, the Regulator is an authorised
person in relation to the provisions mentioned in subsection (1A).

[compliance and enforcement]

(23) Schedule 1, item 139, page 34 (line 28), after “subsection (1)”’, insert “or (1A)”.

[compliance and enforcement]

(24) Schedule 1, page 36 (after line 19), after item 143, insert:

143A After section 69A

Insert:

69B Minister must mandate blocking illegal overseas gambling websites

The Minister must, within 6 months after the commencement of this section, make a
legislative instrument requiring internet service providers to block access to illegal
overseas gambling websites.

[internet service providers]

(25) Schedule 1, Part 1, page 36 (after line 29), at the end of the Part, add:

Privacy Act 1988

146A After paragraph 7.8(a) of Schedule 1

Insert:

(aa) Part 7B of the Interactive Gambling Act 2001;

[National Self-exclusion Register]