(1) Schedule 1, item 6, page 4 (lines 26 and 27), omit paragraph (e), substitute:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(e)</td>
<td>unlicensed regulated interactive gambling services must not be advertised;</td>
</tr>
<tr>
<td>(f)</td>
<td>a restricted wagering service must not offer credit to use the service.</td>
</tr>
</tbody>
</table>

(2) 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.

(3) 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.

(4) 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.

(5) 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 bans a restricted wagering service from providing or offering credit. The ban aims to ensure that restricted wagering services do not engage in a predatory practice, particularly in relation to problem gamblers, and that sports betting services are provided in a responsible manner.

Restricted wagering services that contravene the restriction may commit an offence or contravene a civil penalty provision.

Division 2—Prohibition of credit betting

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.

(6) Schedule 1, item 139, page 33 (line 13), at the end of subsection 64C(1), add:
   : (j) section 61GA.

(7) Schedule 1, item 139, page 34 (line 18), at the end of subsection 64D(1), add:
   : (j) section 61GA.
SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES IN PLACE OF THE SENATE AMENDMENTS DISAGREED TO

(1) Clause 2, page 2 (at the end of the table), add:

3. Schedule 2 The day after the end of the period of 6 months beginning on the day after this Act receives the Royal Assent.

(2) Page 38 (after line 10), at the end of the Bill, add:

**Schedule 2—Prohibition of credit betting**

*Interactive Gambling Act 2001*

1 Section 3

After:

| (c) | an Australian-based prohibited interactive gambling service must not be provided to customers in designated countries; |

insert:

| (ca) | credit must not be provided to customers of certain interactive wagering services; |

2 Section 4

Insert:

credit has the meaning given by section 11A.

related company group means a group of 2 or more bodies corporate, where each member of the group is related to each other member of the group. For this purpose, the question whether a body corporate is related to another body corporate is to be determined in the same manner as that question is determined under the Corporations Act 2001.

wagering service means a service covered by paragraph (a) or (b) of the definition of gambling service.

wagering service provider means a person who provides a wagering service.

wagering turnover of a person for a financial year means so much of the turnover of the person for the financial year as is attributable to the provision of wagering services.

3 After section 11

Insert:

11A Credit

For the purposes of this Act, credit is provided by a person (the creditor) to another person (the debtor) if, under a contract, arrangement or understanding:
(a) payment of a debt owed by the debtor to the creditor is deferred; or
(b) the debtor incurs a deferred debt to the creditor.

4 After Part 2A
Insert:

Part 2B—Credit not to be provided to customers of certain interactive wagering services

15B Simplified outline of this Part

- Credit must not be provided to customers of certain interactive wagering services.
- The ACMA must conduct a review of the operation of this Part.

15C Credit not to be provided to customers of certain interactive wagering services

(1) A person commits an offence if:
   (a) the person intentionally provides a regulated interactive gambling service that is a wagering service; and
   (b) either:
      (i) the person provides, or offers to provide, credit in connection with the service to a customer, or prospective customer, of the service who is physically present in Australia; or
      (ii) the person facilitates or promotes the provision of credit (other than by way of an independently-issued credit card), by a third person, in connection with the service to a customer, or prospective customer, of the service who is physically present in Australia.

Penalty: 500 penalty units.

(2) A person who contravenes subsection (1) commits a separate offence in respect of each day (including a day of conviction for the offence or any later day) during which the contravention continues.

(3) A person who provides a regulated interactive gambling service that is a wagering service must not:
   (a) provide, or offer to provide, credit in connection with the service to a customer, or prospective customer, of the service who is physically present in Australia; or
   (b) facilitate or promote the provision of credit (other than by way of an independently-issued credit card), by a third person, in connection with the service to a customer, or prospective customer, of the service who is physically present in Australia.

Civil penalty: 750 penalty units.

(4) A person who contravenes subsection (3) commits a separate contravention of that provision in respect of each day during which the contravention occurs (including the day the relevant civil penalty order is made or any later day).

(5) Subsections (1) and (3) do not apply if the person:
   (a) did not know; and
(b) could not, with reasonable diligence, have ascertained;
that the customer, or prospective customer, as the case may be, was physically present
in Australia.

Note: In the case of proceedings for an offence against subsection (1), the defendant bears an
evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the
Criminal Code).

(6) For the purposes of subsection (5), in determining whether the person could, with
reasonable diligence, have ascertained that the customer, or prospective customer, as
the case may be, was physically present in Australia, the following matters are to be
taken into account:

(a) whether the customer, or prospective customer, as the case may be, was informed
that Australian law prohibits the provision of credit to customers, or prospective
customers, who are physically present in Australia;

(b) whether the person required customers to provide personal details and, if so,
whether those details suggested that the customer was not physically present in
Australia;

(c) whether the person has network data that indicates that customers were physically
present outside Australia:
   (i) when the relevant customer account was opened; and
   (ii) throughout the period when the service was provided to the customer;

(d) any other relevant matters.

(7) For the purposes of the application of subsections (1) and (3) to a person who provides
a regulated interactive gambling service, independently-issued credit card means:

(a) if the person is not a member of a related company group—a credit card issued by
another person; or

(b) if the person is a member of a related company group—a credit card issued by
another person who is not a member of the related company group.

(8) Section 15.4 of the Criminal Code (extended geographical jurisdiction—category D)
applies to an offence against subsection (1).

15D Exception—provider’s annual wagering turnover less than $30 million

(1) Subsections 15C(1) and (3) do not apply to conduct engaged in by a person at a
particular time (the relevant time) in a financial year (the current financial year) in
relation to a regulated interactive gambling service if:

(a) the service is a telephone betting service; and

(b) both:
   (i) the conduct involves providing, or offering to provide, credit in connection
      with the service to a customer, or prospective customer, of the service; and
   (ii) dealings with the customer, or prospective customer, as the case may be, in
      relation to providing, or offering to provide that credit are wholly by way of
      one or more voice calls; and

(c) in a case where:
   (i) the person is not a member of a related company group at the relevant time;
   and

   (ii) the person was a wagering service provider throughout the last financial year
      that ended before the relevant time;

the wagering turnover of the person for that financial year was less than $30
million; and
(d) in a case where:
   (i) the person is not a member of a related company group at the relevant time; and
   (ii) the person was not a wagering service provider throughout the last financial year that ended before the relevant time;
   it is reasonably likely that the wagering turnover of the person for the current financial year will be less than $30 million; and

(e) in a case where:
   (i) the person is a member of a related company group at the relevant time; and
   (ii) the person was not a wagering service provider throughout the last financial year that ended before the relevant time;
   the total wagering turnover of the members of the group for that financial year was less than $30 million; and

(f) in a case where:
   (i) the person is a member of a related company group at the relevant time; and
   (ii) the person was not a wagering service provider throughout the last financial year that ended before the relevant time;
   it is reasonably likely that the total wagering turnover of the members of the group for the current financial year will be less than $30 million; and

(g) in a case where, during the whole or a part of the last financial year that ended before the relevant time, the person had one or more employees whose duties involved the provision of wagering services—during the whole or a part of that financial year, at least one of those employees performed those duties at a racecourse in Australia; and

(h) in a case where:
   (i) the person is an individual; and
   (ii) the person did not, at any time during the last financial year that ended before the relevant time, have any employees whose duties involved the provision of wagering services;
   during the whole or a part of that financial year, the person provided wagering services at a racecourse in Australia; and
   (i) the other conditions (if any) determined under subsection (2) have been satisfied.

Note: In the case of proceedings for an offence against subsection 15C(1), the defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the Criminal Code).

(2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of paragraph (1)(i).

(3) For the purposes of this section, voice call means a voice call (within the meaning of section 8AA) that is made using a carriage service.

15E Exception—customer is a gambling service provider

(1) Subsections 15C(1) and (3) do not apply if:
   (a) the customer, or prospective customer, of the regulated interactive gambling service is the provider of a gambling service; and
   (b) the other conditions (if any) determined under subsection (2) have been satisfied.

Note: In the case of proceedings for an offence against subsection 15C(1), the defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the Criminal Code).
(2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of paragraph (1)(b).

15F Acquisition of property

(1) Section 15C has no effect to the extent (if any) to which its operation would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph).

(2) Section 15C does not prevent a person from recovering a debt that was deferred or incurred before the commencement of that section.

15G Review of operation of this Part

(1) After the end of the 3-year period beginning at the commencement of this section, the ACMA must conduct a review of the operation of:
   (a) this Part; and
   (b) the remaining provisions of this Act, so far as they relate to this Part.

   Public consultation

(2) A review under subsection (1) must make provision for public consultation.

   Report

(3) The ACMA must:
   (a) give the Minister a report of the review within 6 months after the end of the 3-year period mentioned in subsection (1); and
   (b) as soon as practicable after giving the report to the Minister, publish the report on the ACMA’s website.

(4) The Minister must cause copies of a report under subsection (3) to be tabled in each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

5 After paragraph 16(b)
   Insert:
      (ba) Part 2B; or

6 After subparagraph 21(1)(a)(ii)
   Insert:
      (iia) Part 2B; or

7 After paragraph 64A(c)
   Insert:
      (ca) subsection 15C(3); or

8 After paragraph 64C(1)(c)
   Insert:
      (ca) subsection 15C(3);
9 After paragraph 64D(1)(c)
Insert:
(ca) subsection 15C(3);

DAVID ELDER
Clerk of the House of Representatives

House of Representatives
21 June 2017