



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

BILLS

Interactive Gambling Amendment Bill 2016

In Committee

SPEECH

Monday, 20 March 2017

BY AUTHORITY OF THE SENATE

SPEECH

Date Monday, 20 March 2017
Page 1476
Questioner
Speaker Xenophon, Sen Nick

Source Senate
Proof No
Responder
Question No.

Senator XENOPHON (South Australia) (21:41): by leave—I move amendments (1) to (7) on sheet 8709:

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

(e) unlicensed regulated interactive gambling services must not be advertised;

(f) a restricted wagering service must not offer credit to use the service.

(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.

These amendments are being moved separately. My colleagues in the Senate will note that I have a number of amendments moved that mirror in many respects the legislation I previously moved in this place as a private senator's bill that my colleague Senator Kakoschke-Moore has co-sponsored. These amendments relate to the provision of credit. They relate to the banning of the provision of credit. The reason I am moving them separately

is that, in the context of the debate in the House of Representatives, the Hon. Julie Collins when addressing the amendments moved by my colleague the member for Mayo, Rebekha Sharkie MP, said:

In my speech in the second reading debate I indicated that Labor does support a ban on credit betting—or lines of credit, as the minister referred to them. I have indicated that if the Nick Xenophon Team were to move that part of these amendments in the other place then we would look to supporting them.

So that is why I have moved them. I think the ALP, the opposition, is not minded to support other amendments. We can debate that later. But, in terms of these amendments in respect of credit betting, there seems to be an indication from the opposition and, I hope, others, including my colleagues the Australian Greens, with whom we have done a lot of work together on online gambling. In fact, with One Nation back in 2001 I remember sitting in the offices of Senator Len Harris and talking to him about those issues. I think I asked Senator Hanson questions when she went to the South Australian Press Club. She may not remember my very forgettable question—what was she going to do on online gambling—but that opened a dialogue which led to a very helpful outcome, at least, to put this on the agenda.

This amendments means that credit should not be provided by wagering services, and 'credit' is defined in 11A of the amendment as:

- (a) payment of a debt owed by one person to another is deferred; or
- (b) one person incurs a deferred debt to another.

Credit betting is banned. In many jurisdictions in respect of poker machines, the rationale is quite simple: if you give someone credit while they are chasing their losses, that can feed gambling addiction, and that is something that ought to be prohibited. It is a basic and fundamental consumer protection measure. It is a basic and fundamental measure to tackle gambling addiction, and that is why this amendment has been moved—and I am grateful for the indication of support from the opposition, the Australian Labor Party, in relation to this. I believe we need to go much further, but this is a good start, because banning credit betting will go some way towards preventing those operators from offering credit betting, which can fuel gambling addiction.

I was involved in a matter in Victoria where I had to appear pro bono as a lawyer several years ago for a person who did credit betting. The betting agency involved eventually did the right thing. The person had lost their home, and they were declared bankrupt, as I recollect. We ended up getting the bankruptcy reversed and the person's home returned, including stamp duty being paid. But that was driven by credit betting. There were real questions there about the capacity of that person to make those bets, and that was why we were able to reverse that transaction, that very traumatic set of circumstances. I still get Christmas cards all these years later from the mother of the person involved, who lives in Melbourne. This is a live issue. It is a big issue, and I would urge all my colleagues to support this.