ALLIANCE FOR GAMBLING REFORM

Submission to the Inquiry into the Online Safety Amendment (Digital Duty of Care) Bill 2026

To: Chair & Committee members
Senate Environment and Communications Legislation Committee
Friday 30 October 2026

Dear Senator Ghosh & Committee members,

The Alliance for Gambling Reform (AGR) thanks the Committee for the opportunity to contribute to its inquiry into the *Online Safety Amendment (Digital Duty of Care) Bill 2026* (the Bill).

AGR is a national advocacy organisation working to reduce gambling harm in Australia. We partner with other organisations and with local councils to change the laws and rules governing the gambling industry. We do not seek to ban gambling; we seek to minimise the harmful behaviours of the gambling industry and to give voice to those impacted by gambling harm.

AGR supports the digital duty of care (DDoC) and its focus on protecting children from serious harm on a range of services, including online wagering service providers (WSPs) that are captured under the Bill as designated internet services. We particularly welcome the Bill's age assurance and access control measures in proposed s.27D. These require online services to stop children accessing pornography and other adult material where there is a reasonably foreseeable risk they could do so.

In short, AGR proposes a common-sense extension of those age assurance measures to online wagering services that are already intended for Australians over the age of 18. Betting by children is already prohibited under law, and reflected in the Terms of Service of major online wagering service providers. However, current age restrictions are not being satisfactorily enforced, with mounting evidence of minor use of betting services. Offline, a child cannot walk into a casino or place a bet without an age check; online, there is no equivalent check at the door. AGR's proposed amendments simply apply age assurance as a tool to enforce prohibitions that reflect existing law, and restrictions under online wagering service providers' terms of service.

To that end, AGR is requesting two simple, common-sense amendments to the Bill:

1. Extend the Bill's age assurance and access control requirements (proposed s.27D) to online services for placing bets, where applicable Commonwealth, State or Territory law prohibits children from betting.
2. Specify material or conduct that incites or grooms a child into prohibited betting as harmful to children (new s.25E(1)(g)).

Both amendments are set out in full in Sections 2 and 3, and the rationale is further detailed in this submission. We thank the Committee for its consideration of the crucially important issue of gambling harm. Should you have any questions, please do not hesitate to contact me.

Yours faithfully,

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1. The problem: children are gambling, despite the law

1.1 Betting by children is prohibited by law and under the Terms of Service of most wagering service providers yet, in reality, approximately 30 per cent of 12–17-year-olds in Australia gamble.

1.2 Research by the Australia Institute has found that this figure rises to almost half (46 per cent) of 18–19-year-olds — habits that persist into adulthood.[1]

1.3 This is consistent with earlier peer-reviewed research: a 2017 survey of 6,377 Victorian and Queensland secondary school students aged 12–17 found that 31 per cent had gambled at least once, and that, among those who had gambled in the past month, 34 per cent were classified as at-risk and 15 per cent as problem gamblers under clinical screening criteria.[2]

1.4 Australian teenagers lose an estimated combined $231 million a year to gambling, despite not being permitted to hold a wagering account at all.[3]

1.5 Where gambling habits form in adolescence, the evidence indicates they do not remain contained to occasional, low-stakes play. Nationally, young adults aged 18–24 were found to be nearly twice as likely as other age groups to be at high risk of harm — the same cohort that, only a few years earlier, was gambling as minors in the studies cited above.[4]

1.6 Earlier this month, the Victorian Coroner found that online gambling was the main and direct cause of Kyle Hudson's death. Hudson, a 22-year-old man from Werribee with no history of mental illness or drug and alcohol problems, wagered $895,733 in the years preceding his death.[5] In September 2026, The Age reported that Henry Brayshaw's gambling addiction began when he was 16 and later resulted in debts of $180,000.[6]

1.7 The harms reach well beyond financial loss, to mental health issues, debt, strained family relationships and academic decline. **The harm described above illustrates a clear failure of online WSPs in enforcing their restrictions on users aged under 18. Existing safeguards to uphold age restrictions are being routinely circumvented, and must be strengthened.**

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[1] The Australia Institute, Teenage gambling in Australia, 2025, viewed 8 June 2026, australiainstitute.org.au.
[2] Based on data from the 2017 Australian Secondary School Alcohol and Drug (ASSAD) Survey of 6,377 students aged 12–17 across Victoria and Queensland; published in Journal of Gambling Studies (2021).
[3] SBS News, "The $231 million cost to Australian teenagers that's 'alarming and shocking'", 7 April 2025, reporting on analysis by the Australia Institute.
[4] ABC News, "Gambling participation and harm on the rise in Australia, new study reveals", 24 September 2025, reporting on Australian Gambling Research Centre survey data; see also Wesley Mission and Alliance for Gambling Reform, Submission to the Interactive Gambling Amendment (Gambling Reform) Bill 2026, 24 July 2026, p.14, citing the AIFS National Gambling Prevalence Study Pilot (2024).
[5] Kristian Silva, "Victorian coroner slams Sportsbet after young gambler Kyle Hudson's death", ABC News (online, 20 October 2026).
[6] Nicole Precel, "'Rite of passage': School gambling labelled rife as experts warn of dangers", The Age (online, 23 September 2026).

2. Amendment 1: Age assurance at the digital door

Offline, children are kept out. Online, they are not.

2.1 There are existing national restrictions on underage betting imposed by State and Territory legislation, for example:

2.1.1 In New South Wales, the Unlawful Gambling Act 1998 (ss.16 and 17) and the Gambling (Two-up) Act 1998 (s.24) prohibit gambling with minors and gambling by minors.

2.1.2 In Victoria, the Gambling Regulation Act 2003 prohibits allowing a minor to gamble (s.10.7.3(1)) and allowing a minor into a gaming machine area (s.10.7.6(1)). It also restricts wagering providers from offering bets on minors in sport (ss.4.5.29 and 4.5.31).

2.1.3 In South Australia, the Authorised Betting Operations Act 2000 prevents betting by, and betting with, children (ss.43, 60 and 62A).

2.1.4 In Western Australia, the Betting Control Act 1954 prohibits betting with minors, offences by minors and assisting minors to bet (ss.21, 22 and 22A).

2.1.5 In the Northern Territory, the Racing and Betting Act prohibits making or offering a bet with a person under 18 (s.132(6)).

2.1.6 In the Australian Capital Territory, the Race and Sports Bookmaking Act 2001 contains an offence of betting by or on behalf of a child (s.72A).

2.1.7 In Queensland, the Interactive Gambling (Player Protection) Act 1998 requires age verification before a player is registered as unrestricted (s.19(1)(c)).

2.1.8 In Tasmania, the Gaming Control Act 1993 provides for restricted gaming areas that minors must not enter.

2.2 State legislation is reflected in the National Consumer Protection Framework for Online Wagering, an agreement between the Commonwealth and the States and Territories. Under the National Consumer Protection Framework for Online Wagering (NCPF), a WSP must return all deposited funds and close an account immediately if a customer is verified as being under 18, and customers cannot withdraw winnings prior to positive verification of their identity. Verification is now required before an account can even be created — the default position under s.32 of the AML/CTF Act.[7]

2.3 This is delivered through the AML/CTF Act's identity procedures — a document-based check matching a customer's name, date of birth and address against government-issued identification. Age is verified only as a byproduct of this identity check: neither the NCPF nor the AML/CTF Act prescribes any age-specific standard, method or technology.[8] With the amendment outlined below, the Bill has the opportunity to address this crucial gap that is

[7] Department of Social Services, National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement, 26 November 2018 (updated 3 May 2022), Measure 3 (Customer Verification).

[8] Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) s.32; AML/CTF Rules, Chapter 82 transitional provisions (repealed with effect from 29 September 2024).

seeing tens of thousands of minors continue to wager, in violation of law and the wagering service providers' terms.

2.4 As Section 1 demonstrates, the tools currently being deployed are not preventing young people from using online WSPs and are failing to protect young people from gambling harm. Existing requirements verify a customer's identity at account registration or before gambling, through the customer due diligence required for anti-money laundering purposes.[9] Nothing requires age assurance before a person can access a wagering website or app.

2.5 Children should not have to reach the point of registering an account or placing a bet before protections apply. **For dedicated real-money wagering services aimed at users over the age of 18, age assurance should apply at the digital entrance, before access is permitted.**

The Bill already has the instrument to protect children

2.6 Proposed s.27D requires a person responsible for an online service to implement appropriate age assurance and access control measures where there is a reasonably foreseeable risk that a child could access, or be exposed to, pornography or material depicting specific fetish practices or fantasies. An access control measure is a design feature that prevents a user who is not age assured as an adult from accessing, attempting to use, or being exposed to that material.[10]

2.7 Online wagering is a natural fit. Like pornography, online wagering is lawful for adults and prohibited for children. Amendment 1 extends s.27D to online services for placing bets where the law prohibits children from betting.

2.8 Because underage betting restrictions differ between jurisdictions, the amendment would also create a uniform national requirement: every online wagering service would need to confirm that Australian users are adults before they are allowed to use the service.

What AGR's amendment does, and does not, do

2.9 The amendment is narrow. It does not change how wagering services are licensed or regulated. Nor does it affect adults' lawful access to wagering. Nor is it intended to extend to lawful community gaming in which children may take part, such as permitted footy tipping competitions, charity raffles and sweeps.[11] **It applies only where the law already prohibits children from betting.**

2.10 AGR's approach to this amendment has clear precedent. Commonwealth legislation already relies on State and Territory laws to determine when federal obligations or prohibitions apply.[12] The proposed wording closely follows the definition of gambling service in s.4 of the Interactive Gambling Act 2001 (Cth), which refers to services for the 'placing, making,

[9] Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth), particularly s.28.
[10] Online Safety Amendment (Digital Duty of Care) Bill 2026 (Cth), Schedule 2, item 8, proposed s.27D; Schedule 2, item 3, definition of access control measure.
[11] See, for example, Community Gaming Act 2018 (NSW).
[12] Interactive Gambling Act 2001 (Cth) s.15AA; Criminal Code Act 1995 (Cth) s.477.1(1)(d).

receiving or acceptance of bets'. Comparable terminology also appears in s.6(4), Table 3, of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth).[13]

2.11 It is consistent with the Government's established approach to age-based protections online, reflected in the Online Safety Amendment (Social Media Minimum Age) Act 2024. The eSafety Commissioner's guidance under that Act sets out a layered approach to age assurance and states that self-declaration of age alone is not acceptable.[14]

Amendment 1 — Age assurance at the digital door for wagering services

Part 1: Definition of access control measure (Schedule 2, item 3, page 33, lines 3 to 8), add line (c) as below.

"*access control measure* means a design feature of an online service that prevents an Australian user who is not age assured as an adult from accessing, attempting to use, or being exposed to:

(a) pornography;

or (b) material that describes or depicts specific fetish practices or fantasies;

or (c) an online service for the placing, making, receiving or acceptance of bets, where an applicable law of the Commonwealth, a State or a Territory prohibits the placing of those bets by, or their acceptance from, a child."

Part 2: Consequential amendment to the simplified outline of Part 2 (Schedule 2, item 8, page 35, lines 26 to 30)

Omit the final paragraph of the simplified outline in section 25 and substitute:

"A person responsible for an online service is also required, in certain circumstances, to implement appropriate age assurance measures and access control measures to prevent children from accessing pornography or material that describes or depicts specific fetish practices or fantasies**, or where the online service facilitates the placing, making, receiving or acceptance of bets, where an applicable law of the Commonwealth, a State or a Territory prohibits the placing of those bets by, or their acceptance from, a child**."

Part 3: Age assurance and access control measures (Schedule 2, item 8, page 50, lines 2 to 7)

Supplement subsection 27D(1) with the following addition:

"(1) This section applies if there is a reasonably foreseeable risk that a child could: (a) access, or be exposed to, either of the following through an online service: (i) pornography; (ii) material that describes or depicts specific fetish practices or fantasies**:**

[13] Interactive Gambling Act 2001 (Cth) s.4 (definition of gambling service); Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) s.6(4), Table 3.

[14] eSafety Commissioner, Social Media Minimum Age Regulatory Guidance, 16 September 2025; Online Safety Amendment (Social Media Minimum Age) Act 2024 (Cth), s.63D.

> **(b) access an online service for the placing, making, receiving or acceptance of bets, where an applicable law of the Commonwealth, a State or a Territory prohibits the placing of those bets by, or their acceptance from, a child.**"
>
> *Inserted words are shown in bold and underlined.*

3. Amendment 2: Specifying underage betting as conduct that is harmful to children

3.1 The Bill imposes a broad duty to create a safe online environment that applies to a wide range of digital services, including the category 'designated internet service' (DIS) — the longstanding, broad catch-all category under the Online Safety Act 2021 that captures general websites and apps.[15] As online WSPs operate general websites and mobile applications, they fall squarely within the DIS category.

3.2 Proposed section 25D sets out a list of material and conduct considered 'harmful to children', including a catch-all covering 'any other material or conduct, or combination of material and conduct, that could inflict serious harm to a child'. Gambling-related harm to children is not named as its own category. In its absence, AGR's position is that the harms set out in Section 1 of this submission properly fall within this catch-all provision, and that the DDoC therefore already extends, as drafted, to protecting children from the harms of online wagering.[16]

3.3 We acknowledge political concerns that have been raised about the breadth of the DDoC; ensuring more specificity in the Bill by naming specific harms may address such concerns.

3.4 Proposed ss.25D and 25E identify specific categories of material and conduct that are harmful to children.[17] AGR's proposed Amendment 2, outlined below, adds material or conduct that incites or grooms a child to make or place bets that are prohibited for children.

3.5 Under the Bill as introduced, the Minister can no longer add new categories of harm by legislative instrument; new categories must be added by Parliament amending the law.[18]

3.6 The amendment is also consistent with the Government's own description of the Bill as requiring services to protect under-18s from design features with negative behavioural impacts, "like addictive features".[19] The Office of Impact Analysis report on the Bill likewise identified addictive design features as a commercial incentive the duty of care can counter.[20]

[15] Exposure Draft — Online Safety Amendment (Digital Duty of Care) Bill 2026 (Cth), Schedule 2.
[16] Ibid.
[17] Online Safety Amendment (Digital Duty of Care) Bill 2026 (Cth), Schedule 2, item 8, proposed ss.25D and 25E.
[18] The Conversation, "Australia's 'digital duty of care' was just introduced to parliament. So what's in the bill?", 15 October 2026.
[19] The Hon Anika Wells MP and the Hon Anthony Albanese MP, "My Feed, My Way" (Joint Media Release, 8 September 2026).
[20] Office of Impact Analysis, Digital Duty of Care Model for Online Safety (Impact Analysis, September 2026).

Amendment 2 — Explicit inclusion of prohibited underage betting (Schedule 2, item 8, page 39, after line 34)

Insert new paragraph 25E(1)(g):

"(g) material or conduct that incites or grooms a child to make or place bets, where an applicable law of the Commonwealth, a State or a Territory prohibits the making or placing of those bets by, or their acceptance from, a child."

Inserted words are shown in bold and underlined.

4. Conclusion

4.1 AGR anticipates that some may take the view that issues associated with online wagering do not require the protections in the Bill, because of the recently passed *Interactive Gambling Amendment* (Gambling Reform) *Act 2026* (IGA).

4.2 In our view, the two regimes solve different problems. The IGA primarily addresses advertising and the direction of traffic to online wagering service providers; the Digital Duty of Care has the potential to protect children once they have arrived at the service. The Bill primarily addresses safety-by-design, not advertising, and is therefore complementary to existing industry regulation.

4.3 Finally, the Bill provides a crucially important opportunity to advance Recommendation 18 of the House of Representatives Standing Committee on Social Policy and Legal Affairs' report, *You win some, you lose more* ("the Murphy report"), for a duty of care on online WSPs. AGR sees these amendments as the Parliament's one shot to realise that recommendation with common-sense amendments that will prevent children from unlawful and unauthorised betting.