

2022-2023

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Interactive Gambling Amendment (Ban  
on Gambling Advertisements) Bill 2023**

**No.     , 2023**

*(Ms Sharkie)*

**A Bill for an Act to amend the *Interactive Gambling  
Act 2001*, and for related purposes**



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## Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedules.....	2
<b>Schedule 1—Amendments</b>		<b>3</b>
	<i>Interactive Gambling Act 2001</i>	3



1     **A Bill for an Act to amend the *Interactive Gambling***  
2     ***Act 2001, and for related purposes***

3     The Parliament of Australia enacts:

4     **1 Short title**

5                     This Act is the *Interactive Gambling Amendment (Ban on*  
6                     *Gambling Advertisements) Act 2023*.

7     **2 Commencement**

8             (1) Each provision of this Act specified in column 1 of the table  
9             commences, or is taken to have commenced, in accordance with  
10            column 2 of the table. Any other statement in column 2 has effect  
11            according to its terms.  
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**Commencement information**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally  
2 enacted. It will not be amended to deal with any later amendments of  
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.  
5 Information may be inserted in this column, or information in it  
6 may be edited, in any published version of this Act.

7 **3 Schedules**

8 Legislation that is specified in a Schedule to this Act is amended or  
9 repealed as set out in the applicable items in the Schedule  
10 concerned, and any other item in a Schedule to this Act has effect  
11 according to its terms.

1 **Schedule 1—Amendments**  
2

3 ***Interactive Gambling Act 2001***

4 **1 Section 3**

5 After:

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

8 insert:

9 (ea) licensed interactive wagering services must not be  
10 advertised;

11 **2 After paragraph 16(c)**

12 Insert:

13 (ca) Part 7AA; or

14 **3 After subparagraph 21(1)(a)(iii)**

15 Insert:

16 (iiia) Part 7AA; or

17 **4 After Part 7A**

18 Insert:

19 **Part 7AA—Prohibition of advertising of licensed**  
20 **interactive wagering services**

21 **Division 1—Interpretation: definitions**

22 **61FE Definitions**

23 In this Part:

24 ***broadcast*** means transmit by means of a broadcasting service.





1 *licensed interactive wagering service advertisement* has the  
2 meaning given by Division 2.

3 *licensed interactive wagering service provider* means a person  
4 who provides a licensed interactive wagering service.

5 *periodical* means an issue (however described) of a newspaper,  
6 magazine, journal, newsletter, or other similar publication, issues  
7 of which are published at regular or irregular intervals.

8 *program* has the same meaning as in the *Broadcasting Services Act*  
9 *1992*.

10 *public place* means a place, or a part of a place, to which the  
11 public, or a section of the public, ordinarily has access, whether or  
12 not by payment or by invitation (including, for example, a shop,  
13 restaurant, hotel, cinema or club).

14 *publish*, in relation to a licensed interactive wagering service  
15 advertisement, has the meaning given by Division 3.

16 *section of the public* includes:

- 17 (a) the members of a particular club, society or organisation; and  
18 (b) a group consisting only of persons with a common workplace  
19 or a common employer.

20 *workplace* means premises in which employees or contractors  
21 work, other than any part of such premises that is primarily used as  
22 a private dwelling.

23 **Division 2—Interpretation: licensed interactive wagering**  
24 **service advertisement**

25 **61FEA Basic meaning of licensed interactive wagering service**  
26 **advertisement**

- 27 (1) For the purposes of this Part, a *licensed interactive wagering*  
28 *service advertisement* is any writing, still or moving picture, sign,  
29 symbol or other visual image, or any audible message, or any  
30 combination of 2 or more of those things, that gives publicity to,  
31 or otherwise promotes or is intended to promote:  
32 (a) a licensed interactive wagering service; or

- 1 (b) licensed interactive wagering services in general; or  
2 (c) the whole or part of a trade mark in respect of a licensed  
3 interactive wagering service; or  
4 (d) a domain name or URL that relates to a licensed interactive  
5 wagering service; or  
6 (e) any words that are closely associated with a licensed  
7 interactive wagering service (whether also closely associated  
8 with other kinds of services or products).
- 9 (2) This section has effect subject to sections 61FEB, 61FEC, 61FED,  
10 61FEE, 61FEF, 61FEG and 61FEH.

11 **61FEB Exception—political communication**

- 12 (1) To avoid doubt, if:  
13 (a) something (the *advertisement*) does not promote, and is not  
14 intended to promote, any particular licensed interactive  
15 wagering service or services; and  
16 (b) the advertisement relates solely to government or political  
17 matters;  
18 the advertisement is not a licensed interactive wagering service  
19 advertisement for the purposes of this Part.
- 20 (2) Without limiting paragraph (1)(a), the use in an advertisement of  
21 the whole name of a licensed interactive wagering service provider  
22 does not, of itself, constitute promotion of a licensed interactive  
23 wagering service or licensed interactive wagering services for the  
24 purposes of paragraph (1)(a).
- 25 (3) Subsection (2) does not apply in relation to the use of a name  
26 referred to in that subsection in a way prohibited by regulations  
27 made for the purposes of this subsection.
- 28 (4) Section 61FEA does not apply to the extent (if any) that it would  
29 infringe any doctrine of implied freedom of political  
30 communication.

31 **61FEC Exception—Websites etc. and business documents**

32 Words, signs or symbols that appear:

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- 1 (a) on the website of a licensed interactive wagering service that  
2 is provided to customers using an internet carriage service, or  
3 on or at an equivalent point of provision of any other licensed  
4 interactive wagering service; or
- 5 (b) as part of the standard wording of an invoice, statement,  
6 order form, letterhead, business card, cheque, manual, or  
7 other document ordinarily used in the normal course of the  
8 business of a licensed interactive wagering service provider  
9 (whether or not the document is in electronic form);
- 10 do not, when so appearing, constitute a licensed interactive  
11 wagering service advertisement (but this does not prevent a still or  
12 moving screen shot of a website or equivalent point of provision  
13 referred to in paragraph (a), or a still or moving picture or other  
14 visual image of a document referred to in paragraph (b), from  
15 being a licensed interactive wagering service advertisement).

16 **61FED Exception—premises of providers**

17 Words, signs or symbols that appear in or on land or buildings  
18 occupied by a licensed interactive wagering service provider do  
19 not, when so appearing, constitute a licensed interactive wagering  
20 service advertisement (but this does not prevent a still or moving  
21 picture, or other visual image, of words, signs or symbols that so  
22 appear from being a licensed interactive wagering service  
23 advertisement).

24 **61FEE Exceptions—management advertisements etc.**

- 25 To avoid doubt, none of the following constitutes a licensed  
26 interactive wagering service advertisement:
- 27 (a) the doing of anything that is, or apart from this Part would  
28 be, required to be done by any other law of the  
29 Commonwealth or by any law of a State or Territory;
- 30 (b) an advertisement (for example, an advertisement for staff or  
31 calling for tenders), relating to the internal management of  
32 the business of a licensed interactive wagering service  
33 provider, that does not promote a licensed interactive  
34 wagering service;
- 35 (c) the taking of any action to prevent persons becoming victims  
36 of fraud or any other dishonest or unethical conduct.



1 particular kinds of gambling services or to reduce harm  
2 caused by gambling services or particular kinds of gambling  
3 services;  
4 then, despite section 61FEA, the advertisement is not a licensed  
5 interactive wagering service advertisement for the purposes of this  
6 Part.

7 **61FEH Exception—advertisements of a kind specified in the**  
8 **regulations**

9 The regulations may provide that an advertisement of a kind  
10 specified in the regulations is not a licensed interactive wagering  
11 service advertisement for the purposes of this Part.

12 **61FEJ Definition**

13 In this Division:  
14 *words* includes abbreviations, initials and numbers.

15 **Division 3—Interpretation: publication of licensed**  
16 **interactive wagering service advertisements**

17 **61FEK Basic meaning of publish a licensed interactive wagering**  
18 **service advertisement**

- 19 (1) For the purposes of this Part, a person *publishes* a licensed  
20 interactive wagering service advertisement if the person does any  
21 of the following things:  
22 (a) the person includes the advertisement, or something that  
23 contains the advertisement, on a website;  
24 (b) the person includes the advertisement in a document  
25 (including, for example, a newspaper, magazine, program,  
26 leaflet or ticket) that is available, or distributed, to the public  
27 or a section of the public;  
28 (c) the person includes the advertisement in a film, video,  
29 television program or radio program that is, or is intended to  
30 be, seen or heard by the public or a section of the public;  
31 (d) the person:

- 1 (i) sells, hires or supplies the advertisement, or something  
2 containing the advertisement, to the public or a section  
3 of the public; or  
4 (ii) offers the advertisement, or something containing the  
5 advertisement, for sale or supply to, or hire by, the  
6 public or a section of the public;  
7 (e) the person displays, screens or plays the advertisement, or  
8 something that contains the advertisement, so that it can be  
9 seen or heard in or from:  
10 (i) a public place; or  
11 (ii) public transport; or  
12 (iii) a workplace;  
13 (f) the person otherwise:  
14 (i) brings the advertisement, or something that contains the  
15 advertisement, to the notice of; or  
16 (ii) disseminates the advertisement, or something that  
17 contains the advertisement, to;  
18 the public, or a section of the public, by any means  
19 (including, for example, by means of a film, video, computer  
20 disk or electronic medium).
- 21 (2) This section has effect subject to sections 61FEL, 61FEM, 61FEN,  
22 61FEO and 61FEP.

23 **61FEL Publish does not include broadcast or datacast**

24 For the purposes of this Part, the broadcasting or datacasting of a  
25 licensed interactive wagering service advertisement by a person  
26 does not amount to the publication of the advertisement by the  
27 person.

28 **61FEM Exception—trade communications**

29 For the purposes of this Part, the communication of information  
30 that is or includes a licensed interactive wagering service  
31 advertisement to a group of people all of whom are involved in the  
32 provision of licensed interactive wagering services, does not, of  
33 itself, amount to a publication of the licensed interactive wagering  
34 service advertisement.

1 **61FEN Exception—advertisements in telephone directories**

- 2 (1) For the purposes of this Part, the publication of the name of a  
3 licensed interactive wagering service provider in a telephone  
4 directory does not, of itself, amount to the publication of a licensed  
5 interactive wagering service advertisement.
- 6 (2) Subsection (1) does not apply if:  
7 (a) the publication is on the internet; and  
8 (b) the entry for the provider contains a link to a website for the  
9 provider that relates to a licensed interactive wagering  
10 service.

11 **61FEO Exception—ordinary activities of exempt libraries**

12 Nothing that a person does for the purposes of the ordinary  
13 activities of an exempt library amounts, for the purposes of this  
14 Part, to a publication of a licensed interactive wagering service  
15 advertisement.

16 **61FEP Exception—acknowledgements of assistance or support**

17 For the purposes of this Part, the publication of an  
18 acknowledgement of assistance or support does not amount to the  
19 publication of a licensed interactive wagering service  
20 advertisement if it complies with regulations made for the purposes  
21 of this section that permit the publication of such  
22 acknowledgements.

23 **Division 4—Broadcasting or datacasting of licensed**  
24 **interactive wagering service advertisements in**  
25 **Australia**

26 **61FEQ Licensed interactive wagering service advertisements not to**  
27 **be broadcast or datacast in Australia**

- 28 (1) A person commits an offence if:  
29 (a) the person broadcasts or datacasts a licensed interactive  
30 wagering service advertisement in Australia; and

1 (b) the broadcast or datacast is not permitted by section 61FER;  
2 and

3 (c) the broadcast or datacast is not permitted by section 61FES.

4 Penalty: 120 penalty units.

5 (2) A person must not broadcast or datacast a licensed interactive  
6 wagering service advertisement in Australia if:

7 (a) the broadcast or datacast is not permitted by section 61FER;  
8 and

9 (b) the broadcast or datacast is not permitted by section 61FES.

10 Civil penalty: 180 penalty units.

11 (3) A person commits an offence if:

12 (a) the person authorises or causes a licensed interactive  
13 wagering service advertisement to be broadcast or datacast in  
14 Australia; and

15 (b) the broadcast or datacast is not permitted by section 61FER;  
16 and

17 (c) the broadcast or datacast is not permitted by section 61FES.

18 Penalty: 120 penalty units.

19 (4) A person must not authorise or cause a licensed interactive  
20 wagering service advertisement to be broadcast or datacast in  
21 Australia if:

22 (a) the broadcast or datacast is not permitted by section 61FER;  
23 and

24 (b) the broadcast or datacast is not permitted by section 61FES.

25 Civil penalty for contravention of this subsection: 180 penalty  
26 units.

27 **61FER Accidental or incidental broadcast or datacast permitted**

28 (1) A person may broadcast or datacast a licensed interactive wagering  
29 service advertisement if:

30 (a) the person broadcasts or datacasts the advertisement as an  
31 accidental or incidental accompaniment to the broadcasting  
32 or datacasting of other matter; and



1 (b) the person does not receive any direct or indirect benefit  
2 (whether financial or not) for broadcasting or datacasting the  
3 advertisement (in addition to any direct or indirect benefit  
4 that the person receives for broadcasting or datacasting the  
5 other matter).

6 (2) Subsection (1) only has effect for the purposes of this Part.

7 **61FES Broadcast or datacast of advertisements during flights of**  
8 **aircraft**

9 (1) A person may broadcast or datacast a licensed interactive wagering  
10 service advertisement in an aircraft during a flight of the aircraft  
11 unless the flight begins at a place in Australia and is intended to  
12 end at another place in Australia.

13 (2) For the purposes of subsection (1), each sector of a flight of an  
14 aircraft is taken to be a separate flight.

15 (3) Subsection (1) only has effect for the purposes of this Part.

16 **Division 5—Publication of licensed interactive wagering**  
17 **service advertisements in Australia**

18 **61FET Licensed interactive wagering service advertisements not to**  
19 **be published in Australia**

20 (1) A person commits an offence if:  
21 (a) the person publishes a licensed interactive wagering service  
22 advertisement in Australia; and  
23 (b) the publication is not permitted by section 61FEU; and  
24 (d) the publication is not permitted by section 61FEV; and  
25 (e) the publication is not permitted by section 61FEW; and  
26 (f) the publication is not permitted by section 61FEX.

27 Penalty: 120 penalty units.

28 (2) A person must not publish a licensed interactive wagering service  
29 advertisement in Australia if:

30 (a) the publication is not permitted by section 61FEU; and

- 1 (b) the publication is not permitted by section 61FEV; and  
2 (c) the publication is not permitted by section 61FEW; and  
3 (d) the publication is not permitted by section 61FEX.

4 Civil penalty: 180 penalty units.

- 5 (3) A person commits an offence if:  
6 (a) the person authorises or causes a licensed interactive  
7 wagering service advertisement to be published in Australia;  
8 and  
9 (b) the publication is not permitted by section 61FEU; and  
10 (d) the publication is not permitted by section 61FEV; and  
11 (e) the publication is not permitted by section 61FEW; and  
12 (f) the publication is not permitted by section 61FEX.

13 Penalty: 120 penalty units.

- 14 (4) A person must not authorise or cause a licensed interactive  
15 wagering service advertisement to be published in Australia if:  
16 (a) the publication is not permitted by section 61FEU; and  
17 (b) the publication is not permitted by section 61FEV; and  
18 (c) the publication is not permitted by section 61FEW; and  
19 (d) the publication is not permitted by section 61FEX.

20 Civil penalty: 180 penalty units.

- 21 (5) For the purposes of this section, a licensed interactive wagering  
22 service advertisement that is included on a website is taken to be  
23 published *in Australia* if, and only if:  
24 (a) the website is accessed, or is available for access, by  
25 end-users in Australia; and  
26 (b) having regard to:  
27 (i) the content of the website; and  
28 (ii) the way the website is advertised or promoted;  
29 it would be concluded that it is likely that a majority of  
30 persons who access the website are physically present in  
31 Australia.

1       **61FEU Periodicals distributed outside Australia—acts of**  
2                               **publication permitted**

- 3                   (1) A person may do, with a periodical that contains a licensed  
4                               interactive wagering service advertisement, something that  
5                               amounts to publishing the advertisement if the periodical is not  
6                               principally intended for distribution or use in Australia.
- 7                   (2) Subsection (1) only has effect for the purposes of this Part.

8       **61FEV Accidental or incidental publication permitted**

- 9                   (1) A person may publish a licensed interactive wagering service  
10                               advertisement if:
- 11                               (a) the person publishes the advertisement as an accidental or  
12                               incidental accompaniment to the publication of other matter;  
13                               and
- 14                               (b) the person does not receive any direct or indirect benefit  
15                               (whether financial or not) for publishing the advertisement  
16                               (in addition to any direct or indirect benefit that the person  
17                               receives for publishing the other matter).
- 18                   (2) Subsection (1) only has effect for the purposes of this Part.

19       **61FEW Publication by person not receiving any benefit permitted**

- 20                   (1) A person may publish a licensed interactive wagering service  
21                               advertisement if:
- 22                               (a) the publication is not in the course of the provision of  
23                               licensed interactive wagering services; and
- 24                               (b) the person publishes the advertisement on the person’s own  
25                               initiative; and
- 26                               (c) the person does not receive any direct or indirect benefit  
27                               (whether financial or not) for publishing the advertisement.
- 28                   (2) Subsection (1) only has effect for the purposes of this Part.

1 **61FEX Publication of advertisements during flights of aircraft**

- 2 (1) A person may publish a licensed interactive wagering service  
3 advertisement in an aircraft during a flight of the aircraft unless the  
4 flight begins at a place in Australia and is intended to end at  
5 another place in Australia.
- 6 (2) For the purposes of subsection (1), each sector of a flight of an  
7 aircraft is taken to be a separate flight.
- 8 (3) Subsection (1) only has effect for the purposes of this Part.

9 **Division 6—Miscellaneous**

10 **61FEY Failure to broadcast, datacast or publish advertisement not**  
11 **actionable if this Part would be contravened**

12 Civil proceedings do not lie against a person for refusing or failing  
13 to broadcast, datacast or publish a licensed interactive wagering  
14 service advertisement if the broadcast, datacast or publication is  
15 prohibited by this Part.

16 **61FEZ Additional conditions for licences under the *Broadcasting***  
17 ***Services Act 1992***

18 *Commercial television broadcasting licence*

- 19 (1) Each commercial television broadcasting licence is subject to the  
20 condition that the licensee will not, in contravention of this Part,  
21 broadcast a licensed interactive wagering service advertisement.

22 *Commercial radio broadcasting licence*

- 23 (2) Each commercial radio broadcasting licence is subject to the  
24 condition that the licensee will not, in contravention of this Part,  
25 broadcast a licensed interactive wagering service advertisement.

26 *Community broadcasting licence*

- 27 (3) Each community broadcasting licence is subject to the condition  
28 that the licensee will not, in contravention of this Part, broadcast a  
29 licensed interactive wagering service advertisement.

1                                    *Subscription television broadcasting licence*

2                    (4) Each subscription television broadcasting licence is subject to the  
3                                    condition that the licensee will not, in contravention of this Part,  
4                                    broadcast a licensed interactive wagering service advertisement.

5                                    *Provision of a broadcasting service under a class licence*

6                    (5) The provision by a person of a broadcasting service under a class  
7                                    licence is subject to the condition that the licensee will not, in  
8                                    contravention of this Part, broadcast a licensed interactive  
9                                    wagering service advertisement.

10                                   *Datacasting licence*

11                    (6) Each datacasting licence is subject to the condition that the licensee  
12                                    will not, in contravention of this Part, datacast a licensed  
13                                    interactive wagering service advertisement.

14                                   *Definitions*

15                    (7) In this section:

16                                    *class licence* has the same meaning as in the *Broadcasting Services*  
17                                    *Act 1992*.

18                                    *commercial radio broadcasting licence* has the same meaning as  
19                                    in the *Broadcasting Services Act 1992*.

20                                    *commercial television broadcasting licence* has the same meaning  
21                                    as in the *Broadcasting Services Act 1992*.

22                                    *community broadcasting licence* has the same meaning as in the  
23                                    *Broadcasting Services Act 1992*.

24                                    *subscription television broadcasting licence* has same meaning as  
25                                    in the *Broadcasting Services Act 1992*.

26                    **5 After paragraph 64A(i)**

27                                    Insert:

- 28                                    (ia) subsection 61FEQ(2); or  
29                                    (ib) subsection 61FEQ(4); or

- 1 (ic) subsection 61FET(2); or
- 2 (id) subsection 61FET(4); or

**6 After paragraph 64C(1)(i)**

- 4 Insert:
- 5 (ia) subsection 61FEQ(2); or
- 6 (ib) subsection 61FEQ(4); or
- 7 (ic) subsection 61FET(2); or
- 8 (id) subsection 61FET(4); or

**7 After paragraph 64D(1)(i)**

- 10 Insert:
- 11 (ia) subsection 61FEQ(2);
- 12 (ib) subsection 61FEQ(4);
- 13 (ic) subsection 61FET(2);
- 14 (id) subsection 61FET(4);