



NEWCASTLE LAW SCHOOL
LAWS6091: SPECIAL INTEREST TOPIC

GAMBLING WITH CREDIT

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ABSTRACT

For almost two decades, State and Territory governments have prohibited consumers from accessing credit cards for gambling transactions in licensed venues, casinos, TAB outlets and racing tracks. Yet, Australia has seen a drastic growth in online gambling, with approximately 55% of all gambling being conducted online. Whilst credit cards are not the most common method of payment for online/interactive gambling, problem gamblers are four times more likely to utilise credit cards to gamble than those non-problem or low risk gamblers. This intensifies the likelihood and risk of substantial harm. The *Interactive Gambling Act 2001* (Cth) purports to prohibit the supply and advertising of ‘designated interactive gambling services’, namely prohibited interactive gambling services, or unlicensed regulated interactive gambling service, to consumers physically located within Australia. However, there are no provisions which restrict those regulated interactive gambling services from allowing consumers to utilise credit cards in funding their gambling. This article conducts an environmental scan of Australian and overseas regulation of credit cards in online gambling transactions. It is concluded that Australia lacks any sufficient prohibition in this area. Subsequently, select financial institutions and banks are examined to determine any safeguards preventing access of credit cards to gamble online. The vast majority of providers do not prohibit credit cards being used for online gambling, but nevertheless, provide options for consumers to self-exclude through restricting credit cards payment to specific merchant category codes which identify as gambling. The authors conclude by drawing attention to key areas of research that are relevant to consumers. Fundamentally, at present, the onus is on consumers to protect themselves. This proves difficult for problem gamblers, who are more likely to be using credit cards to fund their addiction and are predisposed to having lower impulse control. It is recommended that Australia should adopt consistent policies with respect to use of credit cards for in-venue and online gambling, similar to that of the UK.

I INTRODUCTION

Arguably, gambling is a quintessential part of Australian culture, epitomised through key calendar events including Melbourne Cup: ‘the race that stops the nation’, and two-up on Anzac Day. Recreationally, it often provides entertainment and furthers social interactions. It appears as both legitimate and socially acceptable.¹ In the three months prior to December 2018, approximately half of all Australian adults gambled.² Furthermore, Australia has the world’s highest per capita spend on gambling activities.³

Gambling is sometimes perceived to be part of our culture to the extent that migrants and foreigners often utilise gambling as a method of integration into Australian society.⁴ Nevertheless, one study has noted that culturally and linguistically diverse communities within developed nations, like Australia, may tend to participate less in gambling activities than the overall population, however, are more likely to experience problems associated with gambling. Furthermore, stigma and shame can create substantial barriers to accessing help in these communities.⁵ Nevertheless, migrants are just one of many categories of vulnerable consumers to gambling.

¹ Sefa Awaworyi Churchill and Lisa Farrell, 'Australia's Gambling Epidemic: The Role of Neighbourhood Ethnic Diversity' (2020) 36 *Journal of Gambling Studies* 97, 97 citing Filipa Calado and Mark D. Griffiths, 'Problem gambling worldwide: An update and systematic review of empirical research (2000–2015)' (2016) 5(4) *Journal of Behavioral Addictions* 592.

² Roy Morgan, 'Fewer Australians gambling' (Press Release, Finding No. 7491, 12 April 2019) <<http://www.roymorgan.com/findings/7941-gambling-participants-201904120606>>.

³ Lisa Farrell and Jane M Fry, 'Australia's gambling epidemic and energy poverty' (2021) 97 *Energy Economics* 1, 2. See also, J S and L P, 'The house wins: Who gambles the most?', *The Economist* (online, 3 February 2014); H2 Gambling Capital, 'The latest insights from the gambling industry' *H2 Features as Economist's Graph of the Day for the Third Time to Coincide with the Opening of ICE* (Web Page, 11 February 2014) <<https://h2gc.com/news/reports/h2-features-as-economists-graph-of-the-day-for-the-third-time-to-coincide-with-the-opening-of-ice>>.

⁴ Susan Feldman et al, 'A qualitative investigation of the experiences, attitudes and beliefs about gambling in the Chinese and Tamil communities in Victoria' (Research Report, Victorian Responsible Gambling Foundation, Parliament of Victoria, April 2014), cited in Marissa Dickins and Anna Thomas, 'Gambling in culturally and linguistically diverse communities in Australia' (Discussion Paper No 7, Australian Gambling Research Centre, October 2016) 3.

⁵ Dickins and Thomas (n 4) 9.

Australian Gambling Statistics, 1993-94 to 2018-19, 36th edition

SUMMARY TABLE A
TOTAL GAMBLING TURNOVER
2018-19

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	AUSTRALIA
GAMBLING FROM									
	Value (\$ million)								
Off-course bookmaker	-	-	-	-	11,369	-	-	-	11,369
On-course bookmaker	0,799	720,061	14,521,838	-	8,068	0,560	-	12,960	15,264,286
On-course totalisator	1,104	36,764	3,267	-	9,064	4,733	71,274	20,342	146,547
TAB	85,533	5,733,270	48,403	1,839,399	558,620	298,840	1,161,895	1,617,246	11,543,007
Total Racing	87,436	6,490,095	14,573,508	1,839,399	587,121	304,132	1,232,969	1,850,548	26,965,209
Casino	125,355	-	1,055,710	8,145,991	-	-	13,633,681	3,276,193	26,236,930
Gaming Machines	1,981,380	86,036,009	1,160,291	26,820,376	7,651,148	-	29,916,099	-	153,565,303
Instant Lottery	4,702	104,291	3,885	169,306	32,001	11,104	59,275	111,867	496,232
Interactive Gaming	-	-	0,861	-	-	-	-	-	0,861
Keno	71,127	611,662	42,641	405,404	120,648	-	91,156	-	1,342,639
Lotteries	4,725	274,306	-	-	-	2,233	-	-	281,264
Lotto	52,860	1,440,873	120,312	1,143,367	385,983	106,910	1,555,619	873,384	5,679,308
Minor Gaming	-	-	-	-	-	-	-	74,216	74,216
Pools	-	-	-	-	-	0,022	-	-	0,022
Total Gaming	2,240,149	88,467,141	2,383,500	36,684,444	8,189,780	120,269	45,255,831	4,335,660	187,676,774
Bookmaker (and other) Fixed Odds	-	520,482	7,536,435	-	0,900	-	-	0,004	8,057,821
Bookmaker (and other) Pool Betting	-	-	-	-	-	-	-	-	-
Tab Fixed Odds	104,966	1,078,275	-	172,048	71,977	54,427	1,392,343	163,351	3,037,386
Tab Tote Odds	-	12,753	-	1,505	0,038	0,061	2,364	0,825	17,546
Total Sports Betting	104,966	1,611,510	7,536,435	173,552	72,915	54,488	1,394,706	164,180	11,112,763
Total All Gambling	2,432,551	96,566,746	24,493,443	36,697,396	8,848,816	476,890	47,883,566	6,350,388	225,754,736

Notes: These data should be read in conjunction with the explanatory notes, and footnotes from State and Product Tables. Totals may not add up due to rounding.

*Summary of Total Gambling Turnover 2018-19, extracted from Australian Gambling Statistics produced by the Queensland Government Statistician's Office (QGSO) in cooperation with all state and territory governments*⁶

It has been estimated that in 2018-19, Australians lost approximately \$25 billion on 'legal' forms of gambling.⁷ Gaming type gambling (that is, all gambling other than racing and sports betting) contributed to 81-87% of total money lost, with poker machines alone accounting for 50-60% of the losses.⁸ This signifies the largest per capita loss in the world.⁹ Nevertheless, positively, the prevalence of gambling has decreased significantly over a number of decades.¹⁰ Furthermore, whilst most people who gamble do not experience harm, significant harm and risks arise from addictive gamblers. Subsequently, it remains a major public policy issue, attributable to its various detrimental impacts (financial, psychological, social, etc.) on the individual, their family and broader society. There is a considerable link between gambling and financial hardship.¹¹

Electronic gambling machines (EGMs), typically referred to colloquially as 'pokies', are the largest contributor to gambling losses in Australia. Technological innovations such as brighter and dynamic visual cues, sound effects, faster games, changes in event frequencies, including use of near wins, are marketing ploys designed to appeal to the overall consumer experience and increase consumer

⁶ Queensland Government Statistician's Office, Parliament of Queensland, *Australian Gambling Statistics* (Explanatory Notes, April 2021) 50 ('*Australian Gambling Statistics*').

⁷ Australian Institute of Health and Welfare, *Gambling in Australia* (Web Page, 16 September 2021) <<https://www.aihw.gov.au/reports/australias-welfare/gambling>>.

⁸ *Ibid.*

⁹ *Ibid.*, citing Stephen Letts, 'Chart of the day: Are Australians the world's biggest gambling losers? You can bet on it', *ABC News* (online, 20 November 2018); *Australian Gambling Statistics* (n 6).

¹⁰ See, eg, Roy Morgan (n 2).

¹¹ Farrell and Fry (n 3) 4.

participation.¹² As such, it is inextricably linked to higher losses and more harm to the consumer.¹³ The Productivity Commission's 2010 report recorded that problem gamblers who nominate EGMs as their primary choice of game ultimately account for 75-80% of all problem gamblers in Australia.¹⁴ It comes as no surprise that these machines are subject to substantial scholarly research, political attention, and government regulation to promote safer gambling and harm reduction strategies, particularly with respect to a consumer's ability to access credit to fund gambling habits. However, over the past few decades, within Australia and globally, there has been substantial growth in interactive and online gambling. Online wagering, in particular, is the fastest growing segment of the domestic gambling market.¹⁵ Whilst losses attributable to EGMs still outweigh those losses from sports and race betting, losses from sports and race betting have increased by 16.3% and 7.1% respectively in 2017-18, fuelled by the growth in online betting and advertising.¹⁶ The Australian Banking Association has noted that online gambling now accounts for 55% of all gambling, and a quarter of all Australian adults have gambled online within the previous 12 months.¹⁷

Interactive and online gambling are largely interchangeable, as interactive gambling is most commonly referred to as gambling via internet services.¹⁸ Interactive gambling is now the fastest growing form of gambling.¹⁹ In 2019, over half of Australians who placed bets on sports or races, did so online.²⁰ Online wager accounts increased fourfold between 2004 and 2014, driven by smartphones facilitating betting.²¹ Consumers take advantage of the convenience and vast accessibility of interactive and online gambling provides, as opposed to typical 'land-based gambling' (like EGMs and Lotto).²² This has largely been driven by its 24/7 accessibility, ease of use, convenience, variety of bettering (such as on international

¹² Matthew Rockloff et al, *Innovation in Traditional Gambling Products* (Report, June 2016) 6, citing Productivity Commission, Parliament of Australia, *Gambling* (Report No 50, 26 February 2010).

¹³ See Mark D Griffiths et al, 'Internet Gambling: An Overview of Psychosocial Impacts' (2006) 10(1) *UNLV Gaming Research & Review Journal* 27.

¹⁴ Productivity Commission (n 12) 229, [5.27].

¹⁵ Rebecca Jenkinson et al, 'National Consumer Protection Framework for Online Wagering: Baseline study' (Final Report, Australian Gambling Research Centre, Australian Institute of Family Studies, June 2019) 80.

¹⁶ Explanatory Memoranda, Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020 (Cth) 2 ('Explanatory Memoranda').

¹⁷ Environment and Communications Legislation Committee, Parliament of Australia, 'Inquiry into Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020' (Final Report, October 2021) 15, citing Australian Banking Association, Submission No 13 to Environment and Communications Legislation Committee, *Inquiry into Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020* (29 April 2021) 1 ('ABA Submission to Inquiry into Bill').

¹⁸ Nerilee Hing et al, 'The second national study of interactive gambling in Australia (2019-20)' (Research Report, Gambling Research Australia, Parliament of New South Wales, October 2021) 43.

¹⁹ *Ibid.*

²⁰ *Ibid* 48, citing Roy Morgan, 'The pandemic lockdown reduced betting options, but over half of bettors were already gambling online' (Press Release 8413, 22 May 2020) <<http://www.roymorgan.com/findings/8413-online-gambling-may-2020-202005220420>>.

²¹ Hing et al (n 18) 48.

²² *Ibid* 51.

sporting and racing events), and capacity for continuous play,²³ and facilitated by greater access to the internet, greater internet speeds and increase in mobile phones,²⁴ together with the vast varieties of methods of payments, including use of credit and digital money (e.g. cryptocurrency). This has seen new varieties of online ‘gambling’ appear including fantasy sports, skin gambling and loot boxes, to be discussed below. The use of the internet as a medium for gambling is more commonly utilised by highly involved gamblers. Studies have demonstrated that this poses a potential risk factor or significantly contributes to problem gambling.²⁵ This has been supported in the 2018 National Framework baseline study which revealed higher rates of gambling-related harm were more likely for consumers who gamble online, when compared to non-interactive gamblers.²⁶ In this study over 7% of participants reported they suffered increased credit card debt as a result of online gambling.²⁷

The COVID-19 pandemic has caused further change in consumer behaviour in the gambling industry. Whilst participation in racing, sports and wagering activities remained relatively stable during the pandemic, there was a significant decrease in gambling on land-based services (namely, EGMs, instant scratch tickets, Keno and casino table games) due to forced closures of venues and lockdowns. Nevertheless, participants gambled more often during COVID-19 driven by increases in the frequency of gambling on racing (horse, greyhound and harness), sports, esports, lotto and casino table games. One study identified that 1 in 3 participants of the survey signed up for a new online betting account during COVID-19, and 1 in 20 started gambling online.²⁸ In this study, it was determined that young men aged between 19 to 34 were the sub-population most likely to sign up to new online accounts, increase their frequency and monthly spending on gambling and be at risk of gambling-related harm.

Whilst the authors acknowledge this article does not purport to provide detailed analysis on all forms of online gambling, the authors consider it important to identify two emerging forms of online gambling that are currently not subject to any regulation to increase consumer awareness. These forms of online gambling appear in video games and largely appeal to children and teenagers.

‘Skins’ are in-game cosmetic or visual items acquired to enhance and customise characters, weapons or equipment.²⁹ Ultimately, they add no functional advantage to a player’s game,³⁰ and are one method

²³ Ibid 7.

²⁴ Ibid 48.

²⁵ See Sally M. Gainsbury et al, ‘Greater involvement and diversity of Internet gambling as a risk factor for problem gambling’ (2015) 25(4) *Diversity of Internet Gambling* 723.

²⁶ Jenkinson et al (n 15) 6, 8, 68.

²⁷ Ibid.

²⁸ Australian Institute of Health and Welfare (n 7).

²⁹ Desirée Martinelli, ‘Skin Gambling: Have We Found the Millennial Goldmine or Imminent Trouble?’ (2017) 21(8) *Gaming Law Review* 557; Nerilee Hing et al, ‘Skin gambling predicts problematic gambling amongst adolescents when controlling for monetary gambling’ (2021) 10(4) *Journal of Behavioural Addictions* 920; Nancy Greer et al, ‘Skin Gambling Contributes to Gambling Problems and Harm After Controlling for Other Forms of Traditional Gambling’ (2022) *Journal of Gambling Studies* 1.

³⁰ Nancy Greer, Matthew Rockloff and Alex M T Russell, *Gambling and video games: are esports betting and skin gambling associated with greater gambling involvement and harm?* (Report, Victorian Responsible Gambling Foundation, Parliament of Victoria, July 2020) 17.

that monetises free-to-play video games, with costs ranging from dollars to thousands.³¹ They are becoming more and more prevalent in video games.³² Furthermore, beyond the monetary value, these skins can typically be traded and exchanged for money or other items, within and outside the game.³³

‘Loot boxes’ are digital containers that contain randomised virtual rewards, that can be purchased with real money, in-game currency or awarded for free.³⁴ Often loot boxes contain new, rare or valued skins, or other product (e.g., weapons or character/avatar’s increased special ability), which provide incentive for the player to purchase in an attempt to obtain.³⁵ Hing et al (2020) noted that skins often afford players increased prestige.³⁶

Loot boxes, despite resembling gambling due to spending money for a chance to receive a random reward, ultimately are not regulated as gambling at present in Australia.³⁷ A Senate Committee inquiry into loot boxes recorded that in 2018, the global gaming industry was worth US \$117 billion, 25% of which was generated through loot boxes.³⁸ Ultimately, whilst the Committee did refrain from casting a definite position regarding loot boxes, it was acknowledged that use of real money to purchase loot boxes or virtual items (e.g. skins) are potentially meeting the legal and psychological definition of gambling.³⁹ However, the Federal Government’s response was largely rejected on the basis of insufficient evidence into gambling-related harms of loot boxes.⁴⁰

Nevertheless, other jurisdictions, including Belgium, Denmark and the Netherlands have found otherwise.⁴¹ Recommendations of the UK House of Commons Committee considered loot boxes bought with money should be regulated under their respective gambling legislation.⁴² Fundamentally in

³¹ Hing et al (n 29) 921.

³² Ibid.

³³ Greer, Rockloff and Russell (n 30) 8, citing Gambling Commission, ‘Virtual currencies, eSports and social gaming’ (Position Paper, March 2017).

³⁴ Hing et al (n 29) 920 citing Greer, Rockloff and Russell (n 30).

³⁵ Hing et al (n 29) 921.

³⁶ Ibid 921 citing Nerilee Hing et al, ‘NSW Youth Gambling Study 2020’ (Research Report, NSW Responsible Gambling Fund, Parliament of New South Wales, January 2021).

³⁷ Aaron Drummond and James D Sauer, ‘Video game loot boxes are psychologically akin to gambling’ (2018) 2 *Nature Human Behaviour* 530.

³⁸ Environment and Communications References Committee, Parliament of Australia, ‘Inquiry into Gaming micro-transactions for chance-based item’ (Final Report, November 2018) 5 (‘Inquiry into Gaming micro-transactions for chance-based item’).

³⁹ Ibid 72.

⁴⁰ Australian Government, ‘Australian Government response to the Senate Environment and Communications References Committee report: Gaming micro-transactions for chance-based items’ (March 2019).

⁴¹ See Jamie Nettleton, Joseph Abi-Hanna and Brodie Campbell, ‘Loot Box Regulation in Australia — the unsurprising difficulty with regulating surprise mechanics’ [2020] (July) *Internet Law Bulletin* 5.

⁴² Digital, Culture, Media and Sport Committee, *Immersive and addictive technologies* (House of Commons Paper No 15, Session 2017-19).

Australia, skin gambling and loot boxes lack any consumer protection features at present, accessible by anyone of any age, and without information of odds of winning or responsible gambling tools.⁴³

Nevertheless, Nettleton, Abi-Hanna and Campbell note that the only ‘indirect’ method of regulation of loot boxes may be through misleading and deceptive conduct under Australian Consumer Law (ACL),⁴⁴ whereby likelihood of winning specific items are not disclosed and subsequently, could potentially come within the statutory provision.⁴⁵ No information relating to this, or any action being pursued by the consumer watchdog, the Australian Competition and Consumer Committee (ACCC), could be identified. However, in *Guy v Crown Melbourne Ltd (No 2)*, a case involving alleged misleading and deceptive conduct under the ACL, the applicant failed to establish that in designing the software for, and supplying a particular type of commonly used poker machine, the manufacturer and the casino had misled the public gambling consumers about the odds of winning when they gambled on the machines.⁴⁶ Therefore, it is important that consumers, especially parents, are aware of these potential forms of online gambling, particularly where it has been acknowledged they have the potential to act as gateways to problem gambling and other associated harms further on,⁴⁷ and currently lack any regulation.

The 2019 National Online Survey revealed that the most common payment methods for interactive/online gambling were debit card (45.2%), own credit card (40.1%), PayPal (25.4%) and direct bank transfer (9.9%) respectively.⁴⁸ Notably, only 6.1% of participants reported having their bank block or limit spending on gambling transactions.⁴⁹

⁴³ Hing et al (n 18) 16.

⁴⁴ *Competition and Consumer Act 2010* (Cth) sch 2, s 18(1) (*‘Australian Consumer Law’*)

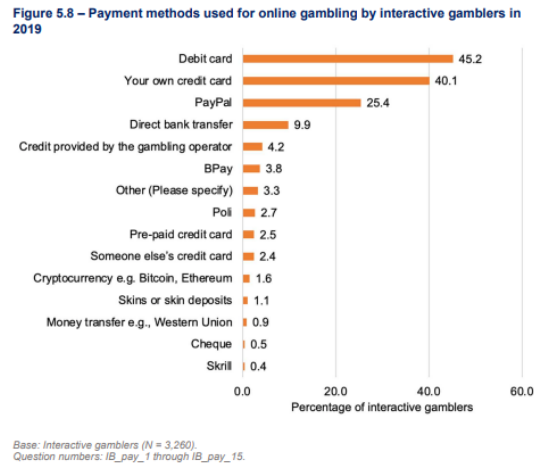
⁴⁵ Nettleton, Abi-Hanna and Campbell (n 41) 7.

⁴⁶ [2018] FCA 36.

⁴⁷ House of Representatives Standing Committee on Social Policy and Legal Affairs, Parliament of Australia, *Protecting the age of innocence: Report of the inquiry into age verification for online wagering and online pornography* (Report, February 2020) 89.

⁴⁸ Hing et al (n 18) 171-2.

⁴⁹ *Ibid* 11.



Payment methods used for online gambling by interactive gamblers extracted from Hing et al (n 18) 172 [Figure 5.8].

A 2010 inquiry report of the Productivity Commission considered cashless gambling may ‘disguise’ the fact that gamblers are spending real money.⁵⁰ This inquiry further revealed that problem gamblers were four times more likely to utilise credit cards to gamble than those ‘low-risk’ gamblers.⁵¹ Importantly, harm is likely intensified whereby cards, whether credit or debit, or PayPal accounts are directly linked to consumer’s accounts, enabling instantaneous deposits, facilitating impulse betting and seeking to recoup losses by further spending.⁵² Therefore, problem gamblers may be at risk of accumulating losses to the extent they are unable to repay or be placed in a position whereby they are unable to manage their financial affairs appropriately when use of credit is allowed to fund their addition.

A review of the role of credit cards in gambling transactions in the UK revealed that credit cards are problematic as they are relatively ‘easy’ to obtain, they have potential to offer large credit, and facilitate gambling without a natural break.⁵³ Subsequently, they inherently are positively associated with gambling problems.⁵⁴

This article seeks to examine the law and regulation surrounding use of credit cards on online (or ‘interactive’) gambling services. Firstly, the authors examine regulation of online gambling in Australia through the *Interactive Gambling Act 2001* (Cth) and how use of credit to fund online gambling is modified as a result. The authors thereafter examine related national developments and tabled reform, in conjunction to an examination of the *National Consumer Credit Protection Act 2009* (Cth) and

⁵⁰ Productivity Commission (n 12) [10.42].

⁵¹ Explanatory Memoranda (n 16) citing *ibid*.

⁵² Nerilee Hing et al, 'Maintaining and losing control during internet gambling: A qualitative study of gamblers' experiences' (2015) 17(7) *New Media & Society* 1075.

⁵³ Sarah Hare, ‘What is the impact of cashless gaming on gambling behaviour and harm?’ (Report, Victorian Responsible Gambling foundation, Parliament of Victoria, July 2020) 46-7 citing Travis Sztainert et al, 'The Role of Credit Cards in Gambling' (Report, Gambling Commission, United Kingdom, March 2020).

⁵⁴ Sztainert et al (n 53).

Banking Code of Practice. These both provide obligations on authorised deposit taking institutions, and signatory banks respectively, to assess a consumer's unsuitability to enter a credit contract (product) and when increasing a credit limit. The authors then seek to provide an overview of select international countries with respect to law and regulation of credit cards for online gambling. Subsequently, select credit providers, financial institutions and banks are examined to determine what safeguards, if any, preventing access of credit cards to gamble online. The authors conclude by drawing attention to key areas of research that are relevant to consumers protection.

II LAW AND REGULATORY DEVELOPMENTS

A Within Australia

1 *The Interactive Gambling Act 2001 (Cth)*

(a) Overview

Online gambling in Australia is primarily regulated under the *Interactive Gambling Act 2001* (Cth) ('IGA'). The Commonwealth is not vested with the power to exclusively legislate with respect to gaming and wagering,⁵⁵ and accordingly the IGA does not intend to exclude or limit operation of any State or Territory laws⁵⁶ to the extent that they do not conflict with the IGA.⁵⁷ Accordingly, all States and Territories have their own legislation governing and licensing gambling activities.⁵⁸ The regulator responsible for enforcing the IGA is the Australian Communications and Media Authority ('ACMA') and the respective State and Territory regulators may be found below.

State or Territory	Responsible Regulator(s)
New South Wales	Liquor and Gaming NSW
Victoria	The Victorian Commission for Gambling and Liquor Regulation and the Department of Justice and Community Safety
Queensland	Office of Liquor and Gaming Regulation
Australian Capital Territory	ACT Gambling and Racing Commission
Northern Territory	The Northern Territory Racing Commission
Western Australia	Department of Local Government, Sport and Cultural Industries
South Australia	The Consumer and Business Services Department
Tasmania	Liquor and Gaming Commission

⁵⁵ The Commonwealth relied upon powers conferred under s 51(v) of the Australian Constitution ('Constitution') in respect of "postal, telegraphic, telephonic, and other like services"

⁵⁶ *Interactive Gambling Act 2001* (Cth) s 69 ('IGA').

⁵⁷ *Constitution* (n 55) s 109.

⁵⁸ See, eg, *Lotteries Act 1964* (ACT); *Unlawful Gambling Act 2009* (ACT); *Lotteries and Art Unions Act 1901* (NSW); *Unlawful Gambling Act 1998* (NSW); *Gaming Control Act* (NT); *Charitable and Non-Profit Gaming Act 1999* (Qld); *Lotteries Act 1997* (Qld); *Wagering Act 1998* (Qld); *Lottery and Gaming Act 1936* (SA); *Gaming Control Act 1993* (Tas); *Gambling Regulation Act 2003* (Vic); *Gaming and Wagering Commission Act 1987* (WA).

The IGA purports to prohibit the supply⁵⁹ and advertising⁶⁰ of a ‘designated interactive gambling service’ to consumers that are physically located in Australia.⁶¹ ‘Designated interactive gambling service’ are prohibited interactive gambling services, or an unlicensed regulated interactive gambling service.⁶² Subsequently, offences only apply to providers of designated interactive gambling services. There is no offence under the IGA which outlaws access of these gambling services by Australian consumers.

(b) Defining interactive gambling services

A ‘gambling service’ means⁶³:

1. a service for the placing, making, receiving or acceptance of bets;
2. a service the sole or dominant purpose of which is to introduce individuals who wish to make or place bets to individuals who are willing to receive or accept those bets;
3. a service for the conduct of a lottery;
4. a service for the supply of lottery tickets;
5. a service for the conduct of a game, where:
 - a. the game is played for money or anything else of value,
 - b. the game is a game of chance or of mixed chance and skill, and
 - c. a customer of the service gives or agrees to give consideration to play or enter the game;
 or
6. a gambling service (within the ordinary meaning of that expression) that is not covered by any of the above.

Subsequently, a ‘**prohibited interactive gambling services**’ means any gambling service which is provided in the course of carrying on a business and providing the service to the customer using an internet carriage services, or any other listed carriage service, a broadcasting service, or any other content services, or a datacasting service.⁶⁴

The IGA also defines ‘regulated interactive gambling service’ to refer to any of the following⁶⁵:

- a **telephone betting service**⁶⁶ - e.g., betting over telephone;

⁵⁹ IGA (n 56) Pt 2.

⁶⁰ Ibid Pt 7A.

⁶¹ Ibid s 15. Note that the IGA s 15A(1) empowers the Minister to extend the offence of providing an ‘interactive gambling service’ to apply to the provision of Australian-based interactive gambling services to customers in “designated countries” outside of Australia. See also IGA s 9A (definition of “designated country”) and IGA s 9B (definition of “designated country-customer link”).

⁶² Ibid s 4.

⁶³ Ibid.

⁶⁴ Ibid s 5(1).

⁶⁵ Ibid s 8E(1).

⁶⁶ See Ibid s 8AA.

- an **excluded wagering service**⁶⁷ - e.g., betting on horse races, harness race, greyhound races or sporting events **if** done so prior to the event beginning;
- an **excluded gaming service**⁶⁸ – e.g., any games of chance or skill, where the consumer gives consideration (money or anything else of value) to play where the service is provided through electronic equipment made available to consumers who are at the place;
- a **place-based betting service**⁶⁹ – e.g., casinos, bars, pubs or clubs providing poker machines or online games like Keno, where the service is provided through electronic equipment made available to consumers who are at the place and the equipment cannot be used in connection with another unrelated gambling service;
- a **service that has a designated broadcasting link**⁷⁰– e.g., gambling services which are exclusively related to a television or radio program, including voting on reality television for prizes;
- a **service that has a designated datacasting link**⁷¹ - e.g., gambling services exclusively associated with content transmission or promotion of good or service;
- an **excluded lottery service**⁷² – e.g., services for the conduct and supply of tickets for a lottery (including electronic lottery, however excluding online scratch or online instant lotteries); or
- an **exempt service** which exhibits **prescribed characteristics**⁷³.

A wholesale gambling service⁷⁴ or a trade promotion gambling service⁷⁵ are not regulated interactive gambling services.⁷⁶ However, these, as well as the outlined regulated interactive gambling services are specifically **excluded** services under the definition of ‘prohibited interactive gambling service’.⁷⁷ Importantly, the regulated interactive gambling services must be licensed.⁷⁸ The licence is held under a law of a State or Territory that authorises the provision of that kind of service in the respective State or Territory.⁷⁹ A register of licensed interactive gambling providers can be located on the AMCA’s website for consumers to view in order to avoid illegal online gambling providers.⁸⁰ The AMCA, through powers vested pursuant to the *Telecommunications Act 1997* (Cth) can request that internet service

⁶⁷ Ibid s 8A.

⁶⁸ Ibid s 8B.

⁶⁹ Ibid s 8BA.

⁷⁰ Ibid s 8C.

⁷¹ Ibid.

⁷² Ibid s 8D.

⁷³ Ibid s 10.

⁷⁴ Ibid s 4.

⁷⁵ Ibid s 8BB.

⁷⁶ Ibid s 8E(4).

⁷⁷ Ibid s 5(3).

⁷⁸ Ibid ss 8B(1), 15AA(7).

⁷⁹ Ibid.

⁸⁰ See 'Check if a gambling operator is legal', *Australian Communications and Media Authority* (Web Page, 16 May 2022) <<https://www.acma.gov.au/check-if-gambling-operator-legal>> ('AMCA Register of Licensed Interactive Gambling Providers').

providers block illegal offshore gambling websites which they consider breach the IGA.⁸¹ Since its inception in November 2019, the AMCA reports that 447 illegal gambling websites have been blocked.⁸² It is also reported 160 illegal services removed from the Australian market since the expansion of the IGA in 2017 which provided greater enforcement mechanisms of illegal offshore gambling services targeting Australian consumers.⁸³

Therefore, the IGA prohibits providers (whether Australian or from overseas) from advertising and providing prescribed prohibited interactive gambling services to consumers located in Australia, namely, online casino-style games, online slot machines, services to bet on the outcome of a lottery, online wagering services that accept in-play betting on sports events, and of services without a licence from an Australian state or territory government.⁸⁴

(c) Use of credit to fund online gambling – IGA and National Consumer Protection Framework for Online Wagering

The National Consumer Protection Framework for Online Wagering in Australia was enacted in reliance of the *Review of Illegal Offshore Wagering* (2015), which noted that the current regulatory framework for online wagering is inconsistent and subsequently of limited effectiveness in providing legal protections for consumers. Subsequently, the Framework's objective, as agreed to by the Commonwealth, state and territory governments, was 'to minimise gambling harm related to online wagering activity'.⁸⁵ Among others, two of the key agreed nationally consistent, minimum consumer protection measures were the prohibition of lines of credit by the service (excluding certain on-course bookmakers); and discouraging the use of small amount credit contracts (payday lenders) for online wagering.⁸⁶ These have now been enacted into the IGA.

Under the IGA,⁸⁷ 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.

The IGA prohibits credit being provided to customers of certain interactive wagering services.⁸⁸ However, an offence is only committed whereby a 'regulated interactive gambling service' that is a

⁸¹ *Telecommunications Act 1997* (Cth) s 313.

⁸² 'ACMA blocks more illegal gambling and affiliate-marketing websites', *Australian Communications and Media Authority* (Article, 26 April 2022) <<https://www.acma.gov.au/articles/2022-04/acma-blocks-more-illegal-gambling-and-affiliate-marketing-websites>>.

⁸³ *Ibid.*

⁸⁴ 'About the Interactive Gambling Act', *Australian Communications and Media Authority* (Web Page, 18 May 2022) <<https://www.acma.gov.au/about-interactive-gambling-act>>.

⁸⁵ 'National Consumer Protection Framework for Online Wagering in Australia – National Policy Statement' (Policy Statement, Department of Social Services, Parliament of Australia, 26 November 2018) 5.

⁸⁶ *Ibid* 8.

⁸⁷ IGA (n 56) s 11a.

⁸⁸ *Ibid* Pt 2B.

wagering service either: provides, or offers to provide, credit in connection with the service to a customer or potential customer who is physically present in Australia; or facilitates or promotes the provision of credit (*excluding* via an independently-issued credit card), by a third person (e.g., payday lenders), in connection with the service to a customer, or potential customer, of the service who is physically present in Australia.⁸⁹ However, this does not apply where the provider provides telephone betting services with annual wagering turnover of less than \$30 million,⁹⁰ or where the customer is a gambling service provider (e.g., business-to-business transactions).⁹¹

Similarly, the offence will not apply: (a) where the provider did not know; and (b) they could not, with reasonable diligence, have ascertained that the customer or potential customer was in Australia.⁹²

This largely means that whilst a regulated interactive wagering service must not provide or offer credit, there are no limitations placed on consumers using independent credit cards⁹³ to fund their interactive and online gambling. Conversely, for land-based gambling use of credit cards is prohibited, and consumers are unable to withdraw cash from their credit cards at ATMs located in these venues.

The below table, extracted from the Parliamentary Joint Committee on Corporations and Financial Services on regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia provides a useful summary on the regulatory bans relating to gambling with credit.⁹⁴

⁸⁹ Ibid s 15C(1).

⁹⁰ Or reasonably likely to be under 30 million: Ibid s 15D(1)(a) – (g). The operator also must have provided wagering services at a racecourse in Australia during the whole or part of the previous financial year: IGA s 15D(1)(h)-(i).

⁹¹ Ibid s 15E.

⁹² Ibid s 15C(5).

⁹³ Note that credit cards issued by gambling service providers or by related companies are not independently issued: Ibid s 15C(7).

⁹⁴ Parliamentary Joint Committee on Corporations and Financial Services, Parliament of Australia, *Regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia* (Report, November 2021) 39, [3.32].

Table 3.1 Existing regulatory bans on gambling with credit

Credit betting (role of gambling service provider)	Online wagering	Online gaming (all fund types) *	Online Lotteries (including tickets from newsagents)	In-venue gambling services †
<u>Providing</u> a line of credit for gambling	Banned under IGA S15C(b)(i)	Banned under IGA S5	Exempt under IGA S4 & S5	Banned by states & territories, except for Casino high roller rooms ‡
<u>Facilitating</u> gambling with credit from third parties	Banned under IGA S15C(b)(ii)	Banned under IGA S5	Exempt under IGA S4 & S5	Banned by states and territories
<u>Facilitating</u> gambling with <u>credit integrated with payment methods</u> such as BNPL §, digital wallets and travel & entertainment cards †	Uncertain under IGA S15C(b)(ii) ‡	Banned under IGA S5	Exempt under IGA S4 & S5	Uncertain under state and territory laws
<u>Facilitating</u> gambling with <u>credit integrated with payment methods</u> via most independently issued credit cards) **	Exempt under IGA S15C(b)(ii)	Banned under IGA S5	Exempt under IGA S4 & S5	Banned by states and territories, except for lotteries
<u>Facilitating</u> gambling with deposits derived from <u>credit not integrated with payment methods</u>	Not in scope	Banned under IGA S5	Exempt under IGA S4 & S5	Not in scope

Source: Interactive Gambling Act 2001.⁹⁵

Key: IGA = Interactive Gambling Act 2001. Grey sections are the focus of the inquiry.

2 Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020 (Cth)

The Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020 (**‘the Bill’**) was introduced to the Commonwealth Senate on 25 August 2020 by Senator Stirling Griff. The Bill sought to amend the IGA to prohibit the use of credit cards for betting using certain regulated interactive gambling services.⁹⁵ As such, it would prevent operators of interactive gambling services from accepting payments of credit cards, whether directly or indirectly through alternate payment methods, by creating a criminal offence and civil penalty provision for a provider that accepts, facilitates or promotes credit card payments in connection with online betting.⁹⁶

On 18 March 2021, the Senate referred the Bill to the Environment and Communications Legislation Committee for inquiry and report. The Committee received numerous associations, some of which include: the Alliance for Gambling Reform, Customer Owned Banking Association and the Australian Institute of Family Studies, which provided submissions supporting the Bill arguing for consumer

⁹⁵ Explanatory Memoranda (n 16) 2.

⁹⁶ Ibid.

protection and that online gambling should be regulated in line with land-based gambling.⁹⁷ Submissions against the Bill were primarily lead by Tabcorp and Responsible Wagering Australia who submitted that there was no compelling evidence indicating a link between use of credit cards across online betting platforms and problem gambling; and further, that there are safeguards in place which could be strengthened to protect consumers without the need for the proposed amendments to the IGA.⁹⁸

Ultimately in October 2021, the Committee provided their report recommending that the Senate should not pass the Bill as although consumers may use credit cards for online gambling and can experience harm, there is limited research of the ‘drivers and extent of the personal harm.’⁹⁹ Similarly, legislative change may have unintended consequences and impact a consumer’s choice and autonomy.¹⁰⁰ The Committee also recognised that financial institutions maintain a central role in the issuing and operating of credit cards in accordance with legislation, such as the *National Consumer Credit Protection Act 2009* (Cth). Accordingly, the Bill is yet to be progressed any further in the Senate.

3 Potential Reform? Parliamentary Joint Committee on Corporations and Financial Services: Regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia

Despite the lack of progression of the Bill (discussed above), a concurrent report was delivered in November 2021 by the Parliamentary Joint Committee on Corporations and Financial Services who are established under Pt 14 of the *Australian Securities and Investments Commission Act 2001* (Cth). As mentioned prior, s 15C of the IGA prohibits online wagering services from providing or facilitating lines of credit, with the exception of independently issued credit cards. The Committee self-referred this inquiry specifically examining the extent of consumer detriment, current voluntary bans by financial institutions in Australia and other existing consumer protections.¹⁰¹

The provision of credit cards and loans are primary means by which banks and other financial institutions may facilitate consumers partaking in gambling.¹⁰² Subsequently, they often facilitate consumers gambling beyond their means.¹⁰³ Financial institutions can restrict use of credit cards for online gambling through prohibiting payment to specific Merchant Category Codes (MCCs) which identify the type of business a merchant is engaged in.¹⁰⁴ The codes and meanings of MCCs are

⁹⁷ Environment and Communications Legislation Committee, Parliament of Australia, *Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020* (Report, October 2021) 9-12 (‘Senate Committee’s Report on Bill’).

⁹⁸ *Ibid* 16.

⁹⁹ *Ibid* 19-20.

¹⁰⁰ *Ibid* 19.

¹⁰¹ Parliamentary Joint Committee on Corporations and Financial Services (n 94) 2.

¹⁰² Thomas B Swanton, Sally M Gainsbury and Alex Blaszcynski, ‘The role of financial institutions in gambling’ (2019) 19(3) *International Gambling Studies* 377, 381.

¹⁰³ *Ibid*.

¹⁰⁴ Australian Banking Association, *Every Customer Counts - Use of credit cards for gambling transactions* (Consultation Report, December 2020) 14.

standardised globally through the International Organization for Standardization,¹⁰⁵ meaning offshore gambling transactions are identifiable.

Interesting, the Parliamentary Joint Committee identified that the onus for implementing any regulation regarding blocking transactions through MCCs would fall upon both the card issuing banks or card networks.¹⁰⁶ Mastercard, in their answers to questions on notice, advised that cardholder relationships belong to and are managed by the financial institution who issues the card.¹⁰⁷ Subsequently, they advised that for any regulatory change to be effective the financial institution or bank, who can see the consumer's activity and statement, would need to bear the responsibility of blocking these transactions using the MCCs.¹⁰⁸ VISA similarly noted that they are a business-to-business entity and do not have a direct relationship with consumers, rather the issuing bank clients. However, they can block transactions, but typically have only done so where instructed to by their client when they experience an outage.¹⁰⁹ The report also identified that the Australian Banking Association had suggested that it may be difficult for blocking of MCCs for all digital wallet operators.¹¹⁰ Visa indicated that the financial institution who issues the card will be able to manage the card and 'blocks' it, like they are able to for the physical card.¹¹¹ Furthermore, Apple indicated that Apple Pay has the ability to distinguish between debit and credit cards as to allow gambling service operators to conform with requirements in the UK which have banned credit cards,¹¹² as will be discussed below.

The committee specifically recommended that the 'Australian Government prioritise the collection of data on online gambling in Australia, including the size and growth of the online gambling market, online gambling with credit, and the extent and nature of the associated harms' and that they 'develop and implement legislation to ban online gambling service providers of wagering, gaming and other gambling services (but not lotteries) from accepting payment by credit cards, including via digital wallets'.¹¹³

¹⁰⁵ Parliamentary Joint Committee on Corporations and Financial Services (n 94) 24.

¹⁰⁶ Ibid 46.

¹⁰⁷ Ibid 36.

¹⁰⁸ Mastercard, Submission No 20 to Parliamentary Joint Committee on Corporations and Financial Services, Commonwealth of Australia, *Inquiry into Regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia* (3 August 2021).

¹⁰⁹ Visa, Submission No 21 to Parliamentary Joint Committee on Corporations and Financial Services, Commonwealth of Australia, *Inquiry into Regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia* (2 August 2021).

¹¹⁰ Parliamentary Joint Committee on Corporations and Financial Services (n 94) 37 citing Australian Banking Association, Submission No 13 to Parliamentary Joint Committee on Corporations and Financial Services, Commonwealth of Australia, *Inquiry into Regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia* (25 June 2021) 3 ('ABA submission to Parliamentary Joint Committee').

¹¹¹ Parliamentary Joint Committee on Corporations and Financial Services (n 94) 47.

¹¹² Ibid.

¹¹³ Ibid 45.

Unfortunately, to date, there has been no government response to date with respect to these recommendations.

4 National Consumer Credit Protection Act 2009 (Cth) & Banking Code of Practice

Banks and other financial institutions are subject to the *National Consumer Credit Protection Act 2009* (Cth) which provides obligations to assess a consumer's unsuitability to enter into a credit contract (product) and when increasing a credit limit.¹¹⁴ The consumer will be deemed unsuitable when the contract is being entered into or an increase in the limit under the product, if any of the following apply:

- (a) the consumer will not be able to comply with their financial obligations (such as meeting repayments as they fall due); or
- (b) the consumer will only be able to comply with their financial obligations with substantial hardship; or
- (c) the product does not meet the consumer's requirement or objectives, when being entered into or the credit limit.¹¹⁵

If the consumer falls within any of the above prescribed categories, the institution must not enter into the product with the consumer, nor suggest that the consumer apply for it or assist the consumer apply for it.¹¹⁶ Furthermore, due to the growing recognition of problems associated with credit cards, financial institutions that issue credit cards must consider that a consumer is unsuitable for a credit-card product whereby the consumer is unable to repay the proposed limit of the credit card within a three-year period.¹¹⁷ If the consumer cannot comply with this obligation to repay the equivalent to the credit limit within this period, there is a non-rebuttable presumption that the consumer is taken to only be able to comply with the obligations with substantial hardship.¹¹⁸

The Banking Code of Practice, for signatory banks, is legally binding and enforceable as part of the bank's contract with a consumer. Chapter 14 prescribes that signatory banks¹¹⁹ are "committed to taking extra care with vulnerable customers" and will train their staff to "act with sensitivity, respect and compassion" toward vulnerable customers. They will also identify a suitable way for consumers to access and undertake their banking in light of personal and financial circumstances when disclosed. It is evident that those with a gambling addiction may fall within the realm of the category of customers

¹¹⁴ Australian Securities & Investments Commission, *Regulatory Guide 209 - Credit licensing: Responsible lending conduct* (December 2019) regs 209.1-209.2.

¹¹⁵ *Ibid* reg 209.8.

¹¹⁶ *Ibid* reg 209.9.

¹¹⁷ *Ibid* reg 209.17.

¹¹⁸ *Ibid* reg 209.237.

¹¹⁹ See 'Code Signatories', *Australian Banking Association* (Web Page) <<https://www.ausbanking.org.au/banking-code/code-signatories/>> for list of signatory banks.

who are experiencing vulnerability through “any other personal, or financial, circumstance causing significant detriment”.¹²⁰

However, one Australian-focused review of financial institution’s role in gambling identified that often consumers only need to demonstrate their capability to make a 2% minimum monthly repayment, and subject to a cardholder’s credit limit, there is no limit on the amount of which is able to be gambled in one ‘session’ of gambling.¹²¹

Furthermore, whilst in practice, these provisions may require financial institutions to be more prudent and responsible in lending practices, there is still a need for stronger regulation with respect to gambling.

In one recent Federal Court case (*Australian Securities and Investments Commission (ASIC) v Commonwealth Bank of Australia* [2020] FCA 1543) the applicant, the Australian Securities & Investments Commission (ASIC), the regulators for company and financial services, alleged that the respondent, the Commonwealth Bank of Australia (CBA) breached various provisions of the *National Consumer Credit Protection Act 2009* (Cth) through allowing a customer to increase the credit limit on his CBA credit card from \$27,100 to \$35,100. Of relevance, CBA offered and made the credit limit increase after the customer had informed CBA that he was a problem gambler and did not wish to increase his credit limit until he was able to get his gambling under control. CBA admitted the contravention and the underlying conduct. Subsequently, the judgment was merely related to penalties. Murphy J ordered CBA to pay \$150,000 in pecuniary penalties.

B Internationally

1 United Kingdom

The United Kingdom (UK) was the first country to implement a complete ban, both online and offline (excluding lotteries in physical shops), on the use of credit cards for gambling transactions, through the *Gambling Act 2005* (UK) from 14 April 2020. This ban was informed by the Gambling Commission’s public consultation which determined that risk of harms associated with credit cards for online gambling was too high and that action to protect consumers was necessary.¹²² Gambling businesses must not accept payment from e-wallets (including Apple Pay or PayPal) if that money was loaded from a credit card.¹²³ Interesting, unlike Australia, the UK does not ban offshore unauthorised gambling sites and

¹²⁰ 'Banking Code of Practice: Setting the standards of practice for banks, their staff and their representatives', *Australian Banking Association* (Release, 1 March 2020) <<https://www.ausbanking.org.au/wp-content/uploads/2020/03/2020-Code-A4-Booklet-Interactive.pdf>>.

¹²¹ Swanton, Gainsbury and Blaszczyński (n 102) 382.

¹²² Kevin Pratt, 'UK Bans Use Of Credit Cards To Pay For Gambling', *Forbes* (online, 27 March 2021) <<https://www.forbes.com/uk/advisor/personal-finance/2020/04/14/uk-bans-use-of-credit-cards-to-pay-for-gambling/>>.

¹²³ *Gambling Act 2005* (UK) s 81. See also, Explanatory Note, *Interactive Gambling Act 2005* (UK) <<https://www.legislation.gov.uk/ukpga/2005/19/notes/division/5/3/7/3/14#:~:text=Section%2081%3A%20Credit%20and%20inducements&text=the%20giving%20of%20credit%20in,or%20assisting%20person%20to%20gamble.>>.

providers. Rather, it operates an open licensing system that means it can tax gambling profits from UK customers.¹²⁴

2 New Zealand

Alike Australia, New Zealand prohibits online gambling except for those authorised under its relevant legislation, the *Gambling Act 2003* (NZ), namely government-owned lotto and wagering through TAB.¹²⁵ However, at present NZ lacks any legislation regulating offshore operators, which remains a notable issue in the country.¹²⁶ Furthermore, the Department of Internal Affairs has been examining a potential ban on use of credit cards to gamble online.¹²⁷ Despite this, no action has been taken at present to amend the current legislation.

3 United States

The *Unlawful Internet Gambling Enforcement Act of 2006* (US) restricts use of all card systems (credit or debit) for online gambling in the United States by prohibiting financial institutions from facilitating the payments between unlawful online gambling operators and customers. It also makes it unlawful for unlawful online gambling operators to receive or accept any money transfers in any way from a person participating in unlawful internet gambling.

4 Norway

In Norway, the only company that can legally offer online gambling is Norsk Tipping AS,¹²⁸ which is owned by the Norwegian government and administered by Norwegian Ministry of Culture and regulated under the *Gambling Act* of 28 August 1992 No. 103.¹²⁹ Subsequently, since 2010, in response to the rise in illegal cross-border gambling operators, Norway introduced legislation blocking any money transactions (debit or credit) between foreign gambling operators and customers in Norway.¹³⁰ There is no restriction on credit-card use for the state-owned online gambling operator.

¹²⁴ HM Revenue & Customs, 'Guidance: General Betting Duty, Pool Betting Duty and Remote Gaming Duty', UK Government (Web Page, 14 August 2014) <<https://www.gov.uk/guidance/general-betting-duty-pool-betting-duty-and-remote-gaming-duty>>.

¹²⁵ *Gambling Act 2003* (NZ) s 9(2).

¹²⁶ Department of Internal Affairs, New Zealand Government, 'Online Gambling in New Zealand' (Public Discussion Document, July 2019) <[Online-Gambling-in-New-Zealand-Discussion-Document.pdf](#)>. See also Department of Internal Affairs, New Zealand Government, '2019/20 Annual review of the Department of Internal Affairs: Report of the Governance and Administration Committee' (Report, March 2021).

¹²⁷ Ibid.

¹²⁸ 'Gambling in Norway', *The Norwegian Gambling and Foundation Authority* (Web Page) <<https://lottstift.no/en/gambling-in-norway/>>.

¹²⁹ 'Ownership, board and management', *Norsk Tipping* (Web Page) <<https://www.norsk-tipping.no/selskapet/om-selskapet/eierskap-styret-ledelsen>>.

¹³⁰ The Norwegian Gambling and Foundation Authority (n 128).

5 Singapore

Singapore restricts online off-shore gambling by making any individual who gambles through remote communication and a remote gambling service to be guilty of an offence.¹³¹ If found guilty, an individual will be liable for a fine of up to \$5,000 or imprisonment for up to 6 months, or both.

6 Germany

The Interstate Treaty on Gambling (ISTG 21) sets out the main objectives for gambling regulation within Germany.¹³² Ultimately, it is implemented by specific State legislation and allows States to determine whether to utilise a state monopoly system or issue a number of limited licences to private operators.¹³³ Whilst there are no current restrictions on use of credit cards for online gambling, an interesting judgment from this jurisdiction appeared in 2018 prior to these reforms which nevertheless reiterated that the onus is on the financial institution to prevent transactions to unlicensed online gambling companies. Specifically, the District Court of Munich dismissed a claim initiated by Landesbank Berlin AG against a gambler who refused to repay debts incurred on his credit card. These debts were incurred through online gambling on a non-licensed (and therefore, illegal) operator. The Court determined that in these circumstances, the bank had sufficient knowledge through special codes which would identify the customer's transactions as gambling related.¹³⁴

III CREDIT PROVIDERS

A Digital Wallets

'Digital wallets' and 'e-wallets' are software applications that are inbuilt to mobile devices that enable card-less or contactless payment transaction to merchants at a point-of-sale, whether in person or online.¹³⁵ Digital wallets can be 'open' or 'closed'. Open wallets allow transactions between customers and array of merchants with appropriate technology, whilst close wallets allow customers to transact with a single merchant.¹³⁶ Further, they may also be characterised as either passthrough or cash storage facilities. Passthrough digital wallets act as a platform for customers to draw on existing accounts to

¹³¹ 'Gambling Legally (In Public or Online) in Singapore', Singapore Legal Advice (Web Page, 3 February 2022) <<https://singaporelegaladvice.com/law-articles/when-is-gambling-illegal-in-singapore/>>; *Remote Gambling Act 2014* (Singapore) s 8.

¹³² Joerg Hofmann and Matthias Spitz, 'Gambling Law and Regulations Germany', *ICLG.com* (Web Page, 18 November 2021) <<https://iclg.com/practice-areas/gambling-laws-and-regulations/germany>>.

¹³³ *Ibid.*

¹³⁴ Philip Conneller, 'German Gamblers Not Required to Repay Credit Card Transactions Used for Illegal Gambling, Court Rules', *Casino.org* (online, 8 September 2018) <<https://www.casino.org/news/german-gamblers-not-required-to-repay-credit-card-transactions>>; Vincenzo Giuffrè, 'Swedish offshore gambling promotion ban and German gambling debt case', *DLA Piper* (Blog Post, 3 October 2018) <<https://blogs.dlapiper.com/iptitaly/2018/10/swedish-offshore-gambling-promotion-ban-and-german-gambling-debt-case/>>.

¹³⁵ Parliamentary Joint Committee on Corporations and Financial Services, Parliament of Australia, *Mobile Payment and Digital Wallet Financial Services* (Report, October 2021) 11 ('*Mobile Payment and Digital Wallet Financial Services*').

¹³⁶ *Ibid.*

make transactions¹³⁷ (e.g., Apple Pay, Google Pay and Samsung Pay). As such these services are generally linked to a financial institution, and not independent. Apple, in their submission to the Parliamentary Joint Committee reporting on Mobile Payment and Digital Wallet Financial Services, noted that ‘Apple does not issue credit, debit or prepaid cards, and does not process, authorise or execute transactions... Rather, Apple has partnered with banks and other financial institutions to enable them to securely store payment credentials on Apple devices which their customers use to make payments.’¹³⁸ Apple have further noted that it may distinguish between a debit or credit card within digital wallets as to ensure compliance with the UK ban on credit cards.¹³⁹ Nevertheless, some digital wallets may also act as cash storage facilities, allowing consumer to load currency into the wallet and make payment. Subsequently, this may allow consumers to utilise credit cards cash advances to source funds that may be utilised to gamble online.¹⁴⁰ For example, Visa has stated that whilst the issuing card providers (e.g. banks) are able to manage the block of gambling transactions online through the MCC, alike they would in offline venues, where a card is used for the *loading* of money onto a digital wallet, this is under a different MCC. Only the e-wallet provider will therefore be unable to determine whether the loaded money is used for gambling, as it is not passing through the credit card network.¹⁴¹

Therefore, as there are no regulatory or legislative restrictions barring credit card use for online gambling transactions, e-wallet providers are able to act as another intermediary for credit card use in online gambling. Concerningly, where a financial institution has blocked use of their credit cards for gambling transactions, utilising the information provided by Visa, this may be circumvented through cash advances to an alternate card. Therefore, policy changes focusing on credit cards should also ensure that e-wallets are encapsulated too.

B Buy Now Pay Later

Buy Now Pay Later (BNPL) are instalment payment products which enable consumers to pay an initial instalment on a good or service and pay off the remainder of the amount in future instalments.¹⁴² Though BNPL services haven’t typically ever been offered in the online gambling industry, consideration should still be had due to their rapid expansion and popularity.¹⁴³ BNPL services can be stored in digital wallets/e-wallets. Furthermore, though these services charge merchants a service fee, a large portion of their profit is obtained through charging of late fees for missed payments, which may result in significant higher debt than regular payment methods for consumers.¹⁴⁴ A BNPL Code of Practice was launched in March 2021 by the Australian Finance Industry Association. Signatories undertake not to provide their provide products or services for domestic and offshore online gambling.¹⁴⁵ These services include Afterpay, Brighte, Humm Group, Zip Co, etc. Nevertheless, there may be BNPL services which do not conform to this Code of Practice.

¹³⁷ Ibid.

¹³⁸ Ibid 12.

¹³⁹ Parliamentary Joint Committee on Corporations and Financial Services (n 94) 37.

¹⁴⁰ Ibid 27.

¹⁴¹ Ibid 37.

¹⁴² *Mobile Payment and Digital Wallet Financial Services* (n 135) 19.

¹⁴³ Ibid 20.

¹⁴⁴ Ibid.

¹⁴⁵ Parliamentary Joint Committee on Corporations and Financial Services (n 94).

C Gambling Service Providers

For sake of completeness, as outlined prior, certain interactive wagering services cannot provide a line of credit (excluding via an independently issued credit card), nor facilitate credit via third parties (e.g., payday lenders), to a customer without using deposited funds.¹⁴⁶ It may also be recalled that the IGA makes it illegal for gambling providers to provide banned services (e.g., online casinos, in-play sports betting, sports betting services without an Australian licence, and betting on the outcome of a lottery). These banned services cannot promote nor offer credit.

D Select Banks and Financial Institutions

There is increasing scholarly work recognising the pivotal role of financial institutions in facilitating gambling transactions.¹⁴⁷ Though the above outlined potentially alternative sources of obtaining credit for online gambling, it is evident that the banks and financial institutions remain the predominant source of credit for online gambling through supplying of credit cards. Further, and as outlined prior, there is a severe lack of regulation which specifically prohibits the use of credit cards for online gambling transactions in Australia. Moreover, only 6.1% of interactive gamblers reported they had their bank block or limit their gambling transaction.¹⁴⁸

In light of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, financial institutions are becoming more aware of the increased expectations from their stakeholders and the broader public following repetitive proven allegations of imprudent lending practices, mismanagement and inappropriate conduct which has eroded substantial trust from the public.¹⁴⁹ Subsequently, numerous financial institutions are (or have implemented policies aimed at) preventing or limiting their customers from using credit cards to gamble online, or placing additional precautions or services to minimise the harm associated with the behaviour.

The below table outlines measures taken to address use of credit cards for online gambling through select banks and financial institutions.

¹⁴⁶ *IGA* (n 56) s 15C.

¹⁴⁷ See eg, Swanton, Gainsbury and Blaszczyński (n 102).

¹⁴⁸ Hing et al (n 18) 11.

¹⁴⁹ James Evers, 'Royal commission erodes trust in banks: new poll', *Australian Financial Review* (online, 28 October 2018) <<https://www.afr.com/companies/financial-services/royal-commission-erodes-trust-in-banks-new-poll-20181025-h172v9>>.

Banks & Financial Institutions	Measures with respect to gambling with credit cards
Bank Australia	Bank Australia blocks all gambling transactions on credit cards. ¹⁵⁰
Bank of Australia and New Zealand (ANZ)	<p>ANZ has specific guidelines with respect to use of personal credit cards for gambling transactions. ANZ does not allow customers to use their credit card for transactions they identify as for gambling or gaming purpose (including online) when, at the time of transacting, the customer has used more than 85% or more of their credit card limit, or if the transaction (if processed) would take the customer's balance to 85% or more of their credit limit.¹⁵¹</p> <p>Gambling transactions are treated as a 'cash advance'.¹⁵² All ANZ credit cards have a 21.24% p.a. interest rate on cash advances.¹⁵³ A one-off fee of 3% or the minimum fee of \$4.00 (whichever is greater), will also apply.</p> <p>Customers can also apply via the ANZ app for a gambling block for their ANZ card whereby a customer will be unable to make gambling transactions using their physical card or through a digital wallet (like Apple Pay) and regardless of whether the transaction is online, over the phone or in person.¹⁵⁴</p>
Bank of Melbourne	<p>Gambling block feature is available on an opt-in basis for customers with all eligible credit cards and debit cards.¹⁵⁵</p> <p>Merchants that are identified as gambling services are transactions treated as a 'cash advance'.¹⁵⁶ The cash advance interest rate (variable) for all credit cards is currently 21.49% p.a. A one-off fee of 2% of each amount with a \$2.50 minimum (whichever is greater), will also apply.</p>
Bank of Queensland	Bank of Queensland does not allow credit cards to be used for gambling transaction. ¹⁵⁷
Bendigo Bank	<p>Bendigo Bank includes Merchant Controls thereby allowing consumers to prevent purchases from categories including Gambling.¹⁵⁸ This is equivalent to an opt-in block.</p> <p>Gambling transactions otherwise are treated as a 'cash advance' and subject to different interest rates.¹⁵⁹</p> <p>The cash advance interest rate for each credit card is:</p> <ul style="list-style-type: none"> • Low Rate Credit Card – 13.99% p.a. • Platinum Rewards Credit Card – 21.99% p.a. • Qantas Platinum Credit Card – 21.99% p.a.¹⁶⁰ <p>A one-off fee of \$3.25 or 0.5% of the transaction amount (whichever is greater) will also apply.</p>
Citibank	Citibank does not allow gambling transactions on their credit cards. ¹⁶¹

¹⁵⁰ 'Account and access facility Conditions of use', *Bank Australia Limited* (Web Page, 28 April 2022)

<<https://cdn.bfldr.com/1R31Y8GR/as/69854fx5fz3mwxq4wjx6nv/Account_and_Access_Facility_Conditions_Of_Use>>.

Commonwealth Bank of Australia (CBA)

For most Commbank credit cards, customers can request a 6-month block on all gambling spending on credit cards. Alternatively, there is a digital self-service gambling lock which customers can activate and de-activate as necessary. Importantly, for self-service locks there is a 48 hour cooling off period from when turning it on and being able to turn it off. Gambling transactions include TAB, online gambling sites and lottery tickets.¹⁶²

Gambling transactions are blocked on Commbank Essentials and CommBank Neo credit cards.¹⁶³

¹⁵¹ ‘Things to know about gambling and credit cards’, *ANZ* (Web Page) <<https://www.anz.com.au/personal/credit-cards/using/credit-card-education/gambling-credit-card/>>; ‘ANZ Credit Cards: Conditions of Use’, *ANZ* (Web Page, 8 November 2021) <<https://www.anz.com.au/content/dam/anzcomau/documents/pdf/anz-creditcards-conditions-of-use.pdf>> 22, [8.2] (‘ANZ Credit Cards: Conditions of Use’).

¹⁵² ANZ Credit Cards: Conditions of Use (n 139) 9.

¹⁵³ ‘Compare Credit Cards’, *ANZ* (Web Page) <<https://www.anz.com.au/personal/credit-cards/compare-cards/>>.

¹⁵⁴ ‘Gambling Support’, *ANZ* (Web Page) <<https://www.anz.com.au/support/gambling/>>.

¹⁵⁵ ‘Gambling Block’, *Bank of Melbourne* (Web Page) <<https://www.bankofmelbourne.com.au/personal/credit-cards/manage/gambling-preference/>>.

¹⁵⁶ ‘Bank of Melbourne Credit Cards: Terms and Conditions, Credit Guide, Information Statement’, *Bank of Melbourne* (Web Page, 3 November 2021) <https://www.bankofmelbourne.com.au/content/dam/bom/downloads/personal/credit-cards/bom_credit_card_terms_and_conditions.pdf?appAction=exit> 24.

¹⁵⁷ ‘Credit Card Terms and Conditions and Other Important Information’, *Bank of Queensland* (Web Page, October 2021) <<https://www.boq.com.au/content/dam/boq/files/personal/credit-cards/boq-credit-card-terms-and-conditions.pdf>> 7.

¹⁵⁸ ‘Bendigo Credit Card: Terms & Conditions’, *Bendigo Bank* (Web Page, 1 October 2021) <<https://www.bendigobank.com.au/globalassets/documents/disclosures/bendigo-credit-card-terms-conditions.pdf>> 19.

¹⁵⁹ ‘Understanding interest and fees’, *Bendigo Bank* (Web Page) <<https://www.bendigobank.com.au/personal/credit-cards/my-card/understanding-interest-and-fees/>>.

¹⁶⁰ ‘Personal Credit Cards’, *Bendigo Bank* (Web Page) <<https://www.bendigobank.com.au/personal/credit-cards/>>.

¹⁶¹ ‘Credit Card Terms and Conditions and Other Important Information’, *Citibank* (Web Page) <https://www.citibank.com.au/global_docs/pdf/MCG15638_1118.pdf>.

¹⁶² ‘Problem gambling assistance’, *Commonwealth Bank of Australia* (Web Page) <<https://www.commbank.com.au/support/gambling-support.html>>.

¹⁶³ ‘CBA launches no interest payment card, CommBank Neo’, *Commonwealth Bank of Australia* (Web Page, 10 September 2020) <<https://www.commbank.com.au/articles/newsroom/2020/09/cba-no-interest-credit-card-neo.html>>.

	For all other credit cards, gambling transactions are considered a ‘cash advance’ and incur higher interest rates. Each time a cash advance transaction is made a fee is charged of either \$3.00 or \$3.00% of the transaction amount – up to a maximum of \$300, whatever is greater. ¹⁶⁴ This fee is in conjunction to the interest rate of 21.24% p.a. ¹⁶⁵
Great Southern Bank	Great Southern Bank does not allow customer to use credit cards for the purpose of gambling. ¹⁶⁶
imb Bank	imb bank does not allow gambling transactions via their credit cards. ¹⁶⁷
ING	Gambling transactions are considered a ‘cash advance’. Cash advances are unavailable unless the customer opts in. ¹⁶⁸ This means a customer will need to enable the cash advance functionality before being able to gamble via their ING credit card. The interest on cash advances is the same as interest on purchases made under respective cards, namely: <ul style="list-style-type: none"> • Orange One Low Rate Classic – 11.99% p.a. • Orange One Low Rate Platinum – 11.99% p.a. • Orange One Rewards Platinum – 16.99% p.a.¹⁶⁹ A one-off fee of the greater of \$3 or 3% of the amount will also apply.
Latitude Financial	Latitude Financial does not allow credit cards to purchase any gambling and lottery purchases, whether online or in venues. ¹⁷⁰

¹⁶⁴ ‘Understanding credit card cash advances’, *Commonwealth Bank of Australia* (Web Page) <<https://www.commbank.com.au/credit-cards/manage/cash-advances.html>>.

¹⁶⁵ ‘Credit card fees and charges’, *Commonwealth Bank of Australia* (Web Page) <<https://www.commbank.com.au/credit-cards/card-fees-charges.html>>.

¹⁶⁶ ‘Credit Card Conditions and Credit Guide’, *Great Southern Bank* (Web Page, 1 June 2021) <https://www.greatsouthernbank.com.au/_data/assets/pdf_file/0027/166743/RC00689_CREDIT_CARD_Conditions_of_Use_and_Credit_Guide_181127.pdf> 9.

¹⁶⁷ ‘Credit Card Terms and Conditions and Other Important Information’, *Card Services* (Web Page, October 2021) <<https://www.cardservicesdirect.com.au/cardservices/pdf/CreditCard-TermsandConditions.pdf>> 5.

¹⁶⁸ ‘Orange One Terms and Conditions’, *ING* (Web Page, 1 July 2019) <<https://www.ing.com.au/pdf/orangeone/Orange%20One%20Terms%20and%20Conditions.pdf>> 3.

¹⁶⁹ ‘Key facts about this credit card’, *ING* (Web Page, 9 September 2020) <<https://www.ing.com.au/pdf/orangeone/Orange%20One%20Key%20Facts%20Sheet.pdf>>.

¹⁷⁰ ‘Apple Credit line: Frequently asked questions’, *Latitude Financial* (Web Page) <<https://www.latitudefinancial.com.au/credit-cards/apple-creditline/>>.

Macquarie Bank	Macquarie Bank does not allow credit cards to be used on transactions relating to gambling or lotteries. ¹⁷¹
National Australia Bank (NAB)	For most credit cards, NAB offers an opt-in restriction for use of credit cards to gamble (including online). There is a 48-hour period to update preferences once switched off. ¹⁷² Like most other banks, NAB consider gambling or gaming-related transactions to be a 'cash advance'. ¹⁷³ The cash advance rate across all credit cards that allow gambling is 21.74% p.a. Cash advances also have a one-off fee in conjunction to the interest rate, namely 2% of the cash advance amount or \$2.50, whichever is greater. ¹⁷⁴ The NAB StraightUp Card is the only credit card which does not allow gambling transactions. ¹⁷⁵
Newcastle Permanent	Newcastle Permanent does not restrict gambling transactions on credit cards. Gambling transactions are considered a 'cash advance'. ¹⁷⁶ The cash advance rate is 11.99% p.a., and a one-off fee of the greater of 2.00% of the transaction value or \$2.50 is also charged. ¹⁷⁷
St. George	St George offers an opt-in gambling block on all eligible personal credit cards and debit cards. ¹⁷⁸ Gambling is considered a 'cash advance'. ¹⁷⁹ The cash advance interest rate is 21.49% p.a. across all St George credit cards. ¹⁸⁰

¹⁷¹ 'How do gambling and lottery restrictions on my credit card work?', *Macquarie Bank* (Web Page) <<https://help.macquarie.com/s/article/How-do-gambling-and-lottery-restrictions-on-my-credit-card-work>>.

¹⁷² 'Restrict Gambling Transactions on Your Nab Cards', *NAB* (Web Page) <<https://www.nab.com.au/personal/customer-support/gambling-restriction>>.

¹⁷³ 'Common credit card fees and ways to avoid them', *NAB* (Web Page) <<https://www.nab.com.au/personal/life-moments/manage-money/manage-debt/avoid-credit-card-fees>>.

¹⁷⁴ 'Personal Banking Fees and Charges', *NAB* (Web Page, 19 October 2020) <<https://www.nab.com.au/personal/help-and-guidance/personal-banking-fees-and-charges#s3p3>>.

¹⁷⁵ 'NAB StraightUp Card', *NAB* (Web Page) <<https://www.nab.com.au/personal/credit-cards/nab-straightup-card>>.

¹⁷⁶ 'Supplementary Terms and Conditions: changes to Terms and Conditions for Value+ Credit Cards, *Newcastle Permanent* (Web Page, 1 December 2018) <https://www.newcastlepermanent.com.au/-/media/files/terms-conditions-fees-charges/credit-cards/1325_supplementary_tcsvaluepluscreditcard_081118.pdf?la=en&hash=A48B6639D0D4242331A01B33A1EC8AC1>.

¹⁷⁷ 'Value+ Credit Card', *Newcastle Permanent* (Web Page) <https://www.newcastlepermanent.com.au/personal/credit-card#ah_0F976534C10544709408F93AB559C32D>.

¹⁷⁸ 'St. George Credit Cards: Terms and Conditions, Credit Guide and Information Statement', *St. George* (Web Page, 3 November 2021) <https://www.stgeorge.com.au/content/dam/stg/downloads/personal/credit-cards/stg_credit_card_terms_and_conditions.pdf?appAction=exit> 10, [3.7].

¹⁷⁹ *Ibid* 28.

¹⁸⁰ 'Key facts about these credit cards', *St. George* (Web Page, 3 August 2021) <<https://www.stgeorge.com.au/personal/credit-cards/tools/credit-card-key-facts-sheet?appAction=exit>>.

	There is also a one-off fee of 3% of the cash advance amount where the account is a negative balance. Where the account has a zero or credit balance after the cash advance, the minimum fee applies. ¹⁸¹
Suncorp	Suncorp does not allow credit cards to be used for the purpose of gambling. ¹⁸²
Virgin Money	Virgin Money does not allow credit cards to be used for the purpose of gambling. ¹⁸³
Westpac	Westpac offers an opt-in gambling block for all credit cards, ¹⁸⁴ excluding the Lite credit card and Flex Card which does not allow gambling transactions regardless of whether the customer opts-in or not. ¹⁸⁵
	For all other credit cards that allow gambling, gambling services fall within a transaction identified as a 'cash advance', ¹⁸⁶ and therefore attract the interest rate of 21.49% p.a., ¹⁸⁷ and 3% value of the transaction as a one-off fee. ¹⁸⁸
American Express (AMEX)	AMEX prohibits merchants from accepting an AMEX card for gambling goods and services. ¹⁸⁹

¹⁸¹ 'Credit Card Accounts: Fees and charges', *St. George* (Web Page, 22 November 2021) <https://www.stgeorge.com.au/content/dam/stg/downloads/accounts_and_cards/stg-cc-fee-charges.pdf> 6.

¹⁸² 'Credit Card Terms and Conditions and Other Important Information', *Suncorp* (Web Page, October 2021) <<https://www.suncorp.com.au/content/dam/suncorp/bank/documents/personal/credit-cards/terms-and-conditions-suncorp-credit-cards.pdf>> 6.

¹⁸³ 'Credit Card Terms and Conditions and Other Important Information', *Virgin Money* (Web Page, October 2021) <<https://virginmoney.com.au/content/dam/virginmoney/vma-downloads/credit-cards/credit-card-terms-and-conditions.pdf>> 8.

¹⁸⁴ 'Westpac Credit Cards: Terms and Conditions, Credit Guide and Information Statement', *Westpac* (Web Page, 3 November 2021) <<https://www.westpac.com.au/content/dam/public/wbc/documents/pdf/pb/credit-cards/westpac-credit-card-terms-and-conditions.pdf>> 8, [3.7] ('Westpac Credit Cards: Terms and Conditions, Credit Guide and Information Statement').

¹⁸⁵ 'Flex Card: Terms and conditions', *Westpac* (Web Page, 24 September 2021) <<https://www.westpac.com.au/content/dam/public/wbc/documents/pdf/pb/credit-cards/westpac-flex-card-terms-and-conditions.pdf>> 11, [3.6].

¹⁸⁶ Westpac Credit Cards: Terms and Conditions, Credit Guide and Information Statement (n 172) 22.

¹⁸⁷ 'Key facts about these credit cards', *Westpac* (Web Page, 16 November 2021) <<https://www.westpac.com.au/personal-banking/credit-cards/credit-cards-fact-sheet/>>.

¹⁸⁸ 'Credit Card Fees', *Westpac* (Web Page) <<https://www.westpac.com.au/personal-banking/credit-cards/manage/fees-interest/minimising-fees/>>.

¹⁸⁹ 'Card Acceptance for American Express: Terms & Conditions', *American Express* (Web Page, October 2020) <<https://www.americanexpress.com/content/dam/amex/au/merchant/pdfs/AmericanExpressMerchantTermsandConditions.pdf>>.

III PROTECTING CONSUMERS

As outlined prior, online gambling is not regulated in the same way that gambling in venues is, particularly with respect to the use of credit to fund gambling transactions. Since the early 2000s, State and Territory governments have prohibited consumers access to credit cards for gambling on poker machines in licensed venues, as well as in casinos, TAB outlets and racing tracks.¹⁹⁰ Online gambling has seen a drastic rise over the last couple of decades. Covid-19 and the lockdowns of land-based venues further exacerbated a rise of online gambling. The Australian Banking Association noted that online gambling now accounts for 55% of all gambling.¹⁹¹ Online wagering is the fastest growing segment of the Australian gambling market.¹⁹² The below outlines key concepts and areas discussed with respect to consumer protection of online gambling, to ensure that consumers take away the key points from this article.

A Regulation through the Interactive Gambling Act and ACMA

The *Interactive Gambling Act (2001)* (Cth) regulates all companies that, through an app, website, via telephone or online, offer and advertise gambling services. Certain interactive wagering services cannot provide credit to consumers, however, there is no legislative provisions which do not allow for gambling services to accept credit cards (as long as they are independent).¹⁹³

The *Interactive Gambling Act* is enforced by the Australian Communications and Media Authority (ACMA). Before you gamble online, you should check that the provider is on the register of licensed interactive gambling providers, as published on the ACMA website.¹⁹⁴ The ACMA also publishes a list of illegal online gambling service providers, which the ACMA (through powers within the *Telecommunications Act 1997* (Cth)) requests that internet services providers must block.¹⁹⁵

You can submit a complaint online or via post to the ACMA if you encounter a prohibited or unlicensed regulated gambling service online, or see ads from these services, or if a provider of online wagering provides a line of credit.¹⁹⁶

B Banks and Financial Institutions

Subsequently, in light of the lack of legislative provisions prohibiting credit cards in online gambling transactions, some banks and financial institutions have specific policies with respect to the matter. As outlined in the above table, the following banks all prohibit gambling transactions across their credit card ranges: Bank Australia, Bank of Queensland, Citibank, Great Southern Bank, imh Bank, Latitude Financial, Suncorp, Virgin Money and American Express . Some banks, including Westpac and NAB

¹⁹⁰ ABA submission to Parliamentary Joint Committee (n 110), 1

¹⁹¹ ABA Submission to Inquiry into Bill (n 17).

¹⁹² Senate Committee's Report on Bill (n 97) 7.

¹⁹³ *IGA* (n 56) s 15C.

¹⁹⁴ See AMCA Register of Licensed Interactive Gambling Providers (n 80).

¹⁹⁵ 'Blocked Gambling Websites', *Australian Communications and Media Authority* (Web Page, 26 April 2022) <<https://www.acma.gov.au/blocked-gambling-websites>>.

¹⁹⁶ 'Interactive gambling complaint form', *Australian Communications and Media Authority* (Web Page, 25 October 2021) <<https://www.acma.gov.au/interactive-gambling-complaint-form>>.

do not allow gambling on their specific low-interest credit cards. Many other banks and financial institutions have opt-in systems which allow the consumer to block their ability to use the credit card for gambling, by prohibiting payment to specific Merchant Category Codes (MCCs) which identify the type of business a merchant is engaged in.

It is extremely important to note that banks and financial institutions which do not prohibit gambling typically classify any gambling transactions as a 'cash advance'. Subsequently, higher interest rates will apply above the standard rate for purchases. These are detailed in the table above. Furthermore, consumers may also be slogged with a one-off fee (per transaction) at a percentage rate of the cash advance amount.

C Self-Exclusion Options Beyond Banks and Financial Institutions

Following changes to the *Interactive Gambling Act* in 2019,¹⁹⁷ the ACMA is currently undertaking to establish a National Self-Exclusion Register.¹⁹⁸ This was one of the initiatives put forth and agreed upon in the National Consumer Protection Framework for Online Wagering. The Register will allow consumers to exclude themselves from licensed interactive wagering services for a minimum of 3 months, up to a lifetime period.¹⁹⁹ Subsequently, all licensed wagering providers will not be able to let you place a bet, open any new accounts, or send you any marketing or advertising.²⁰⁰ The Register is anticipated to be launched by mid-2022.²⁰¹

More reputable providers of online gambling services (mainly wagering) have introduced measures for consumers to self-exclude themselves or minimise harm. Sportsbet provides consumers with three self-exclusion methods: (1) "take a break" enables consumers to self-exclude from their account for 1 to 30 days; (2) "long term exclusion" allows consumer to self-exclude for 6 months to 3 years; and (3) "lifetime exclusion" ceasing any relationship or ability to utilise an account with Sportsbet.²⁰² Sportsbet also has deposit limits which consumers may set.²⁰³

Entain Group which owns Neds & Ladbrokes has responsible gambling policies which allow consumers to set deposit limits and self-exclude (temporary or permanently) from using their services. It is noted that their staff are trained about responsible gambling during induction and once a year and they refer customers affected by problem gambling to support services.²⁰⁴

¹⁹⁷ *Interactive Gambling Amendment (National Self-Exclusion Register) Bill 2019* (Cth).

¹⁹⁸ *IGA* (n 56) Pt 7B.

¹⁹⁹ 'National Self-exclusion Register', *Australian Communications and Media Authority* (Web Page, 11 May 2022) <<https://www.acma.gov.au/national-self-exclusion-register>>.

²⁰⁰ *Ibid.*

²⁰¹ *Ibid.*

²⁰² 'Responsible Gambling', *Sportsbet* (Web Page) <<https://helpcentre.sportsbet.com.au/hc/en-us/articles/115004973288-Responsible-Gambling>>.

²⁰³ 'How do I set a Deposit Limit to manage my betting?', *Sportsbet* (Web Page) <<https://helpcentre.sportsbet.com.au/hc/en-us/articles/115004973308>>.

²⁰⁴ 'Our Commitment: Responsible Gambling Policy', *Entain* (Web Page) <<https://responsiblegambling.entaingroup.com.au/responsible-gambling-policy/>>.

Unibet offers deposit limits and self-exclusion options. They offer ‘time out’ as short term breaks, namely between 24 hours to 3 months, with the account reactivating after the time out period. For longer self-exclusion for periods of 6 months to 5 years, the consumer would need to call Unibet to re-activate the account. Interestingly, Unibet offers for free, ‘Gamban’, an anti-gambling software which blocks a consumers access to all gambling sites and apps across a range of devices period a period of 6 months up to 5 years.²⁰⁵

Bet365 offers deposit limits which cannot be overridden.²⁰⁶ They also offer time outs, which allow short breaks for periods of 24 hours, 48 hours, 7 days or 30 days, and custom time-outs which occur as a one-off or on a recurring basis (e.g., access prohibited between Monday 9am to Friday 5pm each week).²⁰⁷ More permanent self-exclusion for periods of 6 months, 1 year, 2 years, 5 years or forever are also available.²⁰⁸

D Be Aware of Emerging Forms of Online Gambling – Loot Boxes and Skin Gambling

Parents should be aware of emerging forms of online gambling that are currently unregulated in Australia. Skin gambling and loot boxes appear in many popular video games and are largely used as a way to monetise otherwise free-to-play games, including Fortnite, FIFA, Candy Crush, Call of Duty etc. The Australian Government has refused to consider these emerging forms as ‘gambling’ and regulate them accordingly alike other online and interactive gambling services. This is despite academics and an inquiry of the Environment and Communications References Committee arguing it meets the legal and psychological definition of gambling.²⁰⁹ One study which examined use of loot boxes and youth gambling, suggested one of the purported risks of these products was that it could act as a gateway to greater gambling involvement as they are available to adolescents, unlike commercial gambling products. Subsequently, it may encourage youths to transition to other, more harmful, gambling activities into adulthood.²¹⁰ The study demonstrated that there was a reliable association between opening and purchasing loot boxes and current gambling problems for young adults (aged 18 to 24).²¹¹

IV CONCLUSION

For most Australian consumers, gambling is typically seen as a leisurely and socially acceptable activity. Yet, Australia has the highest per capita of gambling activities in the world, and for close to two decades, State and Territory governments have prohibited consumers access to credit cards for gambling on poker machines in licensed venues, as well as in casinos, TAB outlets and racing tracks to mitigate some of the potential damages associated with gambling on credit. Yet, these prohibitions do

²⁰⁵ ‘Responsible Gaming’, *Unibet* (Web Page) <<https://www.unibet.com.au/general-info/whentostop>>.

²⁰⁶ ‘Limit Your Account’, *bet365* (Web Page) <<https://responsiblegambling.bet365.com.au/stay-in-control/limit-your-account>>.

²⁰⁷ ‘Time Out’, *bet365* (Web Page) <<https://responsiblegambling.bet365.com.au/stay-in-control/time-out>>.

²⁰⁸ ‘Self-exclusion’, *bet365* (Web Page) <<https://responsiblegambling.bet365.com.au/stay-in-control/self-exclusion>>.

²⁰⁹ See, eg, Inquiry into Gaming micro-transactions for chance-based item (n 38) 5.

²¹⁰ Matthew Rockloff et al, ‘Loot Boxes: Are they grooming youth for gambling?’ (Report, The NSW Responsible Gambling Fund, Parliament of NSW, June 2020) 6.

²¹¹ *Ibid* 7.

not extend to online gambling. There has been drastic growth in online/interactive gambling services, driven by accessibility, ease of use, convenience and variety of betting and facilitated by greater access to the internet. Online and interactive gambling remains the fastest growing form of gambling in Australia. The authors have provided an overview of online gambling and emerging forms which remain unregulated in Australia, though are cause for concern. Parents should be aware of use of loot boxes and skin gambling in popular video games, which potentially could groom children into problematic gambling behaviours as adults.

It is recognised that credit cards are not the top method for payment for online gambling. Nevertheless, they are positively associated with gambling problems, with problem gamblers who are significantly more likely to utilise credit cards than low risk gamblers. Similarly, harm is intensified drastically where credit cards are involved. The current regulation of interactive and online gambling services does not prohibit credit card use, and despite some banks and financial institutions prohibiting a consumer's ability to use credit cards for these transactions, the vast majority do not. The consumer protections from regulatory services, credit providers and gambling services, are typically opt-in services, meaning the consumer needs to take the initiative to limit or cease their gambling. Australia should adopt an approach similar to that of the UK, banning the use of credit cards for gambling transactions both online and offline (excluding lotteries in physical shops),.

BIBLIOGRAPHY

A *Articles/Books/Reports*

'ACMA blocks more illegal gambling and affiliate-marketing websites', *Australian Communications and Media Authority* (Article, 26 April 2022) <<https://www.acma.gov.au/articles/2022-04/acma-blocks-more-illegal-gambling-and-affiliate-marketing-websites>>

'Banking Code of Practice: Setting the standards of practice for banks, their staff and their representatives', *Australian Banking Association* (Release, 1 March 2020) <<https://www.ausbanking.org.au/wp-content/uploads/2020/03/2020-Code-A4-Booklet-Interactive.pdf>>

Australian Banking Association, *Every Customer Counts - Use of credit cards for gambling transactions* (Consultation Report, December 2020)

Australian Government, 'Australian Government response to the Senate Environment and Communications References Committee report: Gaming micro-transactions for chance-based items' (March 2019).

Awaworyi, Sefa, Churchill and Lisa Farrell, 'Australia's Gambling Epidemic: The Role of Neighbourhood Ethnic Diversity' (2020) 36 *Journal of Gambling Studies* 97

Calado, Filipa, and Mark D. Griffiths, 'Problem gambling worldwide: An update and systematic review of empirical research (2000–2015)' (2016) 5(4) *Journal of Behavioral Addictions* 592

Conneller, Philip, 'German Gamblers Not Required to Repay Credit Card Transactions Used for Illegal Gambling, Court Rules', *Casino.org* (online, 8 September 2018) <<https://www.casino.org/news/german-gamblers-not-required-to-repay-credit-card-transactions>>

Department of Internal Affairs, New Zealand Government, '2019/20 Annual review of the Department of Internal Affairs: Report of the Governance and Administration Committee' (Report, March 2021)

Dickins, Marissa, and Anna Thomas, 'Gambling in culturally and linguistically diverse communities in Australia' (Discussion Paper No 7, Australian Gambling Research Centre, October 2016)

Digital, Culture, Media and Sport Committee, *Immersive and addictive technologies* (House of Commons Paper No 15, Session 2017-19)

Drummond, Aaron and James D Sauer, 'Video game loot boxes are psychologically akin to gambling' (2018) 2 *Nature Human Behaviour* 530

Environment and Communications Legislation Committee, Parliament of Australia, 'Inquiry into Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020' (Final Report, October 2021)

Environment and Communications Legislation Committee, Parliament of Australia, *Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020* (Report, October 2021)

Environment and Communications References Committee, Parliament of Australia, 'Inquiry into Gaming micro-transactions for chance-based item' (Final Report, November 2018)

Eyers, James, 'Royal commission erodes trust in banks: new poll', *Australian Financial Review* (online, 28 October 2018) <<https://www.afr.com/companies/financial-services/royal-commission-erodes-trust-in-banks-new-poll-20181025-h172v9>>.

Farrell, Lisa, and Jane M Fry, 'Australia's gambling epidemic and energy poverty' (2021) 97 *Energy Economics* 1

Feldman, Susan, et al, 'A qualitative investigation of the experiences, attitudes and beliefs about gambling in the Chinese and Tamil communities in Victoria' (Research Report, Victorian Responsible Gambling Foundation, Parliament of Victoria, April 2014)

Gainsbury, Sally M, et al, 'Greater involvement and diversity of Internet gambling as a risk factor for problem gambling' (2015) 25(4) *Diversity of Internet Gambling* 723

Gambling Commission, 'Virtual currencies, eSports and social gaming' (Position Paper, March 2017)

Giuffrè, Vincenzo, 'Swedish offshore gambling promotion ban and German gambling debt case', *DLA Piper* (Blog Post, 3 October 2018) <<https://blogs.dlapiper.com/iptitaly/2018/10/swedish-offshore-gambling-promotion-ban-and-german-gambling-debt-case/>>

Greer, Nancy, et al, 'Skin Gambling Contributes to Gambling Problems and Harm After Controlling for Other Forms of Traditional Gambling' (2022) *Journal of Gambling Studies* 1

Greer, Nancy, Matthew Rockloff and Alex M T Russell, *Gambling and video games: are esports betting and skin gambling associated with greater gambling involvement and harm?* (Report, Victorian Responsible Gambling Foundation, Parliament of Victoria, July 2020)

Griffiths, Mark D, et al, 'Internet Gambling: An Overview of Psychosocial Impacts' (2006) 10(1) *UNLV Gaming Research & Review Journal* 27

Hare, Sarah, 'What is the impact of cashless gaming on gambling behaviour and harm?' (Report, Victorian Responsible Gambling foundation, Parliament of Victoria, July 2020)

Hing, Nerilee, et al, 'Skin gambling predicts problematic gambling amongst adolescents when controlling for monetary gambling' (2021) 10(4) *Journal of Behavioural Addictions* 920

Hing, Nerilee, et al, 'Maintaining and losing control during internet gambling: A qualitative study of gamblers' experiences' (2015) 17(7) *New Media & Society* 1075

Hing, Nerilee, et al, 'The second national study of interactive gambling in Australia (2019-20)' (Research Report, Gambling Research Australia, Parliament of New South Wales, October 2021)

Hing, Nerilee, et al, 'NSW Youth Gambling Study 2020' (Research Report, NSW Responsible Gambling Fund, Parliament of New South Wales, January 2021).

House of Representatives Standing Committee on Social Policy and Legal Affairs, Parliament of Australia, *Protecting the age of innocence: Report of the inquiry into age verification for online wagering and online pornography* (Report, February 2020)

Jenkinson, Rebecca et al, 'National Consumer Protection Framework for Online Wagering: Baseline study' (Final Report, Australian Gambling Research Centre, Australian Institute of Family Studies, June 2019)

Letts, Stephen, 'Chart of the day: Are Australians the world's biggest gambling losers? You can bet on it', *ABC News* (online, 20 November 2018)

Martinelli, Desirée, 'Skin Gambling: Have We Found the Millennial Goldmine or Imminent Trouble?' (2017) 21(8) *Gaming Law Review* 557

Nettleton, Jamie, Joseph Abi-Hanna and Brodie Campbell, 'Loot Box Regulation in Australia — the unsurprising difficulty with regulating surprise mechanics' [2020] (July) *Internet Law Bulletin* 5

Parliamentary Joint Committee on Corporations and Financial Services, Parliament of Australia, *Mobile Payment and Digital Wallet Financial Services* (Report, October 2021)

Parliamentary Joint Committee on Corporations and Financial Services, Parliament of Australia, *Regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia* (Report, November 2021)

Pratt, Kevin, 'UK Bans Use of Credit Cards To Pay For Gambling', *Forbes* (online, 27 March 2021) <<https://www.forbes.com/uk/advisor/personal-finance/2020/04/14/uk-bans-use-of-credit-cards-to-pay-for-gambling/>>

Productivity Commission, Parliament of Australia, *Gambling* (Report No 50, 26 February 2010)

Rockloff, Matthew, et al, 'Loot Boxes: Are they grooming youth for gambling?' (Report, The NSW Responsible Gambling Fund, Parliament of NSW, June 2020)

Rockloff, Matthew, et al, *Innovation in Traditional Gambling Products* (Report, June 2016)

S, J and L P, 'The house wins: Who gambles the most?', *The Economist* (online, 3 February 2014)

Swanton, Thomas B, Sally M Gainsbury and Alex Blaszczynski, 'The role of financial institutions in gambling' (2019) 19(3) *International Gambling Studies* 377

Sztainert, Travis, et al, 'The Role of Credit Cards in Gambling' (Report, Gambling Commission, United Kingdom, March 2020)

B Cases

Australian Securities and Investments Commission (ASIC) v Commonwealth Bank of Australia [2020] FCA 1543

Guy v Crown Melbourne Ltd (No 2) [2018] FCA 36.

C Legislation

Australian Constitution

Australian Securities and Investments Commission Act 2001 (Cth)

Charitable and Non-Profit Gaming Act 1999 (Qld)

Competition and Consumer Act 2010 (Cth)

Gambling Act 2003 (NZ)

Gambling Act 2005 (UK)

Gambling Regulation Act 2003 (Vic)

Gaming and Wagering Commission Act 1987 (WA)

Gaming Control Act (NT)

Gaming Control Act 1993 (Tas)

Interactive Gambling Act 2001 (Cth)

Interactive Gambling Amendment (National Self-Exclusion Register) Bill 2019 (Cth)

Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020 (Cth)

Lotteries Act 1964 (ACT)

Lotteries Act 1997 (Qld)

Lotteries and Art Unions Act 1901 (NSW)

Lottery and Gaming Act 1936 (SA)

National Consumer Credit Protection Act 2009 (Cth)

Remote Gambling Act 2014 (Singapore)

Telecommunications Act 1997 (Cth)

Unlawful Gambling Act 1998 (NSW)

Unlawful Gambling Act 2009 (ACT)

Unlawful Internet Gambling Enforcement Act of 2006 (US)

Wagering Act 1998 (Qld)

D Other

'About the Interactive Gambling Act', *Australian Communications and Media Authority* (Web Page, 18 May 2022) <<https://www.acma.gov.au/about-interactive-gambling-act>>

'Card Acceptance for American Express: Terms & Conditions', *American Express* (Web Page, October 2020) <<https://www.americanexpress.com/content/dam/amex/au/merchant/pdfs/AmericanExpressMerchantTermsandConditions.pdf>>

'Check if a gambling operator is legal', *Australian Communications and Media Authority* (Web Page, 16 May 2022) <<https://www.acma.gov.au/check-if-gambling-operator-legal>>

'Code Signatories', *Australian Banking Association* (Web Page) <<https://www.ausbanking.org.au/banking-code/code-signatories/>>

'Credit Card Fees', *Westpac* (Web Page) <<https://www.westpac.com.au/personal-banking/credit-cards/manage/fees-interest/minimising-fees/>>

'Credit Card Terms and Conditions and Other Important Information', *Card Services* (Web Page, October 2021) <<https://www.cardservicesdirect.com.au/cardservices/pdf/CreditCard-TermsandConditions.pdf>>

'Credit Card Terms and Conditions and Other Important Information', *Suncorp* (Web Page, October 2021) <<https://www.suncorp.com.au/content/dam/suncorp/bank/documents/personal/credit-cards/terms-and-conditions-suncorp-credit-cards.pdf>>

'Credit Card Terms and Conditions and Other Important Information', *Virgin Money* (Web Page, October 2021) <<https://virginmoney.com.au/content/dam/virginmoney/vma-downloads/credit-cards/credit-card-terms-and-conditions.pdf>>

'Gambling Legally (In Public or Online) in Singapore', Singapore Legal Advice (Web Page, 3 February 2022) <<https://singaporelegaladvice.com/law-articles/when-is-gambling-illegal-in-singapore/>>

'How do I set a Deposit Limit to manage my betting?', *Sportsbet* (Web Page) <<https://helpcentre.sportsbet.com.au/hc/en-us/articles/115004973308>>

'Key facts about these credit cards', *St. George* (Web Page, 3 August 2021) <<https://www.stgeorge.com.au/personal/credit-cards/tools/credit-card-key-facts-sheet?appAction=exit>>

'Key facts about these credit cards', *Westpac* (Web Page, 16 November 2021) <<https://www.westpac.com.au/personal-banking/credit-cards/credit-cards-fact-sheet/>>

'St. George Credit Cards: Terms and Conditions, Credit Guide and Information Statement', *St. George* (Web Page, 3 November 2021) <https://www.stgeorge.com.au/content/dam/stg/downloads/personal/credit-cards/stg_credit_card_terms_and_conditions.pdf?appAction=exit>

'Westpac Credit Cards: Terms and Conditions, Credit Guide and Information Statement', *Westpac* (Web Page, 3 November 2021) <<https://www.westpac.com.au/content/dam/public/wbc/documents/pdf/pb/credit-cards/westpac-credit-card-terms-and-conditions.pdf>>

'ANZ Credit Cards: Conditions of Use', *ANZ* (Web Page, 8 November 2021) <<https://www.anz.com.au/content/dam/anzcomau/documents/pdf/anz-creditcards-conditions-of-use.pdf>>

'Bendigo Credit Card: Terms & Conditions', *Bendigo Bank* (Web Page, 1 October 2021) <<https://www.bendigobank.com.au/globalassets/documents/disclosures/bendigo-credit-card-terms-conditions.pdf>>

'Blocked Gambling Websites', *Australian Communications and Media Authority* (Web Page, 26 April 2022) <<https://www.acma.gov.au/blocked-gambling-websites>>

'CBA launches no interest payment card, CommBank Neo', *Commonwealth Bank of Australia* (Web Page, 10 September 2020) <<https://www.commbank.com.au/articles/newsroom/2020/09/cba-no-interest-credit-card-neo.html>>

'Common credit card fees and ways to avoid them', *NAB* (Web Page) <<https://www.nab.com.au/personal/life-moments/manage-money/manage-debt/avoid-credit-card-fees>>

'Credit Card Accounts: Fees and charges', *St. George* (Web Page, 22 November 2021) <https://www.stgeorge.com.au/content/dam/stg/downloads/accounts_and_cards/stg-cc-fee-charges.pdf>

'Credit Card Conditions and Credit Guide', *Great Southern Bank* (Web Page, 1 June 2021) <https://www.greatsouthernbank.com.au/__data/assets/pdf_file/0027/166743/RC00689_CREDIT_CARD_Conditions_of_Use_and_Credit_Guide_181127.pdf>

'Credit card fees and charges', *Commonwealth Bank of Australia* (Web Page) <<https://www.commbank.com.au/credit-cards/card-fees-charges.html>>

'Credit Card Terms and Conditions and Other Important Information', *Citibank* (Web Page) <https://www.citibank.com.au/global_docs/pdf/MCG15638_1118.pdf>

'Flex Card: Terms and conditions', *Westpac* (Web Page, 24 September 2021) <<https://www.westpac.com.au/content/dam/public/wbc/documents/pdf/pb/credit-cards/westpac-flex-card-terms-and-conditions.pdf>>

'Gambling Block', *Bank of Melbourne* (Web Page) <<https://www.bankofmelbourne.com.au/personal/credit-cards/manage/gambling-preference>>

'Gambling in Norway', *The Norwegian Gambling and Foundation Authority* (Web Page) <<https://lottstift.no/en/gambling-in-norway/>>

'Key facts about this credit card', *ING* (Web Page, 9 September 2020) <<https://www.ing.com.au/pdf/orangeone/Orange%20One%20Key%20Facts%20Sheet.pdf>>

'Limit Your Account', *bet365* (Web Page) <<https://responsiblegambling.bet365.com.au/stay-in-control/limit-your-account>>

'NAB StraightUp Card', *NAB* (Web Page) <<https://www.nab.com.au/personal/credit-cards/nab-straightup-card>>

'National Consumer Protection Framework for Online Wagering in Australia – National Policy Statement' (Policy Statement, Department of Social Services, Parliament of Australia, 26 November 2018)

'National Self-exclusion Register', *Australian Communications and Media Authority* (Web Page, 11 May 2022) <<https://www.acma.gov.au/national-self-exclusion-register>>

'Our Commitment: Responsible Gambling Policy', *Entain* (Web Page) <<https://responsiblegambling.entaingroup.com.au/responsible-gambling-policy/>>

'Ownership, board and management', *Norsk Tipping* (Web Page) <<https://www.norsk-tipping.no/selskapet/om-selskapet/eierskap-styret-ledelsen>>

'Personal Banking Fees and Charges', *NAB* (Web Page, 19 October 2020) <<https://www.nab.com.au/personal/help-and-guidance/personal-banking-fees-and-charges#s3p3>>

'Personal Credit Cards', *Bendigo Bank* (Web Page) <<https://www.bendigobank.com.au/personal/credit-cards/>>

'Problem gambling assistance', *Commonwealth Bank of Australia* (Web Page) <<https://www.commbank.com.au/support/gambling-support.html>>

'Responsible Gaming', *Unibet* (Web Page) <<https://www.unibet.com.au/general-info/whentostop>>

'Restrict Gambling Transactions on Your Nab Cards', *NAB* (Web Page) <<https://www.nab.com.au/personal/customer-support/gambling-restriction>>

'Self-exclusion', *bet365* (Web Page) <<https://responsiblegambling.bet365.com.au/stay-in-control/self-exclusion>>

'Supplementary Terms and Conditions: changes to Terms and Conditions for Value+ Credit Cards, *Newcastle Permanent* (Web Page, 1 December 2018) <https://www.newcastlepermanent.com.au/-/media/files/terms-conditions-fees-charges/credit-cards/1325_supplementary_tcsvaluepluscreditcard_081118.pdf?la=en&hash=A48B6639D0D4242331A01B33A1EC8AC1>

'Things to know about gambling and credit cards', *ANZ* (Web Page)
<<https://www.anz.com.au/personal/credit-cards/using/credit-card-education/gambling-credit-card/>>

'Time Out', *bet365* (Web Page) <<https://responsiblegambling.bet365.com.au/stay-in-control/time-out>>

'Understanding credit card cash advances', *Commonwealth Bank of Australia* (Web Page)
<<https://www.commbank.com.au/credit-cards/manage/cash-advances.html>>

'Value+ Credit Card', *Newcastle Permanent* (Web Page)
<https://www.newcastlepermanent.com.au/personal/credit-card#ah_0F976534C10544709408F93AB559C32D>

Apple Credit line: Frequently asked questions', *Latitude Financial* (Web Page)
<<https://www.latitudefinancial.com.au/credit-cards/apple-creditline/>>

Australian Banking Association, Submission No 13 to Environment and Communications Legislation Committee, *Inquiry into Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020* (29 April 2021)

Australian Banking Association, Submission No 13 to Parliamentary Joint Committee on Corporations and Financial Services, Commonwealth of Australia, *Inquiry into Regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia* (25 June 2021)

Australian Institute of Health and Welfare, *Gambling in Australia* (Web Page, 16 September 2021)
<<https://www.aihw.gov.au/reports/australias-welfare/gambling>>

Australian Securities & Investments Commission, *Regulatory Guide 209 - Credit licensing: Responsible lending conduct* (December 2019)

Bank of Melbourne Credit Cards: Terms and Conditions, Credit Guide, Information Statement', *Bank of Melbourne* (Web Page, 3 November 2021)
<https://www.bankofmelbourne.com.au/content/dam/bom/downloads/personal/credit-cards/bom_credit_card_terms_and_conditions.pdf?appAction=exit>

Compare Credit Cards', *ANZ* (Web Page) <<https://www.anz.com.au/personal/credit-cards/compare-cards/>>

Credit Card Terms and Conditions and Other Important Information', *Bank of Queensland* (Web Page, October 2021) <<https://www.boq.com.au/content/dam/boq/files/personal/credit-cards/boq-credit-card-terms-and-conditions.pdf>>

Department of Internal Affairs, New Zealand Government, 'Online Gambling in New Zealand' (Public Discussion Document, July 2019) <[Online-Gambling-in-New-Zealand-Discussion-Document.pdf](#)>

Explanatory Memoranda, Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020 (Cth)

Gambling Support', *ANZ* (Web Page) <<https://www.anz.com.au/support/gambling/>>

H2 Gambling Capital, 'The latest insights from the gambling industry' *H2 Features as Economist's Graph of the Day for the Third Time to Coincide with the Opening of ICE* (Web Page, 11 February 2014)
<<https://h2gc.com/news/reports/h2-features-as-ecomomists-graph-of-the-day-for-the-third-time-to-coincide-with-the-opening-of-ice>>.

HM Revenue & Customs, 'Guidance: General Betting Duty, Pool Betting Duty and Remote Gaming Duty', UK Government (Web Page, 14 August 2014) <<https://www.gov.uk/guidance/general-betting-duty-pool-betting-duty-and-remote-gaming-duty>>

Hofmann, Joerg and Matthias Spitz, 'Gambling Law and Regulations Germany', *ICLG.com* (Web Page, 18 November 2021) <<https://iclg.com/practice-areas/gambling-laws-and-regulations/germany>>

How do gambling and lottery restrictions on my credit card work?', *Macquarie Bank* (Web Page) <<https://help.macquarie.com/s/article/How-do-gambling-and-lottery-restrictions-on-my-credit-card-work>>

Interactive gambling complaint form', *Australian Communications and Media Authority* (Web Page, 25 October 2021) <<https://www.acma.gov.au/interactive-gambling-complaint-form>>

Mastercard, Submission No 20 to Parliamentary Joint Committee on Corporations and Financial Services, Commonwealth of Australia, *Inquiry into Regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia* (3 August 2021)

Orange One Terms and Conditions', *ING* (Web Page, 1 July 2019) <<https://www.ing.com.au/pdf/orangeone/Orange%20One%20Terms%20and%20Conditions.pdf>>

Queensland Government Statistician's Office, Parliament of Queensland, *Australian Gambling Statistics* (Explanatory Notes, April 2021)

Responsible Gambling', *Sportsbet* (Web Page) <<https://helpcentre.sportsbet.com.au/hc/en-us/articles/115004973288-Responsible-Gambling>>

Roy Morgan, 'Fewer Australians gambling' (Press Release, Finding No. 7491, 12 April 2019) <<http://www.roymorgan.com/findings/7941-gambling-participants-201904120606>>

Roy Morgan, 'The pandemic lockdown reduced betting options, but over half of bettors were already gambling online' (Press Release 8413, 22 May 2020) <<http://www.roymorgan.com/findings/8413-online-gambling-may-2020-202005220420>>

Understanding interest and fees', *Bendigo Bank* (Web Page) <<https://www.bendigobank.com.au/personal/credit-cards/my-card/understanding-interest-and-fees/>>

Visa, Submission No 21 to Parliamentary Joint Committee on Corporations and Financial Services, Commonwealth of Australia, *Inquiry into Regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia* (2 August 2021)