



Government of **Western Australia**

Gaming and Wagering Commission of Western Australia

Compliance and enforcement priorities 2026-27

Australian Communications and Media Authority (**ACMA**)

SUBMISSION

**Gaming and Wagering Commission of
Western Australia**

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Introduction

The Gaming and Wagering Commission (the Commission) appreciates the opportunity to review and provide comment on the Australian Communications and Media Authority's (ACMA) *Compliance and Enforcement Priorities 2026–27*. The Commission values ongoing engagement with ACMA and welcomes the chance to contribute to the development of effective regulatory priorities for the year ahead.

While the Commission recognises that ACMA's remit extends well beyond gambling-related issues, this submission focuses specifically on matters relating to gaming and wagering that fall within the Commission's statutory responsibilities. As such, the content provided represents a targeted contribution intended to support ACMA in areas of mutual regulatory interest.

The Commission notes that one of its key strategic priorities is to *establish effective communications with the full range of stakeholders*. This submission forms part of the Commission's commitment to strengthening regulatory collaboration and fulfilling its strategic objectives through proactive and constructive engagement.

The Commission remains available to provide any further information, clarification, or support that ACMA may require.

Consultation Paper Questions

Question 1. In areas regulated by the ACMA, what have you identified as ongoing or new matters of significant public interest or concern?

In ACMA-regulated areas, gambling harm minimisation remains an ongoing matter of significant public interest, especially given the scale and social impact of gambling harm in Australia. The prevalence and severity of gambling harm in Australia reinforces the need for strengthened and sustained regulatory interventions.

A continued regulatory emphasis on harm minimisation is essential. Evidence shows that reducing gambling exposure, limiting high-risk products, increasing obligations to identify problematic behaviours, and strengthening consumer protections are among the most effective tools for preventing harm before it occurs. The Australian community expects both federal and state regulators to remain proactive, particularly as digital gambling technologies expand rapidly and outpace many legacy controls.

The rapid rise of Artificial Intelligence (AI) within the gambling sector presents emerging risks to industry integrity, consumer safety, and regulatory effectiveness. AI-driven tools can accelerate harmful behaviours, enable sophisticated forms of regulatory bypass, and introduce new vulnerabilities in industry integrity and fairness. The Commission recommends that ACMA proactively research and consult on the evolving use of AI in gambling, to build a clear understanding of how these technologies are deployed, which should inform forward-looking regulatory tools that prevent misuse and mitigate the potential for serious gambling harm.

Question 2. Have you identified ongoing or new matters relating to public safety that we should focus on?

An increasingly significant public safety concern relates to the growth of loot boxes and similar chance-based in-game purchasing mechanisms in digital games. These features allow players, often minors, to spend real money for a randomised chance to receive an in-game item, rather than purchasing items directly. A growing body of evidence shows that these mechanisms closely resemble key elements of gambling, including real-money stakes, uncertain outcomes, and the possibility of reward.

Recent regulatory developments acknowledge these harms. The Australian Government's updated *Guidelines for the Classification of Computer Games 2023* now require games containing paid loot boxes to receive at least an M (Mature) classification, while games with simulated gambling must be rated R18+, restricting access to adults. These changes were introduced in response to heightened community concern about children accessing gambling-like mechanics and emerging research demonstrating links between loot boxes engagement and future gambling behaviours. Loot boxes mirror gambling structures and are present among popular mobile games, many of which continue to carry youth-oriented age ratings despite featuring chance-based monetisation.

Academic work further suggests that while updated classifications are a positive step, they may not fully address the normalisation of gambling behaviours among minors and young adults, posing risks of predatory monetisation. Regulatory enhancements such as uniform probability disclosure, strengthened rating frameworks, and consideration of bringing certain digital games under online-gambling regimes for more direct regulatory oversight should be considered.

Given these findings, the Commission considers the exposure of minors to gambling-like mechanics, particularly through popular online platforms and mobile app stores, to be an escalating public safety issue. Early exposure to these mechanisms risks normalising gambling behaviours and may contribute to increased vulnerability to gambling harm in adulthood.

A second key public safety concern, arguably a corollary of the above, relates to the regulatory challenges posed by major international digital platforms and game publishers, many of which operate outside Australia's jurisdiction while distributing products domestically. Enforcement gaps persist due to cross-border digital distribution, inconsistent classification systems, and the limited ability to compel overseas entities to comply with Australian regulatory requirements. Research highlights that enforcement and transparency remain constrained by international publishers, app-store ecosystems, and misalignment in age-rating frameworks across jurisdictions.

Ensuring high levels of safety and consumer protection requires strong, coordinated, and accountable regulatory mechanisms that apply equally to domestic and international providers. The Commission therefore recommends that ACMA explore more robust cross-border enforcement tools, strengthened cooperation with international regulators, obligations on platforms and major app-store operators, and mechanisms to ensure compliance by overseas providers with Australian regulatory requirements.

Question 3. Which community safeguards do you think we should focus on?

Vulnerable Cohorts

Community safeguards should be strengthened to protect vulnerable cohorts who face heightened risks of gambling harm, particularly minors and young adults aged 18 to 25. These groups are still developing decision-making capacity, are more susceptible to external influences, and may be especially vulnerable to the normalisation of gambling-like behaviours in online environments. Safeguards should also extend to any other cohorts identified as being at elevated risk, including individuals experiencing financial hardship, mental health challenges, or social vulnerability. Ensuring that regulatory settings, consumer protections, and industry obligations are designed with these groups in mind is essential to preventing harm, supporting early intervention, and promoting safer gaming and wagering environments for all users.

Murphy Inquiry

The Commission acknowledges that the Australian Government is yet to formally respond to the recommendations of the Murphy Inquiry. In anticipation of that response, it would be prudent for ACMA to begin examining the Inquiry's findings to identify those recommendations that fall directly within, or closely intersect with, its regulatory remit. Early consideration of these matters would enable ACMA to plan for potential implementation pathways, assess resource implications, and position itself to act promptly and effectively should the Government adopt reforms requiring ACMA oversight. Proactive review at this stage will help ensure regulatory readiness and support a smooth transition should new responsibilities or compliance functions emerge.

WA Focus

Western Australia's unique socio-economic context, particularly for young people, suggests that a tailored regulatory approach may be warranted in some instances. WA hosts the overwhelming majority of Australia's Fly-in Fly-out (FIFO) workforce, a cohort that faces distinct lifestyle pressures, including extended periods of isolation and limited recreational options during off-shift hours. There is emerging commentary noting that idle time in remote accommodation, combined with ready access to online gambling platforms, may heighten vulnerability to gambling behaviours within this group. These factors create risk environments that differ markedly from those experienced in other jurisdictions. Given these unique conditions, ACMA may need to consider whether its regulatory and harm-minimisation initiatives should incorporate region-specific strategies to ensure more effective protection for WA communities, particularly young FIFO workers who may face heightened exposure to gambling-related harms.

Statutory Review of BetStop

The 'Report of the Statutory Review of BetStop – the National Self-Exclusion Register' (the Review) highlighted opportunities to strengthen the scheme, including the potential extension of BetStop's coverage to additional online gambling products such as online keno, which the Review identifies as a gap in the current regulatory framework. The Commission is pleased at the Review's finding that BetStop is performing effectively and delivering meaningful harm minimisation outcomes. Nevertheless, the Commission suggests that ACMA implement the recommended expansion of the scheme's scope to better address rapid play products and improve protection for vulnerable users. Implementing these extensions will be important to ensure the National Self-Exclusion Register remains comprehensive, contemporary, and capable of responding to emerging forms of online gambling harm.

The BetStop self-exclusion register also has the potential to evolve into a more comprehensive, centralised hub that serves as a one-stop shop for both online and land-based gambling exclusions. The Review has already identified opportunities for a future integration of land-based exclusion frameworks to further strengthen national harm

minimisation efforts by providing Australians with a single, unified pathway to protect themselves across all gambling environments.

Question 4. What do you see as being potential and actual causes of harm to consumers that we can address?

A range of potential and actual harms can arise for consumers engaging with online gambling services. While some of these issues sit clearly within ACMA's remit, others may require cross-agency collaboration, legislative support, or policy development to address effectively. Key areas of concern include the following:

1. Operator Accountability and Consumer Redress

A core area of potential harm arises when online wagering operators fail to comply with their regulatory obligations, including responsible gambling requirements, marketing restrictions, or data protection standards.

When breaches occur, the absence of clear, accessible, and enforceable compensation or redress mechanisms can leave consumers bearing the consequences of the operator's misconduct.

Although the extent of ACMA's remit regarding compensation requires further testing, exploring frameworks that:

- hold operators accountable for breaches,
- provide pathways for consumer restitution, and
- deter non-compliance through stronger financial and reputational consequences

would help align Australia's regime with contemporary consumer protection expectations. Ensuring accountability not only protects harmed patrons but also incentivises high industry standards and responsible behaviour.

2. Online Advertising and Exposure to At-Risk Groups

Online gambling advertising remains a significant actual harm, with multiple inquiries, including the Murphy Inquiry, noting the volume, persistence, and personalisation of ads across digital platforms.

Key risks include:

- Overexposure to gambling content through nonstop, highly targeted online advertising.
- Unintentional access by minors, who are both more vulnerable to persuasive advertising and more likely to have their online activity tracked and profiled.
- Normalisation of gambling behaviour, particularly when ads present betting as harmless entertainment or a routine social activity.

- Increased risk for vulnerable groups, including individuals with emerging gambling issues, who may receive more targeted ads because of algorithmic profiling.

Minimising these harms may require strengthened advertising standards, improved age-gating technologies, and active oversight of digital advertising ecosystems.

3. Enhancing BetStop Through Proactive Engagement

BetStop, the national self-exclusion register, is a strong and well-received tool for helping individuals to reduce and/or eliminate their gambling activity. Its current model, however, is largely reactive: consumers must identify their own risk and voluntarily register.

There is a clear opportunity for ACMA to explore proactive strategies to increase uptake and support, such as:

- identifying behavioural indicators of potential harm (e.g., rapid escalation in betting activity, repeated failed deposit attempts, or operator-reported concerns);
- enabling earlier, informed interactions with at-risk individuals; and
- conducting outreach or providing tailored prompts to encourage registration and provide support options.

Moving from a reactive model to one incorporating proactive consumer protection could significantly expand the benefits BetStop delivers, especially for individuals who may struggle to recognise or admit personal harm.

4. Illegal Offshore Betting Platforms

Illegal offshore wagering platforms pose one of the highest-risk forms of actual harm to Australian consumers. These operators typically:

- evade Australian regulatory oversight;
- fail to meet even basic consumer protection, responsible gambling, or AML/CTF requirements;
- provide no guarantees regarding fair play, data security, or fund withdrawals; and
- often target vulnerable populations through aggressive advertising or inducements.

Given their disregard for legal and safety standards, consumers using these platforms face heightened exposure to financial loss, fraud, identity theft, and gambling harm.

To effectively protect Australians, it is crucial that ACMA:

- continues robust enforcement action against illegal services;
- strengthens technology-based interventions (e.g., ISP blocking, payment disruptions); and
- partners closely with domestic and international law enforcement bodies to dismantle illegal networks and prevent further exploitation.

These partnerships are key to reducing both the accessibility and attractiveness of offshore platforms.

Case Study: Singapore

From a comparative standpoint, it may be worth turning to successful models of harm minimisations, to inform how ACMA may choose to address gambling and gambling harm. Singapore offers a compelling international example of effective and comprehensive gambling regulation, with several aspects of its framework contributing to consistently low rates of problem gambling.

The Singaporean *Gambling Control Act 2022* explicitly embeds harm minimisation as a core purpose, prohibiting irresponsible gambling products, limiting opportunities for crime, and enforcing strict controls on advertising and access. The Act's purpose includes minimising social harm associated with gambling, including problem gambling and ensuring the fairness and integrity of gambling activities.

Singapore's regulatory model is characterised by ongoing policy evolution, technological adaptation, and transparency. The Gambling Regulatory Authority (GRA) continually reviews legislation to remain "future-ready" and invests in public awareness to build trust and maintain low problem gambling rates.

The Singapore experience demonstrates that strong, integrated regulatory systems, combined with clear harm-minimisation objectives and active community engagement, are effective in reducing gambling harm. These insights align closely with current Australian public expectations for action, particularly as online and digital gambling services continue to grow.

Given the high rates of harm in Australia, ACMA can draw from these lessons by continuing to prioritise:

- Consistent, cross-sector regulation that reduces fragmentation.
- Stronger consumer protections and advertising restrictions.
- Enforcement frameworks that evolve alongside technology.
- Policies explicitly centred on reducing gambling harm, not just regulating gambling activity.

Question 5. What are the high-level risks of non-compliance that you have identified, including from technological developments?

Further to illegal betting platforms, discussed above, the Commission points to the so-called 'disruptive technologies', which may have detrimental effects on the industry leading to gambling harm. These disruptive technologies are now interwoven within the routines of the most vulnerable cohorts, such as young persons. Examples include Computer-Assisted Wagering (CAW), artificial intelligence (AI), cryptocurrency and other non-fungible tokens (NFT), which, due to them being at relatively early stages in their development, are not easy

to monitor, trace and regulate compared to traditional means of gambling (e.g., cash or credit/debit cards). Blockchain technology is difficult to trace, and therefore financial transactions may not be auditable against AML/CTF standards.

Question 6. Are there emerging issues or concerns that we can address by encouraging compliant behaviour, deterring non-compliance or taking action to boost public confidence?

A key emerging issue in the current regulatory landscape is the over-reliance on complaints-based detection of non-compliance. While complaints provide valuable signals, they represent only a small and highly selective window into industry behaviour. This creates several challenges for encouraging compliant behaviour, deterring non-compliance, and maintaining public confidence.

Relying predominantly on complaints as the trigger for regulatory action presents structural weaknesses, such as incomplete intelligence picture, reactive posture and a potential bias in reporting.

These factors limit the regulator's ability to form a comprehensive understanding of the sector and to shape regulatory interventions that are proportionate to actual risk.

To address these concerns, there is a clear emerging need for systematic, proactive regulatory capability that moves beyond complaints-driven detection.

A more mature regulatory posture, grounded in risk-based decision-making, would include:

- Strategic intelligence collection: Regular scanning of operator activity, online environments, advertising ecosystems, platform behaviour, and offshore activity to map the true landscape of risk.
- Data-driven analytics: Using internal and external datasets to identify anomalies, trends, and high-risk patterns, such as unusual betting activity, consumer behaviour indicators, marketing surges, or complaints clustering.
- Targeted surveillance: Direct monitoring of operator compliance with statutory obligations, including testing against responsible gambling requirements, marketing restrictions, age-gating mechanisms, self-exclusion integration, and illegal platform access pathways.
- Forward-planning investigations: Building investigative programs around anticipated risks rather than waiting for harm to occur.

A risk-based model also ensures that regulatory interventions are not tied solely to the presence or volume of complaints, but instead grounded in objective assessments of where threats to consumers, and to the integrity of the regulatory system, are most pronounced.

Boosting public confidence requires the community to see that ACMA is not only responding to harm, but actively working to prevent it.

Question 7. Are there any technological or market developments that you think are testing the effectiveness of the regulatory framework?

Please refer to Question 5 and “disruptive technologies”.

Question 8. In what areas can we clarify the scope and application of the law?

Regulatory clarity can be strengthened in several areas. First, the Murphy Inquiry’s recommendations provide a useful foundation for identifying where existing instruments may need clearer definitions, updated obligations, or sharper guidance to ensure they remain effective in the online gambling environment.

Second, ACMA could improve industry understanding by more visibly publishing its compliance and enforcement decisions. Transparent communication about how the law is applied in practice helps operators interpret their obligations and naturally discourages non-compliance through the reputational consequences of regulatory action, without framing it as punitive.

Finally, while not legally binding, the Commission appreciates the current development of a Memorandum of Understanding between the Commission and ACMA. It will help align expectations, support information-sharing, and bring greater consistency to how the law is interpreted and enforced across the two regulators.

Question 9. Should the ACMA extend any of their 2025-26 compliance and enforcement priority areas for a year or more – and if so, why?

Given the nature and complexity of ACMA’s 2025–26 compliance and enforcement priority areas, it may be appropriate for these priorities to be extended beyond a single-year cycle. Many of the initiatives identified arguably stretch beyond one-year commitments, and represent ongoing regulatory endeavours that naturally span multiple years due to their scale, operational challenges, and the time required to effect meaningful change.

Question 10. Should the ACMA expand their list of enduring priorities?

The Commission considers that ACMA’s three enduring priorities, protecting vulnerable telco customers, minimising gambling harm, and combating spam and telco scams, should remain focused and unchanged. While emerging issues will always require ongoing attention, expanding the list of enduring priorities risks stretching ACMA’s resources and budget across too many fronts. Maintaining the current priorities ensures that sufficient regulatory focus remains on minimising gambling harm, an area of growing community impact and heightened national recognition. This stability will help ACMA continue delivering meaningful outcomes in the areas where its efforts are most urgently needed.