The Hon Kevin Andrews MP
Minister for Social Services

Parliament House
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Mr Finn Pratt
Secretary
Department of Social Services
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Dear Mr Pratt

I write to you in your capacity as the National Gambling Regulator (the Regulator) under the National Gambling Reform Act 2012 (the Act) to convey the Australian Government’s expectations in relation to the administration of your statutory functions and powers.

I acknowledge your responsibility for the administration of the Act, as the Regulator, including your statutory obligations to monitor, promote, investigate and enforce compliance with the Act. However, as the Minister for Social Services with policy responsibility for administration of the Act, I consider it appropriate to convey my expectations as they relate to the administration of the Act.

The expectations I outline in this letter, which I understand to be consistent with your views, are intended to provide certainty and guidance leading up to the application of the first measure under the Act on 1 February 2014 (ATM withdrawal limit). The letter identifies how I consider the legislation should appropriately be administered, particularly as it relates to regulating compliance.

Regulatory approach

The Government expects the Regulator to adopt an educative approach to engaging with regulated entities on compliance. An educative approach seeks to build the capacity of regulated entities to meet their legal obligations, with a focus on working cooperatively with industry to encourage compliance with the legislation. This applies broadly to inform the performance of your statutory functions, where relevant.

In line with this approach, I consider formal enforcement action under Chapter 8 of the Act should be reserved for serious contraventions, and where appropriate in the circumstances. Further, given the focus is on assisting and engaging collaboratively with regulated entities, I expect that most investigative and enforcement activities under Chapters 7 and 8 of the Act should be limited to when the Regulator’s statutory duties are invoked on a case by case basis.
In addition to this, I consider that priority should be given to processing applications to the Regulator for premises to be exempt from the ATM withdrawal limit (under section 43 of the Act). Prioritising exemptions would go towards providing regulatory certainty and reducing regulatory burdens. In cases where the Regulator must respond to an instance of non-compliance, it may be appropriate to take into account any application the Regulator has received for an exemption.

These expectations seek to minimise the regulatory costs and burden industry may incur while complying with the requirements. They are subject to review from time to time.

I trust that this clarifies the Government’s regulatory priorities and objectives to inform the administration of the Act.

Yours sincerely

[Signed]

KEVIN ANDREWS MP