

**1998**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**INTERACTIVE GAMBLING BILL 1998**

**EXPLANATORY MEMORANDUM**

Circulated by the authority of the Chief Minister and Treasurer

**Kate Carnell MLA**

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## **INTERACTIVE GAMBLING BILL 1998**

### **Objectives of the Legislation**

The Interactive Gambling Bill 1998 (the Bill) is designed to provide the legislative basis for regulating interactive games in order to protect players who participate in interactive forms of gambling. The legislative framework also provides for the implementation in the ACT of an interjurisdictional scheme to regulate gambling on the Internet and other forms of interactive gambling.

The Bill incorporates significant consumer protection strategies. A crucial element is the focus on requirements aimed at ensuring the integrity of industry participants and the fairness of products being provided. The interjurisdictional legislative scheme provides a regulatory framework to ensure the probity of licensed interactive gambling providers. The ACT will be able to licence providers in the Territory and to recognise products offered by providers licensed in participating jurisdictions as well as entering into taxation sharing arrangements with participating jurisdictions.

### **Reasons for the Legislation**

This legislation addresses a complex and rapidly evolving issue relating to the availability of gambling activities in private residences via telecommunications. The Bill addresses the fact that interactive gambling is already occurring in an unregulated manner throughout the world and provides a means to protect consumers participating in games offered through the Internet and other such forms of interactive gambling. Accordingly, the Bill has been designed to ensure that those who wish to participate in interactive gambling can do so confidently and in a secure regulatory environment.

### **Financial implications**

The financial implications arising from interactive gambling is dependant on the licensing of service providers, which will follow enactment of this legislation.

Details of the Bill are attached



## **DETAILS OF THE INTERACTIVE GAMBLING BILL 1998**

### **PART 1 - PRELIMINARY**

#### **Title**

*Clause 1* provides for the short title for this Act to be the *Interactive Gambling Act 1998*

#### **Commencement**

*Clause 2* provides for the commencement of this Act

#### **Interpretation**

*Clause 3* provides for the definitions of terms used in this Act For example

“game” is defined to include schemes and arrangements This is similar in substance to the definitions of a gambling scheme in other Gambling Acts

“interactive game” is defined to mean “gambling by means of interactive games accessible from the player’s home in which a player participates by means of the internet or any other telecommunication medium”

“player” is defined as a person who participates in an interactive game

*Clause 4* provides for the definition of “business associate” and “executive associate”

*Clause 5* defines a “key person” and a “key relationship”

*Clause 6* defines the meaning of “agent”

#### **Incorporation of *Taxation (Administration) Act 1987***

*Clause 7* provides that this Act and the *Taxation (Administration) Act 1987* should be read as one

#### **Extraterritorial application of Act**

*Clause 8* provides for the extraterritorial application of this Act

## **PART II - CONTROL OF INTERACTIVE GAMBLING**

### *Division 1 - The cooperative scheme*

#### **Declaration of participating jurisdictions and corresponding laws**

##### *Clause 9*

*Subclause (1)* provides that the Minister may declare that, if a law of another jurisdiction is compatible, that State or Territory to be a participating jurisdiction and the relevant law a corresponding law

*Subclause (2)* provides that in order for such a declaration to be made, the Minister must have entered into an arrangement with that jurisdiction which provides a uniform approach to the taxation of authorised games, for the collaboration between relevant officials of the jurisdictions, for the mutual recognition of licences, and for the sharing of tax revenue on an equitable basis

*Subclause (3)* provides that the declaration made under subclause (1), and any instrument revoking or amending the declaration is a disallowable instrument

### *Division 2 - Authorised providers and authorised games*

#### **Authorised games**

*Clause 10* defines an authorised game as a game that is authorised to be conducted under ACT legislation or corresponding legislation. Following representations from the relevant participating regulator and external provider, the Minister may prohibit an external provider's game from being conducted within the ACT if the Minister believes the game is contrary to the public interest

#### **Authorisation to conduct interactive games**

*Clause 11* enables the Minister to authorise a licensed provider to conduct a particular interactive game on conditions stated in the instrument of approval

#### **Change to conditions of authorisation**

*Clause 12* enables the Minister to change the conditions of a game authorisation

#### **Revocation of authorisation**

*Clause 13* enables the Minister to revoke an authorisation for a game

#### **Conducting, or participating in, unauthorised interactive gambling**

*Clause 14* makes it an offence for a person to conduct an interactive game (wholly or partly in the ACT) unless the game is an authorised game and the person is authorised to conduct the interactive game. This clause also provides an offence for a person in

the ACT to participate as a player in an interactive game knowing that the game is not an authorised game

### *Division 3 - Conduct of authorised games*

#### **Player registration**

*Clause 15* makes it an offence for a licensed provider to permit a person to participate in an authorised game unless the person is registered with the provider as a player. This clause also prohibits a person from participating as a player in an authorised game unless the person is registered with the authorised provider as a player.

#### **Procedure for registration of players**

*Clause 16* deals with the procedures for registration of players. Players must provide evidence of their identity, residential address and that he or she is over 18 years of age.

#### **Verification of player's identity**

*Clause 17* prohibits a licensed provider or an agent from allowing a registered player to participate in an authorised game until the player's identity has been authenticated.

#### **Acceptance of wagers**

*Clause 18* provides that a licensed provider must not accept a wager from a player in an authorised game unless a player has adequate funds to cover the amount of the wager.

#### **Player to be bound by the rules**

*Clause 19* requires a player who participates in an authorised game to comply with the rules of the game as notified to the player.

### *Division 4 - Restriction of gambling venues*

#### **Use of premises for interactive gambling**

*Clause 20* makes it an offence for a person to advertise premises for playing interactive games or to knowingly attempt to obtain commercial advantage from using premises as venues for interactive gambling.

### *Division 5 - Exemption schemes*

#### **Interpretation**

*Clause 21* defines the terms "exempted provider" and "exemption scheme".

### **Approval of exemption schemes**

*Clause 22* authorises the Minister to approve an exemption scheme if satisfied that the exemption scheme complies with the criteria for approval regarding probity and integrity matters and the exemption scheme is warranted in the particular case

### **Cancellation of approval**

*Clause 23* empowers the Minister to cancel an exemption scheme in certain circumstances

### **Termination of approved exemption scheme**

*Clause 24* provides for the termination of an approved exemption scheme

### **Gazette notice**

*Clause 25* provides that any approval of an exemption scheme or the cancellation of an exemption scheme must be published in the Gazette

## **PART III - INTERACTIVE GAMBLING LICENCES**

### ***Division 1 - Applications for, and issue of, interactive gambling licences***

#### **Application for interactive gambling licence**

*Clause 26* provides that an application for an interactive gambling licence must be made in the approved form and must be accompanied by a written police character check, imprints of the fingers and palms of both hands, a recent photograph and the determined application fee

#### **Consideration of application**

*Clause 27* provides that the Minister must consider an application for an interactive gambling licence and either grant, or refuse to grant, the application. The Minister may require the applicant to provide further information about the application

#### **Criteria for granting application**

*Clause 28* provides that the Minister must be satisfied of the integrity of the applicant and the integrity of the applicant's business and executive associates. However, the Minister may refuse to grant a licence even if satisfied of such matters

#### **Suitability of applicant to hold interactive gambling licence**

*Clause 29* sets out the matters to which the Minister may have regard in deciding whether an applicant is a suitable person to hold an interactive gambling licence

### **Suitability of business and executive associates**

*Clause 30* outlines the criteria which may be considered by the Minister when deciding whether a business or executive associate of an applicant for an interactive gambling licence is a suitable person

### **Procedure on decision**

*Clause 31* provides that if the Minister decides to grant an interactive gambling licence, the Minister must promptly issue it to the applicant. If the Minister decides to refuse an application, the Minister must promptly give the applicant written notice of the decision

### **Conditions of licence**

*Clause 32* provides that the Minister may issue an interactive gambling licence in accordance with conditions considered necessary for the proper conduct of interactive gambling in the public interest

### **Changing or adding conditions**

*Clause 33* gives the Minister the power to add to, or change, the conditions of an interactive gambling licence

### **Return of licence for endorsement of changed conditions**

*Clause 34* provides that the licensed provider must return the licence for endorsement of changed conditions

### **Form of licence**

*Clause 35* provides that an interactive gambling licence must be in an approved form and sets out the matters to be included in the licence

## ***Division 2 - General provisions about interactive gambling licences***

### **Interactive gambling licence not to be transferable**

*Clause 36* provides that an interactive gambling licence can only be transferred if the Minister has approved the mortgage or encumbrance of the licence

### **Mortgage and assignment of interactive gambling licence**

*Clause 37* provides that the Minister's written approval is required before a licensed provider can mortgage or encumber the licence. Similarly, the Minister must approve, in writing, of the transferee. To give this approval the Minister must be satisfied that certain specified criteria have been satisfied. A transferee may be required to submit an application to hold a licence. The Minister must approve, in writing, of the appointment of a receiver or manager

## **Returns for calculation of tax**

*Clause 84* requires a licensed provider, within 7 days after the end of each month, to give the Commissioner returns in the approved form containing the information necessary for the calculation of tax and any other information required under the regulations

## **PART VII - COMPLIANCE REQUIREMENTS**

### ***Division 1 - Rules and directions***

#### **Rules**

*Clause 85* provides for the making of rules by the Minister, with the rules designated as subordinate legislation. Licensed providers may make submissions to the Minister about a rule or proposed rule

#### **Directions**

*Clause 86* empowers the Commissioner to give a licensed provider directions about the conduct of an authorised game

#### **General responsibilities of licensed provider**

*Clause 87* requires a licensed provider to comply with the rules and any other direction

#### **Responsibility of licensed provider to ensure compliance by agent**

*Clause 88* requires a licensed provider to ensure compliance with the rules and directions by its agents

#### **Responsibility of agent**

*Clause 89* requires agents to comply with the rules and any direction

### ***Division 2 - Place of operation***

#### **Licensed provider's place of operation**

*Clause 90* provides that a licensed provider must operate from a place, or places, of operation approved by the Commissioner. All regulated interactive gambling equipment used for the conduct of authorised games must be situated at that place or some other place approved by the Commissioner

#### **Agent's place of operation**

*Clause 91* provides that an agent's place of operation in the Territory must be of a kind prescribed under a regulation as appropriate for an agent. If the agent is an agent

for a licensed provider, the place of operation must be as specified in the agency agreement

### ***Division 3 - Control systems***

#### **Authorised games to be conducted under an approved control system**

*Clause 92* requires a licensed provider to have an approved control system and to ensure that authorised games are conducted under the system. An approved control system may only be changed if the Commissioner directs or approves the change.

#### **Control system submission**

*Clause 93* provides for the making of a control system submission and deals with the kind of information to be included in the submission for approval of the Commissioner.

#### **Changes to control systems**

*Clause 94* provides for a submission seeking approval of changes to an approved control system.

#### **Consideration of, and decisions about, submissions**

*Clause 95* deals with the approval of a control system, or of a proposed change to an approved control system. The Commissioner may require further information from the licensed provider in considering a submission.

#### **Direction to change approved control system**

*Clause 96* provides for the Commissioner to direct a licensed provider to make changes to the provider's approved control system. Failure to comply with the direction would result in cancellation of the approval of the licensed provider's control system.

### ***Division 4 - Dealings involving players' accounts***

#### **Funds in players accounts to be remitted on demand**

*Clause 97* provides that a licensed provider must, at the request of a player, remit the balance in the player's account to the player in a manner directed by the player no later than the next working day after the request is received.

#### **Licensed provider or agent not to act as credit provider**

*Clause 98* prohibits a licensed provider and its agents from providing credit to a player or a player's account. A licensed provider or agent must not act as agent for a credit provider to facilitate the provision of credit to a player or a player's account.

### **Decision on application**

*Clause 52* requires the Commissioner to promptly issue the licence if the application is granted, or promptly advise the applicant if the application is refused

### **Form of key person licence**

*Clause 53* provides that the key person licence must be in the approved form

### **Conditions**

*Clause 54* allows the Commissioner to impose conditions on a key person licence

### **Changing conditions**

*Clause 55* provides for changing the conditions of a key person licence. This provision also allows for the amendment or replacement of a key person licence to include changes of conditions imposed by the Commissioner

### **Term of key person licence**

*Clause 56* provides that a key person licence remains in force until it lapses or is cancelled or surrendered, or a replacement licence is issued

### **Lapsing of key person licence**

*Clause 57* provides that a key person licence lapses if there has been no key relationship between the key person licensee and a licensed provider for a continuous period of 1 year

### **Replacement of key person licence**

*Clause 58* provides that a lost, stolen, destroyed or damaged key person licence may be replaced upon application to the Commissioner

### **Surrender of key person licence**

*Clause 59* provides that a key person licence may be surrendered and that the Commissioner is to give notice to the licensed provider of the surrender, if there was a key relationship with the licensed provider at that time

## ***Division 3 - Disciplinary action***

### **Grounds for suspension or cancellation**

*Clause 60* sets out the grounds for suspending or cancelling a key person licence, including, under paragraph (a), that the licensee is no longer a suitable person to hold a licence

### **Commissioner's belief as to suitability**

*Clause 61* provides that when the Commissioner is forming a belief that the ground referred to in paragraph 60(a) exists, the Commissioner may have regard to the same information provided to determine a key person's suitability on application

### **Suspension of licence**

*Clause 62* allows the Commissioner to suspend a key person licence in certain circumstances

### **Directions to rectify**

*Clause 63* allows the Commissioner to direct a key person licensee to rectify a matter which was a ground for suspension or cancellation and is capable of being rectified

### **Cancellation or reduction of period of suspension**

*Clause 64* allows the Commissioner to cancel the remaining period of suspension or reduce the remaining period of suspension of a key person licence at any time that the suspension is in force

### **Cancellation of key person licence**

*Clause 65* provides that the Commissioner may cancel a key person licence if he or she is satisfied that grounds exist for suspending or cancelling the licence, and it is in the public interest or to ensure that the conduct of the interactive game is not jeopardised

## ***Division 4 - Notification of key person licensees***

### **Notice of commencement of key person licence**

*Clause 66* requires a licensed provider to notify the Commissioner of the commencement of a key person licensee within 7 days

### **Returns about licensees**

*Clause 67* provides that the Commissioner may require a licensed provider to provide a list of licensed and unlicensed key persons

## ***Division 5 - Requirements about key relationships***

### **Notice of end of key relationship**

*Clause 68* requires a licensed provider to notify the Commissioner of the end of a key relationship within 7 days

### **Requirement to end key relationship**

*Clause 69* provides that the Commissioner may require a licensed provider to end a key relationship where a person ceases to hold a key person licence. A licensed provider does not incur a liability, under any other Act, law or industrial award or agreement, for complying with a requirement of the Commissioner under this provision.

## **PART V - AGENTS**

### ***Division 1 - Agency agreements***

#### **Conditions for entering into agency agreements**

*Clause 70* deals with the conditions on which a licensed provider may appoint an agent.

#### **Notice of agency agreement**

*Clause 71* requires the licensed provider to give the Commissioner a copy of an agency agreement within 7 days after entering into the agreement.

#### **Amendment of agency agreement**

*Clause 72* provides that agency agreements can only be amended with the approval of the Commissioner. The Commissioner may withhold approval of a proposed amendment only if it is necessary to do so in the public interest.

#### **Returns about agents**

*Clause 73* requires the licensed provider to give the Commissioner periodic returns about the provider's agents.

### ***Division 2 - Disciplinary action***

#### **Grounds for disciplinary action**

*Clause 74* sets out the grounds for disciplinary action in relation to an agent.

#### **Formation of Commissioner's beliefs**

*Clause 75* provides for the matters which the Commissioner have regard to when forming a belief as to the suitability of an agent or business or executive associate.

#### **Commissioner's notice to terminate agreement**

*Clause 76* provides for the Commissioner to direct the termination of an agency agreement.

### **Suspension of agent's operations**

*Clause 77* provides for the immediate suspension of an agent's operations where the suspension is necessary in the public interest or there is an immediate threat to the integrity of the conduct of interactive games

### **Direction to rectify**

*Clause 78* provides for the Commissioner to direct rectification of certain matters by an agent that the Commissioner considers capable of rectification

### **Termination of agreement**

*Clause 79* requires the licensed provider to comply with a direction to terminate an agency agreement and confers immunity from liability in relation to action taken under the direction

### **Notice of termination of agreement**

*Clause 80* deals with the termination of an agency agreement otherwise than because of a direction to terminate. In this case, the licensed provider must give the Commissioner written notice of the termination within 7 days after the agreement is terminated

## **PART VI - LICENCE FEES AND TAX**

### ***Division 1 - Preliminary***

#### **Interpretation**

*Clause 81* provides a definition for "interactive gambling tax"

### ***Division 2 - Licence fees***

#### **Liability to Licence fees**

*Clause 82* requires a licensed provider to pay licence fees in accordance with the conditions of the interactive gambling licence

### ***Division 3 - Interactive gambling tax***

#### **Liability to tax**

*Clause 83* requires a licensed provider to pay tax to the Commissioner for each authorised game conducted by the provider. The tax is to be calculated and paid on a basis fixed under a regulation

### **Surrender of interactive gambling licence**

*Clause 38* provides that a licensed provider may surrender a licence by notice in writing to the Minister, and such a notice cannot take effect earlier than three months after the date of the notice, unless written approval is given by the Minister

### ***Division 3 - Suspension and cancellation of interactive gambling licence***

#### **Grounds for suspension or cancellation**

*Clause 39* sets out the grounds for suspending or cancelling an interactive gambling licence

#### **Direction to rectify**

*Clause 40* provides that the Minister may direct a licensed provider to rectify a matter which was a ground for suspension or cancellation and is capable of being rectified

#### **Immediate suspension**

*Clause 41* provides for immediate suspension of an interactive gambling licence in a case where a ground exists to suspend or cancel the licence and the seriousness of the situation justifies immediate action in order to safeguard the public interest or the integrity of the conduct of interactive games

#### **Suspension after notice**

*Clause 42* provides that the Minister may suspend an interactive gambling licence if a direction to rectify has not been complied with

#### **Cancellation of licence**

*Clause 43* provides that the Minister may cancel an interactive gambling licence if the grounds for suspending or cancelling the licence are of a serious and fundamental nature

#### **Appointment of administrator**

*Clause 44* makes provision for the Minister to appoint an administrator to conduct operations under an interactive gambling licence, to protect the public interest

#### **Cancellation or reduction of period of suspension**

*Clause 45* provides that, at any time, the Minister may, by written notice, cancel the remaining period of suspension of an interactive gambling licence or reduce the remaining period of suspension of a licence. The Commissioner must promptly notify the licensed provider of any such change

## ***Division 4 - Security certificates***

### **Security related decisions**

*Clause 46* requires the Minister, where he or she makes a decision under this Part based wholly or in part on a matter relating to the security of the interactive gambling operation or an authorised game, to sign a certificate to that effect

## **PART 4 - KEY PERSONS**

### ***Division 1 - requirement for key persons to be licensed***

#### **Obligation to hold licence**

*Clause 47* provides that all employees, or other persons engaged by a licensed provider in a key person role, must be licensed as a key person

#### **Requirement that unlicensed key person end role**

*Clause 48* provides that if the Commissioner refuses to approve an application for a key person licence the Commissioner may require the unsuccessful applicant to terminate the relevant key relationship within a stated period

#### **Requirement to end key person's role**

*Clause 49* provides that the Commissioner may require the licensed provider to take the necessary action to terminate their relationship with a key person if that person does not comply with a requirement to terminate the relationship, or the person's application for a key person licence is refused

### ***Division 2 - Issue of key person licences***

#### **Application for key person licence**

*Clause 50* provides that an application for a key person licence must be made in the approved form and must be accompanied by a written police character check, imprints of the fingers and palms of both hands, a recent photograph and the determined application fee

#### **Consideration of application**

*Clause 51* provides that the Commissioner must consider an application for a key person licence only if the applicant agrees to supply a written police character check, fingerprints, a recent photograph and only if certain requirements, with regard to the applicant's character and financial position, have been fulfilled

### **Licensed providers' limited recourse to player's accounts**

*Clause 99* prevents a licensed provider from having recourse to funds in a player's account except for the purpose of debiting wagers to the account, or depositing or returning the balance standing to its credit to the player

### **Inactive players' accounts**

*Clause 100* provides that the licensed provider must return the balance of the player's account to the player if no transaction has been recorded on an account for a period as prescribed in regulation. Where the player cannot be found, the balance of the account is to be dealt with in accordance with the regulations

## ***Division 5 - Responsible gambling***

### **Limitation on amount wagered**

*Clause 101* empowers a player to set, in advance, limits on the amount that the player may wager on interactive games. The player may set a limit on the amount of an individual wager, the player may set a limit to the amount to be wagered over a stated period, or the player might set the limit at zero - thus creating a self-imposed ban. A limit may be changed or revoked by written notice to the licensed provider. If the notice seeks to remove or relax the limit, the notice does not have effect unless 7 days have passed and the licensed provider has not been notified of an intention to withdraw the notice

### **Prohibition of interactive gambling**

*Clause 102* empowers the Commissioner to make a reviewable order prohibiting a resident of the Territory from gambling on interactive games. An application for an order to ban may be made by the person or by a third party who satisfies the Commissioner of the need for a ban. The provision outlines actions that must be taken to install or revoke such a prohibition

## ***Division 6 - Gambling records***

### **Interpretation**

*Clause 103* defines the meaning of an approved place, exempt gambling record and public office

### **Notices about keeping gambling records**

*Clause 104* provides for approval by the Commissioner of a place for the keeping of a licensed provider's gambling records. Certain records may be exempted from the requirement to keep them at a particular place

### **Gambling records to be kept at certain place**

*Clause 105* requires a licensed provider to keep records at the licensed provider's public office or an approved place for records, unless the record is an exempt gambling record

### ***Division 7 - Financial accounts, statements and reports***

#### **Keeping of records**

*Clause 106* provides for the keeping of accounting records by a licensed provider and for them to be properly audited

#### **Preparation of financial statements and accounts**

*Clause 107* requires a licensed provider to keep proper accounting records of the provider's financial operations under the interactive gambling licence including specific annual financial statements and accounts

#### **Submission of reports**

*Clause 108* requires the submission of reports to the Commissioner about a licensed provider's operations

### ***Division 8 - Audit***

#### **Audit of licensed provider's operations**

*Clause 109* requires an annual audit of financial records by a registered company auditor

#### **Audit reports**

*Clause 110* requires the licensed provider to provide a copy of the audit report conducted under this Division to the Commissioner, within 3 months after the end of the relevant financial year

#### **Further information following audit**

*Clause 111* empowers the Commissioner to require further information from the licensed provider about matters mentioned in the audit report

### ***Division 9 - Ancillary and related agreements***

#### **Interpretation**

*Clause 112* defines an "ancillary gambling agreement" and "related agreement" Essentially an ancillary gambling agreement is an agreement that give another person an interest in, or share of, gross or net gambling revenue or profits

### **Ancillary gambling agreement**

*Clause 113* provides that an ancillary gambling agreement requires the Commissioner's approval unless the Commissioner considers the agreement of minor importance, or it is classified under a regulation as an agreement for which the approval is not required

### **Approval of ancillary gambling agreements**

*Clause 114* provides for an application for approval of an ancillary gambling agreement and empowers the Commissioner to grant such an approval if the Commissioner considers the agreement desirable or appropriate in the circumstances of the particular case

### **Review of related agreements**

*Clause 115* provides that the Commissioner may, by written notice, require a licensed provider to give information about related agreements to the Commissioner

### **Direction to terminate related agreement**

*Clause 116* empowers the Commissioner to direct the termination of a related agreement if the Commissioner is still of the opinion that the agreement may jeopardise the integrity of the conduct of interactive games by the licensed provider or may otherwise adversely affect the public interest. This clause also confers immunity from liabilities that would otherwise arise from termination of the related agreement

## ***Division 10 - Official supervision***

### **Monitoring operations**

*Clause 117* requires a licensed provider, at the request of the Commissioner, to do anything reasonably necessary to allow an inspector to monitor the licensed provider's operations

### **Presence of authorised tax officers at certain operations**

*Clause 118* empowers the Commissioner to require that specified operations to be carried out by the provider under the interactive gambling licence be carried out under the supervision of a tax officer

## ***Division 11 - Prizes***

### **Payment or collection of prizes**

*Clause 119* requires the immediate crediting of monetary prizes to the player. If a player wins a non-monetary prize, or a player without a player's account wins a monetary prize, the licensed provider must have the prize delivered personally or by post to the player or give the player written notice of a place in the Territory where the prize may be collected

### **Disposal of unclaimed non-monetary prizes**

*Clause 120* provides for the disposal of unclaimed non-monetary prizes by a licensed provider

### **Claims for prize**

*Clause 121* sets out the procedures to be followed where a player makes a claim for entitlement to a prize within 5 years of the end of the game. If a claim is not resolved, the Commissioner may review a licensed provider's decision on a claim

### **Entitlement to prize if not claimed within 5 years**

*Clause 122* provides that if a prize is not claimed within 5 years after the game in which the prize was won was completed, the entitlement to the prize is extinguished and the prize is forfeited to the Territory

## ***Division 12 - Aborted games***

### **Aborted games**

*Clause 123* provides for the repayment of wagers where a game is aborted, or is not completed, because of a human, operating or technical failure. Where a failure occurs the licensed provider must notify the Commissioner and the licensed provider must comply with directions of the Commissioner in relation to the occurrence

### **Power to withhold prize in certain cases**

*Clause 124* provides for a licensed provider to withhold payment of a prize where the provider believes there has been some illegality or a genuine malfunction. The Commissioner is to be notified immediately. If the Commissioner agrees that a prize may be withheld then wagers in the games are to be refunded to the participants

## ***Division 13 - Approval and use of regulated interactive gambling equipment***

### **Approval of regulated interactive gambling equipment**

*Clause 125* provides for an application to the Commissioner for approval of regulated interactive gambling equipment or a proposed modification to regulated interactive gambling equipment

### **Use of regulated interactive gambling equipment**

*Clause 126* prohibits a licensed provider or an agent of a licensed provider from using or modifying regulated interactive gambling equipment unless the equipment or modification has been approved by the Commissioner

## ***Division 14 - Advertising***

### **Advertising interactive gambling**

*Clause 127* prohibits advertising of interactive games in the Territory unless it is an authorised game and the authorised provider has agreed to the advertising

### **Directions about advertising**

*Clause 128* provides that a person who advertises the game must take reasonable steps to ensure that the advertisement is not indecent or offensive, is based on fact, and is not false, deceptive or misleading in a material particular and enables the Commissioner to give directions to the advertiser to stop the advertisement or to change it

## ***Division 15 - Complaints and improper behaviour***

### **Inquiries about complaints**

*Clause 129* provides for a system of complaint resolution in relation to the conduct of interactive gambling operations

### **Reporting improper behaviour**

*Clause 130* requires an authorised provider or an agent to report, to the Commissioner, dishonest or unlawful acts related to the conduct of interactive gambling operations

## ***Division 16 - Gambling offences***

### **Cheating**

*Clause 131* prohibits cheating in relation to an authorised game

### **Impersonating certain persons**

*Clause 132* prohibits impersonation of a licensed provider, an agent, key person licensee or a gambling official

### **Participation in authorised games by employees of licensed providers**

*Clause 133* prohibits participation by an employee (whether a licensed key person or not) of a licensed provider in an authorised game. Also under this provision, a court may provide for a penalty, payable to the Territory, of an amount equal to any prize won contrary to this provision

### **Participation by minors in conduct of approved games prohibited**

*Clause 134* provides that a licensed provider or an agent must not allow a minor to participate in the conduct of authorised games. However, it is a defence to prove that the defendant believed that on reasonable grounds that the person was over 18 years of age. A minor is also prohibited from participating in such operations without reasonable excuse.

### **Participation by minors as players prohibited**

*Clause 135* provides that a person involved in the conduct of an authorised game must not allow a minor to participate as a player in the game. However, it is a defence to prove that the defendant believed that on reasonable grounds the player was over 18 years of age. A minor is prohibited from knowingly participating as a player in an authorised game without reasonable excuse. A court may provide for a penalty, payable to the Territory, of an amount equal to any prize won contrary to this provision.

### **Offensive names prohibited**

*Clause 136* prohibits a person participating in an authorised game under a name that is obscene, indecent, or offensive.

### **Interference with conduct of authorised games**

*Clause 137* prohibits interference, without the Commissioner's authorisation, in the conduct of an authorised game.

### **Offences by certain persons**

*Clause 138* prohibits certain promotional activities by unauthorised persons.

### **Licensed providers not to publish identity of players in certain cases**

*Clause 139* requires the licensed provider, employee and any associate to maintain confidentiality of information about the identity of players unless there are proper reasons for breaching that confidentiality.

## **PART VIII - ADMINISTRATIVE REVIEW**

### **Interpretation**

*Clause 140* defines a "primary decision" and a "reviewable decision" made by the Minister.

### **Review of Minister's decisions**

*Clause 141* provides for the review of decisions of the Minister to the Administrative Appeals Tribunal.

### **Review of Commissioner's decisions**

*Clause 142* provides for the review of decisions of the Commissioner to the Administrative Appeals Tribunal

## **PART IX - MISCELLANEOUS**

### **Destruction of prints and photographs**

*Clause 143* requires that, where a person has lodged with the Minister or the Commissioner, imprints of his or her fingers and palms and a photograph in relation to an application for a licence under this Act, and that licence is refused, or subsequently surrendered or cancelled, those imprints and any copies of those imprints, and the photograph and any copies of that photograph, must be destroyed

### **Conduct of directors, servants and agents**

*Clause 144* provides for the factors necessary to establish the state of mind of a body corporate or a natural person for the purposes of this Act

### **Power of Minister to determine fees**

*Clause 145* provides that the Minister may, by notice in writing published in the Gazette, determine fees, or manners of calculating fees, for the purposes of this Act

### **Register of interactive gambling licences**

*Clause 146* requires the Commissioner to establish and maintain a register of interactive gambling licences and allows a person to peruse and make copies of the register during ordinary business hours

### **Approval of forms**

*Clause 147* enables the Commissioner to approve forms for the purposes of this Act

### **Regulations**

*Clause 148* enables the Executive to make regulations for the purposes of this Act

### **Amendment of the *Taxation (Administration) Act 1987***

*Clause 149* provides for the consequential amendments to the *Taxation (Administration) Act 1987*

