



Australian Capital Territory

# **Interactive Gambling Act 1998**

**A1998-24**

**Republication No 5**

**Effective: 26 August 2008 – 1 February 2009**

Republication date: 26 August 2008

Last amendment made by A2008-28

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Interactive Gambling Act 1998* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 26 August 2008. It also includes any amendment, repeal or expiry affecting the republished law to 26 August 2008.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Australian Capital Territory

# Interactive Gambling Act 1998

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An Act to regulate interactive gambling, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Interactive Gambling Act 1998*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*disqualified person*—see section 18B.' means that the term 'disqualified person' is defined in that section.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

### 4 Meaning of *business associate* and *executive associate*

- (1) A person is, for this Act, a *business associate* of a specified person if the Minister believes on reasonable grounds that—
- (a) the firstmentioned person is associated with the ownership or management of the specified person's operations; or
  - (b) if the specified person is not a licensed provider—the firstmentioned person will, if an interactive gambling licence is

granted to the specified person, be associated with the ownership or management of the specified person's operations.

- (2) A person is, for this Act, an *executive associate* of a specified person if—
- (a) he or she is an executive officer of a corporation, a partner, trustee or person named in writing by the Minister; and
  - (b) the Minister believes on reasonable grounds that—
    - (i) the firstmentioned person is associated with the ownership or management of the specified person's operations; or
    - (ii) if the specified person is not a licensed provider—the firstmentioned person will, if an interactive gambling licence is granted to the specified person, be associated with the ownership or management of the specified person's operations.
- (3) In this section:
- specified person* means—
- (a) an applicant for an interactive gambling licence; or
  - (b) a proposed transferee of an interactive gambling licence; or
  - (c) a licensed provider; or
  - (d) an agent.

## **5 Meaning of *key person* and *key relationship***

- (1) For this Act, a *key person* is a person who—
- (a) occupies or acts in a managerial position, or carries out managerial functions, in relation to operations carried out under an interactive gambling licence or the business of the licensed provider; or

- (b) is in a position to control or exercise significant influence over the operations conducted under an interactive gambling licence; or
  - (c) occupies or acts in a position designated in the licensed provider's approved control system as a key position; or
  - (d) occupies a position with, or carries out functions for, a licensed provider that makes the person a key person under criteria prescribed under the regulations; or
  - (e) is a business or executive associate of a licensed provider designated by the commission, by written notice given to the licensed provider, as a key person.
- (2) Subsection (1) (a) and (b) applies in relation to a position only if the position is designated by the commission by written notice given to the licensed provider as a key position.
  - (3) Subsection (1) (a) applies in relation to functions only if the functions are designated by the commission by written notice given to the licensed provider as key functions.
  - (4) For this Act, a *key relationship* is a relationship, other than a familial relationship, between a licensed provider and another person as a result of which the other person is a key person.

## 6 Meaning of *agent*

- (1) For this Act, a person is an *agent* for a licensed provider if he or she carries out, whether within or outside the ACT, any specified function on behalf of the licensed provider.
- (2) For this Act, a person is an *agent* for an external provider if he or she carries out, within the ACT, any specified function on behalf of the external provider.
- (3) In this section:

*specified function* means—

- (a) registering a player; or
- (b) establishing a player's account; or
- (c) accepting a deposit for, or authorising a withdrawal from, a player's account; or
- (d) carrying out any other function that is classified as an agency function by the regulations.

## **7 Incorporation of Control Act**

The Control Act is incorporated and shall be read as one with this Act.

## **8 Extraterritorial application of Act**

So far as the legislative power of the Assembly permits, this Act applies according to its tenor to—

- (a) persons; and
- (b) acts done, transactions entered into, events occurring and matters arising;

within or outside the ACT.

## **Part 2 Control of interactive gambling**

### **Division 2.1 The cooperative scheme**

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

- (1) If the Minister is satisfied a law of a State or another Territory is compatible with this Act, he or she may, in writing, declare that—
  - (a) that State or Territory is a participating jurisdiction; and
  - (b) the relevant law of that State or Territory is a corresponding law.
- (2) A declaration is not to be made under this section unless the Territory has entered into an agreement with the prospective participating regulator that makes, in the Minister's opinion, adequate provision for the following matters:
  - (a) the taxation of authorised games on a uniform or consistent basis;
  - (b) collaboration between the commission and gaming officers of the Territory and authorities and gaming officers of the other jurisdiction engaged in the administration of the relevant law of the other jurisdiction;
  - (c) mutual recognition of licences and administrative acts between jurisdictions;
  - (d) sharing of tax revenue derived from interactive gambling on an equitable basis.
- (3) A declaration under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.



## **Division 2.2                      Authorised providers and authorised games**

### **10                      Authorised games**

- (1) Subject to this section, an interactive game is, for this Act, an *authorised game* if—
  - (a) a licensed provider is authorised to conduct it under this division; or
  - (b) subject to this section, an external provider is authorised to conduct it under the corresponding law of the participating jurisdiction where the provider is licensed.
- (2) A game that an external provider is authorised to conduct under a corresponding law (an *externally authorised game*) is not an authorised game if the external provider is prohibited from conducting the game in the ACT by a prohibition under subsection (3).
- (3) The Minister, if satisfied that the conduct of an externally authorised game in the ACT is contrary to the public interest, he or she may, by written notice given to the external provider authorised under the corresponding law to conduct the game, prohibit the conduct of the game in the ACT.
- (4) The Minister shall not give a notice under subsection (3) unless he or she has—
  - (a) given to the external provider and the relevant participating regulator written notice of the proposed prohibition and the reasons for it; and
  - (b) allowed each of them a reasonable opportunity to make representations; and
  - (c) considered any representation made.

- (5) The Minister shall give to the relevant participating regulator a copy of a notice under subsection (3).
- (6) If a notice under subsection (3) has been given in relation to an interactive game, the game ceases to be an authorised game.

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

- (1) The Minister may, on written application by a licensed provider, authorise the provider to conduct an interactive game on conditions stated in the authorisation.
- (2) If the Minister refuses an application, he or she shall give the applicant written notice of the decision and the reasons for it.

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

- (1) The Minister may, by written notice given to a licensed provider, change a condition on which an interactive game is authorised if the Minister is satisfied on reasonable grounds that—
  - (a) the conditions are not stringent enough to prevent a contravention of this Act; or
  - (b) compliance with the conditions cannot be effectively monitored or enforced; or
  - (c) it is in the public interest that the conditions be changed.
- (2) The Minister shall not give a notice under subsection (1) unless he or she has—
  - (a) given the licensed provider written notice of the proposed change of condition and the reasons for it; and
  - (b) allowed the licensed provider a reasonable opportunity to make representations; and
  - (c) considered any representation made.

### **13 Revocation of authorisation**

- (1) The Minister may, by written notice given to a licensed provider, revoke the authorisation to provide a particular interactive game if the Minister is satisfied on reasonable grounds that—
  - (a) the conditions are not stringent enough to prevent a contravention of this Act; or
  - (b) compliance with the conditions cannot be effectively monitored or enforced; or
  - (c) it is in the public interest that the authorisation be revoked.
- (2) The Minister shall not give a notice under subsection (1) unless he or she has—
  - (a) given to the licensed provider written notice of the proposed revocation and the reasons for it; and
  - (b) allowed the licensed provider a reasonable opportunity to make representations; and
  - (c) considered any representation made.

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

- (1) A person other than an authorised provider shall not—
  - (a) conduct an interactive game wholly or partly in the ACT; or
  - (b) knowingly allow another person who is in the ACT to participate in an interactive game;unless the game is an authorised game.  
Maximum penalty: 200 penalty units, imprisonment for 2 years or both.
- (2) A person in the ACT shall not—
  - (a) participate in an interactive game; or

(b) aid or abet the participation by another person in an interactive game;

knowing that the game is not an authorised game.

Maximum penalty: 40 penalty units.

(3) In this section:

*authorised game* includes a game authorised under a scheme approved under division 2.5.

## Division 2.3 Registration of players

### 15 Only players may participate in authorised games

(1) A licensed provider must not permit a person other than a player to participate in an authorised game.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

(2) A person must not participate in an authorised game with a licensed provider unless the person is a player.

Maximum penalty: 4 penalty units.

### 16 Wagers must be covered by amount in player's account

A licensed provider must not accept a wager from a player in an authorised game unless a player's account has been established in the name of the player with the provider and there are adequate funds in the account to cover the amount of the wager.

### 17 Provisional registration of players

(1) A person who applies to a licensed provider to be provisionally registered as a player must provide (by electronic or other means)—

(a) the person's name and address; and

- (b) details of the person's account with an approved credit provider; and
  - (c) a statement that the person is at least 18 years old; and
  - (d) a statement that the law of the place where the person is does not prevent or disqualify the person from playing authorised games with the provider.
- (2) A person must not provide false or misleading information in an application under this section.

Maximum penalty: 30 penalty units.

- (3) The licensed provider must not provisionally register the person as a player if—
- (a) the person is an excluded person or a disqualified person; or
  - (b) the person is not in good standing with the approved credit provider.

Maximum penalty: 50 penalty units.

- (4) The licensed provider must cease to provisionally register a person—
- (a) after 30 days; or
  - (b) if the provider registers the person under section 18; or
  - (c) if it comes to the notice of the provider that—
    - (i) the person is an excluded person; or
    - (ii) the person is not in good standing with the approved credit provider;

whichever occurs first.

Maximum penalty: 50 penalty units.

(5) In this section:

***approved credit provider*** means a provider of credit approved in writing by the commission for this section.

## 18 Registration

(1) A person may apply, in writing, to a licensed provider to be registered as a player.

*Note* If a form is approved under the Control Act, s 53D (Approved forms) for an application under this subsection, the form must be used.

(2) The application must—

(a) provide evidence of a kind prescribed under the regulations—

(i) of the applicant's identity; and

(ii) of the applicant's place of residence; and

(iii) that the applicant is more than 18 years old; and

(b) contain a statement that the law of the place where the applicant is does not prevent or disqualify the applicant from playing authorised games with the provider.

(3) A person must not provide false or misleading information in an application under this section.

Maximum penalty: 30 penalty units.

(4) A licensed provider must not register the person unless—

(a) the person's identity has been verified in accordance with the provider's approved control system; and

(b) the other statements made by the applicant have been verified in a way approved by the commission; and

(c) the person is not a disqualified person.

Maximum penalty: 50 penalty units.

**18A Players' accounts**

- (1) If a licensed provider has registered or provisionally registered a player, the provider must establish an account in the name of the player (the *player's account*).
- (2) The provider has a right to debit the amount of a wager from the player's account.
- (3) The player may have direct recourse to the account only—
  - (a) to ascertain the balance of funds in the account or to close the account; or
  - (b) to obtain the whole or part of an amount paid into the account as a prize in an authorised game; or
  - (c) as authorised by the licensed provider or the commission.
- (4) The provider must not accept more than \$100 in total deposits to the player's account of a provisionally registered player.

**18B Lists of excluded persons and disqualified persons**

- (1) A person is a *disqualified person* if he or she—
  - (a) is subject to a notice under section 102; or
  - (b) has been convicted of an offence against this division within the previous 5 years.
- (2) A person is an *excluded person* if he or she—
  - (a) has been provisionally registered as a player with a licensed provider within the previous 12 months; and
  - (b) has not been registered as a player with that or another licensed provider within the previous 12 months.

- (3) The commission must maintain current lists of disqualified and excluded persons and must provide the lists from time to time to each licensed provider.

Maximum penalty: 50 penalty units.

- (4) A person must not disclose information on a list under this section except as required for the operation of this Act or as otherwise required by law.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

### **18C Players names**

For the purposes of playing an authorised game, a licensed provider may allow a registered or provisionally registered person to be identified by a nickname approved by the provider.

### **19 Player bound by rules of game**

A player who participates in an authorised game must comply with rules of the game as notified to the player under the conditions on which the game is authorised.

Maximum penalty: 40 penalty units.

## **Division 2.4 Restriction of gambling venues**

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

A person shall not—

- (a) advertise that premises are available for playing interactive games; or
- (b) knowingly seek to obtain a commercial advantage from the use of premises for playing interactive games.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.



## **Division 2.5 Exemption schemes**

### **21 Meaning of *exempted provider* and *exemption scheme***

In this division:

*exempted provider* means a licensed provider in relation to whom an exemption scheme has been approved.

*exemption scheme* means a scheme that, if approved by the Minister, will exempt a licensed provider authorised to conduct games under the scheme from the application of provisions of this Act specified in the scheme to the extent specified in the scheme.

### **22 Approval of exemption schemes**

- (1) The Minister may, in writing, approve an exemption scheme if the Minister is satisfied, on the written application by a licensed provider or an applicant for an interactive gambling licence, that—
  - (a) the exemption scheme complies with the criteria for approval of exemption schemes; and
  - (b) the approval of the exemption scheme is warranted in the circumstances of the case.
- (2) An exemption scheme complies with the criteria for approval of exemption schemes if, and only if, the Minister is satisfied that—
  - (a) the standards of probity required under this Act for providers of interactive games and those involved in the conduct of interactive games will not be compromised by the approval of the scheme; and
  - (b) adequate and appropriate safeguards will exist to ensure the fairness of the interactive games to be conducted under the scheme and to protect the interests of players; and

- (c) adequate and appropriate safeguards will exist to prevent participation in the interactive games to be conducted under the scheme by persons under 18 years old; and
  - (d) the scheme provides for other adequate and appropriate safeguards to ensure that the public interest is not affected in an adverse and material way by the conduct of interactive games under the scheme.
- (3) An exemption scheme approved under this section is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **23 Cancellation of approval**

- (1) The Minister may, in writing, cancel the approval of an exemption scheme if the Minister is of the opinion that the scheme no longer complies with the criteria for approval of exemption schemes.
- (2) The Minister shall not cancel the approval of an approved exemption scheme unless he or she has—
- (a) given the exempted provider written notice of the proposed cancellation and the reasons for it; and
  - (b) allowed the exempted provider a reasonable opportunity to make representations; and
  - (c) considered any representation made.
- (3) The Minister must give written notice of a cancellation to the exempted provider.
- (4) A cancellation is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **24 Ending of approved exemption scheme**

An approved exemption scheme ends—

- (a) when the Minister cancels the approval under this division; or
- (b) if the approval was given for a specified period and has not been cancelled before the end of that period—at the end of that period.

## **Part 3 Interactive gambling licences**

### **Division 3.1 Applications for, and issue of, interactive gambling licences**

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

- (1) A person may apply to the commission for an interactive gambling licence.

*Note 1* A fee may be determined under s 145 (Determination of fees) for an application under this subsection.

*Note 2* If a form is approved under the Control Act, s 53D (Approved forms) for an application under this subsection, the form must be used.

- (2) An application by an individual must be accompanied by—
- (a) a written police report about the applicant's character and criminal history (if any); and
  - (b) the imprints of the fingers and palms of both hands of the applicant; and
  - (c) a recent photograph of the applicant's face.

#### **27 Consideration of application**

- (1) Subject to this section, the Minister shall consider an application that complies with section 26 and either grant or refuse it.
- (2) The Minister may, by written notice given to the applicant, require the applicant to supply to the Minister further information or documentation that the Minister may reasonably require to give proper consideration to the application.
- (3) If a notice under subsection (2) has been given, the Minister is not required to determine the application until the notice has been complied with.

- (4) The Minister is not required to consider an application for an interactive gambling licence by an individual until the applicant satisfies the requirements of the regulations relating to satisfactory evidence of his or her identity.

## **28 Criteria for granting application**

- (1) The Minister shall not grant an application for an interactive gambling licence unless satisfied—
- (a) the applicant is a suitable person to hold an interactive gambling licence; and
  - (b) each business or executive associate of the applicant is a suitable person to be associated with a licensed provider's operations.
- (2) The Minister may refuse to grant an application even if satisfied of the matters mentioned in subsection (1).

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

- (1) For the purpose of deciding whether an applicant is a suitable person to hold an interactive gambling licence, the Minister shall have regard to the following matters:
- (a) the applicant's character and business reputation;
  - (b) the applicant's current financial position and financial background;
  - (c) if the applicant is not an individual—whether the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;
  - (d) whether the applicant has, or is able to obtain, appropriate resources and appropriate services;

- (e) whether the applicant has the appropriate business ability to conduct interactive games successfully under an interactive gambling licence;
  - (f) if the applicant has a business association with another entity—
    - (i) the entity’s character or business reputation; and
    - (ii) the entity’s current financial position and financial background;
  - (g) any other prescribed matter.
- (2) In this section:

*appropriate resources* means financial resources that—

- (a) are adequate, in the Minister’s opinion, to ensure the financial viability of operations conducted under an interactive gambling licence; and
- (b) are available from a source that is not, in the Minister’s opinion, tainted with illegality.

*appropriate services* means the services of persons who have appropriate experience to ensure the proper and successful conduct of interactive games.

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

In deciding whether a business or executive associate of an applicant for an interactive gambling licence is a suitable person to be associated with a licensed provider’s operations, the Minister shall have regard to the following matters:

- (a) the person’s character and business reputation;
- (b) the person’s current financial position and financial background;

- (c) if the person has a business association with another entity—
  - (i) the entity's character or business reputation; and
  - (ii) the entity's current financial position and financial background;
- (d) any other prescribed matter.

### **31 Procedure on decision**

- (1) If the Minister grants an application for an interactive gambling licence, he or she shall promptly issue an interactive gambling licence to the applicant.
- (2) If the Minister refuses to grant an application for an interactive gambling licence, the Minister shall, subject to section 141, give the applicant written notice of the decision and of the reasons for the refusal.

### **31A Licensed provider must comply with code of practice**

A licensed provider must comply with the relevant code of practice (if any) prescribed under the Control Act.

### **32 Conditions of licence**

An interactive gambling licence may be issued subject to the conditions the Minister considers necessary or desirable—

- (a) for the proper conduct of interactive games; or
- (b) in the public interest.

### **33 Changing or adding conditions**

- (1) If the Minister considers it necessary or desirable to do so—
  - (a) for the proper conduct of interactive games; or
  - (b) in the public interest;

he or she may, subject to subsection (2), by written notice to the licensed provider, change or delete a condition to which an interactive gambling licence is subject, or add a condition.

- (2) If a condition of an interactive gambling licence is designated in the licence as a condition that may be changed only by agreement between the Minister and the licensed provider, the condition may be changed or deleted only by agreement between those persons.
- (3) A change of conditions takes effect on a day agreed between the Minister and the licensed provider or, in the absence of an agreement, the later of the following:
  - (a) the day the notice under subsection (1) is given to the licensed provider;
  - (b) if a later day is stated in the notice—the later day.

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

- (1) A licensed provider shall not fail, without reasonable excuse, to return the licence to the Minister within 7 days of receiving a notice under section 33 (1).

Maximum penalty: 40 penalty units.

- (2) On receiving a licence under subsection (1), the Minister shall—
  - (a) amend the licence appropriately and return it to the licensed provider; or
  - (b) if the Minister does not consider it is practicable to amend the licence—issue a replacement licence, incorporating the changes to the conditions, to the licensed provider.
- (3) A change of conditions does not depend on the interactive gambling licence being amended to record the change or a replacement licence being issued.



### **35 Particulars to be included in interactive gambling licence**

An interactive gambling licence must contain the following particulars:

- (a) the licensed provider's name;
- (b) the date of issue of the licence;
- (c) the period for which the licence is issued;
- (d) the conditions that the licence is subject to;
- (e) any other particulars prescribed under the regulations.

*Note* If a form is approved under the Control Act, s 53D (Approved forms) for a licence, the form must be used.

## **Division 3.2 General provisions about interactive gambling licences**

### **36 Interactive gambling licence not transferable**

Subject to section 37, an interactive gambling licence may not be transferred.

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

- (1) The Minister may, in writing, approve a mortgage, charge or other encumbrance over an interactive gambling licence.
- (2) A right to sell or transfer an interactive gambling licence that arises from a mortgage, charge or encumbrance approved under subsection (1) may only be exercised in favour of a person approved in writing by the Minister.
- (3) The Minister shall not approve a person under subsection (2) unless satisfied that—
  - (a) the proposed transferee is a suitable person to hold an interactive gambling licence; and

- (b) each business or executive associate of the proposed transferee is a suitable person to be associated with a licensed provider's operations.
- (4) For the purpose of making a decision under subsection (3), the Minister may require the proposed transferee of an interactive gambling licence to submit an application for the licence and may deal with the application, and investigate the suitability of the proposed transferee and the proposed transferee's business and executive associates, in the same way as if the application were an application for a new interactive gambling licence.
- (5) If a person has, under or because of, a mortgage, charge or encumbrance, a power to appoint a receiver or manager of the business conducted under an interactive gambling licence, the power may not be exercised unless the Minister has approved the proposed receiver or manager in writing.

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

- (1) A licensed provider may surrender the licence by written notice given to the Minister.
- (2) The surrender takes effect—
  - (a) if paragraph (b) does not apply—
    - (i) 3 months after the notice is given; or
    - (ii) if a later day of effect is stated in the notice—on the later day; or
  - (b) if the Minister, by written notice, approves a day of effect that is earlier than 3 months after the notice is given—on the day of effect approved by the Minister.

- (3) A person who has surrendered a licence under this section shall not fail, without reasonable excuse, to return the licence to the Minister within 7 days after the day when the surrender takes effect.

Maximum penalty: 40 penalty units.

### **Division 3.3                      Suspension and cancellation of interactive gambling licences**

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

- (1) For this division, a ground for suspending or cancelling an interactive gambling licence exists if—
- (a) the licensed provider is not, or is no longer, a suitable person to hold an interactive gambling licence; or
  - (b) a business or executive associate of the licensed provider is not, or is no longer, a suitable person to be associated with the licensed provider's operations; or
  - (c) the licensed provider has been convicted of an offence against this Act, a tax law or a corresponding law; or
  - (d) the licensed provider has been convicted, in Australia or elsewhere, of an offence that is punishable on conviction by imprisonment for not less than 12 months; or
  - (e) the licensed provider has contravened a condition of the licence; or
  - (f) the licensed provider has contravened a provision of this Act or a corresponding law, being a provision the contravention of which does not constitute an offence; or
  - (g) the licensed provider has failed to discharge a financial commitment for the licensed provider's operations; or

- (h) the licensed provider is bankrupt, has executed a personal insolvency agreement or otherwise taken, or applied to take, advantage of any law relating to bankruptcy; or
  - (i) the licensed provider is affected by control action under the Corporations Act; or
  - (j) the interactive gambling licence was obtained by a materially false or misleading representation or in some other improper way.
- (2) When considering whether the ground referred to in subsection (1) (a) exists, the Minister may have regard to the matters to which the Minister may have regard in deciding whether an applicant is a suitable person to hold an interactive gambling licence.
- (3) When considering whether the ground referred to in subsection (1) (b) exists, the Minister may have regard to the matters to which the Minister may have regard in deciding whether a business or executive associate of an applicant is a suitable person to be associated with a licensed provider's operations.
- (4) For subsection (1) (i), a licensed provider is affected by control action under the Corporations Act if the licensed provider—
- (a) has executed a deed of company arrangement under the Corporations Act; or
  - (b) is the subject of a winding-up, whether voluntary or under a court order, under the Corporations Act; or
  - (c) is the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under the Corporations Act.

#### **40 Direction to rectify**

- (1) This section applies if—
- (a) the Minister is satisfied on reasonable grounds that—

- (i) a ground referred to in section 39 (1) exists; and
  - (ii) it is appropriate to give to the licensed provider an opportunity to rectify the matter or matters that give rise to the Minister's belief; and
- (b) the licensed provider has been given—
  - (i) written notice that the Minister proposes to give a direction under this section; and
  - (ii) a reasonable opportunity to make representations about the proposed direction under subsection (2).
- (2) The Minister may, by written notice given to the licensed provider, direct the licensed provider to rectify the matter or matters specified in the notice in a way specified in the notice within the period specified in the notice, being a period that is reasonable having regard to the nature of the matter or matters to be rectified.
- (3) A notice under this section shall state the reasons for the decision to give the direction.
- (4) A licensed provider shall comply with a direction under this section.  
Maximum penalty: 40 penalty units.

#### **41 Immediate suspension**

- (1) The Minister may suspend an interactive gambling licence under this section if the Minister is satisfied on reasonable grounds that—
  - (a) a ground referred to in section 39 (1) exists; and
  - (b) the urgency of the matter does not permit the taking of action under section 40; and
  - (c) the circumstances require that the licence be suspended to ensure that—
    - (i) the public interest is not affected in an adverse and material way; or

- (ii) the integrity of the conduct of interactive games by the licensed provider is not jeopardised in any way.
- (2) A suspension under this section—
  - (a) shall be effected by written notice given to the licensed provider; and
  - (b) takes effect when the notice is given; and
  - (c) is for the period specified in the notice.

#### **42 Suspension after notice**

- (1) The Minister may suspend an interactive gambling licence under this section if a direction under section 40 has not been complied with.
- (2) A suspension under this section—
  - (a) shall be effected by written notice given to the licensed provider; and
  - (b) takes effect when the notice is given; and
  - (c) is for the period specified in the notice.

#### **43 Cancellation of licence**

- (1) Subject to this section, the Minister may, by written notice to the holder of an interactive gambling licence, cancel the licence if—
  - (a) the Minister is satisfied on reasonable grounds that—
    - (i) a ground referred to in section 39 (1) exists; and
    - (ii) the circumstances on which the ground is based are of a serious and fundamental nature; or
  - (b) a direction under section 40 has not been complied with, being a direction given on grounds based on circumstances of a serious and fundamental nature.

- (2) The Minister shall not cancel a licence under subsection (1) (a) unless he or she is satisfied that, unless the licence is cancelled—
- (a) the integrity of the conduct of interactive games by the licensed provider may be jeopardised in a material way; or
  - (b) the public interest may be affected in an adverse or material way.
- (3) Cancellation of a licence takes effect when the notice is given or, if the notice specifies a later day, on the later day.
- (4) A person whose licence has been cancelled shall not fail, without reasonable excuse, to return the licence to the commission within 7 days after the day the surrender takes effect.

Maximum penalty: 40 penalty units.

#### **44 Appointment of administrator**

- (1) If the Minister is satisfied on reasonable grounds that—
- (a) a ground referred to in section 39 (1) exists; and
  - (b) it is appropriate in the public interest to appoint an administrator to conduct operations under an interactive gambling licence;

he or she may, by notice given to the licensed provider, appoint an administrator.

*Note 1* For the making of appointments (including acting appointments), see Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) An appointment under subsection (1) takes effect when the notice is given to the licensed provider or, if a later date is specified in the notice, on the later date.

- (3) An administrator—
- (a) has full control of, and responsibility for, the operations of the licensed provider conducted under the interactive gambling licence, including authorised games that had been begun, but not completed, at the time of the administrator’s appointment; and
  - (b) subject to any directions by the Minister, shall conduct the operations as required by this Act as if the administrator were the licensed provider.

**45 Cancellation or reduction of period of suspension**

The Minister may, by written notice to a licensed provider whose license is, or is to be, suspended—

- (a) cancel the suspension; or
- (b) reduce the remaining period of the suspension by a period specified in the notice.

**Division 3.4 Security certificates**

**46 Security related decisions**

If—

- (a) the Minister makes a decision under this part; and
- (b) that decision is based wholly or in part on a matter relating to the security of interactive gambling operations or of an authorised game;

the Minister shall sign a certificate to that effect.



## **Part 4**                      **Key persons**

### **Division 4.1**                **Requirement for key persons to be licensed**

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

- (1) A person shall not, without reasonable excuse—
  - (a) accept employment as a key person; or
  - (b) agree to carry out as an employee the duties of a key person;unless the person is a key person licensee.

Maximum penalty: 40 penalty units.

- (2) A licensed provider shall not employ a person to carry out the functions of a key person, unless the person is a key person licensee.

Maximum penalty: 40 penalty units.

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

- (1) This section applies if—
  - (a) a person has applied for a key person licence; and
  - (b) the application has been refused.
- (2) If this section applies, the commission may, by written notice given to the person referred to in subsection (1), require him or her to end the relevant key relationship within the period stated in the notice.
- (3) A person shall not, without reasonable excuse, fail to comply with a requirement under subsection (2) within the period stated in the notice.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) A person does not incur any liability as a result of action taken to comply with a notice under this section.

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

- (1) This section applies if a requirement is made of a person under section 48 and—
- (a) the person fails to comply with the requirement; or
  - (b) the commission refuses to approve an application for a key person licence made by the person.
- (2) If this section applies, the commission may, by written notice given to the licensed provider with whom the key relationship is believed to exist, require the licensed provider to take any necessary action to end the key relationship within the period stated in the notice.
- (3) The licensed provider shall comply with a requirement under subsection (2).
- (4) A licensed provider does not incur any liability because of action taken to comply with a requirement under this section.
- (5) This section applies in relation to a licensed provider despite any other Act or law.

### **Division 4.2 Issue of key person licences**

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

- (1) An individual may apply to the commission for a key person licence.

*Note 1* A fee may be determined under s 145 (Determination of fees) for an application under this subsection.

*Note 2* If a form is approved under the Control Act, s 53D (Approved forms) for an application under this subsection, the form must be used.

- (2) An application must be accompanied by—

- (a) a written police report about the applicant's character and criminal history (if any); and
- (b) the imprints of the fingers and palms of both hands of the applicant; and
- (c) a recent photograph of the applicant's face; and
- (d) any other document prescribed under the regulations.

## **51 Consideration of application**

- (1) On receipt of an application for a key person licence the commission shall, subject to this section—
  - (a) grant the application; or
  - (b) refuse to grant it.
- (2) The commission may grant an application only if—
  - (a) if the application discloses that a key relationship exists or is proposed to exist with a licensed provider—the commission is satisfied of the existence or the proposed existence of the relationship; and
  - (b) the commission is satisfied that the applicant is a suitable person to hold a key person licence.
- (3) In deciding whether an applicant is a suitable person to hold a key person licence, the commission may require the applicant to supply a written police report about his or her criminal history and may have regard to—
  - (a) the application and the documents submitted with it; and
  - (b) the applicant's character; and
  - (c) the applicant's current financial position and financial background; and

- (d) the applicant's general suitability to carry out functions for a licensed provider as a key person.
- (4) The commission is not required to consider an application for a key person licence until the applicant satisfies the requirements of the regulations relating to satisfactory evidence of his or her identity.

## **52 Decision on application**

- (1) If the commission decides to grant an application for a key person licence, the commission shall, as soon as practicable—
  - (a) issue a key person licence to the applicant; and
  - (b) give written notice of the issue of the licence to any relevant licensed provider.
- (2) If the commission decides to refuse to grant an application for a key person licence, the commission shall, as soon as practicable—
  - (a) notify the applicant in writing of the decision and the reasons for the decision; and
  - (b) if the commission believes that a key relationship is in existence between the applicant and a licensed provider—give a copy of the notice to the licensed provider.

## **53 Particulars to be included in key person licence**

A key person licence must contain the following particulars:

- (a) the licensee's name;
- (b) the date of issue of the licence;
- (c) the conditions that the licence is subject to;
- (d) a recent photograph of the applicant's face;
- (e) any other particulars prescribed under the regulations.

*Note* If a form is approved under the Control Act, s 53D (Approved forms) for a licence, the form must be used.

**54 Conditions**

- (1) A key person licence may be issued subject to the conditions the commission considers necessary or desirable—
  - (a) for the proper conduct of interactive games; or
  - (b) in the public interest.
- (2) If a licence has been issued subject to a condition, the commission shall, as soon as practicable, notify in writing any relevant licensed provider of the condition.

**55 Changing conditions**

- (1) If the commission considers it necessary or desirable—
  - (a) for the proper conduct of interactive games; or
  - (b) in the public interest;the commission may, by written notice to the key person licensee—
  - (c) alter a condition of the licence; or
  - (d) omit a condition; or
  - (e) add a condition to the licence.
- (2) If—
  - (a) a notice under subsection (1) has been given; and
  - (b) the commission believes that there is in existence a key relationship between the licensee and a licensed provider;the commission shall give a copy of the notice to the licensed provider.

- (3) A key person licensee who has received a notice under subsection (1) commits an offence if he or she fails, without reasonable excuse, to return the licence to the commission within 7 days of receiving the notice.

Maximum penalty: 40 penalty units.

- (4) On receiving a licence under subsection (3), the commission shall—
- (a) amend the licence in an appropriate way and return the amended licence to the key person licensee; or
  - (b) if the commission does not consider it practicable to amend the licence—issue another key person licence, incorporating the changes to the conditions, to the key person licensee to replace the licence returned to the commission;

as soon as practicable.

- (5) An alteration, omission or addition of a condition takes effect—
- (a) subject to paragraph (b), on the day the notice under subsection (1) is given to the key person licensee; or
  - (b) if a later day of effect is stated in the notice—on the later day.

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

A key person licence remains in force until it lapses or is cancelled or surrendered or a replacement licence is issued for it.

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

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.

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

- (1) If—
- (a) written application is made to the commission for the replacement of a key person licence; and
  - (b) the commission is satisfied that the licence has been lost, stolen, destroyed or damaged in a way that warrants replacement;

the commission may issue a replacement licence to the key person licensee.

*Note* A fee may be determined under s 145 (Determination of fees) for an application under this subsection.

- (2) A replacement licence shall be on the same terms, and be subject to the same conditions, as the licence it replaces.
- (3) If—
- (a) the commission has refused an application for the replacement of a key person licence; and
  - (b) the commission believes that a key relationship exists between the key person licensee and a licensed provider;

the commission shall, as soon as practicable, give a copy of the notice by which the decision has been notified to the applicant to the licensed provider.

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

- (1) A key person licensee may surrender the licence by written notice given to the commission.
- (2) The surrender takes effect on—
- (a) the day the notice is given to the commission; or
  - (b) if a later day of effect is stated in the notice—the later day.

- (3) If the commission believes that a key relationship existed between the key person licensee and a licensed provider at the time of the surrender, the commission shall promptly give notice of the surrender to the licensed provider.
- (4) A person who has surrendered a licence under this section shall not fail, without reasonable excuse, to return the licence to the commission within 7 days after the day the surrender takes effect.

Maximum penalty: 40 penalty units.

## **Division 4.3 Disciplinary action**

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

Each of the following is a ground for suspending or cancelling a key person licence:

- (a) that the licensee is not, or is no longer, a suitable person to hold a key person licence;
- (b) the licensee has been convicted of an offence against this Act, a tax law or a corresponding law;
- (c) the licensee has been convicted of an indictable offence;
- (d) the licensee has contravened a condition of the licence;
- (e) the licensee has contravened a provision of this Act or a corresponding law, being a provision a contravention of which does not constitute an offence;
- (f) the licence was obtained by a materially false or misleading representation or declaration or in any other improper way.

### **61 Commission's belief about suitability**

For the purpose of forming a belief that the ground referred to in section 60 (1) (a) exists, the commission may have regard to the same matters as those to which the commission may have regard to



when deciding whether an applicant for a key person licence is a suitable person to hold a key person licence.

## **62 Suspension of licence**

- (1) The commission may, by written notice to the holder of a key person licence, suspend the licence if satisfied on reasonable grounds that—
  - (a) a ground referred to in section 60 exists; and
  - (b) it is necessary to suspend the licence in the public interest or to ensure that the integrity of the conduct of interactive games is not jeopardised.
- (2) A notice under subsection (1) shall state the date until which the licence is suspended.
- (3) The suspension takes effect when the notice under this section is given.
- (4) If the commission believes that a key relationship exists between the key person licensee and a licensed provider at the time of the giving of a notice under this section, the commission shall promptly give notice of the suspension to the licensed provider.

## **63 Directions to rectify**

- (1) This section applies if the commission believes on reasonable grounds that—
  - (a) a ground referred to in section 60 exists; and
  - (b) it is appropriate to give the key person licensee an opportunity to rectify a matter on which the ground is based.
- (2) If this section applies, the commission may, by notice to the key person licensee in accordance with this section, direct the licensee to take the action specified in the notice to rectify the matter.
- (3) A notice under subsection (2) shall—

- (a) be in writing; and
  - (b) state the basis for the formation of the commission's belief; and
  - (c) specify a period that is reasonable in the circumstances within which the licensee must comply with the notice.
- (4) The commission shall not give a notice under subsection (2) unless, before doing so, the commission has—
- (a) notified the key person licensee in writing of the grounds that may cause the commission to issue a direction to rectify a specified matter and that the key person licensee may show cause, within a specified period after the date of the notice, (being a period that is reasonable in the circumstances) why the direction should not be issued; and
  - (b) considered any representation made within that period.
- (5) If the commission believes that a key relationship exists between the key person licensee and a licensed provider at the time of the giving of a notice under subsection (2), the commission shall promptly give a copy of the notice to the licensed provider.
- (6) A key person licensee shall comply with a direction under this section.

Maximum penalty (subsection (6)): 20 penalty units.

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

- (1) The commission may at any time, by written notice to a key person licensee whose licence is under suspension—
- (a) cancel the remaining period of the suspension; or
  - (b) reduce the remaining period of suspension by a period specified in the notice.

- (2) The commission shall give a copy of a notice under subsection (1) to any licensed provider to whom a notice under section 62 (4) was given when the relevant licence was suspended.

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

- (1) The commission may, by written notice to the holder of a key person licence, cancel the licence if—
- (a) the commission is satisfied on reasonable grounds that—
    - (i) a ground referred to in section 60 exists; and
    - (ii) it is necessary to cancel the licence in the public interest or to ensure that the conduct of interactive games is not jeopardised; or
  - (b) a direction under section 63 has not been complied with.
- (2) A cancellation under this section takes effect on the day when the notice is given or, if the notice specifies a later day, on the later day.
- (3) If the commission believes that a key relationship exists between the key person licensee and a licensed provider at the time of the giving of a notice under subsection (1), the commission shall promptly give a copy of the notice to the licensed provider.
- (4) A person whose licence has been cancelled under this section shall not fail, without reasonable excuse, to return the licence to the commission within 7 days after the day the surrender takes effect.

Maximum penalty: 20 penalty units.

## Division 4.4 Notification of key person licensees

### 66 Notice of commencement of key person licensee

Within 7 days after a key person licensee commences to carry out functions for a licensed provider, the licensed provider shall notify the commission in writing of the commencement.

Maximum penalty: 40 penalty units.

*Note* If a form is approved under the Control Act, s 53D (Approved forms) for a notification under this section, the form must be used.

### 67 Returns about licensees

- (1) A licensed provider must, within 14 days after each return day, give a return to the commission that describes the functions being performed on the return day by each key person licensee.

Maximum penalty: 10 penalty units.

*Note* If a form is approved under the Control Act, s 53D (Approved forms) for a return under this subsection, the form must be used.

- (2) For this section, each of the following is a *return day* for a licensed provider:
- (a) the day 6 months after the day of issue of the licence;
  - (b) a day that is a multiple of 6 months after the day mentioned in paragraph (a);
  - (c) a day specified in a written notice given by the commission to the provider.

## **Division 4.5 Requirements about key relationships**

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

Within 7 days after a key relationship between a licensed provider and another person ends, the licensed provider shall notify the commission in writing of the end of the relationship.

Maximum penalty: 40 penalty units.

*Note* If a form is approved under the Control Act, s 53D (Approved forms) for a notification under this section, the form must be used.

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

- (1) This section applies if—
  - (a) a key relationship exists between a licensed provider and a key person licensee; and
  - (b) the key person licence is suspended or the key person licensee ceases to hold a key person licence because of cancellation or for any other reason.
- (2) If this section applies, the commission may, by written notice given to the licensed provider, require the licensed provider to end the key relationship within the period stated in the notice.
- (3) A licensed provider shall comply with a requirement under subsection (2).
- (4) This section has effect despite another Act or law or any industrial award or agreement.
- (5) A licensed provider does not incur any liability under another Act or law or any industrial award or agreement by complying with a requirement of the commission under this section.

## Part 5 Agents

### Division 5.1 Agency agreements

#### 70 Conditions for entering into agency agreement

- (1) A licensed provider shall not appoint a person as his or her agent unless—
- (a) the person is—
    - (i) for an individual—at least 18 years old; and
    - (ii) eligible to be an agent under criteria prescribed by the regulations; and
  - (b) the appointment is made under an agency agreement that includes any provision required by the commission; and
  - (c) the provider—
    - (i) has made inquiries about the person and each associated person; and
    - (ii) is satisfied on reasonable grounds—
      - (A) that the person is of good business reputation; and
      - (B) that each associated person is of good character and is in a sound financial position; and
      - (C) as to any other prescribed matters.
- Note* If a form is approved under the Control Act, s 53D (Approved forms) for an appointment under an agency agreement, the form must be used.
- (2) The commission shall not require the inclusion of a provision in an agency agreement unless the commission believes on reasonable grounds that the inclusion of the provision is reasonably necessary to ensure—

- (a) that the integrity of the conduct of interactive games is not jeopardised in a material way; or
  - (b) that the public interest is not affected in an adverse and material way.
- (3) A licensed provider shall not—
- (a) appoint; or
  - (b) purport to appoint;
- a person as an agent otherwise than in accordance with this section.
- Maximum penalty: 200 penalty units, imprisonment for 2 years or both.
- (4) In this section:
- associated person*, in relation to a proposed agent, means—
- (a) if the proposed agent is an individual—the person; and
  - (b) if the proposed agent is a body corporate—each director; and
  - (c) each business associate of the proposed agent.

## **71 Notice of agency agreement**

Within 7 days after entering into an agency agreement, a licensed provider shall give to the commission a copy of the agreement.

## **72 Amendment of agency agreement**

- (1) An agency agreement may only be amended if the commission has given written approval to the amendment.
- (2) The commission may withhold approval of a proposed amendment only if it is necessary to do so in the public interest or to protect proper standards of integrity in the conduct of interactive games.

### 73 Returns about agents

- (1) A licensed provider must, within 14 days after each return day, give a return to the commission that lists the provider's agents on the return day.

Maximum penalty: 10 penalty units.

- (2) For this section, each of the following is a *return day* of a licensee:
- (a) the day 6 months after the commencement of this section;
  - (b) a day that is a multiple of 6 months after the day mentioned in paragraph (a).

## Division 5.2 Disciplinary action

### 74 Grounds for disciplinary action

Each of the following is a ground for disciplinary action in relation to an agent for this division:

- (a) that the agent is not, or is no longer, eligible to be an agent for a licensed provider;
- (b) that the agent is not, or is no longer, a suitable person to be an agent;
- (c) that a business or executive associate of the agent is not, or is no longer, a suitable person to be associated with an agent's operations;
- (d) that the agent has been convicted of an offence against this Act, a tax law or a corresponding law;
- (e) that the agent has been convicted, in Australia or elsewhere, of any other offence punishable on conviction by imprisonment for not less than 12 months;



- (f) that the agent has contravened a provision of this Act or a corresponding law, being a provision a contravention of which does not constitute an offence.

## **75 Formation of commission's beliefs**

- (1) For the purpose of forming a belief that the ground mentioned in section 74 (1) (b) exists, the commission may have regard to—
  - (a) the agent's character or business reputation; and
  - (b) the agent's current financial position and financial background; and
  - (c) the agent's general suitability to act as an agent for a licensed provider.
- (2) For forming a belief that the ground mentioned in section 74 (1) (c) exists, the commission may have regard to the business or executive associate's character or business reputation, current financial position and financial background.

## **76 Commission's notice to end agreement**

If the commission is satisfied on reasonable grounds—

- (a) that a ground for disciplinary action exists in relation to an agent; and
- (b) that the ground is based on serious and fundamental circumstances; and
- (c) that—
  - (i) the integrity of the conduct of interactive games by the relevant licensed provider may be jeopardised; or
  - (ii) the public interest may be affected adversely;

the commission may, by written notice given to the agent and the licensed provider, direct the licensed provider to end the agency agreement between them within a period specified in the notice.

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

- (1) If the commission is satisfied on reasonable grounds—
- (a) that a ground for disciplinary action exists in relation to an agent; and
  - (b) that it is necessary to suspend an agent's operations—
    - (i) to ensure that the integrity of the conduct of interactive games by the relevant licensed provider is not jeopardised; or
    - (ii) in the public interest;

the commission may, by written notice given to the agent and the licensed provider, direct the agent to carry out no functions under the agency agreement between them for the period specified in the notice.

- (2) An agent to whom a notice under this section has been given shall not carry out any functions in contravention of the notice.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

## **78 Direction to rectify**

- (1) If the commission is satisfied on reasonable grounds that—
- (a) a ground for disciplinary action exists in relation to an agent; and
  - (b) it is appropriate to give the agent an opportunity to rectify the matter on which the disciplinary ground is founded;

the commission may, by written notice given to the agent and the relevant licensed provider, direct the agent to rectify a matter specified in the notice within the period specified in the notice.

- (2) An agent to whom a notice under this section has been given shall comply with the notice.

Maximum penalty: 20 penalty units.

## **79 Ending of agreement**

- (1) A licensed provider who has been given a notice under section 76 to end an agency agreement shall—
- (a) end the agreement within the period stated in the notice; and
  - (b) notify the commission in writing of the ending of the agreement within 7 days after ending it.

*Note* If a form is approved under the Control Act, s 53D (Approved forms) for a notification under this subsection, the form must be used.

- (2) If the licensed provider does not end the agency agreement as required by subsection (1), the agreement is ended, by this subsection, at the end of the period stated in the notice.
- (3) The Territory does not incur any liability if an agency agreement is ended by a licensed provider under subsection (1) or by subsection (2).
- (4) A licensed provider does not incur any liability because the licensed provider ends an agency agreement under subsection (1).

## **80 Notice of ending of agreement**

- (1) This section applies if an agency agreement is ended otherwise than because of a direction to end the agreement given to the licensed provider by the commission.

- (2) If this section applies, the licensed provider shall notify the commission in writing of the ending of the agreement within 7 days after the agreement is ended.

Maximum penalty: 40 penalty units.

## **Part 6**                      **Licence fees and tax**

### **Division 6.1**              **Preliminary**

#### **81**              **Meaning of *interactive gambling tax***

In this part:

*interactive gambling tax* means the tax payable under section 83.

### **Division 6.2**              **Licence fees**

#### **82**              **Liability to licence fee**

- (1) A licensed provider must pay to the commission the fee (the *licence fee*) payable for the licence issued to the provider.
- (2) The licence fee is payable—
  - (a) on the day the provider is granted the licence; and
  - (b) on each anniversary of that day.
- (3) The licence is suspended if a licence fee that is payable has not been paid.

### **Division 6.3**              **Interactive gambling tax**

#### **83**              **Liability to tax**

- (1) A licensed provider shall pay to the Territory a tax for each authorised game conducted by the licensed provider.
- (2) Interactive gambling tax is to be calculated and paid in accordance with the regulations.

**84 Returns for calculation of tax**

Within 7 days after the end of each month, a licensed provider shall give the commission a return containing—

- (a) the information for calculating interactive gambling tax on games conducted by the licensed provider during the relevant month that is prescribed; and
- (b) the other information prescribed for this paragraph.

Maximum penalty: 40 penalty units.

*Note* If a form is approved under the Control Act, s 53D (Approved forms) for a return under this section, the form must be used.

## **Part 7**                      **Compliance requirements**

### **Division 7.1**              **Rules and directions**

#### **85**              **Rules**

- (1) The Minister may, in writing, determine rules relating to—
  - (a) the conduct of authorised games by licensed providers; or
  - (b) prizes in authorised games conducted by licensed providers; or
  - (c) the other matters relating to interactive gambling the Minister considers necessary.
- (2) A determination is a disallowable instrument.

*Note*      A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

#### **86**              **Directions**

The commission may, by written notice given to—

- (a) a licensed provider; or
- (b) licensed providers specified in the notice; or
- (c) all licensed providers;

give directions about the conduct of authorised games by that provider, the specified providers or all providers.

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

A licensed provider shall comply with—

- (a) the rules determined by the Minister under this division; and
- (b) any direction given by the commission under this division.

Maximum penalty: 40 penalty units.

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

A licensed provider shall ensure that every person who is an agent for the provider—

- (a) is aware of the requirements of the rules, and any directions, under this division; and
- (b) complies with those rules and directions.

Maximum penalty: 40 penalty units.

**89 Responsibility of agent**

- (1) An agent shall comply with—

- (a) rules determined by the Minister under this division; and
- (b) any direction given by the commission under this division.

Maximum penalty: 40 penalty units.

- (2) It is a defence to a prosecution for a breach of subsection (1) (b) if the agent satisfies the court that he or she did not know, and could not reasonably be expected to have known, of the requirements of the direction.

**Division 7.2 Place of operation**

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

- (1) A licensed provider shall not conduct an authorised game unless the place or places of operation from which the game is conducted—

- (a) is or are approved in writing by the commission; and
- (b) the approval has not been revoked.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.



- (2) A licensed provider shall ensure that any regulated interactive gambling equipment used by the licensed provider for the conduct of authorised games is situated at a place approved under subsection (1).

Maximum penalty: 50 penalty units.

**91 Agent's place of operation**

An agent shall not carry on operations in the ACT at a place other than a place that—

- (a) is approved in writing by the commission; and
- (b) if the agent is an agent for a licensed provider—is stated in the agency agreement as the agent's place of operation.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

**Division 7.3 Control systems**

**92 Authorised games to be conducted under approved control system**

- (1) A licensed provider may conduct an authorised game only if—
- (a) the licensed provider has obtained approval of a control system by the commission; and
  - (b) the game is conducted under the system.
- (2) A licensed provider may change the approved control system only—
- (a) with the approval of, or as directed by, the commission; and
  - (b) in the way directed or approved by the commission.

**93 Control system submission**

- (1) A licensed provider may make a submission in accordance with this section to the commission for approval of a proposed control system.
- (2) A submission under this section shall be made in writing.
- (3) A control system submission shall describe and explain the licensed provider's proposed control system.
- (4) Without limiting subsection (3), a control system submission shall include information about—
  - (a) the following things to be used for the conduct of interactive games:
    - (i) accounting systems and procedures and chart of accounts;
    - (ii) administrative systems and procedures;
    - (iii) computer software;
    - (iv) standard forms and terms; and
  - (b) the general procedures to be followed for the conduct of interactive games; and
  - (c) the procedures and standards for the maintenance, security, storage and transportation of equipment to be used for the conduct of interactive games; and
  - (d) the procedures for recording and paying prizes won in interactive games; and
  - (e) the procedures for using and maintaining security facilities; and
  - (f) the positions to be designated as key positions.

**94 Changes to control systems**

- (1) A licensed provider may make a submission to the commission for approval to change the licensed provider's approved control system.
- (2) A control system submission under this section shall be made in writing—
  - (a) at least 90 days before the licensed provider proposes to start conducting interactive games under the approved control system as proposed to be changed; or
  - (b) if the commission considers it appropriate to allow a submission to be made at a later time—within the period allowed by the commission.
- (3) A submission under this section shall contain particulars of the proposed changes of the licensed provider's approved control system.

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

- (1) The commission shall consider a submission and either approve it or refuse to approve it.
- (2) In considering a submission, the commission may, by written notice given to the licensed provider, require the licensed provider—
  - (a) to give the commission the further information about the submission that is specified in the notice and is necessary and reasonable to help the commission to make a decision about the submission; or
  - (b) to allow the commission to submit the proposed control system, or the approved control system as proposed to be changed, to tests.
- (3) In considering whether to give an approval, the commission shall have regard to—

- (a) whether the submission satisfies the requirements under this division; and
  - (b) whether the licensed provider's proposed control system, or approved control system as proposed to be changed, is capable of providing satisfactory and effective control over the conduct of interactive games.
- (4) The commission may refuse to give an approval if the licensed provider fails to comply with a requirement under subsection (2) without a reasonable excuse.
- (5) The commission shall promptly give to the licensed provider a written notice of the commission's decision.
- (6) If the commission refuses to give an approval, the notice under subsection (5) shall state the reasons for the decision and, if the commission believes that the submission is capable of being easily rectified to enable the commission to approve it, the notice shall also—
- (a) explain how the submission may be changed; and
  - (b) invite the licensed provider to resubmit the submission after making the appropriate changes.
- (7) In this section:
- submission* means a submission under section 93 or 94.

**96 Direction to change approved control system**

- (1) The commission may, by written notice given to a licensed provider, direct the provider to change the provider's approved control system within the period, and in the way, stated in the notice.
- (2) A licensed provider shall comply with a direction under subsection (1).

Maximum penalty: 100 penalty units.

- (3) If a licensed provider does not comply with a direction under subsection (1), the approval for the licensed provider's control system is, by this subsection, cancelled.

## **Division 7.4 Dealings involving players' accounts**

### **96A Players' funds must be kept in trust account**

- (1) A licensed provider must establish 1 or more trust accounts with a financial institution in a way approved in writing by the commission (*approved trust accounts*).
- (2) The provider must keep all funds in a player's account in an approved trust account.
- (3) The provider must not keep any other funds in an approved trust account.
- (4) The provider must distribute interest paid on an approved trust account only in a way approved in writing by the commission.

### **97 Funds in player's accounts to be remitted on demand**

- (1) A licensed provider shall, at the request of the player in whose name a player's account is established, remit funds standing to the credit of the account as directed by the player no later than the first business day after the request is received.

Maximum penalty: 100 penalty units.

- (2) In this section:

*business day* means a day banks are open for business in the ACT.

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

- (1) A licensed provider or an agent shall not provide credit to a player.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (2) A licensed provider or an agent shall not act as agent for a credit provider to facilitate the provision of credit to a player.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

**99 Licensed providers' limited recourse to players' accounts**

A licensed provider shall not have recourse to funds in a player's account except—

- (a) to debit to the account a wager made by the player or an amount the player indicates the player wants to wager in the course of an authorised game the player is playing or about to play; or
- (b) to remit funds standing to the credit of the account to the player at the player's request; or
- (c) as otherwise authorised under this Act.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

**100 Inactive players' accounts**

- (1) Subject to subsection (2), if no transaction has been recorded on a player's account for the prescribed period, the licensed provider shall remit any remaining balance to the player or, if the player cannot be found, deal with it in accordance with the regulations.
- (2) This section does not apply if the player has requested the licensed provider in writing to keep the account open.

**Division 7.5 Responsible gambling**

**101 Limitation on amount wagered**

- (1) A player may, by written notice to a licensed provider, set a limit on the amount the player may wager.

- (2) A limit may be set under subsection (1)—
- (a) in relation to a game or any number of single games; or
  - (b) by way of a maximum limit that may be wagered over a number of games specified in the notice or played during a period specified in the notice; or
  - (c) at zero.
- (3) A licensed provider who has received a notice under subsection (1) shall not debit a wager to a player's account in excess of a limit set out in the notice.
- Maximum penalty: 40 penalty units.
- (4) A player who has set a limit under this section may change or revoke the limit by written notice given to the licensed provider.
- (5) A notice increasing or revoking a limit does not have effect unless—
- (a) 7 days have passed since the provider received the notice; and
  - (b) the player has not notified the provider of an intention to withdraw the notice.
- (6) A notice reducing the limit has effect on its receipt by the licensed provider.

## **102 Prohibition of interactive gambling**

- (1) Application may be made to the commission for an order—
- (a) prohibiting a person who is resident in the ACT from participating in authorised games; or
  - (b) revoking an order under paragraph (a).

*Note 1* A fee may be determined under s 145 (Determination of fees) for an application under this section. See also s 102 (9).

*Note 2* If a form is approved under the Control Act, s 53D (Approved forms) for an application under this section, the form must be used.

- (2) An application under this section may only be made by—
  - (a) a person who seeks a prohibition, or the revocation of a prohibition, against himself or herself; or
  - (b) a person who satisfies the commission of a close personal interest in the welfare of the person against whom a prohibition is sought.
- (3) If the application is made by a person other than the person against whom the prohibition is sought or has been imposed (the *affected person*), the commission shall—
  - (a) give to the affected person written notice of the application and the reasons for it; and
  - (b) invite the affected person to make representations to the commission about the application within a reasonable period stated in the notice.
- (4) The commission shall, after considering any representations from the applicant, and if the applicant is not the affected person, the affected person—
  - (a) if satisfied that the order sought in the application should be made in the interest of the affected person and the public interest—make the order; or
  - (b) if not so satisfied—refuse to make the order.
- (5) Subject to section 142, the commission shall, as soon as practicable after making a decision under subsection (4), give written notice of the decision and the reasons for the decision to the applicant and, if the affected person is not the applicant, the affected person.
- (6) If an order is made on the application, the commission shall give copies of the order to—
  - (a) all authorised providers; and
  - (b) all participating regulators.



- (7) An authorised provider to whom a copy of an order imposing a prohibition has been given shall not accept a wager from a person, or allow a person to participate in any other way in an authorised game, contrary to the prohibition.

Maximum penalty: 200 penalty units.

- (8) It is a defence to a prosecution for an offence against subsection (7) if the defendant believed on reasonable grounds that the person who participated in the authorised game was not the person subject to the prohibition.
- (9) The commission may, on application in writing by an applicant for an order under subsection (1), waive any fee payable for the application for the order.

## **Division 7.6                      Gambling records**

### **103                      Definitions for div 7.6**

In this division:

*approved place* means a place approved under section 104 (1) (a).

*exempt gambling record* means—

- (a) a record specified under section 104 (1) (b); or
- (b) a record specified under section 104 (1) (c)—
- (i) during the period specified under that paragraph; or
- (ii) while the circumstances specified under that paragraph exist.

*public office*, in relation to a licensed provider, means the licensed provider's principal place of business in the ACT or, if the licensed provider is a corporation and has its registered office in the ACT, the registered office.

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

- (1) The commission may, by written notice given to a licensed provider—
  - (a) approve a place nominated in writing by the licensed provider (other than the licensed provider's public office) as a place for keeping the licensed provider's gambling records; or
  - (b) specify a gambling record of the licensed provider that is not required to be kept at the licensed provider's public office or an approved place; or
  - (c) specify a gambling record of the licensed provider that may be kept temporarily at a place other than the licensed provider's public office or an approved place, and the period during which, or the circumstances in which, the record may be kept at the other place; or
  - (d) approve the keeping of information contained in a gambling record that is no longer being used in a way different from the way the information was kept when the record was being used by the licensed provider; or
  - (e) approve the destruction of a gambling record the commission considers need not be kept.
- (2) The commission may specify a gambling record for subsection (1) (b) only if the commission considers that there is sufficient reason for the record to be kept at a place other than the licensed provider's public office or an approved place.

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

- (1) A licensed provider shall keep the licensed provider's gambling records at—
  - (a) the licensed provider's public office; or

(b) at an approved place for the records.

Maximum penalty: 40 penalty units.

- (2) Subsection (1) does not apply in relation to an exempt gambling record.

## **Division 7.7                      Financial accounts, statements and reports**

### **106                      Keeping of accounts**

A licensed provider shall—

- (a) keep accounting records that correctly record and explain the transactions and financial position for the licensed provider's operations conducted under the interactive gambling licence; and
- (b) keep the accounting records in a way that allows—
- (i) true and fair financial statements and accounts to be prepared from time to time; and
  - (ii) the financial statements and accounts to be conveniently and properly audited.

Maximum penalty: 40 penalty units.

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

- (1) A licensed provider shall prepare financial statements and accounts as required by this section giving a true and fair view of the licensed provider's financial operations conducted under the interactive gambling licence.

Maximum penalty: 40 penalty units.

- (2) The financial statements and accounts must include the following:
- (a) trading accounts, if applicable, for each financial year;

- (b) profit and loss accounts for each financial year;
- (c) a balance sheet as at the end of each financial year.

### **108 Submission of reports**

- (1) A licensed provider shall give reports to the commission as required by this section about the licensed provider's operations under the interactive gambling licence.

Maximum penalty: 40 penalty units.

- (2) The reports shall be given at the times stated in a written notice given to the licensed provider by the commission.

*Note* If a form is approved under the Control Act, s 53D (Approved forms) for a report under this section, the form must be used.

- (3) The commission may, by written notice given to a licensed provider, require the provider to give to the commission further information specified in the notice within the period stated in the notice, being information that the commission reasonably requires to acquire a proper appreciation of the licensed provider's operations.

- (4) A licensed provider shall not fail, without reasonable excuse, to comply with a notice under subsection (3).

Maximum penalty: 40 penalty units.

- (5) A licensed provider shall not give to the commission in a report under this section information that the licensed provider knows to be false, misleading or incomplete in a material particular.

Maximum penalty: 100 penalty units.

## **Division 7.8 Audit**

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

As soon as practicable after the end of a financial year, a licensed provider shall, at his or her own expense, cause the books, accounts

and financial statements for the operations conducted under the interactive gambling licence for the financial year to be audited by a registered company auditor.

Maximum penalty: 40 penalty units.

### **110 Audit reports**

- (1) A licensed provider shall give a copy of the report on an audit conducted under this division to the commission within 3 months after the end of the financial year to which the audit relates.
- (2) A licensed provider shall not, without reasonable excuse, fail to comply with subsection (1).

Maximum penalty: 100 penalty units.

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

- (1) On receiving a copy of an audit report, the commission may, by written notice given to the licensed provider, require the licensed provider to give the commission the further information specified in the notice about any matter relating to the licensed provider's operations that is mentioned in the audit report.
- (2) A notice under subsection (1) shall specify a period within which the notice is to be complied with.
- (3) A licensed provider shall not fail, without reasonable excuse, to comply with a notice under this section.

Maximum penalty: 40 penalty units.

## Division 7.9 Ancillary and related agreements

### 112 Meaning of *ancillary gambling agreement* and *related agreement*

In this division:

*ancillary gambling agreement* means an agreement, contract, lease or arrangement, whether written or unwritten, under which a person agrees to provide to a licensed provider a thing or service in return for a direct or indirect interest in, or percentage or share of—

- (a) amounts received by the licensed provider in the course of the licensed provider's business; or
- (b) the revenue, profit or earnings derived by the licensed provider from the licensed provider's business;

but does not include an agency agreement.

*related agreement* means—

- (a) an agreement, contract, lease or arrangement, whether written or unwritten, that—
  - (i) is entered into between a licensed provider and another person; and
  - (ii) relates to the operations of the licensed provider under the interactive gambling licence; or
- (b) an ancillary gambling agreement.

### 113 Ancillary gambling agreement

- (1) Subject to subsection (2), a licensed provider shall not enter into, or be a party to, an ancillary gambling agreement without the written approval of the commission.

Maximum penalty: 40 penalty units.

- (2) Subsection (1) does not apply if—

- (a) the commission considers the agreement to be an agreement of minor importance; or
- (b) the agreement is of a class excluded from the application of this section under the regulations.

**114 Approval of ancillary gambling agreements**

- (1) A licensed provider may apply to the commission for approval to enter into an ancillary gambling agreement.
- (2) The commission may give the approval if the commission considers it appropriate or desirable in all the circumstances for the licensed provider to enter into the agreement.
- (3) An approval shall be in writing.

**115 Review of related agreements**

- (1) The commission may, by written notice given to a licensed provider, require the licensed provider to give to the commission, within the period stated in the notice—
  - (a) the information stated in the notice about a related agreement to which the licensed provider is a party; and
  - (b) if the agreement is in writing—a copy of the agreement.
- (2) Without limiting subsection (1), the information that the commission may require to be given about a related agreement includes the following:
  - (a) the names of the parties;
  - (b) a description of any property, goods or other things, or any services, supplied or to be supplied;
  - (c) the value or nature of the consideration;
  - (d) the term of the agreement.

- (3) A licensed provider to whom a notice under this section has been given shall comply with the requirement within the period stated in the notice, unless the licensed provider has a reasonable excuse.

**116 Direction to end related agreement**

- (1) The commission may direct the ending of a related agreement if the commission believes on reasonable grounds that the continuance of the agreement—
- (a) may jeopardise the integrity of the conduct of interactive games by the licensed provider who is a party to the agreement; or
  - (b) may affect the public interest adversely.
- (2) A direction under this section shall be given by written notice to each of the parties to the agreement.
- (3) A notice shall state—
- (a) the reasons for the decision to direct the ending of the related agreement; and
  - (b) the period within which the agreement is required to be ended.
- (4) If an agreement referred to in a notice under this section is not ended within the period stated in the notice, it is ended at the end of that period by this subsection.
- (5) The ending of the agreement under a direction under this section or by subsection (4) does not affect any rights or liabilities acquired or incurred by a party to the agreement before the ending of the agreement.
- (6) The Territory does not incur any liability because of the ending of an agreement under a direction under this section or by subsection (4).



- (7) A party to the agreement does not incur any liability for breach of the agreement because of the ending of an agreement under a direction under this section or by subsection (4).

## **Division 7.10            Official supervision**

### **117            Monitoring operations**

A licensed provider shall, at the request of the commission, do anything reasonably necessary to allow an authorised officer to monitor the licensed provider's operations.

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

- (1) The commission may take action under this section to ensure the integrity of the conduct of an authorised game.
- (2) The commission may, by written notice given to a licensed provider, direct the licensed provider—
- (a) to refrain from carrying out any activity specified in the notice;  
or
  - (b) to refrain from doing a thing specified in the notice;
- in the conduct of an authorised game unless an authorised officer is present.
- (3) A licensed provider shall comply with a direction under this section.  
Maximum penalty: 40 penalty units.

## **Division 7.11            Prizes**

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

- (1) If a player in an authorised game conducted by a licensed provider wins a monetary prize, the licensed provider shall immediately credit the amount of the prize to the player's account.

- (2) If a player in an authorised game conducted by a licensed provider wins a non-monetary prize the provider shall—
- (a) have the prize delivered personally or by post to the player; or
  - (b) give the player written notice of an address in the ACT where the prize may be collected.

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

- (1) This section applies if a non-monetary prize in an authorised game conducted by a licensed provider has not been collected within 3 months after notification to the winner of the place where it may be collected.
- (2) If this section applies, the licensed provider—
- (a) may dispose of the prize by public auction or tender or in some other way approved by the commission; and
  - (b) may pay for the disposal from the proceeds of sale; and
  - (c) shall—
    - (i) pay the remainder of the proceeds into the relevant player's account; or
    - (ii) if there is no current player's account—remit the remainder of the proceeds to the former player; or
    - (iii) if there is no current player's account and the licensed provider is unaware of the whereabouts of the former player—deal with it in accordance with the regulations.

**121 Claim for prize**

- (1) If a claim for a prize in an authorised game is made to a licensed provider within 1 year after the end of the game, the licensed provider shall—
- (a) immediately try to resolve the claim; and

- (b) if the licensed provider is not able to resolve the claim—by written notice (a *claim result notice*) given to the claimant, promptly inform the claimant—
- (i) of the licensed provider’s decision on the claim; and
  - (ii) that the person may, within 10 days of receiving the notice, ask the commission to review the decision.
- (2) If the claim is not resolved, the claimant may ask the commission to review the licensed provider’s decision on the claim.
- (3) If the claimant receives a claim result notice, the claimant must make any request to the commission under subsection (2) within 10 days after the day the claimant receives the notice.

*Note* If a form is approved under the Control Act, s 53D for an application under this subsection, the form must be used.

## **122 Entitlement to prize lapses if not claimed within 1 year**

If an unpaid or undelivered prize is not claimed within 1 year after the end of the authorised game in which the prize was won, the entitlement to the prize is extinguished and the prize is forfeited to the Territory.

## **Division 7.12 Aborted games**

### **123 Aborted games**

- (2) If an authorised game conducted by a licensed provider is started but miscarries because of human error, or a failure of an operating or telecommunication system, the licensed provider—
- (a) shall immediately inform the commission of the circumstances of the incident; and
  - (b) shall not conduct a further game if the game is likely to be affected by the same error or fault.

- (3) After investigating the incident, the commission may, by written notice to the licensed provider—
  - (a) direct the licensed provider to—
    - (i) refund the amounts wagered in the game to the players; and
    - (ii) if a player has an accrued credit when the game miscarries—pay to the player the monetary value of the credit; or
  - (b) give to the licensed provider the other directions the commission considers appropriate in the circumstances.
- (4) A licensed provider shall comply with a direction under subsection (3).
- (5) If a person entitled to a refund or other payment under this section has a player's account, the amount of the refund or other payment is to be paid into the account.

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

- (1) A licensed provider who has reason to believe that the result of an authorised game has been affected by an illegal activity or malfunction of equipment may withhold a prize in the game.
- (2) If a licensed provider withholds a prize under subsection (1), he or she—
  - (a) shall immediately inform the commission of the circumstances of the incident; and
  - (b) shall not conduct a further game if a recurrence of the illegality or malfunction is likely.
- (3) After investigating the incident, the commission may, by written notice to the licensed provider—
  - (a) direct the licensed provider to pay the prize; or

- (b) confirm the licensed provider's decision to withhold the prize.
- (4) A licensed provider who is directed to withhold a prize under subsection (3) (b) shall refund the amounts wagered in the game.
- (5) A licensed provider shall comply with a direction under subsection (3) (a).

## **Division 7.13                      Approval and use of regulated interactive gambling equipment**

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

- (1) A licensed provider may apply to the commission—
  - (a) for approval of regulated interactive gambling equipment proposed to be used in the conduct of authorised games by the licensed provider; or
  - (b) for approval to modify regulated interactive gambling equipment used in the conduct of authorised games by the licensed provider.

*Note 1*    A fee may be determined under s 145 (Determination of fees) for an application or evaluation under this section.

*Note 2*    If a form is approved under the Control Act, s 53D (Approved forms) for an application under this section, the form must be used.

- (2) If the commission believes that, to give proper consideration to the application, it is necessary for the commission to evaluate the equipment, or the equipment as proposed to be modified, the commission must carry out the evaluation as soon as practicable.
- (3) The commission shall approve, or refuse to approve, the equipment or modification and give to the applicant written notice of the commission's decision.
- (4) If the commission decides to refuse an application under this section, the notice under subsection (3) shall state the reasons for the decision.

**126 Use of regulated interactive gambling equipment**

- (1) A licensed provider shall not use regulated interactive gambling equipment in conducting an authorised game unless the equipment is approved interactive gambling equipment.

Maximum penalty: 40 penalty units.

- (2) An agent of a licensed provider shall not use regulated interactive gambling equipment for the conduct of an authorised game by the licensed provider unless the equipment is approved interactive gambling equipment.

Maximum penalty: 40 penalty units.

- (3) A licensed provider or agent shall not modify interactive gambling equipment that has been approved under section 125 in a way that has not been approved by the commission in writing.

Maximum penalty: 40 penalty units.

**Division 7.14 Advertising**

**127 Advertising interactive gambling**

- (1) A person shall not advertise an interactive game unless the game is an authorised game.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (2) A person shall not advertise an authorised game without the approval of the relevant authorised provider.

Maximum penalty: 40 penalty units.

**128 Directions about advertising**

- (1) If the commission reasonably believes that an advertisement about an authorised game—

- (a) is indecent or offensive; or
- (b) is not based on fact; or
- (c) is false, deceptive or misleading in a material particular;

he or she may direct the person appearing to be responsible for authorising the advertisement to take appropriate steps—

- (d) to stop the advertisement being shown; or
- (e) to change the advertisement.

(2) A direction under this section—

- (a) shall be in writing; and
- (b) shall state the grounds for the direction; and
- (c) if it is a direction to change the advertisement—shall state how the advertisement is to be changed.

(3) A person to whom a direction under this section is given shall not fail, without reasonable excuse, to comply with the direction.

Maximum penalty: 40 penalty units.

## **Division 7.15            Complaints and improper behaviour**

### **129            Inquiries about complaints**

(1) A licensed provider shall inquire into—

- (a) a complaint made to the licensed provider by a person about—
  - (i) the conduct of an authorised game by the licensed provider; or
  - (ii) the conduct of an agent of the licensed provider in operations related to an authorised game; or
- (b) a complaint referred to the licensed provider by the commission under subsection (3).

- (2) Within 21 days after a complaint is received by, or referred to, the licensed provider, the licensed provider shall give written notice of the result of the inquiry to—
  - (a) the complainant; and
  - (b) if the complaint was referred to the licensed provider by the commission—the commission.
- (3) If a complaint is made to the commission about the conduct of an authorised game, or the conduct of an agent in operations related to an authorised game, the commission shall promptly—
  - (a) inquire into the complaint; or
  - (b) if the commission considers it appropriate—
    - (i) refer the complaint to the licensed provider who conducted the game; or
    - (ii) if the authorised game is conducted by an external provider—refer the complaint to the relevant participating regulator.
- (4) The commission shall promptly advise the complainant of—
  - (a) the result of the commission’s inquiry; or
  - (b) the commission’s decision to refer the complaint to the licensed provider or a participating regulator.
- (5) This section does not apply in relation to a complaint unless the complaint—
  - (a) is in writing; and
  - (b) states the complainant’s name and address; and
  - (c) gives appropriate details of the complaint.



### **130 Reporting improper behaviour**

- (1) An authorised provider, within 3 days of becoming aware, or suspecting on reasonable grounds, that—

- (a) a person, by a dishonest or unlawful act affecting the conduct or playing of an authorised game in the ACT, has obtained a benefit for the person or another person; or
- (b) there has been an unlawful act affecting the conduct or playing of an authorised game in the ACT;

shall give the commission a written notice advising the commission of all facts known to the authorised provider about the matter.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (2) An agent, within 3 days of becoming aware, or suspecting on reasonable grounds, that—

- (a) a person, by a dishonest or unlawful act affecting the conduct or playing of an authorised game in the ACT, has obtained a benefit for the person or another person; or
- (b) there has been an unlawful act affecting the conduct or playing of an authorised game in the ACT;

shall give the commission a written notice advising the commission of all facts known to the agent about the matter.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (3) A person shall not—

- (a) refuse to employ; or
- (b) dismiss from employment; or
- (c) in the course of employment, penalise; or
- (d) in any way prejudice the career of;

another person because the other person has given, or may give, a notice under this section.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (4) It is a defence to a prosecution for a breach of subsection (3) that—
- (a) the defendant had another ground for engaging in the conduct alleged; and
  - (b) that ground is a reasonable one.
- (5) In this section:  
*dishonest act* means fraud, misrepresentation or theft.

## Division 7.16 Gambling offences

### 131 Cheating

- (1) A person shall not, in relation to an authorised game, dishonestly obtain a benefit by—
- (a) an act, practice or scheme; or
  - (b) the use of a thing.
- Maximum penalty: 200 penalty units, imprisonment for 2 years or both.
- (2) For subsection (1), a person *obtains a benefit* if the person—
- (a) obtains for himself or herself or another person; or
  - (b) induces a person to deliver, give or credit to the firstmentioned person or another person;
- any money, benefit, advantage, valuable consideration or security.

**132 Impersonating certain persons**

A person shall not pretend to be a licensed provider, an agent or a key person licensee.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

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

- (1) An employee (whether a key person licensee or not) of a licensed provider shall not take part in an authorised game.

Maximum penalty: 40 penalty units.

- (2) In addition to any penalty imposed under subsection (1), a court that convicts a person of an offence against that subsection shall order that the convicted person pay to the Territory a penalty equal to any amount that he or she may have won by way of prize in any game in relation to the participation in which he or she has been convicted.

**134 Participation by children in conduct of approved games prohibited**

- (1) A licensed provider or an agent shall not allow a person who is under 18 years old to participate in the conduct of an authorised game.

Maximum penalty: 200 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant believed on reasonable grounds that the person in relation to whom the alleged offence relates was over 18 years old.

- (3) A person who is under 18 years old shall not, without reasonable excuse, participate in the conduct of an authorised game.

Maximum penalty: 40 penalty units.

**135 Participation by children as players prohibited**

- (1) A person involved in the conduct of an authorised game shall not allow a person who is under 18 years old to participate as a player in an authorised game.

Maximum penalty: 40 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant believed on reasonable grounds that the person in relation to whom the alleged offence relates was over 18 years old.

- (3) A person who is under 18 years old shall not, without reasonable excuse, participate as a player in an authorised game.

Maximum penalty: 40 penalty units.

- (4) In addition to any penalty imposed under subsection (1), a court that convicts a person of an offence against that subsection shall order that the convicted person pay to the Territory a penalty equal to any amount that he or she may have won by way of prize in any game in relation to the participation in which he or she has been convicted.

**136 Offensive names prohibited**

A person shall not participate in an authorised game under a name or designation that is obscene, indecent or offensive.

Maximum penalty: 20 penalty units.

**137 Interference with conduct of authorised games**

A person shall not, without the commission's written authorisation, interfere in the conduct of an authorised game.

Maximum penalty: 200 penalty units.

**138 Offences by certain persons**

- (1) A person, other than an authorised person, shall not, for his or her gain or reward—

- (a) induce anyone else to take part in an authorised game; or
- (b) offer to anyone else an opportunity to take part in an authorised game; or
- (c) distribute or supply forms for registration as a player in an authorised game (a *player registration form*); or
- (d) cause player registration forms to be distributed or supplied to persons other than authorised providers or agents.

Maximum penalty: 200 penalty units.

- (2) A person, other than an authorised person, shall not—
- (a) advertise; or
  - (b) publicly promote subscription to, or taking part in; an authorised game.

Maximum penalty: 200 penalty units.

- (3) A person shall not charge an amount for—
- (a) filling in a player registration form; or
  - (b) depositing a player registration form, directly or indirectly, with a licensed provider or an agent; or
  - (c) submitting, or arranging for the submission of, a player registration form to a licensed provider or an agent; or
  - (d) collecting or distributing prizes in an authorised game.

Maximum penalty: 200 penalty units.

- (4) A person shall not hold himself or herself out to be available to perform a service mentioned in subsection (2).

Maximum penalty: 200 penalty units.

- (5) In this section:

*authorised person* means—

- (a) a licensed provider; or
- (b) an agent of a licensed provider, acting within the scope of the agent's authority; or
- (c) a party to an ancillary gambling agreement acting under the agreement.

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

- (1) A licensed provider, an employee of a licensed provider or any other person engaged in duties related to the conduct of an authorised game shall not—
  - (a) disclose information about the name, or other identifying particulars, of a player; or
  - (b) use information about a player for a purpose other than the purpose for which the information was given.

Maximum penalty: 40 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the disclosure or use was—
  - (a) authorised by the relevant player; or
  - (b) required for the administration or enforcement of this Act, the *Taxation Administration Act 1999* or a corresponding law; or
  - (c) otherwise required by law.

## Part 8 Administrative review

### 140 Meaning of *primary decision* and *reviewable decision*

In this part:

*primary decision* means a decision of the Minister—

- (a) refusing an application for an interactive gambling licence under section 27 (1); or
- (b) imposing a condition on an interactive gambling licence under section 32; or
- (c) changing a condition on an interactive gambling licence under section 33 (1); or
- (d) adding a condition to an interactive gambling licence under section 33 (1); or
- (e) failing to approve a mortgage, charge or other encumbrance over an interactive gambling licence under section 37 (1); or
- (f) failing to approve a transfer of an interactive gambling licence under section 37 (2); or
- (g) directing the notification of a specified matter under section 40 (2); or
- (h) suspending an interactive gambling licence under section 41 (1); or
- (i) suspending an interactive gambling licence under section 42 (1); or
- (j) cancelling an interactive gambling licence under section 43 (1); or
- (k) appointing an administrator under section 44 (1); or

- (l) failing to cancel the suspension of an interactive gambling licence under section 45 (a); or
- (m) failing to reduce the remaining period of the suspension of an interactive gambling licence under section 45 (b).

**reviewable decision** means a primary decision in relation to which a certificate under section 46 has not been signed.

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

- (1) Application may be made to the administrative appeals tribunal for review of a reviewable decision.
- (2) If a primary decision is made, the Minister shall give written notice of the decision to the person affected by the decision.
- (3) A notice under subsection (2) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

#### **142 Review of commission's decisions**

- (1) Application may be made to the administrative appeals tribunal for review of a decision of the commission—
  - (a) imposing a condition on a key person licence under section 54 (1); or
  - (b) altering a condition of a licence under section 55 (1) (c); or
  - (c) omitting a condition from a licence under section 55 (1) (d); or
  - (d) adding a condition to a licence under section 55 (1) (e); or
  - (e) refusing to issue a replacement licence under section 58 (1); or
  - (f) suspending a key person licence under section 62 (1); or
  - (g) cancelling a key person licence under section 65 (1); or



- (h) directing that an agency agreement be amended under section 72 (1); or
  - (i) prohibiting a person from participating in authorised games under section 102 (1) (a).
- (2) If a decision referred to in subsection (1) is made, the commission shall give written notice of the decision to the person affected by the decision.
- (3) A notice under subsection (2) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## Part 9 Miscellaneous

### 143 Destruction of prints and photographs

If—

- (a) an application by a person to the Minister or the commission for a licence under this Act is refused; or
- (b) a licence held by a person is surrendered or cancelled;

and the person had lodged with the Minister or the commission, in connection with the application referred to in paragraph (a) or the application for the licence referred to in paragraph (b), the imprint of his or her finger or palm prints or a photograph of the applicant, the Minister or commission shall destroy—

- (c) the imprint of the finger prints and palm prints, and the photograph, of that person, that accompanied that application or the application for that licence; and
- (d) any copy of that imprint, or those imprints, and of that photograph, that is in the possession or control of the Minister or commission for a purpose connected with that application, or the application for that licence.

### 144 Acts and omissions of representatives

- (1) In this section:

*person* means an individual.

*Note* See the Criminal Code, pt 2.5 for provisions about corporate criminal responsibility.

*representative*, of a person, means an employee or agent of the person.

*state of mind*, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
  - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.
  - (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
    - (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
    - (b) the representative had the state of mind.
  - (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.
  - (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.
  - (6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

## **145 Determination of fees**

- (1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

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

- (1) The commission shall establish and maintain, in the form the commission considers appropriate, a register of interactive gambling licences issued under this Act on which there shall be entered—
- (a) particulars of the person to whom the licence has been issued; and
  - (b) particulars of the issue and any suspension, cancellation or surrender of the licence; and
  - (c) particulars of any conditions to which the licence is subject; and
  - (d) any other particulars that the commission considers appropriate.
- (2) A person may inspect and make copies of the register under this section at the office of the commission during ordinary business hours.

#### **147 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

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## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- administrative appeals tribunal
- contravention
- Corporations Act
- entity
- indictable offence
- individual
- person
- State
- the Territory.

***agency agreement*** means an agreement between a licensed provider and another person—

- (a) appointing the other person as an agent of the licensed provider; and
- (b) dealing with the agent's authority; and
- (c) stating the conditions under which the agent acts as, and remains, an agent of the licensed provider.

***agent***—see section 6.

***ancillary gambling agreement***, for division 7.9 (Ancillary and related agreements)—see section 112.

***approved control system*** means a control system approved by the commission under section 95, and includes an approved control system changed with the approval, or under a direction, of the commission.

**approved place**, for division 7.6 (Gambling records)—see section 103.

**authorised game**—see section 10.

**authorised provider** means a licensed provider or an external provider.

**business associate**—see section 4.

**Control Act** means the *Gambling and Racing Control Act 1999*.

**control system** means a system of internal controls and administrative and accounting procedures for the conduct of interactive games by a licensed provider.

**corresponding law** means a law declared to be a corresponding law under section 9 (1) (b).

**disqualified person**—see section 18B.

**excluded person**—see section 18B.

**executive associate**—see section 4.

**exempted provider**, for division 2.5 (Exemption schemes)—see section 21.

**exempt gambling record**, for division 7.6 (Gambling records)—see section 103.

**exemption scheme**, for division 2.5 (Exemption schemes)—see section 21.

**external provider** means a person who is licensed under a corresponding law to conduct interactive games.

**financial institution** means—

- (a) a bank; or
- (b) a building society; or
- (c) a credit union; or

- (d) a friendly society; or
- (e) another entity prescribed by the regulations.

**game** includes a scheme or arrangement.

**interactive gambling** means gambling that is—

- (a) conducted by means of interactive games in which a person participates by means of the internet or any other telecommunication medium; and
- (b) not regulated by another gambling law.

**interactive gambling tax**, for part 6 (Licence fees and tax)—see section 81.

**interactive game** means a game in which—

- (a) a prize consisting of money or anything else of value is offered or can be won under the rules of the game; and
- (b) a person—
  - (i) enters the game or takes any step in the game by means of a telecommunication device; and
  - (ii) gives, or undertakes to give, a monetary payment or other valuable consideration to enter, in the course of, or for, the game; and
- (c) the winner of the prize is decided—
  - (i) wholly or partly by chance; or
  - (ii) by a competition or other activity in which the outcome is wholly or partly dependent on the skill of the person or another person.

**intergovernmental agreement** means an agreement referred to in section 9 (2).

**key person**—see section 5.

**key person licence** means a licence issued under section 52.

**key person licensee** means a person who holds a key person licence.

**key relationship**—see section 5.

**licensed provider** means a person who is licensed under this Act to conduct interactive games.

**participating jurisdiction** means a State or another Territory declared to be a participating jurisdiction under section 9 (1) (a).

**participating regulator** means the Minister of State in the government of a participating jurisdiction who is responsible for the administration of a corresponding law.

**player**, for a licensed provider, means a person who is—

- (a) registered under section 18; or
- (b) provisionally registered under section 17;

with the provider.

**player's account**—see section 18A.

**primary decision**, for part 8 (Administrative review)—see section 140.

**public office**, for division 7.6 (Gambling records)—see section 103.

**regulated interactive gambling equipment** means gambling equipment declared by the regulations to be regulated interactive gambling equipment.

**related agreement**, for division 7.9 (Ancillary and related agreements)—see section 112.

**reviewable decision**, for part 8 (Administrative review)—see section 140.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Interactive Gambling Act 1998 No 24**

notified 10 July 1998 (Gaz 1998 No S190)  
s 1, s 2 commenced 10 July 1998 (s 2 (1))  
remainder commenced 24 September 1998 (s 2 (2) and Gaz 1998 No 38)

as amended by

#### **Taxation Administration (Consequential and Transitional Provisions) Act 1999 No 5 sch 2**

notified 1 March 1999 (Gaz 1999 No S8)  
commenced 1 March 1999 (s 2)

#### **Gambling and Racing Control (Consequential Provisions) Act 1999 No 47 sch**

notified 17 September 1999 (Gaz 1999 No S54)  
s 1, s 2 commenced 17 September 1999 (s 2 (1))  
sch commenced 1 December 1999 (s 2 (2) and Gaz 1999 No S63)

#### **Gambling Legislation Amendment Act 1999 No 56 pt 4**

notified 10 November 1999 (Gaz 1999 No 45)  
s 1, s 2 commenced 10 November 1999 (s 2 (1))  
pt 4 commenced 1 December 1999 (s 2 (2) and Gaz 1999 No S63)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 195**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 195 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 1 pt 1.24**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 1 pt 1.24 commenced 9 April 2004 (s 2 (1))

#### **Statute Law Amendment Act 2004 A2004-42 sch 1 pt 1.2, sch 3 pt 3.12**

notified LR 11 August 2004  
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))  
sch 1 pt 1.2, sch 3 pt 3.12 commenced 25 August 2004 (s 2 (1))

**Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.35**

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1))

sch 3 pt 3.35 commenced 26 August 2008 (s 2)

**4 Amendment history****Dictionary**s 2 om 2001 No 44 amdt 1.2213  
ins A2004-42 amdt 3.60**Notes**s 3 defs reloc to dict A2004-42 amdt 3.59  
sub A2004-42 amdt 3.60  
def **agent** om A2004-42 amdt 3.58  
def **approved form** om 2001 No 44 amdt 1.2214  
def **authorised game** om A2004-42 amdt 3.58  
def **authorised tax officer** sub 1999 No 5 sch 2  
om 1999 No 47 sch  
def **business associate** om A2004-42 amdt 3.58  
def **commissioner** sub 1999 No 5 sch 2  
om 1999 No 47 sch  
def **determined fee** om 2001 No 44 amdt 1.2214  
def **executive associate** om A2004-42 amdt 3.58  
def **tax law** om 1999 No 5 sch 2**Meaning of key person and key relationship**

s 5 am 1999 No 47 sch

**Meaning of agent**

s 6 am 1999 No 47 sch

**Incorporation of Control Act**

s 7 sub 1999 No 5 sch 2; 1999 No 47 sch

**The cooperative scheme**

div 2.1 hdg (prev pt 2 div 1 hdg) renum R2 LA

**Declaration of participating jurisdictions and corresponding laws**s 9 am 1999 No 47 sch; 2001 No 44 amdt 1.2215, amdt 1.2216;  
A2004-42 amdt 3.61, amdt 3.62**Authorised providers and authorised games**

div 2.2 hdg (prev pt 2 div 2 hdg) renum R2 LA

**Authorisation to conduct interactive games**

s 11 am 1999 No 56 s 72; ss renum R2 LA; A2004-42 amdt 3.63

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

s 14 am A2004-42 amdt 1.5

## Endnotes

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### **Registration of players**

div 2.3 hdg (prev pt 2 div 3 hdg) sub 1999 No 56 s 73  
renum R2 LA

### **Only players may participate in authorised games**

s 15 sub 1999 No 56 s 73

### **Wagers must be covered by amount in player's account**

s 16 am 1999 No 47 sch  
sub 1999 No 56 s 73

### **Provisional registration of players**

s 17 sub 1999 No 56 s 73

### **Registration**

s 18 sub 1999 No 56 s 73; 2001 No 44 amdt 1.2217; ss renum R2  
LA (see 2001 No 44 amdt 1.2218)

### **Players' accounts**

s 18A ins 1999 No 56 s 73

### **Lists of excluded persons and disqualified persons**

s 18B ins 1999 No 56 s 73

### **Players names**

s 18C ins 1999 No 56 s 73

### **Player bound by rules of game**

s 19 sub 1999 No 56 s 73

### **Restriction of gambling venues**

div 2.4 hdg (prev pt 2 div 4 hdg) renum R2 LA

### **Exemption schemes**

div 2.5 hdg (prev pt 2 div 5 hdg) renum R2 LA

### **Approval of exemption schemes**

s 22 am 2001 No 44 amdt 1.2219

### **Cancellation of approval**

s 23 am 2001 No 44 amdt 1.2220, amdt 1.2221

### **Gazette notice**

s 25 om 2001 No 44 amdt 1.2222

### **Applications for, and issue of, interactive gambling licences**

div 3.1 hdg (prev pt 3 div 1 hdg) renum R2 LA

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

s 26 sub 2001 No 44 amdt 1.2223

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

s 29 am A2004-42 amdt 3.64

**Suitability of business and executive associates**

s 30 am A2004-42 amdt 3.65, amdt 3.66

**Licensed provider must comply with code of practice**

s 31A ins 1999 No 56 s 74

**Particulars to be included in interactive gambling licence**

s 35 sub 2001 No 44 amdt 1.2224

**General provisions about interactive gambling licences**

div 3.2 hdg (prev pt 3 div 2 hdg) renum R2 LA

**Suspension and cancellation of interactive gambling licences**

div 3.3 hdg (prev pt 3 div 3 hdg) renum R2 LA

**Grounds for suspension or cancellation**

s 39 am A2008-28 amdt 3.100

**Cancellation of licence**

s 43 am 1999 No 47 sch

**Appointment of administrator**

s 44 am A2004-42 amdt 3.67

**Security certificates**

div 3.4 hdg (prev pt 3 div 4 hdg) renum R2 LA

**Requirement for key persons to be licensed**

div 4.1 hdg (prev pt 4 div 1 hdg) renum R2 LA

**Requirement that unlicensed key person end role**

s 48 am 1999 No 47 sch

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

s 49 am 1999 No 47 sch

**Issue of key person licences**

div 4.2 hdg (prev pt 4 div 2 hdg) renum R2 LA

**Application for key person licence**

s 50 am 1999 No 47 sch  
sub 2001 No 44 amdt 1.2225

**Consideration of application**

s 51 am 1999 No 47 sch

**Decision on application**

s 52 am 1999 No 47 sch

**Particulars to be included in key person licence**

s 53 sub 2001 No 44 amdt 1.2226

**Conditions**

s 54 am 1999 No 47 sch

## Endnotes

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#### **Changing conditions**

s 55 am 1999 No 47 sch

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

s 58 am 1999 No 47 sch; 2001 No 44 amdts 1.2227-1.2229

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

s 59 am 1999 No 47 sch

#### **Disciplinary action**

div 4.3 hdg (prev pt 4 div 3 hdg) renum R2 LA

#### **Commission's belief about suitability**

s 61 hdg am 1999 No 47 notes

s 61 am 1999 No 47 sch

#### **Suspension of licence**

s 62 am 1999 No 47 sch

#### **Directions to rectify**

s 63 am 1999 No 47 sch

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

s 64 am 1999 No 47 sch

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

s 65 am 1999 No 47 sch

#### **Notification of key person licencees**

div 4.4 hdg (prev pt 4 div 4 hdg) renum R2 LA

#### **Notice of commencement of key person licensee**

s 66 am 1999 No 47 sch; 2001 No 44 amdt 1.2230, amdt 1.2231

#### **Returns about licensees**

s 67 am 1999 No 47 sch

sub 1999 No 56 s 75

am 2001 No 44 amdt 1.2232, amdt 1.2233

#### **Requirements about key relationships**

div 4.5 hdg (prev pt 4 div 5 hdg) renum R2 LA

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

s 68 am 1999 No 47 sch; 2001 No 44 amdt 1.2234, amdt 1.2235

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

s 69 am 1999 No 47 sch

#### **Agency agreements**

div 5.1 hdg (prev pt 5 div 1 hdg) renum R2 LA

#### **Conditions for entering into agency agreement**

s 70 am 1999 No 47 sch; 1999 No 56 s 76; 2001 No 44 amdt 1.2236, amdt 1.2237

**Notice of agency agreement**

s 71 am 1999 No 47 sch

**Amendment of agency agreement**

s 72 am 1999 No 47 sch

**Returns about agents**

s 73 am 1999 No 47 sch  
sub 1999 No 56 s 77

**Disciplinary action**

div 5.2 hdg (prev pt 5 div 2 hdg) renum R2 LA

**Formation of commission's beliefs**

s 75 hdg am 1999 No 47 notes  
s 75 am 1999 No 47 sch

**Commission's notice to end agreement**

s 76 hdg am 1999 No 47 notes  
s 76 am 1999 No 47 sch

**Suspension of agent's operations**

s 77 am 1999 No 47 sch

**Direction to rectify**

s 78 am 1999 No 47 sch

**Ending of agreement**

s 79 am 1999 No 47 sch; 2001 No 44 amdt 1.2238, amdt 1.2239

**Notice of ending of agreement**

s 80 am 1999 No 47 sch

**Preliminary**

div 6.1 hdg (prev pt 6 div 1 hdg) renum R2 LA

**Licence fees**

div 6.2 hdg (prev pt 6 div 2 hdg) renum R2 LA

**Liability to licence fee**

s 82 sub 1999 No 56 s 78  
am 2001 No 44 amdt 1.2240; A2004-42 amdt 3.68, amdt 3.69

**Interactive gambling tax**

div 6.3 hdg (prev pt 6 div 3 hdg) renum R2 LA

**Returns for calculation of tax**

s 84 am 1999 No 47 sch; 2001 No 44 amdt 1.2241, amdt 1.2242

**Rules and directions**

div 7.1 hdg (prev pt 7 div 1 hdg) renum R2 LA

**Rules**

s 85 am 2001 No 44 amdt 1.2243, amdt 1.2244

## Endnotes

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#### **Directions**

s 86 am 1999 No 47 sch

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

s 87 am 1999 No 47 sch

#### **Responsibility of agent**

s 89 am 1999 No 47 sch

#### **Place of operation**

div 7.2 hdg (prev pt 7 div 2 hdg) renum R2 LA

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

s 90 am 1999 No 47 sch

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

s 91 am 1999 No 56 s 79

#### **Control systems**

div 7.3 hdg (prev pt 7 div 3 hdg) renum R2 LA

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

s 92 am 1999 No 47 sch

#### **Control system submission**

s 93 am 1999 No 47 sch; 1999 No 56 s 80

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

s 94 am 1999 No 47 sch

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

s 95 am 1999 No 47 sch

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

s 96 am 1999 No 47 sch

#### **Dealings involving players' accounts**

div 7.4 hdg (prev pt 7 div 4 hdg) renum R2 LA

#### **Players' funds must be kept in trust account**

s 96A ins 1999 No 56 s 81

#### **Funds in player's accounts to be remitted on demand**

s 97 am 1999 No 56 s 82

#### **Responsible gambling**

div 7.5 hdg (prev pt 7 div 5 hdg) renum R2 LA

#### **Limitation on amount wagered**

s 101 am 1999 No 56 s 83

#### **Prohibition of interactive gambling**

s 102 am 1999 No 47 sch; 1999 No 56 s 84; 2001 No 44 amdts  
1.2245-1.2249



**Gambling records**

div 7.6 hdg (prev pt 7 div 6 hdg) renum R2 LA

**Notices about keeping gambling records**

s 104 am 1999 No 47 sch

**Financial accounts, statements and reports**

div 7.7 hdg (prev pt 7 div 7 hdg) renum R2 LA

**Submission of reports**

s 108 am 1999 No 47 sch; 2001 No 44 amdt 1.2250, amdt 1.2251;  
ss renum R2 LA (see 2001 No 44 amdt 1.2252)

**Audit**

div 7.8 hdg (prev pt 7 div 8 hdg) renum R2 LA

**Audit reports**

s 110 am 1999 No 47 sch

**Further information following audit**

s 111 am 1999 No 47 sch

**Ancillary and related agreements**

div 7.9 hdg (prev pt 7 div 9 hdg) renum R2 LA

**Ancillary gambling agreement**

s 113 am 1999 No 47 sch

**Approval of ancillary gambling agreements**

s 114 am 1999 No 47 sch

**Review of related agreements**

s 115 am 1999 No 47 sch

**Direction to end related agreement**

s 116 am 1999 No 47 sch

**Official supervision**

div 7.10 hdg (prev pt 7 div 10 hdg) renum R2 LA

**Monitoring operations**

s 117 am 1999 No 47 sch

**Presence of authorised officers at certain operations**

s 118 hdg am 1999 No 47 notes

s 118 am 1999 No 47 sch

**Prizes**

div 7.11 hdg (prev pt 7 div 11 hdg) renum R2 LA

**Payment or collection of prizes**

s 119 am 1999 No 56 s 85

## Endnotes

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**Disposal of unclaimed non-monetary prizes**

s 120 am 1999 No 47 sch

**Claim for prize**

s 121 am 1999 No 47 sch; 1999 No 56 s 86; A2004-42 amdt 3.70

**Entitlement to prize lapses if not claimed within 1 year**

s 122 am 1999 No 56 s 87

**Aborted games**

div 7.12 hdg (prev pt 7 div 12 hdg) renum R2 LA

**Aborted games**

s 123 am 1999 No 47 sch; 1999 No 56 s 88

**Power to withhold prize in certain cases**

s 124 am 1999 No 47 sch

**Approval and use of regulated interactive gambling equipment**

div 7.13 hdg (prev pt 7 div 13 hdg) renum R2 LA

**Approval of regulated interactive gambling equipment**

s 125 am 1999 No 47 sch; 2001 No 44 amdts 1.2253-1.2255

**Use of regulated interactive gambling equipment**

s 126 am 1999 No 47 sch

**Advertising**

div 7.14 hdg (prev pt 7 div 14 hdg) renum R2 LA

**Directions about advertising**

s 128 am 1999 No 47 sch

**Complaints and improper behaviour**

div 7.15 hdg (prev pt 7 div 15 hdg) renum R2 LA

**Inquiries about complaints**

s 129 am 1999 No 47 sch

**Reporting improper behaviour**

s 130 am 1999 No 47 sch

**Gambling offences**

div 7.16 hdg (prev pt 7 div 16 hdg) renum R2 LA

**Interference with conduct of authorised games**

s 137 am 1999 No 47 sch

**Offences by certain persons**

s 138 am 1999 No 56 s 89

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

s 139 am 1999 No 5 sch 2

**Review of commission's decisions**

s 142 hdg am 1999 No 47 notes  
s 142 am 1999 No 47 sch

**Destruction of prints and photographs**

s 143 am 1999 No 47 sch

**Acts and omissions of representatives**

s 144 sub A2004-15 amdt 1.28

**Determination of fees**

s 145 sub 2001 No 44 amdt 1.2256

**Register of interactive gambling licences**

s 146 am 1999 No 47 sch; A2004-42 amdt 3.71

**Regulation-making power**

s 147 am 1999 No 47 sch  
sub 2001 No 44 amdt 1.2257

**Regulation-making power**

s 148 om 2001 No 44 amdt 1.2257

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

s 149 om 1999 No 47 sch

**Dictionary**

dict ins A2004-42 amdt 3.72  
def **agency agreement** reloc from s 3 A2004-42 amdt 3.59  
def **agent** ins A2004-42 amdt 3.72  
def **ancillary gambling agreement** ins A2004-42 amdt 3.72  
def **approved control system** am 1999 No 47 sch  
reloc from s 3 A2004-42 amdt 3.59  
def **approved place** ins A2004-42 amdt 3.72  
def **authorised game** ins A2004-42 amdt 3.72  
def **authorised provider** reloc from s 3 A2004-42 amdt 3.59  
def **business associate** ins A2004-42 amdt 3.72  
def **Control Act** ins 1999 No 47 sch  
reloc from s 3 A2004-42 amdt 3.59  
def **control system** reloc from s 3 A2004-42 amdt 3.59  
def **corresponding law** reloc from s 3 A2004-42 amdt 3.59  
def **disqualified person** ins 1999 No 56 s 71  
reloc from s 3 A2004-42 amdt 3.59  
def **excluded person** ins 1999 No 56 s 71  
reloc from s 3 A2004-42 amdt 3.59  
def **executive associate** ins A2004-42 amdt 3.72  
def **exempted provider** ins A2004-42 amdt 3.72  
def **exempt gambling record** ins A2004-42 amdt 3.72  
def **exemption scheme** ins A2004-42 amdt 3.72  
def **external provider** reloc from s 3 A2004-42 amdt 3.59

## Endnotes

### 5 Earlier republications

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def **financial institution** reloc from s 3 A2004-42 amdt 3.59  
def **game** reloc from s 3 A2004-42 amdt 3.59  
def **interactive gambling** sub 1999 No 56 s 71  
reloc from s 3 A2004-42 amdt 3.59  
def **interactive gambling tax** ins A2004-42 amdt 3.72  
def **interactive game** am 1999 No 56 s 71  
reloc from s 3 A2004-42 amdt 3.59  
def **intergovernmental agreement** reloc from s 3 A2004-42  
amdt 3.59  
def **key person** ins A2004-42 amdt 3.72  
def **key person licence** reloc from s 3 A2004-42 amdt 3.59  
def **key person licensee** reloc from s 3 A2004-42 amdt 3.59  
def **key relationship** ins A2004-42 amdt 3.72  
def **licensed provider** reloc from s 3 A2004-42 amdt 3.59  
def **participating jurisdiction** reloc from s 3 A2004-42  
amdt 3.59  
def **participating regulator** reloc from s 3 A2004-42  
amdt 3.59  
def **player** sub 1999 No 56 s 71  
reloc from s 3 A2004-42 amdt 3.59  
def **player's account** am 1999 No 47 sch  
sub 1999 No 56 s 71  
reloc from s 3 A2004-42 amdt 3.59  
def **primary decision** ins A2004-42 amdt 3.72  
def **public office** ins A2004-42 amdt 3.72  
def **regulated interactive gambling equipment** reloc from  
s 3 A2004-42 amdt 3.59  
def **related agreement** ins A2004-42 amdt 3.72  
def **reviewable decision** ins A2004-42 amdt 3.72

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1999 No 56	9 June 2000
2	A2001-44	14 May 2002

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
3	A2004-15	9 April 2004
4	A2004-42	25 August 2004

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