

1998

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

**INTERACTIVE GAMBLING ACT 1998
INTERACTIVE GAMBLING REGULATIONS**

EXPLANATORY STATEMENT

The *Interactive Gambling Act 1998* ("the Act") provides for the regulation of interactive gambling in the Australian Capital Territory (ACT).

Section 148 of the Act empowers the Executive to make regulations for the purposes of the Act.

These Regulations are for the purposes of a number of the provisions of the Act.

Formal Provisions

Regulation 1 and *Regulation 2* are formal provisions relating respectively to the title and date of commencement of the Regulations.

Interpretation

Regulation 3 defines certain words and expressions used in the Regulations.

Regulated interactive gambling equipment

Section 3 of the Act defines "regulated interactive gambling equipment" to mean gambling equipment which are declared by the regulations to be such equipment.

For the purpose of that definition, *Regulation 4* declares certain gambling equipment to be regulated interactive gambling equipment.

Evidence for registration

Under subsection 16 (2) of the Act, a person is not eligible to be registered as a player unless the person produces evidence of a kind prescribed by the regulations that satisfies the Commissioner for ACT Revenue of the person's identity, place of residence, and that the person is at least 18 years of age.

Regulation 5 prescribes the kinds of evidence that the person must produce for the purposes of subsection 16 (2).

Provision of funds to cover amount of wager

Under section 18 of the Act, a licensed provider is prohibited from accepting a wager from a player in an authorised game unless:

- the player has established an account in the player's name with the provider and there are adequate funds in the account to cover the amount of the wager; or
- the funds necessary to cover the amount of the wager are provided in a way authorised by the regulations.

Regulation 6 authorises certain ways of providing the funds for the purposes of paragraph 18 (b) of the Act.

Evidence of identity

Subsection 27 (4) of the Act provides that the Minister is not required to consider an application for an interactive gambling licence by a natural person until the applicant satisfies the requirements of the regulations relating to satisfactory evidence of the applicant's identity.

Regulation 7 specifies the kinds of evidence which are to be regarded as satisfactory for the purposes of subsection 27 (4).

Gambling licences - prescribed particulars

Subsection 35 (1) of the Act stipulates that an interactive gambling licence must be in the approved form, and subsection 35 (2) states that a form of the licence is not to be approved unless it provides for the inclusion of the specific particulars listed in subsection 35 (2) itself and, as stated in paragraph 35 (2) (e), any other prescribed particulars.

Regulation 8 prescribes the additional particular for the purposes of paragraph 35 (2) (e) of the Act.

Application for key person licences - prescribed documents

Subsection 50 (2) of the Act stipulates that an application for a key person licence must be accompanied by a number of specific documents and things listed in the subsection itself and, as stated in paragraph 50 (2) (d), any other document that is prescribed.

Regulation 9 prescribes the kinds of other documents for the purposes of paragraph 50 (2) (d) of the Act.

Requirements relating to identity

Subsection 51 (4) of the Act provides that the Commissioner for ACT Revenue 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 the applicant's identity.

Regulation 10 specifies the requirement which the applicant must satisfy for the purposes of subsection 51 (4).

Eligibility to be an agent - criteria

Under subsection 70 (1) of the Act, a licensed provider is prohibited from appointing a person as the provider's agent unless certain conditions are met. One of the conditions, as specified in subparagraph 70 (1) (a) (ii), is that the person is eligible to be an agent under criteria prescribed by the regulations.

Regulation 11 prescribed the criteria for the purposes of subparagraph 70 (1) (a) (ii).

Calculation of interactive gambling tax**Payment of interactive gambling tax**

Subsection 83 (1) of the Act stipulates that a licensed provider has to pay to the ACT a tax for each authorised game conducted by the licensed provider, and subsection 83 (2) provides that the tax is to be calculated and paid in accordance with the regulations.

Regulation 12 specifies the methods of calculating the tax for the purposes of subsection 83 (2).

Regulation 13 specifies the time for payment of the tax for the purposes of subsection 83 (2).

Information for calculating interactive gambling tax**Calculation of interactive gambling tax - other information**

Section 84 of the Act provides that a licensed provider must, within 7 days after the end of each month, give the Commissioner for ACT Revenue a return in the approved form. This form is to contain:

- such information for calculating the tax on games conducted by the licensed provider during the relevant month; and
- such other information;

as is prescribed.

Regulation 14, as required by paragraph 84 (a) of the Act, prescribes the required information for calculating the tax on games conducted by the licensed provider during the relevant month.

Regulation 15 prescribes the additional information for the purposes of paragraph 84 (b) of the Act.

Agent's operation - appropriate places

Paragraph 91 (a) of the Act prohibits an agent from carrying on operations at a place that is not of a kind prescribed by the regulations as appropriate for an agent.

Regulation 16 prescribes the kinds of places for the purposes of paragraph 91 (a) of the Act.

Prescribed period - s. 100 (1)

Subsection 100 (1) of the Act provides that:

- where no transaction has been recorded on a player's account for the prescribed period; and
- the player has not requested the licensed provider in writing to keep the account open;

the licensed provider is to remit any remaining balance of the account to the player or, if the player cannot be found, deal with it in accordance with the regulations.

Regulation 17 prescribes the period of time during which the player's account must be inactive for the purposes of subsection 100 (1).

Unclaimed money

Under subsection 100 (1) of the Act, if a player's account has been inactive for a prescribed period, and the player has not requested the licensed provider in writing to keep the account open, then the licensed provider is to remit any remaining balance of the account to the player or, if the player cannot be found, deal with it in accordance with the regulations.

Subsection 120 (2) of the Act authorises the licensed provider to:

- dispose of a non-monetary prize, which has not been collected within 3 months after the winner has been notified of the place at which it may be collected, by public auction or tender or in some other way approved by the Commissioner, and
- pay for the disposal from the proceeds of sale.

After such disposal, the licensed provider is then required by subparagraph 120 (2) (c) (iii) of the Act:

- to pay the remainder of the proceeds into the relevant player's account; or
- if there is no current player's account - to remit the remainder of the proceeds to the former player; or
- if there is no current player's account and the licensed provider is unaware of the whereabouts of the former player - to deal with remainder of the proceeds in accordance with the regulations.

Regulation 18 specifies the way any unclaimed money is to be dealt with by a licensed provider for the purposes of subsection 100 (1) and subparagraph 120 (2) (c) (iii).

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Kate Carnell, Treasurer