



Australian Capital Territory

Interactive Gambling Regulations 1998

SL1998-31

made under the

Interactive Gambling Act 1998

Republication No 1 (RI)

Effective: 1 August 2000 – 11 September 2001

Republication date of printed version: 1 August 2000

Reissued electronically: 25 January 2023

Last amendment made by SL2000-27

About this republication

The republished law

This is a republication of the *Interactive Gambling Regulations 1998* effective from 1 August 2000 to 11 September 2001.

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):

- 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 (Republication) Act 1996*, part 3, division 2 authorised 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 (Republication) Act 1996*, s 14 and s 16). 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.

As in force on
1 August 2000



Australian Capital Territory

Interactive Gambling Regulations 1998

in force under the
Interactive Gambling Act 1998

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As in force on
1 August 2000



Australian Capital Territory

Interactive Gambling Regulations 1998

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1 Name of regulations

These regulations are the *Interactive Gambling Regulations 1998*.

2 Commencement

These regulations commence on the day on which they are notified in the Gazette.

3 Definitions

In these regulations:

Note A definition applies except so far as the contrary intention appears (see *Interpretation Act 1967*, s 11G as applied by the *Subordinate Laws Act 1989*, s 9).

accounting and auditing computer system means a computer system used by a licensed provider to record or check 1 or more of the following in an authorised game:

- (a) the wagers made by players;
- (b) other amounts received from players;
- (c) the amount paid to players;
- (d) the authentication of players;

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- (e) game play information;
- (f) the prizes (monetary and non-monetary) to be won.

certified copy, in relation to a document, means a copy of the document certified by a legal practitioner, a justice of the peace or a notary public for the Territory or elsewhere, as a true copy.

end user device means computer software or hardware necessary to—

- (a) enable a player to make a wager in an authorised game; or
- (b) inform the player of the result of an authorised game.

gross profit, in relation to an authorised game, means the difference between the gambling turnover and the value of the total amount of prizes won in the game.

interactive computer system means a computer system used for the conduct of interactive games by a licensed provider.

interactive network controller means a device electronically linking an interactive computer system to an end user device.

non-participating jurisdiction means—

- (a) a State or another Territory that is not declared to be a participating jurisdiction; and
- (b) a country other than Australia.

the Act means the *Interactive Gambling Act 1998*.

4 Regulated interactive gambling equipment

For the purposes of the definition of ***regulated interactive gambling equipment*** in section 3 of the Act, the following are declared to be regulated interactive gambling equipment:

- (a) an accounting and auditing computer system;
- (b) an end user device;
- (c) an interactive computer system;
- (d) an interactive network controller.

5 Evidence for registration

For the purposes of subsection 16 (2) of the Act, the following kinds of evidence are prescribed:

- (a) a document, or a certified copy of a document, of the following kind that shows the person's identity and age:
 - (i) a birth certificate;
 - (ii) a citizenship certificate;
 - (iii) a passport;
 - (iv) if evidence of a kind mentioned in subparagraphs (i) to (iii) (inclusive) is unavailable—a document issued to a person by a government department, authority or agency of a country of which the person is a national or resident;
- (b) a document, or a certified copy of a document, of the following kind that shows the person's residential address:
 - (i) a current Australian driver licence, or external driver licence, within the meaning of the *Road Transport (Driver Licensing) Act 1999*;
 - (ii) a document that acknowledges enrolment to vote in government elections;
 - (iii) a rates assessment notice or account, a telephone account or an electricity account, being a notice or account that is dated no earlier than 6 months before the date of the application for registration;
 - (iv) a current lease agreement that is dated no earlier than 12 months before the date of the application for registration;
 - (v) a current appliance rental agreement that is dated no earlier than 6 months before the date of the application for registration;
 - (vi) if evidence of a kind mentioned in subparagraphs (i) to (v) (inclusive) is unavailable—a document issued by a government department, authority or agency, a financial institution or credit card agency or a document relating to the supply of services by a public utility, being a document that is dated no earlier than 6 months before the date of the application for registration.

6 Provision of funds to cover amount of wager

For the purposes of paragraph 18 (b) of the Act, the following ways of providing funds are authorised:

- (a) a debit authorised by the player against an account established in his or her name at a financial institution, other than a player's account;
- (b) a debit against a debit card in the player's name.

7 Evidence of identity

For the purposes of subsection 27 (4) of the Act, a document, or a certified copy of a document, of the following kind is satisfactory evidence of an applicant's identity:

- (a) the applicant's birth certificate;
- (b) a citizenship certificate issued to the applicant;
- (c) a passport issued to the applicant;
- (d) if evidence of a kind mentioned in paragraphs (a) to (c) is unavailable—a document issued by a government department, authority or agency of a country of which the applicant is a national or resident, being a document that shows the applicant's name.

8 Gambling licences—prescribed particulars

For the purposes of paragraph 35 (2) (e) of the Act, the licensed provider's trading name (if any) is prescribed.

9 Applications for key person licences—prescribed documents

For the purposes of paragraph 50 (2) (d) of the Act, a document, or a certified copy of a document, of the following kind is prescribed:

- (a) the applicant's birth certificate;
- (b) a citizenship certificate issued to the applicant;
- (c) a passport issued to the applicant;
- (d) if evidence of a kind mentioned in paragraphs (a) to (c) (inclusive) is unavailable—a document issued by a government department, authority or agency of a country of which the applicant is a national or resident, being a document that shows the applicant's name.

10 Requirements relating to identity

For the purposes of subsection 51 (4) of the Act, provision of a document referred to in regulation 9 is satisfactory evidence of an applicant's identity.

11 Eligibility to be an agent—criteria

For the purposes of subparagraph 70 (1) (a) (ii) of the Act, the prescribed criterion is that the person is—

- (a) an agent under a corresponding law; or
- (b) eligible to be an agent under a corresponding law; or
- (c) a financial institution; or
- (d) appointed by a financial institution as its agent to provide financial services.

12 Interactive gambling tax

(1) For subsection 83 (2) of the Act, the interactive gambling tax payable by a licensed provider in respect of an authorised game conducted by the provider during a month is an amount equal to the percentage of the gross profit of the game for the month.

- (2) For subsection (1), the percentage of the gross profit of a game is—
- (a) for each month from the beginning of a financial year until and including the month in that year in which the total interactive gambling profit of the licensed provider for the year first exceeds \$10 million—20%; and
 - (b) for each subsequent month of the financial year until and including the month in which the total interactive gambling profit of the licensed provider for the year first exceeds \$20 million—10%; and
 - (c) for every other month of the year—5%.

(3) In this section:

total interactive gambling profit, for a licensed provider, means the sum of the gross profits of all authorised games conducted by the provider.

12A Tax credit in relation to GST

- (1) This section applies if a licensed provider paid to the Commonwealth an amount in respect of the provider's liability for a global GST amount (the *GST paid*) during a month.
- (2) If the GST paid is less than the interactive gambling tax payable for the month, the amount of interactive gambling tax for which the licensed provider is liable is reduced by the GST paid.
- (3) If the GST paid is equal to or more than interactive gambling tax payable for the month, the licensed provider is not liable for interactive gambling tax for the month.
- (4) In this section:

global GST amount—see the GST provision.

GST provision means section 126-10 of the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth) (which deals with tax on gambling revenue).

GST tax period means a tax period referred to in the GST provision.

13 Payment of interactive gambling tax

For the purposes of subsection 83 (2) of the Act, interactive gambling tax payable by a licensed provider in respect of authorised games conducted by him or her during a month shall be paid by the provider within 7 days after the end of the month.

14 Information for calculating interactive gambling tax

For the purposes of paragraph 84 (a) of the Act, the following information is prescribed:

- (a) the gross profit of each game;
- (b) the gambling turnover of each game;
- (c) the gambling turnover of the game attributable to the total of the amounts wagered by the Territory's residents;
- (d) the gambling turnover of the game attributable to the total of the amounts wagered by residents of participating jurisdictions;
- (e) the gambling turnover of the game attributable to the total of the amounts wagered by residents of non-participating jurisdictions.

15 Calculation of interactive gambling tax—other information

(1) For the purposes of paragraph 84 (b) of the Act, the following information is prescribed:

- (a) the number of players registered during the relevant month;
- (b) the number of players deregistered during the relevant month;
- (c) the number of players whom the licensed provider has banned from playing during the relevant month;
- (d) the number of player bans the licensed provider has rescinded during the relevant month;
- (e) the number of limits on the amount a player may wager set under subsection 101 (1) of the Act, or changed under subsection 101 (4) of the Act, during the relevant month;
- (f) the amount of each limit set or changed during the relevant month;
- (g) the number of limits on the amount a player may wager revoked during the relevant month;
- (h) the amount of each limit revoked during the relevant month.

(2) The information prescribed under subregulation (1) shall be specified in respect of players resident in the Territory and in each participating and non-participating jurisdiction.

(3) In this regulation:

relevant month means the month in respect of which the return under section 84 of the Act is given to the commissioner.

16 Agent's operation—appropriate places

For the purposes of paragraph 91 (a) of the Act, the premises where the agent trades are prescribed.

17 Prescribed period—s 100 (1)

For the purposes of subsection 100 (1) of the Act, the prescribed period of time is 1 year.

18 Unclaimed money

(1) For the purposes of subsection 100 (1) of the Act, where a player cannot be found, a licensed provider shall remit the balance remaining in the player's account into a trust bank account.

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(2) For the purposes of subparagraph 120 (2) (c) (iii) of the Act, where there is no current player's account and the licensed provider is unaware of the whereabouts of a former player, the licensed provider shall pay the remainder of the proceeds into a trust bank account.

(3) Any money paid into a trust bank account under subregulation (1) or (2) shall, on the expiry of the period of 1 year after the day on which the money was so paid, be dealt with by the provider as the commissioner, in writing, directs.

ENDNOTES

1 About this republication

This is a republication of the *Interactive Gambling Regulations 1998* as in force under the *Interactive Gambling Act 1998* on 1 August 2000. It includes all amendments made to the regulations up to SL No 2000 No 27.

Amending laws are annotated in the table of legislation and table of amendments.

The Parliamentary Counsel's Office currently prepares 2 kinds of republications of ACT laws: authorised printed republications to which the *Legislation (Republication) Act 1996* applies and unauthorised electronic republications. The status of this republication appears on its cover and is indicated by its republication number.

A republication number without a letter (eg 1, 2, 3 etc) indicates that the republication is an authorised printed republication. A number with a letter (eg 1A, 1B, 1C etc) indicates that the republication is an unauthorised electronic republication.

Section 13 of the *Legislation (Republication) Act 1996* authorises the Parliamentary Counsel, in preparing a law for republication, to make textual amendments of a formal nature which the Parliamentary Counsel considers desirable in accordance with current legislative drafting practice. The amendments do not effect a substantive change in the law.

Not all amendments made under section 13 are annotated in the table of amendments. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

2 About the republished subordinate law

The *Interactive Gambling Regulations 1998* were originally the *Interactive Gambling Regulations*. They were renamed by SL 2000 No 27 (see reg 3).

3 Abbreviation key

Key to abbreviations in tables

am = amended	pres = present
amdt = amendment	prev = previous
ch = chapter	(prev...) = previously
cl = clause	prov = provision
def = definition	pt = part
dict = dictionary	r = rule/subrule
div = division	reg = regulation/subregulation
exp = expires/expired	renum = renumbered
Gaz = Gazette	reloc = relocated
hdg = heading	R[X] = Republication No
ins = inserted/added	s = section/subsection
LR = Legislation (Republication) Act 1996	sch = schedule
mod = modified	sdiv = subdivision
No = number	sub = substituted
notfd = notified	SL = Subordinate Law
o = order	sp = spent
om = omitted/repealed	* = SL unless otherwise stated
orig = original	† = Act or Ordinance unless otherwise stated
p = page	
par = paragraph	

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4 Table of legislation

Subordinate law*	Year and number*	Gazette notification	Commencement	Transitional provisions
<i>Interactive Gambling Regulations</i>	1998 No 31	30 Sept 1998	30 Sept 1998	
<i>Road Transport Legislation Amendment Act 1999</i>	1999 No 79	23 Dec 1999	1 Mar 2000 (see s 2 and Gaz 2000 No S5)	—
<i>Interactive Gambling Regulations Amendment</i>	2000 No 27	30 June 2000	1 July 2000	—

5 Table of amendments

Provision	How affected*
reg 1	sub 2000 No 27 reg 3
reg 5	am Act 1999 No 79 s 6 sch 4
reg 12	sub 2000 No 27 reg 4
reg 12A	ins 2000 No 27 reg 4