



Interactive Gambling Act 2001

No. 84, 2001

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About this compilation

This compilation

This is a compilation of the *Interactive Gambling Act 2001* that shows the text of the law as amended and in force on 17 February 2018 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act about interactive gambling, and for related purposes

Part 1—Introduction

1 Short title

This Act may be cited as the *Interactive Gambling Act 2001*.

2 Commencement

- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (2) Parts 2 and 7A commence on the 28th day after the day on which this Act receives the Royal Assent.
- (2A) Part 2A commences on the 28th day after the day on which this Act receives the Royal Assent.
- (3) The following provisions of this Act commence on a day to be fixed by Proclamation:
 - (a) Part 3;
 - (b) section 42;
 - (c) section 43;
 - (d) section 48;
 - (e) section 49;
 - (f) Part 5.
- (4) If the provisions referred to in subsection (3) do not commence under that subsection within the period of 6 months after the day on which this Act receives the Royal Assent, those provisions commence on the first day after the end of that period.

3 Simplified outline of this Act

- This Act imposes the following prohibitions:
 - (a) a prohibited interactive gambling service must not be provided to customers in Australia;
 - (b) unlicensed regulated interactive gambling services must not be provided to customers in Australia;
 - (c) an Australian-based prohibited interactive gambling service must not be provided to customers in designated countries;
 - (ca) credit must not be provided to customers of certain interactive wagering services;
 - (d) prohibited interactive gambling services must not be advertised;
 - (e) unlicensed regulated interactive gambling services must not be advertised.
- The ACMA may, on its own initiative, or in response to a complaint, investigate whether a person has contravened a provision of this Act that imposes any of those prohibitions.
- A body or association that represents internet service providers may develop an industry code.
- The ACMA has a reserve power to make an industry standard if there is no industry code or if an industry code is deficient.
- The ACMA must notify prohibited internet gambling content to internet service providers so that the providers can deal with the content in accordance with procedures specified in an industry code or industry standard.

4 Definitions

In this Act, unless the contrary intention appears:

access has the same meaning as in Schedule 5 to the *Broadcasting Services Act 1992*.

ACMA means the Australian Communications and Media Authority.

ACMA official has the same meaning as in the *Australian Communications and Media Authority Act 2005*.

Australia, when used in a geographical sense, includes the external Territories.

Australian-customer link has the meaning given by section 8.

Australian police force means:

- (a) the Australian Federal Police; or
- (b) the police force of a State or Territory.

bet includes wager.

broadcasting service means a broadcasting service (as defined by the *Broadcasting Services Act 1992*) provided in Australia.

business includes a venture or concern in trade or commerce, whether or not conducted on a regular, repetitive or continuous basis. To avoid doubt, the fact that a club or association provides services to its members does not prevent those services from being services provided in the course of carrying on a business.

carriage service has the same meaning as in the *Telecommunications Act 1997*.

civil penalty order has the same meaning as in the Regulatory Powers Act.

civil penalty provision has the same meaning as in the Regulatory Powers Act.

civil proceeding includes a civil action.

Section 4

content service means a content service (as defined by the *Telecommunications Act 1997*) provided using a listed carriage service.

credit has the meaning given by section 11A.

datacasting licence has the same meaning as in the *Broadcasting Services Act 1992*.

datacasting service means a datacasting service (within the meaning of the *Broadcasting Services Act 1992*) that is provided in Australia under a datacasting licence.

designated broadcasting link has the meaning given by section 8C.

designated country has the meaning given by section 9A.

designated country-customer link has the meaning given by section 9B.

designated datacasting link has the meaning given by section 8C.

designated interactive gambling service means:

- (a) a prohibited interactive gambling service; or
- (b) an unlicensed regulated interactive gambling service.

designated internet gambling matter has the meaning given by section 35.

designated notification scheme means a scheme:

- (a) in the nature of a scheme for substituted service; and
- (b) under which the ACMA is taken, for the purposes of this Act, to have notified each internet service provider of a matter or thing.

Note: For example, the ACMA may make matters or things available on the internet (with or without security measures).

electronic equipment includes:

- (a) an electronic apparatus; and
- (b) an electronic device.

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

excluded gaming service has the meaning given by section 8B.

excluded lottery service has the meaning given by section 8D.

excluded wagering service has the meaning given by section 8A.

exempt service has the meaning given by section 10.

Federal Circuit Court means the Federal Circuit Court of Australia.

Federal Court means the Federal Court of Australia.

gambling service means:

- (a) a service for the placing, making, receiving or acceptance of bets; or
- (b) a service the sole or dominant purpose of which is to introduce individuals who wish to make or place bets to individuals who are willing to receive or accept those bets; or
- (c) a service for the conduct of a lottery; or
- (d) a service for the supply of lottery tickets; or
- (e) a service for the conduct of a game, where:
 - (i) the game is played for money or anything else of value; and
 - (ii) the game is a game of chance or of mixed chance and skill; and
 - (iii) a customer of the service gives or agrees to give consideration to play or enter the game; or
- (f) a gambling service (within the ordinary meaning of that expression) that is not covered by any of the above paragraphs.

game includes an electronic game.

Section 4

illegal interactive gambling service means a prohibited interactive gambling service that is provided in contravention of subsection 15(2A).

industry code has the meaning given by section 33.

industry standard has the meaning given by section 34.

in-play betting service has the meaning given by section 10B.

internet carriage service means a listed carriage service that enables end-users to access the internet.

internet content has the same meaning as in Schedule 5 to the *Broadcasting Services Act 1992*.

internet service provider has the same meaning as in Schedule 5 to the *Broadcasting Services Act 1992*.

listed carriage service has the same meaning as in the *Telecommunications Act 1997*.

lottery includes an electronic lottery.

online provider rule has the meaning given by section 54.

personal information has the same meaning as in the *Privacy Act 1988*.

place-based betting service has the meaning given by section 8BA.

prohibited interactive gambling service has the meaning given by section 5.

Note: This definition relates to the offence provisions and civil penalty provisions set out in section 15 and Part 7A.

prohibited internet gambling content has the meaning given by section 8F.

regulated interactive gambling service has the meaning given by section 8E.

Regulatory Powers Act means the *Regulatory Powers (Standard Provisions) Act 2014*.

related company group means a group of 2 or more bodies corporate, where each member of the group is related to each other member of the group. For this purpose, the question whether a body corporate is related to another body corporate is to be determined in the same manner as that question is determined under the *Corporations Act 2001*.

sporting event has a meaning affected by section 10A.

telephone betting service has the meaning given by section 8AA.

ticket includes an electronic ticket.

trade promotion gambling service has the meaning given by section 8BB.

unlicensed regulated interactive gambling service means a regulated interactive gambling service that is provided in contravention of subsection 15AA(3).

wagering service means a service covered by paragraph (a) or (b) of the definition of **gambling service**.

wagering service provider means a person who provides a wagering service.

wagering turnover of a person for a financial year means so much of the turnover of the person for the financial year as is attributable to the provision of wagering services.

wholesale gambling service means a gambling service to the extent to which it is provided to a person who:

- (a) is the provider of a gambling service; and
- (b) holds a licence (however described) under a law of a State or Territory that authorises the provision of the service mentioned in paragraph (a).

5 Prohibited interactive gambling services

- (1) For the purposes of this Act, a ***prohibited interactive gambling service*** is a gambling service, where:
- (a) the service is provided in the course of carrying on a business; and
 - (b) the service is provided to customers using any of the following:
 - (i) an internet carriage service;
 - (ii) any other listed carriage service;
 - (iii) a broadcasting service;
 - (iv) any other content service;
 - (v) a datacasting service.

Note: This definition relates to the offence provisions and civil penalty provisions set out in section 15 and Part 7A.

- (2) Subsection (1) has effect subject to subsection (3).

Excluded services

- (3) For the purposes of this Act, none of the following services is a ***prohibited interactive gambling service***:
- (a) a telephone betting service;
 - (aa) an excluded wagering service (see section 8A);
 - (ab) an excluded gaming service (see section 8B);
 - (aba) a place-based betting service (see section 8BA);
 - (ac) a service that has a designated broadcasting link (see section 8C);
 - (ad) a service that has a designated datacasting link (see section 8C);
 - (ae) an excluded lottery service (see section 8D);
 - (b) a service to the extent to which it relates to the entering into of contracts that are financial products within the meaning of Chapter 7 of the *Corporations Act 2001*;
 - (ba) a wholesale gambling service;
 - (bb) a trade promotion gambling service (see section 8BB);

- (c) an exempt service (see section 10).

8 Australian-customer link

For the purposes of this Act, a gambling service has an *Australian-customer link* if, and only if, any or all of the customers of the service are physically present in Australia.

8AA Telephone betting service

- (1) For the purposes of this Act, a *telephone betting service* is a gambling service, where:
- (a) the service is provided on the basis that dealings with customers are wholly by way of voice calls made using a carriage service; and
 - (b) the conditions (if any) determined under subsection (2) have been satisfied.
- (2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of paragraph (1)(b).
- (3) For the purposes of this section, *voice call* means:
- (a) a voice call (within the ordinary meaning of that expression) the content of which consists wholly of a spoken conversation between individuals; or
 - (b) if a call covered by paragraph (a) is not practical for a particular customer with a disability (for example, because the customer has a hearing impairment)—a call that is equivalent to a call covered by that paragraph.
- (4) The following are examples of calls that are not covered by paragraph (3)(a):
- (a) a call the content of which includes a recorded or synthetic voice;
 - (b) a call the content of which includes one or more tone signals.
- (5) Paragraph (3)(a) and subsection (4) have effect subject to subsections (6) and (7).

Section 8A

- (6) For the purposes of this section, in determining whether a call is covered by paragraph (3)(a), disregard any recorded or synthetic voice used for either or both of the following purposes:
- (a) call waiting;
 - (b) a menu system for transferring callers to an extension.
- (7) For the purposes of this section, in determining whether a call is covered by paragraph (3)(a), disregard any tone signal used for the sole purpose of a menu system for transferring callers to an extension.
- (8) Despite subsection (1), if a gambling service is provided on the basis that any or all of the following information can be provided by a customer otherwise than by way of a voice call:
- (a) a selection of a bet;
 - (b) a selection of a bet type;
 - (c) a nomination of a bet amount;
 - (d) a confirmation of a bet;
 - (e) information of a kind determined under subsection (9);
- the service is not a **telephone betting service** for the purposes of this Act.
- (9) The Minister may, by legislative instrument, determine one or more kinds of information for the purposes of paragraph (8)(e).

8A Excluded wagering service

Racing

- (1) For the purposes of this Act, a service is an **excluded wagering service** to the extent to which the service relates to betting on, or on a series of, any or all of the following:
- (a) a horse race;
 - (b) a harness race;
 - (c) a greyhound race;
- so long as the other conditions (if any) determined under subsection (2) have been satisfied.

- (2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of subsection (1).

Sporting events

- (3) For the purposes of this Act, a service is an ***excluded wagering service***:
- (a) to the extent to which the service relates to betting on, or on a series of, sporting events; and
 - (b) to the extent to which the service is not an in-play betting service;
- so long as the other conditions (if any) determined under subsection (4) have been satisfied.
- (4) The Minister may, by legislative instrument, determine one or more conditions for the purposes of subsection (3).

Other events or contingencies

- (5) For the purposes of this Act, a service is an ***excluded wagering service***:
- (a) to the extent to which the service relates to betting on:
 - (i) an event; or
 - (ii) a series of events; or
 - (iii) a contingency;that is not covered by subsection (1) or (3); and
 - (b) to the extent to which the service is not an in-play betting service; and
 - (c) to the extent to which the service is not covered by any of the following subparagraphs:
 - (i) a service for the conduct of a scratch lottery or other instant lottery;
 - (ii) a service for the supply of tickets in a scratch lottery or other instant lottery;
 - (iii) a service relating to betting on the outcome of a scratch lottery or other instant lottery;

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- (iv) a service for the conduct of a game covered by paragraph (e) of the definition of *gambling service* in section 4;
 - (v) a service relating to betting on the outcome of a game of chance or of mixed chance and skill;
- so long as the other conditions (if any) determined under subsection (6) have been satisfied.
- (6) The Minister may, by legislative instrument, determine one or more conditions for the purposes of subsection (5).
 - (7) For the purposes of paragraph (5)(a):
 - (a) assume that no conditions have been determined under subsection (2) or (4); and
 - (b) disregard paragraph (3)(b).

8B Excluded gaming service

- (1) For the purposes of this Act, an *excluded gaming service* is a service for the conduct of a game covered by paragraph (e) of the definition of *gambling service* in section 4:
 - (a) to the extent to which the service is provided to customers who are at a particular place; and
 - (b) to the extent to which the service is provided on the basis that:
 - (i) dealings with customers involve the use of electronic equipment made available to customers at that place; and
 - (ii) the electronic equipment is available for use by any customer who is at that place;
- so long as:
- (c) the provider of the service holds a licence (however described) under a law of a State or Territory that authorises the provision of the service at that place; and
 - (d) the other conditions (if any) determined under subsection (2) have been satisfied.

- (2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of paragraph (1)(d).

8BA Place-based betting service

- (1) For the purposes of this Act, a *place-based betting service* is a service covered by paragraph (a) or (b) of the definition of *gambling service* in section 4:
- (a) to the extent to which the service is provided to customers who are at a particular place; and
 - (b) to the extent to which the service is provided on the basis that:
 - (i) dealings with customers involve the use of electronic equipment made available to customers at that place; and
 - (ii) the electronic equipment is available for use by any customer who is at that place; and
 - (iii) the electronic equipment is not available for use by customers in connection with another gambling service unless the other gambling service is provided by the provider of the first-mentioned service;
- so long as:
- (c) the provider of the service holds a licence (however described) under a law of a State or Territory that authorises the provision of the service at that place; and
 - (d) the other conditions (if any) determined under subsection (2) have been satisfied.
- (2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of paragraph (1)(d).

8BB Trade promotion gambling service

- (1) For the purposes of this Act, a *trade promotion gambling service* is:

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- (a) a service for the conduct of a lottery, where the lottery is conducted in connection with a competition for the promotion of trade; or
 - (b) a service for the conduct of a game of chance or of mixed chance and skill, where the game is conducted in connection with a competition for the promotion of trade;
- so long as the other conditions (if any) determined under subsection (2) have been satisfied.
- (2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of subsection (1).
 - (3) For the purposes of this section, *trade* does not include the provision of a gambling service.

8C Designated broadcasting link and designated datacasting link

Designated broadcasting link

- (1) For the purposes of this Act, a gambling service has a ***designated broadcasting link*** if:
 - (a) either:
 - (i) the service is expressly and exclusively associated with a particular program, or a particular series of programs, broadcast on a broadcasting service; or
 - (ii) the sole purpose of the gambling service is to promote goods or services (other than gambling services) that are the subject of advertisements broadcast on a broadcasting service, and the gambling service is associated with those advertisements; and
 - (b) such other conditions (if any) as are specified in the regulations have been satisfied.

Designated datacasting link

- (2) For the purposes of this Act, a gambling service has a ***designated datacasting link*** if:
 - (a) either:

- (i) the service is expressly and exclusively associated with particular content, or a particular series of content, transmitted on a datacasting service; or
 - (ii) the sole purpose of the gambling service is to promote goods or services (other than gambling services) that are the subject of advertisements transmitted on a datacasting service, and the gambling service is associated with those advertisements; and
- (b) such other conditions (if any) as are specified in the regulations have been satisfied.
- (3) In this section:

content, in relation to a datacasting service, does not include advertising or sponsorship material.

program has the same meaning as in the *Broadcasting Services Act 1992*, but does not include advertising or sponsorship material.

8D Excluded lottery service

- (1) For the purposes of this Act, an **excluded lottery service** is:
- (a) a service for the conduct of a lottery; or
 - (b) a service for the supply of lottery tickets.
- (1A) Subsection (1) does not apply to a service unless such other conditions (if any) as are specified in the regulations have been satisfied.
- (1B) Without limiting subsection (1A), a condition specified in regulations made for the purposes of that subsection may provide that the lottery must not be:
- (a) a highly repetitive or frequently drawn form of a keno-type lottery; or
 - (b) a similar lottery.
- (2) Subsection (1) does not apply to an electronic form of:
- (a) scratch lottery; or
 - (b) other instant lottery.

8E Regulated interactive gambling service

- (1) For the purposes of this Act, a **regulated interactive gambling service** is:
- (a) a telephone betting service (see section 8AA); or
 - (b) an excluded wagering service (see section 8A); or
 - (c) an excluded gaming service (see section 8B); or
 - (d) a place-based betting service (see section 8BA); or
 - (e) a service that has a designated broadcasting link (see section 8C); or
 - (f) a service that has a designated datacasting link (see section 8C); or
 - (g) an excluded lottery service (see section 8D); or
 - (h) an exempt service (see section 10);
- where:
- (i) the service is provided in the course of carrying on a business; and
 - (j) the service is provided to customers using any of the following:
 - (i) an internet carriage service;
 - (ii) any other listed carriage service;
 - (iii) a broadcasting service;
 - (iv) any other content service;
 - (v) a datacasting service; and
 - (k) in the case of an exempt service—a determination under subsection (2) is in force in relation to the service.
- (2) The Minister may, by legislative instrument, determine that each exempt service included in a specified class of exempt services is covered by paragraph (1)(k).
- (3) Subsection (1) has effect subject to subsection (4).
- (4) For the purposes of this Act, neither of the following services is a **regulated interactive gambling service**:
- (a) a wholesale gambling service;

- (b) a trade promotion gambling service (see section 8BB).

8F Prohibited internet gambling content

For the purposes of this Act, if:

- (a) an ordinary reasonable person would conclude that the sole or primary purpose of particular internet content is to enable a person to enter into dealings in the capacity of customer of either or both of the following:
- (i) one or more illegal interactive gambling services;
 - (ii) one or more unlicensed regulated interactive gambling services; and
- (b) end-users in Australia can access the internet content;
- the internet content is ***prohibited internet gambling content***.

9A Designated country

- (1) The Minister may, by legislative instrument, declare that a specified foreign country is a ***designated country*** for the purposes of this Act.
- (2) A declaration under subsection (1) has effect accordingly.
- (3) The Minister must not declare a foreign country under subsection (1) unless:
- (a) the government of the country has requested the Minister to make the declaration; and
 - (b) there is in force in that country legislation that corresponds to:
 - (i) section 15; or
 - (ii) section 15 (other than the offence provision in that section); or
 - (iii) section 15 (other than the civil penalty provision in that section).
- (4) At least 90 days before making a declaration under subsection (1), the Minister must cause to be published a notice:

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- (a) in the *Gazette*; and
 - (b) in a newspaper circulating in each State, in the Northern Territory and in the Australian Capital Territory; setting out the Minister's intention to make the declaration.
- (5) In deciding whether to declare a foreign country under subsection (1), the Minister must have due regard to:
- (a) any complaints; and
 - (b) any supporting statements; made by the government of that country.

9B Designated country-customer link

For the purposes of this Act, a gambling service has a ***designated country-customer link*** if, and only if, any or all of the customers of the service are physically present in a designated country.

10 Exempt services

- (1) The Minister may, by legislative instrument, determine that each gambling service included in a specified class of gambling services is an ***exempt service*** for the purposes of this Act.
- (2) A determination under subsection (1) has effect accordingly.

10A Sporting event

- (1) The Minister may, by legislative instrument, determine that a specified thing is taken to be a ***sporting event*** for the purposes of this Act.
- (2) The Minister may, by legislative instrument, determine that:
 - (a) a specified thing is taken to be a ***sporting event*** for the purposes of this Act; and
 - (b) the outcome of the specified thing is taken not to be a contingency for the purposes of paragraph 10B(b).

- (3) The Minister may, by legislative instrument, determine that a specified thing is taken not to be a **sporting event** for the purposes of this Act.
- (4) The following are examples of things that may be specified in a determination under subsection (1), (2) or (3):
- (a) a match;
 - (b) a series of matches;
 - (c) a race;
 - (d) a series of races;
 - (e) a stage;
 - (f) a time trial;
 - (g) a qualification session;
 - (h) a tournament;
 - (i) a round.
- (5) For the purposes of this section, **thing** includes a series of things.

10B In-play betting service

For the purposes of this Act, a gambling service is an **in-play betting service** to the extent to which:

- (a) the service relates to betting on the outcome of a sporting event, where the bets are placed, made, received or accepted after the beginning of the event; or
- (b) the service relates to betting on a contingency that may or may not happen in the course of a sporting event, where the bets are placed, made, received or accepted after the beginning of the event.

11 Extended meaning of *use*

Unless the contrary intention appears, a reference in this Act to the **use** of a thing is a reference to the use of the thing either:

- (a) in isolation; or
- (b) in conjunction with one or more other things.

Section 11A

11A Credit

For the purposes of this Act, *credit* is provided by a person (the *creditor*) to another person (the *debtor*) if, under a contract, arrangement or understanding:

- (a) payment of a debt owed by the debtor to the creditor is deferred; or
- (b) the debtor incurs a deferred debt to the creditor.

12 Crown to be bound

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.
- (3) The protection in subsection (2) does not apply to an authority of the Crown.

13 Extension to external Territories

This Act extends to every external Territory.

14 Extra-territorial application

Unless the contrary intention appears, this Act extends to acts, omissions, matters and things outside Australia.

Part 2—Designated interactive gambling services not to be provided to customers in Australia

15 Prohibited interactive gambling services not to be provided to customers in Australia

- (1) A person commits an offence if:
- (a) the person intentionally provides a prohibited interactive gambling service; and
 - (b) the service has an Australian-customer link (see section 8).

Penalty: 5,000 penalty units.

- (2) A person who contravenes subsection (1) commits a separate offence in respect of each day (including a day of a conviction for the offence or any later day) during which the contravention continues.

- (2A) A person must not provide a prohibited interactive gambling service that has an Australian-customer link (see section 8).

Civil penalty: 7,500 penalty units.

- (2B) A person who contravenes subsection (2A) commits a separate contravention of that provision in respect of each day during which the contravention occurs (including the day the relevant civil penalty order is made or any later day).

- (3) Subsections (1) and (2A) do not apply if the person:

- (a) did not know; and
- (b) could not, with reasonable diligence, have ascertained; that the service had an Australian-customer link.

Note: In the case of proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matters in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

Section 15AA

- (4) For the purposes of subsection (3), in determining whether the person could, with reasonable diligence, have ascertained that the service had an Australian-customer link, the following matters are to be taken into account:
- (a) whether prospective customers were informed that Australian law prohibits the provision of the service to customers who are physically present in Australia;
 - (b) whether customers were required to enter into contracts that were subject to an express condition that the customer was not to use the service if the customer was physically present in Australia;
 - (c) whether the person required customers to provide personal details and, if so, whether those details suggested that the customer was not physically present in Australia;
 - (d) whether the person has network data that indicates that customers were physically present outside Australia:
 - (i) when the relevant customer account was opened; and
 - (ii) throughout the period when the service was provided to the customer;
 - (e) any other relevant matters.
- (5) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).

15AA Unlicensed regulated interactive gambling services not to be provided to customers in Australia

- (1) A person commits an offence if:
- (a) the person intentionally provides a particular kind of regulated interactive gambling service; and
 - (b) the service has an Australian-customer link (see section 8); and
 - (c) the person does not hold a licence (however described) under a law of a State or Territory that authorises the provision of that kind of service in the State or Territory.

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Penalty: 5,000 penalty units.

- (2) A person who contravenes subsection (1) commits a separate offence in respect of each day (including a day of conviction for the offence or any later day) during which the contravention continues.
- (3) A person must not provide a particular kind of regulated interactive gambling service if:
 - (a) the service has an Australian-customer link (see section 8); and
 - (b) the person does not hold a licence (however described) under a law of a State or Territory that authorises the provision of that kind of service in the State or Territory.

Civil penalty: 7,500 penalty units.

- (4) A person who contravenes subsection (3) commits a separate contravention of that provision in respect of each day during which the contravention occurs (including the day the relevant civil penalty order is made or any later day).
- (5) Subsections (1) and (3) do not apply if the person:
 - (a) did not know; and
 - (b) could not, with reasonable diligence, have ascertained; that the service had an Australian-customer link.

Note: In the case of proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matters in subsection (5) (see subsection 13.3(3) of the *Criminal Code*).

- (6) For the purposes of subsection (5), in determining whether the person could, with reasonable diligence, have ascertained that the service had an Australian-customer link, the following matters are to be taken into account:
 - (a) whether prospective customers were informed that Australian law prohibits the provision of the service to customers who are physically present in Australia;

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- (b) whether customers were required to enter into contracts that were subject to an express condition that the customer was not to use the service if the customer was physically present in Australia;
 - (c) whether the person required customers to provide personal details and, if so, whether those details suggested that the customer was not physically present in Australia;
 - (d) whether the person has network data that indicates that customers were physically present outside Australia:
 - (i) when the relevant customer account was opened; and
 - (ii) throughout the period when the service was provided to the customer;
 - (e) any other relevant matters.
- (7) If a person holds a licence (however described) under a law of a State or Territory that authorises the provision of a particular kind of regulated interactive gambling service in the State or Territory, the person does not contravene subsection (1) or (3) by providing that kind of service:
- (a) in the State or Territory; or
 - (b) outside the State or Territory.
- (8) Subsection (7) is enacted for the avoidance of doubt.
- (9) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).

Part 2A—Australian-based prohibited interactive gambling services not to be provided to customers in designated countries

15A Australian-based prohibited interactive gambling services not to be provided to customers in designated countries

- (1) A person commits an offence if:
- (a) the person intentionally provides an Australian-based prohibited interactive gambling service; and
 - (b) the service has a designated country-customer link (see section 9B).

Penalty: 5,000 penalty units.

- (2) A person who contravenes subsection (1) commits a separate offence in respect of each day (including a day of conviction for the offence or any later day) during which the contravention continues.

- (2A) A person must not provide an Australian-based prohibited interactive gambling service that has a designated country-customer link (see section 9B).

Civil penalty: 7,500 penalty units.

- (2B) A person who contravenes subsection (2A) commits a separate contravention of that provision in respect of each day during which the contravention occurs (including the day the relevant civil penalty order is made or any later day).

- (3) Subsections (1) and (2A) do not apply if the person:
- (a) did not know; and
 - (b) could not, with reasonable diligence, have ascertained; that the service had a designated country-customer link.

Part 2A Australian-based prohibited interactive gambling services not to be provided to customers in designated countries

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Note: In the case of proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matters in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

- (4) For the purposes of subsection (3), in determining whether the person could, with reasonable diligence, have ascertained that the service had a designated country-customer link, the following matters are to be taken into account:
- (a) whether prospective customers were informed that Australian law prohibits the provision of the service to customers who are physically present in a designated country;
 - (b) whether customers were required to enter into contracts that were subject to an express condition that the customer was not to use the service if the customer was physically present in a designated country;
 - (c) whether the person required customers to provide personal details and, if so, whether those details suggested that the customer was not physically present in a designated country;
 - (d) whether the person has network data that indicates that customers were physically present outside a designated country:
 - (i) when the relevant customer account was opened; and
 - (ii) throughout the period when the service was provided to the customer;
 - (e) any other relevant matters.
- (5) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).
- (6) For the purposes of this section, an ***Australian-based prohibited interactive gambling service*** is a prohibited interactive gambling service, where the service has an Australian-provider link.
- (7) For the purposes of this section, a prohibited interactive gambling service has an ***Australian-provider link*** if, and only if:
- (a) the service is provided in the course of carrying on a business in Australia; or

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- (b) the central management and control of the service is in Australia; or
 - (c) the service is provided through an agent in Australia; or
 - (d) the service is provided to customers using an internet carriage service, and any or all of the relevant internet content is hosted in Australia.
- (8) For the purposes of this section, the *relevant internet content*, in relation to a prohibited interactive gambling service, is internet content that is accessed, or available for access, by an end-user in the capacity of customer of the service.

Section 15B

Part 2B—Credit not to be provided to customers of certain interactive wagering services

15B Simplified outline of this Part

- | |
|--|
| <ul style="list-style-type: none">• Credit must not be provided to customers of certain interactive wagering services.• The ACMA must conduct a review of the operation of this Part. |
|--|

15C Credit not to be provided to customers of certain interactive wagering services

- (1) A person commits an offence if:
- (a) the person intentionally provides a regulated interactive gambling service that is a wagering service; and
 - (b) either:
 - (i) the person provides, or offers to provide, credit in connection with the service to a customer, or prospective customer, of the service who is physically present in Australia; or
 - (ii) the person facilitates or promotes the provision of credit (other than by way of an independently-issued credit card), by a third person, in connection with the service to a customer, or prospective customer, of the service who is physically present in Australia.

Penalty: 500 penalty units.

- (2) A person who contravenes subsection (1) commits a separate offence in respect of each day (including a day of conviction for the offence or any later day) during which the contravention continues.

- (3) A person who provides a regulated interactive gambling service that is a wagering service must not:
- (a) provide, or offer to provide, credit in connection with the service to a customer, or prospective customer, of the service who is physically present in Australia; or
 - (b) facilitate or promote the provision of credit (other than by way of an independently-issued credit card), by a third person, in connection with the service to a customer, or prospective customer, of the service who is physically present in Australia.

Civil penalty: 750 penalty units.

- (4) A person who contravenes subsection (3) commits a separate contravention of that provision in respect of each day during which the contravention occurs (including the day the relevant civil penalty order is made or any later day).
- (5) Subsections (1) and (3) do not apply if the person:
- (a) did not know; and
 - (b) could not, with reasonable diligence, have ascertained;
- that the customer, or prospective customer, as the case may be, was physically present in Australia.

Note: In the case of proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the *Criminal Code*).

- (6) For the purposes of subsection (5), in determining whether the person could, with reasonable diligence, have ascertained that the customer, or prospective customer, as the case may be, was physically present in Australia, the following matters are to be taken into account:
- (a) whether the customer, or prospective customer, as the case may be, was informed that Australian law prohibits the provision of credit to customers, or prospective customers, who are physically present in Australia;

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- (b) whether the person required customers to provide personal details and, if so, whether those details suggested that the customer was not physically present in Australia;
 - (c) whether the person has network data that indicates that customers were physically present outside Australia:
 - (i) when the relevant customer account was opened; and
 - (ii) throughout the period when the service was provided to the customer;
 - (d) any other relevant matters.
- (7) For the purposes of the application of subsections (1) and (3) to a person who provides a regulated interactive gambling service, ***independently-issued credit card*** means:
- (a) if the person is not a member of a related company group—a credit card issued by another person; or
 - (b) if the person is a member of a related company group—a credit card issued by another person who is not a member of the related company group.
- (8) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).

15D Exception—provider’s annual wagering turnover less than \$30 million

- (1) Subsections 15C(1) and (3) do not apply to conduct engaged in by a person at a particular time (the ***relevant time***) in a financial year (the ***current financial year***) in relation to a regulated interactive gambling service if:
- (a) the service is a telephone betting service; and
 - (b) both:
 - (i) the conduct involves providing, or offering to provide, credit in connection with the service to a customer, or prospective customer, of the service; and
 - (ii) dealings with the customer, or prospective customer, as the case may be, in relation to providing, or offering to

provide that credit are wholly by way of one or more voice calls; and

(c) in a case where:

- (i) the person is not a member of a related company group at the relevant time; and
- (ii) the person was a wagering service provider throughout the last financial year that ended before the relevant time;

the wagering turnover of the person for that financial year was less than \$30 million; and

(d) in a case where:

- (i) the person is not a member of a related company group at the relevant time; and
- (ii) the person was not a wagering service provider throughout the last financial year that ended before the relevant time;

it is reasonably likely that the wagering turnover of the person for the current financial year will be less than \$30 million; and

(e) in a case where:

- (i) the person is a member of a related company group at the relevant time; and
- (ii) the person was a wagering service provider throughout the last financial year that ended before the relevant time;

the total wagering turnover of the members of the group for that financial year was less than \$30 million; and

(f) in a case where:

- (i) the person is a member of a related company group at the relevant time; and
- (ii) the person was not a wagering service provider throughout the last financial year that ended before the relevant time;

it is reasonably likely that the total wagering turnover of the members of the group for the current financial year will be less than \$30 million; and

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- (g) in a case where, during the whole or a part of the last financial year that ended before the relevant time, the person had one or more employees whose duties involved the provision of wagering services—during the whole or a part of that financial year, at least one of those employees performed those duties at a racecourse in Australia; and
- (h) in a case where:
 - (i) the person is an individual; and
 - (ii) the person did not, at any time during the last financial year that ended before the relevant time, have any employees whose duties involved the provision of wagering services;
during the whole or a part of that financial year, the person provided wagering services at a racecourse in Australia; and
- (i) the other conditions (if any) determined under subsection (2) have been satisfied.

Note: In the case of proceedings for an offence against subsection 15C(1), the defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the *Criminal Code*).

- (2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of paragraph (1)(i).
- (3) For the purposes of this section, **voice call** means a voice call (within the meaning of section 8AA) that is made using a carriage service.

15E Exception—customer is a gambling service provider

- (1) Subsections 15C(1) and (3) do not apply if:
 - (a) the customer, or prospective customer, of the regulated interactive gambling service is the provider of a gambling service; and
 - (b) the other conditions (if any) determined under subsection (2) have been satisfied.

Note: In the case of proceedings for an offence against subsection 15C(1), the defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the *Criminal Code*).

- (2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of paragraph (1)(b).

15F Acquisition of property

- (1) Section 15C has no effect to the extent (if any) to which its operation would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph).
- (2) Section 15C does not prevent a person from recovering a debt that was deferred or incurred before the commencement of that section.

15G Review of operation of this Part

- (1) After the end of the 3-year period beginning at the commencement of this section, the ACMA must conduct a review of the operation of:
 - (a) this Part; and
 - (b) the remaining provisions of this Act, so far as they relate to this Part.

Public consultation

- (2) A review under subsection (1) must make provision for public consultation.

Report

- (3) The ACMA must:
 - (a) give the Minister a report of the review within 6 months after the end of the 3-year period mentioned in subsection (1); and
 - (b) as soon as practicable after giving the report to the Minister, publish the report on the ACMA's website.
- (4) The Minister must cause copies of a report under subsection (3) to be tabled in each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

Part 3—Complaints system: gambling services etc.

Division 1—Making of complaints to the ACMA

16 Complaints in relation to gambling services etc.

If a person (the *first person*) has reason to believe that another person has contravened a provision of:

- (a) Part 2; or
- (b) Part 2A; or
- (ba) Part 2B; or
- (c) Part 7A;

the first person may make a complaint to the ACMA about the matter.

17 Complaints about breaches of online provider rules etc.

If a person has reason to believe that:

- (a) an internet service provider has contravened a code registered under Part 4 that is applicable to the provider; or
- (b) an internet service provider has contravened an online provider rule that is applicable to the provider;

the person may make a complaint to the ACMA about the matter.

18 Form of complaint

- (1) A complaint under this Division is to be in writing.
- (2) However, the ACMA may permit complaints to be given, in accordance with specified software requirements, by way of a specified kind of electronic transmission.

19 Residency etc. of complainant

A person is not entitled to make a complaint under this Division unless the person is:

- (a) an individual who resides in Australia; or
- (b) a body corporate that carries on activities in Australia; or
- (c) the Commonwealth, a State or a Territory.

Division 2—Investigations by the ACMA

21 ACMA may investigate matters

- (1) The ACMA may, on its own initiative or in response to a complaint made under Division 1, investigate any of the following matters if the ACMA thinks that it is desirable to do so:
 - (a) whether a person has contravened a provision of:
 - (i) Part 2; or
 - (ii) Part 2A; or
 - (ia) Part 2B; or
 - (iii) Part 7A;
 - (b) whether:
 - (i) an internet service provider has contravened a code registered under Part 4 that is applicable to the provider; or
 - (ii) an internet service provider has contravened an online provider rule that is applicable to the provider.

Referral of complaint to an Australian police force

- (2) If a complaint alleges that a person has contravened an offence provision of this Act, the ACMA may refer the complaint, to the extent that the complaint relates to the alleged contravention, to a member of an Australian police force.
- (2A) If the ACMA refers a complaint to a member of an Australian police force, the ACMA must give written notice to the complainant stating that the complaint has been so referred.
- (3) The manner in which a complaint may be referred under subsection (2) to a member of an Australian police force includes (but is not limited to) a manner ascertained in accordance with an arrangement between the ACMA and the chief (however described) of the police force concerned.

- (4) If a complaint is referred to a member of an Australian police force under subsection (2), the member may refer the complaint to a member of another Australian police force.
- (5) This section does not, by implication, limit the ACMA's powers to refer other matters to a member of an Australian police force.

22 Conduct of investigations

- (1) An investigation under this Division is to be conducted as the ACMA thinks fit.
- (2) The ACMA may, for the purposes of an investigation, obtain information from such persons, and make such inquiries, as it thinks fit.
- (3) This section has effect subject to Part 13 of the *Broadcasting Services Act 1992* (which confers certain investigative powers on the ACMA).

23 Protection from civil proceedings

Civil proceedings do not lie against a person in respect of loss, damage or injury of any kind suffered by another person because of any of the following acts done in good faith:

- (a) the making of a complaint under Division 1;
- (b) the making of a statement to, or the giving of a document or information to, the ACMA in connection with an investigation under this Division.

Division 3—Action to be taken in relation to prohibited internet gambling content

24 Action to be taken in relation to prohibited internet gambling content

- (1) If the ACMA is satisfied that internet content is prohibited internet gambling content, the ACMA must:
 - (a) if the ACMA considers the content should be referred to a law enforcement agency (whether in or outside Australia)—notify the content to:
 - (i) a member of an Australian police force; or
 - (ii) if there is an arrangement between the ACMA and the chief (however described) of an Australian police force under which the ACMA is authorised to notify the content to another person or body (whether in or outside Australia)—that other person or body; and
 - (b) if a code registered, and/or a standard determined, under Part 4 deals exclusively with the designated internet gambling matters—notify the content to internet service providers under the designated notification scheme set out in the code or standard, as the case may be.

Referral to law enforcement agency

- (8) The manner in which internet content may be notified under paragraph (1)(a) to a member of an Australian police force includes (but is not limited to) a manner ascertained in accordance with an arrangement between the ACMA and the chief (however described) of the police force concerned.
- (9) If a member of an Australian police force is notified of particular internet content under this section, the member may notify the content to a member of another law enforcement agency (whether in or outside Australia).

- (10) This section does not, by implication, limit the ACMA's powers to refer other matters to a member of an Australian police force.

25 Deferral of action in order to avoid prejudicing a criminal investigation

- (1) If:
- (a) the ACMA is satisfied that internet content is prohibited internet gambling content; and
 - (b) apart from this subsection, the ACMA would be required to take action under subsection 24(1) in relation to the content; and
 - (c) a member of an Australian police force satisfies the ACMA that the taking of that action should be deferred until the end of a particular period in order to avoid prejudicing a criminal investigation;
- the ACMA may defer taking that action until the end of that period.
- (2) Subsection (1) has effect despite anything in section 24.

26 Anti-avoidance—notified internet content

- If:
- (a) particular internet content has been notified to internet service providers as mentioned in paragraph 24(1)(b); and
 - (b) the ACMA is satisfied that there is internet content (the **similar internet content**) that is the same as, or substantially similar to, the first-mentioned internet content; and
 - (c) the ACMA is satisfied that the similar internet content is prohibited internet gambling content; and
 - (d) a code registered, and/or standard determined, under Part 4 deals exclusively with the designated internet gambling matters;
- the ACMA must notify the similar internet content to internet service providers under the designated notification scheme set out in the code or standard, as the case may be.

Part 3 Complaints system: gambling services etc.

Division 3 Action to be taken in relation to prohibited internet gambling content

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29 Notification of internet content

Internet content may be notified in accordance with this Division by:

- (a) setting out the content; or
- (b) describing the content; or
- (c) in any other way.

Part 4—Complaints system: industry code and industry standard

Division 1—Simplified outline

32 Simplified outline

The following is a simplified outline of this Part.

- A body or association that represents internet service providers may develop an industry code that deals with the *designated internet gambling matters* (see section 35).
- An industry code may be registered by the ACMA.
- Compliance with an industry code is voluntary unless the ACMA directs a particular internet service provider to comply with the code.
- The ACMA has a reserve power to make an industry standard if there is no industry code or if an industry code is deficient.
- Compliance with an industry standard is mandatory.

Division 2—Interpretation

33 Industry code

For the purposes of this Act, an *industry code* is a code developed under this Part (whether or not in response to a request under this Part).

34 Industry standard

For the purposes of this Act, an *industry standard* is a standard determined under this Part.

35 Designated internet gambling matters

For the purposes of this Act, the following matters are *designated internet gambling matters*:

- (a) the formulation of a designated notification scheme;
- (b) procedures to be followed by internet service providers in dealing with internet content notified under paragraph 24(1)(b) or section 26 (for example, procedures relating to the provision of regularly updated internet content filtering software to subscribers).

Division 3—General principles relating to industry code and industry standard

36 Statement of regulatory policy

- (1) The Parliament intends that a body or association that the ACMA is satisfied represents internet service providers should develop a single code (*industry code*) that:
 - (a) is to apply to internet service providers; and
 - (b) deals exclusively with the designated internet gambling matters.
- (2) The Parliament intends that an industry code developed, or industry standard determined, under this Part is to be in addition to any codes developed, or standards determined, under Schedule 5 or 7 to the *Broadcasting Services Act 1992*.
- (3) The Parliament intends that this Part does not, by implication, limit the matters that may be dealt with by any codes developed, or standards determined, under Schedule 5 or 7 to the *Broadcasting Services Act 1992*.
- (4) The Parliament intends that the ACMA should make reasonable efforts to ensure that either:
 - (a) an industry code is registered under this Part before Part 3 commences; or
 - (b) an industry standard is registered under this Part before Part 3 commences.

37 Matters that must be dealt with by industry code and industry standard

Object

- (1) The object of this section is to set out the matters to be dealt with by an industry code or industry standard.

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Matters that must be dealt with by industry code or industry standard

- (2) The Parliament intends that, for internet service providers, there should be:
- (a) an industry code or an industry standard that deals with; or
 - (b) an industry code and an industry standard that together deal with;
- the designated internet gambling matters.

Designated alternative access-prevention arrangements

- (3) An industry code or an industry standard may provide that an internet service provider is not required to deal with internet content notified under paragraph 24(1)(b) or section 26 by taking steps to prevent particular end-users from accessing the content if access by the end-users is subject to an arrangement that is declared by the code or standard to be a designated alternative access-prevention arrangement for the purposes of the application of this section to those end-users.
- (4) An industry code developed by a body or association must not declare that a specified arrangement is a designated alternative access-prevention arrangement for the purposes of the application of this section to one or more specified end-users unless the body or association is satisfied that the arrangement is likely to provide a reasonably effective means of preventing access by those end-users to prohibited internet gambling content.

Note: For specification by class, see subsection 33(3AB) of the *Acts Interpretation Act 1901*.

- (5) An industry standard determined by the ACMA must not declare that a specified arrangement is a designated alternative access-prevention arrangement for the purposes of the application of this section to one or more specified end-users unless the ACMA is satisfied that the arrangement is likely to provide a reasonably effective means of preventing access by those end-users to prohibited internet gambling content.

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

- (6) The following are examples of arrangements that could be declared to be designated alternative access-prevention arrangements:
- (a) an arrangement that involves the use of regularly updated internet content filtering software;
 - (b) an arrangement that involves the use of a filtered internet carriage service.
- (7) For the purposes of this Act, if an industry code:
- (a) deals to any extent with procedures to be followed by internet service providers in dealing with internet content notified under paragraph 24(1)(b) or section 26; and
 - (b) makes provision as mentioned in subsection (3);
- then:
- (c) the code is taken to deal with the matter set out in paragraph 35(b); and
 - (d) the code is taken to be consistent with subsection (2).
- (8) For the purposes of this Act, if an industry standard:
- (a) deals to any extent with procedures to be followed by internet service providers in dealing with internet content notified under paragraph 24(1)(b) or section 26; and
 - (b) makes provision as mentioned in subsection (3);
- then:
- (c) the standard is taken to deal with the matter set out in paragraph 35(b); and
 - (d) the standard is taken to be consistent with subsection (2).

Division 4—Industry code

38 Registration of industry code

- (1) This section applies if:
 - (a) the ACMA is satisfied that a body or association represents internet service providers; and
 - (b) that body or association develops an industry code that applies to internet service providers and deals exclusively with the designated internet gambling matters; and
 - (c) the body or association gives a copy of the code to the ACMA; and
 - (d) the ACMA is satisfied that the code provides appropriate community safeguards for the designated internet gambling matters; and
 - (e) the ACMA is satisfied that, before giving the copy of the code to the ACMA:
 - (i) the body or association published a draft of the code and invited members of the public to make submissions to the body or association about the draft within a specified period; and
 - (ii) the body or association gave consideration to any submissions that were received from members of the public within that period; and
 - (f) the ACMA is satisfied that, before giving the copy of the code to the ACMA:
 - (i) the body or association published a draft of the code and invited internet service providers to make submissions to the body or association about the draft within a specified period; and
 - (ii) the body or association gave consideration to any submissions that were received from internet service providers within that period.
- (2) The ACMA must register the code by including it in the Register of industry codes kept under section 53.

- (3) A period specified under subparagraph (1)(e)(i) or (1)(f)(i) must run for at least 30 days.
- (4) If:
 - (a) an industry code (the *new code*) is registered under this Part; and
 - (b) the new code is expressed to replace another industry code; the other code ceases to be registered under this Part when the new code is registered.

39 ACMA may request code

- (1) If the ACMA is satisfied that a body or association represents internet service providers, the ACMA may, by written notice given to the body or association, request the body or association to:
 - (a) develop an industry code that applies to internet service providers and deals exclusively with the designated internet gambling matters; and
 - (b) give the ACMA a copy of the code within the period specified in the notice.
- (2) The period specified in a notice under subsection (1) must run for at least 120 days.
- (3) The ACMA must not make a request under subsection (1) unless the ACMA is satisfied that, in the absence of the request, it is unlikely that an industry code would be developed within a reasonable period.
- (4) The ACMA may vary a notice under subsection (1) by extending the period specified in the notice.
- (5) Subsection (4) does not, by implication, limit the application of subsection 33(3) of the *Acts Interpretation Act 1901*.
- (6) A notice under subsection (1) may specify indicative targets for achieving progress in the development of the code (for example, a target of 60 days to develop a preliminary draft of the code).

40 Publication of notice where no body or association represents internet service providers

- (1) If the ACMA is satisfied that internet service providers are not represented by a body or association, the ACMA may publish a notice in the *Gazette* stating that, if such a body or association were to come into existence within a specified period, the ACMA would be likely to give a notice to that body or association under subsection 39(1).
- (2) The period specified in a notice under subsection (1) must run for at least 60 days.

41 Replacement of industry code

- (1) Changes to an industry code are to be achieved by replacing the code instead of varying the code.
- (2) If the replacement code differs only in minor respects from the original code, section 38 has effect, in relation to the registration of the code, as if paragraphs 38(1)(e) and (f) had not been enacted.

Note: Paragraphs 38(1)(e) and (f) deal with submissions about draft codes.

42 Compliance with industry code

- (1) If:
 - (a) a person is an internet service provider; and
 - (b) the ACMA is satisfied that the person has contravened, or is contravening, an industry code that is registered under this Part;the ACMA may, by written notice given to the person, direct the person to comply with the industry code.
- (2) A person must comply with a direction under subsection (1).

Note: For enforcement, see Part 5.

43 Formal warnings—breach of industry code

The ACMA may issue a formal warning if an internet service provider contravenes an industry code registered under this Part.

Division 5—Industry standard

44 ACMA may determine an industry standard if a request for an industry code is not complied with

- (1) This section applies if:
 - (a) the ACMA has made a request under subsection 39(1) in relation to the development of a code that is to:
 - (i) apply to internet service providers; and
 - (ii) deal exclusively with the designated internet gambling matters; and
 - (b) any of the following conditions is satisfied:
 - (i) the request is not complied with;
 - (ii) if indicative targets for achieving progress in the development of the code were specified in the notice of request—any of those indicative targets were not met;
 - (iii) the request is complied with, but the ACMA subsequently refuses to register the code.
- (2) The ACMA may, by legislative instrument, determine a standard that applies to internet service providers in relation to the designated internet gambling matters. A standard under this subsection is to be known as an *industry standard*.
- (3) Before determining an industry standard under this section, the ACMA must consult the body or association to whom the request mentioned in paragraph (1)(a) was made.
- (5) The Minister may give the ACMA a written direction as to the exercise of its powers under this section.

45 ACMA may determine industry standard where no industry body or association formed

- (1) This section applies if:
-

- (a) the ACMA is satisfied that internet service providers are not represented by a body or association; and
 - (b) the ACMA has published a notice under subsection 40(1); and
 - (c) that notice states that, if such a body or association were to come into existence within a particular period, the ACMA would be likely to give a notice to that body or association under subsection 39(1); and
 - (d) no such body or association comes into existence within that period.
- (2) The ACMA may, by legislative instrument, determine a standard that applies to internet service providers and deals exclusively with the designated internet gambling matters. A standard under this subsection is to be known as an *industry standard*.
- (4) The Minister may give the ACMA a written direction as to the exercise of its powers under this section.

46 ACMA may determine industry standard—total failure of industry code

- (1) This section applies if:
- (a) an industry code that:
 - (i) applies to internet service providers; and
 - (ii) deals exclusively with the designated internet gambling matters;has been registered under this Part for at least 180 days; and
 - (b) the ACMA is satisfied that the code is totally deficient (as defined by subsection (7)); and
 - (c) the ACMA has given the body or association that developed the code a written notice requesting that deficiencies in the code be addressed within a specified period; and
 - (d) that period ends and the ACMA is satisfied that it is necessary or convenient for the ACMA to determine a standard that applies to internet service providers and deals exclusively with the designated internet gambling matters.

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- (2) The period specified in a notice under paragraph (1)(c) must run for at least 30 days.
- (3) The ACMA may, by legislative instrument, determine a standard that applies to internet service providers and deals exclusively with the designated internet gambling matters. A standard under this subsection is to be known as an *industry standard*.
- (4) If the ACMA is satisfied that a body or association represents internet service providers, the ACMA must consult the body or association before determining an industry standard under subsection (3).
- (6) The industry code ceases to be registered under this Part on the day on which the industry standard comes into force.
- (7) For the purposes of this section, an industry code that applies to internet service providers and deals exclusively with the designated internet gambling matters is *totally deficient* if, and only if, the code is not operating to provide appropriate community safeguards in relation to the designated internet gambling matters.
- (8) The Minister may give the ACMA a written direction as to the exercise of its powers under this section.

47 ACMA may determine industry standard—partial failure of industry code

- (1) This section applies if:
 - (a) an industry code that:
 - (i) applies to internet service providers; and
 - (ii) deals exclusively with the designated internet gambling matters; andhas been registered under this Part for at least 180 days; and
 - (b) section 46 does not apply to the code; and
 - (c) the ACMA is satisfied that the code is deficient (as defined by subsection (7)) to the extent to which the code deals with one of the designated internet gambling matters (the *deficient matter*); and
-

- (d) the ACMA has given the body or association that developed the code a written notice requesting that deficiencies in the code be addressed within a specified period; and
 - (e) that period ends and the ACMA is satisfied that it is necessary or convenient for the ACMA to determine a standard that applies to internet service providers and deals with the deficient matter.
- (2) The period specified in a notice under paragraph (1)(c) must run for at least 30 days.
 - (3) The ACMA may, by legislative instrument, determine a standard that applies to internet service providers and deals with the deficient matter. A standard under this subsection is to be known as an *industry standard*.
 - (4) If the ACMA is satisfied that a body or association represents internet service providers, the ACMA must consult the body or association before determining an industry standard under subsection (3).
 - (6) On and after the day on which the industry standard comes into force, the industry code has no effect to the extent to which it deals with the deficient matter. However, this subsection does not affect:
 - (a) the continuing registration of the remainder of the industry code; or
 - (b) any investigation, proceeding or remedy in respect of a contravention of the industry code or section 42 that occurred before that day.
 - (7) For the purposes of this section, an industry code that applies to internet service providers and deals exclusively with the designated internet gambling matters is *deficient* to the extent to which it deals with a particular one of the designated internet gambling matters if, and only if, the code is not operating to provide appropriate community safeguards in relation to that matter.
 - (8) The Minister may give the ACMA a written direction as to the exercise of its powers under this section.

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48 Compliance with industry standard

If:

- (a) an industry standard that applies to internet service providers is registered under this Part; and
 - (b) a person is an internet service provider;
- the person must comply with the industry standard.

Note: For enforcement, see Part 5.

49 Formal warnings—breach of industry standard

The ACMA may issue a formal warning if an internet service provider contravenes an industry standard registered under this Part.

50 Variation of industry standard

The ACMA may, by legislative instrument, vary an industry standard that applies to internet service providers if it is satisfied that it is necessary or convenient to do so to provide appropriate community safeguards in relation to either or both of the designated internet gambling matters.

51 Revocation of industry standard

- (1) The ACMA may, by legislative instrument, revoke an industry standard.
- (2) If:
 - (a) an industry code is registered under this Part; and
 - (b) the code is expressed to replace an industry standard;the industry standard is revoked when the code is registered.

Division 6—Industry code and industry standard to be included on a Register

53 Industry code and industry standard to be included on a Register

- (1) The ACMA is to maintain a Register in which the ACMA includes:
 - (a) all industry codes required to be registered under this Part;
and
 - (b) all industry standards; and
 - (c) all requests made under section 39; and
 - (d) all notices under section 40; and
 - (e) all directions under section 42.
- (2) The Register may be maintained by electronic means.
- (3) The Register is to be made available for inspection on the internet.

Part 5—Complaints system: online provider rules

54 Online provider rules

For the purposes of this Act, each of the following is an *online provider rule*:

- (c) the rule set out in subsection 42(2);
- (d) the rule set out in section 48.

55 Compliance with online provider rules

- (1) A person commits an offence if:
 - (a) an online provider rule is applicable to the person; and
 - (b) the person engages in conduct; and
 - (c) the person's conduct contravenes the rule.

Penalty: 50 penalty units.

- (2) A person must not contravene an online provider rule that is applicable to the person.

Civil penalty: 75 penalty units.

56 Remedial directions—breach of online provider rules

- (1) This section applies if an internet service provider has contravened, or is contravening, an online provider rule.
- (2) The ACMA may give the provider a written direction requiring the provider to take specified action directed towards ensuring that the provider does not contravene the rule, or is unlikely to contravene the rule, in the future.
- (3) The following are examples of the kinds of direction that may be given to an internet service provider under subsection (2):

- (a) a direction that the provider implement effective administrative systems for monitoring compliance with an online provider rule;
 - (b) a direction that the provider implement a system designed to give the provider's employees, agents and contractors a reasonable knowledge and understanding of the requirements of an online provider rule, in so far as those requirements affect the employees, agents or contractors concerned.
- (4) A person commits an offence if:
- (a) the person is subject to a direction under subsection (2); and
 - (b) the person engages in conduct; and
 - (c) the person's conduct contravenes the direction.

Penalty: 50 penalty units.

- (5) A person must not contravene a direction to which the person is subject under subsection (2).

Civil penalty for contravention of this subsection: 75 penalty units.

57 Continuing offences

- (1) A person who contravenes subsection 55(1) or subsection 56(4) commits a separate offence in respect of each day (including a day of conviction for the offence or any later day) during which the contravention continues.
- (2) If an offence against this Part is a continuing offence, the maximum penalty for each day that the offence continues is 10% of the maximum penalty that could be imposed in respect of the principal offence.

57A Continuing contravention of civil penalty provisions

- (1) A person who contravenes subsection 55(2) or 56(5) engages in a separate contravention of subsection 55(2) or 56(5), as the case may be, in respect of each day during which the contravention

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occurs (including the day the relevant civil penalty order is made or any later day).

- (2) If a contravention of subsection 55(2) or 56(5) is a continuing contravention, the maximum civil penalty for each day that the contravention continues is 10% of the maximum civil penalty that could be imposed in respect of the principal contravention.

58 Formal warnings—breach of online provider rules

The ACMA may issue a formal warning if a person contravenes an online provider rule.

59 Federal Court may order a person to cease supplying internet carriage services

- (1) If the ACMA is satisfied that a person who is an internet service provider is supplying an internet carriage service otherwise than in accordance with an online provider rule, the ACMA may apply to the Federal Court for an order that the person cease supplying that internet carriage service.
- (2) If the Federal Court is satisfied, on such an application, that the person is supplying an internet carriage service otherwise than in accordance with the online provider rule, the Federal Court may order the person to cease supplying that internet carriage service.

Part 6—Complaints system: protection from civil proceedings

60 Protection from civil proceedings

Civil proceedings do not lie against an internet service provider in respect of anything done by the provider in compliance with:

- (a) a code registered under Part 4 of this Act; or
- (b) a standard determined under Part 4 of this Act;

in so far as the code or standard deals with the procedures referred to in paragraph 35(b).

Part 7—Complaints system: review of decisions

61 Review of decisions

- (1) Applications may be made to the Administrative Appeals Tribunal for review of any of the following decisions made by the ACMA:
 - (a) a decision under section 42 or 56 to give a direction to an internet service provider;
 - (b) a decision under section 42 or 56 to vary a direction that is applicable to an internet service provider;
 - (c) a decision under section 42 or 56 to refuse to revoke a direction that is applicable to an internet service provider.
- (2) An application under subsection (1) may only be made by the internet service provider concerned.
- (3) An application may be made to the Administrative Appeals Tribunal for a review of a decision of the ACMA under section 38 to refuse to register a code.
- (4) An application under subsection (3) may only be made by the body or association that developed the code.
- (5) If the ACMA makes a decision that is reviewable under this section, the ACMA is to include in the document by which the decision is notified:
 - (a) a statement setting out the reasons for the decision; and
 - (b) a statement to the effect that an application may be made to the Administrative Appeals Tribunal for a review of the decision.

Part 7A—Prohibition of advertising of designated interactive gambling services

Division 1—Interpretation: definitions

61AA Definitions

In this Part, unless the contrary intention appears:

broadcast means transmit by means of a broadcasting service.

broadcasting service means a service that delivers television programs or radio programs to persons having equipment appropriate for receiving that service, whether the delivery uses the radiofrequency spectrum, cable, optical fibre, satellite or any other means or a combination of those means, but does not include:

- (a) a datacasting service; or
- (b) a service that delivers programs using the internet, where the delivery does not use the broadcasting services bands.

broadcasting services bands has the same meaning as in the *Broadcasting Services Act 1992*.

datacast means transmit by means of a datacasting service.

designated interactive gambling service advertisement has the meaning given by Division 2.

designated interactive gambling service provider means a person who provides a designated interactive gambling service.

display includes continue to display.

exempt library means:

- (a) a public library; or
- (b) a library of a tertiary educational institution; or

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- (c) a library of an authority of the Commonwealth or of a State or Territory.

government or political matters means government or political matters relating to any level of government in Australia, and includes any of the following matters:

- (a) participation in, association with and communications in relation to any election or appointment to public office;
- (b) political views or public conduct relating to activities that have become the subject of political debate;
- (c) the performance, conduct, capacity or fitness for office of a person elected or appointed to, or seeking election or appointment to, any public office;
- (d) the actions or policies, or proposed actions or policies, of any government in Australia or any Australian political party.

periodical means an issue (however described) of a newspaper, magazine, journal, newsletter, or other similar publication, issues of which are published at regular or irregular intervals.

program has the same meaning as in the *Broadcasting Services Act 1992*.

public place means a place, or a part of a place, to which the public, or a section of the public, ordinarily has access, whether or not by payment or by invitation (including, for example, a shop, restaurant, hotel, cinema or club).

publish:

- (a) in relation to a designated interactive gambling service advertisement, has the meaning given by Division 3; and
- (b) in relation to something other than a designated interactive gambling service advertisement, has a meaning equally as broad as it has in relation to a designated interactive gambling service advertisement.

section of the public includes:

- (a) the members of a particular club, society or organisation; and

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- (b) a group consisting only of persons with a common workplace or a common employer.

workplace means premises in which employees or contractors work, other than any part of such premises that is primarily used as a private dwelling.

Section 61BA

Division 2—Interpretation: designated interactive gambling service advertisement

61BA Basic meaning of designated interactive gambling service advertisement

- (1) For the purposes of this Part, a *designated interactive gambling service advertisement* is any writing, still or moving picture, sign, symbol or other visual image, or any audible message, or any combination of 2 or more of those things, that gives publicity to, or otherwise promotes or is intended to promote:
 - (a) a designated interactive gambling service; or
 - (b) designated interactive gambling services in general; or
 - (c) the whole or part of a trade mark in respect of a designated interactive gambling service; or
 - (d) a domain name or URL that relates to a designated interactive gambling service; or
 - (e) any words that are closely associated with a designated interactive gambling service (whether also closely associated with other kinds of services or products).
- (2) This section has effect subject to sections 61BB, 61BC, 61BD, 61BE, 61BF, 61BG and 61BGA.

61BB Exception—political communication

- (1) To avoid doubt, if:
 - (a) something (the *advertisement*) does not promote, and is not intended to promote, any particular designated interactive gambling service or services; and
 - (b) the advertisement relates solely to government or political matters;the advertisement is not a designated interactive gambling service advertisement for the purposes of this Part.

- (2) Without limiting paragraph (1)(a), the use in an advertisement of the whole name of a designated interactive gambling service provider does not, of itself, constitute promotion of a designated interactive gambling service or designated interactive gambling services for the purposes of paragraph (1)(a).
- (3) Subsection (2) does not apply in relation to the use of a name referred to in that subsection in a way prohibited by regulations made for the purposes of this subsection.
- (4) Section 61BA does not apply to the extent (if any) that it would infringe any doctrine of implied freedom of political communication.

61BC Exception—Websites etc. and business documents

Words, signs or symbols that appear:

- (a) on the website of a designated interactive gambling service that is provided to customers using an internet carriage service, or on or at an equivalent point of provision of any other designated interactive gambling service; or
- (b) as part of the standard wording of an invoice, statement, order form, letterhead, business card, cheque, manual, or other document ordinarily used in the normal course of the business of a designated interactive gambling service provider (whether or not the document is in electronic form);

do not, when so appearing, constitute a designated interactive gambling service advertisement (but this does not prevent a still or moving screen shot of a website or equivalent point of provision referred to in paragraph (a), or a still or moving picture or other visual image of a document referred to in paragraph (b), from being a designated interactive gambling service advertisement).

61BD Exception—premises of providers

Words, signs or symbols that appear in or on land or buildings occupied by a designated interactive gambling service provider do not, when so appearing, constitute a designated interactive

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gambling service advertisement (but this does not prevent a still or moving picture, or other visual image, of words, signs or symbols that so appear from being a designated interactive gambling service advertisement).

61BE Exceptions—management advertisements etc.

To avoid doubt, none of the following constitutes a designated interactive gambling service advertisement:

- (a) the doing of anything that is, or apart from this Part would be, required to be done by any other law of the Commonwealth or by any law of a State or Territory;
- (b) an advertisement (for example, an advertisement for staff or calling for tenders), relating to the internal management of the business of a designated interactive gambling service provider, that does not promote a designated interactive gambling service;
- (c) the taking of any action to prevent persons becoming victims of fraud or any other dishonest or unethical conduct.

61BF Exception—products or services having the same name as a designated interactive gambling service

(1) If:

- (a) apart from this section, something (the *advertisement*) that relates to a product, or a service, that is not a designated interactive gambling service would, technically, be a designated interactive gambling service advertisement because the name, or part of the name, of the product or service is the same as, or substantially similar to, the name, or part of the name, of:
 - (i) a designated interactive gambling service; or
 - (ii) a designated interactive gambling service provider; and

(b) the manufacturer, distributor or retailer of the product, or the provider of the service, is not associated in any way with the designated interactive gambling service provider concerned; then, despite section 61BA, the advertisement is not a designated interactive gambling service advertisement for the purposes of this Part.

Related bodies corporate taken to be associated with each other

- (2) Without limiting the circumstances in which 2 persons would, apart from this subsection, be taken to be associated with each other for the purposes of subsection (1), 2 bodies corporate that are related to each other are taken to be associated with each other for the purposes of that subsection.
- (3) For the purposes of subsection (2), the question whether 2 bodies corporate are related to each other is to be determined in the same way as the question would be determined under the *Corporations Act 2001*.

61BG Exception—anti-gambling advertisements

If:

- (a) apart from this section, something (the *advertisement*) would, technically, be a designated interactive gambling service advertisement; and
- (b) it is clear from the advertisement that its sole or principal purpose is to discourage the use of gambling services or particular kinds of gambling services;

then, despite section 61BA, the advertisement is not a designated interactive gambling service advertisement for the purposes of this Part.

Part 7A Prohibition of advertising of designated interactive gambling services

Division 2 Interpretation: designated interactive gambling service advertisement

Section 61BGA

61BGA Exception—advertisements of a kind specified in the regulations

The regulations may provide that an advertisement of a kind specified in the regulations is not a designated interactive gambling service advertisement for the purposes of this Part.

61BH Definition

In this Division:

words includes abbreviations, initials and numbers.

Division 3—Interpretation: publication of designated interactive gambling service advertisements

61CA Basic meaning of publish a designated interactive gambling service advertisement

- (1) For the purposes of this Part, a person *publishes* a designated interactive gambling service advertisement if the person does any of the following things:
- (a) the person includes the advertisement, or something that contains the advertisement, on a website;
 - (b) the person includes the advertisement in a document (including, for example, a newspaper, magazine, program, leaflet or ticket) that is available, or distributed, to the public or a section of the public;
 - (c) the person includes the advertisement in a film, video, television program or radio program that is, or is intended to be, seen or heard by the public or a section of the public;
 - (d) the person:
 - (i) sells, hires or supplies the advertisement, or something containing the advertisement, to the public or a section of the public; or
 - (ii) offers the advertisement, or something containing the advertisement, for sale or supply to, or hire by, the public or a section of the public;
 - (e) the person displays, screens or plays the advertisement, or something that contains the advertisement, so that it can be seen or heard in or from:
 - (i) a public place; or
 - (ii) public transport; or
 - (iii) a workplace;
 - (f) the person otherwise:
 - (i) brings the advertisement, or something that contains the advertisement, to the notice of; or

Part 7A Prohibition of advertising of designated interactive gambling services
Division 3 Interpretation: publication of designated interactive gambling service advertisements

Section 61CB

- (ii) disseminates the advertisement, or something that contains the advertisement, to;
the public, or a section of the public, by any means
(including, for example, by means of a film, video, computer disk or electronic medium).
- (2) This section has effect subject to sections 61CB, 61CC, 61CD, 61CE and 61CF.

61CB Publish does not include broadcast or datacast

For the purposes of this Part, the broadcasting or datacasting of a designated interactive gambling service advertisement by a person does not amount to the publication of the advertisement by the person.

61CC Exception—trade communications

For the purposes of this Part, the communication of information that is or includes a designated interactive gambling service advertisement to a group of people all of whom are involved in the provision of designated interactive gambling services, does not, of itself, amount to a publication of the designated interactive gambling service advertisement.

61CD Exception—advertisements in telephone directories

- (1) For the purposes of this Part, the publication of the name of a designated interactive gambling service provider in a telephone directory does not, of itself, amount to the publication of a designated interactive gambling service advertisement.
- (2) Subsection (1) does not apply if:
 - (a) the publication is on the internet; and
 - (b) the entry for the provider contains a link to a website for the provider that relates to a designated interactive gambling service.

61CE Exception—ordinary activities of exempt libraries

Nothing that a person does for the purposes of the ordinary activities of an exempt library amounts, for the purposes of this Part, to a publication of a designated interactive gambling service advertisement.

61CF Exception—acknowledgments of assistance or support

For the purposes of this Part, the publication of an acknowledgment of assistance or support does not amount to the publication of a designated interactive gambling service advertisement if it complies with regulations made for the purposes of this section that permit the publication of such acknowledgments.

Section 61DA

Division 4—Broadcasting or datacasting of designated interactive gambling service advertisements in Australia

61DA Designated interactive gambling service advertisements not to be broadcast or datacast in Australia

- (1) A person commits an offence if:
- (a) the person broadcasts or datacasts a designated interactive gambling service advertisement in Australia; and
 - (b) the broadcast or datacast is not permitted by section 61DB; and
 - (c) the broadcast or datacast is not permitted by section 61DC.

Penalty: 120 penalty units.

- (1A) A person must not broadcast or datacast a designated interactive gambling service advertisement in Australia if:
- (a) the broadcast or datacast is not permitted by section 61DB; and
 - (b) the broadcast or datacast is not permitted by section 61DC.

Civil penalty: 180 penalty units.

- (2) A person commits an offence if:
- (a) the person authorises or causes a designated interactive gambling service advertisement to be broadcast or datacast in Australia; and
 - (b) the broadcast or datacast is not permitted by section 61DB; and
 - (c) the broadcast or datacast is not permitted by section 61DC.

Penalty: 120 penalty units.

Section 61DB

- (3) A person must not authorise or cause a designated interactive gambling service advertisement to be broadcast or datacast in Australia if:
- (a) the broadcast or datacast is not permitted by section 61DB; and
 - (b) the broadcast or datacast is not permitted by section 61DC.

Civil penalty for contravention of this subsection: 180 penalty units.

61DB Accidental or incidental broadcast or datacast permitted

- (1) A person may broadcast or datacast a designated interactive gambling service advertisement if:
- (a) the person broadcasts or datacasts the advertisement as an accidental or incidental accompaniment to the broadcasting or datacasting of other matter; and
 - (b) the person does not receive any direct or indirect benefit (whether financial or not) for broadcasting or datacasting the advertisement (in addition to any direct or indirect benefit that the person receives for broadcasting or datacasting the other matter).
- (2) Subsection (1) only has effect for the purposes of this Part.

61DC Broadcast or datacast of advertisements during flights of aircraft

- (1) A person may broadcast or datacast a designated interactive gambling service advertisement in an aircraft during a flight of the aircraft unless the flight begins at a place in Australia and is intended to end at another place in Australia.
- (2) For the purposes of subsection (1), each sector of a flight of an aircraft is taken to be a separate flight.
- (3) Subsection (1) only has effect for the purposes of this Part.

Section 61EA

Division 5—Publication of designated interactive gambling service advertisements in Australia

61EA Designated interactive gambling service advertisements not to be published in Australia

- (1) A person commits an offence if:
- (a) the person publishes a designated interactive gambling service advertisement in Australia; and
 - (b) the publication is not permitted by section 61EB; and
 - (d) the publication is not permitted by section 61ED; and
 - (e) the publication is not permitted by section 61EE; and
 - (f) the publication is not permitted by section 61EF.

Penalty: 120 penalty units.

- (1A) A person must not publish a designated interactive gambling service advertisement in Australia if:
- (a) the publication is not permitted by section 61EB; and
 - (b) the publication is not permitted by section 61ED; and
 - (c) the publication is not permitted by section 61EE; and
 - (d) the publication is not permitted by section 61EF.

Civil penalty: 180 penalty units.

- (2) A person commits an offence if:
- (a) the person authorises or causes a designated interactive gambling service advertisement to be published in Australia; and
 - (b) the publication is not permitted by section 61EB; and
 - (d) the publication is not permitted by section 61ED; and
 - (e) the publication is not permitted by section 61EE; and
 - (f) the publication is not permitted by section 61EF.

Penalty: 120 penalty units.

Section 61EB

- (2A) A person must not authorise or cause a designated interactive gambling service advertisement to be published in Australia if:
- (a) the publication is not permitted by section 61EB; and
 - (b) the publication is not permitted by section 61ED; and
 - (c) the publication is not permitted by section 61EE; and
 - (d) the publication is not permitted by section 61EF.

Civil penalty: 180 penalty units.

- (3) For the purposes of this section, a designated interactive gambling service advertisement that is included on a website is taken to be published *in Australia* if, and only if:
- (a) the website is accessed, or is available for access, by end-users in Australia; and
 - (b) having regard to:
 - (i) the content of the website; and
 - (ii) the way the website is advertised or promoted;it would be concluded that it is likely that a majority of persons who access the website are physically present in Australia.

61EB Periodicals distributed outside Australia—acts of publication permitted

- (1) A person may do, with a periodical that contains a designated interactive gambling service advertisement, something that amounts to publishing the advertisement if the periodical is not principally intended for distribution or use in Australia.
- (2) Subsection (1) only has effect for the purposes of this Part.

61ED Accidental or incidental publication permitted

- (1) A person may publish a designated interactive gambling service advertisement if:

Part 7A Prohibition of advertising of designated interactive gambling services

Division 5 Publication of designated interactive gambling service advertisements in Australia

Section 61EE

- (a) the person publishes the advertisement as an accidental or incidental accompaniment to the publication of other matter; and
 - (b) the person does not receive any direct or indirect benefit (whether financial or not) for publishing the advertisement (in addition to any direct or indirect benefit that the person receives for publishing the other matter).
- (2) Subsection (1) only has effect for the purposes of this Part.

61EE Publication by person not receiving any benefit permitted

- (1) A person may publish a designated interactive gambling service advertisement if:
- (a) the publication is not in the course of the provision of designated interactive gambling services; and
 - (b) the person publishes the advertisement on the person's own initiative; and
 - (c) the person does not receive any direct or indirect benefit (whether financial or not) for publishing the advertisement.
- (2) Subsection (1) only has effect for the purposes of this Part.

61EF Publication of advertisements during flights of aircraft

- (1) A person may publish a designated interactive gambling service advertisement in an aircraft during a flight of the aircraft unless the flight begins at a place in Australia and is intended to end at another place in Australia.
- (2) For the purposes of subsection (1), each sector of a flight of an aircraft is taken to be a separate flight.
- (3) Subsection (1) only has effect for the purposes of this Part.

Division 6—Miscellaneous

61FA Failure to broadcast, datacast or publish advertisement not actionable if this Part would be contravened

Civil proceedings do not lie against a person for refusing or failing to broadcast, datacast or publish a designated interactive gambling service advertisement if the broadcast, datacast or publication is prohibited by this Part.

61FD Additional conditions for licences under the *Broadcasting Services Act 1992*

Commercial television broadcasting licence

- (1) Each commercial television broadcasting licence is subject to the condition that the licensee will not, in contravention of this Part, broadcast a designated interactive gambling service advertisement.

Commercial radio broadcasting licence

- (2) Each commercial radio broadcasting licence is subject to the condition that the licensee will not, in contravention of this Part, broadcast a designated interactive gambling service advertisement.

Community broadcasting licence

- (3) Each community broadcasting licence is subject to the condition that the licensee will not, in contravention of this Part, broadcast a designated interactive gambling service advertisement.

Subscription television broadcasting licence

- (4) Each subscription television broadcasting licence is subject to the condition that the licensee will not, in contravention of this Part, broadcast a designated interactive gambling service advertisement.

Section 61FD

Provision of a broadcasting service under a class licence

- (5) The provision by a person of a broadcasting service under a class licence is subject to the condition that the licensee will not, in contravention of this Part, broadcast a designated interactive gambling service advertisement.

Datacasting licence

- (6) Each datacasting licence is subject to the condition that the licensee will not, in contravention of this Part, datacast a designated interactive gambling service advertisement.

Definitions

- (7) In this section:

class licence has the same meaning as in the *Broadcasting Services Act 1992*.

commercial radio broadcasting licence has the same meaning as in the *Broadcasting Services Act 1992*.

commercial television broadcasting licence has the same meaning as in the *Broadcasting Services Act 1992*.

community broadcasting licence has the same meaning as in the *Broadcasting Services Act 1992*.

subscription television broadcasting licence has same meaning as in the *Broadcasting Services Act 1992*.

Part 8—Miscellaneous

62 Application of *Criminal Code*

Chapter 2 of the *Criminal Code* (except Part 2.5) applies to an offence against this Act.

63 Conduct by directors, employees and agents

Body corporate

- (1) If, in proceedings for:
 - (a) an offence against this Act; or
 - (b) an ancillary offence relating to this Act;it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:
 - (c) that the conduct was engaged in by a director, employee or agent of the body corporate within the scope of his or her actual or apparent authority; and
 - (d) that the director, employee or agent had the state of mind.
- (2) Any conduct engaged in on behalf of a body corporate by a director, employee or agent of the body corporate within the scope of his or her actual or apparent authority is taken, for the purposes of a prosecution for:
 - (a) an offence against this Act; or
 - (b) an ancillary offence relating to this Act;to have been engaged in also by the body corporate unless the body corporate establishes that the body corporate took reasonable precautions and exercised due diligence to avoid the conduct.

Person other than a body corporate

- (3) If, in proceedings for:
 - (a) an offence against this Act; or

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- (b) an ancillary offence relating to this Act;
it is necessary to establish the state of mind of a person other than a body corporate in relation to particular conduct, it is sufficient to show:
- (c) that the conduct was engaged in by an employee or agent of the person within the scope of his or her actual or apparent authority; and
- (d) that the employee or agent had the state of mind.
- (4) Any conduct engaged in on behalf of a person other than a body corporate by an employee or agent of the person within the scope of his or her actual or apparent authority is taken, for the purposes of a prosecution for:
- (a) an offence against this Act; or
- (b) an ancillary offence relating to this Act;
to have been engaged in also by the first-mentioned person unless the first-mentioned person establishes that the first-mentioned person took reasonable precautions and exercised due diligence to avoid the conduct.
- (5) If:
- (a) a person other than a body corporate is convicted of an offence; and
- (b) the person would not have been convicted of the offence if subsections (3) and (4) had not been enacted;
the person is not liable to be punished by imprisonment for that offence.
- State of mind*
- (6) A reference in subsection (1) or (3) to the *state of mind* of a person includes a reference to:
- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person's reasons for the intention, opinion, belief or purpose.

Director

- (7) A reference in this section to a **director** of a body corporate includes a reference to a constituent member of a body corporate incorporated for a public purpose by a law of the Commonwealth, a State or a Territory.

Ancillary offence relating to this Act

- (8) A reference in this section to an **ancillary offence relating to this Act** is a reference to an offence created by section 6 of the *Crimes Act 1914* or Part 2.4 of the *Criminal Code* that relates to this Act.

64 Service of summons or process on foreign corporations—criminal proceedings

- (1) This section applies to a summons or process in any criminal proceedings under this Act, where:
- (a) the summons or process is required to be served on a body corporate incorporated outside Australia; and
 - (b) the body corporate does not have a registered office or a principal office in Australia; and
 - (c) the body corporate has an agent in Australia.
- (2) Service of the summons or process may be effected by serving it on the agent.
- (3) Subsection (2) has effect in addition to section 28A of the *Acts Interpretation Act 1901*.

Note: Section 28A of the *Acts Interpretation Act 1901* deals with the service of documents.

- (4) In this section:

criminal proceeding includes a proceeding to determine whether a person should be tried for an offence.

Section 64A

64A Civil penalty provisions—formal warnings

The ACMA may issue a formal warning if a person contravenes:

- (a) subsection 15(2A); or
- (b) subsection 15AA(3); or
- (c) subsection 15A(2A); or
- (ca) subsection 15C(3); or
- (d) subsection 55(2); or
- (e) subsection 56(5); or
- (f) subsection 61DA(1A); or
- (g) subsection 61DA(3); or
- (h) subsection 61EA(1A); or
- (i) subsection 61EA(2A).

64B Civil penalty provisions—enforcement

Enforceable civil penalty provision

- (1) Each civil penalty provision of this Act is enforceable under Part 4 of the Regulatory Powers Act.

Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision.

Authorised applicant

- (2) For the purposes of Part 4 of the Regulatory Powers Act, the ACMA is an authorised applicant in relation to the civil penalty provisions of this Act.

Relevant court

- (3) For the purposes of Part 4 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the civil penalty provisions of this Act:
 - (a) the Federal Court;
 - (b) the Federal Circuit Court.

Extension to external Territories etc.

- (4) Part 4 of the Regulatory Powers Act, as it applies in relation to the civil penalty provisions of this Act, extends to:
- (a) every external Territory; and
 - (b) acts, omissions, matters and things outside Australia.

64C Civil penalty provisions—infringement notices*Provisions subject to an infringement notice*

- (1) The following provisions are subject to an infringement notice under Part 5 of the Regulatory Powers Act:
- (a) subsection 15(2A);
 - (b) subsection 15AA(3);
 - (c) subsection 15A(2A);
 - (ca) subsection 15C(3);
 - (d) subsection 55(2);
 - (e) subsection 56(5);
 - (f) subsection 61DA(1A);
 - (g) subsection 61DA(3);
 - (h) subsection 61EA(1A);
 - (i) subsection 61EA(2A).

Note: Part 5 of the Regulatory Powers Act creates a framework for using infringement notices in relation to provisions.

Infringement officer

- (2) For the purposes of Part 5 of the Regulatory Powers Act, a member of the staff of the ACMA authorised, in writing, by the ACMA for the purposes of this subsection is an infringement officer in relation to the provisions mentioned in subsection (1).

Section 64D

Relevant chief executive

- (3) For the purposes of Part 5 of the Regulatory Powers Act, the Chair of the ACMA is the relevant chief executive in relation to the provisions mentioned in subsection (1).
- (4) The relevant chief executive may, in writing, delegate any or all of his or her powers and functions under Part 5 of the Regulatory Powers Act to a person who is:
 - (a) a member of the staff of the ACMA; and
 - (b) an SES employee or an acting SES employee.
- (5) A person exercising powers or performing functions under a delegation under subsection (4) must comply with any directions of the relevant chief executive.

Extension to external Territories etc.

- (6) Part 5 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to:
 - (a) every external Territory; and
 - (b) acts, omissions, matters and things outside Australia.

64D Civil penalty provisions—injunctions

Enforceable provisions

- (1) The following provisions are enforceable under Part 7 of the Regulatory Powers Act:
 - (a) subsection 15(2A);
 - (b) subsection 15AA(3);
 - (c) subsection 15A(2A);
 - (ca) subsection 15C(3);
 - (d) subsection 55(2);
 - (e) subsection 56(5);
 - (f) subsection 61DA(1A);
 - (g) subsection 61DA(3);

- (h) subsection 61EA(1A);
- (i) subsection 61EA(2A).

Note: Part 7 of the Regulatory Powers Act creates a framework for using injunctions to enforce provisions.

Authorised person

- (2) For the purposes of Part 7 of the Regulatory Powers Act, the ACMA is an authorised person in relation to the provisions mentioned in subsection (1).

Relevant court

- (3) For the purposes of Part 7 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the provisions mentioned in subsection (1):
 - (a) the Federal Court;
 - (b) the Federal Circuit Court.

Extension to external Territories etc.

- (4) Part 7 of the Regulatory Powers Act, as it applies in relation to the provisions mentioned in subsection (1), extends to:
 - (a) every external Territory; and
 - (b) acts, omissions, matters and things outside Australia.

65 Service of notices

In addition to other methods of giving a notice, a notice under this Act may be given by fax.

66 Application of the *Broadcasting Services Act 1992*

The following provisions of the *Broadcasting Services Act 1992* have effect as if each reference in those provisions to that Act included a reference to this Act:

- (a) section 3;
- (b) subparagraph 5(1)(b)(ii);

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- (c) subsection 5(2);
- (g) paragraph 168(2)(b);
- (h) paragraph 171(2)(a);
- (i) section 183;
- (j) paragraph 187(2)(b).

67 Additional ACMA function—monitoring compliance with codes and standards

The ACMA's functions include monitoring compliance with codes and standards registered under Part 4.

68 Register

- (1) The ACMA is to maintain a register in which the ACMA may include:
 - (a) the names of eligible regulated interactive gambling services; and
 - (b) if the name of an eligible regulated interactive gambling service is included in the register:
 - (i) the name of the provider of the service; and
 - (ii) such other information relating to the service as the ACMA considers should be included in the register.
- (2) Subparagraph (1)(b)(ii) does not authorise the inclusion of personal information in the register.
- (3) The register is to be maintained by electronic means.
- (4) The register is to be made available for inspection on the ACMA's website.
- (5) The register is not a legislative instrument.

Liability for damages

- (6) The Commonwealth, the ACMA, or an ACMA official, is not liable to an action or other proceeding for damages for, or in

relation to, an act or matter in good faith done or omitted to be done:

- (a) in the performance or purported performance of any function; or
- (b) in the exercise or purported exercise of any power; conferred on the ACMA by this section.

Review of decisions

- (7) Applications may be made to the Administrative Appeals Tribunal for review of a decision of the ACMA not to include the name of an eligible regulated interactive gambling service in the register.

Eligible regulated interactive gambling service

- (8) For the purposes of this section, an **eligible regulated interactive gambling service** is a regulated interactive gambling service that is:
 - (a) covered by paragraph (a) or (b) of the definition of **gambling service** in section 4; and
 - (b) not provided in contravention of subsection 15AA(3).

69 Operation of State and Territory laws

This Act is not intended to exclude or limit the operation of a law of a State or Territory to the extent that that law is capable of operating concurrently with this Act.

69A Regulations about unenforceability of agreements relating to illegal interactive gambling services

Agreements

- (1) The regulations may provide:
 - (a) that an agreement has no effect to the extent to which it provides for the payment of money for the supply of an illegal interactive gambling service; and

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- (b) that civil proceedings do not lie against a person to recover money alleged to have been won from, or paid in connection with, an illegal interactive gambling service.

Deadline for making regulations

- (2) The Minister must take all reasonable steps to ensure that regulations are made for the purposes of this section within 6 months after the commencement of Part 2.

Definition

- (4) In this section:

agreement means an agreement, whether made orally or in writing.

70 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted to be prescribed by this Act; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Interactive Gambling Act 2001	84, 2001	11 July 2001	s 15, 15A, 61AA–61FE: 8 Aug 2001 (s 2(2), (2A)) s 16–31, 42, 43, 48, 49, 54–59: 12 Jan 2002 (s 2(3), (4)) Remainder: 11 July 2001 (s 2(1))	
Corporations (Repeals, Consequential and Transitionals) Act 2001	55, 2001	28 June 2001	s 4–14 and Sch 3 (items 296–302): 15 July 2001 (s 2(7)(a) and gaz 2001, No S285)	s 4–14
Financial Services Reform (Consequential Provisions) Act 2001	123, 2001	27 Sept 2001	Sch 1 (items 250–256): 11 Mar 2002 (s 2(1), (8)(a) and gaz 2001, No GN42)	—
Interactive Gambling Amendment Act 2001	139, 2001	1 Oct 2001	1 Oct 2001 (s 2)	—
Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005	45, 2005	1 Apr 2005	Sch 1 (items 68–70), Sch 2, Sch 4: 1 July 2005 (s 2(1) items 2, 3, 10)	Sch 4
Communications Legislation Amendment (Content Services) Act 2007	124, 2007	20 July 2007	Sch 1 (item 95): 20 Jan 2008 (s 2(1) item 2)	—
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Sch 5 (items 62–68): and Sch 5 (items 137, 138): 1 Mar 2010 (s 2(1) items 31, 38)	Sch 5 (item 138)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (items 735–739) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 3, 11)	Sch 3 (items 10, 11)
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 4 (item 89): 24 June 2014 (s 2(1) item 9)	—
Omnibus Repeal Day (Autumn 2014) Act 2014	109, 2014	16 Oct 2014	Sch 2 (items 17–24, 86–91, 114, 225–232): 17 Oct 2014 (s 2(1) item 2)	Sch 2 (items 24, 227, 229, 231)
Statute Law Revision Act (No. 1) 2015	5, 2015	25 Feb 2015	Sch 1 (item 23): 25 Mar 2015 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) Act 2015	10, 2015	5 Mar 2015	Sch 3 (items 240–259, 348, 349): 5 Mar 2016 (s 2(1) item 2)	Sch 3 (items 348, 349)
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 313): 5 Mar 2016 (s 2(1) item 2)	—
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 200–202): 10 Mar 2016 (s 2(1) item 6)	—
Interactive Gambling Amendment Act 2017	85, 2017	16 Aug 2017	Sch 1 (items 6–143, 147–149): 13 Sept 2017 (s 2(1) item 2) Sch 2: 17 Feb 2018 (s 2(1) item 3)	Sch 1 (items 147–149)

Interactive Gambling Act 2001

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Compilation No. 16

Compilation date: 17/2/18

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Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 3	am No 45, 2005; No 8, 2010 rs No 85, 2017 am No 85, 2017
s 4	am No 55, 2001; No 123, 2001; No 45, 2005; No 8, 2010; No 46, 2011; No 85, 2017
s 5	am No 55, 2001, No 123, 2001; No 8, 2010; No 85, 2017
s 6	am No 55, 2001; No 123, 2001; No 8, 2010 rep No 85, 2017
s 8AA.....	ad No 85, 2017
s 8A.....	rs No 85, 2017
s 8B.....	rs No 85, 2017
s 8BA.....	ad No 85, 2017
s 8BB.....	ad No 85, 2017
s 8E.....	ad No 85, 2017
s 8F.....	ad No 85, 2017
s 9	rs No 55, 2001 rep No 123, 2001
s 9A.....	am No 10, 2015; No 85, 2017
s 10	am No 10, 2015; No 85, 2017
s 10A.....	ad No 85, 2017
s 10B.....	ad No 85, 2017
s 11A.....	ad No 85, 2017
Part 2	
Part 2 heading	rs No 85, 2017
s 15	am No 4, 2016; No 85, 2017
s 15AA.....	ad No 85, 2017

Endnote 4—Amendment history

Provision affected	How affected
Part 2A	
Part 2A heading	rs No 85, 2017
s 15A.....	am No 8, 2010; No 4, 2016; No 85, 2017
Part 2B	
Part 2B.....	ad No 85, 2017
s 15B.....	ad No 85, 2017
s 15C.....	ad No 85, 2017
s 15D.....	ad No 85, 2017
s 15E.....	ad No 85, 2017
s 15F.....	ad No 85, 2017
s 15G.....	ad No 85, 2017
Part 3	
Part 3 heading	am No 8, 2010 rs No 85, 2017
Division 1	
Division 1 heading.....	am No 45, 2005
s 16	am No 45, 2005; No 8, 2010 rs No 85, 2017 am No 85, 2017
s 17	am No 45, 2005; No 8, 2010
s 18	am No 45, 2005
Division 2	
Division 2 heading.....	am No 45, 2005
s 20	am No 45, 2005; No 8, 2010 rep No 109, 2014
s 21	am No 45, 2005; No 8, 2010; No 109, 2014; No 85, 2017
s 22	am No 45, 2005
s 23	am No 45, 2005
Division 3	
Division 3 heading.....	am No 8, 2010 rs No 85, 2017

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 24	am No 45, 2005; No 8, 2010; No 46, 2011; No 109, 2014; No 10, 2015; No 126, 2015; No 85, 2017
s 25	am No 45, 2005; No 8, 2010; No 85, 2017
s 26	am No 45, 2005; No 8, 2010; No 85, 2017
s 27	am No 45, 2005; No 8, 2010 rep No 85, 2017
s 28	am No 8, 2010 rep No 85, 2017
s 29	am No 8, 2010
s 30	am No 8, 2010; No 46, 2011 rep No 85, 2017
s 31	am No 45, 2005; No 8, 2010; No 10, 2015 rep No 85, 2017
Part 4	
Division 1	
s 32	am No 45, 2005; No 8, 2010
Division 2	
s 35	am No 8, 2010
Division 3	
s 36	am No 45, 2005; No 124, 2007; No 8, 2010
s 37	am No 45, 2005; No 8, 2010; No 46, 2011; No 126, 2015
Division 4	
s 38	am No 45, 2005; No 8, 2010
s 39	am No 45, 2005; No 8, 2010
s 40	am No 45, 2005; No 8, 2010
s 42	am No 45, 2005; No 8, 2010
s 43	am No 45, 2005; No 8, 2010
Division 5	
s 44	am No 45, 2005; No 8, 2010; No 109, 2014; No 10, 2015
s 45	am No 45, 2005; No 109, 2014; No 8, 2010; No 10, 2015
s 46	am No 45, 2005; No 8, 2010; No 109, 2014; No 10, 2015

Endnote 4—Amendment history

Provision affected	How affected
s 47	am No 45, 2005; No 8, 2010; No 109, 2014; No 10, 2015
s 48	am No 8, 2010
s 49	am No 45, 2005; No 8, 2010
s 50	am No 45, 2005; No 8, 2010; No 109, 2014; No 10, 2015
s 51	am No 45, 2005; No 10, 2015
s 52	am No 45, 2005 rep No 109, 2014
Division 6	
s 53	am No 45, 2005; No 8, 2010
Part 5	
s 54	am No 85, 2017
s 55	am No 4, 2016; No 85, 2017
s 56	am No 45, 2005; No 8, 2010; No 4, 2016; No 85, 2017
s 57	am No 4, 2016; No 85, 2017
s 57A.....	ad No 85, 2017
s 58	am No 45, 2005
s 59	am No 45, 2005; No 8, 2010
Part 6	
s 60	am No 8, 2010; No 85, 2017
Part 7	
s 61	am No 45, 2005; No 8, 2010; No 85, 2017
Part 7A	
Part 7A heading	rs No 85, 2017
Division 1	
s 61AA.....	am No 8, 2010; No 85, 2017
Division 2	
Division 2 heading	rs No 85, 2017
s 61BA.....	am No 139, 2001; No 85, 2017
s 61BB.....	am No 85, 2017
s 61BC.....	am No 8, 2010; No 85, 2017
s 61BD.....	am No 85, 2017

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 61BE	am No 85, 2017
s 61BF.....	am No 5, 2015; No 85, 2017
s 61BG.....	am No 85, 2017
s 61BGA	ad No 139, 2001 am No 85, 2017
Division 3	
Division 3 heading.....	rs No 85, 2017
s 61CA.....	am No 8, 2010; No 85, 2017
s 61CB	am No 85, 2017
s 61CC.....	am No 85, 2017
s 61CD.....	am No 8, 2010; No 85, 2017
s 61CE	am No 85, 2017
s 61CF.....	am No 85, 2017
Division 4	
Division 4 heading.....	rs No 85, 2017
s 61DA.....	am No 4, 2016; No 85, 2017
s 61DB.....	am No 85, 2017
s 61DC.....	am No 85, 2017
Division 5	
Division 5 heading.....	rs No 85, 2017
s 61EA	am No 8, 2010; No 109, 2014; No 4, 2016; No 85, 2017
s 61EB	am No 85, 2017
s 61EC	rep No 109, 2014
s 61ED	am No 85, 2017
s 61EE.....	am No 85, 2017
s 61EF.....	am No 85, 2017
s 61EG	rep No 109, 2014
s 61EH	rep No 109, 2014
Division 6	
s 61FA	am No 85, 2017
s 61FB.....	rep No 109, 2014

Endnote 4—Amendment history

Provision affected	How affected
s 61FC.....	rep No 109, 2014
s 61FD	am No 85, 2017
s 61FE.....	rep No 85, 2017
Part 8	
s 64A.....	ad No 85, 2017 am No 85, 2017
s 64B.....	ad No 85, 2017
s 64C.....	ad No 85, 2017 am No 85, 2017
s 64D.....	ad No 85, 2017 am No 85, 2017
s 65	am No 31, 2014
s 66	am No 45, 2005; No 85, 2017
s 67	am No 45, 2005
s 68	rep No 109, 2014 ad No 85, 2017
s 69A.....	am No 85, 2017