



# **Interactive Gambling Act 2001**

**No. 84, 2001**

## **Compilation No. 23**

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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 11 June 2024 (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 Register ([www.legislation.gov.au](http://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 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 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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;
  - (cb) certain interactive wagering services must not accept or offer to accept payment using specified methods, including credit cards and digital currency;
  - (d) prohibited interactive gambling services must not be advertised;
  - (e) unlicensed regulated interactive gambling services must not be advertised;
  - (f) licensed interactive wagering services must not be provided to an individual who is registered in the National Self-exclusion Register.
- 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.

Note: *Licensed interactive wagering service* and *National Self-exclusion Register* are defined in section 61GB.

## 4 Definitions

In this Act, unless the contrary intention appears:

*access* has the same meaning as in the *Online Safety Act 2021*.

*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*.

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***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.

***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).

**digital currency** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999*.

**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 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

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- (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.

**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 service provider** has the same meaning as in the *Online Safety Act 2021*.

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

**lottery** includes an electronic lottery.

Note: A keno-type lottery is an example of a 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.

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**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 Division 3 of Part 7.1 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
  - (aa) the service does not relate to betting on the outcome of a lottery; and
  - (ab) the service does not relate to betting on a contingency that may or may not happen in the course of the conduct of a lottery; 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:

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- (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).
- (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:

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- (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 lottery;
  - (iiia) a service relating to betting on a contingency that may or may not happen in the course of the conduct of a lottery;
  - (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

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- (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:
- (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.

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*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;

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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:
  - (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;

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- (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.

### 11A Credit

For the purposes of this Act (other than Part 7B), ***credit*** is provided by a person (the ***creditor***) to another person (the ***debtor***) if:

- (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.

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**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: A person who wishes to rely on this subsection bears an evidential burden in relation to the matter in this subsection (see



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subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

- (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

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- (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.

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: A person who wishes to rely on this subsection bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the *Regulatory Powers Act*).

- (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:

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- (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.
- (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).

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**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.

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Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

- (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:

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- (a) the service is provided in the course of carrying on a business in Australia; or
  - (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.

## **Part 2B—Prohibitions relating to credit and digital currency for certain interactive wagering services**

### **15B Simplified outline of this Part**

Credit must not be provided to customers of certain interactive wagering services.

Such services must also not accept or offer to accept payment using specified methods, including credit cards and digital currency.

### **15C Prohibitions relating to credit and digital currency for certain interactive wagering services**

#### *Offences*

- (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, 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.

- (1A) A person commits an offence if the person:
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- (a) intentionally provides a regulated interactive gambling service that is a wagering service; and
- (b) accepts, or offers to accept, payment in connection with the service using a method mentioned in subsection (4A) from 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) or (1A) 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.

*Civil penalty provisions*

- (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, 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.

- (3A) A person contravenes this subsection if the person:
  - (a) provides a regulated interactive gambling service that is a wagering service; and
  - (b) accepts, or offers to accept, payment in connection with the service using a method mentioned in subsection (4A) from a customer, or prospective customer, of the service who is physically present in Australia.

Civil penalty: 750 penalty units.



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- (4) A person who contravenes subsection (3) or (3A) 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).

*Methods of payment*

- (4A) For the purposes of paragraphs (1A)(b) and (3A)(b), the methods of payment are as follows:
- (a) a credit card;
  - (b) an account, service or facility in which payment is made from a credit card linked to the account, service or facility;
  - (c) digital currency;
  - (d) a method of a kind determined by the Minister by legislative instrument for the purposes of this paragraph.

*Exceptions*

- (5) Subsections (1), (1A), (3) and (3A) 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: A person who wishes to rely on this subsection bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

- (5A) Subsections (1A) and (3A) do not apply if the person:
- (a) did not know; and
  - (b) could not, with reasonable diligence, have ascertained;
- that the person was accepting, or offering to accept, payment using a method mentioned in subsection (4A).

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

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- (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, or payment by the methods mentioned in subsection (4A) from, customers, or prospective customers, who are physically present in Australia;
  - (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.

### *Extended geographical jurisdiction of offences*

- (8) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1) or (1A).

## **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:

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- (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

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- (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
- (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: A person who wishes to rely on this subsection bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the *Regulatory Powers Act*).

- (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), (1A), (3) and (3A) do not apply if:
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- (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: A person who wishes to rely on this subsection bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

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

**15F Acquisition of property**

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).

## **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; or
- (d) Part 7B;

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; or
    - (iv) Part 7B;
  - (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 Division 7 of Part 9 of the *Online Safety Act 2021*.
- (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 Division 7 of Part 9 of the *Online Safety Act 2021*.
- (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).

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**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:
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- (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.

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## **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.

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### **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

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

**Section 61CB**

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- (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.

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**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.

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- (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.

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**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.

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- (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:

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- (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.

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*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 7B—National Self-exclusion Register**

### **Division 1—Introduction**

#### **61GA Simplified outline of this Part**

- This Part sets up a mechanism that allows individuals to exclude themselves from being provided with licensed interactive wagering services.
- The ACMA must arrange for a body corporate to keep a register to be known as the National Self-exclusion Register. The body corporate is to be known as the Register operator.
- An individual may apply to the Register operator for the individual to be registered in the National Self-exclusion Register.
- A licensed interactive wagering service provider must not:
  - (a) provide a licensed interactive wagering service to a registered individual; or
  - (b) send, or cause to be sent, a regulated electronic message to an electronic address of a registered individual; or
  - (c) make, or cause to be made, a regulated telemarketing call to a registered individual; or
  - (d) send, or cause to be sent, regulated direct marketing material to a registered individual; or
  - (e) disclose information about a registered individual for marketing purposes; or
  - (f) open a licensed interactive wagering service account for a registered individual.

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- The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual.

### 61GB Definitions

In this Part:

**account** includes:

- (a) a pre-paid account; and
- (b) a credit account; and
- (c) anything that may reasonably be regarded as the equivalent of an account.

It is immaterial whether an account has a nil balance.

**applicable identification procedure** has the meaning ascertained in accordance with the Register rules.

**archived records consent** has the meaning given by subsection 61JL(2).

**benefit** includes any advantage and is not limited to property.

**contracted service provider:**

- (a) in relation to a licensed interactive wagering service provider—means a person who performs services for or on behalf of the provider, but does not include a person who performs such services in the capacity of an employee of the provider; or
- (b) in relation to the Register operator—means a person who performs services for or on behalf of the Register operator, but does not include a person who performs such services in the capacity of an employee of the Register operator.

**electronic message** has the meaning given by section 61GE.

**gambling-related lobbying** means lobbying any one or more of the following:

- (a) a government;

- (b) a department, agency or authority of a government;
- (c) a public official;
- (d) a member of a legislative body;
- (e) a political party;
- (f) a candidate in an election;

in relation to:

- (g) gambling services; or
- (h) one or more kinds of gambling services; or
- (i) one or more particular gambling services.

**general practitioner** has the same meaning as in the *Health Insurance Act 1973*.

**late payment penalty** has the meaning given by subsection 61PB(2).

**levy** means levy imposed by the *National Self-exclusion Register (Cost Recovery Levy) Act 2019*.

**licensed interactive wagering service** means a regulated interactive gambling service that:

- (a) is a wagering service (see section 4); and
- (b) has an Australian-customer link (see section 8); and
- (c) is not provided in contravention of subsection 15AA(3).

**licensed interactive wagering service account** means an account that:

- (a) an individual has with a licensed interactive wagering service provider; and
- (b) relates exclusively to the provision, or prospective provision, of one or more licensed interactive wagering services to the individual.

**licensed interactive wagering service provider** means a person who provides a licensed interactive wagering service.

**listed support service** means a support service specified in the Register rules.

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**lobby** includes:

- (a) communicate, in any way, with a person or a group of persons for the purpose of influencing any process, decision or outcome; and
- (b) represent the interests of a person, in any process.

**make** includes attempt to make.

**message** means information:

- (a) whether in the form of text; or
- (b) whether in the form of data; or
- (c) whether in the form of speech, music or other sounds; or
- (d) whether in the form of visual images (animated or otherwise); or
- (e) whether in any other form; or
- (f) whether in any combination of forms.

**name**, in relation to an individual, means:

- (a) the individual's full name; or
- (b) the name by which the individual is commonly known.

**National Self-exclusion Register** means the register kept under section 61HA.

**nominated support person**, in relation to a registered individual, means an individual identified in the National Self-exclusion Register as a nominated support person of the registered individual.

**ownership interest**, in relation to a body corporate:

- (a) means an interest in the body corporate as a shareholder in the body corporate; and
- (b) includes such an interest held indirectly through one or more interposed companies, partnerships or trusts.

**proclaimed start day** has the meaning given by section 61GC.

**protected information** has the meaning given by section 61NA.

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**public official** includes a person who holds, or performs the duties of, a ministerial office.

**qualified counsellor** means an individual who is a member of:

- (a) the Psychotherapy and Counselling Federation of Australia;  
or
- (b) the Australian Counselling Association.

**qualified psychologist** means an individual who is registered as a psychologist under:

- (a) for a State or Territory other than Western Australia—the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* of Queensland, as it applies (with or without modification) as a law of the State or Territory; or
- (b) for Western Australia—the *Health Practitioner Regulation National Law (WA) Act 2010* of Western Australia, so far as that Act corresponds to the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* of Queensland.

**recognised third-party identification procedure** has the meaning given by the Register rules.

**registered individual** means an individual registered in the National Self-exclusion Register under this Part.

**Register operator** means the body corporate who keeps the National Self-exclusion Register as mentioned in subsection 61HA(1).

**Register rules** means rules made under section 61QH.

**regulated direct marketing material** has the meaning given by section 61GH.

**regulated electronic message** has the meaning given by section 61GF.

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**regulated telemarketing call** has the meaning given by section 61GG.

**resolved**, in relation to an outstanding or pending bet, has the meaning given by section 61GD.

**send** includes attempt to send.

**State/Territory wagering licensing or regulatory body** means:

- (a) a body that is responsible for issuing or granting licences (however described) under a law of a State or Territory that authorises the provision of a particular kind of licensed interactive wagering service in the State or Territory; or
- (b) a body that is responsible for regulating persons who hold licences covered by paragraph (a).

**support service** includes a counselling service.

**voice call** means:

- (a) a voice call within the ordinary meaning of that expression; or
- or
- (b) a call that involves a recorded or synthetic voice; or
- (c) if a call covered by paragraph (a) or (b) is not practical for a particular individual with a disability (for example, because the individual has a hearing impairment)—a call that is equivalent to a call covered by either of those paragraphs.

### 61GC Proclaimed start day

- (1) For the purposes of this Part, **proclaimed start day** means the day fixed by Proclamation for the purposes of this subsection.

Note 1: The proclaimed start day is the first day on which an individual can apply to be registered in the National Self-exclusion Register—see subsection 61JA(9).

Note 2: Section 61QF provides for a review of this Part to be conducted after the end of the 12-month period beginning at the start of the proclaimed start day.



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Section 61GD

Note 3: Section 61QG provides for an evaluation of this Part to be conducted after the end of the 3-year period beginning at the start of the proclaimed start day.

- (2) A Proclamation under subsection (1) is taken to be a commencement instrument for the purposes of the *Legislation Act 2003*.

### **61GD When an outstanding or pending bet is resolved**

- (1) For the purposes of this Part:
- (a) if an outstanding or pending bet turns out to be a winning bet—the bet is *resolved* when the bet is settled; and
  - (b) if an outstanding or pending bet turns out to be a losing bet—the bet is *resolved* when it becomes clear that the bet is a losing bet; and
  - (c) if the bettor becomes entitled to a refund of the bet—the bet is *resolved* when it becomes clear that the bettor has become entitled to a refund of the bet.
- (2) For the purposes of paragraph (1)(c), it is immaterial whether a refund is or will be made by way of a credit to a licensed interactive wagering service account.

### **61GE Electronic messages**

- (1) For the purposes of this Part, an *electronic message* is a message sent:
- (a) using:
    - (i) an internet carriage service; or
    - (ii) any other listed carriage service; and
  - (b) to an electronic address in connection with:
    - (i) an email account; or
    - (ii) an instant messaging account; or
    - (iii) a telephone account; or
    - (iv) a similar account.

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Note: Email addresses and telephone numbers are examples of electronic addresses.

- (2) For the purposes of subsection (1), it is immaterial whether the electronic address exists.
- (3) For the purposes of subsection (1), it is immaterial whether the message reaches its intended destination.
- (4) Subsection (1) has effect subject to subsection (5).

*Excluded messages—voice calls*

- (5) If a message is sent by way of a voice call, the message is not an **electronic message** for the purposes of this Part.

**61GF Regulated electronic messages**

- (1) For the purposes of this Part, a **regulated electronic message** is an electronic message, where, having regard to:
  - (a) the content of the message; and
  - (b) the way in which the message is presented; and
  - (c) the content that can be located using the links, telephone numbers or contact information (if any) set out in the message;it would be concluded that the purpose, or one of the purposes, of the message is:
  - (d) to offer to provide licensed interactive wagering services; or
  - (e) to advertise or promote licensed interactive wagering services; or
  - (f) to advertise or promote a provider, or prospective provider, of licensed interactive wagering services.
- (2) Paragraphs (1)(d), (e) and (f) are to be read independently of each other.

### **61GG Regulated telemarketing calls**

- (1) For the purposes of this Part, a *regulated telemarketing call* is a voice call, where, having regard to:
- (a) the content of the call; and
  - (b) the presentational aspects of the call; and
  - (c) the content that can be obtained using the numbers, URLs or contact information (if any) mentioned in the call; and
  - (d) if:
    - (i) the call is made from a telephone number; and
    - (ii) that number is disclosed to the recipient (whether by calling line identification or otherwise);the content (if any) that can be obtained by calling that number;
- it would be concluded that the purpose, or one of the purposes, of the call is:
- (e) to offer to provide licensed interactive wagering services; or
  - (f) to advertise or promote licensed interactive wagering services; or
  - (g) to advertise or promote a provider, or prospective provider, of licensed interactive wagering services.
- (2) Paragraphs (1)(e), (f) and (g) are to be read independently of each other.

### **61GH Regulated direct marketing material**

- (1) For the purposes of this Part, *regulated direct marketing material* means physical material, where, having regard to:
- (a) the content of the material; and
  - (b) the way in which the material is presented; and
  - (c) the content that can be located using the URLs, telephone numbers or contact information (if any) set out in the material;
- it would be concluded that the purpose, or one of the purposes, of the material is:

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- (d) to offer to provide licensed interactive wagering services; or
  - (e) to advertise or promote licensed interactive wagering services; or
  - (f) to advertise or promote a provider, or prospective provider, of licensed interactive wagering services.
- (2) Paragraphs (1)(d), (e) and (f) are to be read independently of each other.

## **Division 2—National Self-exclusion Register**

### **61HA National Self-exclusion Register**

- (1) The ACMA must arrange for a body corporate (the *Register operator*) to keep, on behalf of the ACMA, a register to be known as the National Self-exclusion Register.
- (2) The register may also be known by a name specified in the Register rules.
- (3) The register is to be kept in electronic form.
- (4) The register is not a legislative instrument.

#### *Payments to the Register operator*

- (5) An arrangement under subsection (1) may provide for the ACMA, on behalf of the Commonwealth, to make payments to the Register operator.

#### *Register operator must not provide a gambling service or undertake gambling-related lobbying etc.*

- (6) The ACMA must not make an arrangement under subsection (1) with a body corporate that:
  - (a) provides a gambling service; or
  - (b) is a member of the same related company group as a body corporate that provides a gambling service; or
  - (c) holds an ownership interest in a body corporate that provides a gambling service; or
  - (d) undertakes gambling-related lobbying; or
  - (e) is a member of the same related company group as a body corporate that undertakes gambling-related lobbying; or
  - (f) holds an ownership interest in a body corporate that undertakes gambling-related lobbying.

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- (7) The ACMA must ensure that an arrangement under subsection (1) is subject to a condition that the Register operator must not:
- (a) provide a gambling service; or
  - (b) be a member of the same related company group as a body corporate that provides a gambling service; or
  - (c) hold an ownership interest in a body corporate that provides a gambling service; or
  - (d) undertake gambling-related lobbying; or
  - (e) be a member of the same related company group as a body corporate that undertakes gambling-related lobbying; or
  - (f) hold an ownership interest in a body corporate that undertakes gambling-related lobbying.

## **Division 3—Registration in the National Self-exclusion Register**

### **61JA Application for registration**

- (1) An individual may apply to the Register operator for the individual to be registered in the National Self-exclusion Register.
- (2) An application under subsection (1) must:
  - (a) state that the applicant wants to be registered for a specified number of months; or
  - (b) state that the applicant wants to be registered for a specified number of years; or
  - (c) state that the applicant wants to be registered for life.
- (3) The number of months specified under paragraph (2)(a):
  - (a) must be a whole number; and
  - (b) must not be less than 3.
- (4) The number of years specified under paragraph (2)(b) must be a whole number.
- (5) An application under subsection (1) must be made in a manner prescribed by the Register rules.
- (6) An application under subsection (1) must:
  - (a) include a statement to the effect that the applicant is ordinarily resident in Australia; and
  - (b) include such information relating to the applicant as is prescribed by the Register rules.

#### *Nominated support person*

- (7) An application under subsection (1) may:
  - (a) nominate:
    - (i) another individual to be a nominated support person of the applicant; or

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- (ii) each of 2 other individuals to be a nominated support person of the applicant; or
  - (iii) each of 3 other individuals to be a nominated support person of the applicant; or
  - (iv) each of 4 other individuals to be a nominated support person of the applicant; or
  - (v) each of 5 other individuals to be a nominated support person of the applicant; and
- (b) include a statement to the effect that the applicant has obtained the consent of the other individual, or each of the other individuals, to be a nominated support person of the applicant; and
- (c) include such information relating to the other individual, or each of the other individuals, as is prescribed by the Register rules.

*Reactivation of a previous registration*

- (8) If:
- (a) an application is made under subsection (1); and
  - (b) the applicant ceased to be a registered individual on one or more occasions during the 7-year period ending when the application was made; and
  - (c) the applicant gave an archived records consent that is applicable to the most recent cessation of registration; and
  - (d) the application includes a statement to the effect that the applicant wants to reactivate the applicant's previous registration;
- then:
- (e) the Register operator may use any or all of the information and statements included in the applicant's entry in the National Self-exclusion Register (as it stood immediately before that most recent cessation of registration) to prefill any or all of the fields in the application; and
  - (f) the applicant may delete or modify any or all of the prefilled information or statements before finalising the application.



*Proclaimed start day*

- (9) An individual is not entitled to make an application under subsection (1) before the proclaimed start day.

**61JB Applicable identification procedure**

- (1) If an individual makes an application under section 61JA to be registered in the National Self-exclusion Register, the Register operator must attempt to carry out the applicable identification procedure in respect of the applicant.
- (2) Subsection (1) does not apply if a recognised third-party identification procedure has been carried out in respect of the applicant.
- (3) Subsection (1) does not apply if:
- (a) the applicant ceased to be a registered individual on one or more occasions during the 7-year period ending when the application was made; and
  - (b) the applicant gave an archived records consent that is applicable to the most recent cessation of registration; and
  - (c) the application includes a statement to the effect that the applicant wants to reactivate the applicant's previous registration.

**61JC Registration**

- (1) If:
- (a) an individual (the *relevant individual*) makes an application under section 61JA to be registered in the National Self-exclusion Register; and
  - (b) either:
    - (i) the Register operator has carried out the applicable identification procedure in respect of the relevant individual; or
    - (ii) as a result of subsection 61JB(2) or (3), the Register operator is not required to attempt to carry out the

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applicable identification procedure in respect of the relevant individual;

the Register operator must:

- (c) register the relevant individual by making an entry for the individual in the National Self-exclusion Register; and
- (d) do so within the period ascertained in accordance with the Register rules.

(2) The entry must include:

- (a) the relevant individual's name; and
- (b) if the application nominated:
  - (i) another individual to be a nominated support person of the applicant; or
  - (ii) each of 2 other individuals to be a nominated support person of the applicant; or
  - (iii) each of 3 other individuals to be a nominated support person of the applicant; or
  - (iv) each of 4 other individuals to be a nominated support person of the applicant; or
  - (v) each of 5 other individuals to be a nominated support person of the applicant;

for each nominated individual:

- (vi) a statement to the effect that the individual is a nominated support person of the relevant individual; and
- (vii) such other information relating to the individual as is prescribed by the Register rules.

(3) If the entry includes a statement to the effect that another individual is a nominated support person of the relevant individual, the Register operator must:

- (a) notify the other individual:
  - (i) that the Register operator has registered the relevant individual; and
  - (ii) that the other individual is a nominated support person of the relevant individual; and

- (iii) of such other information (if any) as is prescribed by the Register rules; and
- (b) do so as soon as practicable after registering the relevant individual.

### **61JD Bribery etc.**

#### *Offence—bribery*

- (1) A person commits an offence if:
  - (a) the person is a licensed interactive wagering service provider; and
  - (b) the person:
    - (i) provides a benefit to an individual; or
    - (ii) causes a benefit to be provided to an individual; or
    - (iii) offers to provide, or promises to provide, a benefit to an individual; or
    - (iv) causes an offer of the provision of a benefit, or a promise of the provision of a benefit, to be made to an individual; and
  - (c) the person does so with the intention of influencing the individual:
    - (i) not to become a registered individual; or
    - (ii) to cease to be a registered individual.

Penalty: 120 penalty units.

#### *Civil penalty provision—bribery*

- (2) A licensed interactive wagering service provider must not:
  - (a) provide a benefit to an individual; or
  - (b) cause a benefit to be provided to an individual; or
  - (c) offer to provide, or promise to provide, a benefit to an individual; or
  - (d) cause an offer of the provision of a benefit, or a promise of the provision of a benefit, to be made to an individual;

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with the intention of influencing the individual:

- (e) not to become a registered individual; or
- (f) to cease to be a registered individual.

Civil penalty: 180 penalty units.

*Offence—influence*

- (3) A person commits an offence if:
- (a) the person is a licensed interactive wagering service provider; and
  - (b) the person does an act or thing; and
  - (c) the person does the act or thing with the intention of influencing an individual:
    - (i) not to become a registered individual; or
    - (ii) to cease to be a registered individual.

Penalty: 60 penalty units.

*Civil penalty provision—influence*

- (4) A licensed interactive wagering service provider must not do an act or thing with the intention of influencing an individual:
- (a) not to become a registered individual; or
  - (b) to cease to be a registered individual.

Civil penalty: 90 penalty units.

*Offence—extended geographical jurisdiction*

- (5) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1) or (3).

**61JE Re-registration**

If an individual's entry is removed from the National Self-exclusion Register, this Act does not prevent the Register

operator from subsequently re-registering the individual under subsection 61JC(1).

### **61JF Duration of registration**

#### *Registration for a number of months*

- (1) If:
  - (a) in response to an application under section 61JA, the Register operator registers an individual by making an entry for the individual in the National Self-exclusion Register; and
  - (b) the application stated that the individual wants to be registered for a specified number of months;the registration remains in force for that number of months.
- (2) Subsection (1) has effect subject to sections 61JG, 61JK, 61JM and 61JN.

#### *Registration for a number of years*

- (3) If:
  - (a) in response to an application under section 61JA, the Register operator registers an individual by making an entry for the individual in the National Self-exclusion Register; and
  - (b) the application stated that the individual wants to be registered for a specified number of years;the registration remains in force for that number of years.
- (4) Subsection (3) has effect subject to sections 61JG, 61JK, 61JM and 61JN.

#### *Registration for life*

- (5) If:
  - (a) in response to an application under section 61JA, the Register operator registers an individual by making an entry for the individual in the National Self-exclusion Register; and

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- (b) the application stated that the individual wants to be registered for life;  
the registration remains in force for the life of the individual.
- (6) Subsection (5) has effect subject to sections 61JK, 61JM and 61JN.

*Nominated support person to be notified of duration of registration*

- (7) If:
  - (a) the Register operator registers an individual by making an entry for the individual in the National Self-exclusion Register; and
  - (b) the individual has a nominated support person;  
the Register operator must:
    - (c) notify the nominated support person of the duration of the individual's registration; and
    - (d) do so as soon as practicable after registering the individual.

**61JG Extension of duration of registration**

- (1) A registered individual may:
  - (a) apply to the Register operator to extend the duration of the individual's registration by a specified number of months; or
  - (b) apply to the Register operator to extend the duration of the individual's registration by a specified number of years; or
  - (c) apply to the Register operator to extend the duration of the individual's registration to the end of the individual's life.
- (2) A number of months specified under paragraph (1)(a) must be a whole number.
- (3) A number of years specified under paragraph (1)(b) must be a whole number.
- (4) An application under subsection (1) must:
  - (a) include such information (if any) as is prescribed by the Register rules; and
  - (b) be made in a manner prescribed by the Register rules.

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- (5) If a registered individual makes an application under subsection (1) to extend the duration of the individual's registration by a specified number of months, the Register operator must extend the duration of the individual's registration by that number of months.
- (6) If a registered individual makes an application under subsection (1) to extend the duration of the individual's registration by a specified number of years, the Register operator must extend the duration of the individual's registration by that number of years.
- (7) If a registered individual makes an application under subsection (1) to extend the duration of the individual's registration to the end of the individual's life, the Register operator must extend the duration of the individual's registration to the end of the individual's life.
- (8) If:
  - (a) the Register operator extends the duration of a registered individual's registration; and
  - (b) the individual has a nominated support person;the Register operator must:
  - (c) notify the nominated support person of:
    - (i) the extension; and
    - (ii) if the extension is not to the end of the individual's life—the time when the individual's registration will expire as a result of the extension; and
  - (d) do so as soon as practicable after making the extension.

### **61JH Expiry of registration**

- (1) If the registration of a registered individual expires, the Register operator must remove the individual's entry from the National Self-exclusion Register.
- (2) If the registration of a registered individual will expire at a known time, the Register operator must:
  - (a) notify the individual that the individual's registration will expire at that time; and
  - (b) do so at least 14 days before that time.

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- (3) If:
- (a) the registration of a registered individual will expire at a known time; and
  - (b) the individual has a nominated support person;
- the Register operator must:
- (c) notify the nominated support person that the individual's registration will expire at that time; and
  - (d) do so at least 14 days before that time.

**61JI Variation of the National Self-exclusion Register—nominated support person**

*New nominated support person*

- (1) The Register rules may authorise the Register operator to vary a registered individual's entry in the National Self-exclusion Register by including:
- (a) a statement to the effect that another individual is a nominated support person of the registered individual; and
  - (b) such information relating to the other individual as is prescribed by the Register rules.
- (2) If, as the result of a variation under Register rules made for the purposes of subsection (1), an individual (the **relevant individual**) becomes a nominated support person of a registered individual, the Register operator must:
- (a) notify the relevant individual that the relevant individual has become a nominated support person of the registered individual; and
  - (b) do so as soon as practicable after the relevant individual becomes a nominated support person of the registered individual.



*Ceasing to be a nominated support person*

- (3) The Register rules may authorise the Register operator to vary a registered individual's entry in the National Self-exclusion Register by deleting:
- (a) a statement relating to a nominated support person of the registered individual; and
  - (b) any information relating to the nominated support person.
- (4) If, as the result of a variation under Register rules made for the purposes of subsection (3), an individual (the **former nominated support person**) ceases to be a nominated support person of a registered individual, the Register operator must:
- (a) notify the former nominated support person of the cessation; and
  - (b) do so as soon as practicable after the cessation.

*Death of nominated support person*

- (5) The Register rules may provide that, if:
- (a) a registered individual has a nominated support person; and
  - (b) the Register operator becomes aware that the nominated support person has died;
- the Register operator must vary the registered individual's entry in the National Self-exclusion Register by deleting:
- (c) the statement relating to the nominated support person; and
  - (d) any information relating to the nominated support person.

*Other matters*

- (6) The Register operator must not vary a registered individual's entry in the National Self-exclusion Register if doing so would result in the registered individual having more than 5 nominated support persons.
- (6) This section does not, by implication, limit section 61JJ.

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**61JJ Variation of the National Self-exclusion Register—other matters**

The Register rules may authorise the Register operator to vary entries in the National Self-exclusion Register.

**61JK Deregistration—application by a registered individual**

- (1) A registered individual may apply to the Register operator to remove the individual's entry from the National Self-exclusion Register.
- (2) However, a registered individual is not entitled to make an application under subsection (1) during the 3-month period beginning at the time when the individual's registration came into force, unless the individual was previously registered before that time.
- (3) An application under subsection (1) must:
  - (a) be in writing; and
  - (b) include such information (if any) as is prescribed by the Register rules.
- (4) An application made by a registered individual under subsection (1) must be accompanied by a statutory declaration:
  - (a) that is made by the registered individual; and
  - (b) that:
    - (i) is to the effect that, during the 3-month period ending when the application was made, the registered individual obtained counselling or advice from a qualified counsellor about the registered individual's decision to make the application; or
    - (ii) is to the effect that, during the 3-month period ending when the application was made, the registered individual obtained counselling or advice from a qualified psychologist about the registered individual's decision to make the application; or

- (iii) is to the effect that, during the 3-month period ending when the application was made, the registered individual obtained counselling or advice from a general practitioner about the registered individual's decision to make the application; or
  - (iv) is to the effect that, during the 3-month period ending when the application was made, the registered individual obtained counselling or advice from a listed support service about the registered individual's decision to make the application.
- (5) If:
- (a) a registered individual makes an application under subsection (1) to remove the individual's entry from the National Self-exclusion Register; and
  - (b) the registered individual has a nominated support person;
- the Register operator must:
- (c) inform the nominated support person:
    - (i) that the application has been made; and
    - (ii) that the application can be withdrawn by the registered individual before the end of the seventh day after the day the application was made; and
    - (iii) that, if the application is not withdrawn, the registered individual's entry will be removed from the National Self-exclusion Register at the start of the eighth day after the day the application was made; and
  - (d) if the application is not withdrawn by the registered individual before the end of the seventh day after the day the application was made:
    - (i) remove the registered individual's entry from the National Self-exclusion Register at the start of the eighth day after the day the application was made; and
    - (ii) notify the nominated support person of the removal; and
  - (e) if the application is withdrawn by the registered individual before the end of the seventh day after the day the application

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was made—notify the nominated support person of the withdrawal.

- (6) If:
- (a) a registered individual makes an application under subsection (1) to remove the individual's entry from the National Self-exclusion Register; and
  - (b) the registered individual does not have a nominated support person; and
  - (c) the application is not withdrawn by the registered individual before the end of the seventh day after the day the application was made;

the Register operator must remove the registered individual's entry from the National Self-exclusion Register at the start of the eighth day after the day the application was made.

**61JL Archived records consent**

- (1) An individual may make a statement to the Register operator:
  - (a) to the effect that, in the event that the individual ceases to be a registered individual, the individual consents to the Register operator archiving a copy of the individual's entry in the National Self-exclusion Register (as it stood immediately before the cessation) for 7 years after the cessation; and
  - (b) acknowledging that the archived copy can be used by the Register operator to facilitate a subsequent re-registration of the individual in the National Self-exclusion Register.
- (2) A consent under subsection (1) is to be known as an ***archived records consent***.
- (3) A statement under subsection (1) may be included in an application made under this Part or the Register rules.
- (4) If an individual has given an archived records consent, the relevant archived copy of the individual's entry in the National Self-exclusion Register may only be used by the Register operator

to facilitate a subsequent re-registration of the individual in the National Self-exclusion Register.

### **61JM Deregistration—other grounds**

The Register operator must remove a registered individual's entry from the National Self-exclusion Register if the Register operator is aware that:

- (a) the individual is not ordinarily resident in Australia; or
- (b) the individual has died.

### **61JN Correction of the National Self-exclusion Register**

- (1) The Register operator may correct entries in the National Self-exclusion Register.
- (2) The ACMA may give written directions to the Register operator relating to the exercise of its powers under subsection (1).
- (3) The Register operator must comply with a direction under subsection (2).
- (4) The Register rules may require the Register operator to correct entries in the National Self-exclusion Register in the circumstances prescribed by the Register rules.
- (5) The Register operator must remove an entry from the National Self-exclusion Register if the entry was made in error.
- (6) The Register rules may require the Register operator to remove entries from the National Self-exclusion Register in the circumstances prescribed by the Register rules.
- (7) This section does not, by implication, limit:
  - (a) section 61JJ; or
  - (b) Australian Privacy Principle 13; or
  - (c) Part V of the *Freedom of Information Act 1982*.

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**61JO Register rules may make further provision in relation to the National Self-exclusion Register**

The Register rules may make further provision in relation to the National Self-exclusion Register.

**61JP Licensed interactive wagering service providers must promote the National Self-exclusion Register etc.**

- (1) The Register rules may require licensed interactive wagering service providers to take specified action for the purposes of promoting the National Self-exclusion Register to their customers.
- (2) The Register rules may require licensed interactive wagering service providers to take specified action directed towards ensuring that their customers are aware of, and can readily access, the following:
  - (a) the website of the National Self-exclusion Register;
  - (b) if there is an app for the National Self-exclusion Register— that app.

*Offence*

- (3) A person commits an offence if:
  - (a) the person is a licensed interactive wagering service provider; and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes Register rules made for the purposes of subsection (1) or (2).

Penalty: 120 penalty units.

- (4) A person who contravenes subsection (3) 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.

*Civil penalty provision*

- (5) A licensed interactive wagering service provider must not contravene Register rules made for the purposes of subsection (1) or (2).

Civil penalty: 180 penalty units.

- (6) A person who contravenes subsection (5) 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).

*Exception*

- (7) Subsections (3) and (5) do not apply if the contravention occurred in circumstances prescribed by the Register rules.

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

Note 2: In proceedings for a civil penalty order for a contravention of subsection (5), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

*Offence—extended geographical jurisdiction*

- (8) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (3).

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**Division 4—Prohibition of the provision of licensed interactive wagering services to registered individuals**

**61KA Prohibition of the provision of licensed interactive wagering services to registered individuals**

*Offence*

- (1) A person commits an offence if:
- (a) the person is a licensed interactive wagering service provider; and
  - (b) the person provides a licensed interactive wagering service to an individual; and
  - (c) the individual is a registered individual.

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.

*Civil penalty provision*

- (3) A licensed interactive wagering service provider must not provide a licensed interactive wagering service to a registered individual.

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).



*Exception*

- (5) Subsections (1) and (3) do not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In a prosecution for an offence against subsection (1), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

Note 3: In proceedings for a civil penalty order for a contravention of subsection (3), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

*Offence—extended geographical jurisdiction*

- (6) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).

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**Division 5—Prohibition of the marketing of licensed interactive wagering services to registered individuals**

**61LA Regulated electronic message must not be sent to an electronic address of a registered individual**

*Offence—knowledge of provider*

- (1) A person commits an offence if:
- (a) the person is a licensed interactive wagering service provider; and
  - (b) the person sends, or causes to be sent, a regulated electronic message to an electronic address; and
  - (c) the electronic address is known by the person to be an electronic address of a registered individual.

Penalty: 120 penalty units.

*Civil penalty provision—knowledge of provider*

- (2) A licensed interactive wagering service provider must not send, or cause to be sent, a regulated electronic message to an electronic address that is known by the provider to be an electronic address of a registered individual.

Civil penalty: 180 penalty units.

*Offence—recklessness of provider*

- (3) A person commits an offence if:
- (a) the person is a licensed interactive wagering service provider; and
  - (b) the person sends, or causes to be sent, a regulated electronic message to an electronic address; and

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- (c) the electronic address is an electronic address of a registered individual; and
- (d) the person is reckless as to the fact that the electronic address is an electronic address of the registered individual.

Penalty: 60 penalty units.

*Civil penalty provision—recklessness of provider*

- (4) A licensed interactive wagering service provider must not send, or cause to be sent, a regulated electronic message to an electronic address if:
  - (a) the electronic address is an electronic address of a registered individual; and
  - (b) the person is reckless as to the fact that the electronic address is an electronic address of the registered individual.

Civil penalty: 90 penalty units.

- (5) For the purposes of subsection (4), a person is **reckless** as to the fact mentioned in paragraph (b) of that subsection if:
  - (a) the person is aware of a substantial risk that the fact exists; and
  - (b) having regard to the circumstances known to the person, it is unjustifiable to take the risk.

*Exception*

- (6) Subsections (1), (2), (3) and (4) do not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In a prosecution for an offence against subsection (1), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

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Note 3: In proceedings for a civil penalty order for a contravention of subsection (2) or (4), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

*Offences—extended geographical jurisdiction*

- (7) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1) or (3).

**61LB Regulated telemarketing calls must not be made to a registered individual**

*Offence*

- (1) A person commits an offence if:
- (a) the person is a licensed interactive wagering service provider; and
  - (b) the person makes, or causes to be made, a regulated telemarketing call to another person; and
  - (c) the other person is a registered individual.

Penalty: 120 penalty units.

*Civil penalty provision*

- (2) A licensed interactive wagering service provider must not make, or cause to be made, a regulated telemarketing call to a registered individual.

Civil penalty: 180 penalty units.

*Exception*

- (3) Subsections (1) and (2) do not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

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- Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).
- Note 2: In a prosecution for an offence against subsection (1), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).
- Note 3: In proceedings for a civil penalty order for a contravention of subsection (2), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

*Offence—extended geographical jurisdiction*

- (4) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).

**61LC Regulated direct marketing material must not be sent to a registered individual**

*Offence*

- (1) A person commits an offence if:
- (a) the person is a licensed interactive wagering service provider; and
  - (b) the person sends, or causes to be sent, regulated direct marketing material to an individual; and
  - (c) the individual is a registered individual; and
  - (d) in a case where paragraph 61GH(1)(f) applies to the material—the person sends, or causes to be sent, the regulated direct marketing material to the individual by a postal service or other like service.

Penalty: 120 penalty units.

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*Civil penalty provision*

- (2) A licensed interactive wagering service provider must not send, or cause to be sent, regulated direct marketing material to a registered individual if:
- (a) paragraph 61GH(1)(d) or (e) applies to the material; or
  - (b) in a case where paragraph 61GH(1)(f) applies to the material—the licensed interactive wagering service provider sends, or causes to be sent, the regulated direct marketing material to the registered individual by a postal service or other like service.

Civil penalty: 180 penalty units.

*Exception*

- (3) Subsections (1) and (2) do not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In a prosecution for an offence against subsection (1), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

Note 3: In proceedings for a civil penalty order for a contravention of subsection (2), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

*Offence—extended geographical jurisdiction*

- (4) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).

**61LD Information about a registered individual must not be disclosed for marketing purposes**

*Offence*

- (1) A person commits an offence if:
- (a) the person is a licensed interactive wagering service provider; and
  - (b) the person discloses any of the following information relating to an individual:
    - (i) the name of the individual;
    - (ii) an electronic address of the individual;
    - (iii) a telephone number of the individual;
    - (iv) the physical or postal address of the individual;
    - (v) such other information (if any) relating to the individual as is prescribed by the Register rules; and
  - (c) the person does so with the intention that the information be used by the recipient of the information:
    - (i) to send, or cause to be sent, a regulated electronic message to an electronic address of the individual; or
    - (ii) to make, or cause to be made, a regulated telemarketing call to the individual; or
    - (iii) to send, or cause to be sent, regulated direct marketing material to the individual; and
  - (d) the individual is a registered individual; and
  - (e) the individual has or had a licensed interactive wagering service account with the person.

Penalty: 120 penalty units.

*Civil penalty provision*

- (2) A licensed interactive wagering service provider must not disclose any of the following information relating to a registered individual:
- (a) the name of the individual;
  - (b) an electronic address of the individual;

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- (c) a telephone number of the individual;
- (d) the physical or postal address of the individual;
- (e) such other information (if any) relating to the individual as is prescribed by the Register rules;

if:

- (f) the provider does so with the intention that the information be used by the recipient of the information:
  - (i) to send, or cause to be sent, a regulated electronic message to an electronic address of the individual; or
  - (ii) to make, or cause to be made, a regulated telemarketing call to the individual; or
  - (iii) to send, or cause to be sent, regulated direct marketing material to the individual; and
- (g) the individual has or had a licensed interactive wagering service account with the provider.

Civil penalty: 180 penalty units.

*Exception*

- (3) Subsections (1) and (2) do not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In a prosecution for an offence against subsection (1), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

Note 3: In proceedings for a civil penalty order for a contravention of subsection (2), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).



*Offence—extended geographical jurisdiction*

- (4) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).

## **Division 6—Rules about licensed interactive wagering service accounts etc.**

### **61MA Licensed interactive wagering service account must not be opened for a registered individual**

#### *Offence*

- (1) A person commits an offence if:
- (a) the person is a licensed interactive wagering service provider; and
  - (b) the person opens a licensed interactive wagering service account for an individual; and
  - (c) the individual is a registered individual.

Penalty: 120 penalty units.

#### *Civil penalty provision*

- (2) A licensed interactive wagering service provider must not open a licensed interactive wagering service account for a registered individual.

Civil penalty: 180 penalty units.

#### *Exception*

- (3) Subsections (1) and (2) do not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In a prosecution for an offence against subsection (1), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

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Note 3: In proceedings for a civil penalty order for a contravention of subsection (2), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

*Offence—extended geographical jurisdiction*

- (4) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).

**61MB Closure of a licensed interactive wagering service account held by a registered individual—no outstanding or pending bets**

*Offence*

- (1) If:
- (a) an individual becomes a registered individual; and
  - (b) immediately before becoming a registered individual:
    - (i) the individual had a licensed interactive wagering service account with a licensed interactive wagering service provider; and
    - (ii) the individual did not have any outstanding or pending bets that are attributable to the provision of a licensed interactive wagering service by the provider;
- then:
- (c) if, immediately before becoming a registered individual, the individual did not owe any debts to the provider that could lawfully be recovered by way of deduction from the account—the provider must, as soon as practicable after the individual becomes a registered individual:
    - (i) close the account; and
    - (ii) if the account has a credit balance—pay the individual an amount equal to the credit balance; and
  - (d) if, immediately before becoming a registered individual, the individual owed one or more debts to the provider that could lawfully be recovered by way of deduction from the

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account—the provider must, as soon as practicable after the individual becomes a registered individual:

- (i) close the account; and
  - (ii) if the account would have a credit balance if the total amount of those debts were deducted from the account—pay the individual an amount equal to the difference between the balance of the account and the total amount of those debts; and
- (e) if the individual ceases to be a registered individual before the closure of the account—the provider must ensure that the account is not used in relation to the provision, or prospective provision, of one or more licensed interactive wagering services to the individual after the cessation; and
- (f) if the account has been closed—the provider must not reopen, reactivate or reinstate the account.
- (2) Paragraph (1)(e) does not prevent the licensed interactive wagering service provider from opening a new licensed interactive wagering service account for the individual if the individual ceases to be a registered individual.
- (3) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (1); and
  - (b) the person engages in conduct; and
  - (c) the person’s conduct breaches the requirement.

Penalty: 120 penalty units.

- (4) Subsection (3) does not apply if the person took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In a prosecution for an offence against subsection (3), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

*Civil penalty provision*

- (5) If:
- (a) an individual becomes a registered individual; and
  - (b) immediately before becoming a registered individual:
    - (i) the individual had a licensed interactive wagering service account with a licensed interactive wagering service provider; and
    - (ii) the individual did not have any outstanding or pending bets that are attributable to the provision of a licensed interactive wagering service by the provider;
- then:
- (c) if, immediately before becoming a registered individual, the individual did not owe any debts to the provider that could lawfully be recovered by way of deduction from the account—the provider must, as soon as practicable after the individual becomes a registered individual:
    - (i) close the account; and
    - (ii) if the account has a credit balance—pay the individual an amount equal to the credit balance; and
  - (d) if, immediately before becoming a registered individual, the individual owed one or more debts to the provider that could lawfully be recovered by way of deduction from the account—the provider must, as soon as practicable after the individual becomes a registered individual:
    - (i) close the account; and
    - (ii) if the account would have a credit balance if the total amount of those debts were deducted from the account—pay the individual an amount equal to the difference between the balance of the account and the total amount of those debts; and
  - (e) if the individual ceases to be a registered individual before the closure of the account—the provider must ensure that the account is not used in relation to the provision, or prospective provision, of one or more licensed interactive wagering services to the individual after the cessation; and

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- (f) if the account has been closed—the provider must not reopen, reactivate or reinstate the account.

Civil penalty: 180 penalty units.

- (6) Paragraph (5)(e) does not prevent the licensed interactive wagering service provider from opening a new licensed interactive wagering service account for the individual if the individual ceases to be a registered individual.
- (7) Subsection (5) does not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In proceedings for a civil penalty order for a contravention of subsection (5), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

*Offence—extended geographical jurisdiction*

- (8) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (3).

*Debt recovery not affected*

- (9) To avoid doubt, the closure of a licensed interactive wagering service account under this section does not prevent the recovery of a debt owed by an individual to a licensed interactive wagering service provider.

*Acquisition of property*

- (10) The provisions of this section have no effect to the extent (if any) to which their 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).

**61MC Closure of a licensed interactive wagering service account held by a registered individual—outstanding or pending bets**

*Offence*

- (1) If:
- (a) an individual becomes a registered individual; and
  - (b) immediately before becoming a registered individual:
    - (i) the individual had a licensed interactive wagering service account with a licensed interactive wagering service provider; and
    - (ii) the individual had one or more outstanding or pending bets that are attributable to the provision of one or more licensed interactive wagering services by the provider; and
  - (c) those bets are subsequently resolved (whether at the same time or at different times);
- then:
- (d) if, at the time, or the latest time, when those bets were resolved, the individual did not owe any debts to the provider that could lawfully be recovered by way of deduction from the account—the provider must, as soon as practicable after the time, or the latest time, when those bets were resolved:
    - (i) close the account; and
    - (ii) if the account has a credit balance—pay the individual an amount equal to the credit balance; and
  - (e) if, at the time, or the latest time, when those bets were resolved, the individual owed one or more debts to the provider that could lawfully be recovered by way of deduction from the account—the provider must, as soon as practicable after the time, or the latest time, when those bets were resolved:

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- (i) close the account; and
  - (ii) if the account would have a credit balance if the total amount of those debts were deducted from the account—pay the individual an amount equal to the difference between the balance of the account and the total amount of those debts; and
  - (f) if the individual ceases to be a registered individual before the closure of the account—the provider must ensure that the account is not used in relation to the provision, or prospective provision, of one or more licensed interactive wagering services to the individual after the cessation; and
  - (g) if the account has been closed—the provider must not reopen, reactivate or reinstate the account.
- (2) Paragraph (1)(f) does not prevent the licensed interactive wagering service provider from opening a new licensed interactive wagering service account for the individual if the individual ceases to be a registered individual.
- (3) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (1); and
  - (b) the person engages in conduct; and
  - (c) the person's conduct breaches the requirement.

Penalty: 120 penalty units.

- (4) Subsection (3) does not apply if the person took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In a prosecution for an offence against subsection (3), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).



*Civil penalty provision*

- (5) If:
- (a) an individual becomes a registered individual; and
  - (b) immediately before becoming a registered individual:
    - (i) the individual had a licensed interactive wagering service account with a licensed interactive wagering service provider; and
    - (ii) the individual had one or more outstanding or pending bets that are attributable to the provision of one or more licensed interactive wagering services by the provider; and
  - (c) those bets are subsequently resolved (whether at the same time or at different times);
- then:
- (d) if, at the time, or the latest time, when those bets were resolved, the individual did not owe any debts to the provider that could lawfully be recovered by way of deduction from the account—the provider must, as soon as practicable after the time, or the latest time, when those bets were resolved:
    - (i) close the account; and
    - (ii) if the account has a credit balance—pay the individual an amount equal to the credit balance; and
  - (e) if, at the time, or the latest time, when those bets were resolved, the individual owed one or more debts to the provider that could lawfully be recovered by way of deduction from the account—the provider must, as soon as practicable after the time, or the latest time, when those bets were resolved:
    - (i) close the account; and
    - (ii) if the account would have a credit balance if the total amount of those debts were deducted from the account—pay the individual an amount equal to the difference between the balance of the account and the total amount of those debts; and

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- (f) if the individual ceases to be a registered individual before the closure of the account—the provider must ensure that the account is not used in relation to the provision, or prospective provision, of one or more licensed interactive wagering services to the individual after the cessation; and
- (g) if the account has been closed—the provider must not reopen, reactivate or reinstate the account.

Civil penalty: 180 penalty units.

- (6) Paragraph (5)(f) does not prevent the licensed interactive wagering service provider from opening a new licensed interactive wagering service account for the individual if the individual ceases to be a registered individual.
- (7) Subsection (5) does not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In proceedings for a civil penalty order for a contravention of subsection (5), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

*Offence—extended geographical jurisdiction*

- (8) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (3).

*Debt recovery not affected*

- (9) To avoid doubt, the closure of a licensed interactive wagering service account under this section does not prevent the recovery of a debt owed by an individual to a licensed interactive wagering service provider.

*Acquisition of property*

- (10) The provisions of this section have no effect to the extent (if any) to which their 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).

## Division 7—Disclosure of protected information

### 61NA Protected information

For the purposes of this Part, *protected information* means:

- (a) information about whether an individual is or was a registered individual; or
- (b) information about whether an individual is or was a nominated support person of a registered individual; or
- (c) any other information that is or was included in an entry in the National Self-exclusion Register; or
- (d) information about, or included in, an application made by an individual under Division 3 or the Register rules.

### 61NB Unauthorised disclosure of protected information

#### *Offence*

- (1) A person commits an offence if:
  - (a) the person discloses protected information; and
  - (b) the person is or was:
    - (i) a licensed interactive wagering service provider; or
    - (ii) an employee of a licensed interactive wagering service provider; or
    - (iii) a contracted service provider of a licensed interactive wagering service provider; or
    - (iv) an employee of a contracted service provider of a licensed interactive wagering service provider; or
    - (v) the Register operator; or
    - (vi) an employee of the Register operator; or
    - (vii) a contracted service provider of the Register operator; or
    - (viii) an employee of a contracted service provider of the Register operator; or
    - (ix) an ACMA official; or
    - (x) the Secretary of a Department; or

- (xi) an APS employee in a Department; and
- (c) the information has come to the person's knowledge, or into the person's possession:
  - (i) if the person is or was a licensed interactive wagering service provider—in connection with the person's capacity as such a provider; or
  - (ii) if the person is or was an employee of a licensed interactive wagering service provider—because the person is or was employed by the provider in connection with its business as such a provider; or
  - (iii) if the person is or was a contracted service provider of a licensed interactive wagering service provider—in connection with the person's business as such a contracted service provider; or
  - (iv) if the person is or was an employee of a contracted service provider of a licensed interactive wagering service provider—because the person is or was employed by the contracted service provider in connection with its business as such a contracted service provider; or
  - (v) if the person is or was the Register operator—in connection with the person's capacity as the Register operator; or
  - (vi) if the person is or was an employee of the Register operator—because the person is or was employed by the Register operator in connection with its business as the Register operator; or
  - (vii) if the person is or was a contracted service provider of the Register operator—in connection with the person's business as such a contracted service provider; or
  - (viii) if the person is or was an employee of a contracted service provider of the Register operator—because the person is or was employed by the contracted service provider in connection with its business as such a contracted service provider; or

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- (ix) if the person is or was an ACMA official—in connection with the person’s capacity as an ACMA official; or
- (x) if the person is or was the Secretary of a Department—in connection with the person’s capacity as the Secretary of that Department; or
- (xi) if the person is or was an APS employee in a Department—in connection with the person’s capacity as an APS employee in that Department.

Penalty: 120 penalty units.

*Civil penalty provision*

- (2) A person must not disclose protected information if:
- (a) the person is or was:
    - (i) a licensed interactive wagering service provider; or
    - (ii) an employee of a licensed interactive wagering service provider; or
    - (iii) a contracted service provider of a licensed interactive wagering service provider; or
    - (iv) an employee of a contracted service provider of a licensed interactive wagering service provider; or
    - (v) the Register operator; or
    - (vi) an employee of the Register operator; or
    - (vii) a contracted service provider of the Register operator; or
    - (viii) an employee of a contracted service provider of the Register operator; or
    - (ix) an ACMA official; or
    - (x) the Secretary of a Department; or
    - (xi) an APS employee in a Department; and
  - (b) the information has come to the person’s knowledge, or into the person’s possession:
    - (i) if the person is or was a licensed interactive wagering service provider—in connection with the person’s capacity as such a provider; or

- (ii) if the person is or was an employee of a licensed interactive wagering service provider—because the person is or was employed by the provider in connection with its business as such a provider; or
- (iii) if the person is or was a contracted service provider of a licensed interactive wagering service provider—in connection with the person’s business as such a contracted service provider; or
- (iv) if the person is or was an employee of a contracted service provider of a licensed interactive wagering service provider—because the person is or was employed by the contracted service provider in connection with its business as such a contracted service provider; or
- (v) if the person is or was the Register operator—in connection with the person’s capacity as the Register operator; or
- (vi) if the person is or was an employee of the Register operator—because the person is or was employed by the Register operator in connection with its business as the Register operator; or
- (vii) if the person is or was a contracted service provider of the Register operator—in connection with the person’s business as such a contracted service provider; or
- (viii) if the person is or was an employee of a contracted service provider of the Register operator—because the person is or was employed by the contracted service provider in connection with its business as such a contracted service provider; or
- (ix) if the person is or was an ACMA official—in connection with the person’s capacity as an ACMA official; or
- (x) if the person is or was the Secretary of a Department—in connection with the person’s capacity as the Secretary of that Department; or

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- (xi) if the person is or was an APS employee in a Department—in connection with the person’s capacity as an APS employee in that Department.

Civil penalty: 180 penalty units.

*Exceptions*

- (3) Subsections (1) and (2) do not apply if the disclosure was authorised by or under:
- (a) subsection (4), (6) or (7); or
  - (b) section 61NC; or
  - (c) section 61ND; or
  - (d) section 61NE; or
  - (e) section 61NF; or
  - (f) section 61NG; or
  - (g) section 61NH; or
  - (h) Australian Privacy Principle 12; or
  - (i) Part V of the *Freedom of Information Act 1982*.

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

Note 2: In proceedings for a civil penalty order for a contravention of subsection (2), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the *Regulatory Powers Act*).

*Authorised disclosure—general*

- (4) A person covered by paragraph (1)(b) or (2)(a) may disclose protected information:
- (a) in connection with the administration or execution of this Part; or
  - (b) for the purposes of ensuring that a licensed interactive wagering service provider complies with this Part; or
  - (c) for the purposes of:



- (i) any legal proceedings arising out of or otherwise related to this Part; or
  - (ii) any report of any such proceedings; or
  - (d) in accordance with any requirement imposed by a law of the Commonwealth, a State or a Territory; or
  - (e) in connection with the performance of functions, or the exercise of powers, by:
    - (i) the Register operator; or
    - (ii) the ACMA; or
  - (f) for the purpose of obtaining legal advice in relation to this Part.
- (5) For the purposes of subsection (4), **this Part** includes:
- (a) the Register rules; and
  - (b) any other provision of this Act, so far as that other provision relates to this Part or the Register rules; and
  - (c) the Regulatory Powers Act, so far as that Act relates to this Part; and
  - (d) the *National Self-exclusion Register (Cost Recovery Levy) Act 2019*.

*Authorised disclosure—consent*

- (6) A person covered by paragraph (1)(b) or (2)(a) may disclose protected information that is personal information that relates to an individual if:
- (a) the individual has consented to the disclosure; and
  - (b) the disclosure is in accordance with that consent.

*Authorised disclosure—information derived from protected information*

- (7) The ACMA may disclose personal information derived from protected information if the personal information is de-identified information (within the meaning of the *Privacy Act 1988*).

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*Offence—extended geographical jurisdiction*

- (8) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).

**61NC Access to the National Self-exclusion Register by a licensed interactive wagering service provider**

- (1) A licensed interactive wagering service provider may request the Register operator to inform the provider whether one or more specified individuals are registered individuals as at the time when the request is made.
- (2) A request under subsection (1) must include, for each individual covered by the request:
- (a) the individual's name; and
  - (b) such other information as is prescribed by the Register rules.
- (3) The Register operator must:
- (a) comply with a request under subsection (1); and
  - (b) do so within the period ascertained in accordance with the Register rules.
- (4) The Register rules may make provision for and in relation to either or both of the following:
- (a) the manner in which a request under subsection (1) is to be made;
  - (b) the manner in which the Register operator is to comply with a request under subsection (1).
- (5) A manner mentioned in subsection (4) must involve the use of an internet carriage service.

*Connectivity obligations of licensed interactive wagering service provider*

- (6) A licensed interactive wagering service provider must take all reasonable steps to ensure that the provider:

- (a) has a computer system; and
  - (b) is continuously supplied with an internet carriage service;
- that (when considered together) enable the provider to:
- (c) make requests under subsection (1) at any time of the day or night; and
  - (d) be informed by the Register operator in compliance with those requests.

*Offence*

- (7) A person commits an offence if:
- (a) the person is a licensed interactive wagering service provider; and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes subsection (6).

Penalty: 120 penalty units.

- (8) A person who contravenes subsection (7) 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.

*Civil penalty provision*

- (9) A licensed interactive wagering service provider must not contravene subsection (6).

Civil penalty: 180 penalty units.

- (10) A person who contravenes subsection (9) 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).

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*Offence—extended geographical jurisdiction*

- (11) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (7).

**61ND Access to the National Self-exclusion Register by a registered individual**

- (1) A registered individual may request the Register operator to inform the individual of the content of the individual's entry in the National Self-exclusion Register.
- (2) The Register operator must:
- (a) comply with a request under subsection (1); and
  - (b) do so as soon as practicable after the request is made.
- (3) The Register rules may make provision for and in relation to either or both of the following:
- (a) the manner in which a request under subsection (1) is to be made;
  - (b) the manner in which the Register operator is to comply with a request under subsection (1).
- (4) This section does not, by implication, limit:
- (a) Australian Privacy Principle 12; or
  - (b) Part V of the *Freedom of Information Act 1982*.

**61NE Access to the National Self-exclusion Register by a nominated support person**

- (1) A nominated support person of a registered individual may request the Register operator to inform the individual of so much of the content of the individual's entry in the National Self-exclusion Register as relates to the nominated support person.
- (2) The Register operator must:
- (a) comply with a request under subsection (1); and

- (b) do so as soon as practicable after the request is made.
- (3) The Register rules may make provision for and in relation to either or both of the following:
  - (a) the manner in which a request under subsection (1) is to be made;
  - (b) the manner in which the Register operator is to comply with a request under subsection (1).
- (4) This section does not, by implication, limit:
  - (a) Australian Privacy Principle 12; or
  - (b) Part V of the *Freedom of Information Act 1982*.

### **61NF Disclosure to State/Territory wagering licensing or regulatory bodies**

- (1) The ACMA may authorise the Register operator to disclose protected information to a State/Territory wagering licensing or regulatory body if the ACMA is satisfied that the information will enable or assist the body to perform any of the functions, or exercise any of the powers, of the body.

#### *Conditions*

- (2) The ACMA may, by writing, impose conditions to be complied with in relation to protected information disclosed under subsection (1).
- (3) An instrument made under subsection (2) that imposes conditions relating to one particular disclosure identified in the instrument is not a legislative instrument.
- (4) Otherwise, an instrument made under subsection (2) is a legislative instrument.

### **61NG Disclosure to Ministers**

- (1) An ACMA official may disclose protected information to the Minister.

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- (2) An ACMA official may disclose to a Minister protected information that relates to a matter arising under a provision of an Act that is administered by that Minister.
- (3) Subsection (2) does not limit subsection (1).

**61NH Disclosure to public servants for advising their Ministers etc.**

- (1) For the purpose of advising the Minister, an ACMA official may disclose protected information to:
  - (a) the Secretary of the Department; or
  - (b) an APS employee in the Department who is authorised, in writing, by the Secretary of the Department for the purposes of this subsection.
- (2) For the purpose of advising a Minister administering a particular provision of an Act, an ACMA official may disclose protected information relating to a matter arising under that provision to:
  - (a) the Secretary of the Department that is administered by that Minister; or
  - (b) an APS employee in that Department who is authorised, in writing, by the Secretary of that Department for the purposes of this subsection.
- (3) If information is disclosed to the Secretary of the Department under subsection (1) for the purpose of advising the Minister, the Secretary may, for that purpose, disclose the information to:
  - (a) the Minister; or
  - (b) an APS employee in the Department who is authorised, in writing, by the Secretary of the Department for the purposes of this subsection.
- (4) If information is disclosed to an APS employee in the Department under subsection (1) for the purpose of advising the Minister, the APS employee may, for that purpose, disclose the information to:
  - (a) the Minister; or
  - (b) the Secretary of the Department; or

- (c) another APS employee in the Department who is authorised, in writing, by the Secretary of the Department for the purposes of this subsection.
- (5) If information is disclosed to the Secretary of a Department under subsection (2) for the purpose of advising the Minister who administers that Department, the Secretary may, for that purpose, disclose the information to:
- (a) that Minister; or
  - (b) an APS employee in that Department who is authorised, in writing, by the Secretary of that Department for the purposes of this subsection.
- (6) If information is disclosed to an APS employee in a Department under subsection (2) for the purpose of advising the Minister who administers that Department, the APS employee may, for that purpose, disclose the information to:
- (a) that Minister; or
  - (b) the Secretary of that Department; or
  - (c) another APS employee in that Department who is authorised, in writing, by the Secretary of that Department for the purposes of this subsection.
- (7) Subsection (2) does not limit subsection (1).

## Division 8—Collection of cost recovery levy

### 61PA When levy is due and payable

Levy is due and payable at the time ascertained in accordance with the Register rules.

### 61PB Late payment penalty

- (1) If an amount of levy payable by a person remains unpaid after the time when it became due for payment, the person is liable to pay, by way of penalty, an amount calculated at the rate of:
  - (a) 20% per annum; or
  - (b) if the Register rules specify a lower percentage—that lower percentage per annum;on the amount unpaid, calculated from the start of the day after that time occurred until the end of the day before the day when the amount of levy is paid in full.

- (2) Penalty payable under subsection (1) is to be known as *late payment penalty*.

*Remission of late payment penalty*

- (3) The ACMA may remit the whole or a part of an amount of late payment penalty.

*Review of decisions*

- (4) Applications may be made to the Administrative Appeals Tribunal for review of a decision of the ACMA to refuse to remit the whole or a part of an amount under subsection (3).

### 61PC Recovery of levy and late payment penalty

Levy, or late payment penalty:



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- (a) is a debt due to the ACMA on behalf of the Commonwealth;  
and
- (b) may be recovered by the ACMA, on behalf of the Commonwealth, in:
  - (i) the Federal Court; or
  - (ii) the Federal Circuit and Family Court of Australia (Division 2); or
  - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

**61PD Refund of overpayment of levy or late payment penalty**

If there is an overpayment of:

- (a) levy; or
- (b) late payment penalty;

the overpayment is to be refunded by the ACMA on behalf of the Commonwealth.

## Division 9—Miscellaneous

### 61QA Computerised decision-making

- (1) The Register operator may arrange for the use, under the Register operator's control, of computer programs for any purposes for which the Register operator may, or must, under this Part or the Register rules:
  - (a) make a decision; or
  - (b) exercise any power or comply with any obligation; or
  - (c) do anything else related to making a decision or exercising a power or complying with an obligation.
- (2) For the purposes of this Part and the Register rules, the Register operator is taken to have:
  - (a) made a decision; or
  - (b) exercised a power or complied with an obligation; or
  - (c) done something else related to the making of a decision or the exercise of a power or the compliance with an obligation; that was made, exercised, complied with or done by the operation of a computer program under an arrangement made under subsection (1).
- (3) The Register operator may substitute a decision for a decision (the *initial decision*) made by the operation of a computer program under an arrangement under subsection (1) if the Register operator is satisfied that the initial decision is incorrect.

### 61QB Dealing with complaints

- (1) The Register rules may prescribe procedures that must be followed by the Register operator in order to deal with complaints about the administration or operation of the National Self-exclusion Register.
- (2) If:
  - (a) a person has reason to believe that another person has contravened a provision of:

- (i) this Part; or
  - (ii) the Register rules; and
- (b) the person makes a complaint to the Register operator about the matter;
- the Register operator must refer the complaint to the ACMA.

### **61QC Application of the *Privacy Act 1988* to the Register operator**

For the purposes of the *Privacy Act 1988*, if the National Self-exclusion Register is kept by the Register operator under a particular contract, each of the following:

- (a) the keeping of the National Self-exclusion Register by the Register operator;
- (b) the operation of the National Self-exclusion Register by the Register operator;
- (c) the performance of a function, or the exercise of a power, by the Register operator under:
  - (i) this Part; or
  - (ii) the Register rules;

is taken to be the provision of a service to the ACMA under the contract.

### **61QD Application of the *Freedom of Information Act 1982* to the Register operator**

- (1) For the purposes of the *Freedom of Information Act 1982*, if the National Self-exclusion Register is kept by the Register operator under a particular contract, the contract is taken to be a Commonwealth contract.
- (2) For the purposes of the *Freedom of Information Act 1982*, if the National Self-exclusion Register is kept by the Register operator under a particular contract, each of the following:
  - (a) the keeping of the National Self-exclusion Register by the Register operator;
  - (b) the operation of the National Self-exclusion Register by the Register operator;

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(c) the performance of a function, or the exercise of a power, by the Register operator under:

- (i) this Part; or
- (ii) the Register rules;

is taken to be the provision of a service under the contract in connection with the performance of the functions or the exercise of the powers of the ACMA.

**61QE Implied freedom of political communication**

- (1) This Part does not apply to the extent (if any) that it would infringe any constitutional doctrine of implied freedom of political communication.
- (2) Subsection (1) does not limit the application of section 15A of the *Acts Interpretation Act 1901* to this Act.

**61QF Review of this Part**

- (1) After the end of the 12-month period beginning at the start of the proclaimed start day, the Minister must cause to be conducted a review of the operation of:
  - (a) this Part (other than Divisions 4, 5 and 6); and
  - (b) the remaining provisions of this Act, so far as they relate to this Part (other than Divisions 4, 5 and 6); and
  - (c) the Register rules; and
  - (d) the *National Self-exclusion Register (Cost Recovery Levy) Act 2019*.

*Public consultation*

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

*Report*

- (3) A report of the review must:

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- (a) be given to the Minister within 18 months after the end of the 12-month period mentioned in subsection (1); and
  - (b) be published on the Department's website as soon as practicable after the report is given to the Minister.
- (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.

**61QG Evaluation of this Part**

- (1) After the end of the 3-year period beginning at the start of the proclaimed start day, the Minister must cause to be conducted an evaluation of the operation of:
- (a) this Part; and
  - (b) the remaining provisions of this Act, so far as they relate to this Part; and
  - (c) the Register rules; and
  - (d) the Regulatory Powers Act, so far as that Act relates to this Part; and
  - (e) the *National Self-exclusion Register (Cost Recovery Levy) Act 2019*.

*Report*

- (2) A report of the evaluation must:
- (a) be given to the Minister within 12 months after the end of the 3-year period mentioned in subsection (1); and
  - (b) be published on the Department's website as soon as practicable after the report is given to the Minister.

**61QH Register rules**

- (1) The ACMA may, by legislative instrument, make rules (**Register rules**) prescribing matters required or permitted by this Part to be prescribed by the Register rules.

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- (2) The Register rules may make provision for or in relation to a matter by empowering the Register operator to make decisions of an administrative character.
- (3) Before making Register rules, the ACMA must consult the Minister.

## **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.

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**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
- (cb) subsection 15C(3A); 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); or
- (j) subsection 61JD(2); or
- (k) subsection 61JD(4); or
- (l) subsection 61JP(5); or
- (m) subsection 61KA(3); or
- (n) subsection 61LA(2); or
- (o) subsection 61LA(4); or
- (p) subsection 61LB(2); or
- (q) subsection 61LC(2); or
- (r) subsection 61LD(2); or
- (s) subsection 61MA(2); or
- (t) subsection 61MB(5); or
- (u) subsection 61MC(5); or
- (v) subsection 61NB(2); or
- (w) subsection 61NC(9).

**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 and Family Court of Australia (Division 2).

*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);

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- (b) subsection 15AA(3);
- (c) subsection 15A(2A);
- (ca) subsection 15C(3);
- (cb) subsection 15C(3A);
- (d) subsection 55(2);
- (e) subsection 56(5);
- (f) subsection 61DA(1A);
- (g) subsection 61DA(3);
- (h) subsection 61EA(1A);
- (i) subsection 61EA(2A);
- (j) subsection 61JD(2);
- (k) subsection 61JD(4);
- (l) subsection 61JP(5);
- (m) subsection 61KA(3);
- (n) subsection 61LA(2);
- (o) subsection 61LA(4);
- (p) subsection 61LB(2);
- (q) subsection 61LC(2);
- (r) subsection 61LD(2);
- (s) subsection 61MA(2);
- (t) subsection 61MB(5);
- (u) subsection 61MC(5);
- (v) subsection 61NB(2);
- (w) subsection 61NC(9).

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).

*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);
  - (cb) subsection 15C(3A);
  - (d) subsection 55(2);
  - (e) subsection 56(5);
  - (f) subsection 61DA(1A);

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- (g) subsection 61DA(3);
- (h) subsection 61EA(1A);
- (i) subsection 61EA(2A);
- (j) subsection 61JD(2);
- (k) subsection 61JD(4);
- (l) subsection 61JP(5);
- (m) subsection 61KA(3);
- (n) subsection 61LA(2);
- (o) subsection 61LA(4);
- (p) subsection 61LB(2);
- (q) subsection 61LC(2);
- (r) subsection 61LD(2);
- (s) subsection 61MA(2);
- (t) subsection 61MB(5);
- (u) subsection 61MC(5);
- (v) subsection 61NB(2);
- (w) subsection 61NC(9).

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 and Family Court of Australia (Division 2).

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*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.

**64E Civil penalty provisions—enforceable undertakings***Enforceable undertakings*

- (1) Each civil penalty provision of this Act is enforceable under Part 6 of the Regulatory Powers Act.

Note: Part 6 of the Regulatory Powers Act creates a framework for accepting and enforcing undertakings relating to compliance with provisions.

*Authorised person*

- (2) For the purposes of Part 6 of the Regulatory Powers Act, the ACMA is an authorised person in relation to the civil penalty provisions of this Act.

*Relevant court*

- (3) For the purposes of Part 6 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 and Family Court of Australia (Division 2).

*Enforceable undertaking may be published on the ACMA's website*

- (4) The ACMA may publish an undertaking given in relation to a civil penalty provision of this Act on the ACMA's website.

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*Extension to external Territories etc.*

- (5) Part 6 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.

**64F Civil penalty provisions—remedial directions**

- (1) This section applies if the ACMA reasonably believes that a person has contravened, or is contravening, a civil penalty provision of this Act (other than subsection (4) of this section).
- (2) The ACMA may give the person a written direction requiring the person to take specified action directed towards ensuring that the provider does not contravene the provision, or is unlikely to contravene the provision, in the future.
- (3) 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.

- (4) 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.

**64G Continuing contraventions**

*Offence*

- (1) A person who contravenes subsection 64F(3) 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 subsection 64F(3) 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.

*Civil penalty provision*

- (3) A person who contravenes subsection 64F(4) engages in a separate contravention of that subsection in respect of each day during which the contravention occurs (including the day the relevant civil penalty order is made or any later day).
- (4) If a contravention of subsection 64F(4) 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.

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

Section 67

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**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
  - (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.

Section 70

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*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 how an amendment is to be made. If, despite the misdescription, the amendment

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## Endnotes

### Endnote 1—About the endnotes

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can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to 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)<br>/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<br>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<br>effect               | SLI = Select Legislative Instrument                                    |
| (md not incorp) = misdescribed amendment<br>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<br>commenced or to be commenced |

## Endnotes

### Endnote 3—Legislation history

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### 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:<br>8 Aug 2001 (s 2(2), (2A))<br>s 16–31, 42, 43, 48, 49,<br>54–59: 12 Jan 2002 (s 2(3),<br>(4))<br>Remainder: 11 July 2001<br>(s 2(1)) |   |
| Corporations (Repeals, Consequential and Transitionals) Act 2001                                   | 55, 2001        | 28 June 2001 | s 4–14 and Sch 3<br>(items 296–302): 15 July<br>2001 (s 2(7)(a) and gaz<br>2001, No S285)  | s 4–14  |
| Financial Services Reform (Consequential Provisions) Act 2001                                      | 123, 2001       | 27 Sept 2001 | Sch 1 (items 250–256):<br>11 Mar 2002 (s 2(1), (8)(a)<br>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<br>2, Sch 4: 1 July 2005 (s<br>2(1) items 2, 3, 10)   | Sch 4   |
| <b>as amended by</b><br>Omnibus Repeal Day (Autumn 2014) Act 2014                                  | 109, 2014       | 16 Oct 2014  | Sch 2 (items 177–181): 17<br>Oct 2014 (s 2(1) item 2)  | —   |
| Communications Legislation Amendment (Content Services) Act 2007                                   | 124, 2007       | 20 July 2007 | Sch 1 (item 95): 20 Jan<br>2008 (s 2(1) item 2)  | —   |



## Endnote 3—Legislation history

| <b>Act</b>  | <b>Number and year</b> | <b>Assent</b> | <b>Commencement</b>  | <b>Application, saving and transitional provisions</b> |
|---|------------------------|---------------|--|--|
| 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)                                       |
| 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)<br>Sch 2: 17 Feb 2018 (s 2(1) item 3) | Sch 1 (items 147–149)                                  |
| Interactive Gambling Amendment (Lottery Betting) Act 2018                   | 73, 2018               | 9 July 2018   | Sch 1: 9 Jan 2019 (s 2(1) item 2)  | Sch 1 (item 4)   |

*Interactive Gambling Act 2001*

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Compilation No. 23

Compilation date: 11/06/2024

Registered: 14/06/2024

## Endnotes

### Endnote 3—Legislation history

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| <b>Act</b>  | <b>Number and year</b> | <b>Assent</b> | <b>Commencement</b>  | <b>Application, saving and transitional provisions</b> |
|---|------------------------|---------------|--|--|
| Interactive Gambling Amendment (National Self-exclusion Register) Act 2019                                    | 127, 2019              | 12 Dec 2019   | Sch 1 (items 3–12): 13 Dec 2019 (s 2(1) item 1)  | —  |
| Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021 | 13, 2021               | 1 Mar 2021    | Sch 2 (items 479, 480) and Sch 4 (item 15): 1 Sept 2021 (s 2(1) items 5, 10)                         | —  |
| Online Safety (Transitional Provisions and Consequential Amendments) Act 2021                                 | 77, 2021               | 23 July 2021  | Sch 2 (items 92–96): 23 Jan 2022 (s 2(1) item 3)   | —  |
| Treasury Laws Amendment (2023 Law Improvement Package No. 1) Act 2023   | 76, 2023               | 20 Sept 2023  | Sch 2 (item 670): 20 Oct 2023 (s 2(1) item 2)  | —  |
| Interactive Gambling Amendment (Credit and Other Measures) Act 2023   | 114, 2023              | 11 Dec 2023   | Sch 1 (items 1–29): 11 June 2024 (s 2(1) item 2)<br>Sch 1 (items 30–36): 12 Dec 2023 (s 2(1) item 3) | —  |
| Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024                     | 38, 2024               | 31 May, 2024  | Sch 14 (item 8): <u>awaiting commencement</u> (s 2(1) <u>item 2</u> )                                | —  |

## Endnote 4—Amendment history

## Endnote 4—Amendment history

| Provision affected | How affected   |
|--------------------|--|
| <b>Part 1</b>      |  |
| s 3.....           | am No 45, 2005; No 8, 2010<br>rs No 85, 2017<br>am No 85, 2017; No 127, 2019; No 114, 2023   |
| s 4.....           | am No 55, 2001; No 123, 2001; No 45, 2005; No 8, 2010; No 46,<br>2011; No 85, 2017; No 73, 2018; No 13, 2021; No 77, 2021; No<br>114, 2023 |
| s 5.....           | am No 55, 2001, No 123, 2001; No 8, 2010; No 85, 2017; No 76,<br>2023  |
| s 6.....           | am No 55, 2001; No 123, 2001; No 8, 2010<br>rep No 85, 2017  |
| s 8AA.....         | ad No 85, 2017<br>am No 73, 2018   |
| s 8A.....          | rs No 85, 2017<br>am No 73, 2018   |
| 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<br>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<br>am No 127, 2019; No 114, 2023  |

## Endnotes

### Endnote 4—Amendment history

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| <b>Provision affected</b> | <b>How affected</b>                                  |
|---------------------------|--|
| <b>Part 2</b>             |  |
| Part 2 heading .....      | rs No 85, 2017                                       |
| s 15 .....                | am No 4, 2016; No 85, 2017; No 114, 2023             |
| s 15AA .....              | ad No 85, 2017<br>am No 114, 2023                    |
| <b>Part 2A</b>            |  |
| Part 2A heading .....     | rs No 85, 2017                                       |
| s 15A .....               | am No 8, 2010; No 4, 2016; No 85, 2017; No 114, 2023 |
| <b>Part 2B</b>            |  |
| Part 2B heading .....     | rs No 114, 2023                                      |
| Part 2B .....             | ad No 85, 2017                                       |
| s 15B .....               | ad No 85, 2017<br>rs No 114, 2023<br>ed C23          |
| s 15C .....               | ad No 85, 2017<br>am No 114, 2023                    |
| s 15D .....               | ad No 85, 2017<br>am No 114, 2023                    |
| s 15E .....               | ad No 85, 2017<br>am No 114, 2023                    |
| s 15F .....               | ad No 85, 2017<br>am No 114, 2023                    |
| s 15G .....               | ad No 85, 2017<br>rep No 114, 2023                   |
| <b>Part 3</b>             |  |
| Part 3 heading .....      | am No 8, 2010<br>rs No 85, 2017                      |
| <b>Division 1</b>         |  |
| Division 1 heading .....  | am No 45, 2005                                       |
| s 16 .....                | am No 45, 2005; No 8, 2010<br>rs No 85, 2017         |

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## Endnote 4—Amendment history

| <b>Provision affected</b> | <b>How affected</b>   |
|---------------------------|---|
|                           | am No 85, 2017; No 127, 2019  |
| s 17.....                 | am No 45, 2005; No 8, 2010  |
| s 18.....                 | am No 45, 2005  |
| <b>Division 2</b>         |   |
| 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; No 127, 2019                           |
| s 22.....                 | am No 45, 2005  |
| s 23.....                 | am No 45, 2005  |
| <b>Division 3</b>         |   |
| Division 3 heading.....   | am No 8, 2010   |
|                           | rs No 85, 2017  |
| 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   |
| <b>Part 4</b>             |   |
| <b>Division 1</b>         |   |
| s 32.....                 | am No 45, 2005; No 8, 2010  |

## Endnotes

### Endnote 4—Amendment history

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| <b>Provision affected</b> | <b>How affected</b>                                   |
|---------------------------|---|
| <b>Division 2</b>         |   |
| s 35.....                 | am No 8, 2010   |
| <b>Division 3</b>         |   |
| s 36.....                 | am No 45, 2005; No 124, 2007; No 8, 2010; No 77, 2021 |
| s 37.....                 | am No 45, 2005; No 8, 2010; No 46, 2011; No 126, 2015 |
| <b>Division 4</b>         |   |
| 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                            |
| <b>Division 5</b>         |   |
| 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 |
| 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<br>rep No 109, 2014                    |
| <b>Division 6</b>         |   |
| s 53.....                 | am No 45, 2005; No 8, 2010                            |
| <b>Part 5</b>             |   |
| 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  |

## Endnote 4—Amendment history

| <b>Provision affected</b> | <b>How affected</b>   |
|---------------------------|---|
| s 59.....                 | am No 45, 2005; No 8, 2010                                  |
| <b>Part 6</b>             |   |
| s 60.....                 | am No 8, 2010; No 85, 2017                                  |
| <b>Part 7</b>             |   |
| s 61.....                 | am No 45, 2005; No 8, 2010; No 85, 2017; <u>No 38, 2024</u> |
| <b>Part 7A</b>            |   |
| Part 7A heading.....      | rs No 85, 2017  |
| <b>Division 1</b>         |   |
| s 61AA.....               | am No 8, 2010; No 85, 2017                                  |
| <b>Division 2</b>         |   |
| 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  |
| 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<br>am No 85, 2017                           |
| <b>Division 3</b>         |   |
| 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  |
| <b>Division 4</b>         |   |
| Division 4 heading.....   | rs No 85, 2017  |
| s 61DA.....               | am No 4, 2016; No 85, 2017                                  |

## Endnotes

### Endnote 4—Amendment history

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| <b>Provision affected</b> | <b>How affected</b>                                  |
|---------------------------|--|
| s 61DB .....              | am No 85, 2017                                       |
| s 61DC .....              | am No 85, 2017                                       |
| <b>Division 5</b>         |  |
| 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                                     |
| <b>Division 6</b>         |  |
| s 61FA.....               | am No 85, 2017                                       |
| s 61FB.....               | rep No 109, 2014                                     |
| s 61FC.....               | rep No 109, 2014                                     |
| s 61FD.....               | am No 85, 2017                                       |
| s 61FE.....               | rep No 85, 2017                                      |
| <b>Part 7B</b>            |  |
| Part 7B .....             | ad No 127, 2019                                      |
| <b>Division 1</b>         |  |
| s 61GA .....              | ad No 127, 2019                                      |
| s 61GB .....              | ad No 127, 2019                                      |
| s 61GC .....              | ad No 127, 2019                                      |
| s 61GD.....               | ad No 127, 2019                                      |
| s 61GE .....              | ad No 127, 2019                                      |
| s 61GF.....               | ad No 127, 2019                                      |
| s 61GG.....               | ad No 127, 2019                                      |
| s 61GH.....               | ad No 127, 2019                                      |
| <b>Division 2</b>         |  |
| s 61HA .....              | ad No 127, 2019                                      |

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## Endnote 4—Amendment history

| <b>Provision affected</b> | <b>How affected</b> |
|---------------------------|---------------------|
| <b>Division 3</b>         |                     |
| s 61JA .....              | ad No 127, 2019     |
| s 61JB .....              | ad No 127, 2019     |
| s 61JC .....              | ad No 127, 2019     |
| s 61JD .....              | ad No 127, 2019     |
| s 61JE.....               | ad No 127, 2019     |
| s 61JF.....               | ad No 127, 2019     |
| s 61JG .....              | ad No 127, 2019     |
| s 61JH .....              | ad No 127, 2019     |
| s 61JI.....               | ad No 127, 2019     |
| s 61JJ.....               | ad No 127, 2019     |
| s 61JK.....               | ad No 127, 2019     |
| s 61JL.....               | ad No 127, 2019     |
| s 61JM.....               | ad No 127, 2019     |
| s 61JN .....              | ad No 127, 2019     |
| s 61JO .....              | ad No 127, 2019     |
| s 61JP.....               | ad No 127, 2019     |
| <b>Division 4</b>         |                     |
| s 61KA.....               | ad No 127, 2019     |
| <b>Division 5</b>         |                     |
| s 61LA .....              | ad No 127, 2019     |
| s 61LB.....               | ad No 127, 2019     |
| s 61LC.....               | ad No 127, 2019     |
| s 61LD .....              | ad No 127, 2019     |
| <b>Division 6</b>         |                     |
| s 61MA .....              | ad No 127, 2019     |
| s 61MB .....              | ad No 127, 2019     |
| s 61MC .....              | ad No 127, 2019     |
| <b>Division 7</b>         |                     |
| s 61NA.....               | ad No 127, 2019     |
| s 61NB .....              | ad No 127, 2019     |

## Endnotes

### Endnote 4—Amendment history

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| <b>Provision affected</b> | <b>How affected</b>   |
|---------------------------|---|
| s 61NC .....              | ad No 127, 2019   |
| s 61ND .....              | ad No 127, 2019   |
| s 61NE .....              | ad No 127, 2019   |
| s 61NF .....              | ad No 127, 2019   |
| s 61NG .....              | ad No 127, 2019   |
| s 61NH .....              | ad No 127, 2019   |
| <b>Division 8</b>         |   |
| s 61PA .....              | ad No 127, 2019   |
| s 61PB .....              | ad No 127, 2019<br>am <u>No 38, 2024</u>                                  |
| s 61PC .....              | ad No 127, 2019<br>am No 13, 2021   |
| s 61PD .....              | ad No 127, 2019   |
| <b>Division 9</b>         |   |
| s 61QA .....              | ad No 127, 2019   |
| s 61QB .....              | ad No 127, 2019   |
| s 61QC .....              | ad No 127, 2019   |
| s 61QD .....              | ad No 127, 2019   |
| s 61QE .....              | ad No 127, 2019   |
| s 61QF .....              | ad No 127, 2019   |
| s 61QG .....              | ad No 127, 2019   |
| s 61QH .....              | ad No 127, 2019   |
| <b>Part 8</b>             |   |
| s 64A .....               | ad No 85, 2017<br>am No 85, 2017; No 127, 2019; No 114, 2023              |
| s 64B .....               | ad No 85, 2017<br>am No 13, 2021  |
| s 64C .....               | ad No 85, 2017<br>am No 85, 2017; No 127, 2019; No 114, 2023              |
| s 64D .....               | ad No 85, 2017<br>am No 85, 2017; No 127, 2019; No 13, 2021; No 114, 2023 |

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## Endnote 4—Amendment history

| <b>Provision affected</b> | <b>How affected</b>         |
|---------------------------|-----------------------------|
| s 64E .....               | ad No 114, 2023             |
| s 64F .....               | ad No 114, 2023             |
| s 64G.....                | ad No 114, 2023             |
| 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              |
|                           | am <u>No 38, 2024</u>       |
| s 69A.....                | am No 85, 2017              |

## Endnotes

### Endnote 5—Editorial changes

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#### **Endnote 5—Editorial changes**

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

#### **Section 15B**

##### **Kind of editorial change**

Give effect to the misdescribed amendment as intended

##### **Details of editorial change**

Schedule 1 item 5 of the *Interactive Gambling Amendment (Credit and Other Measures) Act 2023* instructs to repeal and substitute section 15B.

This amendment repeals the heading to section 15B but does not replace it.

This compilation was editorially changed to reinsert the heading to section 15B and give effect to the misdescribed amendment as intended.