



# **Interactive Gambling Amendment (Credit and Other Measures) Act 2023**

**No. 114, 2023**

**An Act to amend the *Interactive Gambling Act 2001*,  
and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**An Act to amend the *Interactive Gambling Act 2001*,  
and for related purposes**

[Assented to 11 December 2023]

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Interactive Gambling Amendment (Credit and Other Measures) Act 2023*.

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No. 114, 2023      *Interactive Gambling Amendment (Credit and Other Measures)*      1  
*Act 2023*

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 4 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	11 December 2023
2. Schedule 1, Part 1	The day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent.	11 June 2024
3. Schedule 1, Part 2	The day after this Act receives the Royal Assent.	12 December 2023

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## 4 Review of the operation of Part 1 of Schedule 1

- (1) The Minister must cause a review to be conducted of the operation of the amendments made by Part 1 of Schedule 1 to this Act.

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- (2) The review must:
    - (a) make provision for public consultation; and
    - (b) start as soon as practicable after the end of the 2-year period beginning on the day Part 1 of Schedule 1 commenced; and
    - (c) be completed within 6 months.
  - (3) The person who conducts the review must give the Minister a written report of the review.
  - (4) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

## Schedule 1—Amendments

### Part 1—Prohibiting the use of credit

#### *Interactive Gambling Act 2001*

##### **1 Section 3 (after paragraph (ca) of the paragraph beginning “This Act”)**

Insert:

- (cb) certain interactive wagering services must not accept or offer to accept payment using specified methods, including credit cards and digital currency;

##### **2 Section 4**

Insert:

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

##### **3 Section 11A**

Omit “, under a contract, arrangement or understanding”.

##### **4 Part 2B (heading)**

Repeal the heading, substitute:

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

##### **5 Section 15B**

Repeal the section, substitute:

Credit must not be provided to customers of certain interactive wagering services.
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Such services must also not accept or offer to accept payment using specified methods, including credit cards and digital currency.

**6 Section 15C (heading)**

Repeal the heading, substitute:

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

**7 Before subsection 15C(1)**

Insert:

*Offences*

**8 Subparagraph 15C(1)(b)(ii)**

Omit “(other than by way of an independently-issued credit card)”.

**9 After subsection 15C(1)**

Insert:

(1A) A person commits an offence if the person:

- (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.

**10 Subsection 15C(2)**

After “subsection (1)”, insert “or (1A)”.

**11 Before subsection 15C(3)**

Insert:

*Civil penalty provisions*

**12 Paragraph 15C(3)(b)**

Omit “(other than by way of an independently-issued credit card)”.

**13 After subsection 15C(3)**

Insert:

- (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.

**14 Subsection 15C(4)**

After “subsection (3)”, insert “or (3A)”.

**15 After subsection 15C(4)**

Insert:

*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.

**16 Before subsection 15C(5)**

Insert:

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*Exceptions*

**17 Subsection 15C(5)**

Omit “and (3)”, substitute “, (1A), (3) and (3A)”.

**18 After subsection 15C(5)**

Insert:

(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).

**19 Paragraph 15C(6)(a)**

After “credit to”, insert “, or payment by the methods mentioned in subsection (4A) from,”.

**20 Subsection 15C(7)**

Repeal the subsection.

**21 Before subsection 15C(8)**

Insert:

*Extended geographical jurisdiction of offences*

**22 At the end of subsection 15C(8)**

Add “or (1A)”.

**23 Subsection 15E(1)**

Omit “and (3)”, substitute “, (1A), (3) and (3A)”.

**24 Subsection 15F(1)**

Omit “(1)”.

**25 Subsection 15F(2)**

Repeal the subsection.

**26 Section 15G**

Repeal the section.

**27 After paragraph 64A(ca)**

Insert:

(cb) subsection 15C(3A); or

**28 After paragraph 64C(1)(ca)**

Insert:

(cb) subsection 15C(3A);

**29 After paragraph 64D(1)(ca)**

Insert:

(cb) subsection 15C(3A);

## **Part 2—Enforcement**

### ***Interactive Gambling Act 2001***

#### **30 Subsection 15(3) (note)**

Repeal the note, substitute:

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).

#### **31 Subsection 15AA(5) (note)**

Repeal the note, substitute:

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).

#### **32 Subsection 15A(3) (note)**

Repeal the note, substitute:

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).

#### **33 Subsection 15C(5) (note)**

Repeal the note, substitute:

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).

#### **34 Subsection 15D(1) (note)**

Repeal the note, substitute:

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).

### 35 Subsection 15E(1) (note)

Repeal the note, substitute:

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).

### 36 After section 64D

Insert:

### 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.

*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.

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[*Minister's second reading speech made in—  
House of Representatives on 13 September 2023  
Senate on 15 November 2023*]

(112/23)