



Australian Capital Territory

## Interactive Gambling Regulations

Subordinate Law No. 31 of 1998<sup>1</sup>

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The Australian Capital Territory Executive makes the following Regulations under the *Interactive Gambling Act 1998*.

Dated 25 September 1998.

KATE CARNELL  
Minister

GARY HUMPHRIES  
Minister

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**1. Citation**

These Regulations may be cited as the *Interactive Gambling Regulations*.

**2. Commencement**

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

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**3. Interpretation**

In these Regulations, unless the contrary intention appears—

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

- (a) the wagers made by players;
- (b) other amounts received from players;
- (c) the amount paid to players;
- (d) the authentication of players;
- (e) game play information;
- (f) the prizes (monetary and non-monetary) to be won;

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

“end user device” means computer software or hardware necessary to—

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

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

“interactive computer system” means a computer system used for the conduct of interactive games by a licensed provider;

“interactive network controller” means a device electronically linking an interactive computer system to an end user device;

“non-participating jurisdiction” means—

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

“the Act” means the *Interactive Gambling Act 1998*.

**4. Regulated interactive gambling equipment**

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

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

**5. Evidence for registration**

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

- (a) a document, or a certified copy of a document, of the following kind that shows the person’s identity and age:
  - (i) a birth certificate;
  - (ii) a citizenship certificate;
  - (iii) a passport;
  - (iv) if evidence of a kind mentioned in subparagraphs (i) to (iii) (inclusive) is unavailable—a document issued to a person by a government department, authority or agency of a country of which the person is a national or resident;
- (b) a document, or a certified copy of a document, of the following kind that shows the person’s residential address:
  - (i) a current driving licence;
  - (ii) a document that acknowledges enrolment to vote in government elections;
  - (iii) a rates assessment notice or account, a telephone account or an electricity account, being a notice or account that is dated no earlier than 6 months before the date of the application for registration;
  - (iv) a current lease agreement that is dated no earlier than 12 months before the date of the application for registration;
  - (v) a current appliance rental agreement that is dated no earlier than 6 months before the date of the application for registration;

- (vi) if evidence of a kind mentioned in subparagraphs (i) to (v) (inclusive) is unavailable—a document issued by a government department, authority or agency, a financial institution or credit card agency or a document relating to the supply of services by a public utility, being a document that is dated no earlier than 6 months before the date of the application for registration.

**6. Provision of funds to cover amount of wager**

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

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

**7. Evidence of identity**

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

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

**8. Gambling licences—prescribed particulars**

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

**9. Applications for key person licences—prescribed documents**

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

- (a) the applicant's birth certificate;
- (b) a citizenship certificate issued to the applicant;

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

**10. Requirements relating to identity**

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

**11. Eligibility to be an agent—criteria**

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

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

**12. Calculation of interactive gambling tax**

(1) For the purposes of subsection 83 (2) of the Act, the interactive gambling tax payable by a licensed provider in respect of authorised games conducted by him or her during a month is an amount equal to the total of—

- (a) the Territory component calculated in accordance with subregulation (2);
- (b) the participating jurisdictions component calculated in accordance with subregulation (3); and
- (c) the non-participating jurisdictions component calculated in accordance with subregulation (4).

(2) The Territory component of interactive gambling tax for an authorised game is the amount calculated using the following formula:

$$\text{ACTC} = \frac{(\text{GP} \times \text{ACTGT} \times \text{ACTR})}{\text{GT}}$$

where—

**ACTC** is the Territory component of interactive gambling tax for the game;

**GP** is the gross profit of the game;

**ACTGT** is the part of the gambling turnover for the game attributable to the total of the amounts wagered by Territory residents;

**ACTR** is—

- (a) if the game is a game to which a gaming Act applies—the rate of tax specified in that Act for the game; or
- (b) where paragraph (a) does not apply—50%; and

**GT** is the gambling turnover for the game.

(3) The participating jurisdictions component of interactive gambling tax for an authorised game is the total of the amounts calculated using the following formula in relation to each participating jurisdiction:

$$\mathbf{PJC} = \frac{\mathbf{(GP \times PJGT \times PJR)}}{\mathbf{GT}}$$

where—

**PJC** in relation to a participating jurisdiction, is the participating jurisdictions component of interactive gambling tax for the game;

**GP** is the gross profit of the game;

**PJGT** in relation to a participating jurisdiction, is the part of the gambling turnover for the game attributable to the amount wagered by residents of the jurisdiction;

**PJR** in relation to a participating jurisdiction, is—

- (a) if a rate of tax is specified in or under the corresponding law of the jurisdiction—the rate of tax payable on a wager in the game made by a resident of the jurisdiction is the rate of tax specified in that law;
- (b) if no rate of tax is specified in or under the corresponding law and a law of the jurisdiction regulating gambling applies to the game—the rate of tax (if any) specified in that law; or

(c) if paragraphs (a) and (b) do not apply—50%; and

**GT** is the gambling turnover for the game.

(4) The non-participating jurisdictions component of the interactive gambling tax for the game shall be calculated using the following formula:

$$\text{NJC} = \frac{\text{GP} \times \text{NJGT} \times \text{ACTR}}{\text{GT}}$$

where—

**NJC** is the non-participating jurisdictions component of interactive gambling tax for the game;

**GP** is the gross profit of the game;

**NJGT** is the part of the gambling turnover for the game attributable to the amount wagered by residents of non-participating jurisdictions;

**ACTR** is—

(a) if the game is a game to which a gaming Act applies—the rate of tax specified in that Act for the game; or

(b) where paragraph (a) does not apply—50%; and

**GT** is the gambling turnover for the game.

(5) In this regulation—

“gaming Act” means—

- (a) the *Bookmakers Act 1985*;
- (b) the *Casino Control Act 1988*;
- (c) the *Gaming Machine Act 1987*;
- (d) the *Lotteries Act 1964*; and
- (e) the *Pool Betting Act 1964*.

### **13. Payment of interactive gambling tax**

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

**14. Information for calculating interactive gambling tax**

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

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

**15. Calculation of interactive gambling tax—other information**

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

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

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

**(3)** In this regulation—

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



**16. Agent's operation—appropriate places**

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

**17. Prescribed period—s. 100 (1)**

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

**18. Unclaimed money**

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

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

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

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**NOTE**

**Notification**

1. Notified in the ACT Gazette on 30 September 1998.