

# EXPOSURE DRAFT

2025-2026

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES/THE SENATE

EXPOSURE DRAFT

## **Interactive Gambling Amendment (Gambling Reform) Bill 2026**

**No. , 2026**

*(Infrastructure, Transport, Regional Development, Communications, Sport and the Arts)*

**A Bill for an Act to amend legislation relating to  
interactive gambling, and for related purposes**

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1     **A Bill for an Act to amend legislation relating to**  
2     **interactive gambling, and for related purposes**

3     The Parliament of Australia enacts:

4     **1 Short title**

5                     This Act is the *Interactive Gambling Amendment (Gambling*  
6                     *Reform) Act 2026*.

7     **2 Commencement**

8                     (1) Each provision of this Act specified in column 1 of the table  
9                     commences, or is taken to have commenced, in accordance with  
10                    column 2 of the table. Any other statement in column 2 has effect  
11                    according to its terms.  
12

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**Commencement information**

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedules 1 to 3	1 January 2027.	1 January 2027
3. Schedule 4	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the first day of the first calendar month to start after the end of that period.	

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

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

### 7 3 Schedules

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9 repealed as set out in the applicable items in the Schedule  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

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Restrictions on wagering advertising **Schedule 1**  
Main amendments **Part 1**

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1 **Schedule 1—Restrictions on wagering**  
2 **advertising**

3 **Part 1—Main amendments**

4 ***Interactive Gambling Act 2001***

5 **1 Section 3 (after paragraph (f))**

6 Insert:

7 (g) advertising and promoting of licensed interactive  
8 wagering services is prohibited in certain circumstances.

9 **2 Section 4**

10 Before “In this Act”, insert “(1)”.

11 **3 Section 4**

12 Insert:

13 ***app distribution service*** has the same meaning as in the *Online*  
14 *Safety Act 2021*.

15 ***app distribution service provider*** means a person who provides an  
16 app distribution service.

17 ***court/tribunal proceedings*** has the same meaning as in the *Online*  
18 *Safety Act 2021*.

19 ***official-inquiry proceedings*** has the same meaning as in the  
20 *Online Safety Act 2021*.

21 ***online content service*** has the meaning given by section 10C.

22 ***online content service provider*** means a person who provides an  
23 online content service. However, a person is not an online content  
24 service provider merely because the person:

25 (a) supplies an internet carriage service that enables content to be  
26 delivered or accessed; or

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## Schedule 1 Restrictions on wagering advertising

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1 (b) provides a billing service, or a fee collection service, in  
2 relation to an online content service.

3 *Parliamentary proceedings* has the same meaning as in the *Online*  
4 *Safety Act 2021*.

5 *provided in Australia*, in relation to content provided on an online  
6 content service, has a meaning affected by subsection (2).

#### 7 **4 Section 4 (definition of sporting event)**

8 Omit “a meaning affected”, substitute “the meaning given”.

#### 9 **5 At the end of section 4**

10 Add:

11 (2) Content that is provided on an online content service is taken to be  
12 *provided in Australia* if the content is accessed, or is available for  
13 access, by an end-user in Australia

#### 14 **6 Section 10A**

15 Repeal the section, substitute:

#### 16 **10A Meaning of *sporting event***

17 *Basic definition*

18 (1) For the purposes of this Act, a *sporting event* includes each of the  
19 following:

20 (a) a single sports event, match or game;

21 (b) a single sports event, match or game that extends over  
22 multiple days;

23 (c) tournaments for a single sports event that involves concurrent  
24 or consecutive games or matches, whether over single or  
25 multiple days;

26 (d) an electronic sports competition;

27 regardless of whether the event takes place in or outside Australia.

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1 *Sporting events may be determined*

- 2 (2) The Minister may, by legislative instrument, determine either or  
3 both of the following:  
4 (a) that a specified thing, or a specified kind of thing, is taken to  
5 be a **sporting event** for the purposes of this Act;  
6 (b) that the outcome of the specified thing is taken not to be a  
7 contingency for the purposes of paragraph 10B(b).

8 *Exceptions—racing*

- 9 (3) Each of the following things are taken not to be a **sporting event**  
10 for the purposes of this Act:  
11 (a) a horse race;  
12 (b) a harness race;  
13 (c) a greyhound race.

14 *Certain events may be excluded*

- 15 (4) The Minister may, by legislative instrument, determine that a  
16 specified thing, or a specified kind of thing, is taken not to be a  
17 **sporting event** for the purposes of this Act.

18 *ACMA may give advice*

- 19 (5) The ACMA may provide advice to the Minister on any matter  
20 relevant to a determination under subsection (2) or (4).

21 *Meaning of thing*

- 22 (6) For the purposes of this section, **thing** includes a series of things.

## 23 **7 After section 10B**

24 Insert:

## 25 **10C Meaning of *online content service***

26 *Basic definition*

- 27 (1) For the purposes of this Act, **online content service** means a  
28 service that satisfies both of the following conditions:

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- 1 (a) either:
- 2 (i) a service that delivers content to persons having
- 3 equipment appropriate for receiving that content, where
- 4 the delivery of the service is by means of an internet
- 5 carriage service; or
- 6 (ii) a service that allows end-users to access content using
- 7 an internet carriage service; and
- 8 (b) where the service is provided to the public (whether on
- 9 payment of a fee or otherwise).
- 10 (2) Without limiting subsection (1), each of the following are taken to
- 11 be an **online content service** for the purposes of this Act:
- 12 (a) an on-demand program service (within the meaning of the
- 13 *Online Safety Act 2021*);
- 14 (b) a social media service (within the meaning of the *Online*
- 15 *Safety Act 2021*);
- 16 (c) a relevant electronic service (within the meaning of the
- 17 *Online Safety Act 2021*);
- 18 (d) a designated internet service (within the meaning of the
- 19 *Online Safety Act 2021*);
- 20 (e) a service determined by the ACMA under subsection (3).
- 21 (3) The ACMA may, by legislative instrument, determine one or more
- 22 services for the purposes of paragraph (2)(e).
- 23 *Excluded services*
- 24 (4) A service is not an **online content service** to the extent that it is:
- 25 (a) an online service that delivers or provides access to content
- 26 that consists of:
- 27 (i) Parliamentary proceedings; or
- 28 (ii) court/tribunal proceedings; or
- 29 (iii) official-inquiry proceedings; or
- 30 (b) a service for data storage; or
- 31 (c) a service for backing up data; or
- 32 (d) a service determined by the ACMA under subsection (6).

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1 (5) A service is not an *online content service* if none of the content on  
2 the service is accessible to, or delivered to, one or more end-users  
3 in Australia.

4 (6) The ACMA may, by legislative instrument, determine one or more  
5 services for the purposes of paragraph (4)(d).

## 6 **8 Paragraph 16(d)**

7 Omit “7B;”, substitute “7B; or”.

## 8 **9 After paragraph 16(d)**

9 Insert:

10 (e) Part 7C;

## 11 **10 Subparagraph 21(1)(a)(iv)**

12 Omit “7B;”, substitute “7B; or”.

## 13 **11 After subparagraph 21(1)(a)(iv)**

14 Insert:

15 (v) Part 7C;

## 16 **12 Subsections 61DA(1A) and (3) (civil penalty)**

17 Omit “180”, substitute “1,000”.

## 18 **13 Subsections 61EA(1A) and (2A) (civil penalty)**

19 Omit “180”, substitute “1,000”.

## 20 **14 After Part 7B**

21 Insert:

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1 **Part 7C—Restrictions on advertising etc. wagering**  
2 **services**

3 **Division 1—Preliminary**

4 **62A Simplified outline of this Part**

5 Content that includes advertising, promotional or sponsorship  
6 content (called *wagering advertising content*) must not be  
7 broadcast or datacast during live coverage of sporting events,  
8 broadcast on radio during school drop off and pick up times or  
9 broadcast or datacast on television more than 3 times in an hour.

10 Wagering advertising content must not be included in online  
11 content unless reasonable steps are taken by online content  
12 providers to prevent restricted users from accessing such content,  
13 require other users to access the content using registered accounts  
14 and to allow users to opt out of receiving such content.

15 Sporting uniforms and sporting venues must not display wagering  
16 advertising content.

17 Athletes, celebrities and certain other people must not be used to  
18 promote wagering advertising content.

19 The promotion of odds is prohibited on broadcasts and datacasts.

20 Wagering advertising content must not include harmful or  
21 misleading material.

22 Exceptions apply, including for programs, channels and online  
23 services dedicated to racing.

24 **62B Definitions**

25 Note: Other definitions are set out in section 4 of this Act, including the  
26 following:  
27 (a) *access*;  
28 (b) *broadcasting service*;

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- 1 (c) *datacasting service*;  
2 (d) *online content service*;  
3 (e) *online content service provider*;  
4 (f) *sporting event*.

5 In this Part:

6 **account** includes:

- 7 (a) a free account; and  
8 (b) a pre-paid account; and  
9 (c) anything that may reasonably be regarded as the equivalent  
10 of an account.

11 **broadcast** means transmit by means of a broadcasting service.

12 **channel** has the same meaning as in Part 7 of the *Broadcasting*  
13 *Services Act 1992*.

14 **content** means content:

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

22 **datacast** means transmit by means of a datacasting service.

23 **dedicated**, in relation to a racing or wagering channel, program or  
24 online content service, has the meaning given by section 62E.

25 **licence area** has the same meaning as in the *Broadcasting Services*  
26 *Act 1992*.

27 **licensed interactive wagering service** has the same meaning as in  
28 section 61GB.

29 **licensed interactive wagering service provider** has the same  
30 meaning as in section 61GB.

31 **live**, in relation to coverage of a sporting event, means:

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- 1 (a) live (within the ordinary meaning of that expression); or  
2 (b) delayed, so long as the coverage:  
3 (i) is provided as if it were live (within the ordinary  
4 meaning of that expression); and  
5 (ii) begins no later than the conclusion of the sporting event.

6 **notable person:** see section 62F.

7 **odds:** see section 62G.

8 **premises** includes:

- 9 (a) a structure, building, vehicle, vessel or aircraft, that is in  
10 Australia; and  
11 (b) a place (whether or not enclosed or built on) that is in  
12 Australia; and  
13 (c) a part of a thing referred to in paragraph (a) or (b).

14 Note: To avoid doubt, **premises** in relation to a sporting event also includes  
15 the venue of the sporting event.

16 **program** has the same meaning as in the *Broadcasting Services Act*  
17 *1992*.

18 **promotion of odds:** see section 62G.

19 **racing** means horse racing, harness racing or greyhound racing.

20 **restricted user** has the meaning given by section 62H.

21 **scheduled break**, in relation to a sporting event, means a stoppage  
22 in the sporting event that is not an unscheduled break.

23 **scheduled start**, in relation to a sporting event, means:

- 24 (a) the specified time of commencement of the live coverage of  
25 the sporting event; or  
26 (b) if paragraph (a) does not apply—the time the live coverage of  
27 the sporting event commences.

28 **section of the public** includes:

- 29 (a) the members of a particular club, society or organisation; and  
30 (b) a group consisting only of persons with a common workplace  
31 or a common employer.

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1                    ***unscheduled break***, in relation to a sporting event, means a break  
2                    when play is suspended or delayed due to weather or other  
3                    uncontrollable events, and participants are yet to enter the arena of  
4                    play or have left the arena of play.

5                    ***wagering advertising content*** has the meaning given by section  
6                    62C.

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

## 10                    **62C Meaning of *wagering advertising content***

### 11                    *Basic definition*

- 12                    (1) For the purposes of this Part, ***wagering advertising content*** means:  
13                    (a) advertising content; or  
14                    (b) sponsorship content; or  
15                    (c) promotional content;  
16                    that relates to a licensed interactive wagering service.

17                    Note:            ***Content*** has a meaning affected by section 62B. For the meaning of  
18                    ***licensed interactive wagering service***, see section 61GB.

### 19                    *Content for purpose or effect of promoting taken to be included*

- 20                    (2) Without limiting subsection (1), content is taken to relate to a  
21                    licensed interactive wagering service if it has a purpose of, or has  
22                    (or is likely to have) the effect of, directly or indirectly promoting  
23                    the licensed interactive wagering service.

### 24                    *Wagering advertising content may be determined*

- 25                    (3) The Minister may, by legislative instrument, determine that a  
26                    specified kind of content is taken to be ***wagering advertising***  
27                    ***content*** for the purposes of this Part.

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## Schedule 1 Restrictions on wagering advertising Part 1 Main amendments

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1

### *Exceptions*

2

- (4) Content is taken not to be **wagering advertising content** for the purposes of this Part if section 62D applies in relation to the content.

3

4

5

### *Certain content may be excluded*

6

- (5) The Minister may, by legislative instrument, determine that a specified kind of content is taken not to be **wagering advertising content** for the purposes of this Part.

7

8

9

### *ACMA may give advice*

10

- (6) The ACMA may provide advice to the Minister on any matter relevant to a determination under subsection (3) or (5).

11

12

## **62D Content taken not to be wagering advertising content**

13

- (1) This section has effect for the purposes of subsection 62C(4).

14

### *Exception—political communication*

15

- (2) Content is taken not to be wagering advertising content if:

16

- (a) it does not promote, and is not intended to promote, one or more licensed interactive wagering services; and

17

18

- (b) it relates solely to government or political matters.

19

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

20

21

22

- (3) Without limiting paragraph (2)(a), content that includes the name of a licensed interactive wagering service provider does not, of itself, constitute promotion of a licensed interactive wagering service.

23

24

25

26

### *Exception—ordinary business matters of providers*

27

- (4) Content is taken not to be wagering advertising content if:

28

- (a) the content is provided, included or displayed:

29

- (i) on an online profile of a licensed interactive wagering service provider; or

30

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- 1 (ii) as part of the standard wording of an invoice, statement,  
2 order form, letterhead, business card, cheque, manual,  
3 or other document ordinarily used in the normal course  
4 of the business of a licensed interactive wagering  
5 service provider (whether or not the document is in  
6 electronic form); or  
7 (iii) in an advertisement relating to the internal management  
8 or staffing arrangements of the business of a licensed  
9 interactive wagering service provider; and  
10 (b) the content does not promote, and is not intended to promote,  
11 a licensed interactive wagering service.

12 Note 1: A person who wishes to rely on this subsection bears an evidential  
13 burden in relation to the matter in this subsection (see section 96 of  
14 the Regulatory Powers Act).

15 Note 2: For the purposes of subparagraph (a)(i), see the definition of *online*  
16 *profile* in subsection (9).

17 *Exception—certain premises of providers*

- 18 (5) Content is taken not to be wagering advertising content if it is  
19 displayed in or on premises that are:  
20 (a) owned or occupied by a licensed interactive wagering service  
21 provider; and  
22 (b) not used in conjunction with a live sporting event (unless the  
23 premises is associated with a place-based betting service).

24 Note 1: A person who wishes to rely on this subsection bears an evidential  
25 burden in relation to the matter in this subsection (see section 96 of  
26 the Regulatory Powers Act).

27 Note 2: For the meaning of *place-based betting service*, see section 8BA.

28 *Exception—products or services having the same name*

- 29 (6) Content is taken not to be wagering advertising content if:  
30 (a) the content relates to a product, or a service, that is not a  
31 licensed interactive wagering service; and  
32 (b) the content would be wagering advertising content but for the  
33 operation of this subsection, because the name (or part of the  
34 name) of the product or service is the same as, or  
35 substantially similar to, the name (or part of the name) of:  
36 (i) a licensed interactive wagering service; or

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- 1 (ii) a licensed interactive wagering service provider; and  
2 (c) the manufacturer, distributor or retailer of the product, or the  
3 provider of the service, is not:  
4 (i) associated with the licensed interactive wagering service  
5 provider; or  
6 (ii) a related body corporate (within the meaning of the  
7 *Corporations Act 2001*) of the licensed interactive  
8 wagering service provider.

9 Note: A person who wishes to rely on this subsection bears an evidential  
10 burden in relation to the matter in this subsection (see section 96 of  
11 the Regulatory Powers Act).

#### 12 *Exception—anti-gambling content*

- 13 (7) Content is taken not to be wagering advertising content if:  
14 (a) the content would be wagering advertising content but for the  
15 operation of this subsection; and  
16 (b) the sole or principal purpose of the content is to discourage  
17 the use of wagering services or gambling services.

18 Note: A person who wishes to rely on this subsection bears an evidential  
19 burden in relation to the matter in this subsection (see section 96 of  
20 the Regulatory Powers Act).

#### 21 *Subsequent use or display of content*

- 22 (8) The application of subsection (2), (4), (5), (6) or (7) in relation to  
23 content does not prevent a subsequent use or display of the content  
24 from constituting wagering advertising content for the purposes of  
25 this Part.

#### 26 *Meaning of online profile*

- 27 (9) In this section:  
28 **online profile**, of a licensed interactive wagering service provider,  
29 is a profile, account, website, channel, feed, listing, or other digital  
30 representation that an online content service has for the provider.

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1 **62E Meaning of *dedicated* racing or wagering channels, programs**  
2 **and online content services**

3 *Dedicated racing channels, programs and online content services*

4 (1) For the purposes of this Part:

5 (a) a channel or program is taken to be ***dedicated*** to racing if the  
6 content provided on the channel or program wholly or  
7 principally relates to racing; and

8 (b) an online content service is taken to be ***dedicated*** to racing if  
9 the content provided on the online content service wholly or  
10 principally relates to racing.

11 Note: For the meaning of ***channel, program*** and ***racing***, see section 62B.

12 *Dedicated racing channels, programs and online content services*  
13 *may be determined*

14 (2) The Minister may, by legislative instrument, determine that a  
15 specified channel, program or online content service, or a specified  
16 kind of channel, program or online content service, is taken to be  
17 ***dedicated*** to racing for the purposes of this Part.

18 *Certain racing channels, programs and online content services*  
19 *may be excluded*

20 (3) If the Minister considers it is in the public interest to do so, the  
21 Minister may, by legislative instrument, determine that:

22 (a) a specified channel, program or specified online content  
23 service; or

24 (b) a specified kind of channel, program or online content  
25 service;

26 is taken not to be ***dedicated*** to racing for the purposes of this Part.

27 *Dedicated wagering channels, programs and online content*  
28 *services*

29 (4) For the purposes of this Part:

30 (a) a channel or program is taken to be ***dedicated*** to wagering if  
31 the content provided on the channel or program wholly or  
32 principally relates to wagering services; and

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- 1 (b) an online content service is taken to be *dedicated* to wagering  
2 if the content provided on the online content service wholly  
3 or principally relates to wagering services.

4 *Dedicated wagering channels, programs and online content*  
5 *services may be determined*

- 6 (5) The Minister may, by legislative instrument, determine that a  
7 specified channel, program or online content service, or a specified  
8 kind of channel, program or online content service, is taken to be  
9 *dedicated* to wagering for the purposes of this Part.

10 *Certain wagering channels, programs and online content services*  
11 *may be excluded*

- 12 (6) If the Minister considers it is in the public interest to do so, the  
13 Minister may, by legislative instrument, determine that:

14 (a) a specified channel, program or specified online content  
15 service; or

16 (b) a specified kind of channel, program or online content  
17 service;

18 is taken not to be *dedicated* to wagering for the purposes of this  
19 Part.

20 *ACMA may give advice*

- 21 (7) The ACMA may provide advice to the Minister on any matter  
22 relevant to a determination under subsection (2), (3), (5) or (6).

### 23 **62F Meaning of notable persons**

24 *Meaning of notable person*

- 25 (1) For the purposes of this Part, *notable person* includes any of the  
26 following:

27 (a) a current or former professional sports player or athlete;

28 (b) a current or former celebrity;

29 (c) a current or former social media influencer;

30 (d) a current or former prominent individual;

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1 (e) a person included in a class of persons that the Minister  
2 determines under subsection (3).

3 (2) However, **notable person** does not include a person included in a  
4 class of persons that the Minister determines under subsection (4).

5 *Minister may make determination*

6 (3) If the Minister considers it is in the public interest to do so, the  
7 Minister may, by legislative instrument, determine a specified class  
8 of persons for the purposes of paragraph (1)(e).

9 (4) If the Minister considers it is in the public interest to do so, the  
10 Minister may, by legislative instrument, determine a specified class  
11 of persons for the purposes of subsection (2).

12 *ACMA may give advice*

13 (5) The ACMA may provide advice to the Minister on any matter  
14 relevant to a determination under subsection (3) or (4).

## 15 **62G Meaning of *odds* and *promotion of odds***

16 In this Part:

17 (a) **odds** means odds offered for a bet on the chance of any  
18 occurrence or outcome within a particular game or event  
19 (other than a horse race, harness race or a greyhound race), or  
20 the overall outcome of the game or event; and

21 (b) **promotion of odds** means wagering advertising content to the  
22 extent to which it is a distinct promotional reference that  
23 provides odds.

## 24 **62H Meaning of *restricted user***

25 In this Part, **restricted user**, in relation to an online content service,  
26 means an individual in Australia who:

27 (a) is under 18 years of age; or

28 (b) has not confirmed their age; or

29 (c) is not using a registered account in relation to the online  
30 content service; or

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- 1 (d) has given notice to the online content service provider opting  
2 out from accessing or receiving wagering advertising content  
3 provided on the online content service.

#### 4 **62J Additional constitutional basis**

- 5 (1) Without limiting its effect apart from this section, this Part also has  
6 effect as provided by this section.
- 7 (2) This Part also has the effect it would have if each reference in this  
8 Part to a person were, by express provision, confined to a person  
9 that is a corporation to which paragraph 51(xx) of the Constitution  
10 applies.
- 11 (3) This Part also has the effect it would have if each reference in this  
12 Part to a licensed interactive wagering service provider were, by  
13 express provision, confined to a licensed interactive wagering  
14 service provider that is a corporation to which paragraph 51(xx) of  
15 the Constitution applies.

#### 16 **Division 2—Prohibitions on broadcasting or datacasting** 17 **wagering advertising content**

#### 18 **62K Prohibition on wagering advertising content during live** 19 **coverage of sporting events—daytime**

##### 20 *Civil penalty provision—broadcasting or datacasting*

- 21 (1) A person contravenes this subsection if:
- 22 (a) the person broadcasts or datacasts wagering advertising  
23 content in Australia; and
- 24 (b) the broadcast or datacast of wagering advertising content is  
25 in conjunction with live coverage of a sporting event; and
- 26 (c) the broadcast or datacast of wagering advertising content  
27 occurs at any time during the period beginning at 6:00 am  
28 and ending at 8:30 pm (local time in the time zone for the  
29 licence area of the broadcast or datacast).

30 Note 1: See sections 62X, 62Y and 62Z for general exceptions for conduct  
31 relating to content.

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1 Note 2: For the meaning of *licence area* and *live*, see section 62B. For the  
2 meaning of *sporting event*, see section 10A.

3 Civil Penalty: 1,000 penalty units.

4 *Assumptions about coverage*

5 (2) For the purposes of subsection (1):

6 (a) wagering advertising content is taken to be broadcast or  
7 datacast in conjunction with live coverage of a sporting event  
8 if the content is provided on the service during the period:

9 (i) beginning 5 minutes before the scheduled start of the  
10 sporting event; and

11 (ii) ending 5 minutes after the conclusion of the sporting  
12 event; and

13 (b) if there is a scheduled break or unscheduled break in the  
14 sporting event—any content provided on the service during  
15 the break is taken to be content in conjunction with live  
16 coverage of the sporting event.

17 Note: For the meaning of *scheduled start*, *scheduled break* and  
18 *unscheduled break*, see section 62B.

19 *Civil penalty provision—authorising or causing broadcasting*  
20 *wagering advertising content*

21 (3) A person must not authorise or cause wagering advertising content  
22 to be broadcast or datacast in contravention of subsection (1).

23 Note: See sections 62X, 62Y and 62Z for general exceptions for conduct  
24 relating to content.

25 Civil Penalty: 1,000 penalty units.

## 26 **62L Prohibition on wagering advertising content during live** 27 **coverage of sporting events—overnight**

28 *Civil penalty provision—broadcasting wagering advertising*  
29 *content*

30 (1) A person contravenes this subsection if:

31 (a) the person broadcasts or datacasts wagering advertising  
32 content in Australia; and

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- 1 (b) the broadcast or datacast of wagering advertising content is  
2 in conjunction with live coverage of a sporting event; and  
3 (c) the broadcast or datacast of wagering advertising content  
4 occurs at any time during the period beginning at 8:30 pm  
5 (local time in the time zone for the licence area of the  
6 broadcast or datacast) on a day and ending at 6:00 am on the  
7 following day.

8 Note 1: See sections 62X, 62Y and 62Z for general exceptions for conduct  
9 relating to content.

10 Note 2: For the meaning of *live* and *licence area*, see section 62B. For the  
11 meaning of *sporting event*, see section 10A.

12 Civil Penalty: 1,000 penalty units.

#### 13 *Assumptions about coverage*

- 14 (2) For the purposes of subsection (1), if there is a scheduled break or  
15 unscheduled break in the sporting event, any content provided on  
16 the service during the break is taken not to be content in  
17 conjunction with live coverage of the sporting event.

18 Note: For the meaning of *scheduled break* and *unscheduled break*, see  
19 section 62B.

#### 20 *Civil penalty provision—authorising or causing broadcasting* 21 *wagering advertising content*

- 22 (3) A person must not authorise or cause wagering advertising content  
23 to be broadcast or datacast in contravention of subsection (1).

24 Note: See sections 62X, 62Y and 62Z for general exceptions for conduct  
25 relating to content.

26 Civil Penalty: 1,000 penalty units.

#### 27 *Relationship with other provisions*

- 28 (4) To avoid doubt, this section applies in addition to section 62K.

29 Example: Broadcasting of live coverage of a sporting event that starts at 5 pm  
30 and ends at 10 pm is subject to both:

- 31 (a) the restrictions under section 62K between 5 pm and 8:30 pm  
32 and  
33 (b) the restrictions under this section between 8:30 pm and 10 pm.

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1     **62M Frequency cap for wagering advertising content on television—**  
2             **daytime**

3                     *Civil penalty provision—broadcasting or datacasting*

- 4     (1) A person contravenes this subsection if:
- 5         (a) the person broadcasts or datacasts wagering advertising  
6             content in Australia; and
  - 7         (b) the broadcast or datacast of wagering advertising content is  
8             on:
    - 9                 (i) a commercial television broadcasting service (within the  
10                     meaning of the *Broadcasting Services Act 1992*); or
    - 11                 (ii) a community television broadcasting service (within the  
12                     meaning of the *Broadcasting Services Act 1992*); or
    - 13                 (iii) a subscription television broadcasting service (within  
14                     the meaning of the *Broadcasting Services Act 1992*); or
    - 15                 (iv) a national television broadcasting service (within the  
16                     meaning of Schedule 4 of the *Broadcasting Services Act*  
17                     *1992*); or
    - 18                 (v) a subscription television narrowcasting service (within  
19                     the meaning of the *Broadcasting Services Act 1992*); or
    - 20                 (vi) an open narrowcasting television service (within the  
21                     meaning of the *Broadcasting Services Act 1992*); and
  - 22         (c) the broadcast or datacast of wagering advertising content is  
23             on a particular channel; and
  - 24         (d) the broadcast or datacast of wagering advertising content  
25             occurs at any time during the period (the *restricted time*)  
26             beginning at 6:00 am and ending at 8:30 pm (local time in the  
27             time zone for the licence area of the broadcast or datacast);  
28             and
  - 29         (e) the total number of times that wagering advertising content is  
30             broadcast or datacast on the particular channel exceeds 3  
31             during any 60 minute period that occurs during the restricted  
32             time.

33     Note:         For the meaning of *licence area*, see section 62B.

34     Civil Penalty:         1,000 penalty units.

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1                    *Civil penalty provision—authorising or causing broadcasting or*  
2                    *datacasting*

3                    (2) A person must not authorise or cause wagering advertising content  
4                    to be broadcast or datacast in contravention of subsection (1).

5                    Civil Penalty:            1,000 penalty units.

6                    *Exception—dedicated racing or wagering program or channel*

7                    (3) Subsections (1) and (2) do not apply if the broadcast or datacast of  
8                    wagering advertising content is on:

9                    (a) a dedicated racing program or channel; or

10                   (b) a dedicated wagering program or channel.

11                   Note 1:    A person who wishes to rely on this subsection bears an evidential  
12                   burden in relation to the matter in this subsection (see section 96 of  
13                   the Regulatory Powers Act).

14                   Note 2:    See also sections 62X, 62Y and 62Z (which are about general  
15                   exceptions for conduct relating to content).

16                   Note 3:    For when a program or channel is *dedicated* to racing or wagering, see  
17                   section 62E.

18                   *Relationship with other provisions*

19                   (4) To avoid doubt, this section applies in addition to section 62K.

20                   Example:   Television broadcasting of live coverage of a sporting event that starts  
21                   at 2 pm and ends at 5 pm is subject to both:

22                   (a) the restrictions under section 62K; and

23                   (b) the restrictions under this section.

## 24                   **62N Prohibition on wagering advertising content on radio—school** 25                   **drop off and pick up**

26                   *Civil penalty provision—radio broadcasting*

27                   (1) A person contravenes this subsection if:

28                   (a) the person broadcasts wagering advertising content in  
29                   Australia; and

30                   (b) the broadcast of wagering advertising content is on:

31                   (i) a commercial radio broadcasting service (within the  
32                   meaning of the *Broadcasting Services Act 1992*); or

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- 1 (ii) a community radio broadcasting service (within the  
2 meaning of the *Broadcasting Services Act 1992*); or  
3 (iii) a national radio broadcasting service (within the  
4 meaning of the *Broadcasting Services Act 1992*); or  
5 (iv) a subscription radio narrowcasting service (within the  
6 meaning of the *Broadcasting Services Act 1992*); or  
7 (v) an open narrowcasting radio service (within the  
8 meaning of the *Broadcasting Services Act 1992*); and  
9 (c) the broadcast of wagering advertising content occurs during a  
10 school day in the licence area of the broadcast, at any time  
11 during the period:  
12 (i) beginning at 8 am and ending at 9 am (local time in the  
13 time zone for the licence area of the broadcast); or  
14 (ii) beginning at 3 pm and ending at 4 pm (local time in the  
15 time zone for the licence area of the broadcast).

16 Note: For the meaning of *licence area*, see section 62B.

17 Civil Penalty: 1,000 penalty units.

18 *Civil penalty provision—authorising or causing radio*  
19 *broadcasting*

- 20 (2) A person must not authorise or cause wagering advertising content  
21 to be broadcast in contravention of subsection (1).

22 Civil Penalty: 1,000 penalty units.

23 *Exception—dedicated racing or wagering program or channel*

- 24 (3) Subsections (1) and (2) do not apply if the broadcast of wagering  
25 advertising content is on:

- 26 (a) a dedicated racing program or channel; or  
27 (b) a dedicated wagering program or channel.

28 Note 1: A person who wishes to rely on this subsection bears an evidential  
29 burden in relation to the matter in this subsection (see section 96 of  
30 the Regulatory Powers Act).

31 Note 2: See also sections 62X, 62Y and 62Z (which are about general  
32 exceptions for conduct relating to content).

33 Note 3: For when a program or channel is *dedicated* to racing or wagering, see  
34 section 62E.

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1 *Meaning of school day*

- 2 (4) In this section, *school day* in a licence area, means a day that is not  
3 a Saturday, Sunday, public holiday or public school holiday for the  
4 relevant State or Territory in the licence area.

### 5 **Division 3—Prohibitions on providing wagering** 6 **advertising content on online content services**

#### 7 **62P Prohibition on providing wagering advertising content on** 8 **online content services**

9 *Civil penalty provision—providing online content service*

- 10 (1) A person contravenes this subsection if:  
11 (a) the person is an online content service provider; and  
12 (b) wagering advertising content is provided in Australia on the  
13 online content service.

14 Note: For the meaning of *online content service provider*, see section 4. For  
15 the meaning of *online content service*, see section 10C.

16 Civil Penalty: 1,000 penalty units.

17 *Civil penalty provision—authorising or causing provision of online*  
18 *content service*

- 19 (2) A person must not authorise or cause wagering advertising content  
20 to be included in content provided on an online content service in  
21 contravention of subsection (1).

22 Civil Penalty: 1,000 penalty units.

23 *Exception—reasonable steps taken*

- 24 (3) Subsections (1) and (2) do not apply if the online content service  
25 provider, in relation to the online content service and in accordance  
26 with the requirements (if any) specified in a determination under  
27 subsection (4), takes reasonable steps to:

- 28 (a) prevent restricted users from accessing or receiving wagering  
29 advertising content; and

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- 1 (b) ensure that individuals in Australia accessing or receiving  
2 wagering advertising content are doing so using a registered  
3 account in relation to the service; and  
4 (c) ensure that individuals in Australia to whom the online  
5 content service is provided may opt out of accessing or  
6 receiving wagering advertising content.

7 Note 1: See however section 62R (use of certain identification material and  
8 services).

9 Note 2: A person who wishes to rely on this subsection bears an evidential  
10 burden in relation to the matter in this subsection (see section 96 of  
11 the Regulatory Powers Act).

12 Note 3: See also sections 62X, 62Y and 62Z (which are about general  
13 exceptions for conduct relating to content).

- 14 (4) The ACMA may, by legislative instrument, specify requirements  
15 for the purposes of subsection (3).

16 *Exception—dedicated racing or wagering online content services*

- 17 (5) Subsections (1) and (2) do not apply if the wagering advertising  
18 content is provided on:

- 19 (a) a dedicated racing online content service; or  
20 (b) a dedicated wagering online content service.

21 Note 1: A person who wishes to rely on this subsection bears an evidential  
22 burden in relation to the matter in this subsection (see section 96 of  
23 the Regulatory Powers Act).

24 Note 2: For when an online content service is *dedicated* to racing or wagering,  
25 see section 62E.

## 26 **62Q Prohibition on providing wagering advertising content on** 27 **online content services to restricted users**

28 *Civil penalty provision—providing online content service*

- 29 (1) A person contravenes this subsection if:  
30 (a) the person provides an online content service; and  
31 (b) wagering advertising content is provided in Australia on the  
32 online content service; and  
33 (c) the wagering advertising content is delivered to, or accessed  
34 by, an individual who is a restricted user.
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1 Note: For the meaning of *restricted user*, see section 62H.

2 Civil Penalty: 1,000 penalty units.

3 *Civil penalty provision—authorising or causing provision of online*  
4 *content service*

5 (2) A person must not authorise or cause wagering advertising content  
6 to be included in content provided on an online content service in  
7 contravention of subsection (1).

8 Civil Penalty: 1,000 penalty units.

9 *Exception—reasonable steps taken*

10 (3) Subsections (1) and (2) do not apply if the online content service  
11 provider, in relation to the online content service and in accordance  
12 with the requirements (if any) specified in a determination under  
13 subsection 62P(4), has taken reasonable steps to meet the  
14 requirements under paragraphs 62P(3)(a) to (c).

15 Note 1: A person who wishes to rely on this subsection bears an evidential  
16 burden in relation to the matter in this subsection (see section 96 of  
17 the Regulatory Powers Act).

18 Note 2: See also sections 62X, 62Y and 62Z (which are about general  
19 exceptions for conduct relating to content).

20 *Exception—dedicated racing or wagering online content services*

21 (4) Subsections (1) and (2) do not apply if the wagering advertising  
22 content is provided on:

23 (a) a dedicated racing online content service; or

24 (b) a dedicated wagering online content service.

25 Note 1: A person who wishes to rely on this subsection bears an evidential  
26 burden in relation to the matter in this subsection (see section 96 of  
27 the Regulatory Powers Act).

28 Note 2: For when an online content service is *dedicated* to racing or wagering,  
29 see section 62E.

### 30 **62R Use of certain identification material and services**

31 (1) An online content service provider must not:

32 (a) collect government-issued identification material; or

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1 (b) use an accredited service (within the meaning of the *Digital*  
2 *ID Act 2024*);  
3 for the purpose of, or for purposes including the purpose of,  
4 satisfying a requirement under paragraph 62P(3)(a).

5 Civil Penalty: 1,000 penalty units.

6 (2) Subsection (1) does not apply if:

7 (a) the online content service provider provides alternative  
8 means (not involving the material or services mentioned in  
9 paragraphs (1)(a) and (b)) for an individual to assure the  
10 online content service provider that the individual is 18 years  
11 of age or older; and

12 (b) those means are reasonable in the circumstances.

13 Note: A person who wishes to rely on this subsection bears an evidential  
14 burden in relation to the matter in this subsection (see section 96 of  
15 the Regulatory Powers Act).

16 (3) In this section:

17 ***government-issued identification material*** includes:

18 (a) identification documents issued by the Commonwealth, a  
19 State or a Territory, or by an authority or agency of the  
20 Commonwealth, a State or a Territory (including copies of  
21 such documents); and

22 (b) a digital ID (within the meaning of the *Digital ID Act 2024*)  
23 issued by the Commonwealth, a State or a Territory, or by an  
24 authority or agency of the Commonwealth, a State or a  
25 Territory.

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1 **Division 4—Other prohibitions and restrictions relating to**  
2 **wagering advertising content**

3 **62S Prohibition on displaying wagering advertising content on**  
4 **uniforms and at sporting venues etc.**

5 *Civil penalty provision—authorising or causing display*

6 A licensed interactive wagering service provider contravenes this  
7 subsection if the licensed interactive wagering service provider  
8 authorises or causes:

- 9 (a) wagering advertising content to be displayed on:  
10 (i) a uniform worn by an individual in Australia who is a  
11 participant or official in connection with a sporting  
12 event or an activity related to a sporting event; or  
13 (ii) premises in connection with a sporting event or an  
14 activity related to a sporting event; and  
15 (b) the display is available to, accessible by, or is capable of  
16 being able to be seen or heard by, the public or a section of  
17 the public.

18 Note 1: This section does not apply in relation to racing (see  
19 subsection 10A(3)). See also sections 62X, 62Y and 62Z (which are  
20 about general exceptions for conduct relating to content).

21 Note 2: *Premises* and *section of the public* have a meaning affected by section  
22 62B.

23 Civil Penalty: 1,000 penalty units.

24 **62T Prohibition on promoting wagering advertising content—**  
25 **sponsorship etc.**

26 *Civil penalty provision—entering into sponsorship contracts etc.*

27 A licensed interactive wagering service provider contravenes this  
28 subsection if:

- 29 (a) the licensed interactive wagering service provider makes a  
30 contract or arrangement, or arrives at an understanding, with  
31 a notable person; and

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- 1 (b) the contract, arrangement or understanding relates to the  
2 sponsorship, participation or involvement of the notable  
3 person in connection with the promotion of wagering  
4 advertising content in Australia.

5 Note 1: See sections 62X, 62Y and 62Z for general exceptions for conduct  
6 relating to content.

7 Note 2: For the meaning of *notable person*, see section 62F.

8 Civil Penalty: 1,000 penalty units.

## 9 **62U Prohibition on the promotion of odds**

### 10 *Civil penalty provision*

11 (1) A licensed interactive wagering service provider contravenes this  
12 subsection if:

- 13 (a) the licensed interactive wagering service provider authorises  
14 or causes the broadcast or datacast of wagering advertising  
15 content in Australia; and  
16 (b) the wagering advertising content includes the promotion of  
17 odds.

18 Note: See section 62G for the meaning of *odds* and *promotion of odds*. This  
19 section does not apply in relation to racing (see paragraph 62G(a)).

20 Civil Penalty: 1,000 penalty units.

### 21 *Exception—dedicated wagering program or channel*

22 (2) Subsection (1) does not apply if the broadcast or datacast of  
23 wagering advertising content is on a dedicated wagering program  
24 or channel.

25 Note 1: A person who wishes to rely on this subsection bears an evidential  
26 burden in relation to the matter in this subsection (see section 96 of  
27 the Regulatory Powers Act).

28 Note 2: See also sections 62X, 62Y and 62Z (which are about general  
29 exceptions for conduct relating to content).

30 Note 3: For when a program or channel is *dedicated* to wagering, see section  
31 62E.

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1 **62V Restriction relating to wagering advertising content—**  
2 **representatives of wagering service providers**

3 *Civil penalty provision—broadcasting, datacasting or providing*  
4 *online content service*

- 5 (1) A person contravenes this subsection if:  
6 (a) either:  
7 (i) the person broadcasts or datacasts wagering advertising  
8 content in Australia; or  
9 (ii) the person provides an online content service and  
10 wagering advertising content is provided in Australia on  
11 the online content service; and  
12 (b) the broadcast, datacast or provision on the online content  
13 service of the wagering advertising content is in conjunction  
14 with live coverage of a sporting event; and  
15 (c) the wagering advertising content includes a representative or  
16 official of a licensed interactive wagering service provider;  
17 and  
18 (d) the representative or official:  
19 (i) is not clearly identified; or  
20 (ii) acts or functions as a commentator in relation to the  
21 sporting event; or  
22 (iii) appears at or around the sporting event venue.

23 Note: See sections 62X, 62Y and 62Z for general exceptions for conduct  
24 relating to content.

25 Civil Penalty: 1,000 penalty units.

26 *Civil penalty provision—authorising or causing broadcasting,*  
27 *datacasting or provision of online content service*

- 28 (2) A person must not authorise or cause wagering advertising content  
29 to be broadcast, datacast or included in content provided on an  
30 online content service, in contravention of subsection (1).

31 Note: See sections 62X, 62Y and 62Z for general exceptions for conduct  
32 relating to content.

33 Civil Penalty: 1,000 penalty units.

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1 **62W Restriction relating to wagering advertising content—**  
2 **harmful or misleading material**

3 *Civil penalty provision—broadcasting, datacasting or providing*  
4 *online content service*

- 5 (1) A person contravenes this subsection if:  
6 (a) either:  
7 (i) the person broadcasts or datacasts wagering advertising  
8 content in Australia; or  
9 (ii) the person is an online content service provider and  
10 wagering advertising content is provided in Australia on  
11 the online content service; and  
12 (b) the wagering advertising content:  
13 (i) is directed at children; or  
14 (ii) portrays children as participating in wagering or  
15 gambling; or  
16 (iii) portrays wagering or gambling as a family activity; or  
17 (iv) makes exaggerated claims about wagering or gambling;  
18 or  
19 (v) promotes wagering or gambling as a way to success or  
20 achievement; or  
21 (vi) associates wagering or gambling with alcohol; or  
22 (vii) is misleading.

23 Civil Penalty: 1,000 penalty units.

24 *Civil penalty provision—authorising or causing broadcasting,*  
25 *datacasting or provision of online content service*

- 26 (2) A person must not authorise or cause wagering advertising content  
27 to be broadcast, datacast or included in content provided on an  
28 online content service, in contravention of subsection (1).

29 Civil Penalty: 1,000 penalty units.

30 *Exception—circumstances outside control*

- 31 (3) Subsections (1) and (2) do not apply if the failure to comply occurs  
32 because of circumstances that are outside the control of the person.

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1 Note 1: A person who wishes to rely on this subsection bears an evidential  
2 burden in relation to the matter in this subsection (see section 96 of  
3 the Regulatory Powers Act).

4 Note 2: See also sections 62X, 62Y and 62Z (which are about general  
5 exceptions for conduct relating to content).

## 6 **Division 5—Miscellaneous**

### 7 **62X General exception—conduct required by law etc.**

8 A person does not contravene a provision of this Part by engaging  
9 in conduct in relation to content if:

- 10 (a) the conduct is required by or under a law of the  
11 Commonwealth or a State or a Territory; or  
12 (b) the conduct is in compliance with a judgment or order of a  
13 court; or  
14 (c) the conduct is for the purposes of preventing or reducing a  
15 risk of fraud, theft or serious harm to one or more  
16 individuals.

17 Note: A person who wishes to rely on this section bears an evidential burden  
18 in relation to the matter in this subsection (see section 96 of the  
19 Regulatory Powers Act).

### 20 **62Y General exception—accidental conduct etc.**

21 A person does not contravene a provision of this Part by engaging  
22 in conduct in relation to wagering advertising content if:

- 23 (a) either of the following apply:  
24 (i) the conduct is a result of a genuine error, mistake or  
25 accident;  
26 (ii) if wagering advertising content is broadcast, datacast or  
27 provided on an online content service—the content is  
28 incidental to the broadcasting, datacasting or provision  
29 of other matter; and  
30 (b) the person does not receive any direct or indirect benefit  
31 (whether financial or not) in connection with the conduct and  
32 the wagering advertising content.

33 Note: A person who wishes to rely on this section bears an evidential burden  
34 in relation to the matter in this subsection (see section 96 of the  
35 Regulatory Powers Act).

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## 1 **62Z General exception—journalism**

2 A person does not contravene a provision of this Part by engaging  
3 in conduct in relation to wagering advertising content if:

- 4 (a) the wagering advertising content is or relates to a news  
5 report, or a current affairs report; and  
6 (b) the public interest in the conduct outweighs any likely  
7 adverse effect; and  
8 (c) neither the person or any other person receives a benefit of  
9 any kind in connection with the conduct from:  
10 (i) a licensed interactive wagering service provider; or  
11 (ii) a person associated with a licensed interactive wagering  
12 service provider; or  
13 (iii) a related body corporate (within the meaning of the  
14 *Corporations Act 2001*) of a licensed interactive  
15 wagering service provider.

16 Note: A person who wishes to rely on this section bears an evidential burden  
17 in relation to the matter in this subsection (see section 96 of the  
18 Regulatory Powers Act).

## 19 **62ZA Record keeping**

20 *Civil penalty provision—keeping records about broadcasting,*  
21 *datacasting or providing online content services*

22 (1) If:

- 23 (a) a person broadcasts or datacasts wagering advertising content  
24 in Australia; or  
25 (b) a person is an online content service provider and wagering  
26 advertising content is provided in Australia on the online  
27 content service;

28 the person must keep and retain, for a period of 3 years after the  
29 wagering advertising content is broadcast, datacast or provided,  
30 sufficient records to enable the person's compliance with this Part  
31 to be readily ascertained.

32 Civil Penalty: 120 penalty units.

# EXPOSURE DRAFT

## Schedule 1 Restrictions on wagering advertising

### Part 1 Main amendments

---

1 *Civil penalty provision—keeping records about sponsorship etc.*

2 (2) If:

3 (a) a person (the **first person**) is a licensed interactive wagering  
4 service provider; and

5 (b) the first person makes a contract or arrangement, or arrives at  
6 an understanding, with another person; and

7 (c) the contract, arrangement or understanding relates to the  
8 sponsorship, participation or involvement of the other person  
9 in connection with the promotion of wagering advertising  
10 content in Australia;

11 the first person must keep and retain, for a period of 3 years after  
12 the contract, arrangement or understanding is made or arrived at, a  
13 written record of the contract, arrangement or understanding.

14 Civil Penalty: 120 penalty units.

15 *ACMA may request records*

16 (3) The ACMA may, by written notice given to a person who is  
17 subject to a requirement to keep and retain a record under  
18 subsection (1) or (2), request the person to make the record  
19 available to the ACMA.

20 *Civil penalty provision—making records available*

21 (4) A person contravenes this subsection if:

22 (a) the ACMA requests the person to make a record available to  
23 the ACMA; and

24 (b) the person fails to comply with the request.

25 Civil Penalty: 120 penalty units.

#### 26 **62ZB ACMA may make advisory guidelines**

27 (1) The ACMA may make written guidelines for the purpose of  
28 providing guidance about the operation of this Part.

29 (2) The Minister may direct the ACMA to make guidelines under  
30 subsection (1).

# EXPOSURE DRAFT

Restrictions on wagering advertising **Schedule 1**  
Main amendments **Part 1**

---

- 1 (3) Guidelines made under subsection (1) are not a legislative  
2 instrument.
- 3 (4) Guidelines made under subsection (1) must be published on the  
4 ACMA's website.
- 5 (5) Guidelines under subsection (1) that are inconsistent with this Act,  
6 the regulations or a legislative instrument made under this Act have  
7 no effect to the extent of the inconsistency.

## 8 **62ZC Implied freedom of political communication**

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

## 14 **62ZD Acquisition of property**

15 A provision of this Part does not apply to the extent that the  
16 operation of the provision would result in an acquisition of  
17 property (within the meaning of paragraph 51(xxxi) of the  
18 Constitution) from a person otherwise than on just terms (within  
19 the meaning of that paragraph).

## 20 **62ZE Failure to broadcast, datacast, display or provide wagering 21 advertising content not actionable if this Part would be 22 contravened**

23 Civil proceedings do not lie against a person for refusing or failing  
24 to broadcast, datacast, display or provide on an online content  
25 service, wagering advertising content if the broadcast, datacast,  
26 display or provision on an online content service is prohibited by  
27 this Part.

# EXPOSURE DRAFT

Schedule 1 Restrictions on wagering advertising

Part 1 Main amendments

---

1 **6ZF Additional conditions for licences under the *Broadcasting***  
2 ***Services Act 1992***

3 *Commercial television broadcasting licence*

- 4 (1) Each commercial television broadcasting licence is subject to the  
5 condition that the licensee will not, in contravention of this Part,  
6 broadcast wagering advertising content.

7 *Commercial radio broadcasting licence*

- 8 (2) Each commercial radio broadcasting licence is subject to the  
9 condition that the licensee will not, in contravention of this Part,  
10 broadcast wagering advertising content.

11 *Community broadcasting licence*

- 12 (3) Each community broadcasting licence is subject to the condition  
13 that the licensee will not, in contravention of this Part, broadcast  
14 wagering advertising content.

15 *Subscription television broadcasting licence*

- 16 (4) Each subscription television broadcasting licence is subject to the  
17 condition that the licensee will not, in contravention of this Part,  
18 broadcast wagering advertising content.

19 *Provision of a broadcasting service under a class licence*

- 20 (5) The provision by a person of a broadcasting service under a class  
21 licence is subject to the condition that the licensee will not, in  
22 contravention of this Part, broadcast wagering advertising content.

23 *Datacasting licence*

- 24 (6) Each datacasting licence is subject to the condition that the licensee  
25 will not, in contravention of this Part, datacast wagering  
26 advertising content.

27 *Definitions*

- 28 (7) In this section:
-

# EXPOSURE DRAFT

Restrictions on wagering advertising **Schedule 1**  
Main amendments **Part 1**

---

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

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

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

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

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

## 11    **15 At the end of section 64A**

12                    Add:

- 13                    ; or (x) subsection 62K(1); or  
14                    (xa) subsection 62K(3); or  
15                    (xb) subsection 62L(1); or  
16                    (xc) subsection 62L(3); or  
17                    (xd) subsection 62M(1); or  
18                    (xe) subsection 62M(2); or  
19                    (xf) subsection 62N(1); or  
20                    (xg) subsection 62N(2); or  
21                    (xh) subsection 62P(1); or  
22                    (xi) subsection 62P(2); or  
23                    (xj) subsection 62Q(1); or  
24                    (xk) subsection 62Q(2); or  
25                    (xl) subsection 62R(1); or  
26                    (xm) section 62S; or  
27                    (xn) section 62T; or  
28                    (xo) subsection 62U(1); or  
29                    (xp) subsection 62V(1); or  
30                    (xq) subsection 62V(2); or  
31                    (xr) subsection 62W(1); or  
32                    (xs) subsection 62W(2); or  
33                    (xt) subsection 62ZA(1); or

# EXPOSURE DRAFT

## Schedule 1 Restrictions on wagering advertising

### Part 1 Main amendments

---

- 1 (xu) subsection 62ZA(2); or  
2 (xv) subsection 62ZA(4).

#### **16 At the end of subsection 64C(1) (before the note)**

- 3 Add:  
4 ; (x) subsection 62K(1); or  
5 (xa) subsection 62K(3); or  
6 (xb) subsection 62L(1); or  
7 (xc) subsection 62L(3); or  
8 (xd) subsection 62M(1); or  
9 (xe) subsection 62M(2); or  
10 (xf) subsection 62N(1); or  
11 (xg) subsection 62N(2); or  
12 (xh) subsection 62P(1); or  
13 (xi) subsection 62P(2); or  
14 (xj) subsection 62Q(1); or  
15 (xk) subsection 62Q(2); or  
16 (xl) subsection 62R(1); or  
17 (xm) section 62S; or  
18 (xn) section 62T; or  
19 (xo) subsection 62U(1); or  
20 (xp) subsection 62V(1); or  
21 (xq) subsection 62V(2); or  
22 (xr) subsection 62W(1); or  
23 (xs) subsection 62W(2); or  
24 (xt) subsection 62ZA(1); or  
25 (xu) subsection 62ZA(2); or  
26 (xv) subsection 62ZA(4).  
27

#### **17 At the end of subsection 64D(1) (before the note)**

- 28 Add:  
29 ; (x) subsection 62K(1); or  
30 (xa) subsection 62K(3); or  
31 (xb) subsection 62L(1); or  
32 (xc) subsection 62L(3); or  
33

# EXPOSURE DRAFT

Restrictions on wagering advertising **Schedule 1**  
Main amendments **Part 1**

---

- 1 (xd) subsection 62M(1); or
- 2 (xe) subsection 62M(2); or
- 3 (xf) subsection 62N(1); or
- 4 (xg) subsection 62N(2); or
- 5 (xh) subsection 62P(1); or
- 6 (xi) subsection 62P(2); or
- 7 (xj) subsection 62Q(1); or
- 8 (xk) subsection 62Q(2); or
- 9 (xl) subsection 62R(1); or
- 10 (xm) section 62S; or
- 11 (xn) section 62T; or
- 12 (xo) subsection 62U(1); or
- 13 (xp) subsection 62V(1); or
- 14 (xq) subsection 62V(2); or
- 15 (xr) subsection 62W(1); or
- 16 (xs) subsection 62W(2); or
- 17 (xt) subsection 62ZA(1); or
- 18 (xu) subsection 62ZA(2); or
- 19 (xv) subsection 62ZA(4).

**EXPOSURE DRAFT**

# EXPOSURE DRAFT

Schedule 1 Restrictions on wagering advertising  
Part 2 Consequential amendments and repeals

---

1 **Part 2—Consequential amendments and repeals**

2 *Australian Communications and Media Authority Act 2005*

3 **18 Paragraph 10(1)(ma)**

4 Repeal the paragraph.

5 *Broadcasting Services Act 1992*

6 **19 Paragraphs 3(1)(hb) and (ia)**

7 Repeal the paragraphs.

8 **20 Subsection 3(2)**

9 Repeal the following definitions:

- 10 (a) definition of *gambling promotional content*;
- 11 (b) definition of *online content service*;
- 12 (c) definition of *online content service provider*.

13 **21 Subsection 4(3AB)**

14 Repeal the subsection.

15 **22 Subsection 4(4)**

16 Repeal the following definitions:

- 17 (a) definition of *gambling promotional content*;
- 18 (b) definition of *online content service*;
- 19 (c) definition of *online content service provider*.

20 **23 Subsection 5(4) (definition of *online content service*)**

21 Repeal the definition.

22 **24 Section 6 (definition of *gambling promotion program standard*)**

23 Repeal the definition.

24 **25 Section 6 (definition of *program standards*)**

25 Omit “, and includes a gambling promotion program standard”.

# EXPOSURE DRAFT

Restrictions on wagering advertising **Schedule 1**  
Consequential amendments and repeals **Part 2**

---

1 **26 Section 125A**

2 Repeal the section.

3 **27 Subsection 204(1) (table items dealing with**  
4 **subclause 15(1) or (2) of Schedule 8, subclause 15(3) or**  
5 **15(4) of Schedule 8 and subclause 26(2) of Schedule 8)**

6 Repeal the items.

7 **28 Subsections 204(3) to (5)**

8 Repeal the subsections.

9 **29 Subsections 205F(4) and (5)**

10 Omit “or subclause 25(1) or 26(4) of Schedule 8”.

11 **30 Subsections 205F(5C) and (5D)**

12 Repeal the subsections.

13 **31 Paragraph 205ZA(1)(aa)**

14 Repeal the paragraph.

15 **32 Part 1 of Schedule 8 (heading)**

16 Repeal the heading.

17 **33 Clause 1 of Schedule 8**

18 Repeal the clause.

19 **34 Clause 2 of Schedule 8**

20 Repeal the following definitions:

- 21 (a) definition of *account*;
- 22 (b) definition of *bet*;
- 23 (c) definition of *commentator betting odds promotion*;
- 24 (d) definition of *conclusion*;
- 25 (e) definition of *coverage*;
- 26 (f) definition of *gambling promotional content*;
- 27 (g) definition of *gambling service*;
- 28 (h) definition of *gambling service provider*;

# EXPOSURE DRAFT

Schedule 1 Restrictions on wagering advertising  
Part 2 Consequential amendments and repeals

---

- 1 (i) definition of *game*;  
2 (j) definition of *in conjunction with*;  
3 (k) definition of *live*;  
4 (l) definition of *lottery*;  
5 (m) definition of *online content service provider rules*;  
6 (n) definition of *representative venue-based promotion*;  
7 (o) definition of *scheduled start*;  
8 (p) definition of *service*;  
9 (q) definition of *sporting event*;  
10 (r) definition of *ticket*.

11 **35 Subclause 4(3) of Schedule 8**

12 Repeal the subclause.

13 **36 Clause 10 of Schedule 8**

14 Repeal the clause.

15 **37 Parts 2 to 6 of Schedule 8**

16 Repeal the Parts.

17 ***Broadcasting Services (Online Content Service Provider***  
18 ***Rules) 2018***

19 **38 The whole of the instrument**

20 Repeal the instrument.

21 ***Online Safety Act 2021***

22 **39 Section 231**

23 Repeal the section.

# EXPOSURE DRAFT

Disruption of illegal gambling services **Schedule 2**  
Blocking financial transactions **Part 1**

---

1 **Schedule 2—Disruption of illegal gambling**  
2 **services**

3 **Part 1—Blocking financial transactions**

4 *Australian Communications and Media Authority Act 2005*

5 **1 After section 59DB**

6 Insert:

7 **59DC Disclosure of information about transfer of funds related to**  
8 **designated interactive gambling services**

9 An ACMA official authorised, in writing, by the Chair for the  
10 purposes of this section, may disclose authorised disclosure  
11 information if the disclosure:

- 12 (a) is to a person that is:
- 13 (i) a body corporate that is an authorised deposit-taking  
14 institution for the purposes of the *Banking Act 1959*; or
  - 15 (ii) a participant (within the meaning of the *Payment*  
16 *Systems (Regulation) Act 1998*) in a payment system  
17 (within the meaning of that Act); and
- 18 (b) is for the purposes of assisting the person to comply with a  
19 requirement under section 15J of the *Interactive Gambling*  
20 *Act 2001*.

21 Note: Section 15J of the *Interactive Gambling Act 2001* is about preventing  
22 the transfer of funds related to designated interactive gambling  
23 services.

24 *Interactive Gambling Act 2001*

25 **2 Section 3 (after paragraph (cb))**

26 Insert:

- 27 (cc) financial institutions must prevent the transfer of funds  
28 that are related to designated interactive gambling  
29 services in certain circumstances;

# EXPOSURE DRAFT

Schedule 2 Disruption of illegal gambling services

Part 1 Blocking financial transactions

---

1 **3 After Part 2B**

2 Insert:

3 **Part 2C—Transfer of funds related to designated**  
4 **interactive gambling services not to be**  
5 **facilitated**

6 **Division 1—Preliminary**

7 **15G Simplified outline of this Part**

8 

Financial institutions must prevent the transfer of funds that are 9 related to designated interactive gambling services in certain 10 circumstances.
---

11 **15H Definitions**

12 In this Part:

13 *fun*ds includes, but is not limited to, the following:

- 14 (a) money;
- 15 (b) digital units of value, including digital currency (within the  
16 meaning of the *A New Tax System (Goods and Services Tax)*  
17 *Act 1999*).

18 **Division 2—Preventing transfer of funds related to**  
19 **designated interactive gambling services**

20 **15J Preventing transfer of funds related to designated interactive**  
21 **gambling services**

22 *When this section applies*

- 23 (1) This section applies in relation to a person who is:
- 24 (a) an ADI (within the meaning of the *Banking Act 1959*); or

# EXPOSURE DRAFT

Disruption of illegal gambling services **Schedule 2**  
Blocking financial transactions **Part 1**

---

1 (b) a participant (within the meaning of the *Payment Systems*  
2 (*Regulation*) *Act 1998*) in a payment system (within the  
3 meaning of that Act);

4 but does not include a person, or a person included in a class of  
5 persons, determined by the Minister under subsection (3).

6 Note: ADI is short for authorised deposit-taking institution.

## 7 *Civil penalty provision*

8 (2) The person must prevent, so far as it is reasonably practicable to do  
9 so, a payment from being made, or funds transferred, where to do  
10 so would result in a payment or transfer of funds:

11 (a) for, or in connection with, the provision of a designated  
12 interactive gambling service; and

13 (b) from an account held in Australia to any of the following  
14 persons:

15 (i) a designated interactive gambling service provider;

16 (ii) a person associated with a designated interactive  
17 gambling service provider;

18 (iii) a related body corporate (within the meaning of the  
19 *Corporations Act 2001*) of a designated interactive  
20 gambling service provider;

21 (iv) a person acting for, or on behalf of, a designated  
22 interactive gambling service provider.

23 Civil Penalty: 1,000 penalty units.

## 24 *Exempted persons*

25 (3) The Minister may, by legislative instrument, determine a person, or  
26 a class of persons, for the purposes of subsection (1).

## 27 **15K ACMA may make guidelines about transfer of funds related to** 28 **designated interactive gambling services**

29 (1) The ACMA may make written guidelines about what is, or what is  
30 not, reasonably practicable for the purposes of subsection 15J(2).

31 (2) Guidelines made under subsection (1) are not a legislative  
32 instrument.

# EXPOSURE DRAFT

## Schedule 2 Disruption of illegal gambling services

### Part 1 Blocking financial transactions

---

1 (3) Guidelines made under subsection (1) must be published on the  
2 ACMA's website.

3 (4) Guidelines made under subsection (1) that are inconsistent with  
4 this Act or a legislative instrument made under this Act have no  
5 effect to the extent of the inconsistency.

### 6 **Division 3—Miscellaneous**

#### 7 **15L Additional constitutional basis**

8 (1) Without limiting its effect apart from this section, this Part also has  
9 effect as provided by this section.

10 (2) This Part also has the effect it would have if each reference in this  
11 Part to a person were, by express provision, confined to a person  
12 who is a corporation to which paragraph 51(xx) of the Constitution  
13 applies.

#### 14 **15M Acquisition of property**

15 A provision of this Part does not apply to the extent that the  
16 operation of the provision would result in an acquisition of  
17 property (within the meaning of paragraph 51(xxxi) of the  
18 Constitution) from a person otherwise than on just terms (within  
19 the meaning of that paragraph).

#### 20 **4 After paragraph 16(ba)**

21 Insert:  
22 (bb) Part 2C; or

#### 23 **5 After subparagraph 21(1)(a)(iia)**

24 Insert:  
25 (iib) Part 2C; or

#### 26 **6 After paragraph 64A(cb)**

27 Insert:  
28 (cc) subsection 15J(2);

# EXPOSURE DRAFT

Disruption of illegal gambling services **Schedule 2**  
Blocking financial transactions **Part 1**

---

1 **7 After paragraph 64C(1)(cb)**

2           Insert:  
3                   (cc) subsection 15J(2);

4 **8 After paragraph 64D(1)(cb)**

5           Insert:  
6                   (cc) subsection 15J(2);

# EXPOSURE DRAFT

Schedule 2 Disruption of illegal gambling services

Part 2 Illegal gambling advertising

---

1 **Part 2—Illegal gambling advertising**

2 *Interactive Gambling Act 2001*

3 **9 Section 61AA**

4 Insert:

5 *published*, in relation to an online content service, has a meaning  
6 affected by section 61AB.

7 **10 After section 61AA**

8 Insert:

9 **61AB Publishing online content in Australia**

10 A designated interactive gambling service advertisement that is  
11 included or provided on an online content service is taken to be  
12 *published* in Australia if the online content service is accessed, or  
13 is available for access, by an end-user in Australia.

14 **11 Subsection 61EA(3)**

15 Repeal the subsection.

# EXPOSURE DRAFT

Disruption of illegal gambling services **Schedule 2**  
Preventing the use of infrastructure etc. for illegal gambling **Part 3**

---

1 **Part 3—Preventing the use of infrastructure etc. for**  
2 **illegal gambling**

3 *Interactive Gambling Act 2001*

4 **12 Section 3 (after paragraph (b))**

5 Insert:

6 (ba) infrastructure etc. must not be used in connection with  
7 the provision of designated interactive gambling  
8 services;

9 **13 At the end of Part 2**

10 Add:

11 **15AB Preventing the use of infrastructure etc. in connection with**  
12 **designated interactive gambling services**

13 *When this section applies*

- 14 (1) This section applies in relation to a person who is:  
15 (a) an internet service provider; or  
16 (b) a domain name system provider; or  
17 (c) an app distribution service provider; or  
18 (d) an internet search engine service provider;

19 but does not apply in relation to a person, or a person included in a  
20 class of persons, determined by the Minister under subsection (4).

21 Note: For the meanings of *internet service provider* and *app distribution*  
22 *service provider* see section 4.

23 *Civil penalty*

- 24 (2) Subject to subsection (3), the person must prevent so far as it is  
25 reasonably practicable to do so, any of the following from being  
26 used in connection with the provision of, or access to, a designated  
27 interactive gambling service with an Australian customer link (see  
28 section 8):

# EXPOSURE DRAFT

Schedule 2 Disruption of illegal gambling services

Part 3 Preventing the use of infrastructure etc. for illegal gambling

---

1 (a) infrastructure and facilities operated or controlled, by the  
2 person;

3 (b) services provided by the person.

4 Civil Penalty: 1,000 penalty units.

5 (3) Subsection (2) only applies to the extent that the infrastructure and  
6 facilities are operated or controlled, or the services are provided, by  
7 the person in their capacity as a provider mentioned in  
8 paragraph (1)(a), (b), (c) or (d) (as the case may be).

9 *Exempt persons*

10 (4) The Minister may, by legislative instrument, determine a person, or  
11 a class of persons, for the purposes of subsection (1).

12 *Meaning of domain name system provider*

13 (5) In this section, **domain name system provider** means a person who  
14 provides a service relating to domain names.

## 15 **15AC ACMA may make guidelines about preventing use of** 16 **infrastructure etc.**

17 (1) The ACMA may make written guidelines about what is, or is not,  
18 reasonably practicable for the purposes of subsection 15AB(2).

19 (2) Guidelines made under subsection (1) are not a legislative  
20 instrument.

21 (3) Guidelines made under subsection (1) must be published on the  
22 ACMA's website.

23 (4) Guidelines made under subsection (1) that are inconsistent with  
24 this Act or the regulations have no effect to the extent of the  
25 inconsistency.

## 26 **15AD Additional constitutional basis**

27 (1) Without limiting its effect apart from this section, this Part also has  
28 effect as provided by this section.

# EXPOSURE DRAFT

Disruption of illegal gambling services **Schedule 2**  
Preventing the use of infrastructure etc. for illegal gambling **Part 3**

---

1                   (2) This Part also has the effect it would have if each reference in this  
2                   Part to a person were, by express provision, confined to a person  
3                   who is a corporation to which paragraph 51(xx) of the Constitution  
4                   applies.

## 5                   **15AE Acquisition of property**

6                   Section 15AB does not apply to the extent that the operation of the  
7                   section would result in an acquisition of property (within the  
8                   meaning of paragraph 51(xxxi) of the Constitution) from a person  
9                   otherwise than on just terms (within the meaning of that  
10                  paragraph).

## 11                  **14 After paragraph 64A(b)**

12                  Insert:  
13                  (ba) subsection 15AB(2);

## 14                  **15 After paragraph 64C(1)(b)**

15                  Insert:  
16                  (ba) subsection 15AB(2);

## 17                  **16 After paragraph 64D(1)(b)**

18                  Insert:  
19                  (ba) subsection 15AB(2);

# EXPOSURE DRAFT

Schedule 2 Disruption of illegal gambling services

Part 4 Enforcement powers

---

1 **Part 4—Enforcement powers**

2 ***Interactive Gambling Act 2001***

3 **17 Section 3**

4 After:

- 5
- 6
- 7
- 8
- 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.

9 insert:

- 10
- 11
- 12
- The ACMA may issue a notice to a person to remove a designated interactive gambling service advertisement from an online content service.

13 **18 Section 61AA (after the heading)**

14 Insert:

- 15 Note: Other definitions are set out in section 4 of this Act, including the
- 16 following:
- 17 (a) *app distribution service*;
- 18 (b) *app distribution service provider*;
- 19 (c) *online content service*;
- 20 (d) *online content service provider*.

21 **19 Section 61AA**

22 Insert:

23 *app removal notice* means a notice given under section 61EN.

24 *hosting service provider* has the same meaning as in the *Online*

25 *Safety Act 2021*.

26 *link removal notice* means a notice given under section 61EL.

27 *removal notice* means a notice under:

- 28 (a) section 61EH; or
-

# EXPOSURE DRAFT

Disruption of illegal gambling services **Schedule 2**  
Enforcement powers **Part 4**

---

- 1 (b) section 61EI; or  
2 (c) section 61EJ.

3 *removed*, from an online content service, has the meaning given by  
4 section 61EG.

## 5 **20 Paragraph 61CA(1)(a)**

6 Repeal the paragraph, substitute:

- 7 (a) the person includes or provides the advertisement, or  
8 something that contains the advertisement, on an online  
9 content service;

## 10 **21 After Division 5 of Part 7A**

11 Insert:

## 12 **Division 5A—Removal notices**

### 13 **61EG When a designated interactive gambling service** 14 **advertisement is removed from an online content service**

15 For the purposes of this Part, a designated interactive gambling  
16 service advertisement is *removed* from an online content service if  
17 the advertisement is neither accessible to, nor delivered to, any of  
18 the end-users in Australia using the service.

### 19 **61EH Removal notice given to an online content service provider**

- 20 (1) If a designated interactive gambling service advertisement is, or  
21 has been, published in Australia on an online content service, the  
22 ACMA may give the online content service provider a written  
23 notice (a *removal notice*) requiring the provider to:  
24 (a) take all reasonable steps to ensure the removal of the  
25 advertisement from the service; and  
26 (b) do so within:  
27 (i) 24 hours after the notice was given to the provider; or  
28 (ii) such longer period as the ACMA allows.

# EXPOSURE DRAFT

## Schedule 2 Disruption of illegal gambling services

### Part 4 Enforcement powers

---

- 1 (2) So far as is reasonably practicable, the advertisement must be  
2 identified in the removal notice in a way that is sufficient to enable  
3 the online content service provider to comply with the notice.

#### 4 **61EI Removal notice given to an end-user**

- 5 (1) If:  
6 (a) a designated interactive gambling service advertisement is, or  
7 has been, published in Australia on an online content service;  
8 and  
9 (b) the advertisement was published on the service by a  
10 particular end-user of the service;  
11 the ACMA may give the end-user a written notice (a *removal*  
12 *notice*) requiring the end-user to:  
13 (c) take all reasonable steps to ensure the removal of the  
14 advertisement from the service; and  
15 (d) do so within:  
16 (i) 24 hours after the notice was given to the end-user; or  
17 (ii) such longer period as the ACMA allows.
- 18 (2) So far as is reasonably practicable, the advertisement must be  
19 identified in the removal notice in a way that is sufficient to enable  
20 the end-user of the online content service to comply with the  
21 notice.

#### 22 **61EJ Removal notice given to a hosting service provider**

- 23 (1) If a designated interactive gambling service advertisement is, or  
24 has been, published in Australia on an online content service, the  
25 ACMA may give the hosting service provider a written notice (a  
26 *removal notice*) requiring the provider to:  
27 (a) take all reasonable steps to cease hosting the advertisement;  
28 and  
29 (b) do so within:  
30 (i) 24 hours after the notice was given to the provider; or  
31 (ii) such longer period as the ACMA allows.
- 32 (2) So far as is reasonably practicable, the advertisement must be  
33 identified in the removal notice in a way that is sufficient to enable  
34 the hosting service provider to comply with the notice.
-

# EXPOSURE DRAFT

Disruption of illegal gambling services **Schedule 2**  
Enforcement powers **Part 4**

---

1     **61EK Compliance with removal notice**

2             A person must comply with a requirement under a removal notice  
3             given under section 61EH, 61EI or 61EJ to the extent that the  
4             person is capable of doing so.

5             Civil penalty:           1,000 penalty units.

6     **61EL Link deletion notice**

7             (1) If end-users in Australia can access a designated interactive  
8             gambling service using a link published in Australia by an internet  
9             search engine service provider, the ACMA may give the provider a  
10            written notice (a *link deletion notice*) requiring the provider to:

11            (a) cease providing a link to the designated interactive gambling  
12            service; and

13            (b) do so within:

14            (i) 24 hours after the notice was given to the provider; or

15            (ii) such longer period as the ACMA allows.

16            (2) So far as is reasonably practicable, the link to the designated  
17            interactive gambling service must be identified in the link deletion  
18            notice in a way that is sufficient to enable the internet search  
19            engine service provider to cease providing a link to the material.

20            (3) The link deletion notice may also require the internet search engine  
21            service provider to:

22            (a) notify the ACMA that the provider has ceased to provide a  
23            link to the designated interactive gambling service; and

24            (b) do so as soon as practicable after the cessation.

25     **61EM Compliance with link deletion notice**

26             A person must comply with a requirement under a link deletion  
27             notice to the extent that the person is capable of doing so.

28             Civil penalty:           1,000 penalty units.

# EXPOSURE DRAFT

Schedule 2 Disruption of illegal gambling services

Part 4 Enforcement powers

---

## 61EN App removal notice

- 1
- 2 (1) If an app distribution service enables end-users in Australia to  
3 download an app that is associated with and facilitates the use of a  
4 designated interactive gambling service, the ACMA may give the  
5 app distribution service provider a written notice (an *app removal*  
6 *notice*) requiring the provider to:
- 7 (a) cease enabling end-users in Australia to download the app  
8 using the service; and
- 9 (b) do so within:
- 10 (i) 24 hours after the notice was given to the provider; or  
11 (ii) such longer period as the ACMA allows.
- 12 (2) So far as is reasonably practicable, the app must be identified in the  
13 app removal notice in a way that is sufficient to enable the app  
14 distribution service provider to comply with the notice.
- 15 (3) The app removal notice may also require the app distribution  
16 service provider to:
- 17 (a) notify the ACMA that the provider has ceased to enable  
18 end-users in Australia to download the app; and  
19 (b) do so as soon as practicable after the cessation.

## 61EO Compliance with app removal notice

20 A person must comply with a requirement under an app removal  
21 notice to the extent that the person is capable of doing so.

22 Civil penalty: 1,000 penalty units.

## 22 After paragraph 64A(i)

23 Insert:

24 (iaa) section 61EK;

## 23 After paragraph 64C(1)(i)

25 Insert:

26 (iaa) section 61EK;

27 (iab) section 61EM;

28 (iac) section 61EO;

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# EXPOSURE DRAFT

Disruption of illegal gambling services **Schedule 2**  
Enforcement powers **Part 4**

---

1 **24 After paragraph 64D(1)(i)**

2           Insert:

3                   (iaa) section 61EK;

4                   (iab) section 61EM;

5                   (iac) section 61EO;

**EXPOSURE DRAFT**

# EXPOSURE DRAFT

Schedule 3 BetStop

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1 **Schedule 3—BetStop**  
2

3 ***Interactive Gambling Act 2001***

4 **1 Section 61GB (definition of *qualified counsellor*)**

5 Repeal the definition, substitute:

6 ***qualified counsellor*** means:

7 (a) an individual who is a member of:

8 (i) the Psychotherapy and Counselling Federation of  
9 Australia; or

10 (ii) the Australian Counselling Association; or

11 (b) an individual prescribed by the Register rules.

12 **2 Section 61GB (definition of *Register operator*)**

13 Repeal the definition, substitute:

14 ***Register operator*** has the meaning given by subsection 61HA(9).

15 **3 Paragraph 61GE(1)(b)**

16 After “electronic address”, insert “, identifier or endpoint”.

17 **4 Subparagraph 61GE(1)(b)(iv)**

18 Repeal the subparagraph, substitute:

19 (iv) a device, application or software (including by way of a  
20 push notification); or

21 (v) any similar account, service or technology.

22 **5 At the end of subsection 61GF(1)**

23 Add:

24 ; or (g) to make any other communication that is not required for  
25 purposes of complying with a law of the Commonwealth, a  
26 State or a Territory.

27 **6 At the end of subsection 61GG(1)**

28 Add:

---

1 ; or (h) to make any other communication that is not required for  
2 purposes of complying with a law of the Commonwealth, a  
3 State or a Territory.

## 4 **7 Subsection 61HA(1)**

5 Omit “arrange for a body corporate (the *Register operator*)”, substitute  
6 “keep, or arrange for a body corporate”.

## 7 **8 At the end of section 61HA**

8 Add:

9 (8) The Minister may, by notifiable instrument, substitute a  
10 Department, agency or authority of the Commonwealth for the  
11 ACMA for the purposes of this section.

12 (9) The person or body that operates the National Self-exclusion  
13 Register is the *Register operator*.

## 14 **9 Section 61JK (heading)**

15 Repeal the heading, substitute:

### 16 **61JK Application for deregistration**

## 17 **10 Subsection 61JK(2)**

18 Omit “, unless the individual was previously registered before that  
19 time”.

## 20 **11 Before subsection 61JK(5)**

21 Insert:

22 *Informing nominated support person*

## 23 **12 Paragraphs 61JK(5)(c) to (e)**

24 Repeal the paragraphs, substitute:

- 25 (c) inform the nominated support person that the application:
- 26 (i) has been made; and
  - 27 (ii) can be withdrawn by the registered individual at any  
28 time before the registered individual confirms the  
29 application; and

# EXPOSURE DRAFT

- 1 (d) if the application is withdrawn by the registered individual  
2 before the registered individual confirms the application—  
3 notify the nominated support person of the withdrawal.

4 **13 Subsection 61JK(6)**

5 Repeal the subsection.

6 **14 After section 61JK**

7 Insert:

8 **61JKA Deregistration—confirmation of application**

9 *Confirming applications*

- 10 (1) A registered individual who has applied for removal of the  
11 individual's entry from the National Self-exclusion Register may  
12 confirm the application.
- 13 (2) However, the application may be confirmed only after the period  
14 of 7 days after the day on which the application was made.
- 15 (3) The confirmation must be made:  
16 (a) in writing; and  
17 (b) in accordance with the Register rules.

18 *Deregistration*

- 19 (4) If the application is confirmed, the Register operator must:  
20 (a) remove the registered individual's entry from the National  
21 Self-exclusion Register; and  
22 (b) do so within the period (if any) prescribed by the Register  
23 rules; and  
24 (c) if the registered individual has a nominated support person—  
25 notify the nominated support person of the removal.

26 **15 Section 61JM**

27 Before "The Register operator", insert "(1)".

28 **16 At the end of section 61JM**

29 Add:

---

- 1 (2) For the purposes of this section, an individual is not ordinarily  
2 resident in Australia unless the individual:  
3 (a) is a permanent resident within the meaning of the *Australian*  
4 *Citizenship Act 2007*; or  
5 (b) has resided in Australia for 200 or more days in at least 3 of  
6 the past 5 calendar years.

7 **17 Subsection 61LA(1) (heading)**

8 Omit “—*knowledge of provider*”.

9 **18 Paragraph 61LA(1)(c)**

10 Omit “known by the person to be”.

11 **19 Subsection 61LA(2) (heading)**

12 Omit “—*knowledge of provider*”.

13 **20 Subsection 61LA(2)**

14 Omit “known by the provider to be”.

15 **21 Subsections 61LA(3) to (5)**

16 Repeal the subsections.

17 **22 Subsection 61LA(6) (heading)**

18 Repeal the heading, substitute:

19 *Exceptions*

20 **23 Subsection 61LA(6)**

21 Omit “Subsections (1), (2), (3) and (4)”, substitute “Subsections (1) and  
22 (2)”.

23 **24 Subsection 61LA(6) (note 3)**

24 Omit “or (4)”.

25 **25 Subsection 61LA(7)**

26 Omit “or (3)”.

# EXPOSURE DRAFT

1 **26 Section 61MB (heading)**

2 Omit “—no outstanding or pending bets”.

3 **27 Paragraph 61MB(1)(b)**

4 Repeal the paragraph, substitute:

- 5 (b) the individual has a licensed interactive wagering service  
6 account with a licensed interactive wagering service  
7 provider;

8 **28 Paragraphs 61MB(1)(c) to (e)**

9 Repeal the paragraphs, substitute:

- 10 (c) the provider must ensure that the account is not used in  
11 relation to the provision, or prospective provision, of one or  
12 more licensed interactive wagering services to the individual  
13 (even if the individual ceases to be a registered individual);  
14 and  
15 (d) once any outstanding or pending bets that could be processed  
16 through the account are resolved—the provider must, as soon  
17 as practicable, and within 7 days:  
18 (i) close the account; and  
19 (ii) do so in accordance with any requirements prescribed  
20 by the Register rules; and  
21 (iii) if the account has a credit balance—pay the individual  
22 an amount equal to the credit balance; and

23 **29 Subsection 61MB(2)**

24 Repeal the subsection, substitute:

- 25 (2) Paragraph (1)(c) does not prevent the licensed interactive wagering  
26 service provider from:  
27 (a) recovering debts that could lawfully be recovered by way of  
28 deduction from the account before the account is closed; or  
29 (b) opening a new licensed interactive wagering service account  
30 for the individual if the individual ceases to be a registered  
31 individual.

32 **30 Paragraph 61MB(5)(b)**

33 Repeal the paragraph, substitute:

---

- 1 (b) the individual has a licensed interactive wagering service  
2 account with a licensed interactive wagering service  
3 provider;

### 4 **31 Paragraphs 61MB(5)(c) to (e)**

5 Repeal the paragraphs, substitute:

- 6 (c) the provider must ensure that the account is not used in  
7 relation to the provision, or prospective provision, of one or  
8 more licensed interactive wagering services to the individual  
9 (even if the individual ceases to be a registered individual);  
10 and  
11 (d) once any outstanding or pending bets that could be processed  
12 through the account are resolved—the provider must, as soon  
13 as practicable, and within 7 days:  
14 (i) close the account; and  
15 (ii) do so in accordance with any requirements prescribed  
16 by the Register rules; and  
17 (iii) if the account has a credit balance—pay the individual  
18 an amount equal to the credit balance; and

### 19 **32 Subsection 61MB(6)**

20 Repeal the subsection, substitute:

- 21 (6) Paragraph (5)(c) does not prevent the licensed interactive wagering  
22 service provider from:  
23 (a) recovering debts that could lawfully be recovered by way of  
24 deduction from the account before the account is closed; or  
25 (b) opening a new licensed interactive wagering service account  
26 for the individual if the individual ceases to be a registered  
27 individual.

### 28 **33 Section 61MC**

29 Repeal the section, substitute:

#### 30 **61MC Use of account information after closure**

- 31 (1) This section applies if:

# EXPOSURE DRAFT

## Schedule 3 BetStop

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- 1 (a) an individual had one or more licensed interactive wagering  
2 service accounts with a licensed interactive wagering service  
3 provider; and  
4 (b) one or more of those accounts were closed under  
5 section 61MB because the individual became a registered  
6 individual; and  
7 (c) the individual ceases to be a registered individual; and  
8 (d) the individual opens another licensed interactive wagering  
9 service account with the licensed interactive wagering service  
10 provider.
- 11 (2) The licensed interactive wagering service provider must take  
12 reasonable steps to ensure that all accounts the individual has or  
13 had with the service provider are linked in order to retain access to  
14 information about the individual's use of the wagering service.
- 15 (3) Information available from the linking of the accounts may be used  
16 for the following purposes only:  
17 (a) harm minimisation;  
18 (b) compliance with obligations under this Act;  
19 (c) risk identification and management.
- 20 (4) This section does not require a licensed interactive wagering  
21 service provider to retain account information for more than 3  
22 years.

### 34 At the end of subsection 61NB(4)

23 Add:

- 24 ; or (g) for the purposes of notifying or responding to law  
25 enforcement or emergency services in circumstances where it  
26 is necessary to protect the health and safety of an individual.  
27

### 35 Subsection 61NB(7)

28 Omit "personal" (wherever occurring).  
29

### 36 After subsection 61NC(2)

30 Insert:

- 31 (2A) A licensed interactive wagering service provider commits an  
32 offence if the service provider:  
33

- 
- 1 (a) makes a request under subsection (1); and  
2 (b) fails to comply with Register rules made for the purposes of  
3 paragraph (2)(b).

4 Penalty: 120 penalty units.

- 5 (2B) A licensed interactive wagering service provider who makes a  
6 request under subsection (1) must not fail to comply with Register  
7 rules made for the purposes of paragraph (2)(b).

8 Civil penalty: 180 penalty units.

### 9 **37 Subsection 61NC(11)**

10 Omit “subsection (7)”, substitute “subsection (2A) or (7)”.

### 11 **38 Before section 61QA**

12 Insert:

#### 13 **61PDA Information to be provided to the Register operator**

- 14 (1) This section applies if a person:  
15 (a) provides, or intends to provide, a regulated interactive  
16 gambling service; and  
17 (b) does so, or intends to do so, under a licence (however  
18 described) granted under a law of a State or Territory that  
19 authorises the provision of the service.
- 20 (2) The person must notify the Register operator if any of the  
21 following occurs:  
22 (a) the licence is granted;  
23 (b) the person commences to operate the service;  
24 (c) the person ceases to operate the service;  
25 (d) the licence is suspended, cancelled or otherwise ceases to  
26 have effect.
- 27 (3) The notification must be in accordance with any requirements  
28 prescribed by the Register rules.

29 *Offence*

- 30 (4) A person commits an offence if:

# EXPOSURE DRAFT

## Schedule 3 BetStop

---

- 1 (a) the person engages in conduct; and  
2 (b) the person's conduct contravenes subsection (2) or (3).

3 Penalty: 120 penalty units.

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

8 *Civil penalty provision*

- 9 (6) A licensed interactive wagering service provider must not  
10 contravene subsection (2) or (3).

11 Civil penalty: 180 penalty units.

- 12 (7) A person who contravenes subsection (6) as it relates to  
13 subsection (2) commits a separate contravention of subsection (6)  
14 in respect of each day during which the contravention occurs  
15 (including the day the relevant civil penalty order is made or any  
16 later day).

17 *Exception*

- 18 (8) Subsection (4) or (6) does not apply if the contravention occurred  
19 in circumstances prescribed by the Register rules.

20 Note 1: In a prosecution for an offence against subsection (4), a defendant  
21 bears an evidential burden in relation to the matter in this  
22 subsection (see subsection 13.3(3) of the *Criminal Code*).

23 Note 2: In proceedings for a civil penalty order for a contravention of  
24 subsection (6), a defendant bears an evidential burden in relation to  
25 the matter in this subsection (see section 96 of the Regulatory Powers  
26 Act).

27 *Offence—extended geographical jurisdiction*

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

### 31 **39 Paragraph 64A(o)**

32 Repeal the paragraph.

---

1 **40 Paragraph 64A(u)**

2 Repeal the paragraph.

3 **41 After paragraph 64A(v)**

4 Insert:

5 (va) subsection 61NC(2B);

6 **42 After paragraph 64A(w)**

7 Insert:

8 ; or (wa) subsection 61PDA(6).

9 **43 At the end of section 64B**

10 Add:

11 *Civil penalty double jeopardy*

12 (5) However, a civil penalty order must not be made against a person  
13 for contravention of a civil penalty provision of this Act if a civil  
14 penalty order has been made against the person under another  
15 provision of this Act in relation to conduct that is substantially the  
16 same as the conduct constituting the contravention.

17 **44 Paragraph 64C(1)(o)**

18 Repeal the paragraph.

19 **45 Paragraph 64C(1)(u)**

20 Repeal the paragraph.

21 **46 After paragraph 64C(1)(v)**

22 Insert:

23 (va) subsection 61NC(2B);

24 **47 After paragraph 64C(1)(w)**

25 Insert:

26 ; or (wa) subsection 61PDA(6).

27 **48 After subsection 64C(1)**

28 Insert:

---

# EXPOSURE DRAFT

Schedule 3 BetStop

---

1 *Time limit for giving an infringement notice*

2 (1A) Despite subsection 103(2) of the Regulatory Powers Act, an  
3 infringement notice must be given within 24 months of the alleged  
4 contravention of a provision mentioned in subsection (1) of this  
5 section.

6 **49 Paragraph 64D(1)(o)**

7 Repeal the paragraph.

8 **50 Paragraph 64D(1)(u)**

9 Repeal the paragraph.

10 **51 After paragraph 64D(1)(v)**

11 Insert:

12 (va) subsection 61NC(2B);

13 **52 After paragraph 64D(1)(w)**

14 Insert:

15 ; or (wa) subsection 61PDA(6).

16 ***National Self-exclusion Register (Cost Recovery Levy) Act***  
17 ***2019***

18 **53 Section 6 (definition of cost)**

19 Repeal the definition, substitute:

20 ***cost:***

21 (a) in relation to the ACMA, means an amount that, in  
22 accordance with accrual-based accounting principles, is  
23 treated as a cost of the ACMA; or

24 (b) in relation to the Department, means an amount that, in  
25 accordance with accrual-based accounting principles, is  
26 treated as a cost of the Department.

27 **54 At the end of subsection 10(1)**

28 Add:

---

# EXPOSURE DRAFT

BetStop Schedule 3

---

- 1 ; (h) any costs incurred, during the levy period, by the ACMA or  
2 the Department in relation to promotion of the Register;  
3 (j) any other costs incurred by the ACMA or the Department,  
4 during the levy period, in relation to the operation of the  
5 Register;  
6 (k) any costs incurred by the ACMA or the Department, during a  
7 previous levy period, in relation to the operation of the  
8 Register that have not been counted for the purposes of this  
9 subsection.

**EXPOSURE DRAFT**

# EXPOSURE DRAFT

## Schedule 4 Online lottery products

---

1  
2

### Schedule 4—Online lottery products

3

#### *Interactive Gambling Act 2001*

4

##### **1 Section 4**

5

Insert:

6

*foreign matched lottery* means a lottery in which prizes are determined wholly or partly by reference to the outcome of a lottery conducted outside Australia.

7

8

9

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

10

Insert:

11

*keno-type lottery* means:

12

(a) a lottery to which all of the following apply:

13

(i) participants select numbers from a specified range or pool;

14

15

(ii) numbers are drawn at random from that range or pool;

16

(iii) prizes are determined by reference to the extent to which selections match the outcome of the draw;

17

18

(iv) the lottery is conducted in a manner that enables frequent or repeated participation within a short period;

19

20

(v) participants are not physically present at the premises at which the lottery is licensed to be conducted under a law of a State or Territory;

21

22

23

(vi) participation occurs wholly or principally by means of a carriage service; or

24

25

(b) a lottery of a kind prescribed by the regulations.

26

##### **3 Section 4 (note to the definition of *lottery*)**

27

Repeal the note.

28

##### **4 After subsection 8BB(1)**

29

Insert:

30

(1A) For the purposes of this Act, a service is not a *trade promotion gambling service* if:

31

# EXPOSURE DRAFT

Online lottery products **Schedule 4**

---

- 1 (a) a membership or subscription fee, or any separate or  
2 additional consideration (however described), is required to  
3 enter the lottery or game concerned; and  
4 (b) payment of that fee gives the person entry, or a right to entry,  
5 into one or more lotteries or games (including ongoing or  
6 multiple draws); and  
7 (c) the fee (however structured or described) is not paid solely  
8 for the purchase of the service provider's own goods or  
9 services.

## 10 **5 Paragraph 8D(1B)(a)**

11 Omit "a keno-type".

## 12 **6 Subsection 8D(2)**

13 Omit all the words after "does not", substitute:

14 apply:

- 15 (a) to an electronic form of:  
16 (i) scratch lottery; or  
17 (ii) other instant lottery; or  
18 (iii) a foreign matched lottery; or  
19 (b) to a keno-type lottery.

## 20 **7 Acquisition of property**

21 The amendments made by this Part have no effect to the extent (if any)  
22 to which the amendments would result in an acquisition of property  
23 (within the meaning of paragraph 51(xxxi) of the Constitution) from a  
24 person otherwise than on just terms (within the meaning of that  
25 paragraph).