

Queensland



Subordinate Legislation 1998 No. 258

*Interactive Gambling (Player Protection) Act 1998*

**INTERACTIVE GAMBLING (PLAYER PROTECTION) REGULATION 1998**

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**Short title**

1. This regulation may be cited as the *Interactive Gambling (Player Protection) Regulation 1998*.

**Commencement**

2. This regulation commences on 1 October 1998.

**Definitions**

3. In this regulation—

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

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

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

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

**“gross profit”**, for an authorised game, is the amount equal to the gambling turnover for the game less the total amount of prizes won in the game.

**“interactive computer system”** means a computer system used for the conduct of interactive games by a licensed provider under an interactive gambling licence.

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

**“non-participating jurisdiction”** means a jurisdiction that is not a participating jurisdiction.

**Prescribed bodies for player’s accounts—Act, s 20(1)(a)(ii)**

4. The licensed provider mentioned in section 20(1)(b)<sup>1</sup> of the Act is a body prescribed for section 20(1)(a)(ii) of the Act.

**Agents for licensed providers—Act, s 96(1)**

5. For section 96(1)(a)(ii)<sup>2</sup> of the Act, a person is eligible to be an agent if the person—

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

**Calculation of interactive gambling tax—Act, s 113**

6.(1) For section 113(2)<sup>3</sup> of the Act, interactive gambling tax payable by a licensed provider for an authorised game conducted by the provider, is the total of the Queensland component, participating jurisdictions’ component and non-participating jurisdictions’ component calculated under subsections (2) to (4).

(2) The Queensland component of interactive gambling tax for the game is calculated using the following formula—

$$QC = \frac{(GP \times QGT \times QR)}{GT}$$

<sup>1</sup> Section 20 (Player’s account) of the Act

<sup>2</sup> Section 96 (Conditions for entering into agency agreement) of the Act

<sup>3</sup> Section 113 (Liability to tax) of the Act

where—

“**GP**” means the gross profit of the game.

“**GT**” means the gambling turnover for the game.

“**QC**” means the Queensland component of interactive gambling tax for the game.

“**QGT**” means the part of the gambling turnover for the game attributable to the gross amount wagered by all Queensland residents.

“**QR**” means—

- (a) if the game is a game approved under a gaming Act—the rate of tax specified in that Act for the game; or
- (b) if paragraph (a) does not apply—50%.

(3) The participating jurisdictions’ component of interactive gambling tax for the game is the total of the amounts calculated using the following formula for each participating jurisdiction—

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

where—

“**GP**” means the gross profit of the game.

“**GT**” means the gambling turnover for the game.

“**PJC**” means a participating jurisdiction’s component of interactive gambling tax for the game.

“**PJGT**”, for a participating jurisdiction, means the part of the gambling turnover for the game attributable to the gross amount wagered by all residents of the jurisdiction.

“**PJR**”, for a participating jurisdiction, means—

- (a) the rate of tax payable, under the corresponding law of the jurisdiction, for wagers in the game made by residents of the jurisdiction; or
- (b) if no rate of tax payable under the corresponding law of the jurisdiction is specified in the law and, the game is approved under a law of the jurisdiction regulating gambling—the rate of tax specified in that law for the game; or

- (c) if no rate of tax payable under the corresponding law of the jurisdiction is specified in the law and paragraph (b) does not apply—50%.

(4) The non-participating jurisdictions' component of the interactive gambling tax for the game is calculated using the following formula—

$$\text{NJC} = \frac{(\text{GP} \times \text{NJGT} \times \text{QR})}{\text{GT}}$$

where—

“GP” means the gross profit of the game.

“GT” means the gambling turnover for the game.

“NJC” means the non-participating jurisdictions' component of interactive gambling tax for the game.

“NJGT” means the part of the gambling turnover for the game attributable to the gross amount wagered by all residents of all non-participating jurisdictions.

“QR” means—

- (a) if the game is a game approved under a gaming Act—the rate of tax specified in that Act for the game; or
- (b) if paragraph (a) does not apply—50%.

### **Payment of interactive gambling tax—Act, s 113**

7. For section 113(2)<sup>4</sup> of the Act, interactive gambling tax payable by a licensed provider for authorised games conducted by the provider in each month must be paid by the provider within 7 days after the end of the relevant month.

### **Adjustment of interactive gambling tax**

8.(1) Subsection (2) applies in relation to a licensed provider if the interactive gambling tax for a month (the “reference month”) is a negative amount (a “tax credit”).

<sup>4</sup> Section 113 (Liability to tax) of the Act

(2) In working out the interactive gambling tax payable for the first month after the reference month (the “**first adjustment month**”), the tax credit for the reference month is, to the extent possible, to be set off against the interactive gambling tax that, apart from this section, would be payable for the first adjustment month.

(3) Subsection (4) applies if—

- (a) without applying subsection (2), the interactive gambling tax for the first adjustment month is a negative amount; or
- (b) after applying subsection (2), part of the tax credit (the “**tax credit balance**”) for the reference month has not been set off against interactive gambling tax for the first adjustment month.

(4) In working out the interactive gambling tax payable for the month (the “**second adjustment month**”) after the first adjustment month, the tax credit, or tax credit balance, for the reference month, is, to the extent possible, to be set off against the interactive gambling tax that, apart from this subsection, would be payable for the second adjustment month.

(5) In relation to interactive gambling tax for a month that is a negative amount, the operation of this section extends only to the 2 months after the month.

### **Proportion of tax for community benefit etc.—Act, s 116(2)**

**9.(1)** For section 116(2)<sup>5</sup> of the Act, the proportion is 8.5%.

(2) For section 116(2) of the Act, the fund established for community benefit is the gaming machine community benefit fund established under the *Gaming Machine Act 1991*, section 168.

### **Percentages for penalties for late payment—Act, s 117**

**10.(1)** For section 117(2)<sup>6</sup> of the Act, the percentage is 5%.

(2) For section 117(4) of the Act, the percentage is 5%.

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<sup>5</sup> Section 116 (Payment of tax for community benefit) of the Act

<sup>6</sup> Section 117 (Penalty for late payment) of the Act

**Agent's place of operation—Act, s 126(a)**

11. For section 126(a)<sup>7</sup> of the Act, the following kinds of places are appropriate for an agent to carry on operations in Queensland—

- (a) if the agent is an agent under a corresponding law—the location in the premises where the agent trades;
- (b) if the agent is an agent under a gaming Act—the premises detailed in the relevant agency agreement under that Act;
- (c) if the agent is a person eligible to be an agent under a gaming Act—the premises where that person trades;
- (d) if the agent is a financial institution—the premises where that financial institution trades;
- (e) if the agent is an entity appointed by a financial institution as its agent to provide financial services—the premises where that entity trades.

**Period for inactive players accounts—Act, s 135**

12. For section 135<sup>8</sup> of the Act, the period is 1 year.

**Designated account for inactive players accounts—Act, s 135(b)**

13. For section 135(b) of the Act, the designated account at the department is the Treasurer's unclaimed moneys fund kept under the *Financial Administration and Audit Act 1977*.

**Designated account for proceeds of sale of unclaimed non-monetary prizes—Act, s 157(2)(c)(iii)**

14. For section 157(2)(c)(iii)<sup>9</sup> of the Act, the designated account at the

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<sup>7</sup> Section 126 (Agent's place of operation) of the Act

<sup>8</sup> Section 135 (Inactive players accounts) of the Act

<sup>9</sup> Section 157 (Disposal of unclaimed non-monetary prizes) of the Act



department is the Treasurer's unclaimed moneys fund kept under the *Financial Administration and Audit Act 1977*.

### **Requests to resolve claims for payment—Act, s 158**

**15.(1)** This section prescribes, for section 158(4)<sup>10</sup> of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 158(2) of the Act, to resolve a claim for payment of a prize in an authorised game.

**(2)** The chief executive must ask the licensed provider to immediately try to resolve the claim.

**(3)** If, within 14 days after making the request, the chief executive is not advised of the resolution of the claim by the licensed provider or claimant, the chief executive must by written notice given to the provider and the claimant, invite submissions about the provider's decision within 1 month after receiving the notice (the "**submission period**").

**(4)** Submissions must be made in writing.

**(5)** As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions properly made; and
- (b) consider the results of any investigation carried out by the chief executive under section 158(4)(b) of the Act; and
- (c) make a decision about the claim; and
- (d) give the licensed provider and claimant an information notice for the decision.<sup>11</sup>

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<sup>10</sup> Section 158 (Claims for prize) of the Act

<sup>11</sup> Information notice is defined in schedule 3 (Dictionary) of the Act as follows—

‘**“information notice”**, for a decision of the chief executive, is a written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may appeal against the decision to the Queensland Gaming Commission within 28 days.’.

(6) However, the chief executive is not required to take or complete action under subsection (5) if the chief executive is advised of the resolution of the claim by the licensed provider or claimant.

(7) Nothing in this section affects or prejudices any other right or remedy of a licensed provider or claimant in an authorised game.

### **Requests to review decisions about claims for payment—Act, s 158**

**16.(1)** This section prescribes, for section 158(4)<sup>12</sup> of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 158(2) of the Act, to review a decision of a licensed provider (the “**provider’s decision**”).

(2) The chief executive must either review, or refuse to review, the provider’s decision.

(3) The chief executive may refuse to review the provider’s decision only if—

- (a) the request was not made within 10 days after the claimant received the claim result notice for the decision; or
- (b) the chief executive considers the request was not made in good faith or is frivolous.

(4) If the chief executive decides to refuse to review the provider’s decision, the chief executive must—

- (a) give written notice of the chief executive’s decision to the licensed provider and claimant; and
- (b) give the claimant a written notice stating the reasons for the chief executive’s decision.

(5) If the chief executive decides to review the provider’s decision, the chief executive must—

- (a) give the licensed provider a copy of the claimant’s request; and
- (b) by written notice given to the provider and the claimant, invite submissions about the provider’s decision within 1 month after receiving the notice (the “**submission period**”).

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<sup>12</sup> Section 158 (Claims for prize) of the Act

(6) Submissions must be made in writing.

(7) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all submissions properly made; and
- (b) consider the results of any investigation carried out by the chief executive under section 158(4)(b) of the Act; and
- (c) make a decision about the review; and
- (d) give the licensed provider and claimant an information notice for the decision.

(8) Nothing in this section affects or prejudices any other right or remedy of a licensed provider or a claimant in an authorised game.

### **Appeals**

**17.(1)** A claimant or a licensed provider may appeal to the Queensland Gaming Commission against a decision of the chief executive under section 15 or 16 about a claim or a review.

(2) Sections 254 to 259<sup>13</sup> of the Act apply to the appeal.

### **Entities to whom information may be disclosed—Act, s 260**

**18.** For section 260(3)(a)<sup>14</sup> of the Act, the entities are in schedule 1.

### **Regulated interactive gambling equipment—Act, sch 3**

**19.** For the definition “**regulated interactive gambling equipment**” in schedule 3<sup>15</sup> of the Act, the gambling equipment in schedule 2 is regulated interactive gambling equipment.

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<sup>13</sup> Sections 254 to 259 of the Act deal with how an appeal is started and heard.

<sup>14</sup> Section 260 (Confidentiality of information) of the Act

<sup>15</sup> Schedule 3 (Dictionary) of the Act

**Registrar—Act, sch 3**

**20.** For the definition “**registrar**”, in schedule 3<sup>16</sup> of the Act, the officer of the department responsible for the time being for performing functions as the registrar of the Queensland Gaming Commission is designated as the registrar of the commission.

**Fees**

**21.** Fees payable under the Act are stated in schedule 3.

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<sup>16</sup> Schedule 3 (Dictionary) of the Act

**SCHEDULE 1****PRESCRIBED ENTITIES**

section 18

Alberta (Canada) Gaming Commission  
Australian Bureau of Criminal Intelligence  
Australian Capital Territory Casino Surveillance Authority  
Australian Capital Territory Office of Financial Management  
Australian Customs Service  
Australian Federal Police  
Australian Securities Commission  
Australian Security Intelligence Organisation  
Australian Taxation Office  
British Columbia (Canada) Public Gaming Branch  
Colorado State Police  
Colorado (USA) Division of Gaming  
Gaming Board of Great Britain  
Gaming Board of the Commonwealth of the Bahamas  
Interpol  
National Crime Authority  
Nevada (USA) Gaming Commission  
Nevada (USA) Gaming Control Board  
New Jersey (USA) Casino Control Commission  
New Jersey (USA) Division of Gaming Enforcement  
New South Wales Casino Control Authority

## SCHEDULE 1 (continued)

New South Wales Department of Gaming and Racing

New South Wales Police Service

New Zealand Casino Control Authority

New Zealand Department of Internal Affairs

New Zealand Police

Northern Territory Police

Northern Territory Racing and Gaming Authority

Queensland Criminal Justice Commission

Queensland Liquor Licensing Division

Queensland Office of Consumer Affairs

Queensland Police Service

South Australian Gaming Supervisory Authority

South Australian Lotteries Commission

South Australian Office of Liquor and Gaming

South Australian Police

Tasmanian Gaming Commission

Tasmania Police

Victorian Casino and Gaming Authority

Victoria Police

Western Australian Gaming Commission

Western Australian Office of Racing, Gaming and Liquor

Western Australian State Police

## **SCHEDULE 2**

# **REGULATED INTERACTIVE GAMBLING EQUIPMENT**

section 19

accounting and auditing computer systems

end user device

interactive computer system

interactive network controller

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## SCHEDULE 3

### FEES

section 21

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1. Application for interactive gambling licence (s 30(2) of the Act)—	
(a) if the applicant is an eligible association, or a person authorised to conduct an art union, under the <i>Art Unions Act 1992</i> and the application relates to an art union under that Act . . . . .	1 000.00
(b) if paragraph (a) does not apply . . . . .	10 000.00
2. Application for key person licence (s 65(2)(c) of the Act)	275.00
3. Issue of replacement key person licence (s 75(4) of the Act) . . . . .	13.75
4. Evaluation of regulated interactive gambling equipment (s 162(3) of the Act)—for each hour, or part of an hour, involved in carrying out the evaluation . . . . .	90.00

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#### ENDNOTES

1. Made by the Governor in Council on 24 September 1998.
2. Notified in the gazette on 25 September 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Treasury Department.