

**NORTHERN TERRITORY OF AUSTRALIA**

**GAMING CONTROL (INTERNET GAMING) REGULATIONS**

As in force at 13 January 1999

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 13 January 1999

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## GAMING CONTROL (INTERNET GAMING) REGULATIONS

### Regulations under the *Gaming Control Act*

#### Part 1 Preliminary

##### 1 Citation

These Regulations may be cited as the *Gaming Control (Internet Gaming) Regulations*.

##### 2 Definitions

In these Regulations, unless the contrary intention appears:

***approved*** means approved by the Director.

***approved computer system*** means a computer system, approved under regulation 4, for internet gaming and includes a computer system changed in accordance with an approval under regulation 4 or a direction of the Director under regulation 11.

***approved control system*** means a control system approved under regulation 10.

***computer system*** means a combination of computer hardware and computer software used or intended to be used by an internet gaming licensee for the conduct of, or ancillary to the conduct of, internet games.

***control system*** has the meaning it has in regulation 6.

***financial institution*** means:

- (a) a bank;
- (b) a building society;
- (c) a credit union;
- (d) a friendly society; or

(e) another entity prescribed under regulation 3.

**full internet gaming key employee licence** means an internet gaming key employee licence that is not a provisional internet gaming key employee licence.

**gaming record**, in relation to an internet gaming licensee, means a record kept in any form or medium, electronic or otherwise, about the operations conducted by the licensee under his or her licence.

**internet game** means a game conducted by means of the internet but does not include a game conducted by means of the internet in accordance with the Act by an approved association.

**internet gaming key employee licence** means:

- (a) a provisional internet gaming key employee licence; or
- (b) a full internet gaming key employee licence.

**internet gaming key licensee** means a person to whom an internet gaming key employee licence is granted.

**internet gaming licence** means a licence granted under Division 5 of Part 4 of the Act.

**internet gaming licensee** means a person to whom an internet gaming licence has been granted or assigned.

**key duties** has the meaning it has under regulation 12.

**player** means a natural person who participates in an internet game.

**player's account** has the meaning it has in regulation 50.

**provisional internet gaming key employee licence** means an internet gaming key employee licence that is granted for a period, specified on the licence, of not more than 12 months.

**registered player**, in relation to an internet gaming licensee, means a person registered with the licensee as a player under regulation 47(1).

### 3 Financial institutions

The Director may, by notice in the *Gazette*, prescribe an entity to be a financial institution for the purposes of these Regulations.

## **Part 2                    Approval of computer systems**

### **4                    Approval of computer systems**

- (1) An internet gaming licensee may apply to the Director:
  - (a) for approval of the computer system the licensee proposes to use to conduct internet games; or
  - (b) for approval to change the licensee's approved computer system.
- (2) The Director must:
  - (a) consider the application;
  - (b) evaluate the system or proposed change as soon as practicable if the Director believes it is necessary to do so to decide the application; and
  - (c) after considering the application and, if necessary, the evaluation of the system or proposed change – approve or refuse to approve the computer system or change.
- (3) Before evaluating the computer system or proposed change, the Director may require the internet gaming licensee to pay to the Director the reasonable costs of the Director of evaluating the computer system or proposed change.
- (4) The Director must promptly give the internet gaming licensee written notice of the Director's decision.
- (5) If the Director decides to refuse to give an approval, the notice under subregulation (4) must state the reasons for the decision.

### **5                    Internet games must be conducted under approved computer system**

- (1) An internet gaming licensee must not conduct an internet game except under the licensee's approved computer system.

Penalty:        \$2,000.

- (2) An internet gaming licensee must not change, or authorise a change to, the licensee's approved computer system unless the change is approved by the Director in writing under regulation 10 or 11.

Penalty:        \$2,000.

## **Part 3                      Approval of control systems**

### **6                      Control system**

- (1) A control system is a system of controls containing all the rules, terms and conditions and other matters displayed to a player and all internal controls, whether computerised or otherwise, for the proper conduct of internet games.
- (2) Without limiting subregulation (1), a control system includes:
  - (a) the accounting systems, financial procedures and chart of accounts, the administrative systems and procedures, the computer software and hardware and the standard forms and terms used to conduct internet games;
  - (b) the procedures including, if appropriate, formulas for or with respect to the hold percentages and their calculation and verification to be followed in conducting internet games;
  - (c) the procedures and standards for maintaining the integrity of all data and equipment used in conducting internet games;
  - (d) the procedures for recording and paying prizes won in internet games and maintaining and using players' accounts including the procedures for paying in and out of any account, foreign currency dealings and the recording of all transactions relating to gaming operations;
  - (e) the structure of the organisation to which it relates including:
    - (i) the management structure and description of positions within the management structure and the responsibilities and functions of those positions;
    - (ii) the employee structure and description of positions within the employee structure and the responsibilities and functions of those positions;
    - (iii) the chain of authority that shows the diversity of responsibility among employees engaged in all operations of the internet gaming business including primary and secondary supervisory positions; and
    - (iv) if the organisation uses an agent – the terms and conditions of the agency agreement including to whom the agent is to report or to whom the agent is accountable within the organisation; and



- (f) all measures for securing all data and equipment and the premises where they are to be located or stored (as applicable).

**7 Internet games must be conducted under approved control system**

An internet gaming licensee must not conduct an internet game except under the internet gaming licensee's approved control system.

Penalty: \$2,000.

**8 Submission of control system to Director for approval**

- (1) An internet gaming licensee may make a submission to the Director for approval of the internet gaming licensee's proposed control system.
- (2) A submission under subregulation (1) must describe and explain the internet gaming licensee's proposed control system.

**9 Change of approved control system**

- (1) An internet gaming licensee may change his or her approved control system only:
  - (a) with the approval of the Director under regulation 10; or
  - (b) in accordance with a direction of the Director under regulation 11.
- (2) An internet gaming licensee may make a submission to the Director for approval to change the internet gaming licensee's approved control system in the way specified in the submission.

**10 Consideration of and decisions about submissions**

- (1) The Director must consider a submission received under regulation 8 or 9 and approve or refuse to approve the internet gaming licensee's proposed control system or the proposed change to the licensee's approved control system.
- (2) In considering the submission, the Director may, by written notice to the internet gaming licensee, require him or her:
  - (a) to give the Director further information about the submission that is necessary and reasonable to help the Director make a decision about the submission; or

- (b) to allow the Director to submit to tests the proposed control system or the approved control system as proposed to be changed.
- (3) In considering whether to give an approval, the Director must have regard to:
  - (a) whether the submission satisfies the requirements under this Part for the submission; and
  - (b) whether the internet gaming licensee's proposed control system, or approved control system as proposed to be changed, is capable of providing satisfactory and effective control over the conduct of internet games.
- (4) The Director may refuse to give an approval if the internet gaming licensee fails to comply with a requirement under this regulation.
- (5) The Director must promptly give the internet gaming licensee written notice of the Director's decision to give an approval or to refuse to give an approval.
- (6) If the Director decides to refuse to give an approval, the notice is to state the reasons for the decision.
- (7) If the Director believes a submission can easily be rectified to enable the Director to approve the internet gaming licensee's proposed control system or the proposed change to the licensee's approved control system, a notice under subregulation (6) is to also:
  - (a) explain how the submission may be changed so as to enable the Director to give an approval; and
  - (b) invite the internet gaming licensee to resubmit the submission after making the appropriate changes.

## **11 Direction to change approved control system**

- (1) The Director may, by written notice to an internet gaming licensee, direct the licensee to change the licensee's approved control system within the time, and in the way, specified in the notice.
- (2) If the internet gaming licensee does not comply with the direction, the approval of the internet gaming licensee's control system under regulation 10 is cancelled.

## **Part 4            Licensing of key employees**

### **Division 1        Grant of key employee licence**

#### **12            Key duties and functions**

- (1) For the purposes of these Regulations, a person performs key duties in relation to an internet gaming licence if he or she:
- (a) occupies or acts in a key position, or carries out key functions, in relation to operations carried out under an internet gaming licence or the business of the internet gaming licensee;
  - (b) is in a position to control or exercise significant influence over the operations conducted under an internet gaming licence;
  - (c) occupies or acts in a position designated in the internet gaming licensee's approved control system as a key position; or
  - (d) occupies a position, or carries out a function, that is designated as a key position or a key function by the Director by notice in writing to the licensee under subregulation (2).
- (2) The Director may, by notice to an internet gaming licensee, designate a position, or a function, related to the conduct of an internet gaming business to be a key position or a key function.

#### **13            Person performing key duties to hold internet gaming key employee licence**

- (1) The holder of an internet gaming licence must not allow a person to perform key duties in relation to the licence unless the person holds an internet gaming key employee licence authorising the person to perform those duties.

Penalty:        \$2,000.

- (2) A person must not:
- (a) perform key duties in relation to an internet gaming licence unless he or she holds an internet gaming key employee licence permitting the performance of those duties; or
  - (b) perform key duties in relation to an internet gaming licence except in accordance with his or her internet gaming key employee licence.

Penalty:        \$2,000.

- (3) Subregulations (1) and (2) do not apply to a person performing key duties who is appointed by the Director under section 47P of the Act to perform those duties.

#### **14            Application for licence**

- (1) A person who:
- (a) intends to perform key duties in relation to an internet gaming licence; and
  - (b) has attained the age of 18 years,
- may apply to the Director for an internet gaming key employee licence.
- (2) An application under subregulation (1) is to be in the approved form and accompanied by:
- (a) a certificate signed by or on behalf of an internet gaming licensee stating that he or she:
    - (i) will engage the applicant, subject to the applicant being granted the internet gaming key employee licence, to perform key duties in relation to the internet gaming licence; and
    - (ii) has carried out his or her own investigations and inquiries into the probity of the applicant and that the applicant is competent to perform the duties for which he or she is to be employed;
  - (b) the documents required by the Director, by notice in writing, to provide information supporting the applicant's eligibility for the grant of the internet gaming key employee licence, verified by a statutory declaration signed by the applicant;
  - (c) an extract of the applicant's birth certificate, passport, refugee certificate or naturalisation certificate;
  - (d) if the applicant's name has changed since birth – a certified copy of the document by which the name change occurred or that otherwise provides evidence of the change;
  - (e) 3 recent passport size photographs of the applicant;
  - (f) a written statement signed by a member of the Police Force verifying that the applicant has had his or her fingerprints and palm prints taken;

- (g) the written consents, authorities and indemnities necessary to enable the Director to obtain:
    - (i) a criminal history report in respect of the applicant; and
    - (ii) information concerning the financial background of the applicant; and
  - (h) an application fee of \$250.
- (3) Subject to subregulation (5), if, before an internet gaming key employee licence is granted or refused, there is a change in the information supplied by an applicant in support of his or her application for the licence, the applicant must give written particulars of the change, verified by a statutory declaration signed by the applicant.
- Penalty: \$2,000.
- (4) The written particulars that are received under subregulation (3) are to be considered to be part of the application.
- (5) An applicant is not required to provide to the Director written particulars of a change in the information supplied by him or her to the Director in support of his or her application if the Director has notified the applicant in writing that it is not necessary to do so.
- (6) In determining for the purposes of subregulation (5) whether it is necessary for an applicant to give particulars of a change in respect of the information, the Director is to have regard to:
- (a) the suitability of the applicant for the grant of the internet gaming key employee licence; and
  - (b) the nature of the information concerned.
- (7) The Director may waive compliance with any of the requirements of subregulation (2).

## **15 Investigation of applicant**

- (1) Subject to these Regulations, if a person applies to the Director for an internet gaming key employee licence, the Director must investigate and inquire into the application and assess whether the applicant:
- (a) has attained the age of 18 years;
  - (b) is of good repute having regard to character, integrity, honesty and responsibility;

- (c) has an adequate command of the English language for the purpose of performing the duties he or she proposes to perform;
  - (d) has a sound and stable financial background;
  - (e) has, subject to the *Criminal Records (Spent Convictions) Act*, not been found guilty of:
    - (i) an offence involving dishonesty since he or she attained the age of 18 years;
    - (ii) an offence against the Act; or
    - (iii) an offence that is punishable on conviction by a maximum penalty of not less than 5 years imprisonment; and
  - (f) is, by reason of his or her skills, qualifications, knowledge and experience, competent to perform the duties he or she proposes to perform.
- (3) If the Director is of the opinion that an applicant has not supplied information required to accompany his or her application under regulation 14(2), the Director may request the applicant to provide the information.
- (4) The Director must not consider an application in relation to which a request for information has been made under subregulation (3) until he or she receives the information.

**16 Further information, &c., to be supplied**

- (1) The Director may inquire into matters, additional to those specified in regulation 15, that he or she considers relevant to the determination of the application.
- (2) The Director must give written notice to the applicant:
  - (a) specifying the other matters the Director is inquiring into and the reasons for so doing; and
  - (b) requesting the applicant to furnish written consents and authorities to enable the Director to inquire into the other matters.

- (3) The Director may, for the purpose of inquiring into those other matters:
  - (a) request the applicant or another person who has an association with the applicant to supply further information or attend interviews; or
  - (b) make inquiries of his or her own, including inquiries in a State or another Territory of the Commonwealth or in a place outside Australia.
- (4) If a person does not comply with a request of the Director under subregulation (3), the Director may decide he or she has sufficient grounds to refuse to grant the internet gaming key employee licence.
- (5) A civil or criminal action or proceeding does not lie against a person requested by the Director to supply information for the purposes of this regulation in respect of an act or thing done or omitted to be done in good faith by the person for the purpose of supplying the information.

## **17            Grant or refusal of licence**

- (1) The Director may grant an internet gaming key licence to an applicant if the Director is satisfied under regulations 15 and 16 that the applicant:
  - (a) is eligible to be granted the licence; and
  - (b) is a fit and proper person to be granted an internet gaming key employee licence to perform the duties he or she proposes to perform under the licence.
- (2) Despite regulations 15 and 16, the Director may, in his or her absolute discretion, grant an internet gaming key employee licence to an applicant on the grounds that the applicant holds a licence that is:
  - (a) issued by a State or another Territory of the Commonwealth; and
  - (b) in the opinion of the Director, equivalent to the internet gaming key employee licence.
- (3) An internet gaming key employee licence granted under subregulation (1) or (2) is to be:
  - (a) a full internet gaming key employee licence; or

- (b) a provisional internet gaming key employee licence.
- (4) An internet gaming key employee licence granted under subregulation (1) or (2) is subject to those terms and conditions, not inconsistent with these Regulations, in relation to:
- (a) the duties to be performed by the holder of the licence; and
  - (b) the manner in which the holder of the licence must perform duties,
- that the Director thinks fit and specifies on the licence.
- (5) It is a condition of an internet gaming key employee licence that the holder of the licence must comply with and not contravene:
- (a) the Act or these Regulations;
  - (b) a lawful direction or order given to him or her by a gaming inspector in respect of the carrying out of the holder of the licence's duties in relation to the conduct of internet gaming; or
  - (c) a direction of the Director or a procedure or control specified in the approved control system.
- (6) The Director must notify the applicant as soon as practicable after refusing to grant an internet gaming key employee licence to him or her.
- (7) A person who has been refused an internet gaming key employee licence may, not later than 14 days after receiving notice of the refusal, request the Director to supply his or her reasons for that decision.
- (8) The Director must, as soon as practicable after receiving a request under subregulation (7) from a person, give to the person written reasons for the Director's decision.
- (9) Subject to these Regulations, an internet gaming key employee licence granted under this regulation remains in force until:
- (a) it expires;
  - (b) the holder of the licence no longer performs the duties to which the licence relates;
  - (c) the holder of the licence surrenders the licence to the Director; or
  - (d) the licence is cancelled under regulation 34(1)(g).



## **18 Grant of provisional or full licence**

- (1) Subject to these Regulations, if an applicant:
- (a) has been found guilty of an offence involving dishonesty committed before he or she attained the age of 18 years;
  - (b) has been found guilty of an offence involving the use, manufacture or sale of drugs;
  - (c) is a person whose internet gaming key employee licence was cancelled under regulation 34(1)(g); or
  - (d) is to be engaged by an internet gaming licensee to perform duties for a period not exceeding 12 months,
- the Director may only grant a provisional internet gaming key employee licence to the person.
- (2) If subregulation (1) does not apply in relation to an applicant for an internet gaming key employee licence, the Director may only grant a full internet gaming key employee licence to the person.

## **19 Duration of provisional licence**

- (1) A provisional internet gaming key employee licence:
- (a) takes effect from the date on which it is granted; and
  - (b) subject to these Regulations, remains in force for the period, of not more than 12 months, specified by the Director on the licence.
- (2) In determining the period to specify on a provisional internet gaming key employee licence to which regulation 18(1)(a) or (b) relates, the Director must have regard to:
- (a) the nature of the offence committed;
  - (b) how recently the offence was committed;
  - (c) the severity of the penalty imposed in respect of the offence; and
  - (d) any restitution made in respect of the offence.
- (3) In determining the period to specify on a provisional internet gaming key employee licence to which regulation 18(1)(c) relates, the Director must have regard to the circumstances of, and the reasons for, the cancellation of the licence.

- (4) The expiry date of a provisional internet gaming key employee licence to which regulation 18(1)(d) relates is to be the date of the expiry of the period, not exceeding 12 months, for which the person was engaged by an internet gaming licensee to perform duties.

## **20            Duration of full licence**

- (1) A full internet gaming key employee licence:
- (a) takes effect from the date on which it is granted or renewed; and
  - (b) subject to these Regulations, continues in force for 5 years on and from that date.
- (2) If an internet gaming key licensee makes an application for the renewal of a full internet gaming key employee licence, the licence continues in force, subject to these Regulations, until:
- (a) the date on which the licence expires; or
  - (b) the application for renewal is determined,
- whichever is the later.

## **21            Application for further licence**

- (1) A person granted an internet gaming key employee licence that is no longer in force may apply under regulation 14 to the Director for the grant of an internet gaming key employee licence.
- (2) The holder of a provisional internet gaming key employee licence may, not less than one month before the licence expires, apply under regulation 14 to the Director for the grant of a full internet gaming key employee licence.
- (3) If a person applies for an internet gaming key employee licence before 6 months after the expiry of his or her internet gaming key employee licence, the Director may waive compliance with regulation 14, to the extent he or she considers necessary having regard to:
- (a) the circumstances of the application; and
  - (b) the nature of the information to be supplied under regulation 14.

- (4) If the holder of a provisional internet gaming key employee licence applies for the grant of a full internet gaming key employee licence, the Director may:
- (a) waive compliance with regulation 14(2)(a) to (g)(inclusive); and
  - (b) waive the payment of the fee under regulation 14(2)(h) in respect of the application,
- if he or she thinks it is proper to do so because:
- (c) the person applied for an internet gaming key employee licence not more than 12 months before the application before the Director was made; and
  - (d) in the Director's opinion, the person conducted himself or herself properly while the provisional internet gaming key employee licence was in force.
- (5) The Director may grant a full internet gaming key employee licence to the holder of a provisional internet gaming key employee licence if the Director is of the opinion that the person is suitable in view of the person's conduct while the provisional internet gaming key employee licence was in force.
- (6) Subregulation (5) has effect although the applicant is a person referred to in regulation 18(1)(a), (b), (c) or (d).

**22            Person whose licence is cancelled must not apply for another licence for 12 months**

- (1) Subject to these Regulations, a person who held an internet gaming key employee licence that was cancelled under regulation 34(1)(g) must not apply for a further internet gaming key employee licence until after 12 months after the date the previous internet gaming key employee licence was cancelled.
- (2) Subject to these Regulations, a person whose application for an internet gaming key employee licence was refused must not apply for an internet gaming key employee licence until after 12 months after the date the previous application was refused.

Penalty:        \$2,000.

## **Division 2            General**

### **23            Renewal of licence**

- (1) A provisional internet gaming key employee licence is not renewable.
- (2) A licensed person who holds a full internet gaming key employee licence may, not less than one month before the licence expires, apply to the Director for the renewal of the licence.
- (3) An application under subregulation (2) is to be in the approved form, accompanied by:
  - (a) an application fee of \$250; and
  - (b) 3 recent passport size photographs of the applicant.
- (4) The Director must consider an application for the renewal of a full internet gaming key employee licence.
- (5) The Director must renew a full internet gaming key employee licence if he or she is satisfied that the applicant:
  - (a) has complied with the terms and conditions of the licence; and
  - (b) is not otherwise prevented from having his or her licence renewed by a provision of these Regulations.
- (6) A full internet gaming key employee licence that is renewed is subject to:
  - (a) the same terms and conditions as applied to the original licence; or
  - (b) if the terms and conditions are varied under regulation 24 or 34 – the same terms and conditions as applied to the original licence as varied under that regulation.

### **24            Variation of licence**

- (1) An internet gaming key licensee may apply to the Director to vary:
  - (a) a term or condition of his or her internet gaming key employee licence;
  - (b) the duties he or she performs under his or her internet gaming key employee licence; or

- (c) the classification (as a provisional internet gaming key employee licence or a full internet gaming key employee licence) of the internet gaming key employee licence he or she holds.
- (2) An application under subregulation (1) is to:
- (a) set out the variation required and the reasons supporting the variation;
  - (b) be in accordance with regulation 14 to the extent the Director considers necessary having regard to the nature of the variation and the information to be supplied in support of the application; and
  - (c) be accompanied by a variation fee of \$20.
- (3) The Director must consider an application made under subregulation (1) as soon as practicable after receiving it.
- (4) For the purpose of determining an application under subregulation (1), regulations 15, 16 and 17 apply to the extent necessary as if the application were an application for an internet gaming key employee licence under regulation 14.
- (5) If the Director decides to vary the internet gaming key employee licence to which the application relates, he or she must:
- (a) amend the internet gaming key employee licence; or
  - (b) issue a new internet gaming key employee licence, as he or she considers appropriate.

## **25        Loss, &c., of licence**

- (1) If an internet gaming key employee licence is lost, destroyed or damaged, the holder of the licence must apply to the Director for the issue of a replacement licence.

Penalty:        \$2,000.

- (2) An application under subregulation (1) is to be:
- (a) in writing in an approved form;
  - (b) verified by a signed statutory declaration; and
  - (c) accompanied by a replacement licence fee of \$20.

- (3) If the Director is satisfied that an internet gaming key employee licence has been lost, destroyed or damaged to such an extent that replacement is necessary, he or she must issue a replacement licence in the same form and on the same terms and conditions as the licence it replaces.

**26            Surrender of licence**

- (1) The holder of an internet gaming key employee licence may, at any time, surrender the licence by returning it, together with the approved form, to the Director.
- (2) A licence ceases to have effect immediately after the licence and the approved form are received by the Director under subregulation (1).

**27            When licence to be returned to Director**

An internet gaming key licensee must deliver or send his or her internet gaming key employee licence to the Director as soon as practicable after:

- (a) the licence is cancelled, suspended, varied or made subject to conditions; and
- (b) he or she has received notice from the Director requiring the return of the licence.

Penalty:        \$2,000.

**28            False statements**

A person must not knowingly:

- (a) make a false statement; or
- (b) supply false information,

in relation to the grant, renewal, variation or replacement of an internet gaming key employee licence or the conduct of a review under Division 3.

Penalty:        \$2,000.

## **Division 3            Review of key licensees**

### **29            When review must occur**

- (1) If it is brought to the attention of the Director that:
- (a) an internet gaming key employee licence was obtained by fraud or misrepresentation;
  - (b) an internet gaming key licensee has been found guilty of an offence:
    - (i) against the Act or these Regulations;
    - (ii) involving dishonesty;
    - (iii) involving the use, manufacture or sale of drugs; or
    - (iv) punishable on conviction by a maximum penalty of not less than 3 months imprisonment;
  - (c) an internet gaming key licensee has contravened a term or condition of his or her licence, a direction of the Director or a procedure or control specified in the approved control system;
  - (d) an internet gaming key licensee failed to provide information that he or she is required to provide under these Regulations or provided information knowing it to be false or misleading;
  - (e) an internet gaming key licensee has become bankrupt, applied to take the benefit of a law relating to bankrupt or insolvent debtors, has compounded with his or her creditors or made an assignment of his or her remuneration for their benefit; or
  - (f) the holder of an internet gaming key employee licence may not be a fit and proper person to hold the licence,
- the Director must as soon as practicable conduct a review to investigate the matter.
- (2) Despite subregulation (1) and regulation 34, the Director may determine that, having regard to the minor nature of the matter referred to in subregulation (1) that has been brought to his or her attention:
- (a) a review need not be commenced or continued in relation to the matter; or

- (b) the review is to be determined by reprimanding the holder of the licence to which the matter relates.

**30            Review may occur at any time**

The Director may at any time conduct a review as to whether a person who holds an internet gaming key employee licence is a suitable person to hold the licence.

**31            Notice of review to be given to internet gaming licensee**

- (1) Before commencing a review of an internet gaming key licensee, the Director must give written notice of the review to the internet gaming licensee in relation to whom the internet gaming key licensee performs duties.
- (2) A notice under subregulation (1) is to include:
  - (a) the reason for the review; and
  - (b) the time, date and place of the review.
- (3) A notice under subregulation (1) may include a requirement that the internet gaming licensee must ensure that the internet gaming key licensee to whom the notice relates ceases to perform duties until the determination of the review.
- (4) An internet gaming licensee must comply with and not contravene a requirement under subregulation (3) specified in a notice given to him or her under subregulation (1).

Penalty:        \$2,000.

**32            Notice of review to be given to internet gaming key licensee**

- (1) Before commencing a review in relation to an internet gaming key licensee, the Director must give the licensee not less than 14 days notice in writing of the reason for conducting the review.
- (2) A notice under subregulation (1) is to specify:
  - (a) the time, date and place where the internet gaming key licensee may attend to make submissions, either personally or by a representative, to the Director; or
  - (b) the time and date before which, and the place at which, the internet gaming key licensee may make written submissions to the Director.



### **33            Review procedure**

- (1) Subject to this Division, the procedure of a review is as determined by the Director.
- (2) Despite subregulation (1), the Director:
  - (a) is not bound by the rules of evidence;
  - (b) must act without regard to technicalities and legal form;
  - (c) may inform himself or herself about a relevant matter in the manner he or she thinks fit;
  - (d) may require the production of a relevant document, must inspect a relevant document produced before him or her, may retain the document for a reasonable period for the purposes of the review and make copies of it;
  - (e) may require a person, other than the internet gaming key licensee, who has an association with the subject of the review to attend before him or her and to answer truthfully questions put to that person; and
  - (f) may determine the review although the internet gaming key licensee has failed to make submissions within the time allowed, if the Director is satisfied that the licensee had received notice to do so.
- (3) A person must comply with and not contravene a requirement under subregulation (2).

Penalty:        \$2,000.

- (4) Despite subregulation (3), a person is not required to answer a question if the answer might tend to incriminate the person.

### **34            Determination of review**

- (1) After conducting a review, the Director may take one or more of the following actions that he or she thinks fit in the circumstances:
  - (a) dismiss the matter the subject of the review;
  - (b) reprimand the internet gaming key licensee;
  - (c) require the internet gaming key licensee to attend for counselling or retraining;
  - (d) impose conditions on the internet gaming key licence;

- (e) vary a term or condition of the internet gaming key employee licence, the duties authorised to be performed under the licence or the classification (as a provisional internet gaming key employee licence or a full internet gaming key employee licence) of the internet gaming key licensee's licence;
  - (f) suspend the internet gaming key licensee's licence for a period of not more than 6 months;
  - (g) cancel the internet gaming key licensee's licence.
- (2) A person must comply with and not contravene a requirement under subregulation (1)(c).

Penalty: \$2,000.

## **Part 5 Financial controls**

### **Division 1 Accounts, financial statements and reports**

#### **35 Keeping of accounting records**

An internet gaming licensee must:

- (a) keep accounting records that correctly record and explain the transactions in relation to, and the financial position of the internet gaming licensee in respect of, operations conducted under his or her internet gaming licence; and
- (b) keep the accounting records in a way that allows:
  - (i) true and fair financial statements and accounts to be prepared from time to time; and
  - (ii) the financial statements and accounts to be conveniently and properly audited.

Penalty: \$2,000.

#### **36 Preparation of financial statements and accounts**

An internet gaming licensee must prepare financial statements and accounts giving a true and fair view of the licensee's financial operations conducted under the internet gaming licence, including but not limited to:

- (a) trading accounts, if applicable, for each financial year;

- (b) profit and loss accounts for each financial year; and
- (c) a balance sheet as at the end of each financial year.

### **37 Submission of reports**

- (1) The Director may, by written notice to an internet gaming licensee:
  - (a) require the licensee to give the Director a report about the internet gaming licensee's operations under the internet gaming licence; and
  - (b) specify a date by which the report is to be given to the Director.

- (2) The internet gaming licensee must give the report to the Director on or before the date specified in the notice under subregulation (1).

Penalty: \$2,000.

- (3) A report is to be in the approved form.

- (4) The Director may, by written notice to an internet gaming licensee, require the licensee to give to the Director further information about a report by the date specified in the notice, to enable the Director to understand the internet gaming licensee's operations.

- (5) An internet gaming licensee must comply with a requirement under subregulation (4) by the date specified in the notice, unless the internet gaming licensee has a reasonable excuse.

Penalty: \$2,000.

- (6) An internet gaming licensee must not give the Director a report containing information, or further information about a report, if the internet gaming licensee knows the information is false, misleading or incomplete in a material particular.

Penalty: \$2,000.

- (7) It is enough for a complaint of an offence against subregulation (6) to state that the report or information was false, misleading or incomplete to the defendant's knowledge.

## **Division 2            Financial institution accounts**

### **38            Keeping of accounts**

An internet gaming licensee must keep with an approved financial institution an approved account or accounts for use for all banking or similar transactions in relation to the operations conducted under the internet gaming licence.

Penalty:        \$2,000.

### **39            Use of accounts**

An internet gaming licensee must not use an account approved by the Director under regulation 38 other than for a purpose for which the account is approved.

Penalty:        \$2,000.

## **Division 3            Audit**

### **40            Audit of internet gaming licensee's operations**

An internet gaming licensee must cause the books, accounts and financial statements in relation to the operations conducted under the internet gaming licence for the financial year to be audited:

- (a) in accordance with the approved control system; and
- (b) at the internet gaming licensee's own expense,

by a company auditor registered under Part 9.2 of the Corporations Law.

Penalty:        \$2,000.

### **41            Completion of audit**

(1) The auditor must:

- (a) complete the audit required under regulation 40 within the period, if any, specified in the approved control system; and
- (b) immediately after completion of the audit required under regulation 40, give a copy of the audit report to the Director and the internet gaming licensee.

Penalty:        \$2,000.

- (2) Subregulation (1)(a) does not apply to the auditor if:
  - (a) in the circumstances it would be unreasonable to require the auditor to comply with it; and
  - (b) the auditor completes the audit as soon as practicable.

#### **42 Further information following audit**

- (1) On receiving a copy of the audit report under regulation 41, the Director may, by written notice to the internet gaming licensee, require the licensee to give the Director, within a reasonable period specified in the notice, further information about a matter relating to the licensee's operations mentioned in the audit report.
- (2) An internet gaming licensee must comply with a requirement under subregulation (1) within the time specified in the notice, unless the licensee has a reasonable excuse.

Penalty: \$2,000.

## **Part 6 Internet gaming records**

### **43 Notices about keeping internet gaming records**

- (1) The Director may, by written notice to an internet gaming licensee:
  - (a) approve a place nominated by the licensee (other than the internet gaming licensee's public office) as a place for keeping the licensee's gaming records;
  - (b) specify a gaming record of the licensee's that is not required to be kept at the licensee's public office or a place approved under paragraph (a);
  - (c) specify:
    - (i) a gaming record of the internet gaming licensee that may be kept temporarily at a place other than the licensee's public office or a place approved under paragraph (a); and
    - (ii) the period for which, or the circumstances in which, the record specified in subparagraph (i) may be kept at the other place;

- (d) approve the keeping of information contained in a gaming record in a way different from the way the information was kept when the record was being used by the licensee; or
  - (e) approve the destruction of a gaming record of the licensee that the Director considers need not be kept.
- (2) The Director may specify a gaming record under subregulation (1)(b) only if the Director considers there is sufficient reason for the record to be kept at a place other than the internet gaming licensee's public office or a place approved under subregulation (1)(a).
- (3) The exercise of the Director's power under subregulation (1)(d) or (e) is subject to any other law about the retention or destruction of the gaming record.

#### **44 Internet gaming records to be kept at specified place**

- (1) An internet gaming licensee must keep the internet gaming licensee's gaming records at:
- (a) the internet gaming licensee's public office; or
  - (b) at a place approved under regulation 43(1)(a) for the records.
- Penalty: \$2,000.
- (2) A gaming record referred to in regulation 43(1)(c) is not required to be kept at the internet gaming licensee's public office or the place approved under regulation 43(1)(a):
- (a) for the period specified in the notice; or
  - (b) while the circumstances specified in the notice exist.

#### **45 Internet gaming records to be kept for required period**

- (1) An internet gaming licensee must keep a gaming record for 7 years after the end of the transaction to which the record relates.
- Penalty: \$2,000.
- (2) Subregulation (1) does not apply to a gaming record:
- (a) if the information previously contained in the record is kept in another approved way; or
  - (b) that has been destroyed as approved.

- (3) Subregulation (1) has effect subject to any other law about the retention or destruction of the gaming record.

## **Part 7            Player protection**

### **Division 1        Registration of players**

#### **46            Player registration**

- (1) An internet gaming licensee must not permit a person to participate as a player in an internet game conducted by the licensee unless the person is registered as a player with the licensee.

Penalty:        \$2,000.

- (2) A person must not participate as a player in an internet game unless the person is registered as a player with the internet gaming licensee who conducts the game.

Penalty:        \$2,000.

#### **47            Procedure for registration**

- (1) An internet gaming licensee may register a person as a player with the licensee.
- (2) An internet gaming licensee may register a person as a player with the licensee only if the licensee has received from the person an application, in an approved form, for registration.

#### **48            Certain players not to be registered**

- (1) The Director may, by notice to an internet gaming licensee, prohibit the registration as a player with the licensee of a person specified in the notice.
- (2) A licensee must not register as a player with the licensee a person specified in a notice given to the licensee under subregulation (1).

Penalty:        \$2,000.

**49            Persons cannot be registered if they have provided false information**

- (1) Subject to subregulation (2), if an internet gaming licensee becomes aware that a person has provided false information to the licensee under regulation 47:
- (a) the licensee must cancel the person's registration as a player with the licensee; and
  - (b) the licensee must not register the person as a player with the licensee.

Penalty:        \$2,000.

- (2) Subregulation (1) does not apply to a person if the Director is satisfied that:
- (a) the provision of the information occurred as a result of an honest or reasonable mistake; or
  - (b) it is otherwise appropriate to register the person.

**Division 2            Players' accounts**

**50            Players' accounts**

- (1) For the purposes of these Regulations, a player's account, in relation to a registered player, means an account, established and maintained by an internet gaming licensee, of the funds held by the licensee to the credit of the player.
- (2) An internet gaming licensee must establish and maintain a player's account in relation to each player who is registered with the licensee.
- (3) An internet gaming licensee must credit to the account established under subregulation (2) in respect of a registered player all funds:
- (a) received by the licensee from or on behalf of the player; or
  - (b) owed by the licensee to the player.
- (4) An internet gaming licensee may withdraw from the account established under subregulation (2) in respect of a registered player all amounts wagered and lost by the player.



- (5) An internet gaming licensee may close the account established under subregulation (2) in respect of a registered player and must close the account when directed to do so by the Director.
- (6) An internet gaming licensee must remit to a registered player in accordance with the approved control system all funds in credit in the account established under subregulation (2) in respect of the registered player when the account is closed.

**51            Acceptance of wagers**

An internet gaming licensee must not accept a wager from a player in an internet game unless:

- (a) a player's account has been established in the name of the player and there are adequate funds in the account to cover the amount of the wager; or
- (b) the funds necessary to cover the amount of the wager are provided in an approved way.

**52            No payments unless player's identity is verified**

An internet gaming licensee must not make a payment out of a player's account to a player until the player's identity, age and place of residence have been verified under the licensee's approved control system.

Penalty:        \$2,000.

**53            Funds in players' accounts to be remitted on demand**

- (1) An internet gaming licensee must, at the request of the registered player in whose name a player's account is established, remit the funds standing to the credit of the account to the player as soon as practicable after receipt of the request.

Penalty:        \$2,000.

- (2) An amount may only be remitted by a licensee to a player:
  - (a) in an approved manner; and
  - (b) in accordance with the licensee's approved control system.

Penalty:        \$2,000.

- (3) An internet gaming licensee may, before remitting funds to a player in accordance with subregulation (1), take such time as is reasonably necessary for the purposes of:
- (a) verifying the player's registration as a player;
  - (b) verifying the playing of a game by the player;
  - (c) conducting security and other internal procedures in relation to the player or the player's account; and
  - (d) ensuring that the rules that are approved relating to the award of prizes to players have been complied with.

**54            Access to players' accounts by internet gaming licensees**

An internet gaming licensee must not deal with funds credited to a player's account except:

- (a) to debit to the account a wager made by the player or an amount the player indicates the player wants to wager in the course of an internet game the player is playing or about to play;
- (b) to remit funds standing to the credit of the account to the player at the player's request under regulation 53; or
- (c) as specified in the licensee's approved control system.

Penalty:        \$2,000.

**55            Inactive players' accounts**

- (1) If no transaction has been recorded on a player's account for 6 months, the internet gaming licensee in relation to whom the account is established must comply with the approved procedures for determining the player's intentions in relation to the account.
- (2) If an internet gaming licensee has complied with subregulation (1) but is not able to determine the player's intentions in relation to the account, the licensee must deal with the account in accordance with the licensee's approved control system.

**Division 3            Financial protections**

**56            Internet gaming licensee not to act as credit provider**

- (1) An internet gaming licensee must not provide credit to a player or a player's account.

(2) An internet gaming licensee must not act as agent for a credit provider to facilitate the provision of credit to a player or a player's account.

(3) If a player makes a payment into his or her account by means of a credit card, an internet gaming licensee must ensure that the payment does not exceed the amount specified for the player in the approved control system.

Penalty:        \$2,000.

#### **57            Limitation on amount wagered**

(1) A registered player may by:

(a) written notice; or

(b) electronic notice,

to an internet gaming licensee, set a limit on the amount the player may wager within a specified period.

(2) A player who has set a limit under this regulation may change or revoke the limit by:

(a) written notice; or

(b) electronic notice,

given to the internet gaming licensee in accordance with the approved procedures.

(3) A notice increasing or revoking the limit has effect only:

(a) after 7 days after the internet gaming licensee received the notice; and

(b) if the player has not, before 7 days after the internet gaming licensee received the notice, notified the internet gaming licensee of an intention to withdraw the notice.

(4) A notice reducing the limit has effect immediately after it is received by the internet gaming licensee.

(5) An internet gaming licensee must not accept a wager from a player contrary to a limit set for the player under this regulation.

Penalty:        \$2,000.

- (6) In this regulation, **wager** means the amount wagered from the player's funds deposited into his or her account, but does not include any winnings generated from the wager.

**58            Voluntary de-registration as player**

- (1) An internet gaming licensee's must ensure that the approved computer system enables a registered player to notify the internet gaming licensee that he or she wishes to permanently de-register as a player with the licensee.

Penalty:        \$2,000.

- (2) An internet gaming licensee:
- (a) must de-register a registered player as soon as practicable after, and in any case before 24 hours after, receipt of notice from the player under subregulation (1); and
  - (b) must not knowingly re-register the person as a player with the licensee except with the approval of the Director.

Penalty:        \$2,000.

**Division 4            Protection of minors**

**59            Prohibition of minor's participation in conduct of games**

- (1) An internet gaming licensee must not allow a minor to participate in operations related to the conduct of internet games by the licensee.

Penalty:        \$2,000.

- (2) It is a defence to a charge against subregulation (1) if the defendant proves that he or she had no reason to believe, and did not believe, that the person to whom the charge relates was a minor.

- (3) A minor must not participate in operations related to the conduct of internet games.

Penalty:        \$2,000.

- (4) An internet gaming licensee must:
- (a) take all reasonable steps to restrict access by minors to an internet game conducted by the licensee; and

- (b) comply with all directions of the Director relating to the restriction of access by minors to internet games conducted by the licensee.

Penalty:        \$2,000.

**60            Participation by minors as players prohibited**

- (1) A person involved in the conduct of an internet game by an internet gaming licensee must not permit a minor to participate as a player in the game.

Penalty:        \$2,000.

- (2) It is a defence to a charge against subregulation (1) if the defendant proves that he or she had no reason to believe, and did not believe, that the person to whom the charge relates was a minor.

- (3) If a person involved in the conduct of an internet game by an internet gaming licensee:

- (a) suspects; or

- (b) ought, in all the circumstances, reasonably be expected to suspect,

that a player of the game is a minor, the licensee must not permit the player to continue to play the game, or to play another internet game with the licensee, until the player has submitted proof, of the approved type, that he or she is an adult.

Penalty:        \$2,000.

- (4) If a person involved in the conduct of an internet game by an internet gaming licensee:

- (a) suspects; or

- (b) ought, in all the circumstances, reasonably be expected to suspect,

that a player of the game is a minor, the licensee must not add money to or deduct money from what appears to be the player's account, or otherwise pay money or award a prize to the player, until:

- (c) the player has submitted proof, of the approved type, that he or she is an adult; or

(d) the licensee is authorised to do so by notice in writing from the Director.

Penalty: \$2,000.

(5) A player may apply to the Director for a notice of authority for the purposes of subregulation (4).

(6) A minor must not participate as a player in an internet game conducted by an internet gaming licensee.

Penalty: \$2,000.

(7) A prize won by a minor by participation in an internet game contrary to this regulation is forfeited to the Territory.

#### **61 Software limiting minor's access to be made available**

An internet gaming licensee must ensure that a person has electronic access, at the licensee's internet site, to computer software that will enable the person to restrict or prevent access to the site from the person's computer by a minor.

Penalty: \$2,000.

## **Part 8 Conclusion of games**

### **Division 1 Prizes**

#### **62 Payment or collection of prizes**

(1) If a registered player in an internet game conducted by an internet gaming licensee wins a monetary prize, the licensee must as soon as practicable pay the prize to the player by crediting the amount to the player's account.

(2) An internet gaming licensee may, before crediting the amount of a prize to a player under subregulation (1), take the time necessary to:

(a) verify the player's registration as a player;

(b) verify the operation of a game by the player;

(c) conduct security and other internal procedures in relation to the player or the player's account; and

- (d) ensure that the rules approved by the Director relating to the award of prizes to players have been complied with.

**63 Claims for prize**

- (1) If a claim for a prize in an internet game conducted by an internet gaming licensee is made before 5 years after the end of the game, the licensee must immediately try to resolve the claim.
- (2) If an internet gaming licensee is not able to resolve the claim, the licensee must, by written notice to the claimant, promptly inform the claimant:
  - (a) of the licensee's decision on the claim; and
  - (b) that the person may, within 10 days of receiving the notice, ask the Director to review the decision.
- (3) If a claim is not resolved or the claimant has not received a notice under subregulation (2), the claimant may apply in the approved form to the Director for a review of the internet gaming licensee's decision in respect of the claim.
- (4) If the claimant received a notice under subregulation (1), the application to the Director under subregulation (3) must be made within 10 days after receiving the notice.
- (5) If a request is made to the Director, the Director:
  - (a) may carry out investigations the Director considers necessary to resolve matters in dispute; and
  - (b) must determine whether the prize is to be given to the claimant or not.

**64 Entitlement to prize lapses if not claimed within 5 years**

If a prize is not claimed within 5 years after the end of the internet game in which the prize was won, the entitlement to the prize is extinguished.

## **Division 2 Aborted games**

### **65 Aborted games**

- (1) An internet gaming licensee is to take all reasonable steps to ensure that the licensee's approved computer system enables a player whose participation in a game is, after he or she has made a wager, interrupted by:

- (a) a failure of the telecommunications system; or
- (b) a failure of the player's computer system,

that prevents the player from continuing with the game, to resume, on the restoration of the system, his or her participation in the game that was interrupted as at the time immediately before the interruption.

Penalty: \$2,000.

- (2) If a licensee's computer system does not enable a player to continue, after the restoration of the system, with a game interrupted by a failure of the telecommunications system or the player's computer system, the licensee must:

- (a) ensure that the game is terminated in accordance with the approved control system; and
- (b) refund the amount of the wager to the player by placing it in the player's account.

Penalty: \$2,000.

- (3) If a game has not terminated within the period after commencing that is specified in an internet gaming licensee's approved control system, the licensee must:

- (a) ensure that the game is terminated in accordance with the approved control system; and
- (b) deal with the amount of the wager in accordance with the approved control system.

Penalty: \$2,000.



**66 Miscarriage of game**

- (1) If an internet game conducted by an internet gaming licensee is started but miscarries because of a failure of the licensee's computer operating system, the internet gaming licensee:
  - (a) must:
    - (i) refund the amount wagered in the game to the player by crediting it to the player's account or, if the account no longer exists, by paying it to the player in an approved manner; and
    - (ii) if a player has an accrued credit at the time the game miscarries – credit to the player's account the monetary value of the credit or, if the account no longer exists, pay it to the player in an approved manner;
  - (b) must immediately inform the Director of the circumstances of the incident; and
  - (c) must not conduct a further game if the game is likely to be affected by the same failure.
- (2) After investigating the incident, the Director may, by written notice to the internet gaming licensee, give the internet gaming licensee other directions the Director considers appropriate in the circumstances.
- (3) The internet gaming licensee must comply with a direction under subregulation (2).

Penalty: \$2,000.

**67 Power to withhold prize in certain cases**

- (1) If an internet gaming licensee has reason to believe that the result of an internet game has been affected by an illegal activity the internet gaming licensee may withhold a prize in the game.
- (2) If an internet gaming licensee withholds a prize under this regulation, the internet gaming licensee:
  - (a) must immediately inform the Director of the circumstances of the incident; and
  - (b) must not conduct a further game if a recurrence of the illegal activity is likely.

- 
- (3) After investigating the incident, the Director may, by written notice to the internet gaming licensee:
- (a) direct the internet gaming licensee to pay the prize to the player by placing it in the player's account or, if the account no longer exists, to pay it to the player in another approved manner; or
  - (b) confirm the internet gaming licensee's decision to withhold the prize, but direct the internet gaming licensee to refund an amount wagered in the game by placing it in the player's account or in another approved manner.
- (4) The internet gaming licensee must comply with a direction under subregulation (3).

Penalty: \$2,000.

## **Part 9 Miscellaneous**

### **68 Player to be bound by rules of game**

A player who participates in an internet game and the internet gaming licensee must comply with the rules of the game specified at the internet site at which the game is conducted by the licensee.

Penalty: \$2,000.

### **69 Interference with proper conduct of internet games**

A person must not, without the Director's authorisation, interfere in the proper conduct of an internet game.

Penalty: \$2,000.

### **70 Internet gaming licensee not to publish identity of player in certain cases**

- (1) An internet gaming licensee or an employee or other person engaged in duties related to the conduct of an internet game must not, without authorisation under subregulation (2):
- (a) disclose information about the name, or other identifying particulars, of a player; or
  - (b) use information about a player for a purpose other than the purpose for which the information was given.

Penalty: \$2,000.

- (2) The disclosure of information, or its use for a purpose other than the purpose for which it was given, is authorised if the disclosure or use is:
- (a) authorised by the player;
  - (b) reasonably necessary for the conduct of internet games;
  - (c) required for the administration or enforcement of the Act or these Regulations; or
  - (d) otherwise required by law.

## ENDNOTES

### 1 KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2 LIST OF LEGISLATION

***Gaming Control (Internet Gaming) Regulations (SL No. 64, 1998)***

Notified	13 January 1999
Commenced	13 January 1999