

ATTACHMENT F: Key legislative provisions referred to in this paper

Interactive Gambling Act 2001

15 Prohibited interactive gambling services not to be provided to customers in Australia

[...]

- (2A) A person must not provide a prohibited interactive gambling service that has an Australian-customer link (see section 8).

Civil penalty: 7,500 penalty units. [...]

15AA Unlicensed regulated interactive gambling services not to be provided to customers in Australia

[...]

- (3) A person must not provide a particular kind of regulated interactive gambling service if:

(a) the service has an Australian customer link (see section 8); and

(b) the person does not hold a licence (however described) under a law of a State or Territory that authorises the provision of that kind of service in the State or Territory.

[...]

Civil penalty: 7,500 penalty units. [...]

21 ACMA may investigate matters

- (1) The ACMA may, [sic] on its own initiative or in response to a complaint made under Division 1, investigate any of the following matters if the ACMA thinks that it is desirable to do so:

(a) whether a person has contravened a provision of:

(i) Part 2; or [...]

22 Conduct of investigations

(1) An investigation under this Division is to be conducted as the ACMA thinks fit.

(2) The ACMA may, for the purposes of an investigation, obtain information from such persons, and make such inquiries, as it thinks fit.

(3) This section has effect subject to Part 13 of the *Broadcasting Services Act 1992* (which confers certain investigative powers on the ACMA).

Broadcasting Services Act 1992

170 Investigations by the ACMA

The ACMA may conduct investigations for the purposes of the performance or exercise of any of its broadcasting, content and datacasting functions (as defined in the *Australian Communications and Media Authority Act 2005*) and related powers.

173 Notice requiring appearance for examination

(1) For the purposes of an investigation by the ACMA, the ACMA may give a notice in writing to a person summoning the person:

(a) to attend before a delegate of the ACMA named in the notice to produce documents or to answer questions; or

(b) to provide documents or other information to the ACMA;
relevant to the subject matter of the investigation.

...

Australian Communications and Media Authority Act 2005

10 ACMA's broadcasting, content and datacasting functions

(1) The ACMA's ***broadcasting, content and datacasting functions*** are as follows:

...

(o) such other functions as are conferred on the ACMA by or under:

(i) the *Australian Broadcasting Corporation Act 1983*; or

(ii) the *Broadcasting Services Act 1992* (other than Part 14AA or Schedule 5 or 7);
or

(iii) the *Interactive Gambling Act 2001*; or

(v) the *Special Broadcasting Service Act 1991*;

...

53 Limit on powers delegable to persons other than Divisions

...

(2) Sections 51 and 52 do not apply to a power to do any of the following under the *Broadcasting Services Act 1992*:

...

(k) issue, or extend the time for compliance with, a notice (other than a notice under Division 10A of Part 5 of that Act or a notice under Part 9C of that Act, a notice under Schedule 8 to that Act or a notice under any other provision of that Act so far as that provision relates to Schedule 8 to that Act);