



Investigation Report – Interactive gambling – Tabcorp Holdings Limited ‘Tap in-play’ service GINV-2025-00038

Summary	
Entities involved in the service / advertisement	Tabcorp Holdings Limited
Name of service	Tap in-play
URL	https://www.tab.com.au
Relevant legislation	<i>Interactive Gambling Act 2001</i>
Finding	The Tabcorp Tap in-play service is not a prohibited interactive gambling service provided to customers in Australia in contravention of subsection 15(2A) of the <i>Interactive Gambling Act 2001</i> .

The investigation

1. On 4 June 2025, the Australian Communications and Media Authority (ACMA) commenced an own motion investigation under section 21 of the *Interactive Gambling Act 2001* (the IGA) into whether the Tap in-play service provided by Tabcorp Holdings Ltd (Tabcorp) is a prohibited interactive gambling service provided to customers in Australia in contravention of subsection 15(2A) of the IGA.

Tap in-play service

2. The Tap in-play service enables a customer at a Tabcorp venue to use the TAB App on their smart device to build an in-play bet on their TAB account and then tap the device against the Tap in-play station to place the bet.
3. Tabcorp is licensed in each state and territory, except for Western Australia, and provides its wagering services via <https://www.tab.com.au> and the TAB App.

Background

4. On 8 May 2025, various media reports indicated that Tabcorp had received approval from Liquor & Gaming NSW for the trialling of a new 'Tap in-play' service, commencing with 2 licensed venues, with a rollout to a further 18 venues.
5. On 9 May 2025, the ACMA wrote to Tabcorp requesting information on the Tap in-play service. On 23 May 2025, Tabcorp responded, providing details of the service, and stating that its Tap in-play service basically uses the same hardware and processes as a previously proposed Bump Stations service.
6. Tabcorp had provided the ACMA with a Briefing Paper and additional information on the proposed introduction of Bump Stations at its venues in August 2021 and 8 December 2021 respectively.
7. At that time, ACMA staff advised Tabcorp that they had some reservations about Bump Stations being compliant with the IGA. On 25 March 2022, ACMA staff further advised Tabcorp that they had not formed a final view on whether Bump Stations complied with the IGA. ACMA staff noted that given the service may have the effect of streamlining or speeding up the process of placing an in-play bet, there was potential tension with the key policy intent to minimise gambling harm.
8. Tabcorp did not progress with the implementation of Bump Stations at that time. At a meeting with the ACMA in December 2024, it indicated an intention to introduce Bump Stations in March 2025. Tabcorp advised it had not yet obtained approval from State and Territory regulators for the product.
9. For the purposes of this report, and noting the information in paragraph 5, information from Tabcorp which referred to Bump Stations will also be taken to refer to the Tap in-play service.

Finding

The Tabcorp Tap in-play service is not a prohibited interactive gambling service provided to customers in Australia in contravention of subsection 15(2A) of the IGA.

Reasons for decision

10. To assess whether the service is provided in contravention of subsection 15(2A) of the IGA, the ACMA considered the following questions:
- > Is the service a prohibited interactive gambling service under subsection 5(1) of the IGA?
 - > If yes, is the service an excluded service under subsection 5(3) of the IGA?
 - > Does the service have an Australian-customer link?
11. Extracts of the key provisions of the IGA are provided at **Attachment A**.

Is the service a prohibited interactive gambling service (subsection 5(1) of the IGA)?

12. Subsection 5(1) of the IGA sets out what is a prohibited interactive gambling service for the purposes of the IGA. The key elements of a prohibited interactive gambling service are that:
- > it is a gambling service as defined in section 4 of the IGA;
 - > it is provided in the course of carrying on a business (see paragraph 5(1)(a) of the IGA);
 - > it is provided to customers using certain services, including an internet carriage service (see subparagraph 5(1)(b)(i)).
13. The Tabcorp service made available on the TAB App satisfies the 3 key elements above, as it is:
- > a gambling service for the placing, making, receiving or acceptance of bets;
 - > provided in the course of carrying on a business, as evidenced by the provision of the service to the public, with an apparent view to making a profit (evidenced by the requirement to deposit funds as a condition of participation); and
 - > provided to customers using an internet carriage service, as evidenced by the fact that the service was accessed using an internet connection. This is because the customer is required to use the Tab App via a smart device which uses an internet connection. Additionally, Tabcorp advises that the Tap in-play station uses the same technology that is used for Apple Pay or Google Play. These technologies require an internet connection to operate.
14. Therefore, the Tap in-play service is a prohibited interactive gambling service in accordance with subsection 5(1) of the IGA. The next question for consideration is whether the Tap in-play service falls within a statutory exemption (ie as an 'excluded service').

Is the service an excluded service under subsection 5(3) of the IGA?

15. Subsection 5(2) provides that subsection 5(1) has effect subject to subsection 5(3).
16. Subsection 5(3) provides that for the purposes of the IGA, certain kinds of services are excluded services and therefore not prohibited interactive gambling services. Relevantly this includes:
- ...
- (aa) *an excluded wagering service (see section 8A);*
- ...
- (aba) *a place-based betting service (see section 8BA);*
- ...

17. These exclusions are considered below.

Is the Tap in-play service an excluded wagering service?

18. Subsection 8A(3) provides:

*For the purposes of this Act, a service is an **excluded wagering service**:*

(a) to the extent to which the service relates to betting on, or on a series of, sporting events; and

(b) to the extent to which the service is not an in-play betting service;

...

19. Section 10B of the IGA provides that a gambling service is an *in-play betting service* to the extent to which:

(a) the service relates to betting on the outcome of a sporting event, where the bets are placed, made, received or accepted after the beginning of an event; or

(b) the service relates to betting on a contingency that may or may not happen in the course of a sporting event, where the bets are placed, made, received or accepted after the beginning of the event.

20. It is not in contention that the Tap in-play service provided by Tabcorp is a wagering service which relates to betting on, or on a series of, sporting events (paragraph 8A(3)(a) of the IGA) and this includes in-play wagering on sporting events.

21. Consequently, the Tap in-play service is not an excluded wagering service to the extent that it relates to in-play betting on sporting events.

Is the Tap in-play service a place-based betting service?

22. Section 8BA provides:

(1) For the purposes of this Act, a place-based betting service is a service covered by paragraph (a) or (b) of the definition of gambling service in section 4:

(a) to the extent to which the service is provided to customers who are at a particular place; and

(b) to the extent to which the service is provided on the basis that:

(i) dealings with customers involve the use of electronic equipment made available to customers at that place; and

(ii) the electronic equipment is available for use by any customer who is at that place; and

(iii) the electronic equipment is not available for use by customers in connection with another gambling service unless the other gambling service is provided by the provider of the first-mentioned service;

so long as:

(c) the provider of the service holds a licence (however described) under a law of a State or Territory that authorises the provision of the service at that place; and

(d) the other conditions (if any) determined under subsection (2) have been satisfied.

(2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of paragraph (1)(d).

Gambling service

23. Paragraphs (a) and (b) of the definition of 'gambling service' in section 4 of the IGA provides that a gambling service means:
- (a) a service for the placing, making, receiving or acceptance of bets; or
 - (b) a service the sole or dominant purpose of which is to introduce individuals who wish to make or place bets to individuals who are willing to receive or accept those bets; ...
24. It is not in dispute that the Tap in-play service is a gambling service as it is a service for the placing, making, receiving or acceptance of bets.

Service provided to customers at a particular place

25. Paragraph 8BA(1)(a) provides that the service is a place-based service to the extent to which the service is provided to customers who are at a particular place.
26. Tabcorp has advised that once a customer enters a TAB venue, the venue mode on their TAB App is automatically enabled via geofencing. For the customer to be able to access in-play betting (other than by telephone), and build an in-play bet, the TAB App is required to be in "Venue Mode". Additionally, to place the in-play bet, the customer is required to tap their device against the Tap in-play station in the venue, which provides an additional layer of verification that they are in the venue.
27. On the information provided by Tabcorp, it can reasonably be concluded that the Tap in-play service meets the requirement of paragraph 8BA(1)(a), in that the service is provided to customers who are at a particular place.

Use of generally available electronic equipment

28. Subparagraph 8BA(1)(b)(i) requires that the service is provided on the basis that dealings with customers involve the use of electronic equipment made available to customers at that place.
29. Tabcorp submits that this provision requires that at least part of the dealings with the customer utilises the electronic equipment and therefore it is not a requirement that the service is supplied solely by means of the electronic equipment.
30. The relevant electronic equipment in this matter is the Tap in-play station which is located in a Tabcorp venue and must be used by the customer to tap their personal device to place the in-play bet. On this basis, the Tap in-play service satisfies the requirement under subparagraph 8BA(1)(b)(i), in that the service is provided on the basis that dealings with customers involve the use of electronic equipment made available to customers at that place.

Availability for use by any customer who is at that place

31. Subparagraph 8BA(1)(b)(ii) requires that the electronic equipment is available for use by any customer who is at that place.
32. As noted by Tabcorp, there are prerequisites for a customer wishing to use the Tap in-play station: The customer must have a mobile device, the TAB App installed on their mobile device and a TAB account that allows them to place bets via the TAB App on their mobile device. None of these prerequisites are required to use an EBT.
33. Even if it is understood or assumed that mobile devices are ubiquitous across the Australian community, some people choose to own a mobile device that is only capable of making calls and sending texts, with no ability to download Apps. For those that use devices that enable the downloading of Apps, there can be a variety of reasons why a person may choose not to have a wagering App on their mobile device. These can include taking steps to minimise gambling harm by only using cash in a controlled environment, a

desire for anonymity in their gambling habits, or a focus on the social activities of gambling such as pooling money with friends to bet collectively in venue.

34. These types of customers can currently use an EBT; however, the customer would need to create a TAB account and have the TAB App on their mobile device to use the Tap in-play service.
35. It may therefore be reasonable to form a view that the Tap in-play service is not being provided on the basis that the electronic equipment is “*available for use by any customer who is at the place*” because the use of tap in-play stations is restricted to customers who have a mobile device and have it in their possession, have the TAB App installed on their device and a TAB account that allows them to place bets via the TAB App on their mobile device. In a practical sense, this limits who can use the Tap in-play service.
36. Tabcorp’s alternative view is that the reference to ‘any customer’ should be understood in its context, that ‘any’ does not denote ‘every’ as electronic equipment practically cannot be available to every customer from time to time.
37. Tabcorp notes that the adjective ‘any’ can have different meanings in different contexts and that the use of the word does not lend itself to restrictive interpretation. It cites the use of ‘any or all of the customers’ in section 8 of the IGA – ‘Australian-customer link’ as an example that ‘any’ customer does not mean ‘all’ customers.
38. It also contends that read as a whole, section 8BA is intended to distinguish in-play betting in licensed venues from in-play betting in homes and other private places.
39. The ACMA notes that there are two possible interpretations of this subparagraph. One interpretation requires that the service should be available to any customer, not just those that have access to a TAB account on the TAB App on a mobile device. However, the ACMA also notes that Tabcorp’s submission that the word ‘any’ should not be interpreted narrowly is also open.

Availability of electronic equipment in connection with additional gambling services

40. Subparagraph 8BA(1)(b)(iii) provides that the electronic equipment is not available for use by customers in connection with additional gambling services unless the other gambling service is provided by the provider of the first-mentioned service.
41. Tabcorp is the provider of both the TAB App and the Tap in-play station. Tabcorp has confirmed that the electronic equipment is not available for use by customers in connection with another gambling service.

Licence held under State or Territory law

42. Paragraph 8BA(1)(c) requires that the provider of the service must hold a licence (however described) under a law of a State or Territory that authorises the provision of that service at that place.
43. Tabcorp is licensed in NSW and has advised that it has obtained approval from Liquor & Gaming NSW for the introduction of a trial of the Tap in-play service.

Other conditions determined under subsection 8BA(2)

44. Currently there are no other conditions that have been determined under subsection 8BA(2) and therefore paragraph 8BA(1)(d) has no application to this matter.

Does the service have an Australian-customer link?

45. Subsection 15(2A) of the IGA provides:

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

46. Under section 8 of the IGA, a gambling service has an Australian-customer link if, and only if, any or all of the customers of the service are physically present in Australia.
47. It is not in contention that customers of Tabcorp services are based in Australia.

Intent of the IGA

48. A service such as Tap in-play was not contemplated in the *Interactive Gambling Amendment Act 2017* (the Amending Act).
49. While the Amending Act provided clarification that in-play betting using existing EBTs was compliant, it did not consider a type of service where the only interaction with in-venue equipment is to verify the location of the customer.
50. The intent of the IGA is to minimise gambling harm and this is particularly relevant to the harm that can be caused by in-play betting, as discussed below.
51. In a finely balanced matter, and where the Amending Act did not contemplate a service such as Tap in-play, it is relevant to consider whether the service is consistent with the intent of the IGA.

In-play betting

52. The final report of the Review of the *Interactive Gambling Act 2001* undertaken by the Department of Broadband, Communication and the Digital Economy in 2012 (the Department Report) provided a description of what is in-play betting:

In-play betting (also known as betting in-the-run or live betting) is a form of continuous wagering whereby the bettor is able to place bets after that event has begun (for example betting on the outcome of a football match at half time).

In-play wagering using the internet is prohibited under the IGA, other than in respect of horse and greyhound racing.

In-play wagering using the telephone, however, is not prohibited by the IGA. A telephone wagering service is defined in the IGA as 'a gambling service provided on the basis that dealings with customers are wholly by way of voice calls made using a standard telephone service'. This means that, while services offering in-play wagering online during a sporting event are prohibited under the IGA, similar services and dealings with the customer provided by a telephone wagering service are permitted. Similar services are also permitted at land-based venues such as TABs. Both telephone betting services and land-based services are subject to state and territory law.

53. Section 10B, which sets out the definition for in-play betting for the purpose of the IGA, was inserted by the Amending Act. Prior to the insertion of section 10B, section 8A provided that if the service relates to betting on the outcome of a sporting event, these were not excluded wagering services if the bets were made after the beginning of the event. The Supplementary EM for the Interactive Gambling Bill 2001 stated that:

Subclause 8A(2) is intended to exclude from the definition of 'excluded wagering service' types of continuous wagering, such as real-time 'ball-by-ball' betting on interactive television, that could evolve into highly addictive and easily accessible forms of interactive gambling. Another type of continuous wagering is 'betting on the run', where a person bets after an event has commenced on the outcome of that event. An example of betting on the run is where a person bets on who will win a football match after that match has already started (for instance, at half time).

54. Section 10B reiterates the exclusion in the previous subsection 8A(2) and provides:

For the purposes of this Act, a gambling service is an in-play betting service to the extent to which:

(a) the service relates to betting on the outcome of a sporting event, where the bets are placed, made, received or accepted after the beginning of the event; or

(b) the service relates to betting on a contingency that may or may not happen in the course of a sporting event, where the bets are placed, made, received or accepted after the beginning of the event.

55. This provision was inserted in response to the Illegal Offshore Wagering Review undertaken in 2015. Recommendation 3 of that review stated:

Until the proposed national framework is established and operating, consideration of additional in-play betting products should be deferred and legislative steps taken to respect the original intent of the Interactive Gambling Act 2001.

56. In considering what was the original intent of the IGA, the EM for the Interactive Gambling Bill 2001 noted that:

The Government is concerned that new interactive technology, such as the Internet and datacasting has the potential to greatly increase the accessibility to gambling and exacerbate problem gambling among Australians.

....

...the concern of both the Commonwealth and the community about the potential for interactive gambling to exacerbate the negative social impacts of excessive gambling. New communications technologies have the potential to enable services equivalent to poker machines, casino games, or bookmakers in every Australian home, 24 hours a day. The Productivity Commission has described this as a 'quantum leap' in accessibility. This could contribute to an associated growth in problem gambling.

57. The original intent of the IGA was to put in place legislation to protect the community from the availability of gambling services 24 hours a day in every Australian home. This, along with the risk that certain types of in-play betting could *evolve into highly addictive and easily accessible forms of interactive gambling* suggest that the intention of subsection 8A(2) (and now section 10B) was to minimise the harm that could be caused by allowing in-play betting online, 24 hours a day, in a person's home.
58. As discussed above, the restriction for in-play betting was only for online services and there was still the opportunity for in-play betting to occur via telephone services or at retail venues.
59. The Amending Act made changes in response to gambling services using 'click to call' mechanisms to circumvent the requirement that in-play betting could only be provided via telephone or in retail venues. The EM stated:

The IGA prohibits online in-play betting (placing a bet after the commencement of play) on a sporting event, e.g. Australian rules football, rugby league, cricket or a tennis match but allows in-play betting wholly by way of voice calls made using a standard telephone service. The latter falls within the definition of a 'telephone betting service', which is exempt from the operation of the IGA. This is because a conversation with the operator, during which the customer has to provide identification and betting information, slows the betting process and thereby reduces the scope for problem gambling, one of the objectives of the IGA.

'Click to call' in-play betting services include a mix of data entry on websites or mobile apps with a voice call. These services currently involve a consumer inputting betting information using a website or a mobile device application, which activates a call to a computerised voice that repeats the consumer's proposed bet and asks the consumer to confirm the bet by pressing a button on a website, application or keypad. The process can be completed in a very short period of time. These services claim to avoid the operation of the prohibition in the IGA by relying on the telephone betting service exemption.

60. The insertion of section 8BA ensured that, subject to conditions, the rules around online in-play betting services did not apply to electronic equipment used in retail venues. However,

this clarification did not contemplate the use of the venue's electronic equipment in conjunction with the TAB App, as is required to place in-play bets via the Tap in-play station.

61. A key issue is whether the intention of the place-based betting service exemption is consistent with in-play bets being made primarily via the TAB App, where the use of electronic equipment at the particular place is only to verify that the customer is in the TAB venue.
62. The questions that must be considered are what the risk to the customer is, and is the Tap in-play service minimising the risk for problem gamblers, given that this is one of the intentions of the IGA. As noted in the Department Report:

The Joint Select Committee recommended that the current prohibition on the provision of online in-play betting should remain in place, asserting that the current restrictions achieve the correct balance between the availability of services (via telephone and land-based services) and harm minimisation. The committee also recommended that research be conducted as part of the review of the IGA to assess the attractions, risks and potential harms on online in-play betting. (Parliamentary Joint Select Committee on Gambling Reform, Second report—Interactive and online gambling and gambling advertising; Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011, pp 211–212).

Tabcorp measures implemented during Tap in-play trial

63. During the trial of the Tap in-play service that is noted in paragraph 5, Tabcorp put in place safer gambling thresholds where, if a person placed a Tap in-play bet of greater than \$300, or had combined *Tap in-play* bets in a day in excess of \$1,000, an alert would be sent to the Tabcorp safer gambling team, which could consider whether the transactions identified any “*red flag*” behaviours. If such behaviours were identified, the team would contact the customer by phone, planned to be within 10 to 15 minutes.
64. Tabcorp advised that the safer gambling team would be operational between 8am and 8pm between Sunday and Wednesday and 8am to 11pm between Thursday to Saturday, as well as during prime events.
65. While these actions appeared to target those at risk of gambling harm, they were retrospective in nature and relied on a member of Tabcorp's safer gambling team being able to contact the person in-venue. Additionally, the hours of operation of the safer gambling team were limited and if similar behaviours were occurring at multiple venues, the operational nature of this responsible gambling plan appeared to be highly resource intensive which may impact the timely engagement with the customer.
66. Therefore, while the measures implemented by Tabcorp during the Tap in-play trial provided additional responsible gambling measures, they were limited in nature.

Tabcorp Real Time Intervention strategy

67. Since the trial, Tabcorp has developed a Real Time Intervention (RTI) strategy. Tabcorp's RTI strategy provides enhanced responsible gambling measures, which apply to all account users. It is operational 24/7 and will identify in real time customers who may be experiencing gambling harm or be at risk of gambling harm.
68. Tabcorp has advised that the algorithms used to identify gambling harm have been developed through international use and experiences and have been tailored to the Australian market. It advised that there will be ongoing reviews and updates to the system.
69. Tabcorp has also indicated it will shortly be implementing additional controls targeted at Tap in-play usage, which even further strengthen the responsible gambling measures.
70. By comparison, responsible gambling measures currently in place for the use of EBTs, which operate primarily on a cash basis and with anonymity of customers, relies on the

observations and actions of in venue trained staff. This would strongly indicate that the RTI measures relating to the Tap in-play service, and account customers in general, are more robust than those which currently apply to users of EBTs.

Summary

71. With the introduction of Tabcorp's RTI strategy, the responsible gambling measures which are in place for account holders, including those using the Tap in-play service, are stronger than those that currently apply to the use of EBTs (ie the technology that was the original focus of the definition of 'place-based betting service').
72. This needs to be balanced against the risk for customers that an additional in-play place-based betting service will provide.
73. Given the Amending Act clarifies that in venue in-play betting using EBTs is legal and noting the additional responsible gambling measures which will apply to Tap in-play users, we have concluded that the better view is the Tap in-play service is consistent with the intent of the IGA.
74. The successful operation of the RTI and its alignment to the safeguards that have been outlined by Tabcorp, will be further strengthened with the additional measures which will be implemented with respect to the Tap in-play service.
75. Having regard to the submissions from Tabcorp and in recognition that this matter comes down to a finely balanced view of the applicable law, we consider that the preferable construction is that the Tap in-play service is not a prohibited interactive gambling service.

List of Attachments

Attachment A Key provisions of the IGA

Attachment A

Key provisions of the IGA

4 Definitions

gambling service means:

- (a) a service for the placing, making, receiving or acceptance of bets; or
- (b) a service the sole or dominant purpose of which is to introduce individuals who wish to make or place bets to individuals who are willing to receive or accept those bets; or
- (c) a service for the conduct of a lottery; or
- (d) a service for the supply of lottery tickets; or
- (e) a service for the conduct of a game, where:
 - (i) the game is played for money or anything or else of value; and
 - (ii) the game is a game of chance or of mixed chance and skill; and
 - (iii) a customer of the service gives or agrees to give consideration to play or enter the game; or
- (f) a gambling service (within the ordinary meaning of that expression) that is not covered by any of the above paragraphs.

5 Prohibited interactive gambling services

(1) For the purposes of this Act, a **prohibited interactive gambling service** is a gambling service, where:

- (a) the service is provided in the course of carrying on a business; and
- (b) the service is provided to customers using any of the following:
 - (i) an internet carriage service;
 - (ii) any other listed carriage service;
 - (iii) a broadcasting service;
 - (iv) any other content service;
 - (v) a datacasting service

Note: This definition relates to the offence provisions and civil penalty provisions set out in section 15 and Part 7A.

(2) Subsection (1) has effect subject to subsection (3).

Excluded services

(3) For the purposes of this Act, none of the following services is a **prohibited interactive gambling service**:

- (a) a telephone betting service;
- (aa) an excluded wagering service (see section 8A);
- (ab) an excluded gaming service (see section 8B);
- (aba) a place-based betting service (see section 8BA);
- (ac) a service that has a designated broadcasting link (see section 8C);
- (ad) a service that has a designated datacasting link (see section 8C);
- (ae) an excluded lottery service (see section 8D);
- (b) a service to the extent to which it relates to the entering into of contracts that are financial products within the meaning of Chapter 7 of the *Corporations Act 2001*;
- (ba) a wholesale gambling service;
- (bb) a trade promotion gambling service (see section 8BB);
- (c) an exempt service (see section 10).

8 Australian-customer link

For the purposes of this Act, a gambling service has an Australian-customer link if, and only if, any or all of the customers of the service are physically present in Australia.

8A Excluded wagering service

Racing

(1) For the purposes of this Act, a service is an excluded wagering service to the extent to which the service relates to betting on, or on a series of, any or all of the following:

- (a) a horse race;
- (b) a harness race;
- (c) a greyhound race;

so long as the other conditions (if any) determined under subsection (2) have been satisfied.

(2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of subsection (1).

Sporting events

(3) For the purposes of this Act, a service is an excluded wagering service :

- (a) to the extent to which the service relates to betting on, or on a series of, sporting events; and
- (b) to the extent to which the service is not an in-play betting service;

so long as the other conditions (if any) determined under subsection (4) have been satisfied.

(4) The Minister may, by legislative instrument, determine one or more conditions for the purposes of subsection (3).

Other events or contingencies

(5) For the purposes of this Act, a service is an excluded wagering service :

- (a) to the extent to which the service relates to betting on:
 - (i) an event; or
 - (ii) a series of events; or
 - (iii) a contingency;
 that is not covered by subsection (1) or (3); and
- (b) to the extent to which the service is not an in-play betting service; and
- (c) to the extent to which the service is not covered by any of the following subparagraphs:
 - (i) a service for the conduct of a scratch lottery or other instant lottery;
 - (ii) a service for the supply of tickets in a scratch lottery or other instant lottery;
 - (iii) a service relating to betting on the outcome of a lottery;
 - (iiia) a service relating to betting on a contingency that may or may not happen in the course of the conduct of a lottery;
 - (iv) a service for the conduct of a game covered by paragraph (e) of the definition of gambling service in section 4;
 - (v) a service relating to betting on the outcome of a game of chance or of mixed chance and skill;

so long as the other conditions (if any) determined under subsection (6) have been satisfied.

- (6) The Minister may, by legislative instrument, determine one or more conditions for the purposes of subsection (5).
- (7) For the purposes of paragraph (5)(a):
 - (a) assume that no conditions have been determined under subsection (2) or (4); and
 - (b) disregard paragraph (3)(b).

8BA Place-based betting service

- (1) For the purposes of this Act, a *place-based betting service* is a service covered by paragraph (a) or (b) of the definition of *gambling service* in section 4:
 - (a) to the extent to which the service is provided to customers who are at a particular place; and
 - (b) to the extent to which the service is provided on the basis that:
 - (i) dealings with customers involve the use of electronic equipment made available to customers at that place; and
 - (ii) the electronic equipment is available for use by any customer who is at that place; and
 - (iii) the electronic equipment is not available for use by customers in connection with another gambling service unless the other gambling service is provided by the provider of the first-mentioned service;
 so long as:
 - (c) the provider of the service holds a licence (however described) under a law of a State or Territory that authorises the provision of the service at that place; and
 - (d) the other conditions (if any) determined under subsection (2) have been satisfied.
- (2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of paragraph (1)(d).

10B In-play betting service

- For the purposes of this Act, a gambling service is an **in-play betting service** to the extent which:
- (a) the service relates to betting on the outcome of a sporting event, where the bets are placed, made, received or accepted after the beginning of an event; or
 - (b) service relates to betting on a contingency that may or may not happen in the course of a sporting event, where the bets are placed, made, received or accepted after the beginning of an event.

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.

(3) Subsections (1) and (2A) do not apply if the person:

(a) did not know; and

(b) could not, with reasonable diligence, have ascertained;

that the service had an Australian-customer link.

Note: In the case of proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matters in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).