Australian Government | acma Australian Communications and Media Authority

Guidance on the prohibition on commissions

NOVEMBER 2026

Canberra
Level 3
40 Cameron Avenue
Belconnen ACT

PO Box 78
Belconnen ACT 2616

T +61 2 6219 5555
F +61 2 6219 5353

Melbourne
Level 32
Melbourne Central Tower
360 Elizabeth Street
Melbourne VIC

PO Box 13112
Law Courts
Melbourne VIC 8010

T +61 3 9963 6800
F +61 3 9963 6899

Sydney
Level 5
The Bay Centre
65 Pirrama Road
Pyrmont NSW

PO Box Q500
Queen Victoria Building
NSW 1230

T +61 2 9334 7700
F +61 2 9334 7799

Copyright notice



https://creativecommons.org/licenses/by/4.0/

Except for the Commonwealth Coat of Arms, logos, emblems, images, other third-party material or devices protected by a trademark, this content is made available under the terms of the Creative Commons Attribution 4.0 International (CC BY 4.0) licence.

All other rights are reserved.

The Australian Communications and Media Authority has undertaken reasonable enquiries to identify material owned by third parties and secure permission for its reproduction. Permission may need to be obtained from third parties to re-use their material.

We request attribution as © Commonwealth of Australia (Australian Communications and Media Authority) 2026.

Contents

Introduction **1**

Background **2**
Commissions captured by the prohibition 2
Monetary commissions 3
Non-monetary benefits 4

Scope of the prohibition on commissions **5**
Who is prohibited from promising, offering or giving a commission? 5
Who the prohibition applies to 5
Exemptions 6
How does the prohibition engage with the definition of customer activity? 8

Introduction

The Australian Government has established new reforms to protect vulnerable Australians from online gambling harms.

On 26 August 2026, the Parliament of Australia enacted the *Interactive Gambling Amendment (Gambling Reform) Act 2026* (the Gambling Reform Act), introducing a new Part 7D into the *Interactive Gambling Act 2001* (the Interactive Gambling Act).

Part 7D includes a prohibition on licensed interactive wagering service providers (LIWSPs) providing, offering or promising to provide, or causing the provision, offer or promise of, certain commissions.

We have produced initial guidance to assist LIWSPs to prepare for the commencement of the legislation, in relation to prohibitions on commissions, and to achieve compliance with regulatory requirements from 1 January 2027. Formal guidance about the operation of Part 7D may be made under section 62ZW of the Interactive Gambling Act at a later stage.

Notes on the guidance:

- All references to 'commission' refer to the inclusive definition of a commission, which is provided in section 62ZL of the Act. The terms included within this inclusive definition of a 'commission' are not separately defined by the Act and, where relevant, the ACMA will interpret theses terms having regard to their ordinary meaning, statutory context and the purpose of Part 7D.
- All 4 requirements in section 62ZT must be satisfied before the prohibition on a commission applies. Examples described as 'prohibited commissions' proceed on the basis that the facts stated in the example satisfy each requirement of section 62ZT.
- Examples and additional information provided in the guidance are for illustrative purposes only. Whether any arrangement is prohibited will depend on the facts and circumstances of the matter.
- Customer activity – referred to in the examples – relates to the definition under section 62ZL (and explained on pages 3 to 5 of this guidance).
- This guidance is limited to explaining the prohibition contained in section 62ZT of the Act. The conduct of LIWSPs may be subject to other provisions of the Interactive Gambling Act independently of the prohibition in section 62ZT.

Background

Commissions captured by the prohibition

Section 62ZT of the Act establishes that LIWSPs are not permitted to provide, offer or promise to provide commissions to:

- their employees
- agents
- any other person engaged to provide services on behalf of the LIWSP (paragraphs 62ZT(a) and (b)).

The prohibition is broadly applied to the provision, offer or promise of a commission made, or caused to be made to a person involved in acquiring, retaining, reactivating, managing or referring customers to a LIWSP and the commission relates to a customer activity (paragraphs 62ZT(c) and (d)).[1]

Section 62ZT applies to the provision, offer or promise of a commission made, or caused to be made, on or after 1 January 2027.

The Act defines commission to include any:

- commission
- incentive
- bonus
- referral fee
- revenue share
- profit share
- performance payment
- variable remuneration
- other benefit.

[1] What is meant by 'customer activity' is discussed below at page 8.

Monetary commissions

Section 62ZL contains a broad, inclusive definition of 'commission'. This encompasses monetary and non-monetary benefits to capture a wide range of potential behaviours by LIWSPs that could be considered a commission:

- A **commission** is typically a fee provided to an employee or agent for performing a service (in this case, acquiring, retaining, reactivating or managing and referring customers for a LIWSP).
- A **bonus** can be reasonably understood to be any extra payment that is additional to an employee, agent or third-party's ordinary wages, salary or remuneration. These could include discretionary bonuses that only occur on a one-off or ad hoc basis.
- An **incentive** is typically sales-based bonuses that may be calculated as a percentage. This may relate to an incentive for a person as an individual or an incentive for a team or section of the company they work for. For example, if a third party is a business and it received an incentive for achieving a particular number of referrals to a LIWSP that was then passed on to individual employees of the third-party.
- A **referral fee** may be a flat or 'fixed' fee, percentage fee, credit or account balance, or non-cash benefit to a person that has referred someone to a LIWSP (scenarios below explain where this may occur).
- **Revenue** and **profit share** includes when a business distributes its profits or revenue from customer activity to employees, agents or third parties.
- **Performance payments** or **variable remuneration** may fall within the definition of commission. Whether section 62ZT applies will depend on whether each of the requirements in paragraphs 62ZT(a) to (d) is satisfied, including whether the commission relates to customer activity.

Depending on the structure of a LIWSP's business, there may be some crossover between the terms listed above.

The following examples illustrate types of remuneration or benefits that may fall within the inclusive definition of a 'commission'.

Example 1: A lump sum payment

LIWSP A provides a lump sum payment of $2000 to an employee for every 200 customers they acquire. This is an example of an ad hoc bonus that is additional to an employee's ordinary wages, salary or remuneration.

Example 2: A promise of a pay increment

LIWSP B promises an employee, or group of employees, that they will receive an ongoing pay increment increase conditional on a target of customer referrals being met within a 6-month period. This is an example of an incentive.

Example 3: Fee charged by a third party

Third party Company A is engaged by LIWSP C to encourage potential customers to open an account with them. For this service, Company A charges LIWSP C a fixed fee for every 50 people they encourage to open an account. This is an example of a referral fee.

Non-monetary benefits

The definition of a commission includes the words 'other benefit (whether monetary or non-monetary)'. These benefits do not need to be direct transactions between LIWSPs and a person. Examples of non-monetary benefits may include:

- time off in lieu or additional leave
- memberships (e.g., gym or club memberships)
- provision of travel and accommodation
- access to peer appreciation programs
- access to wellness initiatives or lunches.

General benefits that a LIWSP may provide or make available to all employees – regardless of the nature of their employment – would generally not be captured by the prohibition. A benefit made available to all employees may fall outside the prohibition if the requirements in section 62ZT are not satisfied, including because the benefit does not relate to customer activity.

Example 4: A LIWSP provides a happy hour or hospitality to employees

LIWSP D provides a happy hour or hospitality to employees. This is potentially an example of a non-monetary benefit.

Where the provision of hospitality is a commission within the definition in section 62ZL and all the other requirements of section 62ZT are satisfied, the provision of the benefit would be prohibited. For example, LIWSP D hosts the happy hour to reward only some employees for achieving performance targets tied to customer activity, such as securing a milestone number of deposits or achieving a particular referral-to-customer conversion rate.

Providing the benefit would not be prohibited when the benefit is made available generally to employees – and is not related to customer activity.

Scope of the prohibition on commissions

Who is prohibited from promising, offering or giving a commission?

The prohibition applies to LIWSPs. Under section 61GB of the Interactive Gambling Act, a LIWSP is a person who provides a licensed interactive wagering service.[2] A licensed interactive wagering service is a 'regulated interactive gambling service' that meets certain other conditions, and is itself defined elsewhere in the Interactive Gambling Act as including, for example, a place-based gambling service where that service is provided to customers, in the course of carrying on a business, using an internet carriage service, a broadcasting or datacasting service, or any other content service.[3]

The ACMA publishes a register of licensed interactive gambling providers.

Who the prohibition applies to

LIWSPs cannot offer, promise, provide or cause to offer, promise or provide a commission to any of the following:

- **An employee:** Anyone who works in and is part of the LIWSP's business. In most circumstances, this definition would apply to ongoing employees and non-ongoing employees providing services to the LIWSP's business.
- **An agent:** Agent is not separately defined for these purposes and takes its ordinary meaning in context.
- **A third person providing a service on its behalf:** This may be an individual, a third-party company (like a bookmaker, pub or club) or a customer that is enticed/receives a benefit from a LIWSP to encourage someone to bet on their account. This may include independent contractors depending on the particular engagement.

The prohibition only applies where all requirements of section 62ZT are satisfied, including when persons in the above roles are engaged in acquiring, retaining, reactivating, managing or referring customers to a licensed interactive wagering service and the commission relates to customer activity.

---

[2] **Section 61GB definitions**
licensed interactive wagering service provider means a person who provides a licensed interactive wagering service.
licensed interactive wagering service means a regulated interactive gambling service that:
(a) is a wagering service (see section 4); and
(b) has an Australian-customer link (see section 8); and
(c) is not provided in contravention of subsection 15AA(3).

Section 4 definitions
wagering service means a service covered by paragraph (a) or (b) of the definition of gambling service.
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

[3] For the definition of ***regulated interactive wagering service***, see section 8E of the Interactive Gambling Act.

Exemptions

There are no exemptions for, or powers for the ACMA or Minister to exclude, particular persons, services or arrangements where the requirements under section 62ZT are otherwise met.

Example 5: A commission provided to casually engaged agent involved in customer activity

LIWSP E is attempting to encourage more prospective customers to download and place bets in their app, as opposed to in a licensed premises. To do this, LIWSP E employs associates on a casual basis to travel to various pubs, clubs and casinos and encourage patrons to download, make an account and place bets using the LIWSP's app.

The associate receives a commission per each new account created.

On these facts, this is an example of a prohibited commission.

Example 6: A HR employee receives a bonus

LIWSP F wants to offer a performance bonus to its human resources (HR) staff because they achieved a targeted recruitment cost metric. The bonus is not related to any of those HR staff acquiring, retaining, reactivating, managing or referring customers for the LIWSP.

On these facts, this is not an example of a prohibited commission.

Example 7: A bookmaker's employee receives a commission for customer activity

Bookmaker A provided services on behalf of a LIWSP. The LIWSP causes a commission to be offered by the bookmaker to their employee. The commission relates to referring customers to the LIWSP with the intention of the customer creating an account with the LIWSP. On these facts, this is an example of a prohibited commission, regardless of how the commission is labelled (e.g., if it is labelled as a management or consulting fee).

Example 8: A third party receives a profit share

LIWSP G engages a third party to encourage customers to reactivate their account. In return for this work, the third party receives a profit share that is calculated on the number of reactivated accounts across a 3-month period. The customer activity in this example is reactivating an account. On these facts, each element of section 62ZT would be satisfied and the commission would be prohibited.

Examples 8 and 9: An employee is promoted on an ongoing basis.

LIWSP H may promote staff as part of ordinary employment arrangements (i.e., performance that is not contingent on customer activity). For example, a promotion for an employee on the basis of their length of service, leadership skills or technical expertise would be unlikely to constitute remuneration related to customer activity and would therefore not be a prohibited commission.

If LIWSP I promotes an employee because they met a target for the number of account reactivations or for referral-to-customer conversion rate and there is no other rationale for the promotion, then this promotion may constitute an 'other benefit' within the definition of commission. The person is an employee, they are involved in reactivating accounts and referring customers to the LIWSP, and the promotion relates to customer activity (creating or reactivating an account). On these facts, the promotion may be a prohibited commission.

How does the prohibition engage with the definition of customer activity?

Section 62ZL defines 'customer activity' as including the following:

a) Creating or reactivating a licensed interactive wagering service account.

b) Depositing an amount to a licensed interactive wagering service account.

c) Placing or making a bet with a licensed interactive wagering service.

d) Removing gambling minimisation measures applied to a licensed interactive wagering service account.

Commissions are not allowed to be promised, offered or provided when they **relate to** these customer activities.

A contravention does not necessarily require the commission ultimately to be paid. This is because paragraph 62ZT(a) captures an **offer** or **promise** to provide a commission, or **causing** such an offer or promise to be made.

A LIWSP may contravene the prohibition where there has been an offer or promise to provide a commission and each of the other requirements in section 62ZT is satisfied.

Example 10: An employee receives a commission for a reactivated customer account, but no bets are placed by the customer.

LIWSP J provides a commission to an employee based on a customer reactivating their account. The reactivation of the account constitutes a customer activity. When the commission was received, the customer had not yet placed any bets. In this example, it is not relevant that the customer had not placed any bets. The commission is related to the reactivation of the customer account itself which constitutes the relevant customer activity.

On these facts, this is an example of a prohibited commission.

Example 11: A LIWSP offers a bonus to an employee

LIWSP K offers an employee a bonus contingent on the employee achieving a target number of new customers who create an account or deposit money into an account (both customer activities).

On these facts, this is an example of a prohibited commission. This is regardless of whether the employee meets their targeted number of new customer accounts or deposits.