

2019

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**National Self-exclusion Register (Cost  
Recovery Levy) Bill 2019**

**No.     , 2019**

*(Social Services)*

**A Bill for an Act to impose a levy on persons who  
provide licensed interactive wagering services, and  
for related purposes**



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# **A Bill for an Act to impose a levy on persons who provide licensed interactive wagering services, and for related purposes**

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *National Self-exclusion Register (Cost Recovery Levy) Act 2019*.

## **2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with

## Section 3

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column 2 of the table. Any other statement in column 2 has effect according to its terms.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	At the same time as the <i>Interactive Gambling Amendment (National Self-exclusion Register) Act 2019</i> commences.	

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### **3 Act to bind Crown**

This Act binds the Crown in right of each of the States, of the Australian Capital Territory and of the Northern Territory. However, it does not bind the Crown in right of the Commonwealth.

### **4 Extension to external Territories**

This Act extends to every external Territory.

### **5 Extra-territorial application**

This Act extends to acts, omissions, matters and things outside Australia.

### **6 Definitions**

In this Act:

**ACMA** means the Australian Communications and Media Authority.

**applicable percentage**, in relation to a designated levy period, has the meaning given by section 11.

**cost**, in relation to the ACMA, means an amount that, in accordance with accrual-based accounting principles, is treated as a cost of the ACMA.

**designated levy period** has the meaning given by section 11.

**interim period** means the period:

- (a) beginning at the start of 30 November 2018; and
- (b) ending immediately before the proclaimed start day.

**levy** means levy imposed by this Act.

**levy period** means:

- (a) the period:
  - (i) beginning at the start of the proclaimed start day; and
  - (ii) ending at the end of 30 June next following the proclaimed start day; or
- (b) the financial year beginning on 1 July next following the proclaimed start day; or
- (c) a later financial year.

**licensed interactive wagering service provider** has the same meaning as in Part 7B of the *Interactive Gambling Act 2001*.

**proclaimed start day** has the same meaning as in Part 7B of the *Interactive Gambling Act 2001*.

**Register** means the National Self-exclusion Register kept under section 61HA of the *Interactive Gambling Act 2001*.

**Register arrangement** means an arrangement under subsection 61HA(1) of the *Interactive Gambling Act 2001*.

**Register operator** has the same meaning as in Part 7B of the *Interactive Gambling Act 2001*.

**Register rules** has the same meaning as in Part 7B of the *Interactive Gambling Act 2001*.

**the ACMA's upfront Register costs** has the meaning given by section 12.

## **7 Imposition of levy**

Levy is imposed on a person for a levy period if:

- (a) the person was a licensed interactive wagering service provider during the whole or a part of the levy period; and
- (b) the person made at least one request to the Register operator under subsection 61NC(1) of the *Interactive Gambling Act 2001* during the levy period.

## **8 By whom levy payable**

Levy imposed on a person for a levy period is payable by the person.

## **9 Amount of levy**

- (1) The amount of levy imposed on a person for a levy period is the amount worked out in accordance with a method determined by the ACMA by legislative instrument.
- (2) Before making a determination under subsection (1), the ACMA must consult the Minister.

## **10 Limit on total amount of levies**

- (1) The total amount of the levies imposed on persons for a levy period must not exceed the sum of the following:
  - (a) the amounts paid, during the levy period, by the ACMA (on behalf of the Commonwealth) to the Register operator under a Register arrangement;
  - (b) the costs incurred, during the levy period, by the ACMA in managing a Register arrangement;
  - (c) the costs incurred, during the levy period, by the ACMA in relation to:



- (i) monitoring or promoting compliance with provisions of Part 7B of the *Interactive Gambling Act 2001*; or
- (ii) investigating whether persons have contravened provisions of Part 7B of the *Interactive Gambling Act 2001*; or
- (iii) taking action under the *Regulatory Powers (Standard Provisions) Act 2014*, so far as that Act relates to Part 7B of the *Interactive Gambling Act 2001*;
- (d) the costs incurred, during the levy period, by the ACMA in relation to the performance of its functions, or the exercise of its powers, under:
  - (i) Part 7B of the *Interactive Gambling Act 2001*; or
  - (ii) this Act;
- (e) the costs incurred, during the levy period, by the ACMA in relation to a procurement process that resulted in, or was intended to result in, the ACMA entering into a Register arrangement;
- (f) any other costs incurred, during the levy period, by the ACMA in relation to:
  - (i) the development of the Register; or
  - (ii) the operation of the Register;
- (g) if the levy period is a designated levy period—the applicable percentage of the ACMA’s upfront Register costs.

## **11 Designated levy periods and applicable percentages**

- (1) The ACMA may, by legislative instrument, determine that, for the purposes of this Act:
  - (a) each of 2 or more consecutive levy periods specified in the determination is a designated levy period; and
  - (b) the applicable percentage for a particular designated levy period is the percentage specified in the determination.
- (2) Different percentages may be specified for different designated levy periods.
- (3) The total of the applicable percentages must not exceed 100%.

- (4) Before making a determination under subsection (1), the ACMA must consult the Minister.

## **12 The ACMA's upfront Register costs**

For the purposes of this Act, *the ACMA's upfront costs* are the sum of the following:

- (a) the amounts paid, during the interim period, by the ACMA (on behalf of the Commonwealth) to the Register operator under a Register arrangement;
- (b) the costs incurred, during the interim period, by the ACMA in managing a Register arrangement;
- (c) the costs incurred, during the interim period, by the ACMA in relation to the performance of its functions, or the exercise of its powers, under:
  - (i) Part 7B of the *Interactive Gambling Act 2001*; or
  - (ii) this Act;
- (d) the costs incurred, during the interim period, by the ACMA in relation to a procurement process that resulted in, or was intended to result in, the ACMA entering into a Register arrangement;
- (e) any other costs incurred, during the interim period, by the ACMA in relation to:
  - (i) preparing to establish the Register; or
  - (ii) the establishment of the Register; or
  - (iii) the development of the Register; or
  - (iv) the operation of the Register.