

TASMANIA

**GAMING CONTROL AMENDMENT BILL (No. 2)
2009**

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GAMING CONTROL AMENDMENT BILL (No. 2) 2009

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
5 November 2009

*(Brought in by the Premier, the Honourable David John
Bartlett)*

A BILL FOR

**An Act to amend the *Gaming Control Act 1993* and to
repeal the *Gaming Control Amendment Act 2007* and the
*Gaming Control Amendment Act 2009***

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Gaming Control
Amendment Act (No. 2) 2009*.

2. Commencement

- (1) Except as provided by this section, this Act commences on the day on which this Act receives the Royal Assent.

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Part 1 – Preliminary

- (2) The provisions of Part 3 commence on a day or days to be proclaimed.

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PART 2 – GAMING CONTROL ACT 1993 AMENDED

3. Principal Act

In this Part, the *Gaming Control Act 1993** is referred to as the Principal Act.

4. Section 23 amended (Matters to be considered in determining application)

Section 23(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “of good repute,” and substituting “fit and proper”;
- (b) by omitting from paragraph (f) “of good repute” and substituting “fit and proper”.

5. Section 29 amended (Licence cannot be granted without Minister’s approval)

Section 29(1) of the Principal Act is amended by omitting “section 13(1)” and substituting “section 13”.

6. Section 37 amended (Grounds for objection)

Section 37(1) of the Principal Act is amended as follows:

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- (a) by omitting from paragraph (a) “of good repute” and substituting “fit and proper”;
- (b) by omitting from paragraph (b) “of good repute” and substituting “fit and proper”.

7. Section 38 amended (Matters to be considered in determining application)

Section 38(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “of good repute,” and substituting “fit and proper”;
- (b) by omitting from paragraph (d) “of good repute” and substituting “fit and proper”.

8. Section 74 amended (Determination of application)

Section 74 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(a) “of good repute,” and substituting “fit and proper”;
- (b) by omitting from subsection (2)(b) “of good repute” and substituting “fit and proper”;
- (c) by omitting from subsection (2A) “of good repute,” and substituting “fit and proper”.

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9. Section 76ZI amended (Surrender of Tasmanian gaming licence or gaming endorsement)

Section 76ZI of the Principal Act is amended as follows:

(a) by omitting subsection (2A) and substituting the following subsection:

(2A) After a person surrenders a Tasmanian gaming licence, the Treasurer may give the person a prescribed proportional refund of the licence fee.

(b) by omitting subsection (2B);

(c) by omitting paragraph (c) from subsection (4) and substituting the following paragraph:

(c) the Treasurer may give the licensed provider a prescribed proportional refund of the relevant part of the licence fee.

(d) by omitting subsection (5);

(e) by omitting subsection (6) and substituting the following subsection:

(6) In this section –

“relevant part”, of the licence fee for a Tasmanian gaming licence, means that part of the licence fee that is payable because of

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a particular gaming
endorsement endorsed on
the licence.

10. Section 76ZNB amended (Self-exclusion from wagering with licensed provider)

Section 76ZNB of the Principal Act is amended as follows:

(a) by omitting subsection (5) and substituting the following subsections:

(5) A licensed provider that receives a TGL self-exclusion notice must immediately freeze the excluded person's wagering account.

Penalty: Fine not exceeding 10 000 penalty units.

(5A) A licensed provider that freezes an excluded person's wagering account pursuant to subsection (5) must immediately notify the Commission in writing that it has done so.

Penalty: Fine not exceeding 10 000 penalty units.

(5B) On receiving a notification from a licensed provider under subsection (5A), the Commission may give the licensed provider such written instructions about

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the relevant frozen wagering account as it thinks fit and, without limiting the Commission's discretion, these instructions may be to do one or more of the following:

- (a) deduct any authorised commission or statutory charge from the funds in the frozen wagering account;
 - (b) remit some or all of the funds in the frozen wagering account to the excluded person following the settlement of any outstanding wagers;
 - (c) unfreeze some or all of the funds in the frozen wagering account and remit them to the excluded person;
 - (d) have the excluded person's accounts or wagering history independently audited.
- (5C) A licensed provider must comply with an instruction under subsection (5B).

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Penalty: Fine not exceeding 10 000
penalty units.

(b) by inserting the following subsection
after subsection (8):

(9) In this section –

“freeze”, a wagering account,
means to deny the account
holder’s access to and use
of the account.

**11. Section 76ZNC amended (Third-party exclusion
from wagering with licensed provider)**

Section 76ZNC of the Principal Act is amended
as follows:

(a) by omitting subsection (7) and
substituting the following subsections:

(7) A licensed provider that receives
a copy of a TGL exclusion order
from the Commission must
immediately freeze the excluded
person’s wagering account.

Penalty: Fine not exceeding 10 000
penalty units.

(7A) A licensed provider that freezes
an excluded person’s wagering
account pursuant to
subsection (7) must immediately

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notify the Commission in writing that it has done so.

Penalty: Fine not exceeding 10 000 penalty units.

- (7B) On receiving a notification from a licensed provider under subsection (7A), the Commission may give the licensed provider such written instructions about the relevant frozen wagering account as it thinks fit and, without limiting the Commission's discretion, these instructions may be to do one or more of the following:
- (a) deduct any authorised commission or statutory charge from the funds in the frozen wagering account;
 - (b) remit some or all of the funds in the frozen wagering account to the excluded person following the settlement of any outstanding wagers;
 - (c) unfreeze some or all of the funds in the frozen wagering account and

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remit them to the
excluded person;

(d) have the excluded
person's accounts or
wagering history
independently audited.

(7C) A licensed provider must not fail to comply with an instruction under subsection (7B).

Penalty: Fine not exceeding 10 000
penalty units.

(b) by omitting “force.” from paragraph (b) of the definition of “affected person” in subsection (9) and substituting “force;”;

(c) by inserting the following definition after the definition of “affected person” in subsection (9):

“freeze”, a wagering account, means
to deny the account holder's
access to and use of the account.

12. Section 76ZW substituted

Section 76ZW of the Principal Act is repealed
and the following section is substituted:

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76ZW. Prohibition on licensed provider self-wagering

- (1) A licensed provider must not, without the written approval of the Commission, wager with itself in a gaming activity in respect of the licensed provider’s gaming business.

Penalty: Fine not exceeding 600 penalty units.

- (2) A licensed provider, in wagering with itself in a gaming activity in respect of the licensed provider’s gaming business pursuant to an approval of the kind referred to in subsection (1), must not contravene the conditions, if any, of that approval.

Penalty: Fine not exceeding 600 penalty units.

- (3) In this section –

“**itself**” includes, where the relevant licensed provider is a natural person, himself or herself.

13. Section 76ZZE repealed

Section 76ZZE of the Principal Act is repealed.

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14. Section 76ZZIA inserted

After section 76ZZI of the Principal Act, the following section is inserted in Division 11:

76ZZIA. Emergency approval of modification to control system or gaming equipment

Notwithstanding sections 76ZZG and 76ZZI, the Commission may grant an emergency approval to a modification of any control system or gaming equipment approved under those sections if it is satisfied that the modification is (or, if the modification has already been made, was) necessary to ensure the integrity of the control system or the gaming equipment.

15. Section 76ZZN amended (Application for minor gaming permit)

Section 76ZZN(2) of the Principal Act is amended by omitting paragraph (e) and substituting the following paragraph:

(e) be accompanied by the fee, if any, prescribed by the regulations.

16. Section 76ZZQ substituted

Section 76ZZQ of the Principal Act is repealed and the following section is substituted:

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76ZZQ. Period of minor gaming permit

Unless sooner cancelled or surrendered, a minor gaming permit has effect for such period, not exceeding 5 years, as the Commission determines and specifies in the permit.

17. Section 77V amended (Approval of certain contracts by Commission)

Section 77V(4)(c) of the Principal Act is amended by inserting “or gaming activities” after “gaming”.

18. Section 91 amended (The Commission’s rules)

Section 91(1) of the Principal Act is amended by inserting after paragraph (g) the following paragraph:

- (ga) access to cash in approved venues, approved outlets and approved locations; and

19. Part 5, Division 3: Heading amended

Division 3 of Part 5 of the Principal Act is amended by omitting “*Exclusion from gaming*” from the heading to that Division and substituting “*Exclusion from gaming or wagering premises*”.

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20. Section 112A amended (Interpretation of Division)

Section 112A of the Principal Act is amended by omitting subsection (2).

21. Section 112G amended (Commissioner of Police may order person to be excluded)

Section 112G of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or gaming activity” after “game”;
- (b) by inserting in subsection (3) “or gaming activities” after “games”.

22. Section 112I amended (List of excluded persons)

Section 112I of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or gaming activities” after “in games”;
- (b) by inserting in subsection (1) “or gaming activities” after “such games”;
- (c) by inserting in subsection (3) “or gaming activity” after “game”;
- (d) by omitting from subsection (5)(c) “person.” and substituting “person; or”;

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- (e) by inserting the following paragraphs after paragraph (c) in subsection (5):
 - (d) an agent referred to in section 76ZZ or an employee of such an agent; or
 - (e) a gaming operator or an employee of the gaming operator; or
 - (f) a police officer.

23. Sections 112IA and 112IB inserted

After section 112I of the Principal Act, the following sections are inserted in Division 3:

112IA. Commission to keep and disseminate lists of excluded persons

- (1) The Commission is to –
 - (a) keep an up-to-date list of excluded persons; and
 - (b) from time to time provide each specified licence holder and each gaming operator with a copy of that list or those parts of that list that are of relevance to the specified licence holder or gaming operator.

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(2) A list kept or provided under subsection (1) need not contain photographs.

(3) In this section –

“excluded person” means a person –

(a) subject to a self-exclusion notice;
or

(b) subject to a section 112C
exclusion order; or

(c) named on a list provided to the
Commission pursuant to
section 112I(4)(b) as being
subject to a section 112E
exclusion order.

112IB. Direct marketing of gaming to excluded persons prohibited

(1) A specified licence holder or gaming operator must not directly promote gaming or gaming activities to a person if, at the relevant time, the person’s name appears on the list most recently provided to the specified licence holder or gaming operator under section 112IA.

Penalty: Fine not exceeding 1 000 penalty units.

(2) For the purposes of subsection (1), a specified licence holder or gaming operator is taken to directly promote

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gaming or gaming activities to a person
if –

- (a) the specified licence holder or gaming operator provides advertising material to that person or engages in any other promotional activity with regard to that person; and
- (b) the advertising material or promotional activity could reasonably be seen as an enticement or inducement, to engage in gaming or gaming activities, specifically targeted at that person.

24. Section 112J amended (Excluded persons not to wager or enter gaming premises)

Section 112J of the Principal Act is amended as follows:

- (a) by inserting in subsection (2)(a) “or gaming activity” after “game”;
- (b) by inserting in subsection (3) “or gaming activity” after “game”.

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25. Section 112K amended (Removal of excluded persons from gaming premises)

Section 112K of the Principal Act is amended as follows:

- (a) by inserting “or gaming activity” after “game” in the definition of “gaming premises” in subsection (1);
- (b) by inserting in subsection (2)(b) “or gaming activity” after “game”;
- (c) by inserting in subsection (3)(b) “or gaming activity” after “game”;
- (d) by inserting in subsection (4)(a)(ii) “or gaming activity” after “game”.

26. Part 5, Division 4 inserted

After section 112K of the Principal Act, the following Division is inserted in Part 5:

Division 4 – Responsible gambling

112L. Commission to establish codes of practice

- (1) The Commission is to establish, for prescribed licence holders, codes of practice on responsible gambling.
- (2) Under subsection (1), different codes of practice may, in the Commission’s discretion, be established for different

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prescribed licence holders or different groups of prescribed licence holders.

- (3) Despite subsection (1), the Commission is not obliged to establish a code of practice for every prescribed licence holder.
- (4) A code of practice may provide for any relevant matter.
- (5) A code of practice may provide for any matter by adopting, either specifically or by reference, and either wholly or in part and with or without modification, any external protocol –
 - (a) whether as in force at a particular time or as from time to time amended; and
 - (b) whether published before, on or after the commencement day.
- (6) The Commission –
 - (a) may from time to time amend a code of practice; and
 - (b) must review each code of practice at least once every 5 years after it is established.
- (7) On establishing or amending a code of practice, the Commission is to –
 - (a) notify the affected licensees accordingly; and

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- (b) make a copy of the code or amended code available to the affected licensees; and
 - (c) publish the code or amended code electronically and in such other ways as it thinks fit; and
 - (d) make a copy of the code or amended code freely available for public inspection at its offices during normal business hours.
- (8) An affected licensee must ensure that a code of practice or amended code of practice is available for free public inspection at –
- (a) each licensed premises of the affected licensee; and
 - (b) each approved location of the affected licensee; and
 - (c) if the affected licensee is a totalizator operator, each approved outlet of the affected licensee.

Penalty: Fine not exceeding 25 penalty units.

- (9) The Commission, by notice to each affected licensee, may revoke a code of practice.

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- (10) The revocation takes effect on such day as is specified in the notice and cancels the affected licensee’s obligations under subsection (8) in respect of the particular code of practice.
- (11) To avoid doubt, a prescribed licence holder may be subject to more than one code of practice at the same time.
- (12) A code of practice is not –
- (a) a statutory rule for the purposes of the *Rules Publication Act 1953*; or
 - (b) an instrument of a legislative character for the purpose of the *Subordinate Legislation Act 1992*.
- (13) For the transitional purposes of this section, the Commission’s obligation under subsection (1) may be discharged progressively from the commencement day.
- (14) In this section –
- “**affected licensee**” means a prescribed licence holder to whom a code of practice under this section applies (or, if the code is prospective, will apply);
 - “**commencement day**” means the day referred to in section 2(1) of the

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“external protocol” means a code, guideline, rule, specification, standard or other document that –

- (a) is published by a person other than the Commission; and
- (b) has any relevance to gaming or wagering;

“relevant matter” means any of the following:

- (a) advertising and promotional practices, like player loyalty schemes and the offering of inducements;
- (b) access to cash in approved venues, approved locations or approved outlets;
- (c) the provision of food and alcohol in restricted gaming areas, approved locations or approved outlets;
- (d) the provision of clocks in restricted gaming areas,

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- approved locations or approved outlets;
- (e) minimum lighting standards in restricted gaming areas, approved locations or approved outlets;
- (f) the display of warning and help signs in restricted gaming areas, approved locations or approved outlets;
- (g) the provision of information to players on rules and losing and winning;
- (h) staff training in recognising and dealing with persons who are problem gamblers or at risk of becoming so;
- (i) any matter approved by the Minister for the purposes of this definition.

27. Section 112P substituted

Section 112P of the Principal Act is repealed and the following section is substituted:

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112P. Commission may give directions

- (1) The Commission may give a prescribed licence holder a written direction relating to the conduct of gaming or wagering.
- (2) Without limiting the generality of subsection (1), the direction may be to adopt, vary, cease or refrain from any practice in respect of gaming or wagering.
- (3) The direction is not to be repugnant to the provisions of this Act or the conditions of the relevant prescribed licence.
- (4) The direction takes effect on such day as the Commission specifies in the direction for that purpose.
- (5) The prescribed licence holder must comply with the direction.
- (6) The Commission may at any time revoke the direction.

28. Section 112S amended (Grounds for disciplinary action)

Section 112S(1) of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (da):

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- (db) the prescribed licence holder has failed to comply with a direction under section 112P;
- (b) by omitting from paragraph (i) “way.” and substituting “way;”;
- (c) by inserting the following paragraph after paragraph (i):
 - (j) the prescribed licence holder has contravened a code of practice, established under section 112L, applying to that prescribed licence holder.

29. Section 112T amended (Disciplinary action)

Paragraph (f) of the definition of “disciplinary action” in section 112T(1) of the Principal Act is amended as follows:

- (a) by inserting the following subparagraph after subparagraph (ii):
 - (ia) 500 penalty units in the case of a prescribed licence that is a licensed premises gaming licence; or
- (b) by omitting from subparagraph (iii) “licensed premises gaming licence, a”.

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30. Section 112TA inserted

After section 112T of the Principal Act, the following section is inserted in Division 6:

112TA. Liability to disciplinary action not extinguished by loss of licence

A prescribed licence holder's liability to disciplinary action under this Division for any act or omission is not extinguished by the subsequent suspension, cancellation, surrender, transfer or expiry of that prescribed licence under another provision of this Act and, for that purpose –

- (a) a reference in this section to a “prescribed licence holder” includes a former prescribed licence holder; and
- (b) the Commission's disciplinary powers under this section are, with necessary modification, capable of being exercised in respect of the acts or omissions of any person in their capacity as a former prescribed licence holder.

31. Section 117 amended (Offences by venue operators in respect of minors)

Section 117 of the Principal Act is amended as follows:

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- (a) by omitting from the penalty under subsection (1) “20” and substituting “100”;
- (b) by omitting from the penalty under subsection (2) “20” and substituting “100”;
- (c) by omitting from the penalty under subsection (3) “20” and substituting “100”.

32. Section 117A inserted

After section 117 of the Principal Act, the following section is inserted in Part 6:

117A. Offence by special employees in respect of minors

- (1) This section applies to a person who is –
 - (a) a special employee of a licensed provider or venue operator; and
 - (b) performing duties in or in respect of a restricted gaming area of that licensed provider or venue operator.
- (2) The person must not allow a minor to enter or remain in the restricted gaming area.

Penalty: Fine not exceeding 50 penalty units.

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- (3) It is a defence to a prosecution for an offence under subsection (2) if the defendant establishes that –
- (a) the minor was above the age of 14 years; and
 - (b) before the minor entered the restricted gaming area or, as the case may be, while the minor was in the restricted gaming area, acceptable proof of age for the minor was produced to –
 - (i) the licensed provider or venue operator; or
 - (ii) the defendant; or
 - (iii) another special employee of the licensed provider or venue operator.
- (4) It is also a defence to a prosecution for an offence under subsection (2) if the defendant establishes that the nature of the relevant duties was such that, at the relevant time, the defendant could not reasonably have been expected to –
- (a) monitor the persons entering the restricted gaming area or, as the case may be, the persons in the restricted gaming area; or
 - (b) exert any control over which persons could enter or, as the case

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may be, remain in the restricted gaming area.

33. Section 118A amended (Prohibition on facilitating gaming by minor)

The penalty under section 118A(1) of the Principal Act is amended by omitting “20” and substituting “50”.

34. Section 121 amended (Venue operators must erect warning notices)

The penalty under section 121(3) of the Principal Act is amended by omitting “40” and substituting “100”.

35. Section 125 amended (Functions of Commission)

Section 125 of the Principal Act is amended by inserting after paragraph (e) the following paragraph:

- (ea) to foster responsible gambling and minimise the harm from problem gambling;

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36. Section 148 amended (Licensed premises gaming licence fee)

Section 148 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

- (3) If the holder of a licensed premises gaming licence ceases to hold that licence during the currency of the licence, the Commission may refund to that person an amount calculated in accordance with the following formula:

$$A = \frac{LF}{D_1} \times D_2$$

where –

“**A**” is the amount to be calculated;

“**LF**” is the licence fee paid in respect of the 12-month period referred to in subsection (1);

“**D₁**” is the number of days in the 12-month period in which the licence is held;

“**D₂**” is the number of days remaining after the person ceased to hold the licence in respect of the 12-month period in which the licence is surrendered.

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37. Section 148AB inserted

After section 148A of the Principal Act, the following section is inserted in Division 2:

148AB. Fee to remain on Roll

- (1) A person listed on the Roll must pay to the Treasurer annual listing fees as prescribed.
- (2) If a person ceases for any reason to be listed on the Roll, the Treasurer may give that person a prescribed proportional refund of the relevant annual listing fee.

38. Section 148B substituted

Section 148B of the Principal Act is repealed and the following section is substituted:

148B. Minor gaming fees

A minor gaming operator must pay to the Commission such fees as are prescribed by the regulations.

39. Section 150B amended (Revenue sharing)

Section 150B of the Principal Act is amended by omitting subsection (6).

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40. Section 157 amended (Secrecy)

Section 157(7) of the Principal Act is amended by omitting “in any other State or a Territory” from the definition of “gaming regulation agency” and substituting “, whether in this State or elsewhere”.

41. Section 172A inserted

After section 172 of the Principal Act, the following section is inserted in Part 10:

172A. Infringement notices

- (1) A police officer may issue and serve an infringement notice on a person if he or she reasonably believes that the person has committed an infringement offence.
- (2) An infringement notice may not be served on a minor.
- (3) An infringement notice –
 - (a) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and
 - (b) is not to relate to more than 3 offences.
- (4) The regulations –

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- (a) may prescribe the penalty applicable to each infringement notice offence that is payable under an infringement notice; and
 - (b) may prescribe different penalties for bodies corporate and individuals.
- (5) In the application of the *Monetary Penalties Enforcement Act 2005* to an infringement notice issued and served under this section –
- (a) the police officer who issued and served the infringement notice is taken to be a public sector body within the meaning of that Act; and
 - (b) a penalty prescribed under subsection (4) in respect of an infringement notice is taken to be the prescribed penalty applicable to that offence for the purposes of section 14(a)(ii) of that Act.
- (6) In this section –
- “**infringement offence**” means an offence against this Act or the regulations that is prescribed by the regulations to be an infringement offence;
- “**minor**” means a person who is under the age of 18 years.

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Part 2 – Gaming Control Act 1993 Amended

42. Schedule 5 amended (Further transitional and savings provisions)

Schedule 5 to the Principal Act is amended as follows:

- (a) by omitting clauses 2 and 3 from Part 1;
- (b) by omitting clauses 5 and 6 from Part 1;
- (c) by omitting Part 2.

**PART 3 – GAMING CONTROL ACT 1993 FURTHER
AMENDED**

43. Principal Act

In this Part, the *Gaming Control Act 1993** is referred to as the Principal Act.

44. Section 112B amended (Self-exclusion from wagering)

Section 112B of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) A person may give written notice to a specified licence holder, a prescribed special employee or the Commission to the effect that the person must not be permitted to do either of the following:

(a) enter or be on premises specified in the notice;

(b) engage in any gaming or gaming activity in premises specified in the notice.

(b) by omitting subsection (1A);

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- (c) by omitting from subsection (2) “under subsection (1) or (1A)” and substituting “under subsection (1)”;
- (d) by omitting from subsection (3) “making” and substituting “giving”;
- (e) by omitting from subsection (4) “making” twice occurring and substituting “giving”;
- (f) by omitting from subsection (5)(a) “making” and substituting “giving”;
- (g) by omitting from subsection (5)(b) “making” and substituting “giving”;
- (h) by omitting from subsection (5)(c) “made” and substituting “gave”;
- (i) by inserting the following subsections after subsection (5):

(5A) A person who is subject to a self-exclusion notice of the kind referred to in subsection (1)(b) must not enter a restricted gaming area within the premises specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

(5B) A person who is subject to a self-exclusion notice may, with the written approval of the Commission, amend that notice.

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- (5C) Subsections (1), (1B), (2), (3), (4) and (5) have the same application to the amendment of the self-exclusion notice as they have to its giving.
- (j) by omitting from subsection (6) “A person” and substituting “Subject to subsection (10), a person”;
- (k) by inserting the following subsections after subsection (9):
- (10) A self-exclusion notice is not capable of being revoked within 6 months after it is given.
- (11) A subsisting self-exclusion notice continues in effect according to its terms until it is –
- (a) by means of written notice to the Commission, revoked by the person who is subject to it; or
- (b) by instrument in writing, revoked by the Commission.
- (12) The Commission’s power of revocation under subsection (11)(b) may only be exercised if the person who is subject to the subsisting self-exclusion notice has become

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subject to a new self-exclusion notice.

(13) In this section –

“new self-exclusion notice” means a self-exclusion notice that takes effect under this section on or after the day on which section 44 of the *Gaming Control Amendment Act (No.2) 2009* commences;

“subsisting self-exclusion notice” means a self-exclusion notice in effect under this section immediately before the day on which section 44 of the *Gaming Control Amendment Act (No.2) 2009* commences.

45. Section 112C amended (Exclusion from wagering on application of interested person)

Section 112C of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or gaming activities” after “games”;

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- (b) by omitting paragraph (a) from subsection (3) and substituting the following paragraph:
- (a) if the Commission is satisfied that it is in the interests of that person and the public interest to do so, make an order prohibiting that person from doing either of the following:
 - (i) entering or being on premises specified in the order;
 - (ii) engaging in any gaming or gaming activities on premises specified in the order.
- (c) by omitting subsection (3A);
- (d) by omitting subsection (6) and substituting the following subsections:
- (6) The Commission may amend a section 112C exclusion order at any time.
 - (7) Subsections (5) and (5A) have the same application to the amendment of a section 112C exclusion order as they have to its making.
 - (8) Where the Commission decides to exercise its power under

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subsection (6), the person who is subject to the relevant section 112C exclusion order or the person who applied for it may apply to the Magistrates Court (Administrative Appeals Division) under the *Magistrates Court (Administrative Appeals Division) Act 2001* for a review of the decision.

- (9) A person who is subject to a section 112C exclusion order of the kind referred to in subsection (3)(a)(ii) must not enter a restricted gaming area within the premises specified in the order.

Penalty: Fine not exceeding 20 penalty units.

- (10) A section 112C exclusion order continues in effect according to its terms until it is, by instrument in writing, revoked by the Commission.

46. Section 112DA inserted

After section 112D of the Principal Act, the following section is inserted in Division 3:

112DA. Expiry of exclusion notices and orders

Unless sooner revoked –

- (a) a section 112B self-exclusion notice expires 3 years after it takes effect; and
- (b) a section 112C exclusion order expires 3 years after it is made; and
- (c) a section 112E exclusion order expires 3 years after it is given.

47. Section 112E amended (Exclusion order by specified licence holder)

Section 112E of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “one or more” and substituting “either”;
- (b) by omitting paragraphs (a) and (b) from subsection (1) and substituting the following paragraphs:
 - (a) entering or being on premises of the specified licence holder specified in the order;
 - (b) engaging in any gaming or gaming activity in premises of the specified licence holder specified in the order.

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(c) by inserting in subsection (4)(b) “or gaming activity” after “game”;

(d) by inserting the following subsection after subsection (4):

(5) A person who is given an order of the kind referred to in subsection (1)(b) must not enter a restricted gaming area within the premises specified in the order.

Penalty: Fine not exceeding 20 penalty units.

48. Section 112H amended (Duration of section 112E exclusion orders)

Section 112H(1) of the Principal Act is amended by omitting “A” and substituting “Subject to section 112DA, a”.

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PART 4 – LEGISLATION REPEALED

49. Legislation repealed

The legislation specified in Schedule 1 is repealed.

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SCHEDULE 1 – LEGISLATION REPEALED

Section 49

Gaming Control Amendment Act 2007 (No. 70 of 2007)

Gaming Control Amendment Act 2009 (No. 9 of 2009)