

TASMANIA

**GAMING (MISCELLANEOUS AMENDMENTS)
BILL 2013**

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**GAMING (MISCELLANEOUS AMENDMENTS)
BILL 2013**

*(Brought in by the Minister for Finance, the Honourable Scott
Bacon)*

A BILL FOR

An Act to amend the *Gaming Control Act 1993* and the *TT-Line Gaming Act 1993* and the *Gaming Control Regulations 2004*

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 (Miscellaneous Amendments) Act 2013*.

2. Commencement

- (1) Except as provided in this section, this Act commences on the day on which this Act receives the Royal Assent.
- (2) Part 3 is taken to have commenced on 6 February 2006.

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Part 2 – Gaming Control Act 1993 Amended

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 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “endorsement; and” from paragraph (dc) of the definition of *gaming endorsement* and substituting “endorsement;”;
- (b) by omitting paragraph (e) from the definition of *gaming endorsement*;
- (c) by omitting the definitions of *prescribed endorsement* and *prescribed event*.

5. Section 15 amended (Commission to define casino and gaming operator premises)

Section 15 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (1):

*No. 94 of 1993

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- (1A) The boundaries of a gaming operator's premises are to be defined by being specified in the conditions of the gaming operator's licence.
- (b) by inserting in subsection (2) "or a gaming operator's premises" after "a casino";
- (c) by inserting in subsection (2) "or gaming operator" after "operator";
- (d) by inserting in subsection (3) "or a gaming operator's premises" after "casino";
- (e) by inserting in subsection (4) "or a gaming operator's premises" after "a casino";
- (f) by inserting in subsection (4) "or the gaming operator" after "operator".

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

Section 38(2) of the Principal Act is amended by inserting after paragraph (b) the following paragraph:

- (ba) the applicant has a legal right to occupy the premises which are the subject of the application; and

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Part 2 – Gaming Control Act 1993 Amended

7. Section 44 amended (Amendment of licensed premises gaming licence and conditions)

Section 44 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “The conditions of a licensed premises gaming licence” and substituting “A licensed premises gaming licence and its conditions”;
- (b) by omitting from subsection (3) “a condition of”;
- (c) by inserting the following subsections after subsection (7):
 - (8) Where an amendment is proposed by the licensee, the proposal is to be accompanied by the prescribed fee.
 - (9) The Commission, in its discretion, may waive all or part of the prescribed fee.
 - (10) Where an amendment is proposed by the licensee –
 - (a) the Commission may undertake such investigations as it considers appropriate; and
 - (b) the Commission, by written notice to the

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licensee, may require the licensee to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application if those costs exceed the prescribed fee.

8. Sections 75B and 75C inserted

After section 75A of the Principal Act, the following sections are inserted in Division 5:

75B. Expiry and renewal of listing on Roll

- (1) A listing on the Roll expires 5 years after it is made unless sooner removed under section 75A.
- (2) A listing on the Roll that was in force immediately before the commencement of all of the provisions of the *Gaming (Miscellaneous Amendments) Act 2013* expires, unless sooner removed under section 75A, 5 years after that commencement.
- (3) A person who is listed on the Roll may, within the period of 90 days before the expiration of the current listing or such longer period as is determined by the Commission, apply to the Commission for the renewal of the listing.

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- (4) An application for renewal must –
 - (a) be in a form approved by the Commission; and
 - (b) contain any information and be accompanied by any documents the Commission requires; and
 - (c) be accompanied by the prescribed fee.
- (5) On receipt of an application for renewal, the Commission may undertake the investigations it considers appropriate.
- (6) The Commission may require an applicant to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application.
- (7) A requirement under subsection (6) must be made in writing provided to the applicant.
- (8) If an application for renewal of a listing on the Roll is made under this section, the current listing continues in force until it is renewed or its renewal is refused.
- (9) The renewal of a listing takes effect from the day on which the current listing was due to expire.
- (10) The Commission must make a determination on an application for

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renewal of a listing in accordance with section 74 as if the application for renewal were an application for listing on the Roll.

- (11) If the Commission refuses to renew a listing, the listing ceases to have effect on the day specified in the refusal.

75C. Variation of listing on Roll

- (1) The Commission may vary a listing on the Roll, or the conditions on such a listing, at any time.
- (2) The variation may be effected –
- (a) on the Commission’s own motion, by notice to the person listed on the Roll; or
 - (b) consequent on an application made by the person listed.
- (3) An application for variation must –
- (a) be in a form approved by the Commission; and
 - (b) specify the variation sought; and
 - (c) contain any information and be accompanied by any documents the Commission requires; and
 - (d) be accompanied by the prescribed fee.

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- (4) The Commission, in its discretion, may waive all or part of the prescribed fee.
- (5) In the case of an application for variation –
 - (a) the Commission may undertake such investigations as it considers appropriate; and
 - (b) the Commission, by written notice to the person listed on the Roll, may require the person to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application if those costs exceed the prescribed fee.
- (6) In the case of an application for variation, the Commission may –
 - (a) approve the application (with or without modification); or
 - (b) refuse the application.

9. Section 76W repealed

Section 76W of the Principal Act is repealed.

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10. Section 76Y amended (When Tasmanian gaming licence and gaming endorsement take effect)

Section 76Y of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (4) Where a Tasmanian gaming licence or gaming endorsement does not take effect within 12 months of being granted, the licence or gaming endorsement expires, unless the Commission determines otherwise.

11. Section 76ZX amended (Restrictions on conduct of gaming activity)

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

- (a) by omitting from subsection (2) “a gaming activity” and substituting “wagering or gaming”;
- (b) by inserting in subsection (2) “or gaming activity” after “a game”;
- (c) by omitting paragraph (a) from subsection (2) and substituting the following paragraph:
 - (a) the game or gaming activity is approved and conducted at or from an approved location or approved outlet; and

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Part 2 – Gaming Control Act 1993 Amended

- (d) by inserting the following penalty after subsection (3):

Penalty: Fine not exceeding 1 000 penalty units.

12. Section 76ZZC amended (Prohibition on licensed technician and special employee wagering)

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

- (a) by inserting in subsection (1) “licensed technician or” after “A”;
- (b) by inserting in subsection (1) “technician or” after “such”;
- (c) by inserting in subsection (1) “technician’s or” after “by the”;
- (d) by inserting in subsection (2) “licensed technician or” after “a”.

13. Section 76ZZE inserted

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

76ZZE. Installation and storage of gaming equipment by licensed provider

- (1) A licensed provider who obtains gaming equipment or provides gaming equipment to an agency of a licensed provider –

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- (a) must install the equipment, or cause it to be installed, in an approved location or approved outlet; and
 - (b) must cause any gaming equipment not so installed to be stored in a room approved by the Commission and secured in the manner approved by the Commission.
- (2) A licensed provider must not allow any person to use gaming equipment for the conduct of a gaming activity that is not installed as required by this section.

Penalty: Fine not exceeding 1 000 penalty units.

14. Section 76ZZGA inserted

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

76ZZGA. Amendment of approval of gaming equipment

The Commission may amend the approval of gaming equipment, or gaming equipment of a class, approved under section 76ZZG, by written notice sent to the operator of that equipment or class of equipment.

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Part 2 – Gaming Control Act 1993 Amended

15. Section 77B amended (Application for foreign games permit)

Section 77B(2) of the Principal Act is amended by omitting paragraph (d) and substituting the following paragraph:

(d) be accompanied by the prescribed fee.

16. Section 77O substituted

Section 77O of the Principal Act is repealed and the following section is substituted:

77O. Variation of foreign games permit and conditions

- (1) The Commission may vary a foreign games permit, and its conditions, at any time.
- (2) The variation may be effected –
 - (a) on the Commission’s own motion, by notice to the foreign games permit holder; or
 - (b) consequent on an application made by the foreign games permit holder.
- (3) An application for variation must –
 - (a) be in a form approved by the Commission; and
 - (b) specify the variation sought; and

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- (c) contain any information, and be accompanied by any documents, the Commission requires; and
 - (d) be accompanied by the prescribed fee.
- (4) The Commission, in its discretion, may waive all or part of the prescribed fee.
- (5) In the case of an application for variation –
 - (a) the Commission may undertake such investigations as it considers appropriate; and
 - (b) the Commission, by written notice to the foreign games permit holder, may require the holder to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application if those costs exceed the prescribed fee.
- (6) In the case of an application for variation, the Commission may –
 - (a) approve the application (with or without modification); or
 - (b) refuse the application.

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Part 2 – Gaming Control Act 1993 Amended

17. Section 77P amended (Renewal of foreign games permit)

Section 77P(2) of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:

(c) be accompanied by the prescribed fee.

18. Section 94 amended (Credit, &c.)

Section 94 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) “play a game or a gaming machine” and substituting “participate in a game, gaming or a gaming activity”;

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

(5) In this section –

approved venue includes approved location and approved outlet.

19. Section 145 amended (Other returns by gaming operators)

Section 145(2)(a) of the Principal Act is amended by omitting “section 10 of the *Liquor and Accommodation Act 1990*” and substituting “section 10 of the *Liquor Licensing Act 1990*”.

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Part 2 – Gaming Control Act 1993 Amended

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

Section 148 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “a licence fee” and substituting “the prescribed annual licence fee”;
- (b) by omitting subsection (2).

21. Section 148A amended (Annual Tasmanian gaming licence fee)

Section 148A of the Principal Act is amended as follows:

- (a) by omitting paragraph (e) from subsection (2);
- (b) by omitting from subsection (2)(g) “, (dc) and (e)” and substituting “and (dc)”;
- (c) by omitting from subsection (6) “or subsection (2)(g)”;
- (d) by inserting the following subsection after subsection (6):
 - (6A) Where the holder of a betting exchange endorsement on a licence referred to in subsection (6) also holds any other endorsements referred to in subsection (2), the maximum annual licence fee payable in

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Part 2 – Gaming Control Act 1993 Amended

respect of those other
endorsements is a total of
150 000 fee units.

22. Section 151 amended (Community support levy)

Section 151 of the Principal Act is amended as follows:

- (a) by omitting from subsection (4) “Treasurer” and substituting “Minister”;
- (b) by omitting from subsection (5) “Treasurer” and substituting “Minister”;
- (c) by omitting “section 150A(7A)(b)” from the definition of *Tasmanian commission* in subsection (6) and substituting “section 150A(7A)”.

23. Section 153A amended (Gaming and wagering guarantee)

Section 153A(1) of the Principal Act is amended by omitting paragraphs (c) and (d) from the definition of *guaranteeable endorsement* and substituting:

- (c) both such endorsements.

24. Section 159 amended (Conflict of interest and duty)

Section 159(3) of the Principal Act is amended by omitting “An authorized person who ceases to be a State Service officer or State Service

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employee after the commencement of this Act”
and substituting “A person who ceases to be an
authorized person”.

25. Section 174 amended (Regulations)

Section 174(2) of the Principal Act is amended
by omitting paragraph (r).

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Part 3 – Gaming Control Act 1993 Further Amended

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

26. Principal Act

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

27. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting “, or a gaming activity,” after “gaming” in paragraph (a) of the definition of *prescribed duties* in subsection (1);
- (b) by omitting from subsection (2) “*conduct of gaming*” and substituting “*conduct of gaming or a gaming activity*”;
- (c) by inserting in subsection (2)(a) “or a gaming activity” after “gaming”;
- (d) by inserting in subsection (2)(d) “or a gaming activity” after “gaming”;
- (e) by inserting in subsection (2)(e) “or a gaming activity” after “gaming”;

*No. 94 of 1993

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- (f) by omitting from subsection (2)(f) “games of keno” and substituting “gaming or a gaming activity”.

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Part 4 – TT-Line Gaming Act 1993 Amended

PART 4 – TT-LINE GAMING ACT 1993 AMENDED

28. Principal Act

In this Part, the *TT-Line Gaming Act 1993** is referred to as the Principal Act.

29. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *Director*;
- (b) by omitting “money.” from the definition of *token* and substituting “money;”;
- (c) by inserting the following definition after the definition of *token*:

Victorian Commission means the
Victorian Commission for
Gambling Regulation.

30. Section 16 amended (Application of certain provisions of *Gaming Control Act 1993*)

Section 16(1) of the Principal Act is amended by omitting “Divisions 1, 3, 4 and 5 of Part 4, Parts 5 (other than section 79(4), (5) and (7) and sections 91, 92 and 96), 6 and 7, Division 1 of Part 9 (other than section 136) and Part 10 (other than sections 161, 173, 174, 175, 176, 177, 178 and 179)” and substituting “Divisions 1, 3, 4 and

*No. 32 of 1993

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Part 4 – TT-Line Gaming Act 1993 Amended

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5 of Part 4, Part 5 (other than section 79(4), (5) and (7) and section 96), Part 6, Part 7, Part 8, Divisions 1 and 4 of Part 9 (other than section 136) and Part 10 (other than sections 161, 173, 174, 175, 178 and 179)".

31. Section 19 amended (Exclusion order not to apply to master, &c.)

Section 19 of the Principal Act is amended by omitting "Section 105 of the *Gaming Control Act 1993*" and substituting "Division 3 of Part 5 of the *Gaming Control Act 1993*".

32. Section 19A amended (Powers of Victorian Commission)

Section 19A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) "Director" and substituting "Victorian Commission";
- (b) by omitting from subsection (2) "Director" and substituting "Victorian Commission";
- (c) by omitting from subsection (2)(a) "Commission" and substituting "Tasmanian Gaming Commission";
- (d) by omitting from subsection (3) "Commission" and substituting "Tasmanian Gaming Commission";

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Part 4 – TT-Line Gaming Act 1993 Amended

- (e) by omitting from subsection (4) “Director” first occurring and substituting “Victorian Commission”;
- (f) by omitting from subsection (4) “Director” second occurring and substituting “Victorian Commission”.

**PART 5 – GAMING CONTROL REGULATIONS 2004
AMENDED**

33. Principal Regulations

In this Part, the *Gaming Control Regulations 2004** are referred to as the Principal Regulations.

34. Schedule 1 amended (Fees)

Schedule 1 to the Principal Regulations is amended as follows:

- (a) by inserting “or gaming operator’s premises” after “casino” in column 2 of item 1 in the table;
- (b) by omitting “the conditions of” from column 2 of item 6 in the table;
- (c) by inserting after item 13 the following:

14.	Renewal of listing on the Roll under section 75B of the Act	500
14A.	Variation of listing on the Roll under section 75C of the Act	100

- (d) by inserting after item 16 the following:

*S.R. 2004, No. 131

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Part 5 – Gaming Control Regulations 2004 Amended

16A.	Licensed premises gaming licence annual fee	700 plus 70 fee units for each machine permitted under the licence in excess of 10
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(e) by inserting after paragraph (b) in item 18 the following:

19.	Application for foreign games permit under section 77B of the Act	1000
20.	Variation of foreign games permit under section 77O of the Act	100
21.	Application for renewal of foreign games permit under section 77P of the Act	1000

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Part 6 – Repeal of Act

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PART 6 – REPEAL OF ACT

35. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.