

FACT SHEET

GAMING CONTROL AMENDMENT BILL (NO. 2) 2010

- The *Gaming Control Amendment Bill (No. 2) 2010* amends the *Gaming Control Act 1993* to apply the special conditions that currently only apply to the holder of a Tasmanian gaming licence with a betting exchange endorsement or totalizator endorsement consistently to all Tasmanian gaming licence holders and to revise certain arrangements that apply to a Tasmanian gaming licence with a betting exchange endorsement.
- The Bill restructures Division 4 (Tasmanian gaming licence) of Part 4A of the Gaming Control Act to prescribe the general conditions that will apply to a Tasmanian gaming licence with a gaming endorsement. These provisions cover all endorsements and gaming activities. Gaming activity is defined in the Gaming Control Act to mean all wagering in a contingency relating to a sports event, race wagering event, brokered wagering event, wagering in a contingency by way of a totalizator, simulated game, major lottery, pools or other prescribed event.
- These existing conditions include the requirement that the holder of a Tasmanian gaming licence with a gaming endorsement have rules in place in respect of a gaming activity. The licensed provider must ensure that players and the Commission can inspect the rules electronically at any time.
- The Bill provides the Tasmanian Gaming Commission with the authority to disallow gaming rules where it considers the rules to be: oppressive or unfair; inadequate or incomplete; misleading, inaccurate or poorly drafted; or unsatisfactory on other grounds.
- The Commission may also instruct a licensed provider not to allow gaming activity on a competition, game or event that it considers is not a fit subject for gaming or wagering.
- The Bill extends the existing provisions that prohibit a licensed provider from allowing totalizator and betting exchange activities under disallowed rules or where there are no rules to apply to any gaming activity. The licensed provider also must not allow gaming activity on contingencies relating to competitions, games or events that are unlawful in Tasmania or that would be unlawful if they were to be held in Tasmania.
- The Bill requires that the licensed provider must provide information to regulatory Agencies as the Commission from time to time instructs for the purposes of ensuring the integrity of a gaming activity or other purpose as determined by the Commission.
- The Bill further requires that the wagering funds of registered players, that is those players entitled to wager in a gaming activity by means of a telecommunications device, must be held in trust and deposited with a Tasmanian branch of an authorised deposit taking institution.

- The Bill requires that a licensed provider must not allow a registered player to “lay bet” otherwise than in accordance with a betting exchange endorsement. The Bill defines lay bet to mean the acceptance of a wager for a contingency not to occur in relation to an animal, a person or a team.
- In addition to these general conditions, the Bill prescribes additional special conditions that apply specifically to a Tasmanian gaming licence with a betting exchange endorsement and a Tasmanian gaming licence with a totalizator endorsement. These special conditions are in addition to the general conditions prescribed in the Gaming Control Act and any other conditions applicable to the licensed provider.
- In relation to a betting exchange endorsement, the Bill requires that the licensed provider must: only broker wagering in respect of registered players; hold wagering funds of registered players in trust, or by an agent of the licensed provider approved by the Commission; and comply with any conditions imposed by the Commission when taking betting exchange commission.
- A Tasmanian gaming licence holder with a totalizator endorsement is subject to the special condition that, at the request of a racing club, the licensed provider must conduct programmed race meetings on behalf of the racing club. However, the Bill states that the licensed provider is not required to conduct more than 40 meetings in each calendar year for all racing clubs.
- The Bill decreases the annual fee payable for a Tasmanian gaming licence with a betting exchange endorsement from 350 000 fee units (\$476 000) to 300 000 fee units (\$408 000).
- In addition, the Bill amends the manner in which the annual fee for a Tasmanian gaming licence with a betting exchange endorsement that is granted or renewed for a five-year period is payable.
- The Bill requires that the fee payable for the first three years of the five-year licence period (900 000 fee units) is payable in a non-refundable instalment on the grant or renewal of the licence. Two further non-refundable instalments of the annual fee (300 000 fee units) are payable on the third and fourth anniversary of the grant or renewal of the licence. These payment arrangements have effect for five years from the date the amendments commence.
- Where a licence is surrendered prior to the expiration of the licence, the Bill states that any instalments not due and payable at the time of the surrender of the licence cease to be payable.
- The Bill abolishes the 20 per cent product levy on betting exchange commission and revises the tax payable on betting exchange commission, from 10 per cent in respect of brokered wagering events internationally and 15 per cent in respect of brokered wagering events in Australia, to a uniform rate of five per cent.
- The Bill also repeals and rescinds outdated and redundant legislation.