

TASMANIA

GAMING CONTROL AMENDMENT BILL (No. 2) 2010

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement

PART 2 – GAMING CONTROL ACT 1993 AMENDED

3. Principal Act
4. Section 3 amended (Interpretation)
5. Sections 76XA, 76XB and 76XC inserted
 - 76XA. Additional conditions on Tasmanian gaming licence with gaming endorsement
 - 76XB. Additional conditions on Tasmanian gaming licence with betting exchange endorsement
 - 76XC. Additional conditions on Tasmanian gaming licence with totalizator endorsement
6. Section 76ZDB amended (Interpretation of Division)
7. Section 76ZDC repealed
8. Section 76ZEB amended (Interpretation of Division)
9. Section 76ZEF repealed
10. Section 76ZX amended (Restrictions on conduct of gaming activity)
11. Section 76ZZF substituted
 - 76ZZF. Approval of games

12. Section 148A amended (Annual Tasmanian gaming licence fee)
13. Section 150A amended (Taxation in respect of Tasmanian gaming licence)
14. Section 150AC repealed
15. Schedule 5 amended (Further transitional and savings provisions)

PART 3 – GAMING CONTROL REGULATIONS 2004 AMENDED

16. Principal Regulations
17. Regulations 5 and 5A rescinded

PART 4 – LEGISLATION RESCINDED

18. Legislation rescinded

PART 5 – REPEAL OF ACT

19. Repeal of Act

SCHEDULE 1 – LEGISLATION RESCINDED

**GAMING CONTROL AMENDMENT BILL (No. 2)
2010**

*(Brought in by the Deputy Premier, the Honourable Larissa
Tahireh Giddings)*

A BILL FOR

An Act to amend the *Gaming Control Act 1993*

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) 2010*.

2. Commencement

The provisions of this Act commence on a day
or days to be proclaimed.

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

s. 3

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 the definition of “approved rules”;
- (b) by omitting the definition of “betting exchange commission” and substituting the following definition:

“betting exchange commission”
means commission that, under section 76ZDD, a betting exchange operator is entitled to in respect of brokered wagering;

- (c) by omitting the definitions of “broker wagering” and “brokered wagering event” and substituting the following definitions:

“broker wagering” means, by means of a betting exchange, to broker wagering between persons –

*No. 94 of 1993

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

Part 2 – Gaming Control Act 1993 Amended

s. 4

- (a) directly (as in the manner referred to in paragraph (a) of the definition of “betting exchange” in section 76ZDB); or
- (b) indirectly, by matching opposing bets placed with and accepted by the betting exchange operator (as in the manner referred to in paragraph (b) of the definition of “betting exchange” in section 76ZDB);

“brokered wagering event” means a competition or event, whether of a sporting or non-sporting kind, in respect of which a betting exchange operator brokers wagering;

- (d) by inserting the following definition after the definition of “inspector”:

“instruct” means instruct by instrument in writing;

- (e) by inserting the following definition after the definition of “law enforcement agency”:

“lay bet” means the acceptance of a wager for a contingency not to occur in relation to an animal, a person or a team;

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

s. 5

Part 2 – Gaming Control Act 1993 Amended

- (f) by inserting the following definition after the definition of “regulations”:

“regulatory Agency” means –

- (a) the Commission; or
- (b) the Director of Racing appointed under section 5 of the *Racing Regulation Act 2004*; or
- (c) Tasracing Pty Ltd formed under the *Racing (Tasracing Pty Ltd) Act 2009*; or
- (d) another person or body, nominated by the Commission, either in this State or elsewhere;

5. Sections 76XA, 76XB and 76XC inserted

After section 76X of the Principal Act, the following sections are inserted in Division 4:

76XA. Additional conditions on Tasmanian gaming licence with gaming endorsement

- (1) A Tasmanian gaming licence with a gaming endorsement, in addition to any other conditions in respect of it, is subject to the following general conditions:

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

Part 2 – Gaming Control Act 1993 Amended

s. 5

-
- (a) the wagering funds of registered players must not be disbursed or otherwise dealt with except as authorised –
 - (i) under the Act; or
 - (ii) by the Commission, from time to time, by instrument in writing;
 - (b) the licensed provider must have rules in place in respect of a gaming activity and must ensure that players can consult those rules electronically;
 - (c) the licensed provider must ensure that the Commission is able to inspect the rules electronically at any time;
 - (d) the Commission, in its discretion, may, by means of an instruction, disallow any rules that it considers to be –
 - (i) oppressive or unfair; or
 - (ii) inadequate or incomplete; or
 - (iii) misleading, inaccurate or poorly drafted; or
 - (iv) unsatisfactory on other grounds;

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

s. 5

Part 2 – Gaming Control Act 1993 Amended

- (e) the licensed provider must not allow gaming activity under rules that have been disallowed;
- (f) the licensed provider must not allow gaming activity in respect of a contingency for which there are no rules;
- (g) any gaming activity that occurs under rules before their disallowance under paragraph (d) is to be settled as the Commission, either generally or in the specific case and whether before or after the settlement of a gaming activity, instructs;
- (h) the Commission, in its discretion, may instruct the licensed provider not to allow gaming activity on a competition, game or event that the Commission considers is not a fit subject for gaming or wagering and the licensed provider must comply with that instruction;
- (i) any gaming activity that occurs in respect of competitions, games or events before their prohibition under paragraph (h) is to be settled as the Commission, either generally or in the specific case and whether before or after the

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

Part 2 – Gaming Control Act 1993 Amended

s. 5

-
- settlement of gaming or
wagering, instructs;
- (j) the licensed provider must not allow gaming activity on contingencies relating to –
- (i) competitions, games or events held in Tasmania that are unlawful; or
 - (ii) competitions, games or events held elsewhere that would, if they were to be held in Tasmania, be unlawful;
- (k) the licensed provider must furnish such regulatory Agencies, with such information in such time and manner, as the Commission from time to time instructs the licensed provider, for –
- (i) the purpose of ensuring the probity of a gaming activity; and
 - (ii) other purposes as determined by the Commission;
- (l) the Commission may, for fee or otherwise, furnish another regulatory Agency with information furnished to the

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

s. 5

Part 2 – Gaming Control Act 1993 Amended

Commission by the licensed
provider for –

- (i) the purpose of ensuring the probity of a gaming activity; and
 - (ii) other purposes as determined by the Commission.
- (2) For the purposes of subsection (1)(a), an account used for the operations of the licensed provider must –
 - (a) not be used for any other purpose; and
 - (b) be maintained with an authorised deposit-taking institution that carries on business in Australia, at a branch or office of that institution that is physically located in Tasmania; and
 - (c) be independently audited at least once every 12 months and at such other times as the Commission may instruct.
- (3) A licensed provider must not allow a registered player to lay bet otherwise than in accordance with a betting exchange endorsement.

76XB. Additional conditions on Tasmanian gaming licence with betting exchange endorsement

A Tasmanian gaming licence with a betting exchange endorsement, in addition to any other conditions in respect of it, is subject to the following special conditions:

- (a) the licensed provider must only broker wagering for registered players;
- (b) the wagering funds of registered players are to be held in trust by the licensed provider (or by an agent of the licensed provider approved by the Commission);
- (c) the licensed provider must, in taking any betting exchange commission authorised under section 76ZDD, comply with such conditions as the Commission specifies in the authorisation.

76XC. Additional conditions on Tasmanian gaming licence with totalizator endorsement

A Tasmanian gaming licence with a totalizator endorsement, in addition to any prescribed requirements or other conditions in respect of it, is subject to the condition that at the request of a racing club the licensed provider must

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

s. 6

Part 2 – Gaming Control Act 1993 Amended

conduct a totalizator on behalf of the racing club at any meeting that –

- (a) is under the control of the racing club; and
- (b) is a race meeting or betting-only meeting within the meaning of the *Racing Regulation Act 2004* –

but not beyond, in aggregate, a total of 40 meetings in each calendar year for all racing clubs.

6. Section 76ZDB amended (Interpretation of Division)

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

- (a) by omitting the definition of “betting exchange commission”;
- (b) by omitting the definitions of “broker wagering”, “brokered wagering event” and “instruct”;
- (c) by omitting the definition of “regulatory Agency”;
- (d) by omitting “endorsement;” from the definition of “Tasmanian betting exchange operations” and substituting “endorsement.”;

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

Part 2 – Gaming Control Act 1993 Amended

s. 7

-
- (e) by omitting the definition of “wagering rules”.

7. Section 76ZDC repealed

Section 76ZDC of the Principal Act is repealed.

8. Section 76ZEB amended (Interpretation of Division)

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

- (a) by omitting “commences;” from the definition of “totalizator changeover day” and substituting “commences.”;
- (b) by omitting the definition of “wagering rules”.

9. Section 76ZEF repealed

Section 76ZEF of the Principal Act is repealed.

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

Section 76ZX(2)(a) of the Principal Act is amended by omitting “in accordance with the approved rules”.

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

s. 11

Part 2 – Gaming Control Act 1993 Amended

11. Section 76ZZF substituted

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

76ZZF. Approval of games

(1) In this section –

“game” includes a major lottery, pools
and a game that is prescribed for
the purposes of the definition of
“game” in section 3(1).

- (2) The Commission may approve the games that may be conducted under the authority of a Tasmanian gaming licence.
- (3) The Commission must keep an up-to-date list of all approved games.
- (4) On the issue of a Tasmanian gaming licence, the Commission must provide the licensed provider with written notice of the approved games the provider may conduct under the licence.
- (5) On the request of any person, the Commission must at any reasonable time –
 - (a) let the person peruse the list of approved games; and
 - (b) provide the person with a copy of the whole or part of that list.

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

Part 2 – Gaming Control Act 1993 Amended

s. 12

- (6) The Commission may at any time revoke its approval of a game.

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

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

- (a) by omitting from subsection (2)(da) “350 000 fee units” and substituting “300 000 fee units”;
- (b) by omitting subsection (6) and substituting the following subsections:
 - (6) Notwithstanding subsection (1) or subsection (2)(g), the fee payable under subsection (2)(da) in respect of a licence granted or renewed within 5 years after the day on which this section takes effect, for a period of 5 years, is payable as –
 - (a) a non-refundable instalment of 900 000 fee units on the grant or renewal of the licence; and
 - (b) a non-refundable instalment of 300 000 fee units payable on the third anniversary of the grant or

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

s. 12

Part 2 – Gaming Control Act 1993 Amended

renewal of the licence;
and

- (c) a non-refundable instalment of 300 000 fee units payable on the fourth anniversary of the grant or renewal of the licence.

- (7) If a Tasmanian gaming licence with a betting exchange endorsement that is granted or renewed within 5 years after the day on which this section takes effect is surrendered before the expiration of the period for which the licence was granted or renewed, any subsequent instalments that would otherwise be payable in accordance with this section cease, on that surrender, to be payable.

- (8) In this section –

“initial totalizator endorsement” has the same meaning as in Division 5A of Part 4A;

“second totalizator endorsement” has the same meaning as in Division 5A of Part 4A.

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

Part 2 – Gaming Control Act 1993 Amended

s. 13

13. Section 150A amended (Taxation in respect of Tasmanian gaming licence)

Section 150A of the Principal Act is amended by omitting subsection (7A) and substituting the following subsection:

(7A) The tax payable in relation to a month and the gaming business conducted in respect of a betting exchange endorsement is 5% of the monthly betting exchange commission that the licensed provider is entitled to in respect of all brokered wagering events.

14. Section 150AC repealed

Section 150AC of the Principal Act is repealed.

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

Schedule 5 to the Principal Act is amended by omitting Part 1.

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

s. 16

Part 3 – Gaming Control Regulations 2004 Amended

**PART 3 – GAMING CONTROL REGULATIONS 2004
AMENDED**

16. Principal Regulations

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

17. Regulations 5 and 5A rescinded

Regulations 5 and 5A of the Principal Regulations are rescinded.

*S.R. 2004, No. 131

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

Part 4 – Legislation rescinded

s. 18

PART 4 – LEGISLATION RESCINDED

18. Legislation rescinded

The legislation specified in Schedule 1 is rescinded.

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

s. 19

Part 5 – Repeal of Act

PART 5 – REPEAL OF ACT

19. Repeal of Act

This Act is repealed on the ninetieth day from the day on which all of the provisions of this Act commence.

Gaming Control Amendment Bill (No. 2) 2010
Act No. of

sch. 1

SCHEDULE 1 – LEGISLATION RESCINDED

Regulation 18

Gaming Control Amendment Regulations 2005 (No. 11 of 2005)

Gaming Control Amendment (Betting Exchange) Regulations 2006 (No. 84 of 2006)

Gaming Control Amendment Regulations 2006 (No. 152 of 2006)

Gaming Control Amendment Regulations 2007 (No. 121 of 2007)

Gaming Control Amendment Regulations 2008 (No. 21 of 2008)

Gaming Control Amendment (Foreign Games Tax Rate) Regulations 2008 (No. 73 of 2008)

Gaming Control Amendment Regulations 2009 (No. 58 of 2009)

Gaming Control Amendment Regulations (No. 2) 2009 (No. 103 of 2009)

Gaming Control Amendment (Fees) Regulations 2010 (No. 46 of 2010)