

Notes on Clauses

**Gaming (Miscellaneous Amendments) Bill 2013**

- Clause 1            The amendment Act may be cited as the *Gaming (Miscellaneous Amendments) Act 2013*.
- Clause 2            The amendment Act commences on Royal Assent except for Part 3 which commences on 6 February 2006. This retrospective commencement ensures that the clarification to the definition of prescribed duties has effect from the date the first Tasmanian gaming licence was granted.
- Clause 3            The Principal Act is the *Gaming Control Act 1993*.
- Clause 4            Amends a number of definitions in the Act.
- Deletes definitions of “prescribed event” and “prescribed endorsement”. This type of Tasmanian gaming licence endorsement is not used as the Act requires amendment rather than the regulations when a new type of endorsement is granted. For example, amendments to the Act are required to allow for the specific requirements of a new type of gaming activity and for new taxation rates.
- Clause 5            Extends the requirement to define the boundaries of a casino premise to include the boundaries of a gaming operator’s premises (Network Gaming’s premises) so that the Commission has control over the location of the gaming operator’s gaming equipment and to ensure that the equipment is in a secure location.
- Clause 6            Adds a provision requiring that the Commission must not grant an application for a licensed premises gaming licence (a hotel or club gaming venue) unless it is satisfied that the applicant has a legal right to occupy the premises.
- Evidence of tenure would be required at the time of application (e.g. proof of ownership or a simple agreement with the owner of the premises).
- In practice, this evidence is already requested from applicants by the Liquor and Gaming Branch and having this in the Act would clarify and strengthen this requirement.
- Clause 7            Clarifies that a licensed premise gaming licence (not just its conditions) can be amended either by the Commission or at the request of the licensee. Clarifies that the current prescribed fee (125 fee units) applies where the amendment is proposed by the licensee.

- Clause 8      A listing on the Roll of Recognized Manufacturers, Suppliers and Testers of Gaming Equipment maintained by the Commission is currently not time limited.
- It is reasonable to expect that individual listings have an expiry date and it is proposed that a listing be for a renewable period of five years similar to a Tasmanian gaming licence. An application for renewal requires the payment of a prescribed fee of 500 fee units. This is the same as the original application fee as the level of checking and investigation required on renewal is similar to the initial application.
- A provision is also needed to vary a listing on the Roll when details change such as an address change. The prescribed fee is consistent with variations to a TGL initiated by a licence holder (100 fee units) as the administrative process is the same.
- Clause 9      Repeals the authority associated with a prescribed endorsement as this type of endorsement is not used in practice.
- Clause 10     Introduces a 12 month expiry where a Tasmanian gaming licence has been granted and no endorsement(s) have commenced.
- Clause 11     Clarifies the current provision so that wagering is included in the restrictions in the conduct of gaming activities that require approval of games and gaming activities at or from approved locations and outlets.
- Clause 12     Extends the prohibition on gaming or wagering on duty that applies to special employees to also apply to technicians.
- Clause 13     Extends the current controls on the storage of gaming equipment applying to licensed premises and gaming operators to all licensed providers such as the TOTE and thereby include its wagering equipment (gaming equipment includes wagering equipment such as TOTE's terminals).
- Clause 14     Enables the Commission to amend an existing approval of gaming equipment granted under section 76ZZG.
- This includes both software and hardware changes. Currently an amendment requires a new approval to be issued each time.
- Clause 15     Consistent with other minor licensing fees, the current foreign games permit application fee of 1 000 fee units is prescribed in the Regulations rather than in the Act. (A foreign games permit enables an operator licensed in another jurisdiction to sell tickets in Tasmania such as Tattersall's lotteries.)
- Clause 16     Provides for the Commission, or on the request of a foreign games permit holder, to vary a foreign games permit when simple details change. The prescribed fee is consistent with variations to a TGL initiated by a licence holder (100 fee units) as the administrative process is the same.

- Clause 17 Consistent with other minor licensing fees, the current foreign games permit renewal fee of 1 000 fee units is prescribed in the Regulations rather than in the Act. The prescribed fee applies where the amendment is proposed by the permit holder.
- Clause 18 Extends the current restrictions on providing credit to a patron to include participating in wagering activities in an approved venue (hotel, club or a Tote outlet).
- Clause 19 Amends an incorrect reference to the former *Liquor and Accommodation Act 1990*.
- Clause 20 Consistent with other minor licensing fees, the current licensed premises gaming licence is prescribed in the Regulations rather than in the Act.
- Clause 21 Repeals references to prescribed endorsement fees as this type of endorsement is not used.
- Clarifies that the cap on endorsement fees of 450 000 fee units per annum applies to Betfair as it has paid 300 000 fee units (three years in advance) for its betting exchange endorsement and 5 000 fee units for its agent endorsement and has subsequently been granted race wagering and sports betting endorsements (200 000 fee units).
- Clause 22 Replaces references to the Treasurer with Minister in respect to functions associated with the expenditure of the Community Support Levy.
- Corrects a reference to a repealed section 150A(7A)(b).
- Clause 23 Repeals references to prescribed endorsements as this type of endorsement is not used.
- Clause 24 Removes the current restriction that an "authorised person" such as a gaming inspector must cease to be a state servant for two years before being significantly associated with or work in venues with gaming. This is unduly restrictive given that a person may remain in the public sector for many years but not work in any capacity associated with gaming regulation. Instead the restriction is that the person no longer be an 'authorised person' after two years.
- Clause 25 Repeals reference to prescribed endorsements as this type of endorsement is not used.
- Clause 26 Cites the *Gaming Control Act 1993* as the Principal Act for Part 3 of the amendment Act.
- Clause 27 Amends the definition of "prescribed duties" and "conduct of gaming" to include gaming activity (activities of a Tasmanian gaming licence holder) to clarify that the prescribed duties of special employees of a Tasmanian gaming licence holder are included in this definition.
- Clause 28 Cites the *TT-Line Gaming Act 1993* as the Principal Act for Part 4 of the amendment Act.

- Clause 29 Repeals the definition of "Director" (of Gaming) and replaces it with "Victorian Commission" as the relevant Victorian gaming regulator.
- Clause 30 Amends references to sections of the Gaming Control Act that apply to the regulation of TT-line gaming by replacing redundant references with relevant references such as enabling the Tasmanian Gaming Commission to make certain rules for the conduct of gaming on the TT-Line and being able to enforce those rules.
- Clause 31 Removes a reference to section 105 of the Gaming Control Act which has been repealed and replaces it with a reference to Part 5, Division 3.
- Clause 32 Replaces definitions of "Director" with "Victorian Commission" and for clarity replaces the definition of "Commission" with "Tasmanian Commission".
- Clause 33 Cites the *Gaming Control Regulations 2004* as the Principal Regulations for Part 5 of the amendment Act
- Clause 34 Amends the table of fees in Schedule 1 to include fees that are being prescribed in the Gaming Control Act through amendments in this amendment Act.
- Clause 35 The amendment Act is repealed after one year from when it commences.