

TASMANIA

GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET) BILL 2021

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GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET) BILL 2021

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.

SHANE DONNELLY, *Clerk of the House*
27 October 2021

*(Brought in by the Minister for Finance, the Honourable
Michael Darrel Joseph Ferguson)*

A BILL FOR

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

Be it enacted by Her 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 (Future Gaming Market) Act 2021*.

2. Commencement

- (1) Except as provided by this section, this Act commences on the day on which this Act receives the Royal Assent.
- (2) Part 3 commences on 1 July 2022.

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Part 1 – Preliminary

(3) Parts 4 and 5 commence on 1 July 2023.

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Part 2 – Gaming Control Act 1993 Amended

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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 3 amended (Interpretation)

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

- (a) by inserting “or a simulated racing event” after “game” in paragraph (b) of the definition of *computer server*;
- (b) by inserting “simulated racing event,” after “wagering event, simulated game,” in paragraph (a) of the definition of *gaming activity*;
- (c) by inserting “simulated racing event,” after “the event, simulated game,” in paragraph (a) of the definition of *gaming activity*;
- (d) by inserting the following paragraph after paragraph (c) in the definition of *gaming endorsement*:
 - (ca) a simulated racing event endorsement; and

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- (e) by omitting “simulated games, gaming” from the definition of *gross profit*;
- (f) by omitting “Crime” from paragraph (c) of the definition of *law enforcement agency* and substituting “Criminal Intelligence”;
- (g) by inserting “, simulated racing event” after “pools” in paragraph (a) of the definition of *player*;
- (h) by inserting “, a simulated racing event” after “keno” in the definition of *simulated game*;
- (i) by inserting the following definitions after the definition of *simulated gaming endorsement*:

simulated racing event means an event generated by a game –

- (a) that consists of animated images of a thoroughbred race, harness race or greyhound race; and
- (b) the outcome of which is only determined by a random number generator that draws a set of numbers from a larger set of numbers; and
- (c) in respect of which the betting competition is a

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competition with fixed
odds;

simulated racing event endorsement

means an endorsement on a
Tasmanian gaming licence that
authorises the activities specified
in section 76UA;

5. Section 4E inserted

After section 4D of the Principal Act, the
following section is inserted in Part 1:

**4E. Location of gaming equipment taken to be in
casino or licensed premises**

(1) In this section –

off-site component, in respect of
gaming equipment, means a
component of that equipment that
is not located at a casino or at
licensed premises in respect of
which a licensed premises
gaming licence is in force.

(2) This section applies in respect of gaming
equipment if –

(a) the gaming equipment is
physically used for the conduct of
gaming by persons located in a
casino or in licensed premises in
respect of which a licensed

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premises gaming licence is in force; and

- (b) the gaming equipment has an off-site component that is provided by a prescribed licence holder in accordance with this Act.

(3) For the purposes of this Act –

- (a) the off-site component of gaming equipment to which this section applies is taken to be located in the relevant casino or licensed premises; and
- (b) any game being played on gaming equipment to which this section applies is taken to be conducted on that equipment at the relevant casino or licensed premises.

6. Section 11 amended (Authority conferred by casino licence)

Section 11 of the Principal Act is amended by omitting subsections (2) and (3).

7. Section 36 amended (Application for licensed premises gaming licence)

Section 36 of the Principal Act is amended as follows:

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Part 2 – Gaming Control Act 1993 Amended

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- (a) by omitting from subsection (6) “14” second occurring and substituting “28”;
- (b) by omitting from subsection (6A) “14” and substituting “28”.

8. Section 65 amended (Provision of information relating to special employee)

Section 65 of the Principal Act is amended by omitting subsection (2).

9. Section 76I amended (Determination of application)

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

- (3A) The Commission must not determine that a simulated racing event endorsement is to be endorsed on a Tasmanian gaming licence unless the Commission also determines that a totalizator endorsement is to be endorsed on the licence.

10. Section 76O amended (Application for new gaming endorsement)

Section 76O of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) A licensed provider may only apply for a simulated racing event endorsement if –

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- (a) the provider's Tasmanian gaming licence is endorsed with a totalizator endorsement; or
- (b) the licensed provider is also applying for a totalizator endorsement.

11. Section 76P substituted

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

76P. Investigation, processing and determination of application for new gaming endorsement

- (1) Sections 76D, 76G, 76H, 76I, 76J and 76K apply, with necessary modification and adaptation, in respect of the investigation, processing and determination of an application for a new gaming endorsement made under section 76O.
- (2) The Commission must not grant an application for a simulated racing event endorsement to be endorsed on a Tasmanian gaming licence unless –
 - (a) the licence is endorsed with a totalizator endorsement; or
 - (b) the Commission also grants an application for a totalizator endorsement to be endorsed on the licence.

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12. Section 76UA inserted

After section 76U of the Principal Act, the following section is inserted in Division 4:

76UA. Authority of Tasmanian gaming licence with simulated racing event endorsement

A Tasmanian gaming licence endorsed with a simulated racing event endorsement authorises the licensed provider, subject to this Act and any conditions to which the Tasmanian gaming licence is subject –

- (a) to conduct simulated racing events from an approved location; and
- (b) to accept wagers in respect of the simulated racing events from persons who are physically present at an approved outlet; and
- (c) to do all things necessarily incidental to carrying on the activities referred to in paragraphs (a) and (b).

13. Section 76ZN amended (Complaints about licensed providers)

Section 76ZN(5) of the Principal Act is amended by omitting “specified in sections 112N and 112O” and substituting “of an inspector specified in section 133”.

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Part 2 – Gaming Control Act 1993 Amended

14. Section 76ZT amended (Power to withhold prize)

Section 76ZT(3)(b) of the Principal Act is amended as follows:

- (a) by inserting “of an inspector” after “powers”;
- (b) by omitting “sections 112N and 112O” and substituting “section 133”.

15. Section 76ZZF amended (Approval of games)

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

- (a) by inserting the following subsection after subsection (2):
 - (2A) An approval under subsection (2) may be subject to such conditions as the Commission considers appropriate.
- (b) by inserting the following subsection after subsection (5):
 - (5A) An approval under subsection (2) may be amended at any time as the Commission thinks fit.
- (c) by inserting the following subsection after subsection (6):
 - (7) The amendment or revocation of an approval under this section takes effect when notice of it is

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given in writing to the licensed provider concerned or on a later date specified in the notice.

16. Section 76ZZG amended (Approval of gaming equipment)

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

(a) by omitting subsections (6) and (7) and substituting the following subsections:

(6) An approval under this section may be amended at any time as the Commission thinks fit.

(7) The amendment of an approval under this section takes effect when notice of it is given in writing to the licensed provider concerned or on a later date specified in the notice.

(b) by omitting subsections (9), (10), (11), (13) and (14).

17. Section 76ZZGA repealed

Section 76ZZGA of the Principal Act is repealed.

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Part 2 – Gaming Control Act 1993 Amended

18. Section 76ZZI amended (Approval of control system)

Section 76ZZI of the Principal Act is amended by omitting subsections (3), (4), (5), (7) and (8).

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

Section 77V of the Principal Act is amended as follows:

- (a) by omitting “determined” from paragraph (b) of the definition of *standard form contract* in subsection (1) and substituting “approved”;
- (b) by omitting from subsection (4) “determining” and substituting “approving”;
- (c) by inserting in subsection (4) “determining” after “contract or”;
- (d) by omitting from subsection (4) “determine” and substituting “approve”;
- (e) by inserting the following subsection after subsection (4A):
 - (4B) The parties to a relevant contract that has been approved by the Commission under subsection (2) must comply with any conditions of that approval under subsection (4A).

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Penalty: Fine not exceeding 2 500
penalty units.

(f) by inserting the following subsections
after subsection (5):

(6) The regulations may prescribe
conditions to which all or
specified relevant contracts, or
specified classes of relevant
contracts, are subject.

(7) If the regulations prescribe
conditions under subsection (6)
that apply in respect of a relevant
contract –

(a) the relevant contract,
whether entered into
before or after the
prescribing of the
conditions, is taken to
contain the conditions;
and

(b) if one of the conditions
prescribed is inconsistent
with another condition of
the relevant contract (the
contract condition), the
contract condition is, to
the extent of the
inconsistency, void and
unenforceable.

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Part 2 – Gaming Control Act 1993 Amended

20. Section 103 amended (Approval of games played in casino)

Section 103 of the Principal Act is amended as follows:

- (a) by inserting in subsection (6) “an approval for a game under subsection (1) or” after “vary”;
- (b) by inserting in subsection (8) “the approval for a game under subsection (1) or” after “variation of”;
- (c) by inserting in subsection (9) “an approval for a game under subsection (1) or” after “of”.

21. Section 127A inserted

After section 127 of the Principal Act, the following section is inserted in Part 7:

127A. Direction to be given in relation to appropriate harm minimisation technologies

(1) In this section –

appropriate harm minimisation technologies means –

- (a) facial recognition technology; and
- (b) restricted use cards;

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restricted use card means a card, containing electronic data, by means of which a player is able to be identified and to use a gaming machine.

- (2) Within 30 days after the day on which the *Gaming Control Amendment (Future Gaming Market) Act 2021* receives the Royal Assent, the Minister must give to the Commission a direction under section 127.
- (3) The direction given in accordance with subsection (2) is to direct the Commission –
 - (a) to carry out, in relation to the relevant matters, an investigation with a view to determining the most effective method of implementing appropriate harm minimisation technologies in casinos, hotels and clubs; and
 - (b) to provide to the Minister, before 30 June 2022, a report in relation to the results of the investigation.
- (4) The investigation in relation to the relevant matters is to be an investigation –
 - (a) as to the extent to which the implementation, in casinos, hotels, and clubs of appropriate harm minimisation technologies

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- may enhance the minimisation of the harm caused by problem gambling; and
- (b) as to the existing appropriate harm minimisation technologies that may be able to be used in casinos, hotels and clubs; and
 - (c) as to the options for, and the desirability and feasibility of, the use in casinos, hotels and clubs of restricted use cards enabling players to store, and use for the purpose of wagering in gaming machines, amounts of money that are determined by the players before they begin to use the cards; and
 - (d) as to the costs and benefits of the adoption in casinos, hotels and clubs of appropriate harm minimisation technologies; and
 - (e) as to the timeframe in which, and the most effective methods by which, appropriate harm minimisation technologies may be implemented in casinos, hotels and clubs.
- (5) The investigation for the purposes specified in subsection (4)(d) is to include consultation with such persons involved in the gambling industry, and

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such persons with an interest in the gambling industry, as the Commission thinks fit.

- (6) Without limiting the matters that may be contained in the report by the Commission in relation to the investigation, the report is to include –
 - (a) the Commission's recommendations as to the most effective method of implementing appropriate harm minimisation technologies in casinos, hotels and clubs; and
 - (b) the steps the Commission proposes to take to implement those recommendations as soon as reasonably practicable.

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

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

- (a) by inserting the following paragraph after paragraph (c) in subsection (2):
 - (ca) if the Tasmanian gaming licence is endorsed with a simulated racing event endorsement – 300 000 fee units; or

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Part 2 – Gaming Control Act 1993 Amended

(b) by omitting paragraph (d) from subsection (5) and substituting the following paragraph:

(d) simulated racing event endorsement.

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

Section 150A of the Principal Act is amended as follows:

- (a) by inserting “and simulated racing events” after “on simulated games” in the definition of *gaming revenue* in subsection (1);
- (b) by omitting “or under section 149” from paragraph (a) of the definition of *gaming revenue* in subsection (1) and substituting “and any unclaimed winnings paid pursuant to section 76ZRA”;
- (c) by inserting “and simulated racing events” after “games” in paragraph (a) of the definition of *gaming revenue* in subsection (1);
- (d) by inserting “and simulated racing events” after “games” in paragraph (b) of the definition of *gaming revenue* in subsection (1);

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- (e) by inserting the following subsection after subsection (6A):

(6B) The tax payable in relation to a month and the gaming business conducted in respect of a simulated racing event endorsement is 15% of the monthly gross profits.

- (f) by omitting subsection (9) and substituting the following subsection:

(9) The holder of a Tasmanian gaming licence who is liable to pay tax in respect of that licence under Division 1A of Part 9 is only liable to pay that tax in relation to gaming business conducted in respect of any of the following endorsements on the licence:

- (a) sports betting endorsement;
- (b) race wagering endorsement;
- (c) betting exchange endorsement;
- (d) totalizator endorsement.

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24. Section 150AB amended (Set off for goods and services tax in respect of Tasmanian gaming licence)

Section 150AB(1) of the Principal Act is amended by inserting after paragraph (ab) the following paragraph:

- (ac) a simulated racing event endorsement;
and

25. Section 151 amended (Community support levy)

Section 151 of the Principal Act is amended as follows:

- (a) by omitting subsection (5);
- (b) by omitting the definition of *independent review* from subsection (6).

26. Section 152 inserted

After section 151 of the Principal Act, the following section is inserted in Division 2:

152. Review of social and economic impact of gambling

- (1) The Minister must –
 - (a) cause an independent review of the social and economic impact of gambling in Tasmania to be carried out every 5 years; and

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- (b) cause the findings of each such review (or a report of those findings) to be tabled in each House of Parliament within 20 sitting-days of that House after the completion of the review.

(2) In this section –

independent review means a review by persons (only one of whom may be employed by the State of Tasmania or a State Service Agency) who, in the Minister’s opinion, possess appropriate expertise or qualifications to carry out the review.

27. Section 155 amended (Possession of gaming equipment)

Section 155 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “for the purpose of testing, training, promotion, research or development”;
- (b) by omitting subsection (2).

28. Section 172A amended (Infringement notices)

Section 172A(1) of the Principal Act is amended by inserting “, authorized person or inspector” after “officer”.

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

Schedule 5 to the Principal Act is amended by inserting after clause 4 in Part 6 the following Part:

**PART 7 – TRANSITIONAL PROVISIONS CONSEQUENT ON
GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET)
ACT 2021**

Division 1 – Preliminary

1. Interpretation

In this Part –

changeover day means 1 July 2023;

lead-up period means the 12-month period immediately before the changeover day;

new legislative scheme means the provisions of the *Gaming Control Act 1993* as in force on and after the changeover day;

old legislative scheme means the provisions of the *Gaming Control Act 1993* as in force before the changeover day;

venue licence means a licence of that name issued under the new legislative scheme.

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2. Approvals in relation to gaming equipment during lead-up period

- (1) This clause applies to the holder of a licensed premises gaming licence if that licence holder –
 - (a) has applied for a venue licence in anticipation of the new legislative scheme and that application has been granted by the Commission; or
 - (b) has written approval from the Commission to purchase or obtain approved gaming equipment from a person listed on the Roll.
- (2) The holder of a licensed premises gaming licence to which this clause applies may, during the lead-up period –
 - (a) purchase or obtain approved gaming equipment from a person listed on the Roll in accordance with the relevant venue licence or approval; and
 - (b) possess gaming equipment purchased or obtained in accordance with paragraph (a); and
 - (c) do all things necessarily incidental to carrying on the

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activities referred to in
paragraphs (a) and (b).

- (3) A person listed on the Roll may, with the written approval of the Commission, sell or supply approved gaming equipment to the holder of a licensed premises gaming licence to whom this clause applies during the lead-up period.
- (4) A manufacturer or supplier may, with the written approval of the Commission, sell or supply unrestricted gaming equipment to the holder of a licensed premises gaming licence to whom this clause applies during the lead-up period.
- (5) An approval under this clause may be subject to such conditions as the Commission considers appropriate.
- (6) The Commission may at any time amend or revoke an approval under this clause.
- (7) The amendment or revocation of an approval under this clause takes effect when notice of it is given in writing to the person concerned or on a later date specified in the notice.
- (8) If a person is authorised to carry out an activity under this clause, the carrying out of that activity by that person does not constitute an offence under this Act.

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3. Authorisation in relation to electronic monitoring system during lead-up period

- (1) The Commission, in writing, may authorise a person to do such of the following activities during the lead-up period as are specified in the authorisation:
 - (a) to supply and install an electronic monitoring system and other gaming equipment at hotels and licensed clubs;
 - (b) to possess gaming machines and other gaming equipment;
 - (c) to service, repair or maintain gaming equipment through the services of licensed technicians;
 - (d) to enter into contracts with licensed premises gaming operators for the purposes of paragraphs (a), (b) and (c);
 - (e) to do all things necessarily incidental to carrying on the activities specified in the authorisation.
- (2) An authorisation under subclause (1) may be subject to such conditions as the Commission considers appropriate.
- (3) If a person enters into a contract with a licensed premises gaming operator under

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an authorisation under subclause (1)(d), that contract is, for the purposes of section 77V, taken to be a relevant contract.

- (4) The Commission may at any time revoke or amend an authorisation.
- (5) If a person carries out an activity in accordance with an authorisation under this clause, the carrying out of that activity by that person does not constitute an offence under this Act.

4. Continuation of licensed premises gaming licence during lead-up period

- (1) This clause applies in respect of a licensed premises gaming licence if –
 - (a) the licensed premises gaming licence is due to expire during the lead-up period; and
 - (b) the holder of that licence has made an application to the Commission for a venue licence in anticipation of the new legislative scheme.
- (2) A licensed premises gaming licence to which this clause applies continues to be valid according to its terms until the first of the following occurs:
 - (a) the changeover day;

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-
- (b) the licence is cancelled or surrendered.

5. Application for venue licence by holder of licensed premises gaming licence

- (1) This clause applies to an application for a venue licence that is made by a licensed premises gaming operator before, and in anticipation of, the new legislative scheme.
- (2) The following sections of the new legislative scheme do not apply to an application to which this clause applies:
 - (a) section 36(5), (5A), (5B), (6), (6A) and (6B);
 - (b) section 37;
 - (c) section 38(1)(b) and (c);
 - (d) section 38(2)(f) and (g).
- (3) If the Commission grants a venue licence for licensed premises as a consequence of an application to which this clause applies, the number of gaming machine authorities endorsed on the venue licence is to be –
 - (a) the same as the number of gaming machines that the licensed premises gaming operator was authorised to operate at the premises under the

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old legislative scheme
immediately before the grant of
the venue licence; or

(b) subject to subclause (4), such
lesser number of gaming machine
authorities as is specified in the
application.

(4) If an application under this clause is
made by a licence holder in relation to
licensed premises that are held under a
lease, the licence holder may only apply
for a lesser number of gaming machine
authorities under clause (3)(b) if the lease
does not contemplate a reduction in
gaming machines and either –

(a) the owner of the licensed
premises agrees; or

(b) the Commission, on application
by the licensed premises gaming
operator, determines that it is fair
and equitable to reduce the
number of gaming machine
authorities.

**6. Additional matter that may be considered in
determining licensed premises gaming
licence application**

The Commission may refuse, under
section 42, to grant a licensed premises
gaming licence that authorises the
possession of gaming machines at

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licensed premises if, in the opinion of the Commission, the granting of such a licence would result in the number of gaming machine authorities endorsed on venue licences in the State (in total) exceeding 2 350 on the changeover day.

7. Regulations

- (1) The Governor may make regulations of a savings and transitional nature consequent on the enactment of the *Gaming Control Amendment (Future Gaming Market) Act 2021* to effect, and facilitate, the transition from the old legislative scheme to the new legislative scheme.
- (2) Without limiting the generality of subclause (1), regulations made under that subclause may –
 - (a) provide for the preservation, continuation, extension, variation or revocation of any one or more of the following matters under the old legislative scheme:
 - (i) decisions, determinations, approvals or other such authorisations;
 - (ii) actions undertaken or exempted;

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- (iii) licences, exemptions or other such authorisations;
 - (iv) notices or other instruments or documents;
 - (v) any other matter under the old legislative scheme; and
 - (b) provide for the preservation, continuation, variation or revocation of decisions or actions taken under the 2003 Deed; and
 - (c) deal with any incidental or ancillary matters.
- (3) Regulations made under subclause (1) may –
- (a) specify that they take effect on –
 - (i) the day on which any provision of the *Gaming Control Amendment (Future Gaming Market) Act 2021* commences; or
 - (ii) a day after the day on which any provision of the *Gaming Control Amendment (Future Gaming Market) Act 2021* commences, whether the day so specified is before, on or after the day on

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which the regulations are
made; and

- (b) be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations; and
- (c) authorise any matter to be from time to time determined, applied or regulated by any person or body specified in the regulations.

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Part 3 – Gaming Control Act 1993 Further Amended

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

30. Principal Act

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

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

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

- (bb) the applicant has or is able to obtain financial resources that are adequate to ensure the financial viability of the operation of gaming machines or the conduct of keno, or both; and

*No. 94 of 1993

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**PART 4 – GAMING CONTROL ACT 1993 FURTHER
FURTHER AMENDED**

32. Principal Act

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

33. Section 2A inserted

After section 2 of the Principal Act, the following section is inserted in Part 1:

2A. Object of Act

The object of this Act is to provide for the licensing, supervision and control of gambling in Tasmania and, in particular, to –

- (a) ensure that gambling is conducted in a fair, honest and transparent way and is free from criminal influence; and
- (b) protect people, particularly people who are vulnerable, from being –
 - (i) harmed by gambling; or
 - (ii) exploited by gaming operators; and

*No. 94 of 1993

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- (c) ensure that the returns from gambling are shared appropriately (including by being invested in services that support those harmed by, or at risk of harm from, gambling) amongst the gaming industry, consumers and the State.

34. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *amend* in subsection (1):

ancillary gaming services means any gaming services that are prescribed as ancillary gaming services for the purposes of this Act;

- (b) by inserting “casino operator or” after “a” in the definition of *approved venue* in subsection (1);
- (c) by omitting the definition of *casino licence* from subsection (1) and substituting the following definition:

casino licence means –

- (a) a general casino licence;
- and

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- (b) a high-roller casino licence;
- (d) by omitting the definition of *chips* from subsection (1);
- (e) by inserting “, FATG machine or other gaming equipment” after “machine” in the definition of *computer cabinet* in subsection (1);
- (f) by inserting the following definition after the definition of *control system* in subsection (1):

core monitoring functions see section 48E(1);

- (g) by omitting the definition of *electronic monitoring system* from subsection (1) and substituting the following definitions:

electronic monitoring system means any type of connected electronic system or device that is designed so that it may be used, or adapted, to send or receive data from gaming equipment in relation to the security, accounting or operation of gaming equipment;

electronic monitoring system information means information acquired in the course of the operation of an electronic monitoring system and includes

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data derived from that
information;

- (h) by inserting the following definitions after the definition of *exempt game* in subsection (1):

FATG game means a game designed to be played on an FATG machine;

FATG machine means a fully-automated table game machine;

- (i) by inserting the following definition after the definition of *foreign games permit holder* in subsection (1):

fully-automated table game machine means an electronic gaming system or equipment that allows one or more persons to play a game that –

- (a) imitates a type of game played at a gaming table;
and

- (b) can be played –

- (i) from one or more terminals; and

- (ii) without being conducted by a casino employee;

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- (j) by inserting “, FATG machine” after “machine” in the definition of *gaming* in subsection (1);
 - (k) by omitting “licensed premises gaming” from the definition of *gaming area* in subsection (1) and substituting “venue”;
 - (l) by inserting the following definition after the definition of *gaming business* in subsection (1):

gaming chips means any tokens, other than gaming tokens, used instead of money for the purpose of gaming;

- (m) by omitting paragraph (a) from the definition of *gaming equipment* in subsection (1) and substituting the following paragraphs:
 - (a) linked jackpot equipment; and
 - (ab) an electronic monitoring system; and
- (n) by omitting the definition of *gaming machine* from subsection (1) and substituting the following definitions:

gaming machine means any device (other than an FATG machine) that is designed –

- (a) for the playing of a game of chance or a game that

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is partly a game of chance
and partly a game
requiring skill; and

(b) to –

(i) pay out money or
gaming tokens as
a result of the
making of a
wager; or

(ii) register a right to
an amount of
money or money's
worth to be paid
as the result of the
making of a
wager;

gaming machine authority means an
authority endorsed on a venue
licence that authorises the venue
operator to operate one gaming
machine at the licensed premises
specified in the venue licence;

(o) by omitting “without any alteration to the
gaming machine other than the
substitution of a new game programme
or an alteration to the information or
artwork displayed on the gaming
machine” from the definition of *gaming
machine type* in subsection (1);

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- (p) by omitting the definition of *gaming operation* from subsection (1) and substituting the following definition:

gaming operation means –

- (a) in relation to a casino, any activity authorised by the casino licence for that casino; or
 - (b) in relation to licensed premises, any activity authorised by the venue licence for those licensed premises;
- (q) by omitting the definitions of *gaming operator* and *gaming operator's licence* from subsection (1);
- (r) by omitting “a gaming machine” from the definition of *gaming token* in subsection (1) and substituting “gaming equipment”;
- (s) by inserting the following definition after the definition of *gaming token* in subsection (1):

general casino licence means a
general casino licence granted
and in force under section 13A;

- (t) by inserting the following definition after the definition of *harness race* in subsection (1):

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high-roller casino licence means a
high-roller casino licence granted
and in force under section 13B;

- (u) by inserting the following definition after the definition of *horse race* in subsection (1):

hotel means licensed premises, other than a licensed club, in respect of which a venue licence is in force;

- (v) by omitting “special” from the definition of *jackpot* in subsection (1) and substituting “jackpot”;

- (w) by inserting the following definition after the definition of *jackpot* in subsection (1):

jackpot prize pool means a prize pool established for the payment of jackpots;

- (x) by inserting the following definitions after the definition of *keno* in subsection (1):

keno operation means any activity authorised by a keno operator’s licence;

keno operator means the holder of a keno operator’s licence;

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keno operator's licence means a keno operator's licence granted and in force under section 13C;

- (y) by inserting the following definition after the definition of *licence holder* in subsection (1):

licensed club means premises in respect of which both of the following are in force:

- (a) a club licence within the meaning of the *Liquor Licensing Act 1990*;
 - (b) a venue licence;
- (z) by omitting “gaming” from the definition of *licensed operator* in subsection (1) and substituting “keno”;
- (za) by omitting the definitions of *licensed premises gaming licence* and *licensed premises gaming operator* from subsection (1);
- (zb) by omitting “gaming machines or other prescribed machines” from the definition of *linked jackpot arrangement* in subsection (1) and substituting “machine games, gaming machines, FATG machines or gaming equipment”;
- (zc) by inserting the following definitions after the definition of *lucky envelope supplier* in subsection (1):

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machine game means the following:

- (a) a gaming machine game;
- (b) a FATG game;

machine type means the following:

- (a) a gaming machine type;
- (b) a type of FATG machine;

- (zd) by inserting “gaming” after “money,” in the definition of *money clearance* in subsection (1);
- (ze) by inserting the following definitions after the definition of *money clearance* in subsection (1):

monitoring licence operations means
any activity authorised by a
monitoring operator’s licence;

monitoring operator means the holder
of a monitoring operator’s
licence;

monitoring operator’s licence means
a monitoring operator’s licence
issued and in force under section
48O;

- (zf) by omitting the definition of *non-licensed premises* from subsection (1);

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- (zg) by inserting the following definition after the definition of *operations* in subsection (1):

owner, in relation to licensed premises, means every person who jointly or severally, whether at law or in equity, is entitled to the licensed premises for any estate of freehold in possession;

- (zh) by inserting “or” after “totalizator;” in paragraph (c) of the definition of *player* in subsection (1);

- (zi) by inserting the following paragraph after paragraph (c) in the definition of *player* in subsection (1):

(d) wagers on gaming;

- (zj) by omitting paragraph (b) from the definition of *prescribed licence* in subsection (1) and substituting the following paragraph:

(b) a keno operator’s licence; and

- (zk) by omitting “licensed premises gaming” from paragraph (c) of the definition of *prescribed licence* in subsection (1) and substituting “venue”;

- (zl) by inserting the following paragraph after paragraph (c) in the definition of *prescribed licence* in subsection (1):

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- (ca) a monitoring operator’s licence;
and
- (zm) by inserting the following definition after
the definition of *registered player* in
subsection (1):
 - regulated monitoring functions*** see
section 48E(2);
- (zn) by omitting the definition of *repealed Act*
from subsection (1);
- (zo) by omitting the definition of *special prize
pool* from subsection (1);
- (zp) by omitting the definition of *unrestricted
area* from subsection (1);
- (zq) by omitting the definition of *venue
operator* from subsection (1) and
substituting the following definitions:
 - venue licence*** means a licence granted
and in force under section 42;
 - venue operator*** means a person who is
the holder of a venue licence;
 - venue owner*** means a person who is
the owner of licensed premises in
respect of which there is a venue
licence;
- (zr) by inserting in subsection (2)(b)
“gaming” after “of”;

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- (zs) by inserting in subsection (3) “or an FATG machine” after “a gaming machine”;
 - (zt) by inserting in subsection (3)(c) “or FATG machine” after “machine”;
 - (zu) by inserting in subsection (3)(d) “or FATG machine” after “the gaming machine”;
 - (zv) by inserting in subsection (3)(e) “or FATG machine” after “machine”;
 - (zw) by inserting in subsection (3)(f) “or FATG machine” after “machine”.

35. Section 4 amended (Meaning of “associate”)

Section 4(2) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) “or monitoring operation” after “the gaming operation”;
- (b) by inserting in paragraph (a) “or monitoring operation” after “that gaming operation”;
- (c) by inserting in paragraph (b) “or monitoring operation” after “operation”.

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36. Section 4E amended (Location of gaming equipment taken to be in casino or licensed premises)

Section 4E of the Principal Act is amended as follows:

- (a) by omitting “licensed premises gaming” from the definition of *off-site component* in subsection (1) and substituting “venue”;
- (b) by omitting from subsection (2)(a) “licensed premises gaming” and substituting “venue”.

37. Sections 6 and 7 substituted

Sections 6 and 7 of the Principal Act are repealed and the following section is substituted:

6. Revocation of 2003 Deed

- (1) The 2003 Deed is revoked.
- (2) Compensation is not payable to a party to the 2003 Deed or to any other person for any loss or damage suffered by the party or person because of the application of subsection (1).

38. Part 3: Heading amended

Part 3 of the Principal Act is amended by omitting “**GAMING**” from the heading to that Part and substituting “**KENO**”.

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39. Sections 9, 10, 11, 12, 13, 14, 15 and 16 substituted

Sections 9, 10, 11, 12, 13, 14, 15 and 16 of the Principal Act are repealed and the following sections are substituted:

9. Conduct of keno by keno operator declared lawful

- (1) Despite the provisions of any other Act or any law, the conduct of the game of keno is lawful when the game is conducted by a keno operator in accordance with this Act and the tickets for the game are obtained at an approved venue.
- (2) The conduct of the game of keno by a keno operator, in accordance with this Act and the conditions of the keno operator's licence, is not a public or private nuisance.

10. Authority conferred by general casino licence

- (1) A general casino licence authorises the holder of the licence, subject to this Act and any conditions to which the licence is subject, to do such of the following things as are specified in the licence:
 - (a) to purchase or obtain ancillary gaming services and testing services from persons listed on the Roll;

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- (b) to purchase or obtain approved gaming equipment from persons listed on the Roll, venue operators and casino operators;
 - (c) to purchase or obtain unrestricted gaming equipment from manufacturers and suppliers;
 - (d) to conduct gaming by means of gaming equipment located in the casino;
 - (e) to sell or dispose of gaming equipment;
 - (f) to service, repair or maintain gaming equipment through the services of licensed technicians;
 - (g) to do all things necessarily incidental to carrying on the activities authorised by this section.
- (2) For the purposes of subsection (1)(d) a reference to the conduct of gaming includes the conduct of keno, but does not include gaming activities.

11. Authority conferred by high-roller casino licence

- (1) A high-roller casino licence authorises the holder of the licence, subject to this Act and any conditions to which the licence is subject, to do such of the

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following things as are specified in the licence:

- (a) to purchase or obtain ancillary gaming services and testing services from persons listed on the Roll;
 - (b) to purchase or obtain approved gaming equipment from persons listed on the Roll and casino operators;
 - (c) to purchase or obtain unrestricted gaming equipment from manufacturers and suppliers;
 - (d) to conduct gaming by means of gaming equipment located in the casino;
 - (e) to sell or dispose of gaming equipment;
 - (f) to service, repair or maintain gaming equipment through the services of licensed technicians;
 - (g) to do all things necessarily incidental to carrying on the activities authorised by this section.
- (2) It is a condition of a high-roller casino licence that only a person who is not a resident of this State is authorised under

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the licence to participate in any gaming in any area of the casino.

- (3) For the purposes of this section, a person is not a resident of this State if the person's ordinary place of residence is not in this State.
- (4) For the purposes of subsection (1)(d), a reference to gaming does not include the following:
 - (a) gaming activities;
 - (b) gaming machine games;
 - (c) the conduct of keno.

12. Authority conferred by keno operator's licence

A keno operator's licence authorises the holder of the licence, subject to this Act and any conditions to which the licence is subject, to do such of the following things as are specified in the licence:

- (a) to purchase or obtain from persons listed on the Roll approved gaming equipment, ancillary gaming services and testing services;
- (b) to purchase or obtain from manufacturers and suppliers unrestricted gaming equipment;

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- (c) to supply approved gaming equipment to casino operators and venue operators;
- (d) to conduct games of keno;
- (e) to sell or dispose of gaming equipment;
- (f) to service, repair or maintain gaming equipment through the services of licensed technicians;
- (g) to do all things necessarily incidental to carrying on the activities authorised by this section.

13. Offence to breach licence conditions

- (1) The holder of a casino licence must comply with the conditions to which the casino licence is subject.

Penalty: Fine not exceeding 2 500 penalty units.

- (2) The holder of a keno operator's licence must comply with the conditions to which the keno operator's licence is subject.

Penalty: Fine not exceeding 2 500 penalty units.

13A. Granting of general casino licence

- (1) In this section –

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2023 commencement day means the day on which Part 4 of the *Gaming Control Amendment (Future Gaming Market) Act 2021* commences;

existing casino licence means a casino licence in force immediately before the 2023 commencement day.

- (2) On the 2023 commencement day, the Commission must grant to the holder of an existing casino licence (or to a corporation related to the holder of that licence) a general casino licence in respect of the same premises, or part of premises, for which the existing casino licence was granted.
- (3) After the 2023 commencement day, the Commission may grant a general casino licence in accordance with this Part to an applicant for that licence if the Minister has made a call for applications for a general casino licence under section 22.
- (4) A general casino licence granted under this Part may be subject to such conditions as the Commission thinks fit.
- (5) A general casino licence may be granted in respect of one casino only, but more than one licence may be held by a casino operator concurrently.

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- (6) The Commission must not grant a general casino licence in respect of the same premises, or part of premises, for which a high-roller casino licence has been granted.

13B. Granting of high-roller casino licence

- (1) In this section –

Northern high-roller casino licence
means a high-roller casino licence granted in respect of premises, or part of premises, in the Northern Division of the State;

Southern high-roller casino licence
means a high-roller casino licence granted in respect of premises, or part of premises, in the Southern Division of the State.

- (2) The Commission may grant a high-roller casino licence in respect of premises, or part of premises, to an applicant for the licence.
- (3) However, only one Northern high-roller casino licence and one Southern high-roller casino licence may be in force under this Act at any one time.
- (4) A high-roller casino licence granted under this Part may be subject to such conditions as the Commission thinks fit.

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- (5) A high-roller casino licence may be granted in respect of one casino only, but more than one licence may be held by a casino operator concurrently.
- (6) The Commission must not grant a high-roller casino licence in respect of the same premises, or part of premises, for which a general casino licence has been granted.

13C. Granting of keno operator's licence

- (1) In this section –

2023 commencement day means the day on which Part 4 of the *Gaming Control Amendment (Future Gaming Market) Act 2021* commences;

existing gaming operator's licence means a gaming operator's licence in force immediately before the 2023 commencement day.

- (2) On the 2023 commencement day, the Commission must grant to the holder of the existing gaming operator's licence (or to a corporation related to the holder of that licence) a keno operator's licence in respect of the same premises, or part of premises, for which the existing gaming operator's licence was granted.

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- (3) After the 2023 commencement day, the Commission may grant a keno operator's licence in accordance with this Part to an applicant for that licence if the Minister has made a call for applications for a keno operator's licence under section 22.
 - (4) A keno operator's licence granted under this Part may be subject to such conditions as the Commission thinks fit.

14. Amendment of conditions

- (1) The conditions of a casino licence or a keno operator's licence may be amended in accordance with this section.
- (2) An amendment may be proposed –
 - (a) by the licensed operator by requesting the Commission in writing to make the amendment; or
 - (b) by the Commission by giving notice in writing of the proposed amendment to the licensed operator.
- (3) The Commission must give the licensed operator at least 28 days to make submissions to the Commission concerning any proposed amendment and must consider the submissions made.
- (4) The Commission must then decide whether to make the proposed

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amendment, either with or without changes from that originally proposed, and must notify the licensed operator of its decision.

- (5) An amendment proposed by the Commission must be in the public interest or for the proper conduct of gaming.
- (6) Any amendment that the Commission decides upon takes effect when notice of the decision is given to the licensed operator or on any later date specified in the notice.
- (7) Where an amendment to the conditions of a casino licence or keno operator's licence is proposed under this section by the licensed operator, the proposal is to be accompanied by the prescribed fee.

15. Commission to define casino and keno operator premises

- (1) The following are to be defined by being specified in the conditions of a casino licence:
 - (a) the boundaries of the casino;
 - (b) the gaming areas in the casino;
 - (c) any restricted gaming areas in the casino.

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- (2) The boundaries of a keno operator's premises are to be defined by being specified in the conditions of the keno operator's licence.
 - (3) It is to be a condition of a casino licence that no person other than the casino operator or a related corporation may own the premises, or any part of the premises, that contain or contains the casino except with the prior written approval of the Commission.

16. Duration of licence

A casino licence and a keno operator's licence remain in force for a period of 20 years unless sooner cancelled or surrendered under this Act.

16A. Renewal of casino licence or keno operator's licence

- (1) The holder of a casino licence or a keno operator's licence may, no earlier than 5 years, and no later than 2 years, before the licence is due to expire, apply to the Commission for the renewal of the licence.
- (2) An application under subsection (1) must –
 - (a) be in a form approved by the Commission; and

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- (b) contain any information, and be accompanied by any documents, that the Commission requires; and
 - (c) be accompanied by the prescribed fee.
- (3) Sections 23, 24, 25, 26, 27, 28 and 29 apply to an application for the renewal of a casino licence or a keno operator's licence in the same manner as they apply to an application for the granting of a casino licence or a keno operator's licence.
- (4) If a requirement made by this section is not complied with, the Commission may refuse to consider the application.
- (5) If an application is refused under subsection (4) or withdrawn by the applicant, the Commission, at its discretion, may refund the whole or part of the application fee.
- (6) The renewal of a casino licence or a keno operator's licence takes effect from the day on which the current licence was due to expire.

40. Section 17 amended (Mortgage, &c., of licence)

Section 17(1) of the Principal Act is amended by omitting “gaming” and substituting “a keno”.

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41. Section 18 amended (Financial accommodation)

Section 18(2)(b) of the Principal Act is amended by omitting “gaming” and substituting “keno”.

42. Section 19 amended (Licensing under the *Liquor Licensing Act 1990*)

Section 19 of the Principal Act is amended by omitting “that contains the casino” and substituting “where gaming is conducted”.

43. Section 21 amended (Surrender of licence)

Section 21(1) of the Principal Act is amended by omitting “gaming” and substituting “keno”.

44. Sections 22 and 23 substituted

Sections 22 and 23 of the Principal Act are repealed and the following sections are substituted:

22. Action to be taken if casino licence or keno operator’s licence cancelled, &c.

The Minister may, if satisfied that it is in the public interest to do so, call for applications for a casino licence or a keno operator’s licence if a licence of the same kind –

- (a) has been cancelled or surrendered; or

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(b) is due to expire within the next 2 years and the licence holder –

(i) has not made an application to renew the licence under section 16A(1); or

(ii) has made an application to renew the licence under section 16A(1) and that application has been refused.

22A. Application for casino or keno operator's licence

(1) An application for a casino licence or a keno operator's licence must –

(a) be in a form approved by the Commission; and

(b) contain any information, and be accompanied by any documents, that the Commission requires; and

(c) be accompanied by the prescribed fee.

(2) If a requirement made by this section is not complied with, the Commission may refuse to consider the application.

(3) If an application is refused under subsection (2) or withdrawn by the

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applicant, the Commission, at its discretion, may refund the whole or part of the application fee.

23. Matters to be considered in determining application

- (1) The Commission must not grant an application for a casino licence or a keno operator's licence unless satisfied –
 - (a) that the applicant, and each associate of the applicant, is a suitable person to be concerned in or associated with the management and operation of a casino or a keno operation; and
 - (b) the applicant's premises are suitable for the management and operation of a casino or a keno operation.
- (2) In particular, the Commission must consider whether –
 - (a) each such person is fit and proper having regard to character, honesty and integrity; and
 - (b) each such person is of sound and stable financial background; and
 - (c) the applicant has a legal right to occupy the premises which are the subject of the application; and

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- (d) in the case of an applicant that is not a natural person, the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure; and
- (e) the applicant has or is able to obtain –
 - (i) financial resources that are adequate to ensure the financial viability of the casino or keno operation; and
 - (ii) the services of persons who have sufficient experience in the management and operation of a casino or keno operation; and
- (f) the applicant has sufficient business ability to maintain a successful casino or keno operation; and
- (g) any of those persons has any business association with any person, body or association who or which, in the opinion of the Commission, is not fit and proper having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources; and

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- (h) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity; and
- (i) the size, layout and facilities of the applicant's premises are suitable; and
- (j) the proposed security arrangements are adequate.

45. Section 24 amended (Investigation of application)

Section 24 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “gaming” and substituting “keno”;
- (b) by omitting from subsection (2)(a) “gaming” and substituting “keno”;
- (c) by omitting from subsection (3) “Commission” first occurring and substituting “Commissioner”;
- (d) by omitting from subsection (4) “gaming” and substituting “keno”.

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46. Section 25 amended (Commission may require further information, &c.)

Section 25(1) of the Principal Act is amended by omitting “gaming” and substituting “keno”.

47. Section 26 amended (Cost of investigations to be paid by applicant)

Section 26(1) of the Principal Act is amended by omitting “gaming” and substituting “keno”.

48. Section 27 amended (Updating of application)

Section 27(1) of the Principal Act is amended by omitting “gaming” and substituting “keno”.

49. Section 28 amended (Determination of application)

Section 28 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “sections 29 and 29A” and substituting “section 29”;
- (b) by omitting from subsection (1) “gaming” and substituting “keno”;
- (c) by omitting from subsection (2) “gaming” and substituting “keno”;
- (d) by omitting from subsection (3) “gaming” and substituting “keno”;

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- (e) by omitting from subsection (5) “gaming” and substituting “keno”.

50. Section 29 substituted

Section 29 of the Principal Act is repealed and the following section is substituted:

29. Licence cannot be granted without Minister’s approval

Except as provided in sections 13A(2) and 13C(2), the Commission must not grant a casino licence or a keno operator’s licence to any person unless the Minister has approved the granting of such a licence to that person and has advised the Commission of any terms and conditions to be included in the licence.

51. Section 29A amended (New licence cannot take effect until former licence expires)

Section 29A of the Principal Act is amended by omitting “gaming” twice occurring and substituting “keno”.

52. Section 30 amended (Change in situation of licensed operator)

Section 30 of the Principal Act is amended as follows:

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(a) by omitting subsection (3) and substituting the following subsections:

(3) If a major change for which approval of the Commission is sought involves a person becoming an associate of the licensed operator, the Commission must not grant prior approval for that change for the purposes of subsection (2)(a) unless –

(a) the Commission is satisfied that the person is a suitable person to be associated with the management or operation of a casino or a keno operation; and

(b) in the case of a person who is to become a major shareholder in the licensed operator, the Minister has given written consent to the granting of the prior approval by the Commission.

(3A) For the purposes of subsection (3) a major shareholder is a person who holds more than 10% of the issued shares in a body corporate.

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- (b) by omitting from subsection (4) “gaming” and substituting “keno”.

53. Part 4: Heading amended

Part 4 of the Principal Act is amended by omitting “**LICENSED PREMISES**” from the heading to that Part and substituting “**VENUE**”.

54. Part 4: Heading amended

Part 4 of the Principal Act is amended by inserting in the heading to that Part “**MONITORING OPERATORS,**” after “**OPERATORS,**”.

55. Part 4, Division 1 substituted

Division 1 of Part 4 of the Principal Act is repealed and the following Division is substituted:

Division 1 – General

31. Gaming in certain licensed premises declared lawful

- (1) Despite the provision of any other Act or any law, the conduct of gaming is lawful when the gaming is conducted, and the gaming equipment is provided, by or on behalf of the holder of a venue licence in accordance with this Act at licensed

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premises in respect of which the venue licence is in force.

- (2) The conduct of gaming at licensed premises, in respect of which a venue licence is in force in accordance with this Act and the conditions of the relevant licence, is not a public or private nuisance.

32. Authority conferred by venue licence

- (1) A venue licence authorises the holder of the licence, subject to this Act and any conditions to which the licence is subject, to do such of the following things as are specified in the licence:
- (a) to purchase or obtain ancillary gaming services from persons listed on the Roll;
 - (b) to purchase or obtain approved gaming equipment from persons listed on the Roll, venue operators or casino operators;
 - (c) to purchase or obtain unrestricted gaming equipment from manufacturers and suppliers;
 - (d) to accept wagers and make payments for games of keno;
 - (e) to operate at the licensed premises, in respect of which the

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venue licence is in force, the number of gaming machines that is equal to or less than the number of gaming machine authorities endorsed on the venue licence;

- (f) to possess gaming equipment at the licensed premises to which the licence relates;
- (g) to sell or dispose of gaming equipment;
- (h) to do all things necessarily incidental to carrying on the activities authorised by this section.

(2) In subsection (1) –

gaming equipment does not include –

- (a) any device designed, customised or installed specifically for use in relation to the operation of, or wagering on –
 - (i) simulated games; or
 - (ii) simulated racing events, unless the simulated racing events are conducted under the authority of a Tasmanian gaming licence; or

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(b) an FATG machine.

33. Authority conferred by monitoring operator's licence

A monitoring operator's licence authorises the holder of the licence, subject to this Act and any conditions to which the licence is subject, to do such of the following things as are specified in the licence:

- (a) to provide and operate an electronic monitoring system to monitor the operation of all gaming machines at hotels and licensed clubs;
- (b) to possess gaming machines and other gaming equipment;
- (c) to purchase or obtain gaming equipment from persons listed on the Roll for the purposes of conducting monitoring operations;
- (d) to install, service, repair or maintain gaming equipment through the services of licensed technicians;
- (e) to provide core monitoring functions and regulated monitoring functions;

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- (f) to do all things necessarily incidental to carrying on the activities authorised by this section.

34. Authority conferred by special employee's licence

A special employee's licence authorises the holder of the licence, subject to this Act and any conditions to which the licence is subject, to be employed or work for a casino operator, venue operator, keno operator, monitoring operator, licensed provider or minor gaming operator and to carry out prescribed duties.

35. Authority conferred by technician's licence

A technician's licence authorises the holder of the licence, subject to this Act and any conditions to which the licence is subject, to service, repair or maintain gaming equipment and to carry out prescribed duties.

56. Part 4, Division 2: Heading amended

Division 2 of Part 4 of the Principal Act is amended by omitting "*Licensed premises gaming*" from the heading to that Division and substituting "*Venue*".

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57. Section 35A amended (Interpretation)

Section 35A of the Principal Act is amended by omitting “licensed premises gaming” from the definition of *operate* and substituting “venue”.

58. Section 36 amended (Application for licensed premises gaming licence)

Section 36 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) “licensed premises gaming” and substituting “venue”;

(b) by omitting subsections (2), (2A), (2B), (3), (4) and (5) and substituting the following subsections:

(2) An application for a venue licence must –

(a) be in a form approved by the Commission; and

(b) specify the number of gaming machine authorities (if any) which the applicant wishes to have endorsed on the venue licence if the licence is granted; and

(c) specify whether the applicant wishes to accept wagers and make

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payments for games of
keno; and

(d) contain such other
information, and be
accompanied by any
documents, that the
Commission requires; and

(e) be accompanied by the
prescribed fee.

(3) An application under
subsection (1) for a venue licence
must be accompanied by a
community interest submission
if –

(a) the applicant specifies in
the application that the
applicant wishes one or
more gaming machine
authorities to be endorsed
on the venue licence for
the licensed premises; and

(b) gaming machines have
not operated at the
licensed premises at any
time in the 6-month
period immediately before
the application is made.

(4) A community interest submission
is to –

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- (a) be in a form approved by the Commission; and
 - (b) contain such particulars regarding community interest matters as the Commission may require.
- (5) If an applicant specifies under subsection (2) that the applicant wishes to accept wagers and make payments for games of keno, the Commission must, on receipt of the application, forward such information as it considers appropriate concerning the application to the keno operator from whom the applicant proposes to obtain gaming equipment.
- (5A) A keno operator must, within 28 days of the receipt of information under subsection (5), advise the Commission of the suitability of the premises in respect of which it is proposed to grant a venue licence and any other matter relating to the application that the keno operator considers necessary.
- (5B) The keno operator does not incur any liability in respect of advice provided in good faith to the

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Commission under
subsection (5A).

- (c) by omitting from subsection (6A)(b) “subsection (2A)” and substituting “subsection (3)”.

59. Section 37 amended (Grounds for objection)

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

- (a) by omitting “licensed premises gaming” and substituting “venue”;
- (b) by omitting paragraph (d) and substituting the following paragraph:
 - (d) in the case of an application to which section 36(3) applies, that the granting of the licence endorsed with gaming machine authorities is not in the community interest, having regard to community interest matters.

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

Section 38(1) of the Principal Act is amended as follows:

- (a) by omitting “licensed premises gaming” and substituting “venue”;

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(b) by omitting paragraph (c) and substituting the following paragraph:

(c) in the case of an application to which section 36(3) applies, taking into account community interest matters, the granting of the venue licence endorsed with gaming machine authorities is in the community interest.

61. Section 39 amended (Investigation of application)

Section 39(1) of the Principal Act is amended by omitting “licensed premises gaming” and substituting “venue”.

62. Section 40 amended (Commission may require further information, &c.)

Section 40(1) of the Principal Act is amended by omitting “licensed premises gaming” and substituting “venue”.

63. Section 40A inserted

After section 40 of the Principal Act, the following section is inserted in Division 2:

40A. Cost of investigations to be paid by applicant

(1) The reasonable costs incurred by the Commission in investigating and inquiring into an application for a venue licence are payable to the Commission

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by the applicant, unless the Commission determines otherwise in a particular case.

- (2) The Commission may require part or full payment in advance of the amount it estimates will be payable by the applicant and may refuse to deal with the application until the required payment is made.
- (3) Investigation and inquiry costs may include travelling expenses within or outside the State.
- (4) It is a condition of any licence granted to the applicant that any amount payable under this section by the applicant is paid.

64. Section 41 amended (Updating of application)

Section 41(1) of the Principal Act is amended as follows:

- (a) by omitting “licensed premises gaming” and substituting “venue”;
- (b) by omitting “36(2A)” and substituting “36(3)”.

65. Section 42 substituted

Section 42 of the Principal Act is repealed and the following section is substituted:

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42. Determination of application

- (1) The Commission is to determine an application for a venue licence by –
 - (a) granting the application and determining the number (if any) of gaming machine authorities to be endorsed on the licence; or
 - (b) refusing the application.
- (2) Subject to subsection (3), in making a determination under subsection (1)(a), the Commission must ensure that the endorsement of gaming machine authorities on the licence –
 - (a) will not result in –
 - (i) the number of gaming machine authorities endorsed on that licence exceeding the maximum number permitted on that licence under section 101C; or
 - (ii) the maximum number of gaming machine authorities permitted on venue licences in the State under section 101B(a) being exceeded; and

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- (b) is in accordance with any direction given by the Minister under section 127.
- (3) Despite subsection (2), if an application for a venue licence for licensed premises is made within 6 months of a venue licence (the *former licence*) for that premises being surrendered, expired or cancelled, the number of gaming machine authorities to be endorsed on the licence is to be –
- (a) the same as the number of gaming machine authorities endorsed on the former licence; or
- (b) if a lesser number of gaming machine authorities is specified in the application for the venue licence, that lesser number.
- (4) If an application is granted, the Commission may grant a venue licence to take effect immediately or on and from a day to be determined by the Commission.
- (5) If a venue licence takes effect on a day to be determined by the Commission, the day on which the licence takes effect may be determined by reference to –
- (a) a date; or
- (b) the occurrence of an event; or

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- (c) the fulfilment of a condition; or
 - (d) any other matter that the Commission considers appropriate.
- (6) A venue licence may be granted subject to such conditions as the Commission thinks fit.
- (7) Without limiting the matters to which conditions may relate, the conditions of a venue licence may relate to any matter for which provision is made by this Act but must not be inconsistent with a provision of this Act.
- (8) On the grant of an application for a venue licence, the Commission must issue to the applicant a venue licence that –
 - (a) specifies whether the acceptance of wagers and the making of payments for games of keno is permitted; and
 - (b) specifies the gaming area and restricted gaming area approved for the licensed premises; and
 - (c) is endorsed with the number of gaming machine authorities (if any) determined by the Commission under subsection (1)(a).

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- (9) If the Commission decides to refuse an application under this section, the Commission must give the applicant reasons for the refusal in writing.
- (10) If an application is granted, the venue licence is granted –
 - (a) for a term of 20 years, unless sooner cancelled or surrendered under this Act; and
 - (b) subject to the conditions, and for the licensed premises, specified in the licence.

66. Section 43 amended (Transfer of licensed premises gaming licence)

Section 43 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “licensed premises gaming” and substituting “venue”;
- (b) by omitting from subsection (2) “licensed premises gaming” and substituting “venue”;
- (c) by omitting from subsection (2)(c) “creditors;” and substituting “creditors.”;
- (d) by omitting paragraph (d) from subsection (2);

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(e) by omitting from subsection (3) “licensed premises gaming” and substituting “venue”;

(f) by omitting from subsection (3) “6” and substituting “12”;

(g) by inserting the following subsection after subsection (3):

(3A) The Commission may extend the period referred to in subsection (3) if it considers it appropriate to do so.

(h) by omitting from subsection (4) “licensed premises gaming” and substituting “venue”;

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

(5) A person whose name is endorsed on a venue licence under subsection (2) must comply with a direction given to that person under subsection (4).

Penalty: Fine not exceeding 1 000 penalty units.

67. Section 43A amended (Surrender of licensed premises gaming licence)

Section 43A(1) of the Principal Act is amended by omitting “licensed premises gaming” and substituting “venue”.

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68. Section 43B substituted

Section 43B of the Principal Act is repealed and the following section is substituted:

43B. Renewal of venue licence

- (1) The holder of a venue licence may, not earlier than 5 years before the expiration of the current licence, apply to the Commission for the renewal of the licence.
- (2) If an application is made under subsection (1) –
 - (a) the current licence continues in force until the licence is renewed or its renewal is refused; and
 - (b) if renewed, the renewal takes effect from the earlier of the following events:
 - (i) the day on which the current licence is renewed;
 - (ii) the day on which the current licence was due to expire.
- (3) If the current licence ceases to be in force due to the operation of subsection (2)(a), the Commission may give the holder of the licence a prescribed proportional

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refund of the annual licence fee paid in respect of that licence.

- (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, that the Commission requires; and
 - (c) be accompanied by the prescribed fee.
- (5) Sections 38, 39, 40, 40A, 41 and 42 apply to an application for the renewal of a venue licence in the same manner as they apply to an application for the granting of a venue licence.
- (6) The Commission may refuse to renew a venue licence if the holder of the licence does not –
 - (a) comply with a requirement imposed under section 40 within 60 days of the requirement being made; or
 - (b) if the Commission requires the provision of further information under that section, provide such information within 60 days of the further requirement being made.

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69. 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) “licensed premises gaming” and substituting “venue”;
- (b) by omitting from subsection (2)(b) “and the gaming operator who places gaming equipment in those licensed premises”;
- (c) by omitting subsections (3), (3A) and (3B) and substituting the following subsections:
 - (3) If a licensee under subsection (2)(a) requests the Commission to amend a venue licence so that the licence is endorsed with one or more gaming machine authorities, the following sections apply to that request as if it were an application under section 36(1) for a venue licence endorsed with gaming machine authorities:
 - (a) section 36(3), (4), (6), (6A) and (6B);
 - (b) section 37(1)(d) and (2).
 - (3A) Subsection (3) does not apply to a request to amend a venue licence

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for licensed premises if gaming machines have operated at the licensed premises in the 6-month period immediately before the request.

(3B) The Commission must not amend a venue licence so that it is endorsed with gaming machine authorities, unless it is satisfied as to the matters specified under section 38.

(3C) If a licensee under subsection (2)(a) requests the Commission to amend a venue licence to authorise the acceptance of wagers and the making of payments for games of keno at the licensed premises to which the licence relates, sections 36(5), (5A) and (5B) apply to that request as if it were an application under section 36(1) for a venue licence with such an authorisation.

- (d) by omitting from subsection (4) “and the gaming operator”;
- (e) by omitting from subsection (4) “any” and substituting “the”;
- (f) by omitting from subsection (5) “and gaming operator”;
- (g) by omitting subsection (9).

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70. Section 45 amended (Notification of certain applications concerning liquor licence)

Section 45 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “licensed premises gaming” first occurring and substituting “venue”;
- (b) by omitting from subsection (1)(a) “licensed premises gaming” and substituting “venue”;
- (c) by omitting from subsection (1)(b) “or the Liquor Licensing Board”;
- (d) by omitting from subsection (2) “licensed premises gaming” first occurring and substituting “venue”;
- (e) by omitting from subsection (2)(a) “or surrendered”;
- (f) by omitting from subsection (2)(a) “licensed premises gaming” and substituting “venue”;
- (g) by omitting from subsection (2)(b) “licensed premises gaming” and substituting “venue”;
- (h) by omitting from subsection (2)(b) “period.” and substituting “period; or”;
- (i) by inserting the following paragraph after paragraph (b) in subsection (2):

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- (c) is surrendered, the venue licence is, subject to subsection (3), suspended until –
 - (i) a new liquor licence is issued for the premises under that Act; or
 - (ii) an application for a new liquor licence for the premises is refused under that Act, in which case the venue licence is immediately cancelled.
- (j) by inserting the following subsection after subsection (2):
 - (3) If a liquor licence under the *Liquor Licensing Act 1990* is surrendered in respect of licensed premises and an application for a new liquor licence for the licensed premises is not made under that Act within the 6-month period immediately after the surrender of the liquor licence, the venue licence held in respect of those licensed premises is cancelled.

71. Section 46 amended (Modification of gaming areas)

Section 46(1) of the Principal Act is amended by omitting “licensed premises gaming” and substituting “venue”.

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72. Section 48 substituted

Section 48 of the Principal Act is repealed and the following sections are substituted:

48. Provisional licence

- (1) The Commission may grant a provisional venue licence to an applicant for a venue licence for licensed premises if –
 - (a) a venue licence was in force in respect of those licensed premises immediately before the grant of the provisional venue licence; and
 - (b) the person has made an application under section 36 for a venue licence in respect of those licensed premises and that application has not yet been determined by the Commission.
- (2) Subject to subsection (3), if the Commission grants a provisional venue licence, the number of gaming machine authorities endorsed on the licence is to be –
 - (a) the same number of gaming machine authorities (if any) that were endorsed on the venue licence for the licensed premises immediately before the grant of the provisional venue licence; or

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- (b) such lesser number of gaming machine authorities as is specified in the application for the venue licence.
- (3) The Commission must not grant a provisional venue licence endorsed with gaming machine authorities if gaming machines have not operated at the licensed premises to which the licence relates in the 6-month period immediately before the application for a venue licence was made.
- (4) Subject to subsection (5), a provisional venue licence granted in respect of licensed premises ceases to have effect on the earliest of the following events:
 - (a) the withdrawal of the application referred to in subsection (1)(b);
 - (b) the determination of the application referred to in subsection (1)(b);
 - (c) the expiry of the period of 180 days from the date on which the provisional venue licence was granted.
- (5) The Commission may extend the period referred to in subsection (4)(c) if it considers it appropriate to do so.
- (6) This Act applies to a provisional venue licence in the same way as it applies to a

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venue licence (to the extent that is consistent with this section).

48A. Transfer of gaming machine authority

(1) In this section –

associated persons means persons associated because of the following:

(a) natural persons are associated persons if they are partners in a partnership;

(b) companies are associated persons if –

(i) common shareholders have a majority interest in each company; or

(ii) the companies have common shareholders and the Commission determines that the companies are associated persons.

(2) A gaming machine authority endorsed on a venue licence for licensed premises (the *initial premises*) may, by application under this section, be transferred so that it is endorsed on a venue licence for another licensed premises (the *secondary premises*) if both venue licences are held by –

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- (a) the same person; or
 - (b) associated persons.
- (3) An application for the transfer of a gaming machine authority under this section must –
 - (a) be made to the Commission in a form approved by the Commission; and
 - (b) contain any information, and be accompanied by any documents, that the Commission requires; and
 - (c) be accompanied by the prescribed fee.
- (4) If gaming machines have not operated at the secondary premises at any time in the 6-month period immediately before an application is made under this section, the following sections apply to an application under this section as if it were an application under section 36(1) for a venue licence endorsed with gaming machine authorities:
 - (a) section 36(3), (4), (6), (6A) and (6B);
 - (b) section 37(1)(d) and (2).

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- (5) The Commission may grant an application or refuse to grant an application under this section.
 - (6) The Commission must not grant an application under this section unless it is satisfied that, in the case of an application to which subsection (4) applies, taking into account community interest matters, it is in the community interest to transfer the gaming machine authority so that it is endorsed on the venue licence for the secondary premises.
 - (7) The Commission must not grant an application under this section if –
 - (a) the granting of the application will result in the number of gaming machine authorities endorsed on the venue licence for the secondary premises exceeding the maximum number permitted under section 101C; or
 - (b) the granting of the application is not in accordance with any direction given by the Minister under section 127.
 - (8) The Commission may require an applicant under this section to pay the whole or any part of the reasonable costs of the Commission in investigating and

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processing the application if those costs exceed the prescribed fee.

- (9) A requirement under subsection (8) must be made in writing provided to the applicant.
- (10) On the grant of an application for the transfer of a gaming machine authority, the Commission must issue to the relevant licence holders replacement venue licences that are endorsed with the number of gaming machine authorities held by the relevant licence holders after the transfer.
- (11) The transfer of a gaming machine authority takes effect on the day on which the application is granted or on a later day determined by the Commission and specified in the venue licences for the initial premises and the secondary premises.

48B. Increase in number of gaming machine authorities held in respect of licence

- (1) The holder of a venue licence may apply to the Commission to increase the number of gaming machine authorities endorsed on the venue licence.
- (2) An application under subsection (1) must –
 - (a) be in a form approved by the Commission; and

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- (b) contain any information, and be accompanied by any documents, that the Commission requires; and
 - (c) be accompanied by the prescribed fee.
 - (3) The Commission may grant an application or refuse to grant an application under this section.
 - (4) In making a determination under subsection (3), the Commission must ensure that an increase in the number of gaming machine authorities on the licence –
 - (a) will not result in –
 - (i) the number of gaming machine authorities endorsed on that licence exceeding the maximum number permitted on that licence under section 101C; or
 - (ii) the maximum number of gaming machine authorities permitted on venue licences in the State under section 101B(a) being exceeded; and

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- (b) is in accordance with any direction given by the Minister under section 127.
- (5) If the Commission grants an application under this section, the Commission must, as soon as practicable after approving the application, amend the licence by either –
 - (a) endorsing the venue licence with the additional gaming machine authorities; or
 - (b) issuing a replacement venue licence to the licence holder.

48C. Reduction in number of gaming machine authorities held in respect of licence

- (1) The holder of a venue licence may apply to the Commission to decrease the number of gaming machine authorities endorsed on the venue licence.
- (2) An application under subsection (1) must –
 - (a) be in a form approved by the Commission; and
 - (b) contain any information, and be accompanied by any documents, that the Commission requires; and
 - (c) be accompanied by the prescribed fee.

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- (3) Subject to subsection (4), the Commission is to grant an application under this section.
- (4) If a gaming machine authority is allocated to a licence holder for licensed premises that are held under a lease, the right of that licence holder to apply to reduce the number of gaming machine authorities endorsed on the venue licence is qualified as follows:
- (a) if the lease is entered into after the commencement of this section, the lease may exclude or limit the right to reduce the number of gaming machine authorities;
 - (b) if the lease was entered into before the commencement of this section, the right may only be exercised if the lease does not contemplate a reduction in gaming machines and either –
 - (i) the owner of the licensed premises agrees; or
 - (ii) the Commission, on application by the holder of the venue licence, determines that it is fair and equitable to reduce the number of gaming machine authorities.

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73. Part 4, Division 2A inserted

After section 48C of the Principal Act, the following Division is inserted in Part 4:

Division 2A – Monitoring operator’s licence

48D. Interpretation of Division

In this Division –

initial monitoring operator’s licence
means the first monitoring operator’s licence granted under this Act.

48E. Functions of monitoring operators

- (1) The monitoring operator must carry out the following core monitoring functions:
 - (a) any functions imposed by this Act on monitoring operators;
 - (b) such other core monitoring functions as are prescribed.
- (2) The monitoring operator must also carry out such regulated monitoring functions as may be prescribed.

48F. Monitoring operators to be licensed

- (1) A person must not perform any of the core monitoring functions of the monitoring operator except in accordance

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with an authority conferred on the person
by a monitoring operator's licence.

Penalty: Fine not exceeding 5 000 penalty
units.

- (2) A person must not perform any of the
regulated monitoring functions of the
monitoring operator unless –
- (a) the person is acting in accordance
with an authority conferred on
that person by a monitoring
operator's licence; or
 - (b) the person is listed on the Roll
and the person is authorised to
perform the function concerned
under a contract or agreement
with the monitoring operator.

Penalty: Fine not exceeding 5 000 penalty
units.

**48G. Minister may invite expressions of interest
for initial monitoring operator's licence**

- (1) The Minister may call for tender
applications from persons interested in
being granted the initial monitoring
operator's licence and may select the
most suitable tender.
- (2) On receiving a tender application for the
initial monitoring operator's licence, the
Minister may cause to be carried out all

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such investigations and inquiries as the Minister considers necessary to enable the Minister to consider the application properly.

- (3) If the Minister selects a suitable tender application under subsection (1), the Minister, by written notice is to direct the Commission to issue the initial monitoring operator's licence to the successful tenderer and is to advise the Commission of any terms and conditions to be included in the licence.

48H. Application for subsequent monitoring operator's licence

- (1) The Minister may, if satisfied that it is in the public interest to do so, call for applications for a monitoring operator's licence if a licence of that kind –
- (a) has been cancelled or surrendered; or
 - (b) is due to expire within the next 2 years and the licence holder –
 - (i) has not made an application to renew the licence under section 48U; or
 - (ii) has made an application to renew the licence under section 48U and that

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application has been
refused.

- (2) An application for a monitoring operator's licence under this section must –
 - (a) be made to the Commission in a form approved by the Commission; and
 - (b) contain any information, and be accompanied by any documents, that the Commission requires; and
 - (c) be accompanied by the prescribed fee.
- (3) If a requirement made under this section is not complied with, the Commission may refuse to consider the application.
- (4) If an application is refused under subsection (3) or withdrawn by the applicant, the Commission, at its discretion, may refund the whole or part of the application fee.

48I. Matters to be considered in determining application

- (1) The Commission must not grant an application for a monitoring operator's licence unless it is satisfied that –

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- (a) the applicant and each associate of the applicant is a suitable person to be concerned in or associated with the management and operation of an electronic monitoring system; and
 - (b) the applicant's premises are suitable for the management and operation of an electronic monitoring system; and
 - (c) the proposed electronic monitoring system complies with any electronic monitoring system standards set by the Commission under section 112PA.
- (2) In particular, the Commission must consider whether –
 - (a) the applicant and each associate of the applicant is fit and proper having regard to character, honesty and integrity; and
 - (b) each such person is of sound and stable financial background; and
 - (c) the applicant has a legal right to occupy the premises which are the subject of the application; and
 - (d) in the case of an applicant that is not a natural person, the applicant has, or has arranged, a

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satisfactory ownership, trust or corporate structure; and

- (e) the applicant has, or is able to obtain –
 - (i) financial resources that are adequate to ensure the financial viability of the monitoring operation; and
 - (ii) the services of persons who have, sufficient commercial and technical experience to manage and operate an electronic monitoring system; and
- (f) any of those persons has any business association with any person, body or association who or which, in the opinion of the Commission, is not fit and proper having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources; and
- (g) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Commission to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a

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suitable person to act in that capacity; and

(h) the size, layout and facilities of the applicant's premises are suitable; and

(i) the proposed security arrangements are adequate.

48J. Investigation of application

- (1) On receiving an application for a monitoring operator's licence, the Commission must cause to be carried out all investigations and inquiries that it considers necessary to enable it to consider the application properly.
- (2) The Commission must refer a copy of the application and any supporting documentation to the Commissioner of Police.
- (3) The Commissioner of Police must inquire into and report to the Commission on any matters concerning the application that the Commission requests.

48K. Commission may require further information, &c.

- (1) The Commission may, by notice in writing, require a person who is an applicant for a monitoring operator's

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licence or who, in the opinion of the Commission, has some association or connection with the applicant that is relevant to the application to do any one or more of the following:

- (a) to provide, in accordance with any directions given in the notice, any information that is relevant to the investigation of the application and is specified in the notice;
- (b) to produce, in accordance with any directions given in the notice, any records relevant to the investigation of the application that are specified in the notice and to permit the examination of the records, the taking of extracts from them and the making of copies of them;
- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b);
- (d) to furnish to the Commission any authorities and consents that the Commission directs for the purpose of enabling the Commission to obtain information (including financial and other confidential information) concerning the

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person and his or her associates
from other persons.

- (2) If a requirement made under this section is not complied with, the Commission may refuse to consider the application.

48L. Cost of investigations to be paid by applicant

- (1) The reasonable costs incurred by the Commission in investigating and inquiring into an application for a monitoring operator's licence are payable to the Commission by the applicant, unless the Commission determines otherwise in a particular case.
- (2) The Commission may require part or full payment in advance of the amount it estimates will be payable by the applicant and may refuse to deal with the application until the required payment is made.
- (3) Investigation and inquiry costs may include travelling expenses within or outside the State.
- (4) It is a condition of any licence granted to the applicant that any amount payable by the applicant under this section be paid.

48M. Updating of application

- (1) If a change occurs in the information provided in or in connection with an

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application for a monitoring operator's licence (including documents lodged with the application) before the application is granted or refused, the applicant must, as soon as practicable after the change occurs, give written particulars of the change to –

- (a) in the case of an application under section 48G, the Minister; or
- (b) in the case of an application under section 48H, the Commission.

Penalty: Fine not exceeding 50 penalty units.

- (2) When particulars of the change are given, those particulars must then be considered to have formed part of the original application for the purposes of the application of subsection (1) to any further change in the information provided.

48N. Determination of application

- (1) The Commission must determine an application for a monitoring operator's licence by either granting or refusing the application and is to notify the applicant in writing of its decision.

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- (2) The Commission must not grant a monitoring operator's licence to any person unless the Minister has approved the granting of such a licence to that person and has advised the Commission of any terms and conditions to be included in the licence.
- (3) The Commission is not required to give reasons for its decision on any application under section 48H but may do so if it thinks fit.

48O. Issue of monitoring operator's licence

- (1) The Commission is to issue a monitoring operator's licence to a person if –
 - (a) the Minister has selected the person's tender application for the initial monitoring operator's licence under section 48G; or
 - (b) the Commission has granted the person's application for a monitoring operator's licence under section 48N.
- (2) The licence is to be issued subject to –
 - (a) any terms and conditions that the Minister has specified in respect of that licence under section 48G or 48N; and

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- (b) such other terms and conditions as the Commission considers appropriate.
 - (3) Without limiting the conditions to which a monitoring operator's licence may be subject, a monitoring operator's licence is subject to the following conditions:
 - (a) the licence holder must manage and operate an electronic monitoring system in accordance with this Act and the monitoring operator's licence;
 - (b) the licence holder must not use electronic monitoring system information otherwise than in accordance with this Act or the monitoring operator's licence;
 - (c) the licence holder must carry out the functions of the monitoring operator in accordance with this Act and the monitoring operator's licence;
 - (d) the licence holder must have policies in place to comply with such personal information protection principles under the *Personal Information Protection Act 2004* (in relation to business operations to be carried out by the licence holder pursuant to the monitoring operator's licence) as

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would apply to the licence holder if the licence holder were a personal information custodian under that Act.

- (4) The holder of a monitoring operator's licence must comply with the terms and conditions to which the licence is subject.

Penalty: Fine not exceeding 2 500 penalty units.

- (5) In exercising its powers under this Act, the Commission is to ensure that no more than one monitoring operator's licence is in effect at any given time.
- (6) The monitoring operator must not hold any other prescribed licence other than a listing on the Roll that authorises the provision of ancillary gaming services.

48P. Surrender of monitoring operator's licence

- (1) The monitoring operator may surrender the monitoring operator's licence by giving notice in writing to the Commission.
- (2) The surrender takes effect only if the Commission consents to the surrender.

48Q. Change in situation of monitoring operator

- (1) In this section –

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major change in the situation existing in relation to the monitoring operator means –

- (a) any change in that situation which results in a person becoming an associate of the monitoring operator; or
- (b) any other change in that situation that is of a class or description prescribed as a major change for the purposes of this section;

minor change in the situation existing in relation to the monitoring operator means any change in that situation that is of a class or description that is prescribed as a minor change for the purposes of this section.

(2) The monitoring operator must –

- (a) ensure that a major change in the situation existing in relation to the operator which is within the operator's power to prevent occurring does not occur except with the prior approval in writing of the Commission; and
- (b) notify the Commission in writing of the likelihood of any major change in the situation existing in

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relation to the operator to which paragraph (a) does not apply as soon as practicable after the operator becomes aware of the likelihood of the change; and

- (c) notify the Commission in writing of any major change in the situation existing in relation to the operator to which paragraphs (a) and (b) do not apply within 3 days after becoming aware that the change has occurred; and
- (d) notify the Commission in writing of any minor change in the situation existing in relation to the operator within 14 days after becoming aware that the change has occurred.

Penalty: Fine not exceeding 50 penalty units.

- (3) If a major change for which the approval of the Commission is sought under this section involves a person becoming an associate of the monitoring operator, the Commission must not grant prior approval for that change for the purposes of subsection (2)(a) unless –
 - (a) the Commission is satisfied that the person is a suitable person to be associated with the

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management or operation of an electronic monitoring system; and

- (b) in the case of a person who is to become a major shareholder in the monitoring operator, the Minister has given written consent to the granting of the prior approval by the Commission.
- (4) For the purposes of subsection (3), a major shareholder is a person who holds more than 10% of the issued shares in a body corporate.
- (5) Sections 48J, 48K and 48L apply to, and in respect of, an application for approval under this section in the same way as they apply to, and in respect of, an application for a monitoring operator's licence.

48R. Commission to define monitoring operator's premises

The boundaries of a monitoring operator's premises are to be defined by being specified in the conditions of the monitoring operator's licence.

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48S. New licence cannot take effect until former licence expires

If an application for a monitoring operator's licence has been made because an existing monitoring operator's licence is due to expire, the new monitoring operator's licence is not capable of taking effect until the existing licence has expired.

48T. Duration of monitoring operator's licence

A monitoring operator's licence remains in force for a period of 20 years unless sooner cancelled or surrendered under this Act.

48U. Renewal of monitoring operator's licence

- (1) The holder of a monitoring operator's licence may, no earlier than 5 years and no later than 2 years before the current licence is due to expire, apply to the Commission for the renewal of the current licence.
- (2) An application under subsection (1) must be –
 - (a) in a form approved by the Commission; and
 - (b) contain any information, and be accompanied by any documents,

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that the Commission requires;
and

(c) be accompanied by the prescribed fee.

- (3) Sections 48H, 48I, 48J, 48K, 48L, 48M, 48N, 48O and 48Q apply to an application for the renewal of a monitoring operator's licence in the same manner as they apply to an application for the granting of a monitoring operator's licence.
- (4) If a requirement made under this section is not complied with, the Commission may refuse to consider the application.
- (5) If an application is refused under subsection (4) or withdrawn by the applicant, the Commission, at its discretion, may refund the whole or part of the application fee.
- (6) The renewal of a monitoring operator's licence takes effect from the day on which the current licence was due to expire.

48V. Suspension or cancellation of monitoring operator's licence in extraordinary circumstances

- (1) Despite any other provision of this Act, the Minister may cancel or suspend a monitoring operator's licence, by notice

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in writing to the monitoring operator (the *former licensee*), if the Minister is satisfied that –

- (a) the conduct of the monitoring operator may materially jeopardise the integrity of the monitoring licence operations; or
 - (b) failure to do so may result in the public interest being adversely affected in a material way.
- (2) A notice given under this section is to specify –
 - (a) when the cancellation or suspension takes effect (whether on the day on which the notice is given or a later day); and
 - (b) the grounds on which the licence is cancelled or suspended.
- (3) If a monitoring operator's licence is suspended, cancelled or otherwise ceases to be in force, the Minister may –
 - (a) authorise a person, or a class of persons, to perform the functions of the monitoring operator; or
 - (b) enter into an agreement with a person (the *substitute licensee*) that empowers that person to perform the functions of the monitoring operator.

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- (4) If subsection (3)(a) applies, the authorised person or class of persons –
- (a) has full control of, and responsibility for, the monitoring licence operations; and
 - (b) is to operate, or cause to be operated, an electronic monitoring system in accordance with this Act; and
 - (c) is to perform the functions of a monitoring operator; and
 - (d) is taken to be the holder of the monitoring operator's licence until –
 - (i) the Minister enters into an agreement under subsection 3(b); or
 - (ii) the monitoring operator's licence is no longer suspended; and
 - (e) may enter into arrangements with the former licensee as the Minister thinks fit, including arrangements relating to the use of assets and services of staff of the former licensee.
- (5) If subsection (3)(b) applies, the substitute licensee –

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- (a) is, for a period of 6 months, to be considered to be the holder of a monitoring operator's licence granted on the same terms and subject to the same conditions as the former licence (as in force immediately before its cancellation or suspension) with such modifications as the Minister may specify in the agreement; and
 - (b) has full control of, and responsibility for, the monitoring licence operations; and
 - (c) is to operate, or cause to be operated, an electronic monitoring system in accordance with this Act; and
 - (d) is to perform the functions of a monitoring operator; and
 - (e) may, subject to this section, enter into such arrangements as are approved by the Minister with the former licensee, including arrangements relating to the use of assets and services of staff of the former licensee.
- (6) The former licensee must –
- (a) make available to a person authorised under subsection (3)(a) or to a substitute

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licensee, on reasonable terms, such assets of, or under the control of, the former licensee as are reasonably necessary for arrangements under subsection (4)(e) or (5)(e); and

- (b) use the former licensee's best endeavours to make available such staff of the former licensee as are reasonably necessary for those arrangements.

Penalty: Fine not exceeding 10 000 penalty units.

- (7) The Minister may extend the period referred to in subsection (5)(a) for such period as the Minister sees fit.

48W. Amendment of conditions

- (1) The conditions of a monitoring operator's licence may be amended in accordance with this section.
- (2) An amendment may be proposed –
 - (a) by the monitoring operator by requesting the Commission in writing to make the amendment; or
 - (b) by the Commission by giving notice in writing of the proposed

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amendment to the monitoring operator.

- (3) The Commission must give the monitoring operator at least 28 days to make submissions to the Commission concerning any proposed amendment under subsection (2)(b) and must consider the submissions made.
- (4) The Commission must then decide whether to make the proposed amendment, either with or without changes from that originally proposed, and must notify the monitoring operator of its decision.
- (5) An amendment proposed by the Commission must be in the public interest or for the proper conduct of gaming.
- (6) Any amendment that the Commission decides upon takes effect when notice of the decision is given to the monitoring operator or on such later date as is specified in the notice.
- (7) Where an amendment is proposed by the monitoring operator, the proposal is to be accompanied by the prescribed fee.

48X. Rights associated with, and control of, electronic monitoring system information

- (1) All rights associated with electronic monitoring system information obtained by the monitoring operator under the authority of a monitoring operator's licence are vested in the Crown.
- (2) The monitoring operator must not use or divulge electronic monitoring system information referred to in subsection (1) to any person without the written consent of the Minister or as otherwise authorised in accordance with the monitoring operator's licence or this Act.

Penalty: Fine not exceeding 5 000 penalty units

- (3) The monitoring operator may divulge electronic monitoring system information acquired in the course of the operation of an electronic monitoring system at licensed premises to the venue operator for those licensed premises.
- (4) A person to whom electronic monitoring system information is divulged by the monitoring operator must not use or divulge electronic monitoring system information otherwise than in accordance with this Act or any terms or conditions under which the information is divulged to the person.

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Penalty: Fine not exceeding 2 500 penalty units.

- (5) If a person who is in possession of electronic monitoring system information divulges that information to another person, the information provided to that other person is subject to –
 - (a) the same terms and conditions to which the person divulging the information was subject; and
 - (b) such additional terms and conditions as may be imposed by the person divulging the information.
- (6) The monitoring operator may, during the term of the monitoring operator's licence, use electronic monitoring system information for the purposes of the operation and management of an electronic monitoring system.

48Y. Approval of electronic monitoring systems

- (1) A person may apply to the Commission for approval of an electronic monitoring system, or a class of electronic monitoring systems, for use in monitoring licence operations.
- (2) An application under subsection (1) must be in a form approved by the

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Commission and must be accompanied by the prescribed fee.

- (3) On receipt of an application under subsection (1), the Commission is to conduct an evaluation of the electronic monitoring system or class of electronic monitoring systems.
- (4) The Commission may require a person who makes an application subsection (1) to provide any additional information or material that the Commission considers necessary for the purposes of an evaluation under subsection (3).
- (5) If an electronic monitoring system or a class of electronic monitoring systems is considered by the Commission to be suitable for use in monitoring licence operations, the Commission may approve the electronic monitoring system or class of electronic monitoring systems for such use subject to such conditions (if any) as it determines.
- (6) If an electronic monitoring system differs in any material particular from the electronic monitoring system or class of electronic monitoring systems approved by the Commission under this section, the electronic monitoring system ceases to be approved under this section, except in such circumstances as may be prescribed.

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- (7) The Commission may amend its approval of an electronic monitoring system or class of electronic monitoring systems by written notice sent to the operator of that system or class of electronic monitoring systems.
- (8) The Commission may require the operator of an electronic monitoring system to provide further information in relation to that system when considering whether to amend an approval under subsection (7).
- (9) A monitoring operator must not permit gaming machines to be connected to an electronic monitoring system unless that system or class of electronic monitoring systems has been approved by the Commission under this section as suitable for use in monitoring licence operations.

Penalty: Fine not exceeding 1 000 penalty units.

48Z. Regulations

- (1) The regulations may make provision for or in respect of the following:
 - (a) the functions and powers of the monitoring operator under this Act;

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- (b) requirements or limitations on the provision of core monitoring functions and regulated monitoring functions;
 - (c) the amount, or means of calculating the amount, of fees payable in relation to the provision of core monitoring functions and regulated monitoring functions;
 - (d) requirements or limitations as to the persons, or classes of persons, that may provide specified core monitoring functions or regulated monitoring functions;
 - (e) persons to whom specified core monitoring functions or specified regulated monitoring functions are to be provided;
 - (f) any other matters affecting or arising out of monitoring licence operations;
 - (g) directions by the Minister to the monitoring operator or any other person concerned in the management or supervision of electronic monitoring systems –
 - (i) regarding any matter that relates to the operation of an electronic monitoring system; and

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- (ii) regarding any agreement or arrangement that relates to an electronic monitoring system; and
 - (iii) requiring the monitoring operator to provide such information or particulars, and in such circumstances, as may be prescribed;
- (h) the enforcement of directions under paragraph (g).

74. Section 49 amended (Interpretation)

Section 49 of the Principal Act is amended by omitting “gaming operator” from paragraph (b) of the definition of *special employee* and substituting “keno operator or the monitoring operator”.

75. Section 50 amended (Special employees to be licensed)

Section 50 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “venue operator, gaming operator” and substituting “casino operator, venue operator, keno operator, monitoring operator”;

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(b) by omitting subsections (3), (4) and (5) and substituting the following subsection:

(3) A casino operator, venue operator, keno operator, monitoring operator, licensed provider or minor gaming operator must not allow a special employee employed by the operator or provider to carry out any duties in relation to gaming equipment unless that employee has demonstrated to the relevant operator or provider that the employee is competent in the use of that equipment.

Penalty: Fine not exceeding 50 penalty units.

76. Section 51 amended (Application for special employee's licence)

Section 51(1) of the Principal Act is amended as follows:

(a) by omitting from paragraph (b) “application; and” and substituting “application.”;

(b) by omitting paragraph (c).

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77. Section 57 amended (Identification)

Section 57(2) of the Principal Act is amended by omitting “venue operator, gaming operator,” and substituting “casino operator, venue operator, keno operator, monitoring operator,”.

78. Section 60 amended (Renewal of special employee’s licence)

Section 60(1) of the Principal Act is amended by omitting “A special employee may, not earlier than one month before the expiration of his or her current special employee’s licence” and substituting “The holder of a special employee’s licence may, not earlier than one month before the expiration of the current licence or such period before the expiration of the current licence as is determined by the Commission”.

79. Section 64 amended (Termination of employment on suspension or cancellation of licence)

Section 64 of the Principal Act is amended by omitting “venue operator, gaming operator,” and substituting “casino operator, venue operator, keno operator, monitoring operator,”.

80. Section 67 amended (Only licensed technicians to repair, &c., gaming equipment)

Section 67 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “venue operator, gaming operator” and substituting “casino operator, venue operator, keno operator, monitoring operator”;
- (b) by inserting in subsection (2)(a) “, a monitoring operator” after “operator”.

81. Section 68 amended (Application of Division 3)

Section 68 of the Principal Act is amended by omitting “(except section 51(1)(c))”.

82. Section 69A amended (Interpretation of Division)

Section 69A of the Principal Act is amended by inserting before the definition of *minor gaming Roll applicant* the following definition:

ancillary gaming services provider means a person who is authorised to provide ancillary gaming services by a listing on the Roll;

83. Section 69B inserted

After section 69A of the Principal Act, the following section is inserted in Division 5:

69B. Authority conferred by listing on Roll

- (1) A person whose name is listed on the Roll is authorised, subject to this Act, to carry out such of the following activities

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as are specified in the Roll in respect of that listing:

- (a) to possess gaming equipment;
 - (b) to test gaming equipment;
 - (c) to manufacture, sell or supply gaming equipment;
 - (d) to enter into arrangements with prescribed licence holders to provide ancillary gaming services.
- (2) However, a person whose name is listed on the Roll is not authorised under this section to sell or supply gaming equipment to prescribed licence holders unless –
- (a) the gaming equipment has been approved by the Commission under section 48Y, 76ZZG, 80 or 81; or
 - (b) the person has the written authority of the Commission to do so.

84. Section 71 amended (Application to be listed on Roll)

Section 71 of the Principal Act is amended by omitting subsections (1), (1A), (1B) and (1C) and substituting the following subsection:

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- (1) A person is to apply to the Commission to be listed on the Roll if the person –
- (a) manufactures, sells or supplies, or intends to manufacture, sell or supply, gaming equipment for or to a holder of a Tasmanian gaming licence, a venue operator, keno operator, monitoring operator, casino operator or minor gaming operator; or
 - (b) supplies or intends to supply testing services to a holder of a Tasmanian gaming licence, a venue operator, keno operator, monitoring operator, casino operator or minor gaming operator; or
 - (c) provides or intends to provide ancillary gaming services.

85. Section 75 amended (Listing on Roll subject to conditions)

Section 75 of the Principal Act is amended by inserting after subsection (4) the following subsection:

- (5) A person who is listed on the Roll must comply with the conditions specified in the Roll in respect of that listing.

Penalty: Fine not exceeding 2 500 penalty units.

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86. Section 75B amended (Expiry and renewal of listing on Roll)

Section 75B of the Principal Act is amended by omitting subsection (2).

87. Section 75C amended (Variation of listing on Roll)

Section 75C of the Principal Act is amended by omitting subsection (4).

88. Section 76 substituted

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

76. Payments, &c., to operator unlawful

- (1) A person listed on the Roll, or an employee or associate of such a person, must not make, either directly or indirectly, payment to or confer a benefit on a venue operator, casino operator, keno operator, monitoring operator, ancillary gaming services provider or licensed provider unless authorised to do so under this Act.

Penalty: Fine not exceeding 1 000 penalty units or imprisonment for a term of 4 years, or both.

- (2) A venue operator, casino operator, keno operator, monitoring operator, ancillary gaming services provider or licensed provider must not receive any benefit

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whatsoever from a person listed on the Roll or an employee or associate of such a person unless authorised to do so under this Act.

Penalty: Fine not exceeding 1 000 penalty units or imprisonment for a term of 4 years or both.

89. Section 76N amended (Form of gaming endorsement)

Section 76N(2) of the Principal Act is amended by omitting “licensed premises gaming” and substituting “venue”.

90. Section 76ZB amended (Variation of Tasmanian gaming licence, &c.)

Section 76ZB of the Principal Act is amended by omitting subsection (4).

91. Section 76ZZM amended (Commission to act in accordance with 2003 Deed and agreements between Crown and licence holder)

Section 76ZZM of the Principal Act is amended by omitting “the 2003 Deed or”.

92. Section 77O amended (Variation of foreign games permit and conditions)

Section 77O of the Principal Act is amended by omitting subsection (4).

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

The definition of *relevant contract* in section 77V(1) of the Principal Act is amended as follows:

- (a) by omitting paragraph (a) and substituting the following paragraph:
 - (a) a contract between a venue operator and a monitoring operator; and
- (b) by inserting in paragraph (c) “and” after “section 76ZZ;”;
- (c) by inserting in paragraph (d) “and” after “activity;”;
- (d) by inserting the following paragraphs after paragraph (d):
 - (e) a contract between a venue operator and a keno operator; and
 - (f) a contract of a type prescribed for the purposes of this definition;

94. Section 79 amended (Approval of keno rules)

Section 79 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “gaming” and substituting “licensed”;

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- (b) by omitting from subsection (2) “gaming” first occurring and substituting “licensed”;
 - (c) by omitting from subsection (2) “licensed premises gaming” and substituting “venue”;
 - (d) by omitting from subsection (3) “gaming” first occurring and substituting “licensed”;
 - (e) by omitting from subsection (3) “licensed premises gaming” and substituting “venue”;
 - (f) by omitting from subsection (4) “gaming” and substituting “licensed”;
 - (g) by omitting from subsection (6) “gaming” and substituting “licensed”;
 - (h) by omitting subsection (7) and substituting the following subsection:
 - (7) As soon as practicable after receipt of notification under subsection (6), the licensed operator is to notify each venue operator participating in the game of keno conducted by that licensed operator.

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95. Section 80 amended (Approval of machine types and machine games)

Section 80 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsections:
 - (1) A person may apply to the Commission for the approval of a machine type or a machine game.
 - (1A) An application under subsection (1) must be in a form approved by the Commission and must be accompanied by the prescribed fee.
 - (1B) On receipt of an application under subsection (1), the Commission is to conduct an evaluation of the machine type or machine game.
- (b) by omitting from subsection (2) “a gaming machine type or gaming machine game” and substituting “an application”;
- (c) by omitting from subsection (2A) “gaming”;
- (d) by omitting from subsection (2B) “gaming”;
- (e) by omitting subsection (2C) and substituting the following subsection:

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(2C) A venue operator, casino operator or monitoring operator must not permit a machine game that requires rules under this section to be played in the venue unless the machine game is played in accordance with those rules as approved by the Commission.

Penalty: Fine not exceeding 1 000 penalty units.

- (f) by omitting from subsection (3) “gaming” first occurring;
- (g) by omitting from subsection (3) “gaming” second occurring;
- (h) by omitting from subsection (3) “accepted for evaluation” and substituting “that is the subject of an application”;
- (i) by omitting from subsection (4) “gaming” first occurring;
- (j) by omitting from subsection (4) “gaming” second occurring;
- (k) by omitting from subsection (4) “accepted for evaluation” and substituting “that are the subject of an application”;
- (l) by omitting from subsection (5) “gaming” four times occurring;

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(m) by inserting the following subsections after subsection (6):

(7) The holder of a general casino licence must not permit –

(a) a gaming machine or an FATG machine to be installed in a casino unless that type of gaming machine or FATG machine has been approved by the Commission under subsection (3); or

(b) a machine game to be installed on a gaming machine or an FATG machine in a casino unless that game has been approved by the Commission under subsection (3).

Penalty: Fine not exceeding 1 000 penalty units.

(8) A venue operator or monitoring operator must not permit –

(a) a gaming machine to be installed in a venue unless that type of gaming machine has been approved by the

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Commission under
subsection (3); or

- (b) a machine game to be installed on a gaming machine in a venue unless that machine game has been approved by the Commission under subsection (3).

Penalty: Fine not exceeding 1 000
penalty units.

96. Section 81 amended (Approval of other gaming equipment)

Section 81 of the Principal Act is amended as follows:

- (a) by omitting “gaming” from paragraph (a) of the definition of *gaming equipment* in subsection (1);
- (b) by omitting “gaming” from paragraph (b) of the definition of *gaming equipment* in subsection (1);
- (c) by omitting subsection (2) and substituting the following subsections:
 - (2) A person may apply to the Commission for the approval of particular gaming equipment or gaming equipment of a specified class or description.

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- (2A) An application under subsection (2) must be in a form approved by the Commission and must be accompanied by the prescribed fee.
- (2B) On receipt of an application under subsection (2), the Commission is to conduct an evaluation of the gaming equipment or the gaming equipment of a specified class or description.
- (2C) The Commission may require rules under which gaming equipment is to be operated.
- (2D) If the Commission requires rules under which gaming equipment is to be operated, the Commission may –
 - (a) approve the rules; or
 - (b) refuse to approve the rules.
- (2E) The Commission may repeal or vary any rules approved under subsection (2D).
- (2F) A casino operator, venue operator, keno operator, minor gaming operator or monitoring operator must not permit gaming equipment that requires rules

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under this section to be operated unless the gaming equipment is operated in accordance with those rules as approved by the Commission.

Penalty: Fine not exceeding 1000 penalty units.

- (d) by omitting from subsection (3) “submits gaming equipment” and substituting “applies”;
- (e) by omitting from subsection (4) “accepted for evaluation” and substituting “that is the subject of an application”;
- (f) by omitting from subsection (5) “accepted for evaluation” and substituting “that is the subject of an application”;
- (g) by inserting the following subsection after subsection (6):
 - (7) A casino operator, venue operator, keno operator, minor gaming operator or monitoring operator must not permit gaming equipment to be installed in a venue unless –
 - (a) the gaming equipment has been approved by the Commission under subsection (4); or

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- (b) the gaming equipment is of a specified class or description of gaming equipment that has been approved by the Commission under subsection (4).

Penalty: Fine not exceeding 1000 penalty units.

97. Section 82 amended (Purchase of gaming equipment from person not listed on Roll)

Section 82(1) of the Principal Act is amended by inserting “, venue operator or monitoring operator” after “operator”.

98. Section 83 amended (Withdrawal of approval)

Section 83 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “gaming” first occurring;
- (b) by omitting from subsection (1) “gaming” second occurring;
- (c) by omitting from subsection (2)(a) “gaming” first occurring;
- (d) by omitting from subsection (2)(a) “gaming” second occurring;

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- (e) by omitting from subsection (2)(b) “venue operators and gaming operators, using any gaming machine of that gaming machine type” and substituting “casino operators, venue operators, keno operators and monitoring operators using any gaming machine or FATG machine of that machine type”;
 - (f) by omitting from subsection (2) “gaming machine type or gaming machine game” second occurring and substituting “machine type or machine game”;
 - (g) by omitting from subsection (3) “venue operator or gaming operator” and substituting “casino operator, venue operator, keno operator or monitoring operator”;
 - (h) by omitting from subsection (3) “gaming machine type or gaming machine game” and substituting “machine type or machine game”;
 - (i) by omitting from subsection (4) “venue operator or gaming operator” and substituting “casino operator, venue operator or monitoring operator”;
 - (j) by inserting in subsection (4) “or an FATG machine” after “gaming machine”;
 - (k) by omitting from subsection (5) “venue operator or a gaming operator” and substituting “casino operator, venue

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operator, keno operator or monitoring operator”;

(l) by omitting from subsection (6) “venue operator or a gaming operator” and substituting “casino operator, venue operator or monitoring operator”;

(m) by omitting from subsection (6) “gaming” second occurring.

99. Section 84 amended (Approval of jackpots and linked jackpot arrangements)

Section 84 of the Principal Act is amended as follows:

(a) by omitting subsection (3) and substituting the following subsection:

(3) If the Commission approves a jackpot or linked jackpot arrangement, it must –

(a) notify the relevant prescribed licence holder of its approval; and

(b) publish a copy of the rules relating to the jackpot or linked jackpot arrangement on a website maintained by or on behalf of the Commission.

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- (b) by inserting in subsection (4) “, venue operator or monitoring operator” after “operator”;
 - (c) by omitting paragraph (a) from subsection (4) and substituting the following paragraph:
 - (a) the Commission has approved the jackpot or linked jackpot arrangement; and
 - (d) by omitting from the penalty under subsection (4) “100” and substituting “1 000”;
 - (e) by inserting the following subsection after subsection (4):
 - (4A) Subsection (4) does not apply in respect of a jackpot or linked jackpot arrangement if that arrangement has been included in machine game rules, or gaming equipment, that have or has been approved by the Commission under section 80 or 81.
 - (f) by inserting in subsection (5) “, venue operator and monitoring operator” after “operator”;
 - (g) by omitting from subsection (5) “special” and substituting “jackpot”;

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- (h) by omitting from subsection (5) “a manner that is prescribed” and substituting “accordance with this Act”;
- (i) by omitting from subsection (6) “licensed operator” and substituting “relevant prescribed licence holder”;
- (j) by omitting from subsection (8) “licensed operator” and substituting “relevant prescribed licence holder”;
- (k) by omitting subsection (9).

100. Sections 85 and 86 substituted

Sections 85 and 86 of the Principal Act are repealed and the following sections are substituted:

85. Removal of jackpot prize pool from venue

- (1) The Commission may approve alternative arrangements for the return to players of the prize pool for a jackpot if the jackpot prize pool is removed from an approved venue and the casino operator, venue operator or monitoring operator is not able to add the jackpot prize pool to a new or existing jackpot prize pool at the venue.
- (2) A casino operator, venue operator or monitoring operator who removes a jackpot prize pool from an approved venue must comply with any alternative

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arrangements approved by the Commission under subsection (1) for the return of that jackpot prize pool.

Penalty: Fine not exceeding 1 000 penalty units.

- (3) If, for any reason, it is not practicable to return a jackpot prize pool to players under alternative arrangements approved under subsection (1), the casino operator, venue operator or monitoring operator who removed the jackpot prize pool from the venue must deal with that jackpot prize pool in the prescribed manner.

Penalty: Fine not exceeding 1 000 penalty units.

86. Gaming prohibited on unprotected devices

- (1) A casino operator or a venue operator must not permit gaming on a gaming machine or an FATG machine unless the computer cabinet of the gaming machine or FATG machine is securely sealed with a seal in accordance with any prescribed procedures.

Penalty: Fine not exceeding 400 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (2) At any time when a seal on a computer cabinet has been broken, the casino operator or venue operator must not permit gaming on the gaming machine or

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FATG machine until the gaming machine or FATG machine has been resealed in accordance with any prescribed procedures.

Penalty: Fine not exceeding 400 penalty units or imprisonment for a term not exceeding 2 years, or both.

101. Section 87 amended (Unlawful interference with gaming equipment)

Section 87 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(c) “or FATG machine” after “a gaming machine”;
- (b) by inserting in subsection (1)(c) “or FATG machine” after “displayed on the gaming machine”;
- (c) by inserting in subsection (1)(c) “or FATG machine” after “credit on the gaming machine”;
- (d) by inserting in subsection (3) “casino operator or a” after “by a”;
- (e) by inserting in subsection (3) “the casino operator or” after “agent of”.

102. Section 88 repealed

Section 88 of the Principal Act is repealed.

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103. Section 89 substituted

Section 89 of the Principal Act is repealed and the following section is substituted:

89. Profits from gaming machines

A venue operator must not allow a person to participate in any profits derived from gaming machines operated at the licensed premises unless that person is the venue operator or an associate of the venue operator.

Penalty: Fine not exceeding 5 000 penalty units.

104. Section 90 amended (Installation and storage of gaming equipment)

Section 90 of the Principal Act is amended by omitting subsections (1), (2), (3) and (4) and substituting the following subsections:

- (1) A venue owner, venue operator, casino operator, monitoring operator or keno operator who obtains gaming equipment must cause the equipment to be installed, or stored and secured, in accordance with any prescribed requirements.
- (2) A casino operator or venue operator must not allow any person to use gaming equipment for the conduct of gaming at the casino or venue if the gaming equipment has not been installed in

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accordance with any prescribed
requirements.

Penalty: Fine not exceeding 1 000 penalty
units.

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

Section 91(1) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (ga) “or the use of gaming tokens” after “cash”;
- (b) by inserting in paragraph (h) “that is prescribed for the purposes of this section as being” after “matter”.

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

Section 94 of the Principal Act is amended as follows:

- (a) by inserting in subsection (2) “casino operator and” after “each”;
- (b) by inserting in subsection (2) “casino operator and” after “which the”;
- (c) by inserting in subsection (3) “casino operator or” after “A”;
- (d) by inserting in subsection (4) “casino operator or” after “A”.

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107. Section 95 amended (Gaming tokens)

Section 95 of the Principal Act is amended as follows:

- (a) by inserting “casino operator or” after “A”;
- (b) by inserting “or gaming chips” after “tokens”.

108. Section 96 substituted

Section 96 of the Principal Act is repealed and the following section is substituted:

96. Electronic monitoring system to be in place

- (1) It is a condition of a venue licence that machine games are not to be played on gaming equipment in the relevant licensed premises unless the machine game is connected to an electronic monitoring system approved by the Commission under section 48Y as suitable for use in monitoring licence operations associated with such games.
- (2) It is a condition of a monitoring operator’s licence that any machine games installed on gaming equipment in licensed premises by the monitoring operator are to be connected to an electronic monitoring system approved by the Commission under section 48Y as

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suitable for use in monitoring licence operations associated with such games.

- (3) It is a condition of a general casino licence that machine games are not to be played in the casino unless the machine game is connected to an electronic monitoring system approved by the Commission under section 81 as suitable for use in monitoring operations associated with such games.
- (4) It is a condition of a keno operator's licence that any gaming equipment used for the sale of tickets in keno that is installed in licensed premises by the keno operator is connected to an electronic monitoring system approved by the Commission under section 81 as suitable for use in monitoring operations associated with such equipment.

109. Section 97 amended (Malfunction of gaming machines)

Section 97 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “gaming operator” twice occurring and substituting “casino operator”;
- (b) by omitting from subsection (1) “a gaming machine” and substituting “gaming equipment”;

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- (c) by omitting from subsection (1) “gaming machine” third occurring and substituting “gaming equipment”;
 - (d) by omitting from subsection (2) “gaming operator” and substituting “monitoring operator or casino operator”;
 - (e) by omitting subsection (3) and substituting the following subsection:
 - (3) In the event of a dispute over a refusal to pay in the circumstances referred to in subsection (1), the venue operator or casino operator must, together with the monitoring operator (if applicable), resolve the dispute in accordance with procedures approved by the Commission under section 97A.

110. Section 97A inserted

After section 97 of the Principal Act, the following section is inserted in Division 1:

97A. Complaints regarding gaming and gaming equipment

- (1) If a person has a reasonable belief that gaming equipment or the conduct of gaming at a casino, hotel or licensed club is not operating or being undertaken correctly, that person may –

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- (a) in the case of gaming equipment or the conduct of gaming at a casino, make a written complaint to the casino operator; or
 - (b) in the case of the conduct of gaming at a hotel or a licensed club, make a written complaint to the venue operator; or
 - (c) in any case make a written complaint to the Commission.
- (2) If a casino operator or a venue operator receives a complaint under subsection (1), that operator may refer the complaint as follows:
 - (a) in the case of a complaint to a casino operator or a venue operator in relation to the game of keno, from the relevant operator to the keno operator;
 - (b) in the case of a complaint to a venue operator in relation to the operation of gaming machines, from the venue operator to the monitoring operator.
- (3) A complaint under subsection (1) must –
 - (a) state the complainant's name and address; and

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- (b) give details of the complaint and the matters giving rise to the complaint.
 - (4) As soon as practicable after receiving a complaint under subsection (1), the casino operator or venue operator must investigate the complaint or refer the complaint in accordance with subsection (2).

Penalty: Fine not exceeding 60 penalty units.

- (5) As soon as practicable after receiving a complaint under subsection (1), the Commission must –
 - (a) investigate the complaint in accordance with section 132; or
 - (b) if the Commission considers it appropriate, refer the complaint to the relevant casino operator, venue operator, monitoring operator or keno operator.
- (6) As soon as practicable after receiving a referral under subsection (2) or (5), the relevant casino operator, venue operator, monitoring operator or keno operator must investigate the complaint.

Penalty: Fine not exceeding 60 penalty units.

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(7) Subject to subsection (8), a casino operator, venue operator, monitoring operator or keno operator who is responsible under subsection (4) or (6) for investigating a complaint must, within 21 days of receiving that complaint, give written notice of the result of the investigation to –

(a) the complainant; and

(b) in the case of a referral under subsection (2)(a) or (b), the relevant casino operator or venue operator; and

(c) the Commission.

Penalty: Fine not exceeding 60 penalty units.

(8) The Commission may extend the period referred to in subsection (7) if it considers it appropriate to do so.

(9) If a complainant or a venue operator is aggrieved by the result of an investigation conducted by a casino operator, venue operator, monitoring operator or keno operator under this section, the complainant or venue operator may, by written notice, request the Commission to investigate the complaint.

(10) As soon as practicable after receiving a request to investigate a complaint under

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subsection (9), the Commission must investigate the complaint.

- (11) The Commission must give written notice of the result of the Commission's investigation under subsection (10) to the complainant, any relevant venue operator and the relevant casino operator, monitoring operator or keno operator.
- (12) A decision of the Commission under subsection (11) is binding on the following persons:
 - (a) the complainant;
 - (b) any relevant venue operator, casino operator, monitoring operator or keno operator.
- (13) In conducting an investigation for the purposes of this section, the Commission has the powers of an inspector specified in section 133.
- (14) In this section –

complainant means a person who makes a complaint in relation to the operation of gaming equipment or the conduct of gaming under subsection (1).

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111. Section 98 amended (Defective gaming machines not allowed)

Section 98 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “and a gaming operator” and substituting “, casino operator, keno operator or monitoring operator”;
- (b) by omitting from subsection (1) “a gaming machine” and substituting “gaming equipment”;
- (c) by omitting from subsection (1)(a) “the” second occurring and substituting “a”;
- (d) by inserting in subsection (1)(a) “or casino operator” after “operator”;
- (e) by inserting in subsection (1A) “manufactures approved gaming equipment or” after “who”;
- (f) by omitting from subsection (1A) “venue operator or a gaming operator” and substituting “prescribed licence holder”;
- (g) by omitting from subsection (2)(a) “machine” and substituting “equipment”;
- (h) by omitting from subsection (2)(b) “machine” and substituting “equipment”.

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112. Section 99 amended (Removal of certain persons)

Section 99(1)(b) of the Principal Act is amended by omitting “or” second occurring and substituting “, FATG machine or gaming”.

113. Section 101 amended (Injunctions to prevent contraventions, &c.)

Section 101(1) of the Principal Act is amended by omitting “gaming” and substituting “casino operator, keno operator, monitoring”.

114. Section 101A amended (Interpretation of Division)

Section 101A of the Principal Act is amended as follows:

- (a) by omitting the definitions of *club* and *2003 commencement day* and substituting the following definition:

2023 commencement day means the day on which Part 4 of the *Gaming Control Amendment (Future Gaming Market) Act 2021* commences;

- (b) by omitting “*TT-Line Arrangements Act 1993*,” from the definition of *gaming machine* and substituting “*TT-Line Arrangements Act 1993*.”;
- (c) by omitting the definition of *hotel*.

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115. Section 101B substituted

Section 101B of the Principal Act is repealed and the following section is substituted:

101B. Gaming machines: limit on overall numbers

On and after the 2023 commencement day –

- (a) the maximum number of gaming machine authorities in total that may be endorsed on venue licences in the State is 2 350; and
- (b) the maximum number of gaming machines in total that may be installed in casinos in the State is 1 180.

116. Section 101C amended (Gaming machines: limit on numbers allowed in individual clubs and hotels)

Section 101C of the Principal Act is amended as follows:

- (a) by omitting “2003” and substituting “2023”;
- (b) by omitting paragraphs (a) and (b) and substituting the following paragraphs:
 - (a) the maximum number of gaming machine authorities that may be endorsed on a venue licence for a licensed club is 40; and

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- (b) the maximum number of gaming machine authorities that may be endorsed on a venue licence for a hotel is 30.

117. Section 101D inserted

After section 101C of the Principal Act, the following section is inserted in Division 1A:

101D. Gaming machines: limit on common ownership of authorities

- (1) In this section –

associated venue operators means venue operators that are associated persons, within the meaning of section 48A(1).

- (2) The combined maximum number of gaming machine authorities that a venue operator or associated venue operators may hold on venue licences is 587.
- (3) If a venue operator holds venue licences that are endorsed with more than 587 gaming machine authorities combined, that venue operator must, within 14 days after becoming aware of that fact, apply under section 48C to decrease the number of gaming machine authorities so that the combined number of gaming machine authorities endorsed on those licences no longer exceeds 587.

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Penalty: Fine not exceeding 1 000 penalty units.

- (4) If venue operators become associated venue operators and, as a consequence, those venue operators hold venue licences that are endorsed with more than 587 gaming machine authorities combined, those venue operators must, within 14 days of becoming associated venue operators, apply under section 48C to decrease the number of gaming machine authorities so that the combined number of gaming machine authorities endorsed on those licences no longer exceeds 587.

Penalty: Fine not exceeding 1 000 penalty units.

118. Section 102 substituted

Section 102 of the Principal Act is repealed and the following section is substituted:

102. Casino layout to be in accordance with prescribed requirements

It is a condition of a casino licence that gaming is not to be conducted in the casino unless the facilities provided in relation to the conduct and monitoring of operations in the casino are in accordance with –

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- (a) any plans, diagrams and specifications approved by the Commission in accordance with the regulations; and
- (b) any other prescribed requirements.

119. Section 103 amended (Approval of games played in casino)

Section 103 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “(other than games played on a gaming machine)”;
- (b) by omitting from subsection (5) “(other than a game played on a gaming machine)”;
- (c) by inserting the following subsection after subsection (10):
 - (11) For the purposes of this section, a game does not include –
 - (a) a game played on a gaming machine or an FATG machine; or
 - (b) keno; or
 - (c) any gaming or wagering conducted with or through a totalizator agency under

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its Tasmanian gaming
licence.

120. Sections 105 and 106 inserted

After section 104 of the Principal Act, the following sections are inserted in Division 2:

105. Residential requirements for gaming in high-roller casinos

(1) In this section –

acceptable proof of residence, for a person, means documentary evidence that might reasonably be accepted as applying to the person and as proving that the person's ordinary place of residence is not in this State.

(2) The holder of a high-roller casino licence must not permit a person who is a resident of this State to wager, or attempt to wager, on any gaming in any area of the casino that is the subject of the licence.

Penalty: Fine not exceeding 2 500 penalty units.

(3) It is a defence in proceedings for an offence under subsection (2) if the defendant establishes that the person produced to the defendant, or to an agent

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or employee of the defendant, acceptable proof of residence for the person.

- (4) A person who uses any evidence purporting to be evidence of his or her ordinary place of residence in order to wager on gaming in any area of a high-roller casino is guilty of an offence if the evidence is false in a material particular.

Penalty: Fine not exceeding 100 penalty units.

- (5) The holder of a high-roller casino licence, an employee of the holder of a high-roller casino licence, an inspector or a police officer may –
- (a) require a person wagering in the high-roller casino, or attempting to wager in the high-roller casino, to state his or her name and address if the holder of the licence, employee, inspector or police officer has reasonable cause to suspect that the person is a resident of this State; and
 - (b) if it is suspected on reasonable grounds that the name or address given in response to the requirement is false, require the person to produce evidence that it is correct.
- (6) A person must comply with a requirement under subsection 5(a) and

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must not, without reasonable cause, fail to comply with a requirement under subsection 5(b).

Penalty: Fine not exceeding 20 penalty units.

- (7) It is a defence to proceedings for an offence under subsection (6) if the person who made the requirement did not inform the person of whom the requirement was made, at the time it was made, that it is an offence to fail to comply with the requirement.
- (8) If a person contravenes subsection (6), a police officer may arrest the person without warrant and bring the person before a magistrate to be dealt with according to law.
- (9) For the purposes of this section, a person is a resident of this State if the person's ordinary place of residence is in this State.

106. Minimum bet amounts at high-roller casinos

The holder of a high-roller casino licence must not permit a person to place a wager on any game in the casino that is less than the prescribed minimum bet amount for that game.

Penalty: Fine not exceeding 2 500 penalty units.

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121. Section 112 amended (Possession of certain things prohibited)

Section 112(2) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

- (a) gaming chips that he or she knows are bogus or counterfeit gaming chips; or

122. Section 112A amended (Interpretation of Division)

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

- (a) by inserting “general” after “under a” in the definition of *excluded premises*;
- (b) by omitting “licensed premises gaming” from the definition of *excluded premises* and substituting “venue”;
- (c) by inserting “, except in section 112G,” after “*specified licence holder*” in the definition of *specified licence holder*;
- (d) by inserting “general” after “a” in paragraph (a) of the definition of *specified licence holder*;
- (e) by omitting “licensed premises gaming” from paragraph (b) of the definition of *specified licence holder* and substituting “venue”.

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

Section 112G of the Principal Act is amended by inserting after subsection (4) the following subsection:

(5) In this section –

specified licence holder means the holder of any of the following licences:

- (a) a casino licence;
- (b) a venue licence;
- (c) a Tasmanian gaming licence.

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

Section 112I(5) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (e) “a gaming operator” and substituting “a monitoring operator”;
- (b) by omitting from paragraph (e) “gaming” second occurring and substituting “monitoring”;
- (c) by inserting the following paragraph after paragraph (e):
 - (ea) a keno operator or an employee of the keno operator; or

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125. Section 112IA amended (Commission to keep and disseminate lists of excluded persons)

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

- (a) by omitting “gaming operator” first occurring and substituting “keno operator and monitoring operator”;
- (b) by omitting “or gaming operator” and substituting “, keno operator or monitoring operator”.

126. Section 112IB amended (Direct marketing of gaming to excluded persons prohibited)

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

- (a) by omitting from subsection (1) “gaming operator” twice occurring and substituting “keno operator”;
- (b) by omitting from subsection (2) “gaming operator” first occurring and substituting “keno operator”;
- (c) by omitting from subsection (2)(a) “gaming operator” and substituting “keno operator”.

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127. Section 112N amended (Investigation of prescribed licence holders)

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

- (a) by omitting from subsection (1) “a prescribed licence holder” and substituting “the holder of a prescribed licence to determine whether the licence holder continues to be a suitable person to hold the prescribed licence”;
- (b) by inserting the following subsection after subsection (1):

(1A) For the purposes of making a determination in relation to the holder of a prescribed licence under subsection (1), the Commission may have regard to the same matters to which it may have regard in deciding whether an applicant for a prescribed licence is a suitable person to hold such a licence.

128. Section 112O amended (Investigation into associate or other person)

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

- (a) by omitting from subsection (1) “The” and substituting “At any time, the”;

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- (b) by inserting in subsection (1) “to determine whether that person continues to be a suitable person to be an associate of the prescribed licence holder” after “holder”;
- (c) by omitting from subsection (2) “Section 112N(3)” and substituting “Section 112N(1A), (2), (3)”.

129. Sections 112OA and 112OB inserted

After section 112O of the Principal Act, the following sections are inserted in Division 5:

112OA. Costs of investigation

- (1) The Commission may require a prescribed licence holder or an associate of a prescribed licence holder to pay to the Commission such reasonable costs as may be incurred by or on behalf of the Commission in conducting any inquiry or investigation in relation to that person for the purposes of a determination under section 112N or 112O.
- (2) It is a condition of a prescribed licence that the licence holder must pay the costs that the Commission requires the licence holder to pay under this section in connection with any inquiry or investigation conducted for the purposes of making a determination under section 112N.

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- (3) The Commission may recover from the holder of a prescribed licence, or the associate of a prescribed licence holder, as a debt due to the Crown, any costs that the Commission has required that person to pay under this section.
- (4) The Commission may give a certificate as to the amount of the reasonable costs incurred by or on behalf of the Commission in conducting any inquiry or investigation for the purposes of a determination made under section 112N or 112O, and such a certificate is, in any proceedings, evidence of the matter certified.

112OB. Temporary transfer of prescribed licence to liquidator

- (1) Despite section 43(1), if the Commission considers it appropriate, the Commission may endorse on a prescribed licence the name of a receiver and manager, an administrator, an official liquidator or a provisional liquidator who is appointed in respect of the holder of the prescribed licence.
- (2) If the Commission endorses a prescribed licence under subsection (1), for a period of 12 months from the date of that endorsement –
 - (a) the person whose name is endorsed on the prescribed

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licence is taken to be the holder of the licence; and

- (b) the original holder of the prescribed licence ceases to be the holder of the licence.
- (3) The Commission may extend the period referred to in subsection (2) if it considers it appropriate to do so.
- (4) If the Commission endorses a person's name on a prescribed licence under subsection (1), it may at the same time amend the licence and give directions in respect of the conduct of gaming under, and the administration of the business relating to, that licence.
- (5) A person whose name is endorsed on a prescribed licence under subsection (1) must comply with a direction given to that person under subsection (4).

Penalty: Fine not exceeding 1 000 penalty units.

130. Section 112PA inserted

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

112PA. General gaming standards

- (1) The Commission may set the following general standards:

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- (a) general electronic monitoring system standards;
 - (b) general control system standards;
 - (c) general gaming equipment standards;
 - (d) general gaming machine standards;
 - (e) general FATG machine standards;
 - (f) general machine game standards;
 - (g) general installation and storage of gaming equipment standards.
- (2) General standards set under subsection (1) may apply to a prescribed licence holder or to a class or classes of prescribed licence holders.
- (3) Any general standards set under subsection (1) may provide for any matter by adopting or incorporating, either specifically or by reference, and either wholly or in part and with or without modification, any code, standard, guideline or specification relevant to gaming equipment or its operation –
 - (a) whether as in force at a particular time or as amended from time to time; and

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- (b) whether published before, on or after the day on which subsection (1) commences.
 - (4) A prescribed licence holder must comply with any requirement imposed on that licence holder by a provision of a general standard set under this section.

Penalty: Fine not exceeding 1 000 penalty units.
 - (5) The following provisions apply to the setting of general standards:
 - (a) the Commission is to give notice of the setting of the standards to any prescribed licence holder to which the standards apply;
 - (b) the Commission is to publish the standards on a website maintained by or on behalf of the Commission and in such other ways as it considers necessary;
 - (c) the notice is to specify when the standards take effect and how they have been published;
 - (d) the Commission is to ensure that any licensed provider who wishes to do so can obtain a free printed copy of the standards.
 - (6) The Commission may revoke or from time to time amend any general

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standards, in which case subsection (5) applies, with any necessary modification, to the revocation or amendment.

131. Section 112Q amended (Approval to possess unapproved gaming equipment)

Section 112Q(2)(c) of the Principal Act is amended by omitting “any appropriate fee determined by the Commission by notice provided to the applicant” and substituting “the prescribed fee”.

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

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

- (a) by inserting in paragraph (a) “FATG machine,” after “machine,”;
- (b) by inserting in paragraph (a) “unauthorised, non-compliant with approved standards,” after “Commission,”;
- (c) by inserting in paragraph (b) “FATG machines,” after “machines,”.

133. 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:

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- (a) by omitting from subparagraph (i) “gaming” first occurring and substituting “keno”;
- (b) by inserting in subparagraph (ii) “a monitoring operator’s licence or” after “of”;
- (c) by omitting from subparagraph (iia) “500” and substituting “10 000”;
- (d) by omitting from subparagraph (iia) “licensed premises gaming” and substituting “venue”.

134. Section 112U amended (Suspension of prescribed licence without opportunity to be heard)

Section 112U of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:

- (1) The Commission may suspend a prescribed licence by notice in writing given to the prescribed licence holder if it is satisfied that –
 - (a) the holder or an associate of the holder has been charged with –
 - (i) an offence against this Act; or
 - (ii) an offence involving fraud or dishonesty, whether that offence or a conviction for the offence

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occurred in Tasmania or
elsewhere; or

(b) it is in the public interest to
suspend the licence.

(1A) The Commission may also suspend a
prescribed licence by notice in writing if
the prescribed licence holder fails to pay
any fee, taxation, levy or other amount
payable under this Act for that licence –

(a) within one month of it becoming
payable; or

(b) by any later date to which the
person to whom the fee, taxation,
levy or other amount is payable
may agree.

(2) The suspension of a prescribed licence
takes effect –

(a) on and from the date specified in
the notice; and

(b) for the period specified in the
notice.

**135. Section 117 amended (Offences by casino operators
and venue operators in respect of minors)**

Section 117 of the Principal Act is amended as
follows:

(a) by inserting in subsection (1) “casino
operator or” after “the”;

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- (b) by inserting in subsection (2) “casino operator or” after “venue, the”;
- (c) by inserting in subsection (3) “casino operator or” after “A”;
- (d) by inserting in subsection (3) “casino operator or” after “if the”;
- (e) by inserting in subsection (4)(b) “casino operator or” after “to the”.

136. Section 117A amended (Offence by special employees in respect of minors)

Section 117A of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(a) “, casino operator” after “provider”;
- (b) by inserting in subsection (1)(b) “, casino operator” after “provider”;
- (c) by inserting in subsection (3)(b)(i) “, casino operator” after “provider”;
- (d) by inserting in subsection (3)(b)(iii) “, casino operator” after “provider”.

137. Section 121 repealed

Section 121 of the Principal Act is repealed.

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138. Section 124 amended (Membership of Commission)

Section 124 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “licensed premises gaming operator,” and substituting “venue operator, keno operator, monitoring operator,”;
- (b) by inserting the following subsection after subsection (7):

(8) In this section –

gaming operator means a person who, immediately before the commencement of Part 4 of the *Gaming Control Amendment (Future Gaming Market) Act 2021* was a gaming operator under this Act.

139. Section 127 amended (Minister may give Commission directions)

Section 127 of the Principal Act is amended by inserting after subsection (4) the following subsection:

- (4A) Nothing in subsection (3) or (4) prevents or limits the exercise of the power conferred on the Minister by subsection (1) to give a direction to the Commission with respect to the endorsement of

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gaming machine authorities on venue licences by the Commission if such a direction is in the community interest.

140. Section 130 amended (Entry onto premises)

The definition of *prescribed premises* in section 130(1) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) “casino operator or” after “a”;
- (b) by omitting from paragraph (b) “gaming” and substituting “keno”;
- (c) by inserting the following paragraph after paragraph (b):
 - (ba) the premises of a monitoring operator;

141. Section 131 amended (Functions of inspectors)

Section 131(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “gaming operators,” and substituting “monitoring operators, keno operators,”;
- (b) by omitting subparagraph (i) from paragraph (c) and substituting the following subparagraph:

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- (i) a game, gaming or a gaming activity; or

142. Section 132 amended (Investigation of complaints)

Section 132 of the Principal Act is amended as follows:

- (a) by omitting paragraphs (a) and (b) from subsection (1) and substituting the following paragraph:
 - (a) the conduct of a game, gaming or a gaming activity; or
- (b) by omitting subparagraph (ii) from subsection (2)(a) and substituting the following subparagraphs:
 - (ia) the casino operator;
 - (ii) the keno operator;
- (c) by inserting the following subparagraph after subparagraph (iia) in subsection (2)(a):
 - (iib) the monitoring operator;
- (d) by omitting from subsection (3)(d) “casino under section 137” and substituting “licence holder under section 137, 137A or 138”.

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143. Section 133 amended (Powers of inspectors)

Section 133(1)(d) of the Principal Act is amended by omitting subparagraphs (i) and (ii) and substituting the following subparagraphs:

- (i) the venue operator, the casino operator or the keno operator; or
- (ia) the monitoring operator; or
- (ii) the person listed on the Roll; or

144. Section 135 amended (Offences relating to inspectors)

Section 135(4) of the Principal Act is amended by omitting “gaming operator, a manufacturer, supplier or tester” from paragraph (b) of the definition of *prescribed premises* and substituting “keno operator, monitoring operator, a person”.

145. Section 136 amended (Calculation of gross profits)

Section 136 of the Principal Act is amended as follows:

- (a) by omitting subsection (2) and substituting the following subsections:
 - (2) The gross profit derived from machine games during any period is to be calculated by deducting from the total amount wagered in

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that period the sum of all
winnings paid.

(2A) The gross profit derived from
keno during any period is to be
calculated by deducting from the
total amount wagered in that
period –

(a) the sum of all winnings
paid, other than jackpots;
and

(b) any amount accrued
during the period in
jackpot prize pools.

(b) by omitting from subsection (3) “other
than keno”;

(c) by inserting in subsection (3) “gaming”
after “unredeemed”;

(d) by inserting in subsection (4)(a)
“gaming” after “unredeemed”;

(e) by inserting in subsection (4)(b)
“gaming” after “unredeemed”;

(f) by inserting in subsection (5)(a)
“gaming” after “a”;

(g) by inserting in subsection (5)(b)
“gaming” after “a”;

(h) by inserting in subsection (5)(c)
“gaming” after “a”.

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146. Section 137 amended (Controls and procedures to be implemented in casinos)

Section 137 of the Principal Act is amended by inserting after subsection (4) the following subsection:

- (5) A system of internal controls and administrative and accounting procedures approved for the purposes of this section for use by a casino operator must include such specifications as are prescribed.

147. Sections 138 and 138A substituted

Sections 138 and 138A of the Principal Act are repealed and the following sections are substituted:

137A. Controls and procedures to be implemented by venue operators

- (1) The Commission may establish a system of internal controls and administrative and accounting procedures for use by venue operators.
- (2) The Commission must provide a copy of the system of internal controls and administrative and accounting procedures established under subsection (1) to each venue operator.
- (3) The system of internal controls and administrative and accounting procedures established under subsection (1) for use

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by venue operators is to include such specifications as are prescribed.

- (4) A venue operator must implement a system of internal controls and administrative and accounting procedures established by the Commission under subsection (1).

Penalty: Fine not exceeding 50 penalty units.

- (5) The system of internal controls and administrative and accounting procedures established under subsection (1) may be amended as the Commission thinks fit.

138. Controls and procedures to be implemented by keno operator and monitoring operator

- (1) A keno operator or monitoring operator must not conduct keno operations or monitoring licence operations unless the Commission has approved in writing a system of internal controls and administrative and accounting procedures in respect of the operator.
- (2) An approval referred to in subsection (1) may be amended as the Commission thinks fit.
- (3) An approval or amendment of an approval under this section takes effect when notice of it is given in writing to the operator concerned or on a later date specified in the notice.

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- (4) A keno operator or monitoring operator must not conduct keno operations or monitoring licence operations unless the operator has implemented the system of internal controls and administrative and accounting procedures approved by the Commission in respect of that operator under subsection (1).

Penalty: Fine not exceeding 50 penalty units.

- (5) A system of internal controls and administrative and accounting procedures approved for the purposes of this section for use by a keno operator or monitoring operator must include such specifications as are prescribed.

148. Section 139 amended (Accounts at authorised deposit-taking institutions)

Section 139 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “gaming operator” and substituting “venue operator, keno operator”;
- (b) by inserting in subsection (1)(b) “in relation to the financial transactions arising from the conduct of gaming by the casino operator, venue operator, keno operator or licensed provider” after “section”;

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- (c) by omitting subsection (1A);
- (d) by omitting from subsection (2) “or (1A)”.

149. Section 140 amended (Accounting records)

Section 140 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “venue operator, gaming operator” and substituting “casino operator, venue operator, monitoring operator, keno operator”;
- (b) by omitting from subsection (3) “venue operator, gaming operator” and substituting “casino operator, venue operator, monitoring operator, keno operator”;
- (c) by omitting from subsection (4) “gaming” first occurring and substituting “venue operator, keno”.

150. Section 141 amended (Records to be kept on the premises)

Section 141 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “venue operator, gaming operator, keno operator” and substituting “casino

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operator, venue operator, monitoring operator, keno operator”;

- (b) by inserting in subsection (1)(a) “casino operator or” after “venue of the”;
- (c) by omitting from subsection (2) “venue operator, gaming operator” and substituting “casino operator, venue operator, monitoring operator, keno operator”.

151. Section 142 amended (Audit)

Section 142 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “gaming” and substituting “monitoring operator, keno”;
- (b) by inserting in subsection (2) “, monitoring operator” after “operator”;
- (c) by inserting in subsection (3) “, monitoring operator” after “operator”;
- (d) by omitting from subsection (3) “a casino operation or”.

152. Section 143 amended (Submission of reports)

Section 143 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “gaming” first occurring and substituting “venue operator, monitoring operator, keno”;
- (b) by omitting from subsection (2) “gaming” first occurring and substituting “venue operator, monitoring operator, keno”.

153. Section 144 amended (Returns to players)

Section 144 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “casino operator and a gaming” and substituting “casino operator, monitoring operator and venue”;
- (b) by omitting from subsection (2) “special”;
- (c) by omitting from subsection (2) “85%” and substituting “87%”.

154. Section 145 substituted

Section 145 of the Principal Act is repealed and the following section is substituted:

145. Other returns by keno operator

A keno operator must ensure that a venue operator is paid, in respect of keno wagers accepted by the venue operator,

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the percentage of the total amount wagered on keno at the approved venue, during such periods as the Commission determines, as agreed by the keno operator and the venue operator, under –

- (a) a standard form contract within the meaning of section 77V; or
- (b) such other relevant contract approved by the Commission under that section.

155. Sections 146, 147 and 148 substituted

Sections 146, 147 and 148 of the Principal Act are repealed and the following sections are substituted:

146. General casino licence fee

The holder of a general casino licence must pay the prescribed licence fee to the Commissioner of State Revenue on the first day of each month during the currency of the licence.

147. High-roller casino licence fee

The holder of a high-roller casino licence must pay the prescribed licence fee to the Commissioner of State Revenue on the first day of each month during the currency of the licence.

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147A. Keno operator’s licence fee

The holder of a keno operator’s licence must pay the prescribed licence fee to the Commissioner of State Revenue on the first day of each month during the currency of the licence.

147B. Monitoring operator’s licence fee

- (1) The holder of a monitoring operator’s licence must pay the prescribed licence fee, if any, to the Commissioner of State Revenue during the currency of the licence.
- (2) A licence fee under subsection (1) is due and payable as prescribed.

148. Venue licence fee

- (1) The holder of a venue licence must pay –
 - (a) a prescribed annual licence fee to the Commissioner of State Revenue for each gaming machine authority endorsed on the licence; and
 - (b) a prescribed annual licence fee to the Commissioner of State Revenue for keno operations at the licensed premises.
- (2) A licence fee under subsection (1) is due and payable as prescribed.

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- (3) If the holder of a venue licence surrenders the licence, the Commissioner of State Revenue may give the person a prescribed proportional refund of the licence fee.
 - (4) If a venue licence is amended to reduce the number of gaming machine authorities endorsed on the licence, the Commissioner of State Revenue may give the licence holder a prescribed proportional refund of the relevant part of the licence fee.
 - (5) If a venue licence is amended to increase the number of gaming machine authorities endorsed on the licence, the Commissioner of State Revenue may require the licence holder to pay a prescribed proportional licence fee for the additional gaming machine authorities.
 - (6) In this section –

relevant part, of the licence fee for a venue licence, means that part of the licence fee that is payable because of a particular gaming machine authority endorsed on the licence.

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

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

- (a) by omitting from subsection (1) “Treasurer” and substituting “Commissioner of State Revenue”;
- (b) by omitting from subsection (5) “Treasurer” and substituting “Commissioner of State Revenue”.

157. Section 148AB amended (Fee to remain on Roll)

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

- (a) by omitting from subsection (1) “Treasurer” and substituting “Commissioner of State Revenue”;
- (b) by omitting from subsection (2) “Treasurer” and substituting “Commissioner of State Revenue”.

158. Sections 149 and 150 substituted

Sections 149 and 150 of the Principal Act are repealed and the following section is substituted:

149. Unclaimed winnings

- (1) Licensed operators and venue operators must pay to the Commissioner of State

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Revenue, on or before the 14th day of each month, an amount equal to unclaimed winnings arising from the conduct of gaming by the operator during the preceding month.

- (2) The amount of unclaimed winnings for a month is to be calculated in accordance with a method prescribed by the regulations.

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

Section 150A(1) of the Principal Act is amended as follows:

- (a) by omitting “special” from paragraph (a) of the definition of *gaming revenue*;
- (b) by omitting “special” from paragraph (b) of the definition of *gaming revenue*;
- (c) by omitting “special” from the definition of *jackpot*.

160. Sections 150AH, 150AI, 150AJ and 150AK inserted

After section 150AG of the Principal Act, the following sections are inserted in Division 2:

150AH. Taxation in respect of high-roller casino licence

- (1) The holder of a high-roller casino licence is liable to pay to the Commissioner of

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State Revenue, a tax on the gross profits derived from gaming at the high-roller casino in a financial year.

- (2) The tax payable under subsection (1) is –
- (a) if the annual gross profits for the high-roller casino are or do not exceed \$15 000 000, a sum equivalent to 3% of the annual gross profits; or
 - (b) if the annual gross profits for the high-roller casino exceed \$15 000 000 but are or do not exceed \$30 000 000, a sum equivalent to the total of –
 - (i) 3% of that part of the annual gross profits derived during the financial year occurring before the annual gross profits so exceeded \$15 000 000; and
 - (ii) 5% of that part of the annual gross profits derived during the financial year occurring when and after the annual gross profits so exceeded \$15 000 000; or
 - (c) if the annual gross profits for the high-roller casino exceed

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\$30 000 000, a sum equivalent to the total of –

- (i) 3% of that part of the annual gross profits derived during the financial year occurring before the annual gross profits so exceeded \$15 000 000; and
 - (ii) 5% of that part of the annual gross profits derived during the financial year occurring when and after the annual gross profits so exceeded \$15 000 000 but before the annual gross profits so exceeded \$30 000 000; and
 - (iii) 7% of that part of the annual gross profits derived during the financial year occurring when and after the annual gross profits so exceeded \$30 000 000.
- (3) The holder of a high-roller casino licence must –
- (a) by 14 January in each financial year, pay to the Commissioner the tax payable under subsection

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- (1) for the annual gross profits derived during the part of the financial year between 1 July and 31 December (inclusive); and
 - (b) by 14 July in each financial year, pay to the Commissioner the tax payable under subsection (1) for the annual gross profits derived in the previous financial year, less any tax paid in respect of the previous part of the financial year under paragraph (a).
- (4) If the holder of a high-roller casino licence has an annual gross loss for a financial year, the licence holder may offset that loss against the annual gross profits for the immediately following financial year.
- (5) In this section –

annual gross loss, means an annual gross profit for a financial year that is less than zero;

annual gross profit means gross profits derived from gaming at the high-roller casino during the financial year in relation to which tax is payable under subsection (1).

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150AI. Taxation in respect of general casino licence

- (1) The holder of a general casino licence must pay to the Commissioner of State Revenue a tax on the gross profits derived by that licence holder from gaming each month.
- (2) The tax payable under subsection (1) in respect of the monthly gross profits derived from keno tickets obtained in a casino is a sum equivalent to 0.91% of those profits.
- (3) The tax payable under subsection (1) in respect of the monthly gross profits derived from games approved under section 103 is a sum equivalent to 0.91% of those profits.
- (4) The tax payable under subsection (1) in respect of the monthly gross profits derived from gaming machine games is a sum equivalent to 10.91% of those profits.
- (5) The tax payable under subsection (1) in respect of the monthly gross profits derived from FATG games is a sum equivalent to 5.91% of those profits.
- (6) The holder of a general casino licence must pay the tax payable under this section in relation to a month not later than 14 days after the end of that month.
- (7) In this section –

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monthly gross profit means gross profits derived by a casino operator during the month in relation to which tax is payable under this section.

150AJ. Taxation in respect of keno operator's licence

- (1) A keno operator must pay to the Commissioner of State Revenue a tax on the gross profits derived by that operator from keno each month.
- (2) The tax payable under subsection (1) in respect of the monthly gross profits derived from keno tickets obtained in a hotel or licensed club is a sum equivalent to 20.31% of those profits.
- (3) A keno operator must pay the tax payable under this section in relation to a month not later than 14 days after the end of that month.
- (4) In this section –

monthly gross profit means gross profits derived by a keno operator during the month in relation to which tax is payable under this section.

150AK. Taxation in respect of venue licence

- (1) A venue operator must pay to the Commissioner of State Revenue a tax on

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the gross profits derived by that operator
from gaming machine games each
month.

- (2) The tax payable under subsection (1) is–
 - (a) a sum equal to 33.91% of those monthly gross profits derived from gaming machine games located in hotels; or
 - (b) a sum equal to 32.91% of those monthly gross profits derived from gaming machine games located in licensed clubs.
- (3) A sum payable by way of tax under subsection (1) must be paid to the Commissioner of State Revenue on or before the 14th day of the month immediately following the month to which that tax relates.
- (4) In this section –
 - monthly gross profit* means gross profits derived by a venue operator during the month in relation to which tax is payable under this section.

161. Section 150B amended (Revenue sharing)

Section 150B of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “Treasurer” and substituting “Minister”;
- (b) by omitting from subsection (4) “Treasurer” first occurring and substituting “Minister”;
- (c) by omitting from subsection (4) “Treasurer” second occurring and substituting “Commissioner of State Revenue”;
- (d) by omitting from subsection (4) “Treasurer” third occurring and substituting “Minister”.

162. Section 151 substituted

Section 151 of the Principal Act is repealed and the following sections are substituted:

151. Community support levy

- (1) A casino operator or a venue operator must, from the gross profits derived by that operator from gaming machine games in each month, pay to the Commissioner of State Revenue a community support levy.
- (2) The community support levy is –
 - (a) in the case of the holder of a general casino licence, a sum equal to 3% of those monthly gross profits derived from gaming machine games in the casino; and

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- (b) in the case of the holder of a venue licence –
- (i) a sum equal to 4% of those monthly gross profits derived from gaming machine games located in licensed clubs; and
 - (ii) a sum equal to 5% of those monthly gross profits derived from gaming machine games located in hotels.
- (3) A community support levy must be paid to the Commissioner of State Revenue on or before the 14th day of the month immediately following the month to which it relates.

151A. Community Support Fund

- (1) There is to be established in the Public Account an account to be called the Community Support Fund.
- (2) The Community Support Fund is to be administered by the Department.
- (3) The following is to be paid into the Community Support Fund:
 - (a) any community support levy paid under section 151;

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- (b) such other money received under this Act that is prescribed as being payable into the Community Support Fund;
 - (c) such other amounts as the Minister may from time to time advance for the purposes of the Community Support Fund.
- (4) The money in the Community Support Fund is to be distributed in the prescribed manner.

163. Section 153 amended (Debt due to the Crown)

Section 153 of the Principal Act is amended by omitting “Treasurer” and substituting “Commissioner of State Revenue”.

164. Part 9, Division 2A repealed

Division 2A of Part 9 of the Principal Act is repealed.

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

Section 153A of the Principal Act is amended by omitting subsection (6) and substituting the following subsection:

- (6) A gaming and wagering guarantee provided in accordance with the requirement of the Commission made

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under subsection (3) must be for not less than the amount specified in the requirement, that specified amount being an amount that is not less than the greater of the following:

- (a) \$1 000 000;
- (b) 1% of the licence holder's turnover relating to all gaming conducted in respect of the guaranteeable endorsement during the 12 months immediately preceding the month in which the Commission made that requirement.

166. Section 153AB inserted

After section 153A of the Principal Act, the following section is inserted in Division 3:

153AB. High-roller casino guarantee

(1) In this section –

casino guarantee means a guarantee from an authorised deposit-taking institution relating to the business carried on, or to be carried on, under a high-roller casino licence;

estimated turnover – see subsection (5);

turnover period, in relation to a high-roller casino licence, means –

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- (a) in a case to which subsection (2)(a) applies, the 12-month period immediately preceding the month in which the person was granted the high-roller casino licence; or
 - (b) in a case to which subsection (2)(b) applies, the 12-month period immediately preceding the month in which the Commission makes a requirement under subsection (3)(b).
- (2) The holder of a high-roller casino licence must provide to the Commission a casino guarantee if –
 - (a) the person has been granted a high-roller casino licence; or
 - (b) the Commission, under subsection (3)(b), requires the licence holder to provide a new casino guarantee.
- (3) The Commission, by written notice, may require the holder of a high-roller casino licence to do one or more of the following:
 - (a) provide to the Commission financial statements showing the

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turnover of the licence holder in respect of gaming at the high-roller casino for the immediately preceding 12-month period;

- (b) provide the Commission with a new casino guarantee.
- (4) A casino guarantee provided in accordance with subsection (2) must be of an amount specified by the Commission in writing, being an amount not less than the greater of the following:
- (a) \$1 000 000;
 - (b) 1% of the licence holder's turnover, or estimated turnover, in respect of all gaming conducted at the high-roller casino under the high-roller casino licence during the turnover period.
- (5) If the holder of a high-roller casino licence has only conducted gaming at the relevant casino for part of the turnover period, the Commission may, for the purpose of determining the amount of the guarantee under subsection (4)(b), estimate what the licence holder's turnover for that turnover period would have been had the licence holder conducted gaming at the relevant casino for the entire turnover period.

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- (6) A copy of a casino guarantee is to be provided to the Commission within 21 days after, as the case requires –
 - (a) the licence holder receives notice of the grant of the high-roller casino licence; or
 - (b) the licence holder receives a requirement made under subsection (3).
- (7) The Commission, under subsection (3), may not require a licence holder to provide a new casino guarantee unless –
 - (a) at least 6 months have passed since the high-roller casino licence was granted; or
 - (b) at least 6 months have passed since the last such requirement was made; or
 - (c) the licence holder has acquired a new associate; or
 - (d) the Commission considers that there has been a substantial increase in the turnover of the licence holder.
- (8) Where a licence holder –
 - (a) has gone into receivership; or
 - (b) owes money to the Crown under this Act –

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the Commission may use the casino guarantee paid by the licence holder in order to satisfy those debts.

167. Section 154 substituted

Section 154 of the Principal Act is repealed and the following section is substituted:

154. Manufacture, &c., of gaming equipment

- (1) A casino operator, venue operator, venue owner, monitoring operator or keno operator must not manufacture, sell, supply, obtain or be in possession of gaming equipment except in accordance with this Act.

Penalty: Fine not exceeding 1 000 penalty units or imprisonment for a term not exceeding 4 years, or both.

- (2) A casino operator, venue operator, venue owner, monitoring operator or keno operator must not sell or supply gaming equipment to a person who is not authorised under this Act to be in possession of that equipment except in accordance with this Act.

Penalty: Fine not exceeding 1 000 penalty units or imprisonment for a term not exceeding 4 years, or both.

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168. Section 159 substituted

Section 159 of the Principal Act is repealed and the following section is substituted:

159. Conflict of interest and duty

- (1) An authorized person must not be a casino operator, venue operator, keno operator, monitoring operator, licensed provider, a person listed on the Roll or an employee in any capacity of such an operator, provider or person listed on the Roll.
- (2) An authorized person who knowingly has, directly or indirectly, any business or financial association with or any business or financial interest in any matter in conjunction with a casino operator, venue operator, keno operator, monitoring operator, licensed provider or person listed on the Roll must as soon as possible—
 - (a) notify the Commission of the association or interest; and
 - (b) if directed to do so by the Commission, within a time specified by the Commission terminate the association or relinquish the interest.
- (3) A person who ceases to be an authorized person must not, at any time during the next 2 years, be employed by or

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significantly associated with a casino operator, venue operator, keno operator, monitoring operator, licensed provider or person listed on the Roll unless the Commission otherwise approves.

- (4) A person who ceases to be a Commissioner must not, at any time during the next 2 years after ceasing to be a Commissioner, be employed by or significantly associated with a casino operator, venue operator, keno operator, monitoring operator, licensed provider or person listed on the Roll unless the Commission otherwise approves.
- (5) A casino operator, venue operator, keno operator, monitoring operator, licensed provider or person listed on the Roll must not employ, or be significantly associated with, a person prohibited by subsection (3) or (4) from being so employed or associated.

Penalty: Fine not exceeding 50 penalty units.

169. Section 161 substituted

Section 161 of the Principal Act is repealed and the following section is substituted:

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161. Change in situation of licensee or person listed on Roll

- (1) Whenever a change, of a kind specified by the Commission in writing given to the holder of a prescribed licence under this Act or a person listed on the Roll, takes place in the situation existing in relation to that licence holder or person, the licence holder or person must, in a form approved by the Commission and on payment of the prescribed fee, notify the Commission of the change within 14 days after it takes place.

Penalty: Fine not exceeding 20 penalty units.

- (2) Subsection (1) does not apply to the holder of a casino licence, keno licence, or monitoring operator's licence.
- (3) Where notification of a change relates to a change in an associate of a licensee or a person whose name is listed on the Roll, the Commission must investigate and consider each notification of change –
- (a) if the change relates to a venue operator, in accordance with sections 38, 39 and 40; or
 - (b) if the change relates to a person whose name is listed on the Roll, in accordance with section 71.

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170. Section 162 amended (Destruction of finger prints, &c.)

Section 162(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “licensed premises gaming” and substituting “venue”;
- (b) by omitting from paragraph (b) “or a gaming” and substituting “, a monitoring operator’s licence or a keno”;
- (c) by omitting from paragraph (c) “manufacturer, supplier or tester” and substituting “person”.

171. Section 165 amended (Inducements, cheating, &c.)

Section 165 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “gaming” after “money,”;
- (b) by inserting in subsection (2) “gaming” after “money,”;
- (c) by inserting in subsection (3) “gaming” after “any”.

172. Section 172 substituted

Section 172 of the Principal Act is repealed and the following section is substituted:

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172. Information gathering for law enforcement purposes

- (1) For the purpose of obtaining information that may be of assistance to a law enforcement agency, the Commission may direct a casino operator, venue operator, keno operator, monitoring operator, licensed provider, minor gaming operator or person listed on the Roll in writing to provide the Commission with information obtained by the operator, provider or person listed on the Roll concerning their operations.
- (2) A direction under subsection (1) may relate to particular information or to information generally and may relate to particular or general information concerning a specified person.
- (3) The direction must specify –
 - (a) the kind of information that the casino operator, venue operator, keno operator, monitoring operator, licensed provider, minor gaming operator or person listed on the Roll is required to provide; and
 - (b) the manner in which the information is to be provided.
- (4) It is a condition of a casino licence, venue licence, keno operator's licence, monitoring operator's licence,

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Tasmanian gaming licence, minor gaming permit or listing on the Roll that the holder of the licence or permit or the person listed on the Roll must comply with a direction under subsection (1).

- (5) The Commission may make information obtained by the Commission under this section available to any law enforcement agency.

173. Section 173A inserted

After section 173 of the Principal Act, the following section is inserted in Part 10:

173A. Waiver of fees

The Commission may waive, reduce or remit payment of all or part of any fee or other amount payable under this Act to the Commission in any circumstances that the Commission considers appropriate.

174. Section 174 amended (Regulations)

Section 174 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Regulations under this section” and substituting “Without limiting the generality of subsection (1), the regulations”;

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- (b) by omitting from subsection (2)(b) “manufacturers, suppliers and testers” and substituting “persons”;
- (c) by inserting the following paragraphs after paragraph (b) in subsection (2):
 - (ba) the installation, handling, possession, use, operation, control, management, appearance and identification of gaming equipment;
 - (bb) requirements for the maintenance, security, testing, service, repair and storage of gaming equipment;
 - (bc) the labelling and sealing of gaming equipment;
 - (bd) tampering or interfering with gaming equipment;
 - (be) the storage of information in, and the retrieval of information from, gaming equipment;
- (d) by omitting from subsection (2)(f) “manufacturers, suppliers and testers” and substituting “persons”;
- (e) by omitting paragraph (g) from subsection (2);
- (f) by inserting in subsection (2)(h) “gaming” after “of”;

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- (g) by omitting paragraph (j) from subsection (2) and substituting the following paragraphs:
- (j) internal controls, administration and accounting procedures to be put in place by prescribed licence holders;
 - (ja) signage and advertising at approved venues;
 - (jb) requirements in relation to the offering of keno and casino gaming facilities by licence holders;
 - (jc) requirements as to the operating hours for casinos;
 - (jd) the approval by the Commission of plans, diagrams and specifications relating to the conduct of monitoring or operations in casinos, including the amendment of such approvals;
 - (je) the minimum wager that may be accepted on a specified game, or class of games, played at a high-roller casino;
- (h) by omitting paragraph (n) from subsection (2) and substituting the following paragraphs:

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- (ma) the establishment and maintenance of a register of gaming machine authorities;
- (mb) the basis for allocating gaming machine authorities to be endorsed on new venue licences and for allocating additional gaming machine authorities to be endorsed on existing venue licences;
- (mc) conditions and restrictions on the endorsement of gaming machine authorities on venue licences by the Commission;
- (n) the manufacture, sale, supply, acquisition, ownership, possession, use, operation, transport, management, disposal and destruction of gaming equipment;
- (na) restrictions on the approval of and operation of FATG machines and FATG games;
- (nb) the terms and conditions of acquisition (including tendering and the calling of expressions of interest), ownership, disposal and destruction of gaming equipment;
- (nc) any matter relating to the operation of an electronic monitoring system;

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- (nd) any other matter relating to monitoring operator licences;
 - (i) by omitting from subsection (2)(p) “special” and substituting “jackpot”;
 - (j) by inserting the following paragraph after paragraph (q) in subsection (2):
 - (qa) the distribution of the money in the Community Support Fund;
 - (k) by omitting from subsection (3) “Regulations under this section” and substituting “The regulations”;
 - (l) by omitting from subsection (3)(a) “20” and substituting “200”;
 - (m) by omitting subsection (4) and substituting the following subsections:
 - (4) The regulations may prescribe a fee by specifying –
 - (a) a set amount; or
 - (b) any other method of calculating the fee.
 - (4A) The regulations may provide for –
 - (a) the rounding of fees; and
 - (b) fees that vary according to class of premises or venues; and

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- (c) the manner of payment of fees; and
- (d) the time or times at which fees are to be paid; and
- (e) any fee to be paid by instalments.

175. Schedule 1 repealed

Schedule 1 to the Principal Act is repealed.

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

Schedule 5 to the Principal Act is amended by inserting after clause 7 in Part 7 the following Part:

**PART 8 – FURTHER TRANSITIONAL PROVISIONS CONSEQUENT
ON GAMING CONTROL AMENDMENT (FUTURE GAMING MARKET)
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1. Interpretation of Part

In this Part –

changeover day means 1 July 2023;

former Act means this Act as in force immediately before the changeover day.

2. Pending applications for licensed premises gaming licence

- (1) An application for a licensed premises gaming licence made under section 36 of the former Act that has not been determined before the changeover day is taken to be an application for a venue licence made under this Act and is to be dealt with by the Commission in accordance with this Act.
- (2) If subclause (1) applies, a provisional licensed premises gaming licence issued under the former Act that is in force on the changeover day is taken –
 - (a) on and from the changeover day to be a provisional venue licence issued under this Act; and
 - (b) to be subject to the conditions specified in the licence immediately before the changeover date.

3. Issue of venue licence to holder of licensed premises gaming licence issued during the lead-up period

- (1) In this clause –

transitional licensed premises gaming licence means a licensed premises gaming licence –

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- (a) granted as a consequence of an application for that licence made during the lead-up period; and
 - (b) that is in force immediately before the changeover day.
- (2) On the changeover day, the Commission must grant to the holder of a transitional licensed premises gaming licence a venue licence in respect of the same licensed premises for which the transitional licensed premises gaming licence was granted.
- (3) If the Commission grants a venue licence under subclause (2), the number of gaming machine authorities endorsed on the venue licence is to be the same as the number of gaming machines that the holder of the transitional licensed premises gaming licence was authorised to operate at the premises under that licence immediately before the changeover day.

4. Transitional monitoring operator's licence

- (1) In this clause –

gaming operator's licence means a gaming operator's licence in force under the former Act immediately before the changeover day.

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- (2) On the changeover day, the Commission may grant to the holder of a gaming operator's licence, or to a corporation related to the holder of that licence, a transitional monitoring operator's licence for a period not exceeding 12 months.
 - (3) A transitional monitoring operator's licence authorises the licence holder, subject to this Act and to any conditions to which the licence is subject, to perform the functions of a monitoring operator.
 - (4) Unless sooner cancelled or surrendered, a transitional monitoring operator's licence granted under subclause (2) expires on the earlier of the following events:
 - (a) the end of the term for which the licence was granted;
 - (b) 30 June 2024.
 - (5) This Act applies in respect of a transitional monitoring operator's licence in the same way as it applies in respect of a monitoring operator's licence (to the extent that is consistent with this clause).

5. Standards

Any standards of the Commission set under sections 76ZZG and 76ZZI of this Act that were in force immediately before the changeover day are taken, on

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and after that day, to be standards set by the Commission under section 112PA.

6. Directions, exemptions and approvals for casino operator

- (1) This clause applies in respect of a person if –
 - (a) the person, or a corporation related to the person, held a casino licence under the former Act (*the old casino licence*) immediately before the changeover day; and
 - (b) the person holds a general casino licence in respect of the same premises for which the old casino licence was granted.
- (2) A direction, exemption or approval given or issued by the Commission to a person under a provision of the former Act, in respect of the old casino licence, is taken on and from the changeover day to be a direction or approval given or issued under the equivalent provision of this Act to that person in respect of any general casino licence held by that person on the same terms and conditions.

7. Directions, exemptions and approvals in respect of keno

(1) In this clause –

keno authorisation means a direction, exemption or approval relating to the conduct of keno, issued or given to the holder of a gaming operator’s licence under the former Act.

(2) This clause applies in respect of a person if –

(a) the person, or a corporation related to the person, held a gaming operator’s licence under the former Act immediately before the changeover day; and

(b) the person holds a keno operator’s licence on the changeover day under this Act.

(3) A keno authorisation, given or issued by the Commission under a provision of the former Act to a person, or to a corporation related to the person, is taken on and from the changeover day to be a direction or approval given or issued under the equivalent provision of this Act to that person as the holder of a keno operator’s licence on the same terms and conditions.

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8. Interpretation of continuing document

(1) In this clause –

continuing document means an approval given by the Commission under section 80, 81 or 84 if the approval is continuing or has effect on or after the changeover day.

(2) For the purpose of giving effect to a continuing document –

- (a) a reference in the continuing document to a licensed premises gaming licence is taken to be a reference to a venue licence; and
- (b) a reference in the continuing document to the holder of a licensed premises gaming licence is taken to be a reference to the holder of a venue licence; and
- (c) a reference in the continuing document to a licensed premises gaming operator is taken to be a reference to a venue operator; and
- (d) a reference in the continuing document to licensed operators is taken to be a reference to casino operators and venue operators.

9. Limit on common ownership of authorities

(1) In this clause –

associated venue operators has the same meaning as in section 101D.

(2) If, on the changeover day, the combined number of gaming machine authorities endorsed on venue licences held by a venue operator, or by associated venue operators, exceeds 587, that venue operator or the associated venue operators must, within 14 days after the changeover day, apply under section 48C to decrease the number of gaming machine authorities so that the combined number of gaming machine authorities endorsed on those licences no longer exceeds 587.

Penalty: Fine not exceeding 1 000 penalty units.

10. Jackpot increments

(1) In this clause –

jackpot increment, for a hotel or club gaming machine, means the amount by which a gaming jackpot prize on that gaming machine increases from its approved initial value by the contributions from turnover.

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- (2) If the holder of a general casino licence held a casino licence under the former Act immediately before the changeover day, any jackpot special prize pool held by that licence holder under the former Act immediately before the changeover day is taken to be included for the purposes of section 150AI in the gross profits derived by that licence holder from gaming machine games during the month immediately following the changeover day.
- (3) If, immediately before the changeover day, there is a jackpot increment accumulated on a gaming machine operated in a hotel or club, the holder of the gaming operator's licence under the former Act must, within 14 days after the changeover day, pay that jackpot increment to the holder of the venue licence for that hotel or club.
- (4) In the event of a dispute over the payment of a jackpot increment to the holder of a venue licence under subclause (3), the holder of the gaming operator's licence under the former Act or the holder of the venue licence may apply in writing to the Commission for a resolution of the dispute.
- (5) If an application is made to the Commission under subclause (4), the Commission may carry out investigations

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that the Commission considers necessary to resolve the matters in dispute.

- (6) The decision of the Commission on reviewing the dispute is binding on both the holder of the gaming operator's licence under the former Act and the relevant venue operator.
- (7) A jackpot increment paid to the holder of a venue licence under subclause (3) is taken to be included for the purposes of section 150AK in the gross profits derived by that licence holder from gaming machine games during the month immediately following the changeover day.
- (8) The holder of a gaming operator's licence under the former Act may, for the purposes of section 150 of the former Act, deduct from its monthly gross profits for the month of June 2023 any payment made under subclause (3).

11. Community support levy

- (1) In this clause –

total community support levy has the same meaning as in section 151 of the former Act.

- (2) Any total community support levy collected under section 151 of the former Act that has not, immediately before the

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changeover day, been distributed in accordance with that section of the former Act is payable on the changeover day into the Community Support Fund.

PART 5 – TT-LINE GAMING ACT 1993 AMENDED

177. Principal Act

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

178. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting “Liquor and” after “Tasmanian” in the definition of *Commission*;
- (b) by omitting “105” from the definition of *exclusion order* and substituting “112E”;
- (c) by omitting the definitions of *game* and *gaming* and substituting the following definitions:

game means a game within the meaning of the *Gaming Control Act 1993*;

gaming means wagering in a contingency relating to a game, whether by means of a gaming machine or otherwise;

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- (d) by omitting the definitions of *gaming control equipment* and *gaming equipment* and substituting the following definition:

gaming equipment means gaming equipment within the meaning of the *Gaming Control Act 1993*;

- (e) by omitting the definition of *gaming machine* and substituting the following definition:

gaming machine means any device that is designed –

- (a) for the playing of a game of chance or a game that is partly a game of chance and partly a game requiring skill; and

- (b) to –

- (i) pay out money or gaming tokens as a result of the making of a wager; or

- (ii) register a right to an amount of money or money's worth to be paid as a result of the making of a wager;

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- (f) by omitting “control” from paragraph (b) of the definition of *gaming operations*;
 - (g) by omitting “equipment, gaming control” from paragraph (f) of the definition of *gaming operations*;
 - (h) by omitting “equipment or gaming control” from the definition of *maintain*;
 - (i) by omitting the definition of *token* and substituting the following definition:

token means Australian currency or any token, credit or any other thing that enables a wager to be made on a gaming machine;

- (j) by omitting “Regulation.” from the definition of *Victorian Commission* and substituting “Regulation;”;
- (k) by inserting the following definition after the definition of *Victorian Commission*:

wager has the same meaning as in the *Gaming Control Act 1993*.

179. Section 4 amended (Issue of gaming licences)

Section 4 of the Principal Act is amended by omitting subsection (6).

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Part 5 – TT-Line Gaming Act 1993 Amended

180. Section 7 amended (Gaming on standard interstate ferry services)

Section 7(2)(b)(i) of the Principal Act is amended by omitting “control equipment, approved gaming”.

181. Section 8 amended (Gaming on special interstate ferry services and cruises)

Section 8(2)(b)(i) of the Principal Act is amended by omitting “control equipment and approved gaming”.

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

Section 16(1) of the Principal Act is amended as follows:

- (a) by omitting “section 96” and substituting “section 101B”;
- (b) by omitting paragraphs (ab) and (ac);
- (c) by omitting from paragraph (d) “control equipment, gaming”;
- (d) by inserting in paragraph (g) “or a general casino licence” after “casino licence”.

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

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

- (a) by inserting in subsection (2)(a) “Liquor and” after “Tasmanian”;
- (b) by inserting in subsection (3) “Liquor and” after “Tasmanian”.

184. Section 24 amended (Taxation)

Section 24 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Treasurer” and substituting “Commissioner of State Revenue”;
- (b) by omitting from subsection (3) “Treasurer” and substituting “Commissioner of State Revenue”;
- (c) by omitting from subsection (6) “Treasurer” and substituting “Commissioner of State Revenue”.

185. Section 25 amended (Revenue-sharing agreements)

Section 25 of the Principal Act is amended as follows:

- (a) by omitting “Treasurer” first occurring and substituting “Minister”;

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- (b) by omitting “Treasurer” second occurring and substituting “Commissioner of State Revenue”.

186. Section 30A amended (Transitional and savings provisions)

Section 30A(4) of the Principal Act is amended by omitting “section 93” and substituting “section 112P”.

187. Schedule 1 amended (Matters Relevant to Investigations by the Commission)

Clause 2(d) of Schedule 1 to the Principal Act is amended by omitting “control”.

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PART 6 – REPEAL OF ACT

188. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.