

TASMANIA

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**GAMING CONTROL AMENDMENT  
REGULATIONS 2022**

**STATUTORY RULES 2022, No. 74**

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## **GAMING CONTROL AMENDMENT REGULATIONS 2022**

I, the Lieutenant-Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Gaming Control Act 1993*.

Dated 26 September 2022.

A. BLOW  
Lieutenant-Governor

By His Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON  
Treasurer

### **1. Short title**

These regulations may be cited as the *Gaming Control Amendment Regulations 2022*.

### **2. Commencement**

These regulations take effect on the day on which their making is notified in the *Gazette*.

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**3. Principal Regulations**

In these regulations, the *Gaming Control Regulations 2022\** are referred to as the Principal Regulations.

**4. Regulation 3 amended (Interpretation)**

Regulation 3 of the Principal Regulations is amended by inserting after the definition of *Act* the following definition:

*general standards* means general standards set by the Commission under section 112PA of the Act;

**5. Regulations 4A and 4B inserted**

After regulation 4 of the Principal Regulations, the following regulations are inserted:

**4A. Major change in situation of licensed operator**

For the purposes of section 30 of the Act, the following changes in situation in relation to a licensed operator are prescribed as a major change:

- (a) a change to the corporate structure of the licensed operator;

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- (b) the licensed operator or any of its associates has been charged with or convicted of –
  - (i) an offence against the Act; or
  - (ii) an offence involving fraud or dishonesty, whether that offence or a conviction for the offence occurred in Tasmania or elsewhere;
- (c) the licensed operator becomes a bankrupt or enters into an arrangement or composition with creditors under the *Bankruptcy Act 1966* of the Commonwealth;
- (d) the licensed operator is a corporate entity and that corporate entity is deregistered under the *Corporations Act 2001* of the Commonwealth.

**4B. Minor change in situation of licensed operator**

For the purposes of section 30 of the Act, the following changes in situation in relation to a licensed operator are prescribed as a minor change:

- (a) an associate of a licensed holder ceases to be an associate of that licensed operator;

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- (b) a change to the name of the licensed operator or any of the licensed operator's associates;
- (c) a change to the postal address, registered office address, telephone number or email address of the licensed operator or any of the licensed operator's associates;
- (d) a change to the details of the person nominated as the contact person for the licensed operator for the receipt of notices or correspondence from the Commission;
- (e) the licensed operator or any of the licensed operator's associates is charged with or convicted of any offence that is punishable by a term of imprisonment (other than an offence referred to in regulation 4A(b)), whether that offence or a conviction for the offence occurred in Tasmania or elsewhere;
- (f) a director of the licensed operator is disqualified under the Corporations Act or an overseas equivalent from managing corporations;

- (g) the licensed operator is granted or refused a licence, or has disciplinary action taken against it, by a body that regulates gambling in another jurisdiction, whether in Australia or overseas;
- (h) an associate of the licensed operator has sought to be declared bankrupt, has become bankrupt or has entered into an arrangement or composition with creditors under the *Bankruptcy Act 1966* of the Commonwealth;
- (i) an associate of the licensed operator is deregistered as a corporation under the Corporations Act;
- (j) the licensed operator or any of the licensed operator's associates default in payment of any debts or guarantees.

**6. Regulations 6A, 6B, 6C, 6D and 6E inserted**

After regulation 6 of the Principal Regulations, the following regulations are inserted:

**6A. Prescribed manner for dealing with jackpot prize pool**

- (1) For the purposes of section 85(3) of the Act, a casino operator, venue operator or monitoring operator who has removed a

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jackpot prize pool from an approved venue must pay that jackpot prize pool to the Commissioner of State Revenue on or before the 14th day of the month immediately following the month during which the jackpot prize pool was so removed.

- (2) Any money received by the Commissioner of State Revenue under subregulation (1) is payable into the Community Support Fund.

**6B. Procedures for sealing computer cabinet of gaming machine or FATG machine**

For the purposes of section 86 of the Act, the prescribed procedure to securely seal a seal on the computer cabinet of a gaming machine or an FATG machine is the procedure for the sealing of computer cabinets for such machines specified in the general standards.

**6C. Installation of gaming equipment**

For the purposes of section 90(2) of the Act, the prescribed requirements for the installation of gaming equipment at a casino or an approved venue are the requirements for the installation of such equipment at an approved venue specified in the general standards.

**6D. Requirement for identification information**

- (1) In this regulation –

*identification information*, in respect of a gaming machine or an FATG machine, means the identification information that is required under the general standards to be affixed to that gaming machine or FATG machine.

- (2) A person must not supply a gaming machine or an FATG machine to a prescribed licence holder unless there is identification information affixed to the cabinet of the gaming machine or the FATG machine in accordance with the general standards.

Penalty: Fine not exceeding 50 penalty units.

- (3) A prescribed licence holder must not possess a gaming machine or FATG machine unless there is identification information affixed to the cabinet of the gaming machine or the FATG machine in accordance with the general standards.

#### **6E. Approval of casino layout**

- (1) The Commission may, on application by the holder of a casino licence, approve plans, diagrams and specifications in relation to the conduct and monitoring of operations in the casino.
- (2) An application under subregulation (1) is to be in a form approved by the Commission.

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- (3) The plans, diagrams and specifications provided to the Commission for approval under subregulation (1) are to indicate the locations of the following:
  - (a) gaming tables and gaming equipment;
  - (b) cash desks;
  - (c) chip storage areas;
  - (d) counting rooms;
  - (e) any cash-dispensing device, including but not limited to, automatic teller machines and cash redemption terminals;
  - (f) premium player areas;
  - (g) such other facilities as the Commission specifies.
- (4) The Commission may, from time to time, request that a casino operator amend and resubmit plans, diagrams and specifications previously approved under subregulation (1), within the period specified in the request.
- (5) A casino operator must amend and resubmit plans, diagrams and specifications as requested under subregulation (4).
- (6) If the casino operator amends and resubmits the plans, diagrams and

specifications as requested under subregulation (4), the Commission must approve the amended plans, diagrams and specifications.

- (7) The Commission may only make a request under subregulation (4) that a casino operator amend and resubmit any plans, diagrams and specifications if the amendment is in the public interest or for the proper conduct of gaming.
- (8) The Commission may amend on its own initiative any approved plans, diagrams and specifications if the amendment is minor or typographical in nature.

**7. Regulation 10 amended (Annual fee for keno operations at licensed premises)**

Regulation 10(1) of the Principal Regulations is amended by omitting “800” and substituting “700”.

**8. Regulation 13A inserted**

After regulation 13 of the Principal Regulations, the following regulation is inserted:

**13A. Unclaimed winnings**

For the purposes of section 149(2) of the Act, the amount of unclaimed winnings for a month (the *payment month*) that is payable by a licensed operator or venue operator in respect of gaming conducted

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by that operator is to be calculated in accordance with the following formula:

$$A = B - C$$

where –

*A* is the total amount of unclaimed winnings for the payment month;

*B* is the total amount of winnings payable by the operator during the payment month that was not collected at the end of the payment month;

*C* is the total amount of winnings paid out by the operator during the payment month in respect of winnings uncollected at the beginning of the payment month.

**9. Regulations 16A, 16B, 16C, 16D and 16E inserted**

After regulation 16 of the Principal Regulations, the following regulations are inserted:

**16A. Controls and procedures to be implemented in casinos**

For the purposes of section 137(5) of the Act, a system of internal controls and administrative and accounting procedures approved for use by a casino operator must include details of the following:

- (a) accounting systems and procedures to be used by the casino operator;
- (b) administrative systems and procedures to be used by the casino operator, including the functions of staff engaged in gaming operations in the casino;
- (c) procedures for the conduct of gaming and the operation of gaming equipment, including computer systems;
- (d) procedures for the security, storage and disposal of gaming equipment;
- (e) procedures for the acquisition, installation, service, repair and maintenance of gaming equipment;
- (f) procedures for the use and maintenance of security and surveillance facilities;
- (g) general procedures in connection with gaming operations at the casino.

**16B. Controls and procedures to be implemented by venue operators**

For the purposes of section 137A(3) of the Act, the system of internal controls

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and administrative and accounting procedures established by the Commission for use by venue operators is to include details of the following:

- (a) accounting systems and procedures to be used by the venue operator;
- (b) administrative systems and procedures to be used by the venue operator, including the functions of staff engaged in gaming operations;
- (c) procedures for the conduct of gaming and the operation of gaming equipment, including computer systems;
- (d) procedures for the acquisition, security, storage and disposal of gaming equipment;
- (e) procedures for the installation, service, repair and maintenance of gaming equipment;
- (f) procedures for the use and maintenance of security and surveillance facilities;
- (g) general procedures in connection with the gaming operations of the hotel or licensed club.

**16C. Controls and procedures to be implemented by keno operators and monitoring operators**

For the purposes of section 138(5) of the Act, a system of internal controls and administrative and accounting procedures approved for use by a keno operator or monitoring operator must include details of the following:

- (a) accounting systems and procedures to be used by the keno operator or monitoring operator;
- (b) administrative systems and procedures to be used by the keno operator or monitoring operator, including the functions of the operator's staff;
- (c) in the case of a keno operator –
  - (i) procedures for the operation of a keno system; and
  - (ii) general procedures in connection with the conduct of keno;
- (d) procedures for the acquisition, installation, service, repair and maintenance of gaming equipment by or on behalf of the keno operator or monitoring operator.

**16D. Warning signs in casinos and licensed premises**

- (1) The holder of a casino licence or a venue licence must ensure that a warning sign, in a form approved by the Commission, is displayed in a prominent position at each entrance to any restricted gaming areas within the approved venue specified in the licence.

Penalty: Fine not exceeding 100 penalty units.

- (2) The holder of a casino licence or a venue licence must ensure that a warning sign, in a form approved by the Commission, is prominently displayed on every gaming machine operating at the approved venue specified in the licence.

Penalty: Fine not exceeding 100 penalty units.

- (3) A warning sign under this regulation must state –

(a) such of the following information as the Commission may determine:

- (i) the minimum age at which a person may enter and remain in a restricted gaming area and operate a gaming machine;

- (ii) that a person may be required to provide evidence of age;
  - (iii) that a person under the minimum age is not entitled to any winnings from the operation of a gaming machine or from placing a wager on a game of keno;
  - (iv) the maximum penalties for entering or remaining in the restricted gaming area, for operating a gaming machine or for placing a wager on a game of keno; and
- (b) such other warning, safety or instructive information that the Commission considers is in the public interest.

**16E. Tampering or interfering with gaming equipment**

A person must not, unless authorised to do so under the Act or by the Commission –

- (a) remove, replace or interfere with any electronic or physical security devices that are monitoring or protecting gaming equipment; or

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(b) alter or otherwise interfere with identification information which is affixed to gaming equipment; or

(c) affix or break any seal protecting access to security codes or passwords relating to gaming equipment.

Penalty: Fine not exceeding 200 penalty units.

**10. Schedule 1 amended (Fees)**

Schedule 1 to the Principal Regulations is amended as follows:

(a) by inserting the following heading after the heading to Schedule 1:

**PART 1 – LICENCE AND PERMIT FEES**

(b) by omitting item 1 and substituting the following:

1.	Proposal by licensed operator under section 14 of the Act for change to conditions on casino licence or keno operator's licence.	300
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(c) by omitting item 6 and substituting the following:

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6.	Request under section 44 of the Act to amend a venue licence –	
	(a) base fee; and	300
	(b) additional fee if request is accompanied by community interest submission.	1 265
6A.	Application under section 48A of the Act for the transfer of a gaming machine authority –	
	(a) base fee; and	389
	(b) additional fee if application is accompanied by community interest submission.	1 365
6B.	Application under section 48B of the Act to increase number of gaming machine authorities endorsed on venue licence.	283
6C.	Application under section 48C of the Act to decrease number of gaming machine authorities endorsed on venue licence.	184
6D.	Request under section 48W of the Act to amend conditions on monitoring operator’s licence.	300

**11. Schedule 1 amended (Fees)**

After Part 1 of Schedule 1 to the Principal Regulations, the following Part is inserted:

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**PART 2 – FEES RELATING TO ELECTRONIC MONITORING  
SYSTEM AND GAMING EQUIPMENT**

	<b>Provision of Act under which fee is payable</b>	<b>Fee units</b>
1.	Application under section 48Y of the Act for the approval of an electronic monitoring system or class of electronic monitoring systems – <p style="margin-left: 40px;">(a) where the electronic monitoring system or class of electronic monitoring systems has not previously been approved under section 48Y; or</p> <p style="margin-left: 40px;">(b) where the electronic monitoring system or class of electronic monitoring systems has been previously approved under section 48Y but components have changed.</p>	<p>2 065</p> <p>440</p>
2.	Application under section 80 of the Act for the approval of a machine type.	296
3.	Application under section 80 of the Act for the approval of a machine game.	430
4.	Application under section 81 of the Act for the approval of gaming equipment –	

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<b>Provision of Act under which fee is payable</b>	<b>Fee units</b>
(a) where the gaming equipment is an electronic monitoring system for use in a casino and the electronic monitoring system has not previously been approved under section 81; or	2 065
(b) where the gaming equipment is an electronic monitoring system for use in a casino and the gaming equipment has been previously approved under section 81 but components of the equipment have changed; or	440
(c) where the gaming equipment is for an electronic monitoring system for use in keno operations and the gaming equipment has not previously been approved under section 81; or	2 065
(d) where the gaming equipment is for an electronic monitoring system for use in keno operations and the gaming equipment has been previously approved under section 81 but components have changed; or	440
(e) in all other cases.	317

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	<b>Provision of Act under which fee is payable</b>	<b>Fee units</b>
5.	Application under section 112Q of the Act for approval to possess or have control of gaming equipment, or gaming equipment of a type, that has not been approved.	53

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 5 October 2022.

These regulations are administered in the Department of Treasury and Finance.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations amend the *Gaming Control Regulations 2022* by prescribing various matters including –

- (a) the manner for dealing with a jackpot prize pool where the pool cannot be returned to players under alternative arrangements; and
- (b) requirements in relation to the sealing and installation of gaming equipment; and
- (c) specifications to be included in internal controls and administrative and accounting procedures approved for use by casino operators, venue operators, monitoring operators and keno operators; and
- (d) requirements for warning notices and for the affixing of identification information on gaming machines and FATG machines; and

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- (e) the process for the approval by the Commission of plans, diagrams and specifications for casinos; and
- (f) the means for calculating unclaimed winnings for the purposes of section 149 of the *Gaming Control Act 1993*; and
- (g) various fees for the purposes of that Act.