

TASMANIA

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**GAMING CONTROL (MONITORING OPERATOR)  
REGULATIONS 2023**

**STATUTORY RULES 2023, No. 27**

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**GAMING CONTROL (MONITORING OPERATOR)  
REGULATIONS 2023**

I, the 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 29 May 2023.

B. BAKER  
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON  
Treasurer

**1. Short title**

These regulations may be cited as the *Gaming Control (Monitoring Operator) Regulations 2023*.

**2. Commencement**

These regulations take effect on 1 July 2023.

### **3. Interpretation**

In these regulations –

*Act* means the *Gaming Control Act 1993*;

*approved electronic monitoring system* means the electronic monitoring system approved under section 48Y of the Act;

*Information Technology Infrastructure Library framework* means the integrated set of best-practice procedures for the management of IT support and service levels originally developed by the United Kingdom Government in 1989 and commonly known as ITIL;

*Monitoring Services Deed* means the deed dated 24 August 2022, between the Crown and Maxgaming Tas Pty Ltd (ABN 60 661 770 430);

*on request* means at the request of the holder of a venue licence.

### **4. Core monitoring functions of monitoring operator**

For the purposes of section 48E(1)(b) of the Act, the functions specified in Schedule 1 are prescribed as the core monitoring functions of a monitoring operator.

**5. Regulated monitoring functions of monitoring operator**

For the purposes of section 48E(2) of the Act, the functions specified in Schedule 2 are prescribed as the regulated monitoring functions of a monitoring operator.

**6. Change in situation of monitoring operator**

- (1) For the purposes of section 48Q of the Act, the following changes in situation in relation to a monitoring operator are prescribed as a major change:
  - (a) a change in the corporate structure of the monitoring operator;
  - (b) the monitoring operator or an associate of the monitoring operator is charged or convicted with an offence under the Act or an offence involving fraud or dishonesty in Tasmania or any other jurisdiction;
  - (c) the monitoring operator becomes a bankrupt or enters into an arrangement or composition with creditors under the *Bankruptcy Act 1966* of the Commonwealth;
  - (d) the monitoring operator is a corporate entity and that corporate entity is deregistered under the *Corporations Act 2001* of the Commonwealth.

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- (2) For the purposes of section 48Q of the Act, the following changes in situation in relation to a monitoring operator are prescribed as a minor change:
- (a) a person ceases to be an associate of the monitoring operator;
  - (b) the monitoring operator or an associate of the monitoring operator changes name;
  - (c) the monitoring operator changes postal address, registered office address, telephone number or email address;
  - (d) the monitoring operator changes details of the nominated contact person for receipt of notices or correspondence from the Commission;
  - (e) an associate of the monitoring operator changes residential or postal address, registered office address, telephone number or email address;
  - (f) the monitoring operator or an associate of the monitoring operator is charged or convicted with an offence, other than an offence specified in regulation 6(1)(b), in Tasmania or any other jurisdiction;
  - (g) the monitoring operator has a director who is disqualified under the *Corporations Act 2001* of the Commonwealth or an overseas equivalent;

- (h) the monitoring 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);
- (i) an associate of the monitoring operator becomes a bankrupt or enters into an arrangement or composition with creditors under the *Bankruptcy Act 1966* of the Commonwealth;
- (j) an associate of the monitoring operator is a corporate entity that is deregistered under the *Corporations Act 2001* of the Commonwealth;
- (k) the monitoring operator or any associate of the monitoring operator defaults in the payment of any debts or guarantees;
- (l) the monitoring operator or any associate of the monitoring operator is refused credit.

## **7. Fees for monitoring functions**

- (1) For the purposes of 48Z(1)(c) of the Act, the fee payable by the holder of a venue licence to the monitoring operator for the provision of core monitoring functions is 1.37 fee units per day for each gaming machine in the relevant licensed premises that is connected to the approved electronic monitoring system.

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- (2) For the purposes of 48Z(1)(c) of the Act, the fee payable by the holder of a venue licence to the monitoring operator for the provision of a regulated monitoring function is the fee set out for that regulated monitoring function in Schedule 3.
- (3) Each fee specified in this regulation and Schedule 3 is specified exclusive of GST.

**SCHEDULE 1 – CORE MONITORING FUNCTIONS**

**Regulation 4**

1. The operation and maintenance of the approved electronic monitoring system in accordance with the monitoring operator’s licence.
2. The connection of each gaming machine in licensed premises to the approved electronic monitoring system to enable the holders of venue licences to comply with the venue licence conditions and the Act.
3. Use of the approved electronic monitoring system to monitor the operation of gaming machines in licensed premises to ensure –
  - (a) the integrity of gaming machine operations; and
  - (b) that gaming machines are operating correctly and in accordance with the Act.
4. The collection of data for each gaming machine in licensed premises for the purposes of enabling the calculation of fees, taxes and levies payable in respect of those gaming machines under the Act.
5. The provision of data collected under item 4, in a form approved by the Commission, to the following persons:

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- (a) the relevant venue operator;
  - (b) the Commission;
  - (c) the Commissioner of State Revenue.
- 6.** The provision of tools and facilities to enable the Commission to –
- (a) perform data analysis in respect of gaming machines in licensed premises; and
  - (b) perform audits on the operation and performance of gaming machines; and
  - (c) administer reassessments and adjustments.
- 7.** The maintenance of a central electronic monitoring system host in accordance with any general electronic monitoring system standards set by the Commission under section 112PA of the Act.
- 8.** The provision of access to the central electronic monitoring system host to the Commission.
- 9.** The provision of a help desk service for venue operators in relation to the approved electronic monitoring system.

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- 10.** The establishment and maintenance of systems and processes aligned with the Information Technology Infrastructure Library framework.
  
- 11.** The provision of an online electronic authorisation system through which venue operators may apply for authorisation from the Commission to –
  - (a) install, dispose of or change the configuration of a gaming machine; or
  - (b) attach or detach a gaming machine to or from a progressive jackpot controller.
  
- 12.** The provision of facilities and assistance to manufacturers and suppliers of gaming machines to enable those persons to determine whether gaming machines will operate correctly with the approved electronic monitoring system.

**SCHEDULE 2 – REGULATED MONITORING  
FUNCTIONS**

Regulation 5

1. The installation and commissioning of gaming machines in licensed premises on request.
2. The decommissioning of gaming machines in licensed premises and the removal of those decommissioned gaming machines from those licensed premises on request.
3. The making of configuration changes to gaming machines and gaming machine games on request.
4. The connection of gaming machines to linked jackpot arrangements in licensed premises on request.
5. The operation, monitoring and configuration management of linked jackpot arrangements in licensed premises.
6. The removal of gaming machines from linked jackpot arrangements in licensed premises on request.
7. The decommissioning of linked jackpot arrangements in licensed premises on request.

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- 8.** The maintenance of gaming machines.
- 9.** The repair and return to service of gaming machines.
- 10.** The relocation of gaming machines within licensed premises on request.
- 11.** The destruction of gaming machines on request.
- 12.** The preparation or refurbishment of licensed premises to allow the operation of gaming machines and the operation of the approved electronic monitoring system in those licensed premises on request.
- 13.** The retrofit or repair under warranty of gaming machines on behalf of manufacturers on request.

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**SCHEDULE 3 – FEES FOR MONITORING OPERATOR  
 REGULATED MONITORING FUNCTIONS**

Regulation 7(2)

<b>Item</b>	<b>Regulated monitoring function</b>	<b>Fee (Fee units)</b>
1.	Installation and commissioning of a gaming machine	101.13 per gaming machine
2.	Removal and decommissioning of a gaming machine	64.61 per gaming machine
3.	Configuration change to gaming machine or gaming machine game	70.23 for each change
4.	Operation, monitoring and configuration management of linked jackpot arrangement	2.16 per gaming machine per day for each gaming machine that is connected to the linked jackpot arrangement
5.	Connection of a gaming machine to linked jackpot arrangement	112.36 per gaming machine
6.	Removal of a gaming machine from a linked jackpot arrangement	112.36 per gaming machine
7.	Decommissioning of linked jackpot arrangement	112.36 per linked arrangement
8.	Maintenance of gaming machine (including repair and return to service and preventative maintenance)	1.01 per gaming machine per day

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<b>Item</b>	<b>Regulated monitoring function</b>	<b>Fee (Fee units)</b>
9.	Relocation of a gaming machine within licensed premises	92.70 per relocation of one gaming machine
10.	Destruction of a gaming machine	84.27 per gaming machine
11.	Non-structural venue preparation or refurbishment within the scope of the Monitoring Services Deed (including, but not limited to, site survey, cabling and supply and installation of venue based electronic monitoring system components)	224.72 per hour up to a maximum of 11 235.96.
12.	Retrofit of gaming machine	84.27 per hour
13.	Repair under warranty of gaming machine on behalf of manufacturer	84.27 per hour

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

Notified in the *Gazette* on 7 June 2023.

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

**EXPLANATORY NOTE**

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

These regulations prescribe, for the purposes of the *Gaming Control Act 1993* –

- (a) the core and regulated functions of a monitoring operator; and
- (b) those situations that are a major or minor change in the situation of a monitoring operator for the purposes of section 48Q of that Act; and
- (c) the fees payable by venue operators for the provision of core functions and regulated functions by the monitoring operator.