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K Woodward  
Deputy Chief Parliamentary Counsel  
Dated 1 July 2022



TASMANIA

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## **GAMING CONTROL ACT 1993**

**No. 94 of 1993**

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## **GAMING CONTROL ACT 1993**

**No. 94 of 1993**

**An Act to make provision generally in respect of gaming and wagering, to provide for the supervision and control of casinos, gaming machines, keno, lotteries, lucky envelopes, gaming by telephone and other electronic means and other gaming and to provide for related matters**

**[Royal Assent 17 December 1993]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

### **PART 1 – PRELIMINARY**

#### **1. Short title**

This Act may be cited as the *Gaming Control Act 1993*.

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Part 1 – Preliminary

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## 2. Commencement

This Act commences on the day on which it receives the Royal Assent.

## 3. Interpretation

(1) In this Act, unless the contrary intention appears

—

*accredited representative* means a person who is the accredited representative of a foreign games permit holder under Division 6 of Part 4C;

*accredited testing facility* means a facility –

- (a) for the testing of gaming equipment, games and gaming machines; and
- (b) the name of which appears on the Roll;

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

*amend* means –

- (a) insert matter; and
- (b) omit matter; and
- (c) omit matter and substitute other matter;

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***approved game*** means a game approved under section 76ZZF;

***approved gaming equipment*** means gaming equipment of a type approved by the Commission under section 80 or 81;

***approved location*** means premises specified in a gaming endorsement in which the licensed provider may undertake a gaming activity authorised by the endorsement;

***approved outlet*** means premises established and used for gaming and wagering purposes pursuant to section 76ZZ or 76ZZAAA;

***approved sports event*** means a sports event declared under subsection (8) to be an approved sports event;

***approved venue*** means premises on which a venue operator is licensed to conduct gaming;

***authorised game*** means a game determined under section 76ZZK to be an authorised game;

***authorized person*** means –

- (a) a Commissioner; or
- (b) an inspector; or
- (c) a person appointed by the Commission in writing to be an

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authorized person for the  
purposes of this Act;

***betting exchange*** has the meaning given by  
section 76ZDB;

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

***betting exchange operator*** has the meaning  
given by section 76ZDB;

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

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

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

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***casino*** means premises, or part of premises, defined as a casino for the time being under section 15;

***casino employee*** means a special employee having functions in or in relation to a casino;

***casino licence*** means a licence granted and in force under section 13 or 28;

***casino operator*** means a person who is a holder of a casino licence;

***charitable purposes*** includes the following purposes:

- (a) religious purposes;
- (b) educational purposes;
- (c) benevolent purposes;
- (d) welfare purposes;
- (e) providing medical treatment or attention;
- (f) promoting or encouraging literature, art or science;
- (g) establishing, managing or beautifying a community centre or park or other community premises or place;
- (h) recreational or sporting purposes;

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- (i) a purpose approved by the Commission generally or in a particular case;

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

***Commission*** means the Tasmanian Liquor and Gaming Commission referred to in section 123;

***Commissioner*** means a member of the Commission;

***Commissioner of State Revenue*** means the Commissioner of State Revenue appointed as such under the *Taxation Administration Act 1997*;

***competitor*** includes participant;

***computer cabinet*** means the sealed section in a gaming machine which contains the game programme storage medium and the Random Access Memory;

***computer server*** means a computer that is capable of one or more of the following:

- (a) communicating with another computer;
- (b) generating a simulated game or a simulated racing event;
- (c) providing to that other computer –

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- (i) access to a database; or
  - (ii) transaction-based services; or
  - (iii) software applications;

***control system*** means a system of internal controls, and administrative and accounting procedures, for the conduct of a gaming business by a licensed provider;

***decision***, in relation to the Commission, includes determination;

***2003 Deed*** means –

- (a) the Deed made on 18 March 2003 between The Federal Hotels Pty Limited, Australian National Hotels Pty Limited, Tasmanian Country Club-Casino Proprietary Limited and the Crown in right of the State of Tasmania, a copy of which is set out in Schedule 1; and
- (b) any deed made as a supplement to the Deed referred to in paragraph (a);

***device*** includes any electrical, electronic or mechanical machine;

***electronic monitoring system*** means any dial-up or on-line real time electronic, computer or communications system or

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device that is so designed 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;

***employ*** includes engage under a contract for services;

***exempt game*** means a game, or a game of a class, declared to be an exempt game under subsection (8A);

***foreign game*** means –

- (a) a lottery or game (including pools and a game that is prescribed for the purposes of the definition of “game” in this section) that is the subject of an application under section 77B for a foreign games permit; and
- (b) a lottery or game (including pools and a game that is prescribed for the purposes of the definition of “game” in this section) in which tickets may be sold in Tasmania under a foreign games permit;

***foreign games permit*** means a foreign games permit granted and in force under Part 4C;

***foreign games permit holder*** means the person who holds a current foreign games permit;

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**game** means a game of chance or a game that is partly a game of chance and partly a game requiring skill but does not include any major lottery, pools or prescribed game or an exempt game;

**gaming** means wagering in a contingency relating to a game, whether by means of a gaming machine or otherwise;

**gaming Act** means –

- (a) the *TT-Line Gaming Act 1993*; and
- (b) an Act of the Commonwealth or another State or a Territory that is similar in effect to this Act; and
- (c) subordinate legislation under any Act referred to in paragraph (a) or (b);

**gaming activity** means –

- (a) the wagering in a contingency relating to a sports event, race wagering event, simulated game, simulated racing event, major lottery or pools (where the event, simulated game, simulated racing event, major lottery or pools is not a prohibited gaming activity); and
- (b) the wagering in a contingency relating to a brokered wagering

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event (where the event is not a prohibited gaming activity); and

- (c) the wagering in a contingency by way of a totalizator (where the totalizator is not conducted in respect of a prohibited gaming activity);

***gaming area*** means a casino or any area in licensed premises to which a licensed premises gaming licence relates approved by the Commission for the conduct of gaming;

***gaming business*** means the business of a licensed provider conducted under the authority of a Tasmanian gaming licence in respect of a gaming endorsement;

***gaming endorsement*** means –

- (a) a sports betting endorsement; and
- (b) a race wagering endorsement; and
- (c) a simulated gaming endorsement; and
- (ca) a simulated racing event endorsement; and
- (d) a major lottery endorsement; and
- (da) a betting exchange endorsement; and

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- (db) a totalizator endorsement; and
- (dc) an agent endorsement;
- (e) . . . . .

***gaming equipment*** means –

- (a) linked jackpot equipment and an electronic monitoring system; and
- (b) an electronic, electrical or mechanical device specifically designed, customised or installed for use in connection with gaming or a gaming activity; and
- (c) computer software specifically designed, customised or installed for use in connection with gaming or a gaming activity; and
- (d) any other device used, or capable of being used, for or in connection with gaming or a gaming activity; and
- (e) a part of, or a replacement part for, gaming equipment;

***gaming machine*** means any device, whether wholly or partly mechanically or electronically operated, that is so designed that –

- (a) it may be used for the purpose of playing a game; and

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- (b) as a result of making a wager on the device by the insertion of a gaming token, winnings may become payable;

***gaming machine game*** means a game designed to be played on a gaming machine and identifiable from all other games by differences in rules or programming;

***gaming machine type*** means a type of gaming machine, including the computer cabinet and computer hardware and software, on which a range of games may be played 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;

***gaming operation*** means any activity authorized by a gaming operator's licence;

***gaming operator*** means the holder of a gaming operator's licence;

***gaming operator's licence*** means a licence granted and in force under section 13 or 28;

***gaming token*** means Australian currency or any token, credit or any other thing that enables a wager to be made on a gaming machine;

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***goods and services tax*** means the GST as defined in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth;

***greyhound race*** means a race between greyhound dogs in pursuit of a moving object;

***gross profit***, in relation to keno, machine games and games approved under section 103, means the gross profit calculated in accordance with section 136;

***harness race*** means a race between horses with a pacing or trotting gait;

***horse race*** means a race between horses with a galloping gait;

***inspector*** means a person appointed under section 128 to be an inspector for the purposes of this Act;

***instruct*** means instruct by instrument in writing;

***jackpot*** means a winning entitlement to the whole or a part of a special prize pool;

***keno*** means a game in which a person wagers –

- (a) that certain numbers selected by that person will be among a group of numbers randomly

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selected from a total pool of 80 numbers; or

- (b) on the outcome of the numbers randomly selected from a total pool of 80 numbers;

***law enforcement agency*** means –

- (a) the Police Service; or
- (ab) the police force of any other State or of a Territory; or
- (b) the Australian Federal Police; or
- (c) the Australian Criminal Intelligence Commission; or
- (d) any other authority or person responsible for the enforcement of the laws of the Commonwealth or of this or any other State or of a Territory;

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

***licence holder*** means a person who holds a licence or permit that is in force under this Act;

***licensed operator*** means a casino operator or a gaming operator;

***licensed premises*** means premises in respect of which a licence under the *Liquor*

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*Licensing Act 1990* is in force authorizing the sale of liquor for consumption on the premises—

- (a) to members of the public; or
- (b) to members of the club specified in the licence, a person introduced to the club by a member in accordance with the rules of the club or a person who is a member of the club by reason of a reciprocal arrangement with another club;

***licensed premises gaming licence*** means a licence granted and in force under section 42;

***licensed premises gaming operator*** means the person who is the holder of a licensed premises gaming licence;

***licensed provider*** means a person who holds a Tasmanian gaming licence;

***licensed technician*** means a person who is the holder of a licence in force under Division 4 of Part 4;

***linked jackpot arrangement*** means an arrangement whereby 2 or more gaming machines or other prescribed machines are linked to a device that —

- (a) records from time to time an amount which may be payable, or

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part of which may be payable, as a jackpot; and

- (b) for the purpose of recording the amount referred to in paragraph (a), receives data from each machine to which the device is linked; and
- (c) is not capable of affecting the outcome of a game on a machine to which the device is linked;

***linked jackpot equipment*** means any jackpot meter, payout display, linking equipment, computer equipment, programming or other device (other than a gaming machine) forming, or capable of forming, part of a linked jackpot arrangement;

***liquor*** has the same meaning as in the *Liquor Licensing Act 1990*;

***lottery*** has the meaning given by section 4A;

***lucky envelope*** means –

- (a) any ticket, card or envelope that is commonly known as a lucky envelope, beer ticket, cash ticket or tear open envelope; and
- (b) any other ticket, card or envelope of a similar nature or kind;

***lucky envelope supplier*** means a person who prints or otherwise manufactures lucky

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envelopes or sells lucky envelopes to another person for the purposes of resale by that other person;

**major lottery** has the meaning given by section 4B;

**major lottery endorsement** means an endorsement on a Tasmanian gaming licence that authorises the activities specified in section 76V;

**minor gaming operator** means the holder of a minor gaming permit;

**minor gaming permit** means a minor gaming permit granted and in force under Part 4B;

**money clearance** means the removal of money, chips or gaming tokens from a drop box;

**non-licensed premises** means premises in respect of which a licence may be granted under the *Liquor Licensing Act 1990* authorising the sale of liquor for consumption on the premises—

- (a) to members of the public, other than in conjunction with the provision of meals; or
- (b) to members of the club specified in the licence, a person introduced to the club by a member in accordance with the

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rules of the club or a person who is a member of the club by reason of a reciprocal arrangement with another club;

***not-for-profit organisation*** means an organisation, association, society, club, institution or other body, whether corporate or unincorporate, that is formed or carried on primarily for charitable purposes and not for purposes of trading or securing a profit for its members or another body;

***operations***, in relation to a casino, means –

- (a) the conduct of gaming in the casino; or
- (b) other matters affecting or arising out of, activities in the casino;

***player*** means a person who (otherwise than as a licensed provider or as the employee of a licensed provider in the course of that employment) –

- (a) wagers on an approved sports event, race wagering event, major lottery, pools, simulated racing event or simulated game; or
- (b) wagers, through a betting exchange, on a brokered wagering event; or
- (c) wagers on a totalizator;

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***pools*** means football pools and other similar pools prescribed in the regulations;

***premises*** includes –

- (a) a vehicle, vessel, aircraft and other means of transport; and
- (b) a part of premises;

***prescribed duties*** –

- (a) in relation to a special employee, means duties associated with the conduct of gaming, or a gaming activity, specified by the Commission in accordance with subsection (6); and
- (b) in relation to a technician, means duties associated with the installation and operation of gaming equipment specified by the Commission in accordance with subsection (6);

***prescribed licence*** means –

- (a) a casino licence; and
- (b) a gaming operator's licence; and
- (c) a licensed premises gaming licence; and
- (d) a special employee's licence; and
- (e) a technician's licence; and

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- (f) a listing on the Roll; and
- (g) a Tasmanian gaming licence; and
- (h) a minor gaming permit; and
- (ha) a foreign games permit; and
- (i) any other licence, permit or authority or similar document prescribed by the regulations;

***prescribed licence holder*** means the holder of a prescribed licence;

***prohibited device*** means a device –

- (a) used or intended to be used for interfering with the normal operation of gaming equipment; or
- (b) used or intended to be used for the purpose of enabling a person to count or otherwise record cards dealt in the course of gaming in a casino;

***prohibited gaming activity*** means any game, major lottery or pools declared by the Minister under subsection (7) to be a prohibited gaming activity;

***public interest*** or ***interest of the public*** means public interest or interest of the public having regard to the creation and maintenance of public confidence and

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trust in the credibility, integrity and stability of the conduct of gaming;

***public place*** means –

- (a) a public place within the meaning of the *Police Offences Act 1935*; and
- (b) a common gaming-house;

***race wagering*** means wagering on a race wagering event or contingency other than –

- (a) brokered wagering; or
- (b) totalizator wagering;

***race wagering endorsement*** means an endorsement contained in a Tasmanian gaming licence that authorises the activities specified in section 76T;

***race wagering event*** means a real horse race, real harness race or real greyhound race;

***racing club*** means a racing club within the meaning of the *Racing Regulation Act 2004*;

***real*** means not simulated;

***record*** includes any book, account, document, paper or other source of information compiled, recorded or stored in written form, or on microfilm, or by electronic process, or by any other means;

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***registered company auditor*** means a person registered as an auditor, or taken to be so registered, under Part 9.2 of the Corporations Act;

***registered player***, in relation to a licensed provider, means a person registered as a player with that provider under section 76ZU;

***regulations*** means regulations made and in force under this Act;

***regulatory Agency*** means –

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

***repealed Act*** means any Act referred to in Schedule 4;

***restricted gaming area*** means a physically discrete area within an approved venue which minors must not enter and which is devoted primarily to the conduct of gaming;

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***Roll*** means the Roll of Recognized Manufacturers, Suppliers and Testers of Gaming Equipment maintained under section 70;

***rules of the game***, in relation to an authorised game, means the rules of the game set out in a determination under section 76ZZK in respect of that authorised game;

***sell*** means –

- (a) sell by wholesale or retail; and
- (b) offer, display or expose for sale; and
- (c) keep for sale; and
- (d) barter or exchange; and
- (e) deal in or agree to sell; and
- (f) supply, forward or deliver for sale or for, or in expectation of receiving, any payment or other consideration; and
- (g) authorise, cause, attempt, allow, assist with or cooperate in the doing of any act referred to in paragraph (a), (b), (c), (d), (e) or (f);

***simulated game*** means a computer-generated simulated game, other than keno, a

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simulated racing event or a lottery,  
where –

- (a) a prize consisting of money or something else of value is offered or can be won under the rules of the game; and
- (b) a player –
  - (i) enters the game or takes any step in the game by means of a telecommunications device; and
  - (ii) pays a monetary payment or other valuable consideration to participate in the game; and
- (c) the winner of a prize is decided wholly or partly by chance;

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

***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

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- (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 competition with fixed odds;

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

***special employee*** has the meaning given by section 49;

***special employee's licence*** means a special employee's licence issued under Division 3 of Part 4;

***special prize pool*** means a prize pool established for the payment of jackpots;

***sports betting endorsement*** means an endorsement on a Tasmanian gaming licence that authorises the activities specified in section 76S;

***sports event*** means any of the following activities:

- (a) a real race between –

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- (i) human, or teams or groups of human, competitors; or
  - (ii) mechanical, or teams or groups of mechanical, competitors; or
  - (iii) animal, or teams or groups of animal, competitors, other than a horse race, harness race or greyhound race; or
  - (iv) a mixture of human, mechanical or animal, or teams or groups of human, mechanical, animal or mixed human, mechanical and animal, competitors;
- (b) a real sport, game, fight, exercise or pastime, whether involving individual competitors or teams or groups of competitors;
- (c) a prescribed activity;

***Tasmanian gaming licence*** means a licence granted and in force under Part 4A;

***technician's licence*** means a technician's licence issued and in force under Division 4 of Part 4;

***telecommunications device*** means –

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- (a) a computer adapted for communicating by way of the Internet or another communications network; and
  - (b) a television receiver adapted to allow the viewer to transmit information by way of a cable television network or another communications network; and
  - (c) a telephone; and
  - (d) any other electrical or electronic device for communicating at a distance;

*ticket*, in relation to a lottery or other game, means any document evidencing a chance in the lottery or game;

*totalizator* – see section 4D;

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

*totalizator operator* means the holder of a Tasmanian gaming licence with a totalizator endorsement;

*totalizator pool* – see section 4D;

*totalizator wagering* means wagering on a totalizator;

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***TOTE Tasmania*** means the company formed under section 6 of the *TOTE Tasmania Act 2000* as TOTE Tasmania Pty. Ltd.;

***trade promotion*** means a scheme or device for the distribution of a prize by way of sale, gift or otherwise where the scheme or device –

- (a) is for the promotion of a business; and
- (b) is a scheme or device in which the payment or other consideration is, in the opinion of the Commission, equivalent to the prevailing market price for the right to a benefit or thing the purchase of which is the consideration for the opportunity to participate in the distribution;

***turnover*** means the total amount paid to a licence holder in respect of gaming or gaming activities or a particular game or gaming activity by persons wagering with the licence holder less any money paid or refundable to any of those persons by reason of the cancellation of wagers in respect of any gaming, gaming activities, particular game or particular gaming activity, or otherwise;

***unrestricted area*** means the area within an approved venue other than the restricted gaming area;

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***unrestricted gaming equipment*** means approved gaming equipment in respect of which a permit under section 82 is in force;

***venue operator*** means a person who is the holder of a licensed premises gaming licence or a casino licence;

***wager*** means doing one or more of the following acts for oneself or on behalf of another person:

- (a) wagering;
- (b) paying, receiving or settling a wager;
- (c) offering or agreeing to wager;
- (d) offering or agreeing to pay, receive or settle a wager;
- (e) assisting or cooperating with a person in connection with the doing of any act referred to in paragraph (a), (b), (c) or (d);

***wagering funds***, of a registered player, means –

- (a) funds deposited or transferred for wagering purposes; and
- (b) funds obtained from winning wagers;

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***working day*** means a day that is not a Saturday, a Sunday or a statutory holiday as defined in the *Statutory Holidays Act 2000*;

***written notice*** includes a notice given in the form of electronic data from which a written document can be produced or reproduced.

- (2) A reference in this Act to ***conduct of gaming or a gaming activity*** is a reference to—
- (a) the management, use, supervision and operation of gaming or a gaming activity; and
  - (b) the sale, redemption or use of chips or gaming tokens; and
  - (c) the installation, alteration, adjustment, maintenance or repair of gaming equipment; and
  - (d) the use or distribution of proceeds from gaming or a gaming activity; and
  - (e) accounting, banking, money counting, storage and other acts in connection with or related or incidental to gaming or a gaming activity; and
  - (f) the acceptance of wagers for gaming or a gaming activity.
- (3) For the purposes of this Act, a person other than —

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(a) a special employee; or

(b) a licensed technician –

in the performance of his or her duties, is taken to play a gaming machine if the person, directly or indirectly –

(c) inserts a gaming token into the gaming machine; or

(d) causes gaming machine credits to be registered by the gaming machine; or

(e) makes a wager on the gaming machine; or

(f) makes, or participates in making, the decisions involved in playing the gaming machine.

(4) In this Act –

(a) a reference to a function includes a reference to a power, authority or duty; and

(b) a reference to the exercise of a function includes, in relation to a duty, a reference to the performance of the duty.

(5) For the purposes of this Act, corporations are related to each other if they are, under the Corporations Act, related to each other.

(6) The Commission may, by notice in the *Gazette*, specify prescribed duties in relation to a special employee and a technician.

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- (7) The Minister, by notice published in the *Gazette*, may declare to be a prohibited gaming activity any game, major lottery or pools that the Minister is satisfied is contrary to the public interest.
- (8) At the request of a licensed provider or on its own discretion, the Commission by notice published in the *Gazette* may declare –
  - (a) a sports event to be an approved sports event; and
  - (b) a sports event of a class specified in the notice to be an approved sports event.
- (8A) The Commission by notice in the *Gazette* may declare a game, or a game of a class specified in the notice, to be an exempt game.
- (8B) The Commission may include in a notice under subsection (8A) conditions to which the declaration is subject and conditions relating to the conduct of the exempt game.
- (9) A notice referred to in subsection (6), (7), (8) or (8A) is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

**4. Meaning of “associate”**

- (1) A person is an *associate* of an applicant for a casino licence or of the holder of such a licence if the person –
  - (a) holds or will hold any relevant financial interest, or is or will be entitled to

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exercise any relevant power (whether in right of the person or on behalf of any other person) in the casino business of the applicant or licence holder, and by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that casino business; or

(b) holds or will hold any relevant position, whether in right of the person or on behalf of any other person, in the casino business of the applicant or licence holder.

(2) A person is an *associate* of an applicant for a licence (other than a casino licence or a Tasmanian gaming licence), permit or listing on the Roll or of the holder of such a licence or permit or a person so listed if the person—

(a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in the gaming operation business of the applicant, licence holder or person listed, and by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that gaming operation business; or

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- (b) holds or will hold any relevant position, whether in right of the person or on behalf of any other person, in the gaming operation business of the applicant, licence holder or person listed; or
  - (c) is a relative of the applicant, licence holder or person listed.
- (2A) A person is an associate of an applicant for a Tasmanian gaming licence or a licensed provider if the person –
  - (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in the gaming business to be conducted by the applicant or the licensed provider and, by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that business; or
  - (b) holds or will hold any relevant position, whether in right of the person or on behalf of any other person, in the gaming business to be conducted by the applicant or the licensed provider; or
  - (c) is a relative of the applicant or licensed provider.
- (2B) A person is not taken to be an associate of a licensed provider by reason only of being offered or given, by that licensed provider, a

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discount, concession or rebate on any wagering or gaming.

(3) In this section –

***partner*** means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*;

***relative*** means spouse, partner, parent, child or sibling (whether of the full or half blood);

***relevant financial interest***, in relation to a business, means –

- (a) any share in the capital of the business; or
- (b) any entitlement to receive any income derived from the business;

***relevant position***, in relation to a business, means –

- (a) the position of director, manager or other executive position or secretary, however that position is designated in that business; or
- (b) if that business is conducted in premises in respect of which a liquor licence under the *Liquor Licensing Act 1990* is in force, the holder of that liquor licence;

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***relevant power*** means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others –

- (a) to participate in a directorial, managerial or executive decision; or
- (b) to elect or appoint any person to any relevant position.

**4A. Meaning of “lottery”**

- (1) In this Act,

***lottery*** means a scheme or device for the distribution of a prize by way of sale, gift or otherwise if –

- (a) the prize consists of a right to any real or personal benefit or real or personal thing; and
  - (b) the distribution involves an element of chance for which a payment or other consideration is made or given.
- (2) Despite subsection (1), a scheme or device for the distribution of a prize by way of sale, gift or otherwise is not a lottery if the scheme or device is a trade promotion.

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**4B. Meaning of “major lottery”**

- (1) In this Act, a lottery is a major lottery if –
  - (a) the Commission, by written notice provided to a licensed provider or other person conducting the lottery, has determined it to be a major lottery; or
  - (b) it is a lottery of a class of lottery that the Commission, by notice published in the *Gazette*, has determined to be major lotteries and the Commission has not exempted the lottery from being classified as a major lottery.
- (2) The Commission may exempt a lottery from being classified as a major lottery by written notice provided to a licensed provider or other person conducting the lottery.
- (3) A notice provided or published under this section is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

**4C. Sale in Tasmania defined**

- (1) In this section –

*issued* includes given in person, sent by post and communicated by any telecommunications device;

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

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- (2) A ticket in a game is sold in Tasmania if it is issued to a person, or an acknowledgment of the sale of a ticket is issued to the person, at or from premises situated in Tasmania.

**4D. Meaning of totalizator**

- (1) In this Act –

*pool top-up amount*, for a totalizator, means an amount added by a totalizator operator to the totalizator pool so that the amount available for the payment of dividends equals the minimum pool amount for the totalizator;

*totalizator* means a system of parimutuel betting, whether or not conducted by means of an instrument or contrivance known as a totalizator, that enables –

- (a) persons to wager on contingencies relating to a race wagering event or approved sports event; and
- (b) the totalizator pool to be divided among the successful wagerers;

*totalizator pool*, for a totalizator, means (other than in section 145D) the amount left from persons wagering on contingencies after –

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- 
- (a) the deduction of any commissions authorised under this Act; and
- (b) the deduction of any amount payable to wagerers by way of a refund (whether because of the cancellation or calling-off of a bet or for any other reason); and
- (c) the addition of any pool top-up amount.
- (2) For the purposes of the definition of *pool top-up amount*, the “minimum pool amount” is to be determined in accordance with the formula –

$$\text{MPA} = (A - R) - C$$

where –

**MPA** means the minimum pool amount;

**A** means an amount that the totalizator operator for the totalizator advertises as the minimum amount that will be available for the payment of dividends out of the totalizator for an event or contingency;

**R** means an amount paid out of the totalizator as a refund of a wager;

**C** means the amount that would be deducted as commission if the amount wagered in the totalizator equalled A minus R.

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**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 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

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s. 5

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equipment at the relevant casino or  
licensed premises.

**5. Act to bind Crown**

This Act binds the Crown in right of Tasmania  
and, so far as the legislative power of Parliament  
permits, in all its other capacities.

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**s. 5A**      Part 1A – Gaming and related activities prohibited in certain circumstances

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**PART 1A – GAMING AND RELATED ACTIVITIES  
PROHIBITED IN CERTAIN CIRCUMSTANCES**

**5A. Gaming and related activities prohibited in certain circumstances**

- (1) Except as authorised by or under this Act or another Act, a person must not –
- (a) open, keep or use a place, or allow a place of which the person is the occupier to be opened, kept or used, for the purpose of conducting gaming in that place; or
  - (b) conduct gaming as a business; or
  - (c) assist a person who is conducting gaming as a business in contravention of paragraph (b).

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 600 penalty units; and
  - (b) a second or subsequent offence, a fine not exceeding 1 000 penalty units or imprisonment for a term not exceeding 2 years, or both.
- (2) For the purposes of subsection (1), a reference to the conduct of, or conducting, gaming as a

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business includes a reference to the conduct of, or conducting, an authorised game.

- (3) Except as authorised by or under this Act, a person must not –
- (a) wager on, or otherwise participate in, gaming, a game or a gaming activity in a public place; or
  - (b) be in a public place for the purpose of wagering on, or otherwise participating in, gaming, a game or a gaming activity in that public place.

Penalty: Fine not exceeding 500 penalty units.

**5B. Proceeds of illegal game, &c., to be forfeited**

The proceeds from any gaming, game or gaming activity that is not authorised by or under this Act must be forfeited to, or may be seized by, the Crown.

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Part 2 – 2003 Deed

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**PART 2 – 2003 DEED**

**6. Approval, execution and effect of 2003 Deed**

- (1) The 2003 Deed is ratified and approved.
- (2) The provisions of the 2003 Deed have the force of law as if those provisions were enacted by this Act.

**7. Provisions of this Act to prevail over 2003 Deed**

If there is an inconsistency between a provision of this Act and a provision of the 2003 Deed, the provision of this Act prevails.

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**PART 3 – LICENSING OF CASINOS AND GAMING  
OPERATIONS**

**8. Gaming in licensed casinos declared lawful**

- (1) Despite the provision of any other Act or any law, the conduct and playing of a game and the use of gaming equipment is lawful when the game is conducted, and the gaming equipment is provided, in a casino by or on behalf of the casino operator in accordance with this Act.
- (2) . . . . .
- (3) This section does not operate to enable a proceeding to be brought to recover –
  - (a) money won in the course of gaming in a casino; or
  - (b) money or a cheque or other instrument given in payment of money so won; or
  - (c) a loan of money to be wagered in the course of gaming in a casino –unless the money was won from or wagered with a casino operator.
- (4) The conduct of operations in a casino in accordance with this Act and the conditions of the relevant casino licence is not a public or private nuisance.
- (5) . . . . .

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Part 3 – Licensing of Casinos and Gaming Operations

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**9. Gaming in certain licensed premises declared lawful**

- (1) Despite the provisions of any other Act or law, the conduct of gaming is lawful when the gaming is conducted, and the gaming equipment is provided, at licensed premises in respect of which a licensed premises gaming licence is in force in accordance with this Act.
- (2) . . . . .
- (3) The conduct of gaming in licensed premises in respect of which a licensed premises gaming licence is in force in accordance with this Act and the conditions of the relevant licence is not a public or private nuisance.
- (4) . . . . .

**10. Conduct of keno by licensed gaming operators declared lawful**

- (1) Despite the provisions of any other Act or law, the conduct of the game of keno is lawful when the game is conducted by a gaming operator and the tickets for the game are obtained at licensed premises in respect of which a licensed premises gaming licence is in force in accordance with this Act.
- (2) . . . . .
- (3) The conduct of the game of keno by a gaming operator in accordance with this Act and the conditions of the licence to conduct the game is not a public or private nuisance.

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**11. Authority conferred by casino licence**

- (1) A casino licence authorizes 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 manufacturers, suppliers and testers listed on the Roll approved gaming equipment and testing services;
  - (b) to purchase or obtain from manufacturers and suppliers unrestricted gaming equipment;
  - (c) to conduct at a casino gaming, other than a gaming activity;
  - (d) to sell or dispose of gaming equipment with the approval of the Commission;
  - (e) to service, repair or maintain gaming equipment through the services of licensed technicians;
  - (f) to do all things necessarily incidental to carrying on the activities authorized by this section.

(2 - 3) . . . . .

**12. Authority conferred by gaming operator's licence**

A gaming operator's licence authorizes the holder of the licence, subject to this Act and any conditions to which the licence is subject, to do

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such of the following things as are specified in the licence:

- (a) to purchase or obtain from manufacturers, suppliers and testers listed on the Roll approved gaming equipment and testing services;
- (b) to purchase or obtain from manufacturers and suppliers unrestricted gaming equipment;
- (c) to supply approved gaming equipment to licensed premises gaming operators;
- (d) to conduct games of keno;
- (e) to conduct gaming machine games at licensed premises in respect of which a licensed premises gaming licence is in force;
- (f) to sell or dispose of gaming equipment with the approval of the Commission;
- (g) to service, repair or maintain gaming equipment through the services of licensed technicians;
- (h) to do all things necessarily incidental to carrying on the activities authorized by this section.

**13. Granting of casino licence and gaming operator's licence**

- (1) In this section –

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***2003 commencement day*** means the day on which the *Gaming Control Amendment Act 2003* commences;

***existing casino licence*** means a casino licence in force immediately before the 2003 commencement day;

***existing gaming operator's licence*** means a gaming operator's licence in force immediately before the 2003 commencement day.

- (2) On the 2003 commencement day, the Commission must –
- (a) grant to the holder of an existing casino licence (or to a corporation related to the holder of that licence) a casino licence in respect of the same premises or part of premises for which the existing casino licence was granted; and
  - (b) grant to the holder of an existing gaming operator's licence (or to a corporation related to the holder of that licence) a gaming operator's licence.
- (3) After the 2003 commencement day, the Commission may grant to the holder of an existing casino licence (or to a corporation related to the holder of that licence) a casino licence in respect of any other premises or part of premises.
- (4) Where the 2003 Deed provides for the issue of a licence to operate a casino and to conduct a

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gaming operation, other than a gaming business, on an exclusive basis, the Commission must not issue a further licence to operate a casino and to conduct such a gaming operation except in accordance with this section.

- (5) A licence granted under subsection (2) or (3) –
  - (a) is to be in accordance with the 2003 Deed; and
  - (b) may be made subject to such other conditions, consistent with the 2003 Deed, as the Commission thinks fit.
- (6) . . . . .
- (7) A licence to operate a casino may be granted in respect of one casino only, but more than one licence may be held by a casino operator concurrently.
- (8) As soon as a casino licence is granted under subsection (2)(a), the existing casino licence referred to in that subsection is revoked.
- (9) As soon as a gaming operator's licence is granted under subsection (2)(b), the existing gaming operator's licence referred to in that subsection is revoked.

**14. Amendment of conditions**

- (1) The conditions of a casino licence or a gaming operator's licence may be amended in accordance with this section.

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- (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 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.

**15. Commission to define casino and gaming operator premises**

- (1) The boundaries of a casino are to be defined by being specified in the casino licence.

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- (1A) The boundaries of a gaming operator's premises are to be defined by being specified in the conditions of the gaming operator's licence.
- (2) The Commission may from time to time redefine the boundaries of a casino or a gaming operator's premises as the Commission thinks fit and may do so of its own motion or on the application of the casino operator or gaming operator.
- (3) An application for the redefining of the boundaries of a casino or a gaming operator's premises must be accompanied by the prescribed fee.
- (4) The defining or redefining of the boundaries of a casino or a gaming operator's premises takes effect when the Commission gives written notice of it to the casino operator or the gaming operator or on any later date specified in the notice.
- (5) 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 other part of the premises that contains the casino except with the prior written approval of the Commission.

**16. Duration of licence**

A casino licence and a gaming operator's licence remain in force for the period specified in the licence unless sooner cancelled or surrendered under this Act.

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**17. Mortgage, &c., of licence**

- (1) A licensed operator must not mortgage, charge or otherwise encumber or assign a casino licence or gaming operator's licence except with the prior approval of the Commission.
- (2) Where the proposed assignee and the licensed operator are corporations which are related to each other, the consent referred to in subsection (1) is not to be withheld unreasonably.

**18. Financial accommodation**

- (1) The Minister and the Commission may enter into an agreement with a licensed operator and a financial institution, registered under the *Banking Act 1959* of the Commonwealth, in relation to the provision of financial accommodation to the licensed operator by the financial institution.
- (2) The agreement may specify the actions to be taken by the Commission –
  - (a) if the licensed operator is placed under external administration under the Corporations Act; and
  - (b) if the Commission is empowered under Division 6 of Part 5 to cancel or suspend a casino licence or a gaming operator's licence held by the licensed operator.

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**19. Licensing under the *Liquor Licensing Act 1990***

While a casino licence is in force, no person other than the casino operator or an employee of the casino operator may hold a licence under the *Liquor Licensing Act 1990* in respect of the premises or any part of the premises that contains the casino.

20. . . . .

**21. Surrender of licence**

- (1) A licensed operator may surrender a casino licence or a gaming operator's licence by giving notice in writing to the Commission.
- (2) The surrender takes effect only if the Commission consents to the surrender.

**22. Action to be taken if licence cancelled, &c.**

- (1) If a casino licence or a gaming operator's licence is cancelled or surrendered, or is due to expire, the Commission may, if it is satisfied that it is in the public interest to do so, call for applications for a new licence of the same kind.
- (2) An application must be in a form approved by the Commission and must be accompanied by the prescribed fee.

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- (3) The application must contain or be accompanied by such additional information as the Commission may request.
  - (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.

**23. Matters to be considered in determining application**

- (1) The Commission must not grant an application for a casino licence or a gaming operator's licence unless satisfied 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 gaming 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) in the case of an applicant that is not a natural person, the applicant has, or has

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- arranged, a satisfactory ownership, trust or corporate structure; and
- (d) the applicant has or is able to obtain financial resources that are adequate to ensure the financial viability of the casino or gaming operation and the services of persons who have sufficient experience in the management and operation of a casino or gaming operation; and
  - (e) the applicant has sufficient business ability to maintain a successful casino or gaming operation; 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 suitable person to act in that capacity.

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**24. Investigation of application**

- (1) On receiving an application for a casino licence or a gaming operator's licence, the Commission must cause to be carried out all such investigations and inquiries as it considers necessary to enable it to consider the application properly.
- (2) The Commission –
  - (a) may require any person it is investigating in relation to the person's suitability to be concerned in or associated with the management or operation of a casino or of a gaming operation to consent to have his or her photograph, finger prints and palm prints taken; and
  - (b) may refer a copy of the application, any photograph and other information obtained from or in respect of the application and any supporting documentation to the Commissioner of Police; and
  - (c) must refer a copy of any finger prints and palm prints obtained in respect of the application to the Commissioner of Police.
- (3) The Commission of Police must inquire into and report to the Commission on such matters concerning the application as the Commission requests.

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- (4) The Commission may refuse to consider an application for a casino licence or a gaming operator's licence if any person from whom it requires a photograph, finger prints or palm prints under this section refuses to allow his or her photograph, finger prints or palm prints to be taken.

**25. Commission may require further information, &c.**

- (1) The Commission may, by notice in writing, require a person who is an applicant for a casino licence or a gaming operator's licence or a person whose association with the applicant is, in the opinion of the Commission, relevant to the application to do any one or more of the following:
  - (a) to provide, in accordance with directions in the notice, any information, verified by statutory declaration, that is relevant to the investigation of the application and is specified in the notice;
  - (b) to produce, in accordance with directions in the notice, any records relevant to the investigation of the application that are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them;
  - (c) to authorize a person described in the notice to comply with a specified requirement of a kind referred to in paragraph (a) or (b);

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- (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 person and his or her associates or relations from other persons.
  - (2) If a requirement made under this section is not complied with, the Commission may refuse to consider the application concerned.

**26. 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 casino licence or a gaming 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 under this section by the applicant is paid.

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**27. Updating of application**

- (1) If a change occurs to the information provided in or in connection with an application for a casino licence or a gaming operator's licence (including any documents lodged with the application) before the application is granted or refused, the applicant must as soon as possible give the Commission written particulars of the change verified by statutory declaration.

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.

**28. Determination of application**

- (1) Subject to sections 29 and 29A, the Commission is to determine an application for a casino licence or a gaming operator's licence by either granting or refusing the application and is to notify the applicant in writing of its decision.
- (2) A casino licence and a gaming operator's licence may be granted subject to such conditions as the Commission thinks fit.
- (3) Without limiting the matters to which conditions may relate, the conditions of a casino licence or a gaming operator's licence may relate to any matter for which provision is made by this Act

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but must not be inconsistent with a provision of this Act.

- (4) The Commission is not required to give reasons for its decision on an application but may give reasons if it thinks fit.
- (5) If an application is granted, a licence to operate a casino or to conduct a gaming operation is granted for the term, and subject to the conditions, specified in the licence.

**29. Licence cannot be granted without Minister's approval**

- (1) Except as provided in section 13, the Commission must not grant a casino licence or a gaming 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.
- (2) Before approving the granting of a casino licence under subsection (1), the Minister must cause notification of intent to approve the granting of the casino licence, together with any terms and conditions to be included in the licence, to be laid before each House of Parliament.
- (3) Either House of Parliament may pass a resolution directing the Minister not to approve the granting of the casino licence, of which notice has been given, within 15 sitting days of the notification being laid before the House.

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- (4) Where a resolution under subsection (3) has been passed by a House, the Minister must not approve the granting of the casino licence.

**29A. New licence cannot take effect until former licence expires**

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

**30. Change in situation of licensed operator**

- (1) In this section –

*major change* in the situation existing in relation to a licensed operator means –

- (a) any change in that situation which results in a person becoming an associate of the licensed operator; or
- (b) any other change in that situation which 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 a licensed operator means any change in that situation that is prescribed as a minor change for the purposes of this section.

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(2) A licensed 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 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 licensed operator, the Commission must not grant its approval unless satisfied that the person

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is a suitable person to be associated with the management of a casino or of a gaming operation.

- (4) Sections 24 and 25 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 casino licence or a gaming operator's licence.

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**PART 4 – LICENSING OF LICENSED PREMISES  
OPERATORS, EMPLOYEES AND TECHNICIANS AND  
LISTING OF MANUFACTURERS**

*Division 1 – General*

**31. Authority conferred by licensed premises gaming licence**

(1) A licensed premises gaming 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 obtain gaming equipment of a type approved by the Commission under section 80 or 81;
- (b) to possess gaming machines and other gaming equipment at the licensed premises to which the licence relates;
- (c) to accept wagers and make payments for games of keno;
- (d) to do all things necessarily incidental to carrying on the activities authorised by this section.

(2) In subsection (1)(b),

***gaming equipment*** does not include any device designed, customised or installed specifically for use in relation to the

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operation of, or wagering on, simulated  
games.

**32. Authority conferred by a special employee's licence**

A special employee's licence authorizes 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 venue operator, gaming operator, licensed provider or minor gaming operator and to carry out prescribed duties.

**33. Authority conferred by a technician's licence**

A technician's licence authorizes 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.

**34. Authority conferred by listing on the Roll**

A person whose name is listed on the Roll is authorized, subject to this Act –

- (a) to manufacture, sell or supply gaming machines and gaming machine games of a type approved by the Commission under section 80; and
- (b) to manufacture, sell or supply other gaming equipment –

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- 
- (i) of a type approved by the Commission under section 81; and
  - (ii) of a type that is required by a minor gaming permit to be supplied to the minor gaming operator by a person listed on the Roll; and
  - (c) to enter into arrangements with licensed operators and licensed providers to service, repair or maintain gaming equipment through the services of licensed technicians.

**35. Offence to breach licence conditions**

The holder of a licensed premises gaming licence must comply with all conditions, if any, to which the person's licence is subject.

Penalty: Fine not exceeding 2 500 penalty units.

***Division 2 – Licensed premises gaming licence***

**35A. Interpretation**

In this Division –

***community interest matters*** means –

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(a) those matters that are prescribed  
for the purposes of this definition;  
and

(b) any other matter that the  
Commission determines is a  
community interest matter;

***operate*** means operate under the authority of a  
licensed premises gaming licence.

**36. Application for licensed premises gaming licence**

(1) A person may apply to the Commission to be  
granted a licensed premises gaming licence for  
licensed premises other than premises that are –

(a) contained within a restaurant; or

(b) otherwise part of a restaurant; or

(c) prescribed premises.

(2) An application for a licence must be made in a  
form approved by the Commission and must be  
accompanied by the prescribed fee.

(2A) An application under subsection (1) for a licence  
that authorises the possession of gaming  
machines at the licensed premises must be  
accompanied by a community interest  
submission if gaming machines have not  
operated at the licensed premises any time in the  
6-month period immediately before the  
application is made.

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- (2B) A community interest submission is to –
- (a) be in a form approved by the Commission; and
  - (b) contain such particulars regarding community interest matters as the Commission may require.
- (3) On receipt of an application, the Commission must forward information that it considers appropriate concerning the application to the gaming operator from whom the applicant proposes to obtain gaming equipment.
- (4) The gaming operator must, within 28 days of the receipt of the application, advise the Commission of the suitability of the premises in respect of which it is proposed to grant a licensed premises gaming licence and any other matter relating to the application that the gaming operator considers necessary.
- (5) The gaming operator does not incur any liability in respect of advice provided in good faith to the Commission under subsection (4).
- (6) Within 14 days of making an application to the Commission, the applicant must cause to be published in a newspaper circulating in the area in which the licensed premises are situated a notice containing the information required by the Commission and a statement that any person may object to the grant of a licence by giving notice in writing to the Commission within 28

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days of the date of publication and stating the grounds for the objection.

- (6A) A person may, within 28 days of the date of publication of a notice under subsection (6), request in writing that the Commission make available—
- (a) information as provided in the notice; and
  - (b) any community interest submission made in respect of the relevant application under subsection (2A).
- (6B) The Commission is to comply with a request under subsection (6A).
- (7) If a requirement imposed on the applicant under this section is not complied with, the Commission may refuse to consider the application.
- (8) The Commission, at its discretion, may refund the whole or part of an application fee –
- (a) if an application is refused under subsection (7) or withdrawn by the applicant; or
  - (b) for any other reason the Commission considers appropriate.

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**37. Grounds for objection**

- (1) A person may object to the grant of a licensed premises gaming licence on any of the following grounds:
  - (a) that the applicant or an associate of the applicant is not fit and proper having regard to character, honesty and integrity;
  - (b) that the applicant or an associate of the applicant has a business association with a person, body or association who or which is not fit and proper having regard to character, honesty and integrity;
  - (c) that a director, partner, trustee, executive officer or the secretary or any other officer or person associated or connected with the ownership, administration or management of the conduct of gaming of the business of the applicant is not a suitable person to act in that capacity;
  - (d) in the case of an application to which section 36(2A) applies, that the granting of the licence with an authorisation to possess gaming machines at the licensed premises is not in the community interest, having regard to community interest matters.
- (2) The Commission must consider every objection made under subsection (1).

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**38. Matters to be considered in determining application**

- (1) The Commission must not grant an application for a licensed premises gaming licence unless it is satisfied that—
  - (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 approved venue; and
  - (b) the applicant's premises are suitable for the management and operation of gaming machines or for the conduct of keno, or both; and
  - (c) in the case of an application to which section 36(2A) applies, taking into account community interest matters, it is in the community interest to grant the licence with an authorisation to possess gaming machines at the licensed premises.
- (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 person is of sound and stable financial background; and

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- (ba) the applicant has a legal right to occupy the premises which are the subject of the application; and
- (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
- (c) 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
- (d) 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
- (e) 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
- (f) the size, layout and facilities of the applicant's premises are suitable; and

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- (g) the proposed security arrangements are adequate.

**39. Investigation of application**

- (1) On receiving an application for a licensed premises gaming 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.

**40. Commission may require further information, &c.**

- (1) The Commission may, by notice in writing, require a person who is an applicant for a licensed premises gaming licence or a person whose association with the applicant is, in the opinion of the Commission, relevant to the application to do any one or more of the following:
  - (a) to provide, in accordance with directions in the notice, any information that is relevant to the investigation of the application and is specified in the notice;

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- (b) to produce, in accordance with directions in the notice, any records relevant to the investigation of the application that are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them;
  - (c) to consent to having his or her photograph, finger prints and palm prints taken by the Commission;
  - (d) to authorize a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b);
  - (e) 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 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 concerned.
- (3) The Commission may refer a copy of any photographs, other information and supporting documentation obtained under this section to the Commissioner of Police.

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- (3A) The Commission must refer a copy of any finger prints and palm prints obtained under this section to the Commissioner of Police.
- (4) The Commissioner of Police must inquire into and report to the Commission on any matters concerning the application that the Commission requests.

**41. Updating of application**

- (1) If a change occurs in the information provided in or in connection with an application for a licensed premises gaming licence (including in any community interest submission made under section 36(2A) or documents lodged with the application), before the application is granted or refused, the applicant must forthwith give the Commission written particulars of the change.

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.

**42. Determination of application**

- (1) The Commission must determine an application for a licensed premises gaming licence by either granting or refusing the application and must notify the applicant in writing of its decision.

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- (2) Where an application is granted, the Commission may grant a licensed premises gaming licence to take effect immediately or on and from a date to be determined by the Commission.
- (2A) If a licensed premises gaming 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
  - (c) the fulfilment of a condition; or
  - (d) any other matter the Commission considers appropriate.
- (3) A licensed premises gaming licence may be granted subject to any conditions that the Commission thinks fit and must specify whether acceptance of wagers for games of keno is permitted, the number of gaming machines permitted (if any) and the gaming area approved for the licensed premises.
- (4) It is to be a condition of any licensed premises gaming licence granted to take effect before 1 January 1997 that the person to whom the licence is granted must not possess, before that date, gaming machines for any purpose other than the installation of those machines.

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- (5) Without limiting the matters to which conditions may relate, the conditions of a licensed premises gaming 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.
- (6) The Commission must give reasons for its decision to refuse an application.
- (7) If an application is granted, the licensed premises gaming licence is granted for a term not exceeding 5 years, subject to the conditions, and for the licensed premises, specified in the licence.

**43. Transfer of licensed premises gaming licence**

- (1) A licensed premises gaming licence is not transferable to any other person or licensed premises.
- (2) Despite subsection (1), if the Commission considers it appropriate the Commission may endorse on a licensed premises gaming licence the name of any of the following persons:
  - (a) a person who is, or intends to become, the legal personal representative of a deceased holder of the licence;
  - (b) the guardian or administrator appointed under the *Guardianship and Administration Act 1995* in respect of the holder of the licence who is a represented person, within the meaning of that Act;

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- (c) the official receiver, trustee or assignee of the holder of the licence who becomes bankrupt or takes or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of creditors;
  - (d) a receiver and manager, an administrator, an official liquidator or a provisional liquidator who is appointed in respect of the holder of the licence that is a body corporate.
- (3) A person whose name is endorsed on a licensed premises gaming licence under subsection (2) is taken to be the holder of the licence for the period not exceeding 6 months determined by the Commission and the original holder of the licence ceases to be the holder of the licence.
- (4) If the Commission endorses a person's name on a licensed premises gaming licence under subsection (2), 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.

**43A. Surrender of licensed premises gaming licence**

- (1) The holder of a licensed premises gaming licence may surrender the licence by giving written notice to the Commission.

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- (2) The surrender takes effect only if the Commission consents to the surrender.

**43B. Renewal of licensed premises gaming licence**

- (1) The holder of a licensed premises gaming licence may, not earlier than such period before the expiration of the current licence as is determined by the Commission, 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 day on which the current licence was due to expire.
- (3) An application for renewal must be made in a form approved by the Commission and must be accompanied by the prescribed fee.
- (3A) The Commission may refund or waive the payment of the whole or part of the prescribed fee if it considers it appropriate to do so.
- (4) Sections 38, 39, 40, 41 and 42 apply to an application for the renewal of a licensed premises gaming licence in the same manner as they apply to an application for the granting of a licensed premises gaming licence.

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- (5) The Commission may refuse to renew a licensed premises gaming 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.

**44. Amendment of licensed premises gaming licence and conditions**

- (1) A licensed premises gaming licence and its conditions may be amended in accordance with this section.
- (2) An amendment may be proposed –
  - (a) by the licensee by requesting the Commission in writing to make the amendment and giving reasons for the request; or
  - (b) by the Commission by giving notice in writing of the proposed amendment and giving reasons to the licensee and the gaming operator who places gaming equipment in those licensed premises.
- (3) If a licensee under subsection (2)(a) requests the Commission to amend a licensed premises

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gaming licence to authorise the possession of gaming machines at the licensed premises to which the licence relates, the following sections apply to that request as if it were an application under section 36(1) for a licensed premises gaming licence that authorises the possession of gaming machines at the licensed premises:

- (a) section 36(2A), (2B), (6), (6A) and (6B);
  - (b) section 37(1)(d) and (2).
- (3A) Subsection (3) does not apply to a request to amend a licensed premises gaming licence to authorise the possession of gaming machines at the 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 licensed premises gaming licence, to authorise the possession of gaming machines at the licensed premises to which the licence relates, unless it is satisfied as to the matters specified under section 38.
- (4) The Commission must give the licensee and the gaming operator at least 28 days to make submissions to the Commission concerning any proposed amendment (whether proposed by the Commission or the licensee) and must consider the submissions made.
- (5) The Commission must then decide whether to make the proposed amendment, either with or without changes from that originally proposed,

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and must notify the licensee and gaming operator of its decision.

- (6) An amendment proposed by the Commission must be in the public interest or for the proper conduct of gaming.
- (7) Any amendment that the Commission decides upon takes effect when notice of the decision is given to the licensee or on any later date that may be specified in the notice.
- (8) Where an amendment is proposed by the licensee, the proposal is to be accompanied by the prescribed fee.
- (9) The Commission, in its discretion, may waive all or part of the prescribed fee.
- (10) Where an amendment is proposed by the licensee –
  - (a) the Commission may undertake such investigations as it considers appropriate; and
  - (b) the Commission, by written notice to the licensee, may require the licensee to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application if those costs exceed the prescribed fee.

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**45. Notification of certain applications concerning liquor licence**

- (1) The holder of a licensed premises gaming licence must give notice in writing to the Commission if any of the following occurs:
  - (a) an application is made under Part 2 of the *Liquor Licensing Act 1990* to vary, transfer or surrender a licence or permit under that Act in respect of the licensed premises to which the licensed premises gaming licence relates;
  - (b) the Commissioner for Licensing or the Liquor Licensing Board advises the operator of an intention to cancel or suspend a licence or permit issued under Part 2 of the *Liquor Licensing Act 1990*.
- (2) If a licence under the *Liquor Licensing Act 1990* in respect of licensed premises to which a licensed premises gaming licence relates—
  - (a) is cancelled or surrendered, the licensed premises gaming licence is immediately cancelled; or
  - (ab) . . . . .
  - (b) is suspended for a period of time, the licensed premises gaming licence is immediately suspended for the same period.

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**46. Modification of gaming areas**

- (1) The holder of a licensed premises gaming licence must not modify a gaming area in licensed premises in respect of which the licence is in force without the prior written approval of the Commission.

Penalty: Fine not exceeding 100 penalty units.

- (2) The Commission may grant, with or without conditions, or refuse to grant an application for approval of modification of a gaming area having regard to –
- (a) the size, layout and facilities of the licensed premises; and
  - (b) any other matter that the Commission considers relevant.

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**48. Provisional licence**

- (1) The Commission may grant a provisional licensed premises gaming licence to a person for licensed premises in respect of which a licensed premises gaming licence was in force immediately preceding the grant of the provisional licensed premises gaming licence.
- (1A) However, the Commission must not grant a provisional licensed premises gaming licence

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that authorises the possession of gaming machines at the licensed premises to which the licence relates, if gaming machines have not operated at the licensed premises in the 6-month period immediately before the application for that licence was made.

- (2) Subject to subsection (3), a provisional licensed premises gaming licence expires at the end of the period of 90 days after it is granted.
- (3) The Commission may extend the period referred to in subsection (2).
- (4) A provisional licensed premises gaming licence may only be granted under subsection (1) to enable an application for a licensed premises gaming licence to be made.
- (5) This Act applies to a provisional licensed premises gaming licence in the same way as it applies to a licensed premises gaming licence (to the extent that is consistent with this section).

***Division 3 – Special employee’s licence***

**49. Interpretation**

In this Division –

***function of a special employee*** means a duty prescribed for the purposes of the definition of “special employee” in this section;

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*special employee* means a natural person who

—

- (a) is employed or working, whether for remuneration or reward or not, in an approved venue and who carries out prescribed duties; or
- (b) is employed by or working for a gaming operator and who carries out prescribed duties; or
- (c) is employed or working, whether or not for remuneration or reward, for a licensed provider and who carries out prescribed duties; or
- (d) is employed or working, whether or not for remuneration or reward, for a minor gaming operator and who carries out prescribed duties.

**50. Special employees to be licensed**

- (1) A person must not exercise or perform any of the functions of a special employee except in accordance with the authority conferred on the person by a special employee's licence.

Penalty: Fine not exceeding 50 penalty units or a term of imprisonment not exceeding 3 months or both.

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(2) A venue operator, gaming operator, licensed provider or minor gaming operator must not–

- (a) employ or use the services of a person to exercise or perform any function of a special employee; or
- (b) allocate or permit or suffer to be allocated to a person the exercise or performance of any function of a special employee–

unless the person is authorized by a special employee's licence to exercise or perform the function concerned.

Penalty: Fine not exceeding 50 penalty units.

(3) A special employee, other than a special employee employed by a minor gaming operator, must not carry out any prescribed duties not authorised under a special employee's licence unless the Commission has received a certificate as to the competence of the special employee to perform those duties from –

- (a) a venue operator, gaming operator or licensed provider; or
- (b) an educational or training institution approved by the Commission for the purpose.

(4) The Commission may, on such occasions as it may require after the receipt of a certificate of competence under subsection (3) in respect of a

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special employee, request the venue operator, gaming operator or licensed provider employing the special employee to provide another certificate as to the competence of the special employee.

- (5) By written notice provided to a special employee and the venue operator, gaming operator or licensed provider employing or proposing to employ the special employee, the Commission may –
- (a) exempt the special employee and the venue operator, gaming operator or licensed provider employing or proposing to employ the special employee from the requirements of subsection (3); and
  - (b) revoke an exemption given under paragraph (a).

**51. Application for special employee's licence**

- (1) An application for a special employee's licence must be in a form approved by the Commission and must be accompanied by–
- (a) the prescribed fee; and
  - (b) the documents, if any, that may be specified by the Commission and required in the form of application; and

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- (c) where relevant, a certificate by the venue operator, gaming operator or licensed provider who employs or is proposing to employ the applicant, or an educational or training institution approved by the Commission for the purpose, as to the competence of the applicant to exercise or perform the functions specified in the certificate.
- (2) An applicant, other than an applicant who is or is proposing to be employed by a minor gaming operator, is required to consent to having his or her photograph, finger prints and palm prints taken by the Commission.
- (3) The Commission may require an applicant who is or is proposing to be employed by a minor gaming operator to consent to having his or her photograph, finger prints and palm prints taken by the Commission.
- (3A) The Commission may refer a copy of the application, any photographs and other information obtained from or in relation to the application and any supporting documentation to the Commissioner of Police.
- (3B) The Commission must refer a copy of any finger prints and palm prints obtained in relation to the application to the Commissioner of Police.
- (4) The Commissioner of Police must inquire into and report to the Commission on any matters

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concerning the application that the Commission requests.

- (5) An application for a special employee's licence may not be made by a person who is under the age of 18 years or who is a person within a class of persons prescribed as being ineligible to apply for a special employee's licence.
- (6) If a requirement under this section is not complied with the Commission may refuse to consider the application concerned.
- (7) The Commission, at its discretion, may refund the whole or part of an application fee –
  - (a) if an application is refused under subsection (6) or withdrawn by the applicant; or
  - (b) for any other reason the Commission considers appropriate.

**52. Updating of application**

- (1) If a change occurs in the information provided in or in connection with an application for a special employee's licence (including in any documents lodged with the application) before the application is granted or refused, the applicant must, as soon as practicable after the change occurs, give the Commission written particulars of the change.

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

**53. Commission may require further information, &c.**

- (1) The Commission may, by notice in writing, require a person who is an applicant for a special employee's 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 directions 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 directions in the notice, any records relevant to investigation of the application that are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them;
  - (c) to authorize a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b);

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(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 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.

**54. Application to be investigated**

The Commission must investigate each application.

**55. Determination of application**

(1) The Commission must consider an application for a special employee's licence and must take into account the investigation under section 54 and any submission made by the applicant within the time allowed and must make an assessment of–

- (a) the integrity, responsibility, personal background and financial stability of the applicant; and
- (b) the general reputation of the applicant having regard to character, honesty and integrity.

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- (2) The Commission must determine the application by either issuing a special employee's licence to the applicant or refusing the application and must inform the applicant in writing of its determination.
- (3) The Commission must give reasons for its decision to refuse an application.
- (4) A special employee's licence issued under this section must specify the special employee's name and the authority given by the licence.

**56. Conditions of special employee's licence**

- (1) A special employee's licence is subject to any condition imposed by the Commission and notified to the special employee on the issue of the licence or during its currency.
- (2) A condition of a special employee's licence may be varied or revoked by the Commission whether or not on application made to the Commission by the special employee.
- (3) It is a condition of every special employee's licence that the special employee must not participate in gaming while on duty other than as required in the course of his or her employment.
- (4) Subject to subsection (5), it is a condition of every special employee's licence that the special employee must not solicit or accept any gratuity, consideration or other benefit from a patron in a gaming area.

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- (5) An authorized person may approve a special employee accepting a benefit from a patron if the benefit is, in the opinion of the authorized person, of nominal value.

**56A. Replacement special employee's licence**

- (1) A special employee may apply to the Commission for a replacement of his or her special employee's licence.
- (2) An application for a replacement special employee's licence must be made in a form approved by the Commission and must be accompanied by the prescribed fee.
- (3) A replacement special employee's licence is to be in a form approved by the Commission.

**57. Identification**

- (1) A special employee must at all times while on duty wear identification of a kind approved by the Commission in such manner as to be visible to other persons.
- (2) Upon a written request from a venue operator, gaming operator, licensed provider or minor gaming operator or at its own discretion, the Commission may exempt a special employee or class of special employee from the requirements of subsection (1) on such terms and conditions as the Commission may determine.

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**58. Provisional special employee's licence**

- (1) The Commission may, pending a decision on an application for a special employee's licence, grant the applicant a provisional special employee's licence.
- (2) Subject to subsection (3), a provisional special employee's licence expires at the end of the period of 90 days after it is granted.
- (3) The Commission may extend the period referred to in subsection (2).
- (4) A provisional special employee's licence is subject to any conditions or restrictions of which the provisional special employee is notified by the Commission when issuing the licence.
- (5) A provisional special employee's licence may be cancelled by the Commission at any time and, unless sooner surrendered or cancelled, ceases to have effect on the approval or refusal of the provisional special employee's application for a special employee's licence.
- (6) This Act applies to a provisional special employee's licence in the same way as it applies to a special employee's licence (to the extent that is consistent with this section).

**59. Duration of special employee's licence**

A special employee's licence remains in force  
for the period not exceeding 5 years specified in

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it unless it is sooner cancelled or surrendered to  
the Commission by written notice.

**60. Renewal of special employee's licence**

- (1) A special employee may, not earlier than one month before the expiration of his or her current special employee's licence, apply to the Commission for the renewal of that licence, in which case—
  - (a) the current special employee's licence continues in force until the licence is renewed or its renewal is refused; and
  - (b) if renewed, the renewal takes effect from the day on which the current special employee's licence was due to expire.
- (2) An application for renewal must be made in a form approved by the Commission and must be accompanied by the prescribed fee.
- (2A) The Commission may refund or waive the payment of the whole or part of the prescribed fee if it considers it appropriate to do so.
- (3) Sections 52, 53, 54 and 55 apply to an application for the renewal of a special employee's licence in the same manner as they apply to an application for the issue of a special employee's licence.

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**64. Termination of employment on suspension or  
cancellation of licence**

If a venue operator, gaming operator, licensed provider or minor gaming operator receives written notice from the Commission that the licence of a special employee has been suspended or cancelled, or has otherwise ceased to be in force, the operator or provider must, within 24 hours after receiving the notice, terminate the employment that constitutes the performance or exercise of the functions of a special employee or cause it to be terminated.

Penalty: Fine not exceeding 100 penalty units.

**65. Provision of information relating to special  
employee**

(1 - 2) . . . . .

(3) The Commission, by notice in writing, may require a special employee—

- (a) to provide, in accordance with directions in the notice, any information relevant to the holding of the licence that is specified in the notice; or
- (b) to produce, in accordance with directions in the notice, any records relevant to the holding of the licence that are specified in the notice and to permit examination of the records and the making of copies of the records.

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- (4) It is a condition of a special employee's licence that the special employee must comply with the requirements of a notice under this section.

***Division 4 – Technician's licence***

**66. Interpretation**

In this Division –

***licence*** means a licence in force under this Division;

***function of a technician*** means a duty prescribed for the purposes of the definition of “technician” in this section;

***licensee*** means the holder of a technician's licence;

***technician*** means a person who installs, services, maintains or repairs gaming equipment and carries out prescribed duties.

**67. Only licensed technicians to repair, &c., gaming equipment**

- (1) A venue operator, gaming operator or licensed provider must not—
- (a) employ or use the services of a person to perform any function of a technician in relation to gaming equipment; or

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- (b) allocate or permit to be allocated to a person the exercise of any function of a technician in relation to gaming equipment–

unless the person is authorized by a technician's licence to exercise the function concerned.

Penalty: Fine not exceeding 250 penalty units.

- (2) Subsection (1) does not apply if the person referred to in paragraph (a) or (b) is authorized to exercise the function concerned under a contract that –

- (a) is with a licensed operator or a licensed provider; and
- (b) is a relevant contract within the meaning of paragraph (d) of the definition of *relevant contract* in section 77V(1); and
- (c) has been approved by the Commission under section 77V(2).

**68. Application of Division 3**

The provisions of Division 3 (except section 51(1)(c)) apply, with any necessary modification, to applications for the issue or renewal of technician's licences and licensees.

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**69. Offences**

- (1) A person must not install, service, maintain or repair gaming equipment unless the person holds a current technician's licence under this Act.

Penalty: Fine not exceeding 250 penalty units or imprisonment for 12 months.

- (2) A person must not employ, or cause to be employed, another person to install, service, maintain or repair gaming equipment unless the second-mentioned person holds a current technician's licence under this Act.

Penalty: Fine not exceeding 250 penalty units.

***Division 5 – Manufacturers, suppliers and testers of gaming equipment***

**69A. Interpretation of Division**

In this Division,

***minor gaming Roll applicant*** means an applicant for a listing on the Roll who is making the application solely because of an intention to supply equipment that a minor gaming permit requires to be supplied to a minor gaming operator by a person listed on the Roll.

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**70. Roll of Recognized Manufacturers, Suppliers and Testers of Gaming Equipment**

The Commission must maintain a Roll of Recognized Manufacturers, Suppliers and Testers of Gaming Equipment.

**71. Application to be listed on Roll**

(1) A person is to apply to the Commission to be listed on the Roll if the person –

(a) manufactures or supplies, or intends to manufacture or supply, gaming equipment for or to a holder of a Tasmanian gaming licence, a gaming 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 gaming operator, casino operator or minor gaming operator.

(1A) If, immediately before the day on which the *Gaming Control Amendment (Miscellaneous Amendments) Act 2006* commences, a person was supplying testing services to a holder of a Tasmanian gaming licence, a gaming operator, casino operator or minor gaming operator, the Commission must on that day list that person on the Roll.

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- (1B) A listing on the Roll made under subsection (1A) expires 12 months after it is made unless the person so listed applies for, and is granted, within that period a listing on the Roll under this Division.
  - (1C) If a listing on the Roll expires because of the operation of subsection (1B), the Commission must remove that listing from the Roll.
  - (2) An application must be made in a form approved by the Commission and must be accompanied by the prescribed fee.
  - (3) The application must contain or be accompanied by any additional information that the Commission may request.
  - (4) An applicant, other than a minor gaming Roll applicant, is required to consent to having his or her photograph, finger prints and palm prints taken by the Commission.
  - (5) The Commission may require a minor gaming Roll applicant to consent to having his or her photograph, finger prints and palm prints taken by the Commission.
  - (5A) The Commission may refer a copy of the application, any photograph and other information obtained from or in relation to the application and any supporting documentation to the Commissioner of Police.

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- (5B) The Commission must refer a copy of the finger prints and palm prints obtained in relation to the application to the Commissioner of Police.
- (6) The Commissioner of Police must inquire into and report to the Commission on any matters concerning the application that the Commission requests.
- (7) Within 14 days of the application an applicant, other than a minor gaming Roll applicant, must cause to be published in a newspaper circulating generally in Tasmania a notice containing the prescribed information and stating that any person may object to the grant of the application by giving notice in writing to the Commission within 14 days of the date of publication and stating the grounds for the objection.
- (8) If a requirement made by this section is not complied with the Commission may refuse to consider the application.
- (9) If an application is refused under subsection (8) or withdrawn by the applicant, the Commission, at its discretion, may refund the whole or part of the application fee.

**72. Cost of investigations to be paid by applicant**

- (1) The reasonable costs incurred by the Commission in investigating and inquiring into an application to be listed on the Roll are payable to the Commission by the applicant,

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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 applicant being listed on the Roll that any amount payable under this section by the applicant is paid.

**73. Objections**

- (1) A person may object to the granting of an application for listing on the Roll, other than an application by a minor gaming Roll applicant, by giving notice in writing to the Commission within 14 days of the date of publication of the notice required by section 71(7) and stating the grounds for the objection.
- (2) The Commission must consider every objection so made.

**73A. Updating of application**

- (1) If a change occurs in the information provided in or in connection with an application for listing on the Roll (including in any documents lodged with the application) before the application is

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granted or refused, the applicant must give the Commission written particulars of the change as soon as is reasonably practicable.

Penalty: Fine not exceeding 60 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.

**74. Determination of application**

- (1) The Commission must determine an application for listing on the Roll by either granting or refusing the application and must notify the applicant in writing of the decision.
- (2) Without limiting the matters which the Commission may consider in determining whether to grant an application in respect of an applicant other than a minor gaming Roll applicant, 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) 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

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integrity or has undesirable or  
unsatisfactory financial resources; and

- (c) 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.
- (2A) Without limiting the matters which the Commission may consider in determining whether to grant an application in respect of a minor gaming Roll applicant, the Commission must consider whether the applicant and each associate of the applicant is fit and proper having regard to character, honesty and integrity.
- (3) The Commission is not required to give reasons for its decision on any application under section 71 but may do so if it thinks fit.

**75. Listing on Roll subject to conditions**

- (1) The listing of a person on the Roll is subject to any conditions determined by the Commission and specified in the Roll in respect of that listing.
- (2) The conditions specified in the Roll in respect of the listing of a person may adopt wholly or in part, with or without modification and specifically or by reference, any published code, standard or other document, whether the code,

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standard or other document is published before or after the commencement of this section.

- (3) A reference in subsection (2) to a code, standard or other document is a reference to that code, standard or other document as amended from time to time.
- (4) The conditions specified in the Roll in respect of a listing on the Roll form part of that listing.

**75A. Removal from Roll in certain cases**

The Commission may remove the name of a person from the Roll if –

- (a) in the case of a natural person, the person has died; or
- (b) in the case of a person who is not a natural person, the person is no longer in existence; or
- (c) the listing on the Roll has been cancelled under section 112T; or
- (d) the listing on the Roll has been surrendered.

**75B. Expiry and renewal of listing on Roll**

- (1) A listing on the Roll expires 5 years after it is made unless sooner removed under section 75A.

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- (2) A listing on the Roll that was in force immediately before the commencement of all of the provisions of the *Gaming (Miscellaneous Amendments) Act 2013* expires, unless sooner removed under section 75A, 5 years after that commencement.
  - (3) A person who is listed on the Roll may, within the period of 90 days before the expiration of the current listing or such longer period as is determined by the Commission, apply to the Commission for the renewal of the listing.
  - (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 the Commission requires; and
    - (c) be accompanied by the prescribed fee.
  - (5) On receipt of an application for renewal, the Commission may undertake the investigations it considers appropriate.
  - (6) The Commission may require an applicant to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application.
  - (7) A requirement under subsection (6) must be made in writing provided to the applicant.

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- (8) If an application for renewal of a listing on the Roll is made under this section, the current listing continues in force until it is renewed or its renewal is refused.
- (9) The renewal of a listing takes effect from the day on which the current listing was due to expire.
- (10) The Commission must make a determination on an application for renewal of a listing in accordance with section 74 as if the application for renewal were an application for listing on the Roll.
- (11) If the Commission refuses to renew a listing, the listing ceases to have effect on the day specified in the refusal.

**75C. Variation of listing on Roll**

- (1) The Commission may vary a listing on the Roll, or the conditions on such a listing, at any time.
- (2) The variation may be effected –
  - (a) on the Commission's own motion, by notice to the person listed on the Roll; or
  - (b) consequent on an application made by the person listed.
- (3) An application for variation must –
  - (a) be in a form approved by the Commission; and

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- (b) specify the variation sought; and
    - (c) contain any information and be accompanied by any documents the Commission requires; and
    - (d) be accompanied by the prescribed fee.
  - (4) The Commission, in its discretion, may waive all or part of the prescribed fee.
  - (5) In the case of an application for variation –
    - (a) the Commission may undertake such investigations as it considers appropriate; and
    - (b) the Commission, by written notice to the person listed on the Roll, may require the person to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application if those costs exceed the prescribed fee.
  - (6) In the case of an application for variation, the Commission may –
    - (a) approve the application (with or without modification); or
    - (b) refuse the application.

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**76. Payments, &c., to venue operator unlawful**

- (1) A manufacturer, supplier or tester of gaming equipment (other than a gaming operator), or an employee or associate of such a manufacturer, supplier or tester, must not make, either directly or indirectly, payment to or confer a benefit on a venue operator, gaming operator or licensed provider.
- (2) A venue operator, gaming operator or licensed provider must not receive any benefit whatsoever from a manufacturer, supplier or tester of gaming equipment (other than a gaming operator) or an employee or associate of such a manufacturer, supplier or tester.

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

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**PART 4A – GAMING AND WAGERING UNDER  
TASMANIAN GAMING LICENCE**

*Division 1 – Lawful and unlawful activities*

**76A. Lawful activities**

Despite any other law, the following activities are lawful:

- (a) the conduct of a gaming activity in accordance with, and subject to, a Tasmanian gaming licence;
- (b) the advertisement and promotion, subject to this Act and a Tasmanian gaming licence, of a gaming activity;
- (c) participation, subject to this Act, in a gaming activity;
- (d) the doing of anything else required or authorised to be done under this Act.

**76B. Offence to conduct gaming business without endorsed Tasmanian gaming licence**

- (1) In this section,

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

- (2) A person must not, except under the authority of an appropriately endorsed Tasmanian gaming

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licence carry on in or from Tasmania a business of conducting a gaming activity.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 600 penalty units; and
  - (b) a second or subsequent offence – a fine not exceeding 1 000 penalty units or imprisonment for a term not exceeding 2 years, or both.
- (3) For the purposes of subsection (2), if money is placed or deposited at premises for the purpose of using the money on behalf of a person as a wager in a gaming activity, that activity is taken to be conducted at those premises.
- (4) Subsection (2) does not apply to –
  - (a) a gaming activity carried on –
    - (i) by a person registered as a bookmaker under the *Racing Regulation Act 2004*; and
    - (ii) as authorised by or under that Act; and
  - (b) a simulated game in which all wagers are returned to players, whether as prizes or otherwise; and
  - (c) . . . . .

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- (d) the sale in Tasmania of tickets in a foreign game under the authority of a foreign games permit.
- (5) A person who supplies to the public a listed carriage service (within the meaning of the *Telecommunications Act 1997* of the Commonwealth) that enables end-users to access the Internet is not guilty of an offence under subsection (2) by reason only of hosting or carrying information that is kept on a data storage device and accessed, or available for access, using that service if the person was not aware of that information.

***Division 2 – Application for, and determination of,  
Tasmanian gaming licence***

**76C. Application for Tasmanian gaming licence**

- (1) A person may apply to the Commission for a Tasmanian gaming licence.
- (2) An application must –
  - (a) be in a form approved by the Commission; and
  - (b) specify the type of each gaming endorsement with which the applicant wishes the licence, if granted, to be endorsed; and
  - (c) contain or be accompanied by the information and documents required by the Commission; and

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- (d) be accompanied by the application fee of 30 000 fee units.

**76D. Consideration of application**

- (1) The Commission may refuse to process an application for a Tasmanian gaming licence if –
  - (a) the applicant has not complied with a requirement made under section 76G; or
  - (b) the application does not comply with or conform to any requirement specified in section 76C(2).
- (2) Except as otherwise prescribed under subsection (1), the Commission must process an application for a Tasmanian gaming licence.

**76E. Refund of application fee**

The Commission, at its discretion, may refund a part not exceeding 80% of an application fee paid under section 76C(2) –

- (a) if the Commission refuses to process the application under section 76D(1); or
- (b) if the application is withdrawn by the applicant; or
- (c) for any other reason the Commission considers appropriate.

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**76F. Excess costs of application**

- (1) If the reasonable costs incurred by the Commission in investigating and processing an application for a Tasmanian gaming licence exceed the amount of the application fee paid under section 76C(2), the Commission may require the applicant to pay the whole or part of the excess amount.
- (2) A requirement under subsection (1) must be made in writing provided to the applicant.

**76G. Investigation of application**

- (1) In processing an application for a Tasmanian gaming licence, the Commission must carry out all investigations that it considers necessary and appropriate.
- (2) In an investigation, the Commission may take all steps, and make all inquiries, that are reasonable and appropriate.
- (3) In an investigation, the Commission may investigate the applicant, an associate of the applicant and any other person the Commission considers relevant to the suitability of the applicant to hold a Tasmanian gaming licence.
- (4) In an investigation, the Commission may require any one or more of the following persons to allow the taking of his or her photograph, palm prints and fingerprints:
  - (a) the applicant;

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- (b) a director, chief executive officer or other person concerned in the management of the applicant;
  - (c) an associate of the applicant;
  - (d) a director, chief executive officer or other person concerned in the management of an associate of the applicant;
  - (e) any other person the Commission considers relevant to the investigation of the application.
- (5) In an investigation, the Commission may refer a copy of the application, any supporting documentation and any photographs, palm prints and fingerprints taken under subsection (4) to the Commissioner of Police and request an inquiry into any matter concerning the application that is specified in the request.
- (6) The Commissioner of Police must inquire into, and report to the Commission on, any matters concerning the application that the Commission requests under subsection (5).
- (7) In an investigation, the Commission, by written notice, may require an applicant for a Tasmanian gaming licence and any associate of the applicant to do any one or more of the following:
  - (a) to provide, in accordance with specified directions, any specified information that the Commission considers relevant to the investigation of the application;

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- (b) to produce, in accordance with specified directions, any specified records that the Commission considers relevant to the investigation of the application and to permit 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 provide 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 person and the person's associates from other persons.

(8) In subsection (7),

*specified* means specified in the notice referred to in that subsection.

(9) If a requirement made under this section is not complied with, the Commission may refuse to continue with the investigation and may refuse to process the application for the Tasmanian gaming licence.

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**76H. Updating of application**

- (1) If a change occurs in the information provided in or in connection with an application for a Tasmanian gaming licence (including in any documents lodged with the application) before the application is determined, the applicant must give the Commission written particulars of the change as soon as is reasonably practicable.

Penalty: Fine not exceeding 60 penalty units.

- (2) When particulars of the change are given, those particulars then form part of the original application.

**76I. Determination of application**

- (1) After completing its investigation in respect of an application for a Tasmanian gaming licence, the Commission must –
  - (a) determine the application for a Tasmanian gaming licence by either granting or refusing to grant the Tasmanian gaming licence; and
  - (b) if the Commission determines to grant the licence, determine which gaming endorsements are to be endorsed on the licence.
- (2) The Commission must not grant a Tasmanian gaming licence or determine that a gaming endorsement is to be endorsed on a Tasmanian gaming licence if it is not satisfied that –

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- 
- (a) the applicant is a suitable person to hold a Tasmanian gaming licence or a Tasmanian gaming licence endorsed with that gaming endorsement; and
    - (b) the applicant, if a natural person, is over the age of 18 years.
  - (3) The Commission must not grant a Tasmanian gaming licence or determine that a gaming endorsement is to be endorsed on a Tasmanian gaming licence if the applicant has not paid the application fee required by section 76C and any costs the applicant has been required to pay under section 76F.
  - (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.
  - (4) On determining an application, the Commission must give written notice to the applicant of its determinations.

**76J. Suitability of person to hold a Tasmanian gaming licence**

In deciding whether a person is suitable to hold a Tasmanian gaming licence or to have a gaming business under a particular gaming endorsement, the Commission may have regard to the following matters:

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- (a) the applicant's character, honesty, integrity and business reputation;
- (b) the applicant's current financial position and financial background;
- (c) if the applicant is not a natural person, whether the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;
- (d) that the applicant has, or has access to, the technical ability and resources to conduct gaming activities generally and, in particular, gaming activities of a kind to be conducted under that endorsement;
- (e) that each associate of the applicant is a suitable person to be associated with a gaming activity or gaming business generally and, in particular, a gaming activity or gaming business of a kind to be carried on under that gaming endorsement;
- (f) anything else prescribed by the regulations;
- (g) anything else the Commission considers relevant.

**76K. Suitability of associates**

In deciding whether an associate of an applicant for a Tasmanian gaming licence is a suitable person to be associated with a gaming activity or

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a gaming business, the Commission may have regard to the following matters:

- (a) the associate's character, honesty, integrity and business reputation;
- (b) the associate's current financial position and financial background;
- (c) if the associate has a business association with another person –
  - (i) the other person's character, honesty, integrity and business reputation; and
  - (ii) the other person's current financial position and financial background;
- (d) anything else prescribed by the regulations;
- (e) anything else the Commission considers relevant.

**76L. Issue of Tasmanian gaming licence**

On the grant of an application for a Tasmanian gaming licence, the Commission must issue to the applicant a Tasmanian gaming licence endorsed with those gaming endorsements that the Commission has determined under section 76I(1) are to be endorsed on the licence.

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**76M. Form of Tasmanian gaming licence**

- (1) A Tasmanian gaming licence must be endorsed with at least one gaming endorsement.
- (2) A gaming endorsement endorsed on a Tasmanian gaming licence forms part of the Tasmanian gaming licence.
- (3) A gaming endorsement is endorsed on a Tasmanian gaming licence if it –
  - (a) appears within the content of the licence;  
or
  - (b) is stamped or noted on the licence; or
  - (c) is attached to the licence.

**76N. Form of gaming endorsement**

- (1) Each gaming endorsement endorsed on a Tasmanian gaming licence must specify the approved location in which the licensed provider may undertake the activities authorised by the endorsement.
- (2) Premises in respect of which a licensed premises gaming licence is in force may not be specified in a simulated gaming endorsement for the purposes of subsection (1).

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***Division 3 – Application for, and determination of, new  
gaming endorsement***

**76O. Application for new gaming endorsement**

- (1) A licensed provider may apply to the Commission for a gaming endorsement of a type not already endorsed on the provider's Tasmanian gaming licence.
- (2) An application must –
  - (a) be in a form approved by the Commission; and
  - (b) specify the type of gaming endorsement being applied for; and
  - (c) contain or be accompanied by the information and documents required by the Commission.
- (3) A licensed provider may only apply for a simulated racing event endorsement if –
  - (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.

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**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.

**76Q. Costs of processing application for new gaming endorsement**

- (1) The Commission may require an applicant for a new gaming endorsement to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application.
- (2) A requirement under subsection (1) must be made in writing provided to the applicant.

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**76R. Endorsing Tasmanian gaming licence with new gaming endorsement**

- (1) On the grant of an application for a new gaming endorsement, the Commission –
  - (a) must require the licensed provider to provide the Tasmanian gaming licence to the Commission; and
  - (b) must, as soon as practicable after receiving the licence, either –
    - (i) endorse the licence with that gaming endorsement and return it to the licensed provider; or
    - (ii) issue to the licensed provider a replacement Tasmanian gaming licence endorsed with that gaming endorsement and all gaming endorsements that were on the Tasmanian gaming licence provided to the Commission as required under paragraph (a).
- (2) A new gaming endorsement takes effect on the day it is granted or on a later day determined by the Commission and specified in it.
- (3) If a new gaming endorsement specifies that it is to take effect on a day other than the day it is granted, the date on which it takes effect may be specified by reference to –
  - (a) a date; or

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- (b) the occurrence of an event; or
- (c) the fulfilment of a condition; or
- (d) any other matter the Commission considers appropriate.

***Division 4 – Tasmanian gaming licence***

**76S. Authority of Tasmanian gaming licence with sports betting endorsement**

A Tasmanian gaming licence endorsed with a sports betting endorsement authorises the licensed provider, subject to this Act and any conditions to which the Tasmanian gaming licence is subject, to do such of the following activities as are specified in the endorsement:

- (aa) to conduct sports betting;
- (a) to accept wagers in respect of approved sports events by way of a telecommunications device situated in an approved location;
- (b) to accept wagers in respect of approved sports events with persons who are physically present at the event or an approved location;
- (c) to do all things necessarily incidental to carrying on the activities specified in the endorsement.

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**76T. Authority of Tasmanian gaming licence with race wagering endorsement**

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

- (a) to conduct race wagering; and
- (b) to accept wagers on race wagering events by way of a telecommunications device situated in an approved location; and
- (c) to accept wagers on race wagering events from persons who are physically present at an approved location; and
- (d) to do all things necessarily incidental to carrying on the activities referred to in paragraphs (a), (b) and (c).

**76U. Authority of Tasmanian gaming licence with simulated gaming endorsement**

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

- (a) to conduct simulated games by way of a telecommunications device situated at an approved location; and

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- (b) to accept by way of a telecommunications device wagers in respect of simulated games conducted by the licensed provider in Tasmania; and
- (c) to do all things necessarily incidental to carrying on the activities referred to in paragraphs (a) and (b).

**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).

**76V. Authority of Tasmanian gaming licence with major lottery endorsement**

A Tasmanian gaming licence endorsed with a major lottery endorsement authorises the licensed provider, subject to this Act and any

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conditions to which the Tasmanian gaming licence is subject, to do such of the following activities as are specified in the endorsement:

- (a) to conduct major lotteries from an approved location;
- (b) on personal application at an approved location, to sell tickets in major lotteries conducted by the licensed provider in Tasmania;
- (c) by post or a telecommunications device, to sell tickets in major lotteries conducted by the licensed provider in Tasmania;
- (d) to conduct pools in Tasmania;
- (e) to accept wagers in pools conducted by the licensed provider in Tasmania;
- (f) to do all things necessarily incidental to carrying on the activities referred to in paragraphs (a), (b), (c), (d) and (e).

**76VA. Authority of Tasmanian gaming licence with betting exchange endorsement**

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

- (a) operate a betting exchange by way of a telecommunications device; and

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- (b) broker wagering through that betting exchange; and
- (c) do all things necessarily incidental to carrying on the activities referred to in paragraphs (a) and (b).

**76VB. Authority of Tasmanian gaming licence with totalizator endorsement**

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

- (a) to conduct totalizators in respect of race wagering events and approved sports events; and
- (b) to accept totalizator wagers by way of a telecommunications device situated in an approved location; and
- (c) to accept totalizator wagers from persons who are physically present at an approved outlet; and
- (d) to do all things necessarily incidental to carrying on the activities referred to in paragraphs (a), (b) and (c).

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**76VC. Authority of Tasmanian gaming licence with agent endorsement**

- (1) A Tasmanian gaming licence endorsed with an agent endorsement authorises the licensed provider, subject to this Act and any conditions to which the Tasmanian gaming licence is subject –
  - (a) to enter into and participate in arrangements with unrelated gaming or wagering providers under which the licensed provider may –
    - (i) provide electronic portals to gaming or wagering products of those providers; and
    - (ii) accept wagers on behalf of those providers; and
    - (iii) receive, in return, fees, commissions or other financial benefits; and
  - (b) to do all things necessary or convenient to execute any such arrangement.
- (2) To avoid doubt, an agent endorsement does not, of itself, authorise the holder of the endorsement to conduct a gaming activity.
- (3) For the purposes of this section, a gaming or wagering provider is taken to be unrelated to a licensed provider if –

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- (a) the gaming or wagering provider is not based in Tasmania; and
- (b) the gaming or wagering provider –
  - (i) is not, in the case of an Australian company, a related body corporate; or
  - (ii) would not, in the case of a foreign company, be a related body corporate if the company were incorporated under Australian law.
- (4) The Commission, by written notice, may direct a licensed provider to terminate, temporarily suspend or not enter into a particular arrangement under an agent endorsement if it considers on reasonable grounds that the unrelated gaming or wagering provider is not or might not be a suitable person for the holder of a Tasmanian gaming licence to be associated with.
- (5) In issuing a direction, the Commission is, as far as practicable, to mitigate the potential contractual and other liabilities of the licensed provider.
- (6) Without prejudice to Division 6 of Part 5, a failure to comply with a direction under this section constitutes grounds for disciplinary action under that Division in relation to the relevant prescribed licence.
- (7) In this section –

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*Australian company* means a company within  
the meaning of the Corporations Act;

*foreign company* has the same meaning as in  
the Corporations Act;

*related body corporate* has the same meaning  
as in the Corporations Act.

76W. . . . .

**76X. Tasmanian gaming licence subject to conditions**

- (1) A Tasmanian gaming licence is subject to any conditions determined by the Commission and specified in, or attached to, it.
- (2) Without limiting the matters to which conditions may relate, the conditions of a Tasmanian gaming 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.
- (3) Without limiting the matters to which conditions may relate, the conditions of a Tasmanian gaming licence may relate to any one or more of the following matters:
  - (a) approval of premises and facilities;
  - (b) the security of gaming equipment;
  - (c) approval of an electronic monitoring system;

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- (d) the keeping of records and financial statements;
  - (e) the holding of funds on behalf of players;
  - (f) the provision of reports;
  - (g) prizes.
- (4) The conditions specified in, or attached to, a Tasmanian gaming licence may adopt wholly or in part, with or without modification and specifically or by reference, any published code, standard or other document, whether the code, standard or other document is published before or after the commencement of this section.
- (5) A reference in subsection (4) to a code, standard or other document is a reference to that code, standard or other document as amended from time to time.
- (6) The conditions specified in, or attached to, a Tasmanian gaming licence form part of the Tasmanian gaming licence.

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

- (1) A Tasmanian gaming licence with a gaming endorsement, in addition to any other conditions in respect of it, is subject to the following general conditions:
  - (a) the wagering funds of registered players must not be disbursed or otherwise dealt with except as authorised –

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- (i) under the Act; or
    - (ii) by the Commission, from time to time, by instrument in writing;
  - (b) the licensed provider must have rules in place in respect of a gaming activity and must ensure that players can consult those rules electronically;
  - (c) the licensed provider must ensure that the Commission is able to inspect the rules electronically at any time;
  - (d) the Commission, in its discretion, may, by means of an instruction, disallow any rules that it considers to be –
    - (i) oppressive or unfair; or
    - (ii) inadequate or incomplete; or
    - (iii) misleading, inaccurate or poorly drafted; or
    - (iv) unsatisfactory on other grounds;
  - (e) the licensed provider must not allow gaming activity under rules that have been disallowed;
  - (f) the licensed provider must not allow gaming activity in respect of a contingency for which there are no rules;
  - (g) any gaming activity that occurs under rules before their disallowance under paragraph (d) is to be settled as the

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Commission, either generally or in the specific case and whether before or after the settlement of a gaming activity, instructs;

- (h) the Commission, in its discretion, may instruct the licensed provider not to allow gaming activity on a competition, game or event that the Commission considers is not a fit subject for gaming or wagering and the licensed provider must comply with that instruction;
- (i) any gaming activity that occurs in respect of competitions, games or events before their prohibition under paragraph (h) is to be settled as the Commission, either generally or in the specific case and whether before or after the settlement of gaming or wagering, instructs;
- (j) the licensed provider must not allow gaming activity on contingencies relating to –
  - (i) competitions, games or events held in Tasmania that are unlawful; or
  - (ii) competitions, games or events held elsewhere that would, if they were to be held in Tasmania, be unlawful;
- (k) the licensed provider must furnish such regulatory Agencies, with such information in such time and manner, as

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the Commission from time to time instructs the licensed provider, for –

- (i) the purpose of ensuring the probity of a gaming activity; and
  - (ii) other purposes as determined by the Commission;
- (1) the Commission may, for fee or otherwise, furnish another regulatory Agency with information furnished to the Commission by the licensed provider for –
  - (i) the purpose of ensuring the probity of a gaming activity; and
  - (ii) other purposes as determined by the Commission.
- (2) For the purposes of subsection (1)(a), an account used for the operations of the licensed provider must –
  - (a) not be used for any other purpose; and
  - (b) be maintained with an authorised deposit-taking institution that carries on business in Australia, at a branch or office of that institution that is physically located in Tasmania; and
  - (c) be independently audited at least once every 12 months and at such other times as the Commission may instruct.

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- (3) A licensed provider must not allow a registered player to lay bet otherwise than in accordance with a betting exchange endorsement.

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

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

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

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

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

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

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

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

**76Y. When Tasmanian gaming licence and gaming endorsement take effect**

- (1) A Tasmanian gaming licence takes effect on the day it is granted or on a later day determined by the Commission and specified in it.
- (2) A gaming endorsement endorsed on a newly granted Tasmanian gaming licence takes effect on the day the Tasmanian gaming licence takes effect or on a later day determined by the Commission and specified in the gaming endorsement.
- (3) If a Tasmanian gaming licence or gaming endorsement specifies that it is to take effect on a day other than the day the licence is granted, the date on which the licence or endorsement takes effect may be specified 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 the Commission considers appropriate.
- (4) Where a Tasmanian gaming licence or gaming endorsement does not take effect within 12 months of being granted, the licence or gaming endorsement expires, unless the Commission determines otherwise.

**76Z. Period of Tasmanian gaming licence**

Except as otherwise expressly provided by this Act, a Tasmanian gaming licence has effect for the period, not exceeding 5 years, specified in it.

**76ZA. Tasmanian gaming licence not transferable**

Except as otherwise expressly provided by this Act, a Tasmanian gaming licence is not transferable to any other person.

**76ZB. Variation of Tasmanian gaming licence, &c.**

- (1) The Commission may vary a Tasmanian gaming licence at any time.
- (2) The variation may be effected –
  - (a) on the Commission's own motion, by notice to the licensed provider; or
  - (b) consequent on an application made by the licensed provider.

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- (3) An application for variation must –
- (a) be in a form approved by the Commission; and
  - (b) specify the variation sought; and
  - (c) contain any information and be accompanied by any documents the Commission requires; and
  - (d) be accompanied by the prescribed fee.
- (4) The Commission, in its discretion, may waive all or part of the prescribed fee.
- (5) In the case of an application for variation –
- (a) the Commission may undertake such investigations as it considers appropriate; and
  - (b) section 76G applies in respect of those investigations; and
  - (c) the Commission, by written notice to the licensed provider, may require the licensed provider to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application if those costs exceed the prescribed fee.
- (6) In the case of an application for variation, the Commission may –
- (a) approve the application (with or without modification); or

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(b) refuse the application.

(7) If the Commission varies a Tasmanian gaming licence it may do so by varying the existing Tasmanian gaming licence or by issuing a replacement Tasmanian gaming licence.

(8) To avoid doubt, the Commission may not, under this section, reduce or extend the period that any Tasmanian gaming licence is in effect.

(9) In this section –

*vary*, a Tasmanian gaming licence, includes but is not limited to doing any or any combination of the following in respect of the licence:

(a) adding a condition;

(b) omitting a condition;

(c) altering a condition;

(d) altering the conditions of an endorsement;

(e) correcting or updating names, addresses, dates or other particulars.

**76ZC. Renewal of Tasmanian gaming licence**

(1) A licensed provider may, within the period of 90 days before the expiration of the current Tasmanian gaming licence or such longer period

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as is determined by the Commission, apply to the Commission for the renewal of the licence.

- (2) 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 the Commission requires.
- (3) On receipt of an application for renewal, the Commission may undertake the investigations it considers appropriate.
- (4) Sections 76D, 76G, 76H, 76I, 76J, 76K and 76L apply, with necessary modification and adaptation, in respect of the investigation, processing and determination of an application for the renewal of a Tasmanian gaming licence and the issue of the renewed Tasmanian gaming licence.
- (5) The Commission may require an applicant to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application.
- (6) A requirement under subsection (5) must be made in writing provided to the applicant.
- (7) If an application for renewal of a Tasmanian gaming licence is made under this section, the current Tasmanian gaming licence continues in force until it is renewed or its renewal is refused.

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- (8) The renewal of a Tasmanian gaming licence takes effect from the day on which the current licence was due to expire.
- (9) If the Commission refuses to renew a Tasmanian gaming licence, the Tasmanian gaming licence ceases to have effect on the day specified in the refusal.
- (10) The Commission is not entitled to refuse to renew the Tasmanian gaming licence endorsed with the second totalizator endorsement unless satisfied that the licensed provider –
  - (a) is in breach of the licence or the endorsement; or
  - (b) is not a suitable person to hold a Tasmanian gaming licence or gaming endorsement; or
  - (c) an associate of the licensed provider is not a suitable person to be an associate of a licensed provider.

76ZD - 76ZG. . . . .

***Division 5 – Betting exchange operations***

***Subdivision 1 – Introductory***

**76ZDA. Application of Division**

This Division applies to a Tasmanian gaming licence with a betting exchange endorsement.

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**76ZDB. Interpretation of Division**

In this Division –

***approved form*** means a form approved by the Commission;

***betting exchange*** means a facility that enables persons to –

- (a) place or accept, through the betting exchange operator, wagers with other persons; or
- (b) place with the betting exchange operator wagers that, on acceptance, are matched with opposing wagers placed with and accepted by the operator (so as to offset all risk to the operator);

***betting exchange operator*** means the holder of a Tasmanian gaming licence with a betting exchange endorsement;

***lead-in period***, in relation to a betting exchange operator, means the 12-month period immediately following the date on which the operator's Tasmanian gaming licence is first endorsed with a betting exchange endorsement;

***Tasmanian betting exchange operations***, of a betting exchange operator, means the brokered wagering conducted under the operator's betting exchange endorsement.

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***Subdivision 2 – Licensing provisions***

76ZDC. . . . .

**76ZDD. Betting exchange commission**

- (1) A Tasmanian gaming licence with a betting exchange endorsement entitles its holder to such commission in respect of brokered wagering as the Commission from time to time authorises in writing.
- (2) Authorisations under subsection (1) may be of –
  - (a) general application; or
  - (b) specific application, with the result that different rates of commission may apply in such different circumstances (whether as to time, wagering category or otherwise) as are specified in the authorisations.

***Subdivision 3 – Licensing of employees***

**76ZDE. Certain employees to be issued with special employee's licence**

- (1) This section applies to a person who is employed by a betting exchange operator during the lead-in period to exercise or perform a function (referred to in this section as “the function”) of a special employee for the operator's Tasmanian betting exchange operations.

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- (2) The Commission, as soon as practicable after the commencement of the lead-in period or, if applicable, after the person is employed, is to issue the person with a special employee's licence under Division 3 of Part 4 authorising the person to exercise or perform the function.
  - (3) The special employee's licence so issued remains in force only for the duration of the lead-in period but, for the avoidance of doubt, sections 56, 56A, 60, 64 and 65 apply to that licence.
  - (4) Until the Commission issues the special employee's licence, the person is taken to be the holder of a provisional special employee's licence under Division 3 of Part 4 authorising the person to exercise or perform the function.
  - (5) Expressions that are defined in Division 3 of Part 4 and used in this section have the same meaning in this section as they have in that Division.

**76ZDF. Certain employees to be issued with technician's licence**

- (1) This section applies to a person who is employed by a betting exchange operator during the lead-in period to exercise or perform a function of a technician (referred to in this section as "the function") for the operator's Tasmanian betting exchange operations.
- (2) The Commission, as soon as practicable after the start of the lead-in period or, if applicable, after

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the person is employed, is to issue the person with a technician's licence under Division 4 of Part 4 authorising the person to exercise or perform the function.

- (3) The technician's licence so issued remains in force only until the end of the lead-in period but, for the avoidance of doubt, sections 56, 56A, 60, 64 and 65 apply, with any necessary modification, to that licence.
- (4) Until the Commission issues the technician's licence, the person is taken to be the holder of a provisional technician's licence under Division 4 of Part 4 authorising the person to exercise or perform the function.
- (5) Expressions that are defined in Division 4 of Part 4 and used in this section have the same meaning in this section as they have in that Division.

***Subdivision 4 – Miscellaneous***

**76ZDG. Offshore computer equipment**

- (1) A betting exchange operator may, with the written approval of the Commission, use offshore computer equipment for Tasmanian betting exchange operations.
- (2) A betting exchange operator who uses offshore computer equipment for Tasmanian betting exchange operations pursuant to a permission under subsection (1) must comply with such instructions as the Commission may from time

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to time give the betting exchange operator regarding that computer equipment and its use.

Penalty: Fine not exceeding 10 000 penalty units.

(3) In this section –

*computer equipment* includes a class of computer equipment;

*offshore computer equipment* means a computer, computer server or other computer equipment located outside Tasmania.

76ZDH - 76ZDK. . . . .

***Subdivision 5 – Offences***

**76ZDL. Restrictions on brokered wagering**

A betting exchange operator must not –

- (a) broker wagering by or between persons who are not registered players; or
- (b) cause or allow persons who are not registered players to engage in wagering through a betting exchange operated by the betting exchange operator; or
- (c) solicit, by direct advertising, direct inducements or other direct means, excluded persons within the meaning of

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Subdivision 2 of Division 7 to engage in  
wagering through a betting exchange.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 10 000 penalty units; and
- (b) a subsequent offence, a fine not exceeding 50 000 penalty units.

**76ZDM. Restrictions on wagering by interested persons**

- (1) A person must not wager through a betting exchange if the person is a direct participant in the brokered wagering event to which the wager relates.

Penalty: Fine not exceeding 10 000 penalty units or imprisonment for a term not exceeding 4 years, or both.

- (2) A person who has an interest in the outcome of a brokered wagering event must not, through a betting exchange, place or accept a wager of a kind that could reasonably be taken to constitute an inducement for –

- (a) a human competitor in the event –
  - (i) to withdraw from, become disqualified for or fail to participate in the event; or

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- (ii) not to participate in the event to the best of the human competitor's ability; or
  - (iii) to interfere with or jeopardise, contrary to the rules of the event, the performance of other human competitors, or any non-human competitors, in the event; or
  - (iv) to commit an offence against section 165; or
- (b) an official in the event –
- (i) not to officiate in the event impartially; or
  - (ii) to commit an offence against section 165.

Penalty: Fine not exceeding 10 000 penalty units or imprisonment for a term not exceeding 4 years, or both.

- (3) The owner of a horse or greyhound must not wager through a betting exchange that, in a race or event in which the horse or greyhound is competing or entered to compete, the horse or greyhound will fail to –
- (a) win first place; or
  - (b) be placed second; or
  - (c) be placed third; or

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- (d) win first place or be placed second or third; or
- (e) win first place or be placed second; or
- (f) win first place or be placed third; or
- (g) be placed second or third.

Penalty: Fine not exceeding 10 000 penalty units or imprisonment for a term not exceeding 4 years, or both.

- (4) A betting exchange operator must inform the Commission immediately if the operator knows or reasonably suspects that a person has placed or accepted, or is trying to place or accept, a wager of the kind referred to in subsection (1), (2) or (3) through the operator's betting exchange.

Penalty: Fine not exceeding 10 000 penalty units.

- (5) For the purposes of this section, a person is taken to have an interest in the outcome of a brokered wagering event if the person is –
  - (a) a direct or indirect participant in the event; or
  - (b) an associate of a direct or indirect participant in the event.
- (6) For the purposes of this section, a person is another person's associate if the first-mentioned person –

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- (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the first-mentioned person or on behalf of any other person) in a business of the other person, and by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that business; or
- (b) holds or will hold any relevant position (whether in right of the first-mentioned person or on behalf of any other person) in a business of the other person; or
- (c) is a relative of the other person.

(7) In this section –

***competitor*** includes, in the case of a horse race, a jockey or driver of a horse competing or entered to compete in the race;

***direct participant***, in a brokered wagering event, means –

- (a) in the case of a horse race, a licensed person who trains, rides or drives, or performs another function in respect of, a horse in the race; or
- (b) in the case of a greyhound race, a licensed person who, other than as an owner, trains, or performs

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another function in respect of, a greyhound in the race; or

(c) in any other case, a person who –

(i) competes in the event; or

(ii) is entitled, under the rules of the event, to give direct technical or logistical support to a person competing in the event while it is underway;

*Example 1* The members of pit crews in a motor race give direct technical and logistical support to the drivers competing in that race.

***indirect participant***, in a brokered wagering event, means a person who, though not a direct participant in the event, is capable of influencing or deciding the outcome of the event or the outcome of a contingency relating to that event;

*Example 2* A team doctor or physiotherapist, a sportsground curator, an official, a member of a tribunal that hears protests or appeals concerning rules, disqualifications or results.

***licensed*** means licensed or registered under –

(a) the *Rules of Racing* within the meaning of the *Racing Regulation Act 2004*; or

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- (b) rules in force in another State, or in a Territory, that are equivalent or substantially equivalent to the rules referred to in paragraph (a);

***official*** includes marshal, scorer, steward, time-keeper and umpire;

***partner*** means the person with whom a person is in a personal relationship within the meaning of the *Relationships Act 2003*;

***relative*** means spouse, partner, parent, child or sibling (whether of the full or half blood);

***relevant financial interest***, in relation to a business, means –

- (a) any share in the capital of the business; or
- (b) any entitlement to receive any income derived from the business;

***relevant position***, in relation to a business, means the position of director, manager or other executive position or secretary, however that position is designated in that business;

***relevant power*** means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others –

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- (a) to participate in a directorial, managerial or executive decision; or
  - (b) to elect or appoint any person to any relevant position.
- (8) The examples in subsection (7) are a part of the law.

***Division 5A – Totalizator operations***

***Subdivision 1 – Introductory***

**76ZEA. Application of Division**

This Division applies to a Tasmanian gaming licence with a totalizator endorsement.

**76ZEB. Interpretation of Division**

In this Division –

***initial totalizator endorsement*** means the totalizator endorsement referred to in section 76ZED(1);

***lead-in period*** means –

- (a) in respect of the initial totalizator endorsement, the 12-month period commencing on the totalizator changeover day; and
- (b) in respect of the second totalizator endorsement, the 12-month period commencing on the

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day on which that endorsement  
takes effect;

***second totalizator endorsement*** means the  
first totalizator endorsement placed on a  
Tasmanian gaming licence after a  
terminating event occurs;

***subsisting business agreement*** means a  
business agreement or arrangement in  
force under section 57EA, 57F or 57FA  
of the *Racing (Totalizator Betting) Act*  
*1952* immediately before the totalizator  
changeover day;

***terminating event*** means a terminating event  
within the meaning of section 76ZED;

***totalizator changeover day*** means the day on  
which the *Gaming Control Amendment*  
*Act 2009* commences.

***Subdivision 2 – Licensing arrangements***

**76ZEC. Special limitations**

- (1) In exercising its powers under this Act, the Commission is to ensure that no more than one totalizator endorsement is in effect at any given time.
- (2) If the Commission grants a totalizator endorsement to any person in the expectation that an existing totalizator endorsement is for any reason ceasing to have effect, the totalizator endorsement so granted is not capable of taking

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effect before the existing totalizator endorsement actually ceases to have effect.

(3) Subsections (1) and (2) cease to apply –

- (a) 15 years after a terminating event occurs;  
or
- (b) when the second totalizator endorsement ceases, for any reason, to have effect –

whichever first occurs.

(4) The following conduct is authorised for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Policy Reform (Tasmania) Act 1996*:

- (a) the grant of a Tasmanian gaming licence with a totalizator endorsement pursuant to section 76I;
- (b) the imposition of any endorsement or condition on a licence referred to in paragraph (a);
- (c) any conduct authorised, required or permitted by or under the terms of a licence or endorsement referred to in paragraph (a) or (b);
- (d) the making or execution of any proposed arrangement that, in the opinion of the Minister, is associated with or necessary or convenient for giving effect to a licence, endorsement or condition referred to in this section.

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**76ZED. Initial totalizator endorsement**

- (1) On the totalizator changeover day, TOTE Tasmania is, without further authority than this section, taken to have been granted a Tasmanian gaming licence (referred to in this section as “the transitional licence”) with the following endorsements:
  - (a) a totalizator endorsement;
  - (b) an agent endorsement;
  - (c) a race wagering endorsement;
  - (d) a sports betting endorsement.
- (2) Despite section 76ZA, TOTE Tasmania may transfer the transitional licence at any time if the transfer –
  - (a) is to a TOTE subsidiary that is, within the meaning of the Corporations Act, a wholly-owned subsidiary of TOTE Tasmania; and
  - (b) has the Minister’s written approval; and
  - (c) is effected on and in accordance with the conditions, if any, of that approval.
- (3) Despite section 76Z, the transitional licence (including the initial totalizator endorsement and other endorsements) continues in effect under and subject to this Act only until a terminating event occurs.
- (4) The transitional licence –

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- (a) authorises TOTE Tasmania, while holding that licence, to maintain and execute any subsisting business agreement until –
    - (i) that agreement for any reason ceases; or
    - (ii) TOTE Tasmania's entitlements and obligations under that agreement are fully and finally realised and discharged; or
    - (iii) a terminating event occurs; and
  - (b) in so far as any subsisting business agreement may expressly or impliedly allow, confers like authority on a TOTE subsidiary to which the transitional licence may be transferred.
- (5) However, subsection (4) has effect subject to section 76VC(4).
- (6) The holder of the transitional licence is not, in respect of anything done under that licence as regards the initial totalizator endorsement, subject to section 86 or Part 7 of the *Racing Regulation Act 2004*.
- (7) In this section –
- terminating event***, for the transitional licence, means –
- (a) if TOTE Tasmania is holding that licence, any one of the following:

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- (i) the acquisition (by any person other than a TOTE subsidiary) of all of the shares in TOTE Tasmania consequent on a sale or transfer of those shares;
  - (ii) the vesting (in any person other than a TOTE subsidiary) of the totalizator wagering business of TOTE Tasmania consequent on a sale or transfer of that business;
  - (iii) TOTE Tasmania ceases to exist;
  - (iv) an event prescribed by regulations for this paragraph; or
- (b) if a TOTE subsidiary is holding that licence consequent on a transfer pursuant to subsection (2), any one of the following:
- (i) the acquisition (by any person other than another TOTE subsidiary) of all of the shares in TOTE Tasmania or the TOTE subsidiary consequent on

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a sale or transfer of those shares;

(ii) the vesting (in any person other than another TOTE subsidiary) of the totalizator wagering business of the TOTE subsidiary consequent on a sale or transfer of that business;

(iii) either TOTE Tasmania or the TOTE subsidiary ceases to exist;

(iv) an event prescribed by regulations for this paragraph;

***totalizator wagering business***, of TOTE Tasmania, means that part of the business of TOTE Tasmania authorised by the initial totalizator endorsement;

***TOTE subsidiary*** means a subsidiary, within the meaning of the Corporations Act, of TOTE Tasmania.

**76ZEE. Second totalizator endorsement**

- (1) The Commission must not grant the second totalizator endorsement to any person except with the written approval of the Treasurer.

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- (2) Despite section 76Z, a Tasmanian gaming licence endorsed with the second totalizator endorsement –
- (a) has effect for a period of 50 years commencing on the day on which the endorsement takes effect; and
  - (b) is, after that 50-year period, renewable for a further period of 49 years under and in accordance with section 76ZC.
- (3) However, the following provisions apply to a Tasmanian gaming licence endorsed with the second totalizator endorsement:
- (a) if the endorsement ceases for any reason to have effect before the nominal term of the licence expires, the licence continues in effect after that cessation (but without the endorsement) only for the remaining balance, if any, of the nominal term;
  - (b) if the endorsement ceases for any reason to have effect after (or precisely when) the nominal term of the licence expires, the licence continues in effect after that cessation (but without the endorsement) only for a period of 6 months.
- (4) Nothing in subsection (3) limits the operation of section 76ZC.
- (5) The holder of a Tasmanian gaming licence endorsed with the second totalizator endorsement is not, in respect of anything done under that licence as regards that endorsement,

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subject to section 86 or Part 7 of the *Racing Regulation Act 2004*.

(6) In this section –

***nominal term***, of a Tasmanian gaming licence endorsed with the second totalizator endorsement, means the 5-year period commencing on the day on which that licence takes effect.

76ZEF. . . . .

**76ZEG.    Authorised rates of totalizator commission**

- (1) A totalizator operator is entitled to such rates of commission in respect of totalizator wagering as it determines, but not exceeding such maximum rates of commission as the Commission from time to time authorises in writing.
- (2) Authorisations under subsection (1) may –
  - (a) be of general application; and
  - (b) be of specific application, with the result that different rates of commission may apply in such different circumstances as are specified in the authorisations; and
  - (c) confer relevant discretions on the licensed provider.

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**76ZEH. Totalizator dividends and their calculation**

- (1) A totalizator operator must –
  - (a) declare the totalizator pool to be the amount available for the payment of dividends on that totalizator wagering contingency; and
  - (b) pay that amount out as dividends to the persons entitled to them.
- (2) The regulations may prescribe the following:
  - (a) the means for calculating the minimum amount payable by a totalizator operator as a dividend;
  - (b) the mechanism for the rounding of a dividend.
- (3) Any amount that would, but for subsection (2), be required to be included in a totalizator wagering dividend may be retained by the totalizator operator.

***Subdivision 3 – Licensing of employees***

**76ZEI. Certain employees to be issued with special employee's licence**

- (1) This section applies to a person who is employed by a totalizator operator during the lead-in period to exercise or perform a function (referred to in this section as “the function”) of a special employee for the totalizator operator's wagering or gaming operations.

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- (2) The Commission, as soon as practicable after the commencement of the lead-in period or, if applicable, after the person is employed, is to issue the person with a special employee's licence under Division 3 of Part 4 authorising the person to exercise or perform the function.
- (3) The special employee's licence remains in force only until the end of the lead-in period in which it is issued but, for the avoidance of doubt, sections 56, 56A, 60, 64 and 65 apply to that licence.
- (4) Until the Commission issues the special employee's licence, the person is taken to be the holder of a provisional special employee's licence under Division 3 of Part 4 authorising the person to exercise or perform the function.
- (5) Expressions that are defined in Division 3 of Part 4 and used in this section have the same meaning in this section as they have in that Division.

**76ZEJ. Certain employees to be issued with technician's licence**

- (1) This section applies to a person who is employed by a totalizator operator during the lead-in period to exercise or perform a function of a technician (referred to in this section as "the function") for the totalizator operator's wagering or gaming operations.
- (2) The Commission, as soon as practicable after the start of the lead-in period or, if applicable, after

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the person is employed, is to issue the person with a technician's licence under Division 4 of Part 4 authorising the person to exercise or perform the function.

- (3) The technician's licence remains in force only until the end of the lead-in period in which it is issued but, for the avoidance of doubt, sections 56, 56A, 60, 64 and 65 apply, with any necessary modification, to that licence.
- (4) Until the Commission issues the technician's licence, the person is taken to be the holder of a provisional technician's licence under Division 4 of Part 4 authorising the person to exercise or perform the function.
- (5) Expressions that are defined in Division 4 of Part 4 and used in this section have the same meaning in this section as they have in that Division.

***Subdivision 4 – Totalizator gaming equipment and control systems***

**76ZEK. Gaming equipment, &c., of initial totalizator operator**

- (1) Notwithstanding sections 76ZZG and 76ZZI, the initial totalizator endorsement authorises the licensed provider to use any existing gaming equipment or control system in connection with the activities authorised by the initial totalizator endorsement for –

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- (a) in the case of gaming equipment, the period of 24 months commencing on the totalizator changeover day or such longer period as may be prescribed within those 24 months; and
  - (b) in the case of a control system, the period of 6 months commencing on the totalizator changeover day or such longer period as may be prescribed within those 6 months.
- (2) To avoid doubt, the authority conferred by subsection (1) –
  - (a) applies only to TOTE Tasmania or a TOTE subsidiary within the meaning of section 76ZED; and
  - (b) is extinguished by a terminating event.
- (3) In this section –
  - existing*, gaming equipment or control system, means gaming equipment or a control system used by TOTE Tasmania at any time in the 3-month period immediately before the totalizator changeover day.

**76ZEL. Gaming equipment, &c., of second totalizator operator**

- (1) Notwithstanding sections 76ZZG and 76ZZI, the second totalizator endorsement authorises the licensed provider to use any existing gaming equipment or control system in connection with

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the activities authorised by the totalizator (or any other) endorsement on the licence for –

- (a) in the case of gaming equipment, the period of 12 months commencing on the endorsement day or such longer period as may be prescribed within those 12 months; and
- (b) in the case of a control system, the period of 6 months commencing on the endorsement day or such longer period as may be prescribed within those 6 months.

(2) In this section –

*endorsement day* means the day on which the second totalizator endorsement takes effect;

*existing*, gaming equipment or control system, means gaming equipment or a control system used by the holder of the initial totalizator endorsement or second totalizator endorsement at any time in the 3-month period immediately before the endorsement day.

***Division 6 – End of Tasmanian gaming licence***

**76ZH. When Tasmanian gaming licence ends**

A Tasmanian gaming licence ceases to have effect –

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- (a) at the end of the period for which it has effect under section 76Z; or
- (b) when it is surrendered with the agreement of the Commission; or
- (c) if it is cancelled, on the day specified in the notice of cancellation provided to the holder of the prescribed licence under section 112T(8); or
- (d) 90 days after the day on which the licensed provider dies, becomes bankrupt, takes or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors, makes an assignment of remuneration for the benefit of creditors, is affected by control action under the Corporations Act (within the meaning of section 112S(4)) or becomes mentally incapable of conducting a gaming business in the opinion of the Commission unless the licence is continued under section 76ZJ; or
- (e) if the licence is continued under section 76ZJ, at the end of the 6 month or shorter period referred to in section 76ZJ(7).

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**76ZI. Surrender of Tasmanian gaming licence or gaming endorsement**

- (1) A licensed provider may surrender the Tasmanian gaming licence, by giving written notice to the Commission, if the Commission agrees to the surrender.
- (2) If a Tasmanian gaming licence is surrendered, the person who held the licence must return it to the Commission.
- (2A) After a person surrenders a Tasmanian gaming licence, the Treasurer may give the person a prescribed proportional refund of the licence fee.
- (2B) . . . . .
- (3) A licensed provider may surrender a gaming endorsement without surrendering the Tasmanian gaming licence by giving written notice to the Commission, if the Commission agrees to the surrender.
- (4) If a gaming endorsement is surrendered –
  - (a) the licensed provider must give the Tasmanian gaming licence to the Commission; and
  - (b) the Commission must amend the licence by –
    - (i) deleting that endorsement; or
    - (ii) issuing a replacement licence that is not endorsed with that endorsement; and

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- (c) the Treasurer may give the licensed provider a prescribed proportional refund of the relevant part of the licence fee.

(5) . . . . .

(6) In this section –

*relevant part*, of the licence fee for a Tasmanian gaming licence, means that part of the licence fee that is payable because of a particular gaming endorsement endorsed on the licence.

**76ZJ. Continuation of Tasmanian gaming licence after death, &c.**

- (1) Any of the following persons may apply to the Commission to have their name entered as substitute licensed provider on a Tasmanian gaming licence:
  - (a) a person who is, or intends to become, the legal personal representative of a deceased licensed provider;
  - (b) the guardian or administrator appointed under the *Guardianship and Administration Act 1995* in respect of a licensed provider who is a represented person, within the meaning of that Act;
  - (c) the official receiver, trustee or assignee of a licensed provider who becomes bankrupt or takes or applies to take the benefit of any law for the relief of

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bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of creditors;

- (d) a receiver and manager, an administrator, an official liquidator or a provisional liquidator who is appointed in respect of a licensed provider that is a body corporate.

(2) An application must –

- (a) be in a form approved by the Commission; and
- (b) contain the information required by the Commission; and
- (c) be accompanied by the documents required by the Commission; and
- (d) be accompanied by any prescribed fee.

(3) The Commission, at its discretion, may refund the whole or part of an application fee.

(4) Sections 76D, 76G and 76H apply in respect of an application under this section.

(5) If –

- (a) the Commission is satisfied that –
  - (i) the applicant is suitable to carry on the business of the licensed provider; and

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(ii) the applicant's associates are suitable to be associated with a licensed provider; and

(b) the prescribed fee, if any, is paid –

the Commission must enter the applicant's name as substitute licensed provider on the Tasmanian gaming licence accordingly.

(6) If a licensed provider –

(a) dies; or

(b) is affected by control action under the Corporations Act; or

(c) is bankrupt, has taken or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, has compounded with creditors or made an assignment of remuneration for the benefit of creditors; or

(d) becomes a represented person, within the meaning of the *Guardianship and Administration Act 1995*; or

(e) is no longer suitable to hold the Tasmanian gaming licence –

and no person applies under subsection (1) to have their name entered as substitute licensed provider on the Tasmanian gaming licence, the Commission may so enter on the licence the name of a person referred to in subsection (1) or any other person nominated by such a person

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that the Commission considers appropriate if the person whose name is to be so entered agrees to it in writing provided to the Commission.

- (7) A person whose name is entered on a Tasmanian gaming licence as substitute licensed provider under subsection (5) or (6) is taken to be the licensed provider for the period of 6 months, or a shorter period specified by the Commission, after the name is so entered.
- (8) If the Commission enters a person's name as substitute licensed provider on a Tasmanian gaming licence, the person whose name was on the Tasmanian gaming licence as licensed provider is no longer the licensed provider in respect of that Tasmanian gaming licence.
- (9) If the Commission enters a person's name as substitute licensed provider on a Tasmanian gaming licence under subsection (5) or (6), it may at the same time amend the licence and give directions in respect of the conduct of gaming business under the licence.

***Division 7 – Player protection***

***Subdivision 1 – General protection***

**76ZK. Self-limit on wagers by player**

- (1) A registered player may, by written notice to a licensed provider, set an amount in dollars to be the player's net loss limit for wagers made with or through the provider in respect of a calendar month nominated by the player.

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(2) . . . . .

(3) A licensed provider must not accept a wager from a player if accepting the wager contravenes, or could result in a contravention of, a net loss limit set by the person under this section.

Penalty: Fine not exceeding 240 penalty units.

(4) A registered player who has set a net loss limit under this section may amend or revoke the limit by written notice provided to the licensed provider.

(5) A notice setting, amending or revoking a net loss limit under this section takes effect when it is received by the licensed provider.

(6) A notice revoking a limit set under subsection (1) or amending the limit by making it less strict takes effect 7 days after it is received by the licensed provider unless it is earlier withdrawn by written notice provided to the provider.

(7) For the avoidance of doubt, a reference in this section to a written notice includes a reference to an email, fax or electronic notice.

(8) This section does not apply to –

(a) the holder of the Tasmanian gaming licence endorsed with the initial totalizator endorsement, within the meaning of Division 5A, in respect of the 12-month period immediately following

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the day on which that endorsement takes effect; or

- (b) the holder of a Tasmanian gaming licence endorsed with the second totalizator endorsement, within the meaning of Division 5A, in respect of the 12-month period immediately following the day on which that endorsement takes effect.

**76ZL. Self-limit on deposits by player**

- (1) In this section –

*deposit limit*, in relation to a person's wagering account, means a limit to the amount that can be deposited into the account by the player;

*wagering account* means an account held by a player with a licensed provider into which wagering funds are or can be deposited and used by the player for wagering purposes.

- (2) A licensed provider must not register a person as a player under section 76ZU unless –
  - (a) the licensed provider has –
    - (i) told the person that they can set a deposit limit for the person's wagering account; and

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- (ii) asked the person whether they want to set a deposit limit for the person's wagering account; and
- (b) the person has set, or declined to set, a deposit limit for the wagering account.

Penalty: Fine not exceeding 240 penalty units.

- (3) A licensed provider must not allow a registered player to deposit money into a wagering account held with the licensed provider if depositing the amount would result in the deposit limit for that account being exceeded.

Penalty: Fine not exceeding 240 penalty units.

**76ZM. Licensed provider not to act as credit provider**

A licensed provider must not provide credit to a person who wagers with the provider under the authority of a Tasmanian gaming licence.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 600 penalty units; and
- (b) a second or subsequent offence – a fine not exceeding 1 000 penalty units or imprisonment for a term not exceeding 2 years, or both.

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**76ZN. Complaints about licensed providers**

- (1) A person may make a complaint to the Commission or the relevant licensed provider about the conduct of a gaming activity, the licensed provider or a special employee.
- (2) A complaint must –
  - (a) be made by written notice; and
  - (b) state the complainant's name and address; and
  - (c) give details of the complaint and the matters giving rise to the complaint.
- (3) As soon as practicable after receiving a complaint, the Commission must –
  - (a) inquire into the complaint; or
  - (b) if the Commission considers it appropriate, refer the complaint to the relevant licensed provider.
- (4) The Commission must give written notice to the complainant, in writing, of –
  - (a) the result of the Commission's inquiry; or
  - (b) the Commission's decision to refer the complaint to the licensed provider.
- (5) In conducting an inquiry, the Commission has the powers of an inspector specified in section 133.

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- (6) As soon as reasonably practicable after receiving a complaint under subsection (1) or the referral of a complaint under subsection (3)(b), a licensed provider must investigate the complaint.

Penalty: Fine not exceeding 60 penalty units.

- (7) Within 21 days after a complaint is received by, or referred to, the licensed provider, the provider must give written notice of the result of the inquiry to –

- (a) the complainant; and
- (b) if the complaint was referred to the licensed provider by the Commission, the Commission.

Penalty: Fine not exceeding 60 penalty units.

- (8) If a complainant is aggrieved by the result of an inquiry conducted by a licensed provider, the complainant may by written notice request the Commission to investigate the complaint.
- (9) Subsections (4) and (5) apply in respect of an inquiry by the Commission on receipt of a request under subsection (8).
- (10) A decision of the Commission under subsection (4) is binding on both the licensed provider and the complainant.

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***Subdivision 2 – Exclusion***

**76ZNA. Interpretation**

In this Subdivision –

***excluded person***, in relation to a licensed provider, means a registered player who is excluded from engaging in wagering activities with or through the licensed provider because of –

- (a) a TGL self-exclusion notice; or
- (b) a TGL exclusion order;

***wagering*** includes gaming.

**76ZNB. Self-exclusion from wagering with licensed provider**

- (1) A registered player may, by written notice to a licensed provider –
  - (a) bar himself or herself from wagering with or through the licensed provider; or
  - (b) revoke such a bar.
- (2) A notice under subsection (1)(a) is called a “TGL self-exclusion notice” and a notice under subsection (1)(b) is called a “TGL self-exclusion revocation notice”.
- (3) A TGL self-exclusion notice or TGL self-exclusion revocation notice takes effect when it is received by the licensed provider.

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- (4) As soon as practicable (and in any event no later than 3 days) after receiving a TGL self-exclusion notice, a licensed provider must –
- (a) remove the name of the person who has given the notice from the register kept under section 76ZU; and
  - (b) ensure that all employees of the licensed provider that engage in customer contact in connection with the wagering activities of the licensed provider know of the notice; and
  - (c) give written notice or a copy of the notice to the Commission.

Penalty: Fine not exceeding 10 000 penalty units.

- (5) A licensed provider that receives a TGL self-exclusion notice must immediately freeze the excluded person's wagering account.

Penalty: Fine not exceeding 10 000 penalty units.

- (5A) A licensed provider that freezes an excluded person's wagering account pursuant to subsection (5) must immediately notify the Commission in writing that it has done so.

Penalty: Fine not exceeding 10 000 penalty units.

- (5B) On receiving a notification from a licensed provider under subsection (5A), the Commission

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may give the licensed provider such written instructions about the relevant frozen wagering account as it thinks fit and, without limiting the Commission's discretion, these instructions may be to do one or more of the following:

- (a) deduct any authorised commission or statutory charge from the funds in the frozen wagering account;
- (b) remit some or all of the funds in the frozen wagering account to the excluded person following the settlement of any outstanding wagers;
- (c) unfreeze some or all of the funds in the frozen wagering account and remit them to the excluded person;
- (d) have the excluded person's accounts or wagering history independently audited.

(5C) A licensed provider must comply with an instruction under subsection (5B).

Penalty: Fine not exceeding 10 000 penalty units.

(6) As soon as practicable after receiving a TGL self-exclusion revocation notice, the licensed provider is to –

- (a) restore the name of the person who has given the notice to the register kept under section 76ZU; and

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- (b) ensure that all employees of the licensed provider that engage in customer contact in connection with the wagering activities of the licensed provider know of the notice; and
  - (c) give written notice or a copy of the notice to the Commission.
- (7) Despite any other provision of this section, a TGL self-exclusion notice is not capable of being revoked within 6 months after it is given.
- (8) For the avoidance of doubt, a reference in this section to a written notice includes a reference to an email, fax or other form of electronic notice.
- (9) In this section –

*freeze*, a wagering account, means to deny the account holder's access to and use of the account.

**76ZNC. Third-party exclusion from wagering with licensed provider**

- (1) A person who has a close personal interest in the welfare of another person who engages in wagering with or through a licensed provider may, in an approved form, apply to the Commission for an order to prohibit that other person from engaging in that wagering.
- (2) The Commission must, on receipt of the application, provide the affected person with a written notice –

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- (a) informing the affected person of the making of the application and the reasons for it; and
    - (b) inviting the affected person to make representations to the Commission about the application within the reasonable time specified in the notice.
  - (3) After considering representations made by the applicant and the affected person, the Commission must –
    - (a) if it is satisfied that it is in the public interest and the interests of the affected person to do so, make an order (called a “TGL exclusion order”) prohibiting the affected person from wagering with the licensed provider; or
    - (b) if it is not so satisfied, refuse the application.
  - (4) The Commission must, if the application is refused, notify the applicant and the affected person in writing of that refusal and the reasons for it.
  - (5) The Commission must, on making a TGL exclusion order, provide a copy of it to –
    - (a) the applicant; and
    - (b) the affected person; and
    - (c) the licensed provider.

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(6) As soon as practicable (and in any event no later than 3 days) after receiving a copy of a TGL exclusion order from the Commission, a licensed provider must –

- (a) ensure that all employees of the licensed provider that engage in customer contact in connection with the licensed provider's wagering activities know of the order; and
- (b) remove the affected person's name from the register kept under section 76ZU.

Penalty: Fine not exceeding 10 000 penalty units.

(7) A licensed provider that receives a copy of a TGL exclusion order from the Commission must immediately freeze the excluded person's wagering account.

Penalty: Fine not exceeding 10 000 penalty units.

(7A) A licensed provider that freezes an excluded person's wagering account pursuant to subsection (7) must immediately notify the Commission in writing that it has done so.

Penalty: Fine not exceeding 10 000 penalty units.

(7B) On receiving a notification from a licensed provider under subsection (7A), the Commission may give the licensed provider such written instructions about the relevant frozen wagering

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account as it thinks fit and, without limiting the Commission's discretion, these instructions may be to do one or more of the following:

- (a) deduct any authorised commission or statutory charge from the funds in the frozen wagering account;
- (b) remit some or all of the funds in the frozen wagering account to the excluded person following the settlement of any outstanding wagers;
- (c) unfreeze some or all of the funds in the frozen wagering account and remit them to the excluded person;
- (d) have the excluded person's accounts or wagering history independently audited.

(7C) A licensed provider must not fail to comply with an instruction under subsection (7B).

Penalty: Fine not exceeding 10 000 penalty units.

(8) A TGL exclusion order has effect until it is revoked under section 76ZND.

(9) In this section –

***affected person*** means, according to the context, the person in respect of whom –

- (a) an application for a TGL exclusion order is made; or

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- (b) a TGL exclusion order is made and in force;

*freeze*, a wagering account, means to deny the account holder's access to and use of the account.

**76ZND. Revocation of TGL exclusion orders**

- (1) This section applies if a TGL exclusion order is in force.
- (2) The person who applied for the order or the affected person may, in an approved form, apply to the Commission to have it revoked.
- (3) The Commission must, on receipt of the application, provide the respondent with a written notice –
  - (a) informing the respondent of the making of the application and the reasons for it; and
  - (b) inviting the respondent to make representations to the Commission about the application within the reasonable time specified in the notice.
- (4) After considering representations made by the applicant and the respondent, the Commission must –
  - (a) if it is satisfied that it is in the public interest and the interests of the affected person to do so, make an order (called a

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“revocation order”) revoking the TGL  
exclusion order; or

- (b) if it is not so satisfied, refuse the application.
- (5) The Commission must, if the application is refused, notify the applicant and respondent in writing of that refusal and the reasons for it.
- (6) The Commission must, on making a revocation order, provide a copy of it to –
  - (a) the applicant; and
  - (b) the respondent; and
  - (c) the licensed provider.
- (7) In this section –

***affected person*** means the person in respect of whom a TGL exclusion order is in force;

***respondent***, in relation to an application for revocation under subsection (2), means whichever of the following persons was not the applicant:

- (a) the affected person;
- (b) the person who applied for the relevant TGL exclusion order.

**76ZNE. Licensed provider to keep register of excluded persons**

A licensed provider must –

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- (a) keep an up-to-date register of excluded persons; and
- (b) ensure that the Commission is able to inspect that register electronically at any time.

Penalty: Fine not exceeding 10 000 penalty units.

**76ZNF. Restrictions on wagering with excluded persons**

A licensed provider must not –

- (a) accept a wager from an excluded person; or
- (b) cause or allow an employee of the licensed provider to accept a wager from an excluded person; or
- (c) solicit, by direct advertising, direct inducements or other direct means, excluded persons to engage in wagering with the licensed provider.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 10 000 penalty units; and
- (b) a subsequent offence, a fine not exceeding 50 000 penalty units.

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**76ZNG. Transitional exemption for certain licensed providers**

This Subdivision does not apply to –

- (a) the holder of a Tasmanian gaming licence endorsed with the initial totalizator endorsement, within the meaning of Division 5A, in respect of the 6-month period immediately following the day on which that endorsement takes effect; or
- (b) the holder of a Tasmanian gaming licence endorsed with the second totalizator endorsement, within the meaning of Division 5A, in respect of the 6-month period immediately following the day on which that endorsement takes effect.

***Division 8 – Duties in respect of player's funds***

**76ZO. Remitting funds of active player**

At the request of a registered player or the personal representatives of a registered player, a licensed provider must remit any funds of the player held by the provider on behalf of the player no later than the first working day after the request is received.

Penalty: Fine not exceeding 60 penalty units.

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**76ZP. Remitting funds of inactive player**

If no activity has been recorded on behalf of a registered player for a period of 2 years, the licensed provider –

- (a) must remit any funds held on behalf of the player; or
- (b) if the person cannot be found, must deal with the funds as unclaimed money under the *Unclaimed Money Act 2015*.

**76ZQ. Limits on use of player's funds**

A licensed provider must not have recourse to funds held on behalf of a registered player except for one or more of the following purposes:

- (a) to debit from those funds the amount of a wager made by the player in, or the amount the person has indicated he or she wants to wager in the course of, a gaming activity conducted by the provider;
- (b) to remit some or all of those funds to the player at his or her request;
- (c) as otherwise authorised by or under this Act.

Penalty: In the case of –

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- (a) a first offence – a fine not exceeding 600 penalty units; and
- (b) a second or subsequent offence – a fine not exceeding 1 000 penalty units or imprisonment for a term not exceeding 2 years, or both.

**76ZQA. Freezing wagering funds held by licensed provider**

- (1) This section applies where a licensed provider holds any wagering funds of a registered player.
- (2) The Commission, by notice in writing, may instruct the licensed provider to freeze some or all of the wagering funds for such period as the Commission specifies in the notice.
- (3) The licensed provider must comply with an instruction under subsection (2).

Penalty: Fine not exceeding 10 000 penalty units.

- (4) The licensed provider may, for such period as it thinks fit, freeze some or all of the wagering funds if the licensed provider is satisfied that there are –
  - (a) reasonable grounds for suspecting that the funds, or any of them, have been acquired in a manner that contravenes this Act; or

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- (b) other reasonable grounds that justify freezing the funds.
- (5) On freezing some or all of the wagering funds pursuant to subsection (4), the licensed provider must –
  - (a) give the Commission a notice in writing within 24 hours –
    - (i) stating that the funds have been frozen; and
    - (ii) identifying the registered player and the funds; and
    - (iii) stating why the funds have been frozen; and
  - (b) give the Commission such further particulars about the matter as the Commission, by notice in writing, requires.

Penalty: Fine not exceeding 10 000 penalty units.

- (6) Following the receipt of the notice or further particulars under subsection (5), the Commission may give the licensed provider such written instructions about the frozen wagering funds as the Commission thinks fit and, without limiting the generality of this, may instruct the licensed provider to do any one or more of the following:

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- (a) unfreeze some or all of the funds and allow the registered player to use them for wagering;
  - (b) unfreeze some or all of the funds and remit them to the registered player;
  - (c) decrease or increase the period for which the funds are to be frozen;
  - (d) deregister the player, either permanently or for a specified period, under section 76ZU;
  - (e) have the registered player's account or wagering history, or both, independently audited.
- (7) The licensed provider must comply with an instruction under subsection (6).

Penalty: Fine not exceeding 10 000 penalty units.

- (8) In this section –

*freeze*, funds, means to hold the funds and not disburse them in any way.

**76ZQB. Freezing wagering funds held by third party**

- (1) This section applies where any wagering funds of a licensed provider's registered player are held by an agent of the licensed provider (the agent being referred to in this section as "the fundholder").

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- (2) The Commission, by notice in writing, may instruct the fundholder to freeze some or all of the wagering funds for such period as the Commission specifies in the notice.
- (3) The fundholder must comply with an instruction under subsection (2).

Penalty: Fine not exceeding 10 000 penalty units.

- (4) The Commission is to give a copy of an instruction under subsection (2) to the responsible licensed provider.
- (5) The fundholder may, for such period as it thinks fit, freeze some or all of the wagering funds if the fundholder is satisfied that there are –
  - (a) reasonable grounds for suspecting that the funds, or any of them, have been acquired in a manner that contravenes this Act; or
  - (b) other reasonable grounds that justify freezing the funds.
- (6) On freezing some or all of the wagering funds pursuant to subsection (5), the fundholder must –
  - (a) give the Commission and the responsible licensed provider a notice in writing within 24 hours –
    - (i) stating that the funds have been frozen; and

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- (ii) identifying the registered player and the funds; and
  - (iii) stating why the funds have been frozen; and
  - (b) give the Commission such further particulars about the matter as the Commission, by notice in writing, requires.

Penalty: Fine not exceeding 10 000 penalty units.

- (7) Following the receipt of the notice or further particulars under subsection (6), the Commission may give the fundholder such written instructions about the frozen wagering funds as the Commission thinks fit and, without limiting the generality of this, may instruct the fundholder to do any one or more of the following:
  - (a) unfreeze some or all of the funds and allow the registered player to use them for wagering;
  - (b) unfreeze some or all of the funds and remit them to the registered player;
  - (c) decrease or increase the period for which the funds are to be frozen;
  - (d) have the registered player's account or wagering history, or both, independently audited.

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- (8) The Commission is to give a copy of any instructions under subsection (7) to the responsible licensed provider.
- (9) Also, the Commission, if it considers it appropriate to do so in the circumstances, may instruct the responsible licensed provider to deregister the player, either permanently or for a specified period, under section 76ZU.
- (10) If the fundholder commits an offence against this section, the responsible licensed provider is also guilty of the offence and liable to the same penalty for the offence unless the responsible licensed provider establishes that –
  - (a) the act or omission constituting the offence took place without the licensed provider’s knowledge or consent; or
  - (b) the licensed provider used all due diligence to prevent that act or omission by the fundholder.
- (11) Subsection (10) has effect whether or not the fundholder is charged with or convicted of the offence against this section.
- (12) In this section –
  - freeze* has the same meaning as in section 76ZQA;
  - responsible licensed provider* means the licensed provider for whom, as agent, a fundholder holds any wagering funds of a registered player.

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***Division 9 – Duties and powers in respect of prizes***

**76ZR. Claims for prize**

- (1) If a claim for a prize in respect of a gaming activity is made to a licensed provider within 2 years after the day on which the prize becomes payable or claimable, the licensed provider must –
  - (a) as soon as reasonably practicable try to resolve the claim; and
  - (b) if the licensed provider is not able to resolve the claim, as soon as reasonably practicable inform the claimant by written notice given to the claimant –
    - (i) of the licensed provider's decision on the claim; and
    - (ii) that the person may, within 10 days after receiving the notice, ask the Commission to review the decision.
- (2) If the claim is not resolved to the satisfaction of the claimant, the claimant may request the Commission to review the licensed provider's decision on the claim or, if the claimant has not received a notice under subsection (1)(b), to resolve the claim.
- (3) A request to the Commission under subsection (2) –

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- (a) must be in a form approved by the Commission; and
  - (b) if the claimant received notice under subsection (1)(b), must be made within 10 days after receiving the notice.
- (4) If a request is made to the Commission, the Commission may carry out investigations the Commission considers necessary to resolve matters in dispute.
- (5) The decision of the Commission on reviewing a licensed provider's decision is binding on both the licensed provider and the claimant.
- (6) In this section –  
  
*prize* includes winnings.

**76ZRA. Unclaimed winnings, &c.**

- (1) This section applies if any winnings in respect of a gaming activity are not claimed from the relevant licensed provider within 6 months after the day on which they become payable or claimable.
- (2) The winnings are taken to be unclaimed winnings of the licensed provider.
- (3) The licensed provider must, on or before the seventh day of each month –
  - (a) pay to the Treasurer an amount equal to the total amount of the unclaimed

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winnings of the licensed provider for the previous month; or

- (b) if there were no unclaimed winnings in the previous month, give the Treasurer a declaration in an approved form to that effect.

- (4) In this section –

***approved form*** means a form approved by the Treasurer.

**76ZS. Unclaimed non-monetary prize**

- (1) This section applies to a non-monetary prize in a gaming activity conducted by a licensed provider that is not collected within 3 months after notification by registered post to the winner of the place at which it may be collected.
- (2) A licensed provider –
  - (a) may dispose of a prize to which this section applies by public auction or tender or in some other way approved by the Commission in writing provided to the licensed provider; and
  - (b) may pay for the disposal from the proceeds of sale; and
  - (c) must –
    - (i) pay the remainder of the proceeds to the winner of the prize; or

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- (ii) if the licensed provider is unaware of the identity or whereabouts of the winner of the prize, deal with the remainder of the proceeds as unclaimed money under the *Unclaimed Money Act 2015*.

**76ZT. Power to withhold prize**

- (1) A licensed provider may withhold a prize or payment in a gaming activity if –
  - (a) the licensed provider has reasonable grounds for believing that the result of the gaming activity has been affected by an illegal activity or malfunction of equipment; or
  - (b) the outcome of the gaming activity or relevant wagering event is disputed.
- (2) If a licensed provider withholds a prize or payment under this section, the licensed provider –
  - (a) must inform the Commission of the circumstances of the incident as soon as is reasonably practicable; and
  - (b) must not conduct a further gaming activity if a recurrence of the illegality or malfunction is likely or, as the case may be, the dispute remains unresolved.

Penalty: Fine not exceeding 500 penalty units.

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- (3) On being informed under subsection (2) of the withholding of a prize or payment, the Commission must investigate the matter and –
- (a) may take all steps, and make all inquiries, that are reasonable and appropriate; and
  - (b) has the powers of an inspector specified in section 133.
- (4) After investigating the incident, the Commission may, by written notice provided to the licensed provider –
- (a) direct the licensed provider to pay the prize or payment; or
  - (b) confirm the licensed provider's decision to withhold the prize or payment, but direct the licensed provider to refund amounts wagered.
- (5) The licensed provider must comply with a direction under subsection (4).

Penalty: Fine not exceeding 500 penalty units.

***Division 10 – General duties and powers of licensed providers***

**76ZU. Keeping register of players**

- (1) A licensed provider must keep an accurate and up-to-date register of players entitled to wager in a gaming activity by means of a telecommunications device.

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Penalty: Fine not exceeding 100 penalty units.

- (1A) A licensed provider must ensure that the Commission is able to inspect the register of players electronically at any time.

Penalty: Fine not exceeding 100 penalty units.

- (2) On the application of a person, a licensed provider may, in the provider's discretion, register the person as a player by entering the name of the person in the register of players.
- (3) A licensed provider must not register a person as a player if the person is less than 18 years of age.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 600 penalty units; and
  - (b) a second or subsequent offence – a fine not exceeding 1 000 penalty units or imprisonment for a term not exceeding 2 years, or both.
- (4) It is a defence to a charge for an offence against subsection (3) for the licensed provider to show that the provider or other person responsible for registering the person as a player believed on reasonable grounds that the person was 18 years of age or older.
- (5) A licensed provider must remove the name of a person from the register of players –

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- 
- (a) if the person dies; or
  - (b) if the person requests it; or
  - (c) if the provider considers it appropriate and the Commission agrees; or
  - (ca) on written instructions of the Commission authorised to be given under this Act; or
  - (d) for any other prescribed reason.
- (6) A person is a registered player with a licensed provider if the person's name is in the register of players kept by that provider.

**76ZV. Restrictions on who may wager**

A licensed provider, in conducting a gaming activity, must not accept a wager from a person by means of a telecommunications device except where –

- (a) the person is registered as a player with the provider; and
- (b) the funds necessary to cover the amount of the wager are held by the provider on behalf of the person; and
- (c) the person's identity has been authenticated in accordance with the conditions to which the provider's Tasmanian gaming licence is subject.

Penalty: In the case of –

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- (a) a first offence – 600 penalty units; and
- (b) a second or subsequent offence – 1 000 penalty units or imprisonment for a term not exceeding 2 years, or both.

**76ZW. Prohibition on licensed provider self-wagering**

- (1) A licensed provider must not, without the written approval of the Commission, wager with itself in a gaming activity in respect of the licensed provider's gaming business.

Penalty: Fine not exceeding 600 penalty units.

- (2) A licensed provider, in wagering with itself in a gaming activity in respect of the licensed provider's gaming business pursuant to an approval of the kind referred to in subsection (1), must not contravene the conditions, if any, of that approval.

Penalty: Fine not exceeding 600 penalty units.

- (3) In this section –

*itself* includes, where the relevant licensed provider is a natural person, himself or herself.

**76ZX. Restrictions on conduct of gaming activity**

- (1) In this section,

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

- (2) A licensed provider must not conduct or offer to conduct wagering or gaming in respect of a game or gaming activity except where –
- (a) the game or gaming activity is approved and conducted at or from an approved location or approved outlet; and
  - (b) gaming equipment used in conducting the game and gaming activity is approved by the Commission under section 76ZZG.

Penalty: Fine not exceeding 1 000 penalty units.

- (3) A licensed provider must not conduct or offer to conduct a gaming activity except where the control system of the provider is approved by the Commission under section 76ZZI.

Penalty: Fine not exceeding 1 000 penalty units.

**76ZY. Restriction on accepting new associate**

- (1) A licensed provider must –
- (a) notify the Commission in writing that a person is likely to become an associate as soon as practicable after the licensed

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provider becomes aware of the likelihood; and

- (b) ensure that a person does not become an associate except with the prior written approval of the Commission.

Penalty: Fine not exceeding 10 000 penalty units.

- (2) Before giving an approval for the purposes of subsection (1)(b), the Commission may –
  - (a) investigate the proposed associate under section 112O as if the proposed associate were an associate; and
  - (b) by written notice provided to the licensed provider, require the provider to pay the whole or a part of the reasonable costs of the Commission in conducting the investigation.
- (3) The Commission may refuse to give an approval for the purposes of subsection (1)(b) if the licensed provider does not pay costs as required under subsection (2)(b).

**76ZZ. Totalizator Agencies (approved outlets)**

- (1) Subject to section 76ZZAAB, a totalizator operator may establish an agency in premises occupied by another person (referred to in this section as “the agent”) at and through which players may engage in gaming and wagering

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with or through the totalizator operator under its Tasmanian gaming licence.

- (2) In respect of gaming and wagering conducted at and through the approved outlet –
  - (a) the actions of the agent are taken to be actions of the totalizator operator; and
  - (b) if any of those actions would constitute a prescribed offence if committed by the totalizator operator, proceedings for the prescribed offence may be brought against the agent in the same manner as if the agent were the totalizator operator (whether or not proceedings are brought against the totalizator operator).
- (3) Without limiting subsection (2)(a), if the agent commits an offence under this Act in respect of gaming or wagering conducted at or through an agency –
  - (a) the totalizator operator is also taken to have committed the offence; and
  - (b) proceedings for the offence may be brought against the totalizator operator (whether or not proceedings are brought against the agent).
- (4) However, in proceedings brought against the totalizator operator pursuant to subsection (3), it is a defence if the totalizator operator establishes that it –

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- (a) issued written instructions and took reasonable precautions to ensure compliance with this Act; and
  - (b) did not know the offence had been committed; and
  - (c) could not reasonably have prevented the commission of the offence.
- (5) Any agreement that is repugnant to or purports to oust or qualify the operation of this section is, to that extent, void and unenforceable.
- (6) In this section –
- prescribed offence* means an offence under –
- (a) section 76ZM; or
  - (b) section 92; or
  - (c) Division 3 of Part 5; or
  - (d) section 118.

**76ZZAAA. Totalizator operator approved outlets**

A totalizator operator may establish any premises occupied by the totalizator operator as an outlet at and through which players may engage in gaming and wagering with or through the totalizator operator under its Tasmanian gaming licence.

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**76ZZAAB. Commission oversight of approved outlets**

- (1) A totalizator operator must give the Commission –
  - (a) at least 10 days' notice, in an approved form, of intention to establish or close an approved outlet under section 76ZZ or 76ZZAAA; and
  - (b) notice, in an approved form, within 3 clear days, if there is a change in the occupation of any premises used as an approved outlet by the totalizator operator under section 76ZZ.
- (2) The Commission, by notice in writing, may direct a totalizator operator –
  - (a) not to establish a particular approved outlet; or
  - (b) to take or ensure the taking of specified remedial actions in respect of a particular approved outlet or persons at an approved outlet; or
  - (c) to close a particular approved outlet, either temporarily or permanently.
- (3) Without limiting its discretion, the Commission may issue a direction under this section if it considers on reasonable grounds that –

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- (a) the premises in question are, by reason of their location, condition or otherwise, not suitable for use as an approved outlet; or
  - (b) in the case of section 76ZZ, the occupier of the premises is or may not be a suitable person to be an agent; or
  - (c) prescribed circumstances apply.
- (4) A direction under this section may specify time limits in respect of an action to be taken or a period of closure.
- (5) Without prejudice to Division 6 of Part 5, a failure to comply with a direction under this section constitutes grounds for disciplinary action under that Division in relation to the relevant prescribed licence.
- (6) In this section –

***approved form*** means a form approved by the Commission.

76ZZAA. . . . .

**76ZZAB. Betting discounts**

- (1) A licensed provider is entitled to give registered players such betting discounts as the licensed provider from time to time determines.
- (2) In this section –

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*betting* includes wagering and gaming;

*discount* includes concession and rebate.

***Division 11 – Miscellaneous***

**76ZZA. Prohibition on advertising and promotion of simulated gaming**

(1) A person who –

(a) provides computers for the use of the public, whether or not for fee or other reward; or

(b) allows in premises owned or controlled by the person computers for such use –

must not advertise or in any other way directly or indirectly promote to the public the use of those computers for the purposes of wagering on simulated games.

Penalty: Fine not exceeding 1 000 penalty units.

(2) A licensed provider must not enter into a contract or other arrangement with a person who provides computers for the use of the public, whether or not for fee or other reward, if a purpose of that contract or arrangement is the direct or indirect promotion of wagering on simulated games.

Penalty: Fine not exceeding 1 000 penalty units.

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- (3) Without limiting what may constitute direct or indirect promotion of wagering on simulated games for the purposes of subsections (1) and (2), a computer that is left showing, or on opening up access to the Internet automatically shows, anything related to wagering on simulated games is a promotion of wagering on simulated games.
- (4) A person does not advertise or directly or indirectly promote wagering on simulated games or the use of computers for that purpose if an advertisement occurs or appears in the use of the Internet and that occurrence or appearance was outside the control of that person.

**76ZZB. Prohibition on altering Tasmanian gaming licence**

A person must not alter or deface a current Tasmanian gaming licence without the authorisation of the Commission.

Penalty: Fine not exceeding 1 000 penalty units.

**76ZZC. Prohibition on licensed technician and special employee wagering**

- (1) A licensed technician or special employee of a licensed provider must not, while on duty as such technician or special employee, wager in a gaming activity provided by the technician's or employee's employer under the authority of a Tasmanian gaming licence otherwise than by

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accepting wagers in the course of his or her duties as an employee of the provider.

Penalty: Fine not exceeding 240 penalty units.

- (2) To avoid doubt, a licensed technician or special employee who is taking an authorised meal break or rest period is taken to be still on duty for the purposes of this section.

**76ZZD. Commission may restrict participation in gaming activities by gaming official**

- (1) The Commission may, by written notice given to a person employed in the administration of this Part, direct the person –
- (a) not to wager in a gaming activity; or
  - (b) not to wager in a gaming activity except in circumstances, or for the purposes, specified in the notice.
- (2) A person must not contravene a direction given under subsection (1).

Penalty: Fine not exceeding 60 penalty units.

**76ZZE. Installation and storage of gaming equipment by licensed provider**

- (1) A licensed provider who obtains gaming equipment or provides gaming equipment to an agency of a licensed provider –

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- (a) must install the equipment, or cause it to be installed, in an approved location or approved outlet; and
  - (b) must cause any gaming equipment not so installed to be stored in a room approved by the Commission and secured in the manner approved by the Commission.
- (2) A licensed provider must not allow any person to use gaming equipment for the conduct of a gaming activity that is not installed as required by this section.

Penalty: Fine not exceeding 1 000 penalty units.

**76ZZF. Approval of games**

- (1) In this section –
  - game* includes a major lottery, pools and a game that is prescribed for the purposes of the definition of “game” in section 3(1).
- (2) The Commission may approve the games that may be conducted under the authority of a Tasmanian gaming licence.
- (2A) An approval under subsection (2) may be subject to such conditions as the Commission considers appropriate.
- (3) The Commission must keep an up-to-date list of all approved games.

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- (4) On the issue of a Tasmanian gaming licence, the Commission must provide the licensed provider with written notice of the approved games the provider may conduct under the licence.
  - (5) On the request of any person, the Commission must at any reasonable time –
    - (a) let the person peruse the list of approved games; and
    - (b) provide the person with a copy of the whole or part of that list.
  - (5A) An approval under subsection (2) may be amended at any time as the Commission thinks fit.
  - (6) The Commission may at any time revoke its approval of a game.
  - (7) The amendment or revocation 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.

**76ZZG. Approval of gaming equipment**

- (1) In this section,

***gaming equipment*** means gaming equipment that is used, likely to be used or proposed to be used by a licensed provider.

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- (2) The Commission may accept for evaluation particular gaming equipment or gaming equipment of a class.
- (3) The Commission may require a person who submits for evaluation gaming equipment under subsection (2) to provide any additional information or material that the Commission considers necessary for the evaluation and to pay the costs incurred by the Commission in undertaking the evaluation.
- (4) If particular gaming equipment or gaming equipment of a class accepted for evaluation under subsection (2) is considered by the Commission to be suitable for use in a gaming business, the Commission must approve the particular gaming equipment or gaming equipment of that class subject to such conditions (if any) as it determines.
- (5) The Commission must not approve any particular gaming equipment or gaming equipment of a class which it considers is not or may not be suitable for use in a gaming business.
- (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.
- (8) If gaming equipment differs in any material particular from the gaming equipment approved

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by the Commission, the gaming equipment  
ceases to be approved under this section.

(9 - 14) . . . . .

76ZZGA. . . . .

**76ZZH. Withdrawal of approval of gaming equipment**

- (1) The Commission may withdraw the approval of particular gaming equipment or gaming equipment of a class approved under section 76ZZG if the Commission considers it necessary or appropriate in the public interest or for the proper conduct of a gaming business.
- (2) If approval is withdrawn under subsection (1), the Commission must give written notice of the withdrawal to –
  - (a) any person who submitted to the Commission the gaming equipment or a certificate relating to the gaming equipment under section 76ZZG; and
  - (b) all licensed providers using any gaming equipment of the class of gaming equipment to which the withdrawal relates.
- (3) A notice under subsection (2) must specify the time within which the gaming equipment must be removed from use.

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- (4) If approval is withdrawn under subsection (1), the Commission must allow a licensed provider a reasonable time within which to remove the gaming equipment from use unless there is an immediate threat to the public interest.
- (5) A licensed provider must not use, or permit to be used, gaming equipment if –
  - (a) the Commission has withdrawn approval of that gaming equipment, or the class of gaming equipment of which that gaming equipment is a member; and
  - (b) notice of the withdrawal of approval has been given under subsection (2); and
  - (c) either no time has been allowed by the notice for the removal from use of the gaming equipment or any such time allowed by the notice has expired.

Penalty: Fine not exceeding 1 000 penalty units.

**76ZZI. Approval of control system**

- (1) The Commission may, by written notice –
  - (a) approve the control system of a licensed provider; and
  - (b) revoke its approval of the control system of a licensed provider; and
  - (c) approve an amendment to an existing control system of a licensed provider.

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(2) The Commission –

- (a) must not approve the control system of a licensed provider unless satisfied that it is suitable for use in respect of the gaming businesses conducted, or to be conducted, by the licensed provider; and
- (b) must revoke its approval of the control system of a licensed provider if satisfied that it is no longer suitable for use in respect of the gaming businesses conducted by the licensed provider.

(3 - 8) . . . . .

**76ZZIA. Emergency approval of modification to control system or gaming equipment**

Notwithstanding sections 76ZZG and 76ZZI, the Commission may grant an emergency approval to a modification of any control system or gaming equipment approved under those sections if it is satisfied that the modification is (or, if the modification has already been made, was) necessary to ensure the integrity of the control system or the gaming equipment.

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Part 4B – Minor gaming conducted for charitable purposes

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**PART 4B – MINOR GAMING CONDUCTED FOR  
CHARITABLE PURPOSES**

*Division 1 – Minor gaming conducted for charitable  
purposes lawful*

**76ZZJ. Minor gaming conducted for charitable purposes  
lawful**

- (1) Despite the provisions of any other Act or law, the conduct of an authorised game in a place and the wagering and acceptance of wagers in an authorised game are lawful if –
  - (a) the authorised game is conducted by a minor gaming operator; and
  - (b) the authorised game is conducted and played in accordance with –
    - (i) any conditions to which its conduct and playing are subject under this Act; and
    - (ii) the rules of the game.
- (2) The lawful conduct and playing of an authorised game is not a public or private nuisance.
- (3) . . . . .

*Division 2 – Authorised games*

**76ZZK. Authorised game and rules of the game**

- (1) The Commission may determine a game to be an authorised game.

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**s. 76ZZK**

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- (2) A determination under subsection (1) may –
- (a) describe the game in any manner the Commission considers appropriate including by reference to monetary or other limits; and
  - (b) specify the conditions relating to the conduct and playing of the authorised game that the Commission considers appropriate.
- (3) The conditions relating to the conduct and playing of an authorised game may include –
- (a) conditions as to the days, times and places on or at which the authorised game may be conducted and played; and
  - (b) any other conditions the Commission considers appropriate.
- (4) A determination under subsection (1) must set out the rules of the authorised game.
- (5) The Commission may amend or revoke a determination made under subsection (1).
- (6) If the Commission amends or revokes a determination made under subsection (1), the Commission must notify in writing each holder of a minor gaming permit entitled under that permit to conduct the authorised game to which that amendment or revocation relates.

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**76ZZL. Availability of authorised games list and rules of games**

- (1) The Commission must make available for the perusal of any person a list containing all the games determined to be authorised games and the rules of the game in respect of each game so listed.
- (2) The list must be made available –
  - (a) within normal working hours; and
  - (b) at the office of the Commission; and
  - (c) in any form, including electronic, the Commission considers appropriate.
- (3) On receipt of the request of any person, the Commission must provide the person with a copy of the list referred to in subsection (1) or any part of that list as specified in the request.

**76ZZM. Commission to act in accordance with 2003 Deed and agreements between Crown and licence holder**

In determining a game to be an authorised game, the rules of the game and any conditions relating to the conduct and playing of the authorised game, the Commission must not act in a manner that is inconsistent with the 2003 Deed or the terms of an agreement between the Crown and a licence holder, or an agreement under section 150B, that is in effect.

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***Division 3 – Minor gaming permit***

**76ZZN. Application for minor gaming permit**

- (1) A person who wishes to conduct an authorised game may apply to the Commission for a minor gaming permit.
- (2) An application is to –
  - (a) be made in a form approved by the Commission; and
  - (b) specify the authorised game the applicant wishes to conduct; and
  - (c) specify the purposes for which the authorised game would be conducted; and
  - (d) specify how the proceeds from the authorised game will be distributed; and
  - (e) be accompanied by the fee, if any, prescribed by the regulations.
- (3) On receipt of an application, the Commission may require the applicant to provide further information.

**76ZZO. Grant of minor gaming permit**

- (1) On receiving an application under section 76ZZN, the Commission may grant or refuse to grant a minor gaming permit to the applicant.

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- (2) In determining whether or not to grant a minor gaming permit, the Commission may conduct such investigation as the Commission considers appropriate to determine whether the applicant is a person who in the opinion of the Commission is suitable to conduct authorised games in accordance with a minor gaming permit.
- (3) In conducting an investigation, the Commission may –
  - (a) make such inquiries in respect of the applicant and into the applicant's affairs as it considers appropriate; and
  - (b) take all reasonable steps it considers appropriate to enable and facilitate those inquiries.
- (4) The Commission by notice provided to the applicant may require the applicant to pay the reasonable costs of the whole or any part of an investigation undertaken by the Commission under subsection (2) and those costs –
  - (a) are a debt due and payable to the Crown; and
  - (b) may be recovered in a court of competent jurisdiction.
- (5) If the Commission has required an applicant to pay the reasonable costs of the whole or part of an investigation undertaken under subsection (2), the Commission must not grant a minor gaming permit to that applicant until those costs have

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been paid or an arrangement for payment has been entered into by the applicant.

- (6) The Commission must not grant a minor gaming permit to a person unless satisfied that the proceeds of conducting the authorised game are to be used for the lawful purposes of a not-for-profit organisation or a charitable purpose and not for the private gain or benefit of any person except by way of charity.
- (7) The Commission may grant a minor gaming permit subject to such conditions as the Commission considers appropriate.
- (8) Without limiting subsection (7), the Commission may include in the conditions to which a minor gaming permit is subject one or more of the following conditions:
  - (a) a condition requiring the minor gaming operator to distribute for charitable purposes or the lawful purposes of a not-for-profit organisation the whole, or a proportion determined by the Commission, of the profit obtained from the conduct of authorised games;
  - (b) a condition limiting the amount of turnover obtained from the conduct of authorised games that the minor gaming operator may use to meet the costs of promoting and conducting authorised games;
  - (c) a condition requiring the minor gaming operator to obtain the approval of the

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Commission for specified gaming equipment or to use specified gaming equipment of a class approved by the Commission;

- (d) a condition requiring the minor gaming operator to be supplied with specified gaming equipment from a person listed on the Roll.
- (9) On granting a minor gaming permit to a person, the Commission must list in a Register of Minor Gaming Operators kept by the Commission the name of the person, any conditions to which the permit is subject and any details of the person that the Commission considers relevant.

**76ZZP. Authority of minor gaming permit**

- (1) In this section,

*specified* means specified in the minor gaming permit.

- (2) A minor gaming permit authorises the specified not-for-profit organisation or other person to conduct the specified authorised games in accordance with any specified conditions, the rules of the game and this Act while the minor gaming permit is in effect.

**76ZZQ. Period of minor gaming permit**

Unless sooner cancelled or surrendered, a minor gaming permit has effect for such period, not

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exceeding 5 years, as the Commission determines and specifies in the permit.

**76ZZR. Surrender of minor gaming permit**

- (1) A minor gaming operator may surrender the minor gaming permit to the Commission at any time.
- (2) A minor gaming permit ceases to have effect when it is surrendered.
- (3) After a minor gaming permit is surrendered, the Commission may refund to the person who surrendered it a portion of the permit fee paid.

**76ZZS. Amendment of minor gaming permit**

- (1) The Commission may at any time amend a minor gaming permit as it considers appropriate.
- (2) An amendment of a minor gaming permit may include or consist of an amendment of the conditions to which the permit is subject.
- (3) If the Commission amends a minor gaming permit –
  - (a) the Commission must notify the minor gaming operator of the amendment in writing; and
  - (b) the amendment takes effect on the day specified in that notice.

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- (4) The day specified in the notice as the day on which the amendment takes effect must not be a day which is earlier than the day on which the minor gaming operator receives the notice or, if the notice is sent by post, would receive the notice in the ordinary course of post.

***Division 4 – Duties of minor gaming operators***

**76ZZT. Duty to comply with conditions and rules of game**

- (1) A minor gaming operator must comply with the conditions to which the minor gaming permit is subject.

Penalty: Fine not exceeding 50 penalty units.

- (2) A minor gaming operator conducting an authorised game must comply with –

- (a) the conditions relating to the conduct and playing of that authorised game; and
- (b) the rules of the game.

Penalty: Fine not exceeding 50 penalty units.

**76ZZU. Duty to notify change of address**

A minor gaming operator must give written notice to the Commission of any change of address within 21 days after that change of address occurs.

Penalty: Fine not exceeding 50 penalty units.

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**PART 4C – SALE OF TICKETS IN FOREIGN GAMES**

*Division 1 – Preliminary*

**77. Interpretation of Part 4C**

In this Part –

*application* means an application under section 77B for a foreign games permit;

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

*Division 2 – Sale of tickets in foreign game*

**77A. Sale of tickets in foreign game restricted**

A person must not sell at or from premises situated in Tasmania a ticket in a lottery, or game, that is conducted elsewhere than in Tasmania except where the sale of the ticket is authorised by a foreign games permit.

Penalty: Fine not exceeding 300 penalty units.

*Division 3 – Application for, and determination of, foreign games permit*

**77B. Application for foreign games permit**

- (1) A person may apply to the Commission for a foreign games permit.
- (2) An application must –

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- (a) be in a form approved by the Commission; and
- (b) specify the type of lottery or game in which tickets are intended to be sold in Tasmania under the foreign games permit if granted; and
- (c) contain or be accompanied by the information and documents required by the Commission; and
- (d) be accompanied by the prescribed fee.

**77C. Consideration of application**

- (1) The Commission may refuse to process an application for a foreign games permit if –
  - (a) the applicant may not lawfully conduct the foreign game in the State, Territory, country or part of a country where the foreign game is, or is intended to be, conducted; or
  - (b) the Commission considers that an agreement under section 150B with the appropriate representative of the Government of the State, Territory, country or part of a country where the foreign game is, or is intended to be, conducted is necessary and the Treasurer has not entered into such an agreement; or

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- (c) the application does not comply with or conform to any requirement specified in section 77B(2).
- (2) Except as otherwise prescribed under subsection (1), the Commission must process an application for a foreign games permit.

**77D. Refund of application fee**

The Commission, at its discretion, may refund a part not exceeding 80% of an application fee paid under section 77B(2) –

- (a) if the Commission refuses to process the application under section 77C(1); or
- (b) if the application is withdrawn by the applicant; or
- (c) for any other reason the Commission considers appropriate.

**77E. Excess costs of application**

- (1) If the reasonable costs incurred by the Commission in investigating and processing an application for a foreign games permit exceed the amount of the application fee paid under section 77B(2), the Commission may require the applicant to pay the whole or part of the excess amount.
- (2) A requirement under subsection (1) must be made in writing provided to the applicant.

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**77F. Investigation of application**

- (1) In processing an application for a foreign games permit, the Commission must carry out all investigations that it considers necessary and appropriate.
- (2) In an investigation, the Commission may take all steps, and make all inquiries, that are reasonable and appropriate.
- (3) In an investigation, the Commission, by written notice, may require an applicant for a foreign games permit to do any one or more of the following:
  - (a) to provide, in accordance with specified directions, any specified information that the Commission considers relevant to the investigation of the application;
  - (b) to produce, in accordance with specified directions, any specified records that the Commission considers relevant to the investigation of the application and to permit 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 provide to the Commission any authorities and consents that the Commission directs for the purpose of

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enabling the Commission to obtain information (including financial and other confidential information) concerning the person and the person's associates from other persons.

- (4) In subsection (3),

*specified* means specified in the notice referred to in that subsection.

- (5) If a requirement made under this section is not complied with, the Commission may refuse to continue with the investigation and may refuse to process the application for the foreign games permit.

**77G. Updating of application**

- (1) If a change occurs in the information provided in or in connection with an application for a foreign games permit (including in any documents lodged with the application) before the application is determined, the applicant must give the Commission written particulars of the change as soon as is reasonably practicable.

Penalty: Fine not exceeding 60 penalty units.

- (2) When particulars of the change are given, those particulars then form part of the original application.

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**77H. Determination of application**

- (1) After completing its investigation in respect of an application for a foreign games permit, the Commission must determine the application by either granting or refusing to grant the foreign games permit.
- (2) In determining whether to grant or refuse to grant the foreign games permit, the Commission may take into consideration any matter it considers relevant.
- (3) The Commission must not grant a foreign games permit if it is not satisfied that the applicant may lawfully conduct the foreign game in the State, Territory, country or part of a country where the foreign game is, or is intended to be, conducted under the authority of a licence, permit or other authorisation held by the applicant and granted or issued in, or in respect of, that State, Territory, country or part of a country.
- (4) The Commission must not grant a foreign games permit if the applicant has not paid the application fee required by section 77B(2) and any costs the applicant has been required to pay under section 77E.
- (5) On determining an application, the Commission must give written notice to the applicant of its determination.

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***Division 4 – Foreign games permit***

**77I. Issue of foreign games permit**

On the grant of an application for a foreign games permit, the Commission must issue to the applicant a foreign games permit.

**77J. Authority of foreign games permit**

- (1) Subject to this Act and any conditions specified in a foreign games permit, the foreign games permit authorises –
  - (a) the foreign games permit holder to sell tickets in Tasmania in the foreign games, or in foreign games of a class, specified in the permit; and
  - (b) those tickets to be sold in Tasmania directly by the foreign games permit holder or through an accredited representative.
- (2) A foreign games permit does not allow the holder of the permit to conduct the activities authorised by a Tasmanian gaming licence.

**77K. Foreign games permit subject to conditions**

- (1) A foreign games permit is subject to any conditions determined by the Commission and specified in, or attached to, it.

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- (2) Without limiting the matters to which conditions may relate, the conditions of a foreign games permit may provide for or relate to –
- (a) limitations or restrictions on the foreign games in which tickets may be sold in Tasmania; and
  - (b) limitations or restrictions on the sale of tickets in Tasmania; and
  - (c) the keeping of records by the foreign games permit holder and its accredited representatives and the inspection of those records; and
  - (d) the duty of the foreign games permit holder to advise the Commission of –
    - (i) any contraventions of any law, or of any licence or permit held by the foreign games permit holder, in respect of the conduct of the foreign games; and
    - (ii) any variation of the foreign games conducted by the foreign games permit holder or their rules; and
    - (iii) any other matter the Commission considers appropriate; and
  - (e) the equipment used for the purposes of selling tickets in foreign games in Tasmania.

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- (3) The conditions specified in, or attached to, a foreign games permit may adopt wholly or in part, with or without modification and specifically or by reference, any published code, standard or other document, whether the code, standard or other document is published before or after the commencement of this section.
  - (4) A reference in subsection (3) to a code, standard or other document is a reference to that code, standard or other document as amended from time to time.
  - (5) The conditions specified in, or attached to, a foreign games permit form part of the permit.

**77L. When foreign games permit takes effect**

- (1) A foreign games permit takes effect on the day it is granted or on a later day determined by the Commission and specified in it.
- (2) If a foreign games permit specifies that it is to take effect on a day other than the day the permit is granted, the date on which the permit takes effect may be specified by reference to –
  - (a) a date; or
  - (b) the occurrence of an event; or
  - (c) the fulfilment of a condition; or
  - (d) any other matter the Commission considers appropriate.

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**77M. Period of foreign games permit**

A foreign games permit has effect for the period,  
not exceeding 5 years, specified in it.

**77N. Foreign games permit not transferable**

A foreign games permit is not transferable to any  
other person.

**77O. Variation of foreign games permit and conditions**

- (1) The Commission may vary a foreign games permit, and its conditions, at any time.
- (2) The variation may be effected –
  - (a) on the Commission's own motion, by notice to the foreign games permit holder; or
  - (b) consequent on an application made by the foreign games permit holder.
- (3) An application for variation must –
  - (a) be in a form approved by the Commission; and
  - (b) specify the variation sought; and
  - (c) contain any information, and be accompanied by any documents, the Commission requires; and
  - (d) be accompanied by the prescribed fee.

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- (4) The Commission, in its discretion, may waive all or part of the prescribed fee.
  - (5) In the case of an application for variation –
    - (a) the Commission may undertake such investigations as it considers appropriate; and
    - (b) the Commission, by written notice to the foreign games permit holder, may require the holder to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application if those costs exceed the prescribed fee.
  - (6) In the case of an application for variation, the Commission may –
    - (a) approve the application (with or without modification); or
    - (b) refuse the application.

**77P. Renewal of foreign games permit**

- (1) A foreign games permit holder may, within the period of 90 days before the expiration of the current foreign games permit or such longer period as is determined by the Commission, apply to the Commission for the renewal of the permit.
- (2) An application for renewal must –

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- (a) be in a form approved by the Commission; and
  - (b) contain any information and be accompanied by any documents the Commission requires; and
  - (c) be accompanied by the prescribed fee.
- (3) On receipt of an application for renewal, the Commission may undertake any investigations it considers appropriate.
- (4) Sections 77C, 77D, 77E, 77F, 77G, 77H and 77I apply, with necessary modification and adaptation, in respect of the investigation, processing and determination of an application for the renewal of a foreign games permit and the issue of the renewed foreign games permit.
- (5) The Commission may require an applicant to pay the whole or any part of the reasonable costs of the Commission in investigating and processing the application.
- (6) A requirement under subsection (5) must be made in writing provided to the applicant.
- (7) If an application for renewal of a current foreign games permit is made in accordance with this section but the Commission does not renew the permit or refuse the renewal before the permit expires, the current foreign games permit continues in force until it is renewed or its renewal is refused.

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- (8) The renewal of a foreign games permit takes effect from the day on which the current foreign games permit was due to expire.
  - (9) If the Commission refuses to renew a foreign games permit, the permit ceases to have effect on the day specified in the refusal.

***Division 5 – End of foreign games permit***

**77Q. When foreign games permit ends**

- (1) A foreign games permit ceases to have effect –
  - (a) at the end of the period for which the permit has effect under section 77M; or
  - (b) when the permit is surrendered with the agreement of the Commission; or
  - (c) if the permit is cancelled, on the day specified in the notice of cancellation provided to the holder of the foreign games permit under section 112T(8); or
  - (d) 90 days after the day on which the foreign games permit holder dies, becomes bankrupt, takes or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors, makes an assignment of remuneration for the benefit of creditors, is affected by control action or becomes mentally incapable of conducting a gaming business in the

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opinion of the Commission unless the permit is continued under section 77S; or

- (e) if the permit is continued under section 77S, at the end of the 6 month or shorter period referred to in section 77S(8).

- (2) In subsection (1)(d),

***control action*** means –

- (a) control action under the Corporations Act within the meaning of section 112S(4); and
- (b) any like action under a corresponding law of another country or part of another country.

**77R. Surrender of foreign games permit**

- (1) A foreign games permit holder may surrender the foreign games permit, by giving written notice to the Commission, if the Commission agrees to the surrender.
- (2) If a foreign games permit is surrendered, the person who held the permit must return it to the Commission.

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**77S. Continuation of foreign games permit after death, &c.**

- (1) Any of the following persons may apply to the Commission to have their name entered as substitute foreign games permit holder on a foreign games permit:
  - (a) a person who is, or intends to become, the legal personal representative of a deceased foreign games permit holder;
  - (b) the guardian or administrator appointed under the *Guardianship and Administration Act 1995* in respect of a foreign games permit holder who is a represented person, within the meaning of that Act;
  - (c) the official receiver, trustee or assignee of a foreign games permit holder who becomes bankrupt or takes or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of creditors;
  - (d) a receiver and manager, an administrator, an official liquidator or a provisional liquidator who is appointed in respect of a foreign games permit holder that is a body corporate.
- (2) An application must –

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- (a) be in a form approved by the Commission; and
  - (b) contain the information required by the Commission; and
  - (c) be accompanied by the documents required by the Commission; and
  - (d) be accompanied by any prescribed fee.
- (3) The Commission, at its discretion, may refund the whole or part of an application fee.
- (4) Sections 77C, 77F and 77G apply in respect of an application under this section.
- (5) If –
  - (a) the Commission is satisfied that –
    - (i) the applicant is suitable to hold a foreign games permit; and
    - (ii) the applicant's associates are suitable to be associated with a foreign games permit holder; and
  - (b) the prescribed fee, if any, is paid –

the Commission must enter the applicant's name as substitute foreign games permit holder on the foreign games permit accordingly.
- (6) If a foreign games permit holder –
  - (a) dies; or
  - (b) is affected by control action; or

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- (c) is bankrupt, has taken or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, has compounded with creditors or made an assignment of remuneration for the benefit of creditors; or
  - (d) becomes a represented person, within the meaning of the *Guardianship and Administration Act 1995*, or becomes a like person under a corresponding law of another country or part of another country; or
  - (e) is no longer suitable to hold the foreign games permit –

and no person applies under subsection (1) to have their name entered as substitute foreign games permit holder on the foreign games permit, the Commission may so enter on the permit the name of a person referred to in subsection (1) or any other person nominated by such a person that the Commission considers appropriate if the person whose name is to be so entered agrees to it in writing provided to the Commission.

- (7) In subsection (6)(b),

***control action*** means –

- (a) control action under the Corporations Act within the meaning of section 112S(4); and

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- (b) any like action under a corresponding law of another country or part of another country.
- (8) A person whose name is entered on a foreign games permit as substitute foreign games permit holder under subsection (5) or (6) is taken to be the foreign games permit holder for the period of 6 months, or a shorter period specified by the Commission, after the name is so entered.
- (9) If the Commission enters a person's name as substitute foreign games permit holder on a foreign games permit, the person whose name was on the permit as foreign games permit holder is no longer the foreign games permit holder in respect of that permit.
- (10) If the Commission enters a person's name as substitute foreign games permit holder on a foreign games permit under subsection (5) or (6), it may at the same time amend the permit and give directions in respect of the conduct of business under the permit.

***Division 6 – Accredited representatives***

**77T. When person becomes accredited representative**

- (1) If an applicant for a foreign games permit notifies the Commission in writing before the determination of the application that it has appointed a person as an accredited representative subject to being granted the foreign games permit, that person becomes the

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accredited representative of the foreign games permit holder when the foreign games permit takes effect.

- (2) If a foreign games permit holder appoints a person as an accredited representative, that person becomes the accredited representative of the permit holder when the Commission receives written notice of that appointment or on a later day specified in that notice.

**77U. Notification of cessation of position as accredited representative**

- (1) A foreign games permit holder must notify the Commission in writing of the termination of a person's appointment as an accredited representative within 7 days after that termination.

Penalty: Fine not exceeding 50 penalty units.

- (2) An accredited representative ceases to be an accredited representative when the Commission receives notice under subsection (1) or on a later day specified in that notice.

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**PART 5 – CONTROL OF GAMING**

*Division 1 – Gaming control relating to approved venues*

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**77V. Approval of certain contracts by Commission**

(1) In this section –

*contract* includes any kind of agreement or arrangement;

*relevant contract* means –

- (a) a contract between a licensed premises gaming operator and a gaming operator; and
- (b) a contract between a licensed operator and a manufacturer or supplier listed on the Roll; and
- (c) a contract between a totalizator operator and another person under section 76ZZ;
- (d) a contract between a licensed operator or licensed provider and a person who provides services relating to gaming or a gaming activity;

*standard form contract* means –

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- (a) a relevant contract that is in a form which has been approved by the Commission as a standard form for a relevant contract; and
  - (b) a relevant contract that is substantially the same as a relevant contract that is in a form which has been approved by the Commission as a standard form for a relevant contract.
- (2) A relevant contract that is not a standard form contract is of no effect unless it has been approved by the Commission.
- (3) The Commission may exempt from the operation of subsection (2) any particular relevant contract and any relevant contract of a particular class of relevant contracts.
- (4) In approving a standard form for a relevant contract or determining whether to grant an approval for the purposes of subsection (2), the Commission must not approve that standard form or give that approval if, in its opinion, to do so would result in a relevant contract that –
  - (a) is harsh and unconscionable; or
  - (b) is not in the public interest; or
  - (c) jeopardises the integrity and conduct of gaming or gaming activities; or
  - (d) is in breach of this Act.

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- (4A) An approval granted for the purposes of subsection (2) may be subject to such conditions as the Commission considers appropriate.
- (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).

Penalty: Fine not exceeding 2 500 penalty units.

- (5) Subsection (2) in its application to relevant contracts of the kind referred to in paragraph (c) of the definition of *relevant contract* in subsection (1), applies only to contracts entered into after the commencement of the *Gaming Control Amendment Act 2009*.
- (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

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the inconsistency, void and unenforceable.

**78. Rectification order as precursor to disciplinary action**

- (1) Before taking disciplinary action against a prescribed licence holder under section 112T, the Commission may direct the prescribed licence holder in writing to take specified action within a specified time to rectify the matter which constitutes the grounds for the disciplinary action concerned.
- (2) If a prescribed licence holder referred to in subsection (1) fails to take the specified action within the specified time, the Commission may take disciplinary action in accordance with section 112T.

**79. Approval of keno rules**

- (1) The Commission may approve the rules under which a game of keno is to be conducted by a gaming operator.
- (2) Where the Commission approves the rules under which keno is to be conducted, it must supply a copy of those rules to the gaming operator and to the licensed premises gaming operator who is authorized to accept wagers for the games of keno.
- (3) A gaming operator and a licensed premises gaming operator must not permit a game of keno

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to be conducted or played unless the game is conducted or played in accordance with the rules of the game approved by the Commission.

Penalty: Fine not exceeding 100 penalty units.

- (4) At the request of the gaming operator or on its own volition, the Commission may repeal, revoke, rescind, amend, alter or vary a rule approved under subsection (1).
- (5) The Commission must not take action of its own volition under subsection (4) unless the action is in the public interest or for the proper conduct of gaming.
- (6) The Commission must notify, in writing, the gaming operator of any repeal, revocation, rescission, amendment, alteration or variation of the rules under which the game of keno is to be conducted.
- (7) As soon as practicable after receipt of notification under subsection (6), the gaming operator is to notify each licensed premises gaming operator participating in the game of keno conducted by that gaming operator.
- (8) A repeal, revocation, rescission, amendment, alteration or variation takes effect on the date that the Commission gives notice under subsection (6).

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**80. Approval of gaming machine types and games**

- (1) The Commission may accept for evaluation gaming machine types and gaming machine games.
- (2) The Commission may require a person who submits a gaming machine type or gaming machine game under subsection (1) to provide any additional information or material that the Commission considers necessary for the evaluation and to pay the costs incurred by the Commission in undertaking the evaluation.
- (2A) The Commission may require rules under which a gaming machine game is to be played.
- (2B) If the Commission requires rules under which a gaming machine game is to be played, the Commission may –
  - (a) approve the rules; or
  - (b) refuse to approve the rules.
- (2C) A gaming machine game that requires rules is only to be played in accordance with those rules as approved by the Commission.
- (3) If a gaming machine type or gaming machine game accepted for evaluation under subsection (1) is considered by the Commission to be suitable for use in gaming, the Commission must approve the machine type or game subject to such conditions (if any) as it determines.

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- (4) The Commission must reject all gaming machine types or gaming machine games accepted for evaluation under subsection (1) which it considers are not suitable for gaming.
- (5) If a gaming machine type or a gaming machine game differs in any material particular from the machine type or game approved by the Commission, the gaming machine type or gaming machine game ceases to be approved under this section.
- (6) The Commission may repeal or vary any rules approved under subsection (2B).

**81. Approval of other gaming equipment**

- (1) In this section,

***gaming equipment*** does not include –

- (a) gaming machine types; and
  - (b) gaming machine games; and
  - (c) gaming equipment used, or proposed to be used, by a licensed provider.
- (2) The Commission may accept for evaluation particular gaming equipment or gaming equipment of a specified class or description.
  - (3) The Commission may require a person who submits gaming equipment under subsection (2) to provide any additional information or material that the Commission considers necessary for the

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evaluation and to pay the costs incurred by the Commission in undertaking the evaluation.

- (4) If particular gaming equipment or gaming equipment of a specified class or description accepted for evaluation under subsection (2) is considered by the Commission to be suitable for use in gaming, the Commission must approve the particular gaming equipment or class or description of gaming equipment subject to such conditions (if any) as it determines.
- (5) The Commission must reject all gaming equipment accepted for evaluation under subsection (2) which it considers is not suitable for gaming.
- (6) If gaming equipment differs in any material particular from the gaming equipment approved by the Commission, the gaming equipment ceases to be approved under this section.

**82. Purchase of gaming equipment from person not listed on the Roll**

- (1) A licensed operator may apply in writing to the Commission for a permit to purchase or obtain gaming equipment of a type approved by the Commission under section 81 from a person who is not listed on the Roll.
- (2) A permit granted by the Commission under this section is subject to the conditions determined by the Commission and specified in the permit.

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- (3) A permit granted by the Commission under this section remains in force until it is revoked.

**83. Withdrawal of approval**

- (1) The Commission may withdraw the approval of an approved gaming machine type or gaming machine game or other gaming equipment if the Commission considers it necessary or appropriate in the public interest or for the proper conduct of gaming.
- (2) If approval is withdrawn under subsection (1), the Commission must give written notice of the withdrawal to –
- (a) the person who submitted the gaming machine type or gaming machine game under section 80 or gaming equipment under section 81; and
  - (b) venue operators and gaming operators using any gaming machine of that gaming machine type or including that game or any other gaming equipment of that gaming equipment type –

and must specify in the notice the time within which the gaming machine type or gaming machine game or gaming equipment type must be removed from use.

- (3) If approval is withdrawn under subsection (1), the Commission must allow a venue operator or gaming operator a reasonable time within which to remove the gaming machine type or gaming

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machine game or gaming equipment type from use unless there is an immediate threat to the public interest.

- (4) Subject to subsection (3), a venue operator or gaming operator must not permit a gaming machine to be played if –
- (a) the machine is of a type in respect of which the Commission has withdrawn approval under subsection (1); and
  - (b) notice has been given under subsection (2).

Penalty: Fine not exceeding 1 000 penalty units.

- (5) Subject to subsection (3), a venue operator or a gaming operator must not permit gaming equipment to be used if –
- (a) it is of a type in respect of which the Commission has withdrawn approval under subsection (1); and
  - (b) notice has been given under subsection (2).

Penalty: Fine not exceeding 1 000 penalty units.

- (6) Subject to subsection (3), a venue operator or a gaming operator must not permit a gaming machine game to be played if –
- (a) the Commission has withdrawn approval of that game under subsection (1); and

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- (b) notice has been given under subsection (2).

Penalty: Fine not exceeding 1 000 penalty units.

**84. Approval of jackpots and linked jackpot arrangements**

- (1) The Commission may –
  - (a) approve a jackpot or a linked jackpot arrangement; and
  - (b) approve the rules under which a jackpot or linked jackpot arrangement is to operate.
- (2) The Commission must not approve a jackpot or linked jackpot arrangement unless it has approved the rules under which it is to operate.
- (3) Where the Commission approves a jackpot or linked jackpot arrangement, it must notify the licensed operator of its approval and supply a copy of the rules relating to the jackpot or linked jackpot arrangement to the licensed operator and the venue operator of each approved venue where the jackpot or linked jackpot arrangement will operate.
- (4) A licensed operator must not permit a jackpot or linked jackpot arrangement to operate in an approved venue unless –

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- (a) the licensed operator has received notification of the approval of the jackpot or linked jackpot arrangement; and
  - (b) the jackpot or linked jackpot arrangement is operated in accordance with the rules approved by the Commission.

Penalty: Fine not exceeding 100 penalty units.

- (5) A licensed operator must accumulate contributions to a special prize pool established under a jackpot or linked jackpot arrangement in a manner that is prescribed.
- (6) At the request of the licensed operator or on its own volition, the Commission may repeal, revoke, rescind, amend, alter or vary a rule approved under subsection (1).
- (7) The Commission must not take action of its own volition under subsection (6) unless the action is in the public interest or for the proper conduct of gaming.
- (8) The Commission must notify in writing the licensed operator of any repeal, revocation, rescission, amendment, alteration or variation of the rules approved under subsection (1).
- (9) As soon as practicable after a gaming operator receives notification under subsection (8), the gaming operator is to notify each licensed premises gaming operator participating in the jackpot or linked jackpot arrangement.

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- (10) A repeal, revocation, rescission, amendment, alteration or variation takes effect on the date that the Commission gives notice under subsection (8).

**85. Identification of machines**

- (1) The Commission must issue an identification number for each gaming machine.
- (2) The Commission may, at any time after the issue of an identification number for a gaming machine, cause the issue of a new identification number for that gaming machine.
- (3) A gaming operator must not possess a gaming machine unless there is securely affixed on one external surface of the cabinet of the gaming machine a label showing—
- (a) the identification number issued under subsection (1) or (2); and
  - (b) any other particulars that the Commission considers appropriate.

Penalty: Fine not exceeding 50 penalty units.

**86. Gaming prohibited on unprotected devices**

- (1) A gaming operator or a venue operator must not without lawful excuse be in possession of, or permit gaming on, a gaming machine unless the computer cabinet of the gaming machine is securely sealed with a seal in accordance with procedures approved by the Commission.

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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 venue operator must not permit gaming on the gaming machine until the gaming machine has been resealed in accordance with procedures approved by the Commission.

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

**87. Unlawful interference with gaming equipment**

- (1) A person must not –
- (a) be in possession of any device made or adapted, or intended by the person to be used, for interfering with the normal operation of gaming equipment; or
  - (b) do any act or thing calculated, or likely, to interfere with the normal operation of gaming equipment; or
  - (c) insert, or cause to be inserted, in a gaming machine any thing other than a gaming token of the denomination or type displayed on the gaming machine as a gaming token to be used in order to operate or gain credit on the gaming machine.

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

- (2) If a police officer believes on reasonable grounds that a person has committed an offence under subsection (1), the police officer may search the person for any device or thing that the police officer suspects was used in the commission of the offence.
- (3) Subsection (1) does not prohibit the possession in an approved venue of any thing referred to in subsection (1)(a) by a venue operator, an agent of the venue operator, a special employee, an inspector or a police officer if the thing has been seized by any of those persons from another person for use as evidence in proceedings for an offence under that subsection.
- (4) On the conviction of a person for an offence under subsection (1), any device used or intended to be used for interfering with the normal operation of gaming equipment is forfeited to the Crown.

**88. Protection of sensitive areas of gaming equipment**

- (1) Except as provided in subsection (2), a person must not –
  - (a) break a seal securing a computer cabinet or gain access to any thing within the computer cabinet; or
  - (b) affix a seal to a computer cabinet; or

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- (c) break any seal protecting the integrity of the game programme of a gaming machine; or
  - (d) remove, replace or in any way affect or interfere with the operation of a computer cabinet or any thing within the computer cabinet; or
  - (e) remove or interfere with any security device of gaming equipment; or
  - (f) interfere with the normal operation of the reel assemblies of a gaming machine; or
  - (g) remove or interfere with the housing protecting the mechanical meters of a gaming machine; or
  - (h) interfere with the normal operation of the mechanical meters of a gaming machine; or
  - (i) disconnect or interfere with a connection between a mechanical meter and a computer cabinet; or
  - (j) interfere with information stored or transmitted electronically by any gaming machine, linked jackpot arrangement or electronic monitoring system; or
  - (k) remove, alter or otherwise interfere with the electronic monitoring system or application software; or

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- (l) remove or interfere with any mark or seal affixed to gaming equipment to preserve the integrity of operation of the gaming equipment; or
- (m) remove, alter or otherwise interfere with the manufacturer's identification plate or the manufacturer's serial number of a gaming machine; or
- (n) remove, alter or otherwise interfere with an identification label affixed to a gaming machine under section 85; or
- (o) affix any thing capable of being represented as being a label referred to in section 85 to a gaming machine or a device capable of being represented as being a gaming machine.

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

- (2) The Commission, by notice in writing, may authorize an inspector, a technician or any other person to exercise all or any of the powers specified in subsection (1).

**89. Access to gaming machines**

A person must not, in relation to a gaming machine in an approved venue, remove gaming tokens from the cabinet or drop box of the gaming machine unless the person is –

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- 
- (a) the gaming operator of the approved venue; or
  - (b) the venue operator of the approved venue; or
  - (c) a special employee at the approved venue in the performance of his or her duties; or
  - (d) a licensed technician in the performance of his or her duties.

Penalty: Fine not exceeding 50 penalty units.

**90. Installation and storage of gaming equipment**

- (1) A gaming operator who provides gaming equipment to a licensed premises gaming operator –
  - (a) must install the equipment, or cause it to be installed, in a gaming area approved for that purpose by the Commission; and
  - (b) must cause any gaming equipment not so installed to be stored in a room approved by the Commission and secured in the manner approved by the Commission; and
  - (c) must request the Commission to inspect the installation, test the games and give approval to commence gaming.
- (2) A casino operator who obtains gaming equipment –

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- (a) must install the equipment, or cause it to be installed, in a gaming area approved for that purpose by the Commission; and
  - (b) must cause any gaming equipment not so installed to be stored in a room approved by the Commission and secured in the manner approved by the Commission; and
  - (c) must request the Commission to inspect the installation, test the games and give approval to commence gaming.
- (3) On a request from a gaming operator or a casino operator under this section, the Commission must inspect the gaming equipment installed and test the games on the gaming equipment and may give approval to commence gaming.
- (4) A gaming operator or a casino operator must not allow any person to use gaming equipment for the conduct of gaming that is not installed as required by this section.

Penalty: Fine not exceeding 1 000 penalty units.

**91. The Commission's rules**

- (1) The Commission may make rules for the conduct of gaming or gaming activities with respect to—
  - (a) entry to gaming or wagering areas; and

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- (b) dress requirements in gaming or wagering areas; and
  - (c) sobriety in gaming or wagering areas; and
  - (d) security in the premises used for gaming or wagering; and
  - (e) services provided by prescribed licence holders; and
  - (f) procedures for the resolution of disputes concerning payment of winnings; and
  - (g) exclusion of persons from premises used for gaming or wagering; and
  - (ga) access to cash in approved venues, approved outlets and approved locations; and
  - (h) any other matter relevant to the conduct of gaming or gaming activities.
- (2) The Commission may make different rules for different classes of licences.
- (3) The Commission may repeal, revoke, rescind, amend, alter or vary a rule made under subsection (1).
- (4) The Commission must notify in writing each prescribed licence holder of rules made under this section and any repeal, revocation, rescission, amendment, alteration or variation of those rules.

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- (5) A repeal, revocation, rescission, amendment, alteration or variation takes effect on the date that the Commission gives notice under subsection (4).

**92. Rules to be displayed and enforced**

- (1) A prescribed licence holder must ensure that a copy of any rules made by the Commission under section 91, as from time to time in force, is available for free public inspection at –
- (a) each licensed premises; and
  - (b) each approved location; and
  - (c) if the prescribed licence holder is a totalizator operator, each approved outlet.

Penalty: Fine not exceeding 25 penalty units.

- (2) A prescribed licence holder must enforce or cause to be enforced rules made under section 91.

Penalty: Fine not exceeding 25 penalty units.

93. . . . .

**94. Credit, &c.**

- (1) Any person who holds a licence under this Act must not make a loan or extend credit in any form to any person (including himself, herself or

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itself) to enable that person or any other person to participate in a game, gaming or a gaming activity in an approved venue.

Penalty: Fine not exceeding 100 penalty units.

- (2) The Commission must notify in writing each venue operator of the time within which the venue operator must bank a cheque accepted by that operator in the course of the conduct of gaming.
- (3) A venue operator must, within the time notified to it under subsection (2), bank a cheque accepted by that operator in the course of the conduct of gaming.

Penalty: Fine not exceeding 100 penalty units.

- (4) A venue operator must not agree to the redemption of a cheque accepted by that operator in the course of the conduct of gaming for the purpose of avoiding compliance with subsection (3).

Penalty: Fine not exceeding 100 penalty units.

- (5) In this section –

*approved venue* includes approved location and approved outlet.

**95. Gaming tokens**

A venue operator must cause all transactions in respect of the sale or redemption of gaming tokens in the approved venue to be carried out in

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a manner that ensures the integrity of the transactions.

Penalty: Fine not exceeding 100 penalty units.

**96. Electronic monitoring system to be in place**

- (1) It is a condition of a gaming operator's licence that gaming machine games are not to be conducted by that operator unless there is in place an electronic monitoring system approved by the Commission for detecting significant events and recording, monitoring and controlling significant game play transactions associated with gaming machines installed by the operator.
- (2) It is a condition of a gaming operator's licence that games of keno are not to be conducted by that operator unless there is in place an electronic monitoring system approved by the Commission for detecting significant events and recording, monitoring and controlling significant game play transactions associated with such games.
- (3) For the purposes of subsections (1) and (2), "significant game play transactions" are as determined by the Commission and notified in writing to the gaming operator.

**97. Malfunction of gaming machines**

- (1) A venue operator, gaming operator or special employee must refuse to pay, or to allow payment to be made to, a person in respect of a

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wager made or gaming machine credits accumulated on a gaming machine if the venue operator, gaming operator or special employee reasonably suspects that the gaming machine failed to function in the manner in which it was designed and programmed to function.

- (2) A special employee who refuses to pay or to allow payment to be made to a person in the circumstances referred to in subsection (1) must inform the venue operator and the gaming operator, if applicable, as soon as practicable after the refusal.
- (3) In the event of a dispute over a refusal to pay in the circumstances referred to in subsection (1), the venue operator and gaming operator, if applicable, must resolve the dispute in accordance with procedures approved by the Commission.

**98. Defective gaming machines not allowed**

- (1) A venue operator and a gaming operator must not allow a gaming machine that –
  - (a) is installed in the approved venue of the venue operator; and
  - (b) does not function in the manner in which it was designed and programmed to function –

to be played, other than for testing purposes, until it is functioning in the manner in which it was designed and programmed to function.

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Penalty: Fine not exceeding 100 penalty units.

- (1A) A person listed on the Roll who supplies approved gaming equipment to a venue operator or a gaming operator which does not function in the manner in which it was designed and programmed to function or to a standard approved by the Commission is guilty of an offence.

Penalty: Fine not exceeding 100 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove that he or she –
- (a) had taken all reasonable precautions to ensure that the gaming machine was functioning in the manner in which it was designed and programmed to function; and
  - (b) at the time of the alleged offence, did not know, and ought not to have known, that the gaming machine was not functioning in the manner in which it was designed and programmed to function.

**99. Removal of certain persons**

- (1) A prescribed licence holder may remove from, or refuse entry to, any facility any person who –
- (a) breaches rules made by the Commission under section 91; or

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- (b) damages or physically abuses a gaming machine or equipment at that facility; or
  - (c) behaves in a manner likely to cause offence to other persons; or
  - (d) is suspected on reasonable grounds of being in the facility for the purpose of committing an offence or aiding another person to commit an offence against this Act.
- (2) A prescribed licence holder may use no more force than is reasonably necessary to remove a person under subsection (1).
- (3) In this section –
- facility* includes approved venue, approved location and approved outlet;
- prescribed licence holder* includes any agent of the prescribed licence holder.

**100. Detention of suspected persons**

- (1) An inspector who suspects on reasonable grounds that a person who is in a facility is contravening or attempting to contravene a provision of this or any other Act or has contravened any such provision may detain the suspected person in a suitable place in or near the facility until the arrival at the place of detention of a police officer.
- (2) A prescribed licence holder who suspects on reasonable grounds that a person in any facility

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of the prescribed licence holder is contravening or attempting to contravene section 252A or 264 of the *Criminal Code* or a prescribed provision of this Act or has contravened any such section or provision may detain the suspected person in a suitable place in or near the facility until the arrival at the place of detention of a police officer.

(3) A person may not be detained under this section unless –

- (a) no more force is used than is reasonably necessary; and
- (b) the person detained is informed of the reasons for the detention; and
- (c) the person effecting the detention immediately notifies a police officer of the detention and the reasons for the detention.

(4) In this section –

*facility* includes –

- (a) approved venue, approved location and approved outlet; and
- (b) premises of which an approved venue, approved location or approved outlet forms a part;

*prescribed licence holder* includes any agent of the prescribed licence holder.

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**101. Injunctions to prevent contraventions, &c.**

- (1) If the Supreme Court is satisfied on the application of the Commission that a venue operator, gaming operator or licensed provider has engaged or is proposing to engage in conduct that constitutes or would constitute—
- (a) a contravention of a provision of this Act; or
  - (b) attempting to contravene such a provision; or
  - (c) aiding, abetting, counselling or procuring a person to contravene such a provision; or
  - (d) inducing, or attempting to induce, whether by threats, promises or otherwise, a person to contravene such a provision; or
  - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision; or
  - (f) conspiring with others to contravene such a provision—

the Court may grant an injunction on such terms as the Court determines to be appropriate.

- (2) If in the opinion of the Supreme Court it is desirable to do so, the Court may grant an

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interim injunction pending determination of the application.

- (3) The Supreme Court may rescind or vary an injunction granted under this section.
- (4) The power of the Supreme Court to grant an injunction restraining a person from engaging in conduct may be exercised –
  - (a) whether or not it appears to the Court that the person intends to engage again, or to continue to engage, in conduct of that kind; and
  - (b) whether or not the person has previously engaged in conduct of that kind; and
  - (c) whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind.
- (5) The power of the Supreme Court to grant an injunction requiring a person to do an act or thing may be exercised –
  - (a) whether or not it appears to the Court that the person intends to fail again, or to continue to fail, to do that act or thing; and
  - (b) whether or not the person has previously failed to do that act or thing; and
  - (c) whether or not there is an imminent danger of substantial damage to any

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person if the first-mentioned person fails to do that act or thing.

- (6) When the Commission makes an application to the Supreme Court for the grant of an injunction under this section, the Court is not to require the Commission or any other person, as a condition of granting an interim injunction, to give any undertakings as to damages.

***Division 1A – Limitations on gaming machine numbers***

**101A. Interpretation of Division**

In this Division –

***club*** means a venue 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 licensed premises gaming licence;

***2003 commencement day*** means the day on which the *Gaming Control Amendment Act 2003* commences;

***gaming machine*** does not include a gaming machine on a vessel owned or operated by a company formed and incorporated under section 5 of the *TT-Line Arrangements Act 1993*;

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

**101B. Gaming machines: limit on overall numbers**

On and after the 2003 commencement day –

- (a) the maximum number of gaming machines that may be installed in the State at clubs and hotels is 2 500; and
- (b) the maximum number of gaming machines that may be installed in the State at clubs, hotels and casinos is 3 680.

**101C. Gaming machines: limit on numbers allowed in individual clubs and hotels**

On and after the 2003 commencement day –

- (a) the maximum number of gaming machines that may be installed at any one club is 40; and
- (b) the maximum number of gaming machines that may be installed at any one hotel is 30.

*Division 2 – Gaming control relating to casinos*

**102. Casino layout to be as approved by Commission**

- (1) It is a condition of a casino licence that gaming is not to be conducted in the casino unless the

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facilities provided in relation to the conduct and monitoring of operations in the casino are in accordance with plans, diagrams and specifications that are for the time being approved by the Commission under this section.

- (2) The Commission may approve plans, diagrams and specifications indicating the following:
  - (a) the situation within the casino of gaming tables and gaming equipment, counting rooms, cages and other facilities provided for operations in the casino;
  - (b) the manner in which a closed circuit television system operates within the casino, including details of the positions and field of coverage of the cameras and viewing screens and the height of the cameras above the gaming;
  - (c) the communication facilities provided for persons monitoring operations in the casino, whether by means of the closed circuit television system or otherwise.
- (3) At the request of the casino operator or on its own volition, the Commission may amend an approval under this section.
- (4) The Commission must not on its own volition amend an approval under this section unless the amendment is in the public interest or for the proper conduct of gaming.
- (5) An inspector may on the request of a casino operator approve a temporary change within the

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casino of the situation of gaming tables and other gaming equipment.

**103. Approval of games played in casino**

- (1) The Commission may, on application being made to it, approve games (other than games played on a gaming machine) that may be played in a casino.
- (1A) The Commission may require an applicant to pay any costs incurred by the Commission in evaluating the application.
- (2) The Commission may approve the rules under which a game referred to in subsection (1) is to be played.
- (3) The Commission must not approve a game unless it has approved the rules under which it is to be played.
- (4) Where the Commission approves the rules under which a game is to be played, it must supply a copy of those rules to the casino operator.
- (5) A casino operator must not permit a game (other than a game played on a gaming machine) to be conducted or played in a casino unless –
  - (a) there is a notice in force under this section approving the game; and
  - (b) the game is conducted or played in accordance with the rules of the game approved by the Commission.

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Penalty: Fine not exceeding 100 penalty units.

- (6) At the request of the casino operator or on its own volition, the Commission may repeal, revoke, rescind, amend, alter or vary an approval for a game under subsection (1) or a rule approved under subsection (2).
- (7) The Commission must not take action under subsection (6) unless the action is in the public interest or for the purposes of the conduct of gaming.
- (8) The Commission must notify in writing the casino operator of any repeal, revocation, rescission, amendment, alteration or variation of the approval for a game under subsection (1) or the rules approved under subsection (2).
- (9) A person may request the Commission or a casino operator for a copy of an approval for a game under subsection (1) or the rules approved by the Commission under subsection (2) and the Commission and casino operator are to comply with that request.
- (10) A repeal, revocation, rescission, amendment, alteration or variation takes effect on the date the Commission gives notice under subsection (8).

**104. Junkets**

- (1) The Commission may approve arrangements made by a casino operator for the promotion and conduct of junkets involving casinos.

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(2) The arrangements may –

- (a) impose restrictions on who may organize or promote a junket; and
- (b) require the promoter of a junket, or the casino operator concerned, to give the Commission advance notice of the junket and to furnish to the Commission detailed information concerning the conduct of and the arrangements for the conduct of any junket; and
- (c) require any contract or other agreement that relates to the conduct of a junket to be in a form and contain provisions approved by the Commission; and
- (d) require the promoter of a junket, or the casino operator concerned, to give specified information concerning the conduct of the junket to participants in the junket; and
- (e) require the promoter of a junket, or the casino operator concerned, to furnish to the Commission a list of the names and addresses of the participants in the junket.

(3) In this section –

***junket*** includes any arrangement organized by a promoter where a group of persons receive inducements of money or money's worth to participate in gaming at a casino;

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***promoter*** means a person responsible for the organization or promotion of a junket whose remuneration in whole or in part is based on the total amount wagered by the participants in the junket or on some other basis associated with amounts wagered.

105 - 111. . . . .

**112. Possession of certain things prohibited**

- (1) A person must not, in a casino, use any prohibited device.

Penalty: Fine not exceeding 50 penalty units.

- (2) A person must not, in a casino or on premises of which a casino forms part, use or have in his or her possession –
- (a) chips that he or she knows are bogus or counterfeit chips; or
  - (b) gaming tokens that he or she knows are bogus or counterfeit gaming tokens; or
  - (c) cards, dice or coins that he or she knows have been marked, loaded or tampered with; or
  - (d) for the purpose of cheating or stealing, any equipment, device or thing that permits or facilitates cheating or stealing.

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Penalty: Fine not exceeding 100 penalty units.

- (3) If a police officer believes on reasonable grounds that a person has committed an offence under subsection (1) or (2), the police officer may search the person for the device that the police officer suspects was used in the commission of the offence.
- (4) Subsection (2) does not prohibit the possession in a casino of anything referred to in subsection (2)(a), (b) or (c) by a person in charge of the casino, an agent of the casino operator, a casino employee, an inspector or a police officer, if the thing has been seized by any of those persons from another person for use as evidence in proceedings for an offence.
- (5) On the conviction of a person of an offence under subsection (1) or (2), any device used in the commission of that offence is forfeited to the Crown.

***Division 3 – Exclusion from gaming or wagering premises***

**112A. Interpretation of Division**

- (1) In this Division –

***affected person*** means the person against whom an order under section 112C is in force;

***excluded premises*** means any premises on which wagering or other participation in a game occurs under a casino licence, a

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licensed premises gaming licence or a Tasmanian gaming licence;

***prescribed special employee*** means a special employee employed by a specified licence holder;

***section 112C exclusion order*** means an order made under section 112C;

***section 112E exclusion order*** means an order made under section 112E;

***self-exclusion notice*** means a notice given under section 112B(1);

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

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

(2) . . . . .

**112B. Self-exclusion from wagering**

- (1) A person may give written notice to a specified licence holder, a prescribed special employee or the Commission to the effect that the person must not be permitted to do either of the following:

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- (a) enter or be on premises specified in the notice;
- (b) engage in any gaming or gaming activity in premises specified in the notice.

(1A) . . . . .

(1B) On receipt of a self-exclusion notice under subsection (1), a prescribed special employee must provide the notice or a copy of it to the specified licence holder as soon as reasonably practicable.

Penalty: Fine not exceeding 20 penalty units

(2) On receipt of a self-exclusion notice under subsection (1), a specified licence holder must provide the Commission with the notice or a copy of it as soon as reasonably practicable.

Penalty: Fine not exceeding 100 penalty units.

(3) On receipt of a self-exclusion notice or a copy of a self-exclusion notice under subsection (1) or (2), the Commission must notify every specified licence holder in respect of whom the notice is to apply of the giving of the self-exclusion notice and its details.

(4) On receipt of a self-exclusion notice, a copy of it or notice of its giving under subsection (1), (1B) or (3), a specified licence holder must notify, as soon as reasonably practicable, all prescribed special employees who may have to enforce the self-exclusion notice of its giving and any relevant details.

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Penalty: Fine not exceeding 100 penalty units

- (5) A self-exclusion notice takes effect –
- (a) in respect of a specified licence holder when the self-exclusion notice, a copy of it or notice of its giving is given or provided to that specified licence holder; and
  - (b) in respect of a prescribed special employee when the self-exclusion notice, a copy of it or notice of its giving is given or provided to that prescribed special employee; and
  - (c) in respect of the person who gave the self-exclusion notice when it is given to the specified licence holder, a prescribed special employee or the Commission under subsection (1).

- (5A) A person who is subject to a self-exclusion notice of the kind referred to in subsection (1)(b) must not enter a restricted gaming area within the premises specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

- (5B) A person who is subject to a self-exclusion notice may, with the written approval of the Commission, amend that notice.
- (5C) Subsections (1), (1B), (2), (3), (4) and (5) have the same application to the amendment of the self-exclusion notice as they have to its giving.

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- (6) Subject to subsection (10), a person may revoke a self-exclusion notice by written notice given to the specified licence holder to whom the notice relates or to the Commission.
  - (7) On receipt of a notice revoking a self-exclusion notice, the Commission must notify all specified licence holders to whom the self-exclusion notice relates of the revocation.
  - (8) On receipt –
    - (a) of a notice revoking a self-exclusion notice under subsection (6), a specified licence holder must provide a copy of the notice to the Commission; and
    - (b) of a notice revoking a self-exclusion notice under subsection (6), or of notification of the revocation of a self-exclusion notice under subsection (7), a specified licence holder must notify all prescribed special employees who are required to enforce the self-exclusion notice of its revocation.
- Penalty: Fine not exceeding 50 penalty units.
- (9) The revocation of a self-exclusion notice takes effect 7 days after the specified licence holder is given or provided with the notice of revocation, a copy of the notice of revocation or notification of the revocation.
  - (10) A self-exclusion notice is not capable of being revoked within 6 months after it is given.

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(11) A subsisting self-exclusion notice continues in effect according to its terms until it is –

- (a) by means of written notice to the Commission, revoked by the person who is subject to it; or
- (b) by instrument in writing, revoked by the Commission.

(12) The Commission's power of revocation under subsection (11)(b) may only be exercised if the person who is subject to the subsisting self-exclusion notice has become subject to a new self-exclusion notice.

(13) In this section –

***new self-exclusion notice*** means a self-exclusion notice that takes effect under this section on or after the day on which section 44 of the *Gaming Control Amendment Act (No. 2) 2009* commences;

***subsisting self-exclusion notice*** means a self-exclusion notice in effect under this section immediately before the day on which section 44 of the *Gaming Control Amendment Act (No. 2) 2009* commences.

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**112C. Exclusion from wagering on application of interested person**

- (1) A person who has a close personal interest in the welfare of another person who wagers with, or otherwise participates in games or gaming activities conducted by, any specified licence holder may apply to the Commission in a form approved by the Commission for a section 112C exclusion order.
- (2) On receipt of an application under subsection (1), the Commission must provide the person in respect of whom the application is made with a written notice –
  - (a) informing the person of the making of the application and the reasons for it; and
  - (b) inviting the person to make representations to the Commission about the application within the reasonable time specified in the notice.
- (3) After considering representations made by the applicant and the person in respect of whom the application is made under subsection (1), the Commission must –
  - (a) if the Commission is satisfied that it is in the interests of that person and the public interest to do so, make an order prohibiting that person from doing either of the following:
    - (i) entering or being on premises specified in the order;

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- (ii) engaging in any gaming or gaming activities on premises specified in the order.
- (b) if it is not so satisfied, refuse the application.
- (3A) . . . . .
- (4) On refusing an application under subsection (3)(b), the Commission must notify the applicant and the person in respect of whom the application was made in writing of that refusal and the reasons for it.
- (5) On making a section 112C exclusion order, the Commission must provide a copy of the order to –
- (a) the affected person; and
- (b) all specified licence holders that may also be affected by the order; and
- (c) the applicant.
- (5A) On receipt of a copy of a section 112C exclusion order under subsection (5), a specified licence holder must notify, as soon as reasonably practicable, all prescribed special employees who may have to enforce the order of the making of the order.
- Penalty: Fine not exceeding 100 penalty units.
- (6) The Commission may amend a section 112C exclusion order at any time.

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- (7) Subsections (5) and (5A) have the same application to the amendment of a section 112C exclusion order as they have to its making.
- (8) Where the Commission decides to exercise its power under subsection (6), the person who is subject to the relevant section 112C exclusion order or the person who applied for it may apply to the Magistrates Court (Administrative Appeals Division) under the *Magistrates Court (Administrative Appeals Division) Act 2001* for a review of the decision.
- (9) A person who is subject to a section 112C exclusion order of the kind referred to in subsection (3)(a)(ii) must not enter a restricted gaming area within the premises specified in the order.

Penalty: Fine not exceeding 20 penalty units.

- (10) A section 112C exclusion order continues in effect according to its terms until it is, by instrument in writing, revoked by the Commission.

**112D. Revocation of section 112C exclusion order**

- (1) In this section,

*respondent*, in relation to an application under subsection (2) made in respect of a section 112C exclusion order, means the affected person or the person who applied for the section 112C exclusion

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order, whoever did not make the application under subsection (2).

- (2) An affected person or the person who applied for a section 112C exclusion order may apply in a form approved by the Commission for a revocation of the order.
- (3) On receipt of an application under subsection (2), the Commission must provide the respondent with a written notice –
  - (a) informing the respondent of the making of the application under subsection (2) and the reasons for it; and
  - (b) inviting the respondent to make representations to the Commission about the application within the reasonable time specified in the notice.
- (4) After considering representations made by the applicant and the respondent, the Commission must –
  - (a) if it is satisfied that it is in the interests of the person in respect of whom the section 112C exclusion order is in effect and in the public interest to do so, make an order revoking the section 112C exclusion order; or
  - (b) if it is not so satisfied, refuse the application.

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- (5) On refusing an application, the Commission must notify the applicant and respondent in writing of that refusal and the reasons for it.
- (6) On making an order revoking a section 112C exclusion order, the Commission must provide a copy of the revocation order to –
  - (a) the applicant; and
  - (b) the respondent; and
  - (c) all specified licence holders that have been provided with a copy of the section 112C exclusion order.

**112DA. Expiry of exclusion notices and orders**

Unless sooner revoked –

- (a) a section 112B self-exclusion notice expires 3 years after it takes effect; and
- (b) a section 112C exclusion order expires 3 years after it is made; and
- (c) a section 112E exclusion order expires 3 years after it is given.

**112E. Exclusion order by specified licence holder**

- (1) A specified licence holder or a person authorised by a specified licence holder may, by order given to a person orally or in writing, prohibit the person from doing either of the following:

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- (a) entering or being on premises of the specified licence holder specified in the order;
    - (b) engaging in any gaming or gaming activity in premises of the specified licence holder specified in the order.
  - (2) If a person is given an oral order and the person requires the order to be given in writing, the oral order is suspended while the order is put in writing (but only if the person remains available on the premises referred to in subsection (1) to be given the written order).
  - (3) As soon as practicable after a section 112E exclusion order is given, the specified licence holder must –
    - (a) in the case of a written order, give a copy of the order to the Commission; and
    - (b) in the case of an oral order, give written details of the order to the Commission.

Penalty: Fine not exceeding 50 penalty units.

- (4) This section does not authorise the exclusion of an authorized person or a police officer –
  - (a) from premises referred to in subsection (1); or
  - (b) from wagering with, or otherwise participating in a game or gaming activity conducted by, the specified licence holder –

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when that authorized person or police officer is acting in the course of his or her duty.

- (5) A person who is given an order of the kind referred to in subsection (1)(b) must not enter a restricted gaming area within the premises specified in the order.

Penalty: Fine not exceeding 20 penalty units.

**112F. Appeal to Commission**

- (1) A person receiving a written section 112E exclusion order, other than an order given on the direction of the Commissioner of Police under section 112G, may appeal against the order to the Commission within 28 days after receiving the order.
- (2) The appeal must be made in writing and specify the grounds on which it is made.
- (3) The Commission may make such inquiries in relation to the section 112E exclusion order and the appeal as the Commission thinks appropriate.
- (4) On consideration of the grounds of appeal specified by the appellant and the results of its inquiries, the Commission may –
- (a) reject the appeal; or
  - (b) allow the appeal.
- (5) The decision of the Commission –

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- (a) is to be communicated in writing to the appellant and the specified licence holder; and
  - (b) is final and conclusive and may not be appealed against, reviewed, quashed or in any way called in question in any court on any account.
- (6) The allowance of the appeal by the Commission revokes the section 112E exclusion order.
- (7) The allowance of the appeal by the Commission does not prejudice the right of the specified licence holder, or person authorised by the specified licence holder, to give a further section 112E exclusion order in respect of the person to whom the original section 112E exclusion order was given if in giving that further order the specified licence holder, or person so authorised, is acting –
  - (a) in good faith; and
  - (b) for a reason considered by the specified licence holder, or person so authorised, to be a sufficient reason.
- (8) An appeal against an order does not prejudice the effectiveness of the order pending the Commission's decision.

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**112G. Commissioner of Police may order person to be excluded**

- (1) Where the Commissioner of Police is of the opinion that, in order to suppress crime or disorderly conduct, it is necessary or desirable to exclude a person from premises on which wagering with, or other participation in a game or gaming activity conducted by, a specified licence holder occurs, the Commissioner may direct the licence holder to exclude the person from those premises by giving the person or causing the person to be given an exclusion order under section 112E.
- (2) A specified licence holder must comply with a direction given under subsection (1).  
  
Penalty: Fine not exceeding 50 penalty units.
- (3) The Commissioner of Police may give such a direction in anticipation of the person entering the premises on which wagering with, or other participation in games or gaming activities conducted by, the specified licence holder occurs.
- (4) Where practicable, the Commissioner of Police must make available to the specified licence holder a photograph of the person who is the subject of the direction and must give the person notice of the direction.

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**112GA. Information not to be disclosed**

A person must not disclose to any person who is not a member of the Police Service any information on which the opinion of the Commissioner of Police under section 112G(1) is based.

Penalty: Fine not exceeding 5 000 penalty units or imprisonment for a term not exceeding 2 years, or both.

**112GB. Application for review by Magistrates Court**

- (1) Within 28 days after receiving a written exclusion order under section 112E, given on the direction of the Commissioner of Police under section 112G, a person may apply to the Magistrates Court (Administrative Appeals Division) for a review of the order.
- (2) In determining an application for a review of an exclusion order under subsection (1), the Magistrates Court (Administrative Appeals Division) may –
  - (a) uphold the order; or
  - (b) revoke the order.
- (3) In determining an application for a review under subsection (1), the Magistrates Court (Administrative Appeals Division) –
  - (a) is to ensure that it does not, in the reasons for its decision or otherwise, disclose any information on which the

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opinion of the Commissioner of Police under section 112G(1) is based; and

- (b) in order to prevent the disclosure of any such information, is to receive evidence and hear argument in the absence of the public, the applicant for the review and the applicant's representative.

**112H. Duration of section 112E exclusion orders**

- (1) Subject to section 112DA, a section 112E exclusion order remains in force in respect of a person until it is revoked by the specified licence holder or a person authorised by the specified licence holder or an appeal under section 112F is allowed.
- (2) A section 112E exclusion order given at the direction of the Commissioner of Police cannot be revoked except with the written approval of the Commissioner of Police.
- (3) Where a section 112E exclusion order is revoked by a specified licence holder or by a person authorised by a specified licence holder, the specified licence holder or person so authorised must give notice of the revocation to the Commission as soon as practicable.

Penalty: Fine not exceeding 20 penalty units.

**112I. List of excluded persons**

- (1) Each specified licence holder must maintain an up-to-date list of the names of persons in respect

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of whom there are in effect self-exclusion notices, section 112C exclusion orders and section 112E exclusion orders that prohibit those persons from wagering with or otherwise participating in games or gaming activities conducted by the specified licence holder, or from entering and remaining on premises where wagering or other participation in such games or gaming activities occurs.

Penalty: Fine not exceeding 50 penalty units.

- (2) Where practicable, the specified licence holder is to attach to the list photographs of the persons who are on the list.
- (3) Subsection (2) does not apply to a licensed provider in respect of a person on the list if the only way the person can contravene the self-exclusion notice, section 112C exclusion order or section 112E exclusion order is by placing wagers, or otherwise participating in a game or gaming activity, by means of a telecommunications device situated on premises not under the control of the licensed provider.
- (4) The specified licence holder must –
  - (a) on the request of an inspector, allow the inspector to peruse the list, including the attached photographs; and
  - (b) on the request of the Commission or an inspector, provide to the Commission or an inspector, in the manner and time specified in the request, a copy of –

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(i) the list; and

(ii) if included in the request,  
photographs attached to the list.

Penalty: Fine not exceeding 50 penalty units.

(5) A person must not provide any part of a list maintained under subsection (1) or provided under subsection (4) to any person except –

(a) the specified licence holder; or

(b) an employee of the specified licence holder; or

(c) an authorized person; or

(d) an agent referred to in section 76ZZ or an employee of such an agent; or

(e) a gaming operator or an employee of the gaming operator; or

(f) a police officer.

Penalty: Fine not exceeding 10 penalty units.

**112IA. Commission to keep and disseminate lists of excluded persons**

(1) The Commission is to –

(a) keep an up-to-date list of excluded persons; and

(b) from time to time provide each specified licence holder and each gaming operator

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with a copy of that list or those parts of that list that are of relevance to the specified licence holder or gaming operator.

- (2) A list kept or provided under subsection (1) need not contain photographs.
- (3) In this section –

*excluded person* means a person –

- (a) subject to a self-exclusion notice;  
or
- (b) subject to a section 112C exclusion order; or
- (c) named on a list provided to the Commission pursuant to section 112I(4)(b) as being subject to a section 112E exclusion order.

**112IB. Direct marketing of gaming to excluded persons prohibited**

- (1) A specified licence holder or gaming operator must not directly promote gaming or gaming activities to a person if, at the relevant time, the person's name appears on the list most recently provided to the specified licence holder or gaming operator under section 112IA.

Penalty: Fine not exceeding 1 000 penalty units.

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- (2) For the purposes of subsection (1), a specified licence holder or gaming operator is taken to directly promote gaming or gaming activities to a person if –
- (a) the specified licence holder or gaming operator provides advertising material to that person or engages in any other promotional activity with regard to that person; and
  - (b) the advertising material or promotional activity could reasonably be seen as an enticement or inducement, to engage in gaming or gaming activities, specifically targeted at that person.

**112J. Excluded persons not to wager or enter gaming premises**

- (1) A person who is the subject of a self-exclusion notice, section 112C exclusion order or section 112E exclusion order that is in effect must not contravene that notice or order.

Penalty: Fine not exceeding 20 penalty units.

- (2) While a self-exclusion notice or section 112C exclusion order has effect, a specified licence holder and a prescribed special employee must not –
- (a) accept or permit to be accepted from the person who is the subject of the notice or order a wager on, or allow that person to otherwise participate in, any game or

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gaming activity in contravention of the notice or order; or

- (b) allow the person who is the subject of the notice or order to enter or remain on premises in contravention of the notice or order.

Penalty: In the case of –

- (a) a specified licence holder - a fine not exceeding 100 penalty units; and
- (b) a prescribed special employee - a fine not exceeding 20 penalty units.
- (3) It is a defence to an offence against subsection (2) for the specified licence holder or prescribed special employee to show that he or she did not know and could not reasonably have known that the person who is the subject of the self-exclusion notice or section 112C exclusion order was wagering or otherwise participating in a game or gaming activity, or entering or remaining on premises, in contravention of the notice or order.

**112K. Removal of excluded persons from gaming premises**

- (1) In this section –

*excluded person* means a person who is the subject of a self-exclusion notice, section 112C exclusion order or a

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section 112E exclusion order that is in effect;

***excluded premises*** means premises that an excluded person is prohibited from entering and remaining on under a self-exclusion notice, section 112C exclusion order or section 112E exclusion order that is in effect;

***gaming premises*** means premises where a person may wager with, or otherwise participate in a game or gaming activity conducted by, a specified licence holder;

***person-in-charge*** means –

- (a) the person for the time being apparently in charge of excluded premises or gaming premises; and
  - (b) an employee, agent or associate of a specified licence holder who is of a class approved in writing by the Commission and is on the excluded premises or gaming premises at the relevant time;
- (2) If an employee of a specified licence holder or a person employed on excluded premises or gaming premises knows that an excluded person –
- (a) is on the excluded premises, or attempting to gain entrance to the excluded premises, in contravention of

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the self-exclusion notice, section 112C  
exclusion order or section 112E  
exclusion order; or

- (b) is wagering or otherwise participating, or  
is attempting to wager or otherwise  
participate, in a game or gaming activity  
on gaming premises –

the employee or employed person must notify a  
person-in-charge as soon as practicable.

- (3) A person-in-charge who knows or has been  
notified that an excluded person –

- (a) is on the excluded premises, or  
attempting to gain entrance to the  
excluded premises, in contravention of  
the self-exclusion notice, section 112C  
exclusion order or section 112E  
exclusion order; or

- (b) is wagering or otherwise participating, or  
is attempting to wager or otherwise  
participate, in a game or gaming activity  
on gaming premises in contravention of  
the self-exclusion notice, section 112C  
exclusion order or section 112E  
exclusion order –

must take all reasonable steps to remove the  
excluded person from the excluded premises or  
gaming premises.

Penalty: Fine not exceeding 20 penalty units.

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- (4) It is lawful for a person-in-charge, or a police officer at the request of a person-in-charge, using no more force than is reasonably necessary –
  - (a) to remove an excluded person –
    - (i) from excluded premises; and
    - (ii) from gaming premises if he or she is wagering or otherwise participating, or is attempting to wager or otherwise participate, in a game or gaming activity on the gaming premises in contravention of the self-exclusion notice, section 112C exclusion order or section 112E exclusion order; and
  - (b) to prevent an excluded person from entering –
    - (i) excluded premises; and
    - (ii) gaming premises from which he or she has been removed within the preceding 24 hours under paragraph (a)(ii)

***Division 4 – Responsible gambling***

**112L. Commission to establish codes of practice**

- (1) The Commission is to establish, for prescribed licence holders, codes of practice on responsible gambling.

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- (2) Under subsection (1), different codes of practice may, in the Commission's discretion, be established for different prescribed licence holders or different groups of prescribed licence holders.
  - (3) Despite subsection (1), the Commission is not obliged to establish a code of practice for every prescribed licence holder.
  - (4) A code of practice may provide for any relevant matter.
  - (5) A code of practice may provide for any matter by adopting, either specifically or by reference, and either wholly or in part and with or without modification, any external protocol –
    - (a) whether as in force at a particular time or as from time to time amended; and
    - (b) whether published before, on or after the commencement day.
  - (6) The Commission –
    - (a) may from time to time amend a code of practice; and
    - (b) must review each code of practice at least once every 5 years after it is established.
  - (7) On establishing or amending a code of practice, the Commission is to –
    - (a) notify the affected licensees accordingly; and

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- (b) make a copy of the code or amended code available to the affected licensees; and
  - (c) publish the code or amended code electronically and in such other ways as it thinks fit; and
  - (d) make a copy of the code or amended code freely available for public inspection at its offices during normal business hours.
- (8) An affected licensee must ensure that a code of practice or amended code of practice is available for free public inspection at –
- (a) each licensed premises of the affected licensee; and
  - (b) each approved location of the affected licensee; and
  - (c) if the affected licensee is a totalizator operator, each approved outlet of the affected licensee.

Penalty: Fine not exceeding 25 penalty units.

- (9) The Commission, by notice to each affected licensee, may revoke a code of practice.
- (10) The revocation takes effect on such day as is specified in the notice and cancels the affected licensee's obligations under subsection (8) in respect of the particular code of practice.

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- (11) To avoid doubt, a prescribed licence holder may be subject to more than one code of practice at the same time.
- (12) A code of practice is not –
- (a) a statutory rule for the purposes of the *Rules Publication Act 1953*; or
  - (b) an instrument of a legislative character for the purpose of the *Subordinate Legislation Act 1992*.
- (13) For the transitional purposes of this section, the Commission's obligation under subsection (1) may be discharged progressively from the commencement day.
- (14) In this section –

***affected licensee*** means a prescribed licence holder to whom a code of practice under this section applies (or, if the code is prospective, will apply);

***commencement day*** means the day referred to in section 2(1) of the *Gaming Control Amendment Act (No.2) 2009*;

***external protocol*** means a code, guideline, rule, specification, standard or other document that –

- (a) is published by a person other than the Commission; and
- (b) has any relevance to gaming or wagering;

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***relevant matter*** means any of the following:

- (a) advertising and promotional practices, like player loyalty schemes and the offering of inducements;
- (b) access to cash in approved venues, approved locations or approved outlets;
- (c) the provision of food and alcohol in restricted gaming areas, approved locations or approved outlets;
- (d) the provision of clocks in restricted gaming areas, approved locations or approved outlets;
- (e) minimum lighting standards in restricted gaming areas, approved locations or approved outlets;
- (f) the display of warning and help signs in restricted gaming areas, approved locations or approved outlets;
- (g) the provision of information to players on rules and losing and winning;
- (h) staff training in recognising and dealing with persons who are problem gamblers or at risk of becoming so;

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- (i) any matter approved by the Minister for the purposes of this definition.

***Division 5 – Gaming control generally***

112M. . . . .

**112N. Investigation of prescribed licence holders**

- (1) At any time, the Commission may investigate a prescribed licence holder.
- (2) In an investigation, the Commission may take all steps and make all inquiries that are reasonable and appropriate.
- (3) In an investigation, the Commission may require any one or more of the following persons to allow the taking of his or her photograph, palm prints and fingerprints:
  - (a) the prescribed licence holder;
  - (b) a director, chief executive officer or other person concerned in the management of the prescribed licence holder;
  - (c) any other person the Commission considers relevant.
- (4) The Commission may refer any photograph, palm prints and fingerprints taken under subsection (3) and any other matter the Commission considers relevant to the Commissioner of Police.

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- (5) The Commissioner of Police must inquire into and report to the Commission on any matters referred under subsection (4).
- (6) In an investigation, the Commission by notice in writing may require the prescribed licence holder, or any person whose association with the holder is in the opinion of the Commission relevant to whether the holder continues to be a suitable person to hold a prescribed licence or a gaming endorsement, to do any one or more of the following:
  - (a) to provide, in accordance with specified directions, any specified information that the Commission considers relevant to the investigation of the prescribed licence holder;
  - (b) to produce, in accordance with specified directions, any specified records that the Commission considers relevant to the investigation of the prescribed licence holder and to permit 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 provide to the Commission any authorities and consents that the Commission directs for the purpose of enabling the Commission to obtain

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information (including financial and other confidential information) concerning the prescribed licence holder and the holder's associates from other persons.

- (7) In subsection (6),

*specified* means specified in the notice referred to in that subsection.

- (8) A person must not fail to comply with a requirement made under subsection (3) or (6) without reasonable excuse.

Penalty: Fine not exceeding 250 penalty units.

- (9) A person does not commit an offence against subsection (8) if the failure to comply with a requirement is a failure to provide any information or document and that information or document is not relevant to the investigation.
- (10) The Commission may take a failure to comply with a requirement made under subsection (3) or (6) to be sufficient evidence that the prescribed licence holder is no longer a suitable person to hold the relevant prescribed licence or gaming endorsement.
- (11) An investigation under this section may be combined with an investigation under section 112O.

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**112O. Investigation into associate or other person**

- (1) The Commission may investigate an associate of a prescribed licence holder.
- (2) Section 112N(3), (4), (5), (6), (7), (8) and (9) applies to an investigation under this section as if the person being investigated were the prescribed licence holder.
- (3) The Commission may take a failure to comply with a requirement made under section 112N(3) or (6) as applied by this section to be sufficient evidence that the person being investigated is not, or is no longer, a suitable person to be an associate of a prescribed licence holder or to have a business association with an associate of such a holder.
- (4) If the Commission determines on investigation that a person is not, or is no longer, a suitable person to be an associate of a prescribed licence holder or to have a business association with an associate of such a holder, the Commission by written notice may require the holder, within the period specified in the notice, to –
  - (a) terminate the association with the associate; or
  - (b) require the associate to break off its business association with the person considered unsuitable within 21 days after the associate receives the requirement.

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- (5) If the associate does not break off its business association within the 21 day period as required by a prescribed licence holder under subsection (4)(b), the holder must terminate the holder's association with the associate within a further period of 21 days.
- (6) If a prescribed licence holder is required to terminate an association with an associate under subsection (5) and does not do so within the period specified in that subsection, the Commission may –
- (a) take action under section 112T; or
  - (b) cancel the prescribed licence by notice provided to the holder.
- (7) The cancellation of a prescribed licence under subsection (6) takes effect on the day the prescribed licence holder receives the notice provided under that subsection or on a later day specified in that notice and the prescribed licence is of no effect if it has been cancelled.
- (8) The Commission may at any time withdraw or amend a notice it has given under subsection (6).
- (9) An investigation under this section may be combined with an investigation under section 112N.

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**112P. Commission may give directions**

- (1) The Commission may give a prescribed licence holder a written direction relating to the conduct of gaming or wagering.
- (2) Without limiting the generality of subsection (1), the direction may be to adopt, vary, cease or refrain from any practice in respect of gaming or wagering.
- (3) The direction is not to be repugnant to the provisions of this Act or the conditions of the relevant prescribed licence.
- (4) The direction takes effect on such day as the Commission specifies in the direction for that purpose.
- (5) The prescribed licence holder must comply with the direction.
- (6) The Commission may at any time revoke the direction.

**112Q. Approval to possess unapproved gaming equipment**

- (1) On the application of a person, the Commission may issue a permit authorising the person to possess or have control of gaming equipment or gaming equipment of a type that is required by this Act to be approved by the Commission but has not been approved, or is not of a type that has been so approved.
- (2) An application is to –

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- 
- (a) be in a form approved by the Commission; and
  - (b) contain the information and documents required by the Commission; and
  - (c) be accompanied by any appropriate fee determined by the Commission by notice provided to the applicant.
- (3) A permit –
- (a) is subject to the conditions determined by the Commission and specified in it; and
  - (b) has effect for the period specified in it.
- (4) The Commission may at any time revoke or amend a permit.
- (5) If a person possesses or has control of gaming equipment in accordance with a permit, that possession or control of the gaming equipment does not constitute an offence under this Act.

**112R. Restriction on advertising and promotion of gaming**

- (1) A person must not advertise gaming or wagering on games, or in any other way directly or indirectly promote to the public gaming or wagering on games, except where that person is the holder of a licence or permit under this Act that relates to the conduct of that gaming or those games.

Penalty: Fine not exceeding 1 000 penalty units.

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- (2) Subsection (1) does not apply in respect of gaming or wagering on games conducted under a Tasmanian gaming licence.

***Division 6 – Disciplinary action***

**112S. Grounds for disciplinary action**

- (1) Each of the following is a ground for disciplinary action in relation to a prescribed licence:
- (a) the prescribed licence holder is no longer suitable or qualified to hold a prescribed licence or gaming endorsement;
  - (b) an associate of the prescribed licence holder is no longer suitable to be an associate of a prescribed licence holder;
  - (c) the prescribed licence holder has contravened a provision of this Act or a gaming Act;
  - (d) the prescribed licence holder has contravened a condition to which the prescribed licence is subject;
  - (da) the prescribed licence holder has failed to take action as directed, or within the time specified, by the Commission under section 78;
  - (db) the prescribed licence holder has failed to comply with a direction under section 112P;

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- (e) the prescribed licence holder has been found guilty of an offence involving fraud or dishonesty, whether or not in Tasmania, the maximum penalty for which exceeds imprisonment for 3 months;
- (f) the prescribed licence holder has failed to discharge financial obligations to the State or to a person who has wagered with the holder under the prescribed licence;
- (g) the prescribed licence holder is bankrupt, has compounded with creditors, has made an assignment of remuneration for the benefit of creditors or otherwise taken, or applied to take, the benefit of any law for the relief of bankrupt or insolvent debtors;
- (h) the prescribed licence holder is affected by control action under the Corporations Act;
- (i) the prescribed licence or gaming endorsement, or a permit under this Act, was obtained by a materially false or misleading representation or in some other improper way;
- (j) the prescribed licence holder has contravened a code of practice, established under section 112L, applying to that prescribed licence holder.

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- (1A) Each of the following is a ground for disciplinary action against an accredited testing facility, manufacturer or supplier:
- (a) any gaming machine, game or gaming equipment manufactured or supplied is, in the opinion of the Commission, unreliable or otherwise unsatisfactory;
  - (b) any testing of gaming machines, games or gaming equipment is, in the opinion of the Commission, unsatisfactory.
- (2) For the purposes of forming the belief that the ground mentioned in subsection (1)(a) exists, the Commission may have regard to the same matters to which it may have regard in deciding whether an applicant for a prescribed licence or gaming endorsement is suitable or qualified to hold such a licence or endorsement.
- (3) For the purposes of forming the belief that the ground mentioned in subsection (1)(b) exists, the Commission may have regard to the same matters to which it may have regard in deciding whether an associate of an applicant for a prescribed licence is suitable to be such an associate.
- (4) For the purposes of subsection (1)(h), a prescribed licence holder is affected by control action under the Corporations Act if the licence holder –
- (a) has executed a deed of company arrangement under the Corporations Act; or

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- (b) is the subject of a winding up (whether voluntarily or under a court order) under the Corporations Act; or
  - (c) is the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under the Corporations Act.

**112T. Disciplinary action**

- (1) In this section,

*disciplinary action* means any one or more of the following:

- (a) the cancellation of a prescribed licence;
- (b) the suspension of a prescribed licence;
- (c) the cancellation of a gaming endorsement;
- (d) the suspension of a gaming endorsement;
- (e) the amendment of the conditions to which a prescribed licence or a permit under this Act is subject, including the imposition of conditions where there were previously no conditions;
- (f) the imposition of a fine not exceeding –

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- (i) 100 000 penalty units in the case of a prescribed licence that is a casino licence, gaming operator's licence, Tasmanian gaming licence or foreign games permit; or
  - (ii) 10 000 penalty units in the case of a prescribed licence that is a listing on the Roll; or
  - (ia) 500 penalty units in the case of a prescribed licence that is a licensed premises gaming licence; or
  - (iii) 50 penalty units in the case of a prescribed licence that is a minor gaming permit, a special employee's licence or a technician's licence; or
  - (iv) the prescribed number of penalty units in the case of any other prescribed licence;
- (g) the issuing of a letter of censure.
- (2) If the Commission considers it appropriate, it may inquire into whether there are grounds for

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disciplinary action against a prescribed licence holder.

(3) The Commission must notify a prescribed licence holder by written notice –

- (a) that it is considering taking disciplinary action on the grounds specified in the notice; and
- (b) that the holder, within 28 days of receipt of the notice, may make written submissions to the Commission as to why disciplinary action should not be taken.

(3A) If the Commission under subsection (3) notifies a prescribed licence holder who is a foreign games permit holder that it is considering taking disciplinary action and the Commission is of the opinion that an accredited representative of the foreign games permit holder may be affected by the taking of any disciplinary action, the Commission must notify the accredited representative by written notice –

- (a) that it is considering taking disciplinary action on the grounds specified in the notice; and
- (b) that the accredited representative, within 28 days of receipt of the notice, may make written submissions to the Commission as to why disciplinary action should not be taken.

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- (4) After considering any submissions made as specified in subsections (3) and (3A), the Commission may take such disciplinary action as it considers appropriate or take no further action.
- (5) Despite subsections (3), (3A) and (4), the Commission may issue a letter of censure to a prescribed licence holder without first allowing the holder or an accredited representative an opportunity to make submissions as to why the letter of censure should not be issued.
- (6) A letter of censure may include a direction to the prescribed licence holder to take the action specified in the letter for the purposes of rectifying any matter giving rise to the letter of censure and may direct that the action be taken within a period specified in the letter.
- (7) If a prescribed licence holder fails to comply with a direction given in a letter of censure within the time specified in the letter of censure, the Commission may –
  - (a) if the letter of censure was issued after giving the holder and any accredited representative referred to in subsection (3A) the opportunity to make submissions as to why disciplinary action should not be taken, take further disciplinary action without giving the holder or that accredited representative a further opportunity to make submissions; or

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- (b) if the letter of censure was issued without first giving the holder or, in a case to which subsection (3A) applies, an accredited representative the opportunity to make submissions as to why disciplinary action should not be taken, take disciplinary action in accordance with subsections (3), (3A) and (4).
- (8) The Commission must notify a prescribed licence holder by written notice of its determination under subsection (4).
- (9) The cancellation or suspension of a prescribed licence or a gaming endorsement, or the amendment of the conditions to which a prescribed licence under this Act is subject, takes effect on the day the prescribed licence holder receives the notice given under subsection (8) or on a later day specified in that notice.
- (10) A prescribed licence or a gaming endorsement is of no effect if it has been cancelled or while it is suspended.
- (11) The Commission may at any time terminate or reduce a period of suspension.
- (12) A fine imposed under this section may be recovered as a debt due to the Crown.

**112TA. Liability to disciplinary action not extinguished by loss of licence**

A prescribed licence holder's liability to disciplinary action under this Division for any

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act or omission is not extinguished by the subsequent suspension, cancellation, surrender, transfer or expiry of that prescribed licence under another provision of this Act and, for that purpose –

- (a) a reference in this section to a prescribed licence holder includes a former prescribed licence holder; and
- (b) the Commission's disciplinary powers under this section are, with necessary modification, capable of being exercised in respect of the acts or omissions of any person in their capacity as a former prescribed licence holder.

**112U. Suspension of prescribed licence without opportunity to be heard**

- (1) The Commission may suspend a prescribed licence by notice in writing given to the prescribed licence holder if it is satisfied that the holder or an associate of the holder has been charged with –
  - (a) an offence against this Act; or
  - (b) an offence involving fraud or dishonesty, whether that offence or conviction occurred in Tasmania or elsewhere.
- (2) A prescribed licence is of no effect during a period of suspension.

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- (3) The Commission may at any time terminate or reduce a period of suspension.

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**PART 6 – MINORS**

**113. Interpretation**

In this Part –

*acceptable proof of age* for a person means documentary evidence that might reasonably be accepted as applying to the person and as proving that the person is at least 18 years of age;

*approved venue* includes approved location and approved outlet;

*minor* means a person who is under the age of 18 years.

**114. Application of Part 6**

This Part applies to an approved venue only during the hours of operation of the approved venue.

**115. Minors not to enter restricted gaming areas**

A minor must not for any purpose enter or remain in a restricted gaming area.

Penalty: Fine not exceeding 10 penalty units.

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**116. Minors not to participate in gaming**

- (1) A minor must not wager on, or otherwise participate in, any gaming, game or gaming activity.

Penalty: Fine not exceeding 20 penalty units.

- (2) If a minor wagers on, or otherwise participates in, any gaming, game or gaming activity –
- (a) he or she is not entitled to any winnings he or she may have made on that wager or by that participation; and
  - (b) those winnings are forfeited to the Crown.

**117. Offences by venue operators in respect of minors**

- (1) If a minor enters a restricted gaming area of an approved venue, the venue operator is guilty of an offence.

Penalty: Fine not exceeding 100 penalty units.

- (2) If a minor is in a restricted gaming area of an approved venue, the venue operator must remove the minor or cause the minor to be removed from the restricted gaming area, using no more force than is reasonably necessary.

Penalty: Fine not exceeding 100 penalty units.

- (3) A venue operator must not allow a person to wager on, or otherwise participate in, any gaming or game in any area of an approved

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venue if the venue operator knows or reasonably suspects that the person is a minor.

Penalty: Fine not exceeding 100 penalty units.

- (4) It is a defence to a prosecution for an offence under this section if it is proved that –
- (a) the minor was above the age of 14 years; and
  - (b) before the minor entered the restricted gaming area or approved venue (as the case may be) or while the minor was in the restricted gaming area or approved venue (as the case may be) there was produced to the venue operator or to his or her agent or employee acceptable proof of age for the minor.

**117A. Offence by special employees in respect of minors**

- (1) This section applies to a person who is –
- (a) a special employee of a licensed provider or venue operator; and
  - (b) performing duties in or in respect of a restricted gaming area of that licensed provider or venue operator.
- (2) The person must not allow a minor to enter or remain in the restricted gaming area.

Penalty: Fine not exceeding 50 penalty units.

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- (3) It is a defence to a prosecution for an offence under subsection (2) if the defendant establishes that –
- (a) the minor was above the age of 14 years; and
  - (b) before the minor entered the restricted gaming area or, as the case may be, while the minor was in the restricted gaming area, acceptable proof of age for the minor was produced to –
    - (i) the licensed provider or venue operator; or
    - (ii) the defendant; or
    - (iii) another special employee of the licensed provider or venue operator.
- (4) It is also a defence to a prosecution for an offence under subsection (2) if the defendant establishes that the nature of the relevant duties was such that, at the relevant time, the defendant could not reasonably have been expected to –
- (a) monitor the persons entering the restricted gaming area or, as the case may be, the persons in the restricted gaming area; or
  - (b) exert any control over which persons could enter or, as the case may be, remain in the restricted gaming area.

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**118. Prohibition on accepting wager of minor**

- (1) A prescribed licence holder must not accept from a minor a wager on, or otherwise allow the participation of a minor in, any gaming, game, gaming activity or foreign game.

Penalty: Fine not exceeding 50 penalty units.

- (2) It is a defence to a prosecution for an offence under subsection (1) if it is shown that –
- (a) the minor was above the age of 14 years; and
  - (b) before the minor wagered or participated in the gaming, game, gaming activity or foreign game there was produced to the prescribed licence holder or to an agent, employee or accredited representative of the prescribed licence holder acceptable proof of age for the minor.

**118A. Prohibition on facilitating gaming by minor**

- (1) A person must not –
- (a) place a wager on, or otherwise participate in, any gaming, game, gaming activity or foreign game on behalf of a minor; or
  - (b) otherwise facilitate the wagering on, or other participation in, any gaming, game, gaming activity or foreign game by a minor.

Penalty: Fine not exceeding 50 penalty units.

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- (2) It is a defence to a prosecution for an offence under subsection (1) if it is shown that –
- (a) the minor was above the age of 14 years; and
  - (b) there was produced to the person acceptable proof of age for the minor before the person –
    - (i) placed the wager on, or otherwise participated in, the gaming, game, gaming activity or foreign game on behalf of the minor; or
    - (ii) otherwise facilitated the wagering on, or other participation in, the gaming, game, gaming activity or foreign game by a minor.

**119. Proof of age may be required**

- (1) The person for the time being in charge of an approved venue or other premises in which any gaming, game or gaming activity is conducted, a special employee, an inspector or a police officer may, if he or she has reasonable cause to suspect that a person in an approved venue or such other premises is a minor–
- (a) require the person in the approved venue or such other premises to state his or her correct age, name and address; and
  - (b) if it is suspected on reasonable grounds that the age, name or address given in

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response to the requirement is false,  
require the person to produce evidence of  
its correctness.

- (2) A person must not fail to comply with a requirement under subsection (1)(a) and must not, without reasonable cause, fail to comply with a requirement under subsection (1)(b).

Penalty: Fine not exceeding 10 penalty units.

- (3) It is not an offence to fail to comply with a requirement under subsection (1) 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.
- (4) If a person contravenes subsection (2), a police officer may arrest the person without warrant and bring the person before a magistrate to be dealt with according to law.

**120. Minors using false evidence of age**

A minor who uses any evidence purporting to be evidence of his or her age in order to obtain entry to or remain in a restricted gaming area is guilty of an offence if the evidence is false in a material particular in relation to the minor.

Penalty: Fine not exceeding 10 penalty units.

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**121. Venue operators must erect warning notices**

- (1) A venue operator must cause a notice, in a form approved by the Commission, to be erected at a prominent position at each entrance to each restricted gaming area at an approved venue and to be displayed prominently on each gaming machine.
- (2) The notice must state such of the following information as the Commission may determine:
  - (a) the minimum age at which a person may enter and remain in the restricted gaming area and operate a gaming machine;
  - (b) that a person suspected of being under the minimum age may be required to provide evidence of age;
  - (c) 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;
  - (d) 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.
- (3) A venue operator who fails to comply with subsection (1) is guilty of an offence.

Penalty: Fine not exceeding 100 penalty units.

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**122. Apprentices permitted entry to restricted gaming areas**

It is a defence to a prosecution under section 115 or section 117(1) or (2) if it is proved that the minor concerned was an apprentice or trainee and that the minor's entry into or presence in the restricted gaming area on the occasion in question was for the purpose only of his or her receiving training or instruction as an apprentice or trainee.

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**PART 7 – TASMANIAN LIQUOR AND GAMING  
COMMISSION**

**123. Tasmanian Liquor and Gaming Commission**

- (1) The Tasmanian Gaming Commission established under this section as in force immediately before the commencement of the *Liquor Licensing Amendment (Liquor and Gaming Administrative Restructuring) Act 2015* is continued after that commencement as the Tasmanian Liquor and Gaming Commission.
- (2) The Commission –
  - (a) is a body corporate with perpetual succession; and
  - (b) has a seal; and
  - (c) may sue and be sued in its corporate name.
- (3) The seal of the Commission is to be kept and used as authorized by the Commission.
- (4) All courts and persons acting judicially must take judicial notice of the imprint of the seal of the Commission on a document and presume that it was duly sealed by the Commission.

**124. Membership of Commission**

- (1) The Commission consists of 3 persons, one of whom may be a State Service officer or State Service employee.

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- (1A) The members of the Commission are appointed by the Governor on the recommendation of the Minister.
- (2) The Minister must not recommend a person for appointment as a member of the Commission unless the Minister is satisfied that the person has appropriate knowledge, experience and expertise to act as a member.
- (3) A person is not eligible to be appointed as a member of the Commission if that person has been employed by or significantly associated with a licensed premises gaming operator, casino operator or gaming operator at any time within the preceding 2 years.
- (4) A member of the Commission who is not a State Service officer or State Service employee is appointed by the Governor as chairperson of the Commission.
- (5) Schedule 2 has effect.
- (6) Schedule 3 has effect.
- (7) Until the members of the Commission are appointed under subsection (1), but for a period not exceeding one year after the commencement of this Act, the Commission is to be a corporation sole constituted by the Secretary of the Department.

**125. Functions of Commission**

The functions of the Commission are as follows:

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- (a) to regulate and control gaming and wagering to ensure that it is conducted honestly and free from criminal influence and exploitation;
  - (ab) to impartially, independently and in the public interest, research, promote, investigate and make recommendations about the impacts of gambling in Tasmania;
  - (ac) to foster the responsible service of gambling and minimise the harm from gambling;
  - (b) to investigate, and make policy recommendations to the Minister on, matters relating to gaming and other forms of wagering;
  - (c) to research and investigate matters relating to the control of gaming and other forms of wagering including the probity and financial security of persons involved in the management of gaming and other wagering operations;
  - (d) to liaise with authorities or persons responsible for the regulation and control of the conduct of gaming or other forms of wagering;
  - (e) to review and determine complaints relating to the conduct of gaming or other forms of wagering;
  - (ea) . . . . .

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- (eb) to hear liquor licence applications referred to it by the Commissioner for Licensing under the *Liquor Licensing Act 1990*;
- (ec) to hear appeals against decisions of the Commissioner for Licensing under the *Liquor Licensing Act 1990*;
- (f) to perform such other functions as are imposed on it by this Act or any other Act or as are prescribed.

**126. Powers of Commission**

The Commission has power to do all things necessary or convenient to be done in connection with the performance of its functions under this Act or any other Act.

**127. Power of Minister to give directions to Commission**

- (1) The Minister may give to the Commission any direction that the Minister considers to be necessary or desirable with respect to the performance or exercise by the Commission of its functions or powers under this Act or any other Act other than the *Liquor Licensing Act 1990*.
- (2) The Commission is not bound by a direction given under subsection (1) unless the direction is in writing and signed by the Minister.
- (3) The power conferred on the Minister by subsection (1) must not be exercised so as –

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- (a) to require the Commission to do anything that it is not empowered to do by this Act or any other Act; or
  - (b) to prevent the Commission from performing any function that it is expressly required by this Act or any other Act to perform, whether conditionally or unconditionally; or
  - (c) to interfere with the formation by the Commission of any opinion or belief in relation to any matter that is to be determined as a prerequisite to the performance or exercise by the Commission of any of its functions or powers under this Act or any other Act.
- (4) Subsection (1) does not authorize the Minister to give a direction to the Commission preventing it from –
  - (a) granting or refusing to grant; or
  - (b) exercising its power under this Act or any other Act to cancel, revoke or suspend –any licence, approval or other authority that it may grant or issue under this Act.
- (5) The Minister may, at any time, by notice in writing given to the Commission, revoke a direction given to it under subsection (1).
- (6) The Minister is to cause notice of each direction given to the Commission under subsection (1)

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and each revocation of any such direction to be published in the *Gazette*.

- (7) A notice under subsection (6) is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

**127AA. 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;

*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

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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 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

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- (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 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.

**127AB. Directions to be given in relation to simulated racing events and FATG machines**

- (1) The Minister must, 12 months after the day on which the *Gaming Control Amendment (Future Gaming Market) Act 2021* receives the Royal Assent, give to the Commission a direction under section 127.

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- (2) The direction given in accordance with subsection (1) is to direct the Commission –
- (a) to carry out, in relation to the relevant matters, an investigation into the introduction of gaming on simulated racing events at and from approved locations and approved outlets under the authority of Tasmanian gaming licences; and
  - (b) to provide to the Minister, within 6 months of the direction being given, a report in relation to the results of the investigation.
- (3) The investigation under subsection (2) in relation to the relevant matters is to be an investigation –
- (a) into the impact of gambling on simulated racing events on total gambling losses and the level of gambling harm in the community in Tasmania; and
  - (b) into the impact of gambling on simulated racing events on participation in, and engagement with, other forms of gambling; and
  - (c) into the impact of the introduction of simulated racing events on employment in the gambling industry in Tasmania.
- (4) Without limiting the matters that may be contained in the report by the Commission in relation to the investigation under subsection (2), the report is to include –

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- (a) the Commission's recommendations on policy considerations, harm minimisation measures and regulatory considerations in relation to the conduct of simulated racing events and their implementation; and
  - (b) the steps that the Commission proposes to take to implement those recommendations as soon as reasonably practicable.
- (5) The Minister must, 12 months after the day on which Part 4 of the *Gaming Control Amendment (Future Gaming Market) Act 2021* commences, give to the Commission a direction under section 127.
- (6) The direction given in accordance with subsection (5) is to direct the Commission –
  - (a) to carry out, in relation to the relevant matters, an investigation into the introduction of fully-automated table game machines (FATG machines) in casino in Tasmania; and
  - (b) to provide to the Minister, within 6 months of the direction, a report in relation to the results of the investigation.
- (7) The investigation under subsection (6) in relation to the relevant matters is to be an investigation –
  - (a) into the impact of gambling on FATG machines on total gambling losses and

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- the level of gambling harm in the community in Tasmania; and
- (b) into the impact of gambling on FATG machines on participation in, and engagement with, other forms of gambling; and
  - (c) into the impact of the introduction of FATG machines on employment in the gambling industry in Tasmania.
- (8) Without limiting the matters that may be contained in the report by the Commission in relation to the investigation under subsection (6), the report is to include –
- (a) the Commission’s recommendations on policy considerations, harm minimisation measures and regulatory considerations in relation to the introduction of FATG machines in casinos and their implementation; and
  - (b) the steps that the Commission proposes to take to implement those recommendations as soon as reasonably practicable.
- (9) An investigation under this section is to include consultation with such persons involved in the gambling industry, and such persons with an interest in the gambling industry, as the Commission thinks fit.

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Part 8 – Inspectors

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**PART 8 – INSPECTORS**

**127A. Interpretation of Part**

In this Part –

*approved venue* includes approved location  
and approved outlet.

**128. Appointment**

- (1) Subject to and in accordance with the *State Service Act 2000*, there may be appointed or employed inspectors for the purposes of this Act.
- (2) The Secretary of the Department may–
  - (a) appoint State Service officers and State Service employees employed in the Department; and
  - (b) with the approval of another Head of a State Service Agency, appoint State Service officers and State Service employees employed in that Agency –

to be inspectors for the purposes of this Act and those officers and employees hold office in conjunction with State Service employment.
- (3) A person may not be appointed as an inspector under subsection (1) or (2) unless the Commission is satisfied after due inquiry that the person is of good reputation, having regard to character, honesty and integrity.

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- (4) The Commission may require a person the Commission is inquiring into in relation to the person's suitability to be appointed an inspector to consent to having his or her photograph, finger prints and palm prints taken.
  - (5) The Commission must refer a copy of any photograph, finger prints and palm prints and any supporting documentation to the Commissioner of Police.
  - (6) The Commissioner of Police must inquire into and report to the Commission on any matters concerning the person's suitability to be appointed as an inspector that the Commission requests.
  - (7) Unless the Commission otherwise approves, a person is not eligible to be appointed an inspector if, at any time during the preceding 2 years, the person has been employed by or significantly associated with a licensed operator.

**129. Identification of inspectors**

- (1) An inspector is not authorized to exercise the functions of an inspector unless he or she is in possession of an identification card issued by the Commission.
- (2) If a person proposing to exercise the functions of an inspector fails to produce on demand his or her identification card, the person is not authorized to exercise those functions in relation to the person making the demand.

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**130. Entry onto premises**

(1) In this section,

*prescribed premises* means any of the following premises:

- (a) the premises of a venue operator;
- (b) the premises of a gaming operator;
- (c) the premises of a person listed on the Roll;
- (d) the approved location or an approved outlet;
- (e) the premises of a holder of a minor gaming permit;
- (f) the premises of a lucky envelope supplier;
- (g) the premises of a foreign games permit holder;
- (h) the premises of an accredited representative;
- (i) premises which an inspector or a police officer believes, on reasonable grounds, are being used for –
  - (i) gaming; or

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- (ii) the conduct of any game or gaming activity; or
  - (iii) the sale of tickets in a foreign game; or
  - (iv) the storage of any records relating to gaming, the conduct of any game or the sale of tickets in a foreign game.
- (2) An inspector or a police officer may at any time enter and remain on prescribed premises for the purposes of doing any one or more of the following:
- (a) observing the conduct of gaming, wagering or business on those premises;
  - (b) ascertaining whether the operation of those premises is being properly conducted, supervised and managed;
  - (c) ascertaining whether the provisions of this Act or any other Act are being complied with;
  - (d) ascertaining whether the licence or permit is being complied with;
  - (e) exercising his or her functions under this Act.
- (3) An inspector must not remain on any premises if he or she does not produce an identification card

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when requested to do so by a person apparently  
in charge of the premises.

**131. Functions of inspectors**

- (1) The functions of inspectors under this Act are as follows:
  - (a) to supervise operations at approved venues and on the premises of gaming operators, licensed providers, minor gaming operators and persons listed on the Roll, for the purpose of ascertaining whether or not the operator, provider or person listed is complying with the provisions of this Act, the conditions of the licence or permit, and any directions or rules issued by the Commission under this Act;
  - (b) to supervise the handling and counting of money in a casino;
  - (c) to receive and investigate complaints, in accordance with section 132, from patrons relating to the conduct of –
    - (i) gaming at approved venues or non-licensed premises; or
    - (ii) authorised games; or
    - (iii) the sale in Tasmania of tickets in foreign games;
  - (ca) to inspect gaming equipment used, and any records relating to gaming or the sale

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in Tasmania of tickets in foreign games kept, for the purpose of ascertaining whether or not this Act, the conditions of a licence or permit or any directions or rules issued by the Commission are being contravened;

- (d) to assist in any other manner, where necessary, in the detection of offences committed against this Act;
- (e) to report to the Commission as required;
- (f) such other functions as are conferred on inspectors under this Act or any other Act.

- (2) Inspectors must not participate in gaming or wager with a licensed provider or a minor gaming operator while on duty other than as required in the course of their employment.

Penalty: Fine not exceeding 20 penalty units.

**132. Investigation of complaints**

- (1) An inspector must investigate, as soon as possible, a complaint from a patron relating to –
  - (a) the conduct of gaming, or a gaming activity, at an approved venue or non-licensed premises; or
  - (b) the conduct of a game, or a gaming activity, at any other premises; or
  - (c) a lucky envelope; or

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- (d) the sale in Tasmania of a ticket in a foreign game.
- (2) In the investigation, unless the Commission otherwise directs, the inspector must –
  - (a) inform the following persons, if relevant, of the substance of the complaint:
    - (i) the venue operator;
    - (ii) the gaming operator;
    - (ia) the licensed provider or licensed provider's agent, or both;
    - (iii) the person apparently in charge of the non-licensed or other premises at which the gaming, gaming activity or game is conducted;
    - (iv) any holder of a licence or permit granted under this Act under which the gaming, gaming activity or game is conducted or the premises are used for the purposes of the conduct of gaming, a gaming activity or a game;
    - (v) the lucky envelope supplier;
    - (vi) the person apparently in charge of the premises from which the ticket in a foreign game was sold; and

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- (b) give each of the persons so informed a reasonable opportunity to make a response to the complaint.
- (3) If, as a result of the investigation, the inspector is satisfied that there has been a contravention of –
- (a) a condition of a licence or permit granted under this Act; or
  - (b) the rules of a game, or a gaming activity, approved under this Act; or
  - (ba) a condition relating to the conduct and playing of an authorised game; or
  - (bb) the rules of the game in respect of an authorised game; or
  - (c) any direction given by the Commission under this Act; or
  - (d) any of the internal controls or administrative and accounting procedures for a casino under section 137; or
  - (e) any other provision of this Act or any other Act –

the inspector must report the matter to the Commission in writing.

- (4) The Commission must inform the complainant of the results of the investigation of the complaint and of any action taken as a consequence of it.

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**133. Powers of inspectors**

- (1) An inspector may do any one or more of the following:
  - (a) require any person in possession of, or having control of, any gaming equipment or records to produce the equipment or records for inspection and to answer questions or provide information relating to the equipment or records;
  - (b) inspect any gaming equipment, other equipment used in relation to the conduct of gaming, a gaming activity, or a game, under a licence or permit granted under this Act or records and take copies of, extracts from, or notes relating to, any records;
  - (c) if the inspector considers it necessary to do so for the purpose of obtaining evidence of the commission of an offence, seize any gaming equipment, other equipment used in the conduct of a business under a licence or permit granted under this Act, records or prohibited device;
  - (d) by notice in writing require—
    - (i) the venue operator or the gaming operator; or
    - (ii) the manufacturer, supplier or tester listed on the Roll; or

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- (iii) a special employee; or
  - (iv) a licensed provider or agent of the licensed provider, or both; or
  - (v) a minor gaming operator; or
  - (vi) a foreign games permit holder; or
  - (vii) an accredited representative; or
  - (viii) any other person who the inspector, on reasonable grounds, believes conducts gaming or a gaming activity; or
  - (ix) an employee of a person referred to in this paragraph –

to attend before the inspector at a specified time or place and answer questions, or provide information, with respect to any business or activity authorized by a licence or permit under this Act;

- (e) examine and test any gaming equipment in such premises and order the person in charge of the premises to withdraw unsatisfactory gaming equipment from use on the premises;
- (ea) require any person to provide assistance to the inspector that is reasonably necessary to perform his or her functions;
- (f) call to his or her aid a police officer if he or she is obstructed, or believes on

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reasonable grounds that he or she will be obstructed, in the exercise of his or her functions;

(g) any other thing authorized under this Act or any other Act to be done by an inspector.

- (2) If an inspector seizes gaming equipment, other equipment, records or a prohibited device under this section, they may be retained by the Commission until the completion of any proceedings in which they may be evidence but only if, in the case of records, the person from whom the records were seized is provided, within a reasonable time after the seizure, with a copy of the records certified by the Commission as a true copy.
- (3) Subsection (2) ceases to have effect in relation to things seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are instituted so orders.
- (4) A copy of records provided under subsection (2) is, as evidence, of equal validity to the records of which it is certified to be a copy.
- (5) A person is not required by this section to answer a question that might incriminate the person.
- (6) A police officer has, while assisting an inspector, the functions of an inspector.
- (7) In this section,

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***records*** means records relating to –

- (a) any business or activity authorised by a licence or permit under this Act; or
- (b) the unlawful conduct of gaming or a gaming activity.

**134. Search warrants**

- (1) An inspector, with the consent of the Commission, or a police officer may apply to a magistrate for the issue of a search warrant if the inspector or police officer believes on reasonable grounds that there are on any premises gaming equipment, other equipment used in relation to the conduct of gaming, a gaming activity or a game, tickets in a foreign game, records or a prohibited device and that—
  - (a) in relation to those articles an offence under this Act has been, is being, or is likely to be, committed; or
  - (b) those articles may be evidence of an offence under this Act.
- (2) A magistrate to whom such an application is made, if satisfied by evidence on oath or by affidavit that there are reasonable grounds for doing so, may issue a search warrant in a form approved by the magistrate authorizing an inspector or police officer named in the warrant and any assistants to enter the premises, or part of premises, specified in the warrant for the

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purpose of searching for and seizing the gaming equipment, other equipment, records or prohibited device referred to in subsection (1).

- (3) A search warrant issued under this section ceases to have effect at the expiration of one month after its issue.
- (4) In this section, *records* has the same meaning as in section 133.

**135. Offences relating to inspectors**

- (1) A person must not –
  - (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector or a police officer when the inspector or police officer is exercising or attempting to exercise his or her functions under this Act; or
  - (b) fail to produce for inspection any gaming equipment, other equipment used in relation to the conduct of gaming, a gaming activity, or a game, under a licence or permit granted under this Act, ticket in a foreign game, records or prohibited device in the possession or under the control of the person when required so to do by an inspector or police officer in the exercise of his or her functions under this Act; or
  - (c) fail without reasonable excuse to attend before an inspector or police officer and

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answer questions or supply information when required so to do by the inspector or police officer in the exercise of his or her functions under this Act; or

- (d) except with the permission of an inspector or police officer, take any gaming equipment, other equipment, ticket in a foreign game, records or prohibited device seized, impounded or retained under the authority of this Act; or
- (e) when directed by an inspector or police officer, in the exercise of his or her functions under this Act, to cease to have available for use any gaming equipment considered by the inspector or police officer to be unsatisfactory for use, fail to comply with the direction; or
- (ea) fail without reasonable excuse to comply with a requirement of an inspector to provide assistance that is reasonably necessary for the inspector to perform his or her functions; or
- (f) prevent, directly or indirectly, a person from attending before an inspector or police officer, producing to an inspector or member any gaming equipment, other equipment, records or prohibited device or answering any question of, or supplying any information to an inspector or police officer when that

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person is required to do so under this Act.

Penalty: Fine not exceeding 50 penalty units.

- (2) If an inspector or a police officer requires a person on prescribed premises to state his or her full name and residential address the person must not –
- (a) fail to comply with the requirement; or
  - (b) in purported compliance with the requirement, state a name or address that is false.

Penalty: Fine not exceeding 20 penalty units.

- (3) An inspector or a police officer is not authorized to require a person on prescribed premises to state his or her full name or residential address unless the inspector or police officer–
- (a) suspects on reasonable grounds that the person has committed an offence; and
  - (b) has informed the person, at the time of stating the requirement, that it is an offence to fail to comply with the requirement.

- (4) In this section –

***prescribed premises*** means –

- (a) an approved venue; and

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- (b) the premises of a gaming operator, a manufacturer, supplier or tester listed on the Roll, a licensed provider or a minor gaming operator; and
  - (c) any other premises on which the inspector concerned has reason to believe gaming or a gaming activity is conducted;

***records*** has the same meaning as in section 133.

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**PART 9 – FINANCIAL PROVISIONS**

*Division 1 – Accounts and levies*

**136. Calculation of gross profits**

- (1) The gross profit derived for any period from the conduct of gaming is to be calculated in accordance with this section.
- (2) The gross profit derived from keno or gaming machine games during any period is to be calculated by deducting from the total amount wagered in that period the sum of all winnings paid, other than jackpots, and amounts determined as prescribed for payment to a jackpot special prize pool.
- (3) Subject to subsection (6), the gross profit derived from games other than keno approved under section 103 during any period is to be calculated by deducting from the total amount wagered during that period the sum of all winnings paid, and adjusting the amount obtained for any change in the value of unredeemed chips.
- (4) For the purposes of subsection (3) –
  - (a) if the value of the unredeemed chips at the end of a period is greater than it was at the beginning of the period, an amount equal to the increase in value is to be added to the amount obtained under subsection (3); or

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- (b) if the value of the unredeemed chips at the end of a period is less than it was at the beginning of the period, an amount equal to the reduction in value is to be deducted from the amount obtained under subsection (3).
  - (5) In subsection (4) –
    - (a) the value of a chip is the amount required to be given for its issue; and
    - (b) any sum received for the issue of a chip is an amount wagered; and
    - (c) a chip is unredeemed so long as it is not used in gaming or redeemed for cash.
  - (6) The gross profit derived from a game approved under section 103, where the casino operator receives a commission or payment calculated in accordance with the total amount wagered on such a game, is the commission or payment received by the casino operator.
  - (7) A reference to winnings in this section does not include the value of any prizes paid out as part of a promotion.

**137. Controls and procedures to be implemented in casinos**

- (1) A casino operator must not conduct operations in the casino unless the Commission has approved in writing a system of internal controls and

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administrative and accounting procedures for the casino.

- (2) Any 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 casino operator concerned or on a later date specified in the notice.
- (4) The casino operator must ensure that the system approved for the time being under this section for the casino is implemented.

Penalty: Fine not exceeding 50 penalty units.

**138. Content of approved system**

- (1) A system of internal controls and administrative and accounting procedures approved for the purposes of section 137 for use by a casino operator must include (but is not limited to) details of the following:
  - (a) accounting procedures, including the standardization of forms, and the definition of terms, to be used in operations in a casino;
  - (b) procedures, forms and, where appropriate, formulas for or with respect to—
    - (i) gross profit, house percentages and their calculation; and

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- (ii) the value of money exchanged for chips or gaming tokens; and
    - (iii) complementary services; and
    - (iv) training procedures;
  - (c) job descriptions and the system of organizing personnel and chain of command authority such as to establish diversity of responsibility among employees engaged in operations in a casino and identification of primary and secondary supervisory positions for areas of responsibility, which areas must not be so extensive as to be impractical for an individual to supervise effectively;
  - (d) procedures for the conduct and playing of games;
  - (e) procedures for the receipt, storage and disbursement of gaming tokens, chips and cash, the cashing of cheques, the redemption of chips and gaming tokens and the recording of all transactions pertaining to gaming operations;
  - (f) procedures for the collection and security of money at the gaming tables and other places in a casino where games are conducted;
  - (g) procedures and forms relating to transfers of money within a casino;

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- (h) procedures for the transfer of money from the gaming tables and other places in a casino where games are conducted to other areas of a casino for counting;
- (i) procedures and forms for the transfer of money, gaming tokens or chips from and to a gaming area;
- (j) procedures and security for the counting and recording of revenue;
- (k) procedures governing the utilization of an electronic monitoring system for detecting significant events associated with gaming;
- (l) procedures for the security, storage and recording of chips and gaming tokens utilized in the gaming operations in a casino;
- (m) procedures and standards for the maintenance, security and storage of gaming equipment;
- (n) procedures for the payment and recording of winnings;
- (o) procedures for the issue of chips and gaming tokens;
- (p) procedures for the cashing of cheques and recording of transactions by cheque;
- (q) procedures for the establishment and use of deposit accounts;

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- (r) procedures for the use and management of security and surveillance facilities, including closed circuit television systems;
  - (s) procedures governing the utilization of security personnel within a casino;
  - (t) procedures for the control of keys used or for use in operations in a casino.
- (2) For the purposes of an approval or amendment of an approval, controls and procedures may be described narratively or represented diagrammatically, or by a combination of both methods.
- (3) For the purposes of subsection (1)(k), *significant events* means events determined by the Commission and notified to the casino operator.

**138A. Controls and procedures to be implemented by gaming operator**

- (1) A gaming operator must not conduct gaming operations unless the Commission has approved in writing a system of internal controls and administrative and accounting procedures for the conduct of those gaming operations.
- (2) Any 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 gaming operator

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concerned or on a later day specified in the notice.

- (4) The gaming operator must ensure that the system approved for the time being under this section is implemented.

Penalty: Fine not exceeding 50 penalty units.

**139. Accounts at authorised deposit-taking institutions**

- (1) A casino operator, gaming operator and licensed provider must—
  - (a) keep and maintain separate accounts, as approved by the Commission, at an authorised deposit-taking institution in the State for use solely for all financial transactions arising from the conduct of gaming or a gaming business; and
  - (b) provide the Commission, as required, and in a form approved by the Commission, with a written authority addressed to the authorised deposit-taking institution referred to in paragraph (a) authorizing the institution to comply with any requirements of an inspector exercising the powers conferred by this section.

Penalty: Fine not exceeding 100 penalty units.

- (1A) A licensed premises gaming operator must provide the Commission, as required, and in a form approved by the Commission, with a

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written authority addressed to an authorised deposit-taking institution authorising the institution to comply with any requirements of an inspector exercising the powers conferred by this section in relation to the financial transactions arising from the conduct of gaming by the licensed premises gaming operator.

Penalty: Fine not exceeding 100 penalty units.

- (2) The Commission may, by notice in writing, require the manager or other principal officer of an authorised deposit-taking institution referred to in subsection (1) or (1A) to provide an inspector with a statement of an account referred to in those subsections and such other particulars relating to the account as may be specified in the notice.
- (3) A person to whom a notice is given under subsection (2), must comply with the notice.

Penalty: Fine not exceeding 50 penalty units.

**140. Accounting records**

- (1) A venue operator, gaming operator, licensed provider and minor gaming operator must keep such accounting records as correctly record and explain transactions arising from the conduct of gaming or a gaming business and the financial position of the operator or provider.
- (2) The accounting records must be kept in such manner as will enable true and fair financial statements and accounts to be prepared from

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time to time and the financial statements and accounts to be conveniently and properly audited.

- (3) A venue operator, gaming operator and licensed provider must, as soon as practicable after the end of each financial year, prepare financial statements and accounts, including—
- (a) business accounts, where applicable, for the financial year; and
  - (b) profit and loss accounts for the financial year; and
  - (c) a balance sheet as at the end of the financial year that gives a true and fair view of the financial operations of the operator.

Penalty: Fine not exceeding 50 penalty units.

- (4) A casino operator, gaming operator and licensed provider must include in the financial statements and accounts prepared under subsection (3) details of the amount of goods and services tax payable for the financial year in respect of such of the following gaming activities as are relevant:
- (a) the operation of a game approved under section 103;
  - (b) the operation of keno;
  - (c) the operation of gaming machines;
  - (d) the operation of gaming endorsements.

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Penalty: Fine not exceeding 50 penalty units.

(5) . . . . .

**141. Records to be kept on the premises**

- (1) Subject to subsection (1A), a venue operator, gaming operator, licensed provider and minor gaming operator must ensure that all records relating to the conduct of a game, gaming or a gaming business by the operator or provider are—
  - (a) kept at the approved venue of the venue operator or at the approved location of the provider or at the principal place of business of the operator or provider; and
  - (b) retained for not less than 7 years after the completion of the transactions to which they relate.

Penalty: Fine not exceeding 50 penalty units.

- (1A) A licensed provider may, with the written approval of the Commission, keep all or any of the records relating to the conduct of gaming activities by the licensed provider at a place other than the licensed provider's approved location.
- (1B) The Commission's approval under subsection (1A) may be granted with or without conditions.
- (1C) A licensed provider that, pursuant to an approval under subsection (1A), keeps a record relating to the conduct of gaming activities by the licensed

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provider at a place other than the licensed provider's approved location must –

- (a) ensure that that record can be accessed from the licensed provider's approved location; and
- (b) at the written request of the Commission, produce that record to the Commission within such time as the Commission, by the request, specifies; and
- (c) comply with the conditions, if any, of the approval.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

- (2) The Commission may by instrument in writing grant an exemption to a venue operator, gaming operator, licensed provider or minor gaming operator from all or specified requirements of this section in respect of all or specified, or specified classes of, documents and may grant such an exemption subject to conditions.

**142. Audit**

- (1) Each casino operator, gaming operator and licensed provider must, as soon as practicable after the end of each financial year, cause the books, accounts and financial statements of the

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operator or licensed provider to be audited by a registered company auditor.

- (2) The licensed operator or licensed provider must cause a copy of the financial accounts and the audits statements relating to them as required under the Corporations Act to be lodged with the Commission within 4 months after the end of the financial year to which the report relates.

Penalty: Fine not exceeding 100 penalty units.

- (3) If requested by the Commission, a licensed operator or licensed provider must cause financial statements, other than those referred to in subsection (2), to be lodged with the Commission within the period specified in that subsection in respect of a casino operation or a gaming operation.

Penalty: Fine not exceeding 100 penalty units.

- (4) The Commission may require the financial statements referred to in subsection (3) to be audited by an auditor referred to in subsection (1).

**143. Submission of reports**

- (1) If required by the Commission, a casino operator, gaming operator, licensed provider, minor gaming operator or lucky envelope supplier must submit reports to the Commission.
- (2) The reports are to be submitted at the times, and are to contain the information, that is specified

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by notice in writing given to the casino operator, gaming operator, licensed provider, minor gaming operator or lucky envelope supplier by the Commission from time to time.

Penalty: Fine not exceeding 50 penalty units.

**143A. Monthly returns by lucky envelope suppliers**

(1) In this section –

*lodgment time* means the period of 10 days following the end of the return period or a longer period specified under subsection (4) in relation to the lucky envelope supplier;

*return period* means a calendar month or another period specified under subsection (5) in relation to the lucky envelope supplier.

(2) Within the lodgment time, a lucky envelope supplier must lodge with the Commission a return setting out the particulars required by the Commission in respect of the lucky envelopes that the supplier has during that return period –

- (a) printed or otherwise manufactured; or
- (b) purchased; or
- (c) sold.

Penalty: Fine not exceeding 50 penalty units.

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- (3) A return is to be in a form approved by the Commission and verified in a manner approved by the Commission.
  - (4) If the Commission is of the opinion that it would be unduly onerous to require a lucky envelope supplier to lodge returns within 10 days after the end of the return period, the Commission may determine a longer lodgment time in relation to the supplier.
  - (5) If the Commission considers it appropriate to do so, the Commission may determine a return period that is not a month in relation to a lucky envelope supplier.
  - (6) The Commission may at any time amend or revoke a determination made under subsection (4) or (5).
  - (7) A determination, amendment or revocation by the Commission under subsection (4), (5) or (6) is to be made by notice in writing provided to the lucky envelope supplier.

**144. Returns to players**

- (1) A casino operator and a gaming operator must ensure that the pay-out schedule on gaming machines at each approved venue is set so as to return to players the players' proportion of the total amounts wagered.
- (2) The players' proportion of the total amounts wagered includes the sum of jackpot special prizes determined under the rules approved by

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the Commission under section 84 and is not less than 85%.

**145. Other returns by gaming operators**

- (1) A gaming operator must ensure that the venue operator is paid in respect of such periods as the Commission determines –
  - (a) in respect of keno wagers, accepted by the venue operator– the percentage of the total amount wagered on keno at the approved venue during that period as agreed by the gaming operator and the venue operator under a standard form contract within the meaning of section 77V or other relevant contract approved by the Commission under that section; and
  - (b) in respect of gaming machines – the venue operator’s percentage of the gross profit derived during that period from gaming machines operated by the gaming operator at the approved venue.
- (2) The venue operator’s percentage is –
  - (a) in the case of a venue operator who holds a licence referred to in section 10 of the *Liquor Licensing Act 1990*– 32%; and
  - (b) in any other case – 30%.

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***Division 1A – Point of consumption tax***

**145A. Extraterritorial operation of Division**

It is the intention of Parliament that the operation of this Division should, as far as possible, operate in relation to the following:

- (a) persons or things situated in or outside the territorial limits of Tasmania;
- (b) acts, transactions and matters done, entered into or occurring in or outside the territorial limits of Tasmania;
- (c) persons, things, acts, transactions and matters (wherever situated, done, entered into or occurring) that would, apart from this Division, be governed or otherwise affected by the law of the Commonwealth, an Australian jurisdiction or a foreign country.

**145B. Interpretation of Division**

In this Division –

***approved form*** means a form approved by the Commissioner of State Revenue;

***Australian jurisdiction*** means a State or Territory of the Commonwealth;

***bet*** includes the following:

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- (a) any wager on any event or contingency, including but not limited to events and contingencies relating to the outcomes of racing, sports, elections, current affairs and entertainment;
- (b) a free bet;
- (c) a lay-off bet;
- (d) any other similar agreement or arrangement prescribed by the regulations;

***betting operator*** means a person that holds a licence or authority (however described) under the legislation of an Australian jurisdiction to carry out betting services (whether in that State or Territory, or elsewhere);

***betting service*** means the following:

- (a) accepting or offering to accept a bet;
- (b) inviting a person to place a bet;
- (c) facilitating the placing of a bet;

***free bet*** means a wager made wholly or partly using an amount that –

- (a) is provided to the person making the wager by the betting operator

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with whom the wager is made;  
and

- (b) is not immediately redeemable by  
the person for cash;

***lay-off bet*** means a wager made by a betting operator (the *first betting operator*) with another betting operator to reduce, wholly or partly, the liability of the first betting operator in relation to one or more wagers made with the first betting operator;

***net wagering revenue*** – see section 145D;

***point of consumption tax*** means the tax for which a betting operator is liable under section 145E;

***Tasmanian bet*** – see section 145C.

**145C. Meaning of *Tasmanian bet***

- (1) A reference in this Division to a Tasmanian bet, or a Tasmanian bet of a particular type, is a reference to a bet, or a bet of that type, made by a person who is located in Tasmania when the bet is made.
- (2) For the avoidance of doubt, a lay-off bet made by a betting operator who is located in Tasmania when it is made is a Tasmanian bet, whether or not the liability, that the betting operator seeks to reduce by making the lay-off bet, relates to Tasmanian bets made with the betting operator.

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**145D. Meaning of *net wagering revenue***

(1) In this section –

***totalizator pool*** means a pool of totalizator bets made on the outcome of an event or contingency.

(2) The net wagering revenue of a betting operator, for a period, is the sum of the following:

- (a) for Tasmanian bets made with the betting operator using a totalizator, the total of Tasmanian revenue received by the betting operator during the period from totalizator pools;
- (b) for Tasmanian bets made using a betting exchange operated by the betting operator, the total amount of all fees and commissions (excluding the face value of any free bets) paid to the betting operator during the period in relation to Tasmanian bets made through the betting exchange;
- (c) for Tasmanian bets made with the betting operator (other than bets made using a betting exchange or a totalizator), the sum of –
  - (i) the total amount of all Tasmanian bets (including, but not limited to, bets placed at fixed odds and at totalizator-derived odds) made with the betting operator during

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the period (excluding the face value of any free bets); and

- (ii) the total of all fees and commissions received by the betting operator in relation to those bets –

less the sum of –

- (iii) the total amount of winnings paid or payable in relation to those Tasmanian bets during the period (including winnings in relation to free bets but not including the face value of free bets or winnings paid in the form of a credit or entitlement that cannot be converted to money); and
  - (iv) the total amount of refund paid or payable in relation to those Tasmanian bets during the period (other than amounts paid or payable in the form of a credit or entitlement that cannot be converted to money);
- (d) any amounts that the betting operator became entitled to retain during the period on account of unclaimed winnings in relation to Tasmanian bets;
  - (e) any other amounts that the betting operator became entitled to be paid during the period as consideration for, or

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in relation to, Tasmanian bets made with  
the betting operator.

- (3) For the purposes of subsection (2)(a), Tasmanian revenue from a totalizator pool, for a betting operator, means the amount calculated using the formula:

$$\text{TasR} = \left(1 - \frac{\text{TD}}{\text{TB}}\right) \times \text{TasB}$$

where –

**TasR** means the Tasmanian revenue from the totalizator pool for the betting operator;

**TD** means the total amount of dividends paid, or payable, out of the totalizator pool (including dividends in relation to free bets but not including the face value of free bets or dividends paid in the form of a credit or entitlement that cannot be converted to money);

**TB** means the total amount of totalizator bets in the totalizator pool (excluding the face value of any free bets), net of any refunds;

**TasB** means the total amount of the Tasmanian totalizator bets made with the betting operator in the totalizator pool, net of any refunds.

- (4) For the purposes of calculating the net wagering revenue under subsection (2), the following are not to be included:

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- (a) the payment of an amount to a person other than a person who made a bet with the betting operator (a third party);
  - (b) the payment of an amount that –
    - (i) is made at the discretion of the betting operator; or
    - (ii) results in a person who made a bet with the betting operator receiving an amount that is more than the amount that the person is legally entitled to receive under the terms on which the bet was made with the betting operator;
  - (c) the payment of an amount as part of an arrangement –
    - (i) under which the betting operator offers an opportunity for persons (*participants*) to win, at no, or a nominal, cost to the participants, an amount by betting on the outcome of a stated event or contingency or a stated series of events or contingencies; and
    - (ii) under which the total of all amounts payable by the betting operator in relation to bets made by participants may reasonably be expected to exceed the total of any amounts received by the betting operator for bets made under the arrangement; and

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- (iii) for which the betting operator's primary purpose is to attract or encourage participants to bet with the betting operator, or to promote its betting operations to participants, beyond the particular arrangement.
- (5) A reference in subsection (4)(a) to the payment of an amount to a third party does not include a reference to the payment of an amount to a third party that discharges, wholly or partly, a legal obligation of the betting operator to pay an amount in relation to a Tasmanian bet to the person who made the bet with the betting operator.

**145E. Liability to pay point of consumption tax**

A betting operator is liable to pay the following tax on the betting operator's net wagering revenue for a financial year:

- (a) if the net wagering revenue for the financial year is \$150 000 or less, no tax is payable;
- (b) if the net wagering revenue for the financial year is more than \$150 000, tax is payable at the rate of 15% of the amount by which the net wagering revenue exceeds \$150 000.

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**145F. Point of consumption tax to be paid monthly**

(1) In this section –

*qualifying month*, in relation to a financial year, for a betting operator, means the first month of the financial year in which the net wagering revenue of the betting operator, for the period starting on 1 July in the financial year and ending on the last day of the month, is more than \$150 000.

(2) A betting operator is liable to pay point of consumption tax for each month as follows:

- (a) for any month of a financial year before the qualifying month, the amount is nil;
- (b) for the qualifying month of a financial year, the amount is 15% of the difference between –
  - (i) the net wagering revenue of the betting operator for the period starting on 1 July in the financial year and ending on the last day of the qualifying month; and
  - (ii) \$150 000;
- (c) for any month of a financial year after the qualifying month, the amount is –
  - (i) if the net wagering revenue of the betting operator for the month is nil or a negative amount, nil; or

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- (ii) in any other case, 15% of the net wagering revenue of the betting operator for the month.
- (3) If point of consumption tax is payable in relation to a month, the tax is to be paid within 21 days after the end of that month.

**145G. Annual reconciliation**

A betting operator's point of consumption tax liability is to be recalculated after the end of the relevant financial year.

**145H. Registration**

- (1) A betting operator must apply to the Commissioner of State Revenue for registration as a betting operator if –
  - (a) the betting operator is not already registered as a betting operator under this section; and
  - (b) the betting operator becomes liable to pay point of consumption tax.

Penalty: Fine not exceeding 100 penalty units.

- (2) An application under subsection (1) must –
  - (a) be in an approved form; and
  - (b) be made within 7 days after the end of the month in which the betting operator

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becomes liable to pay point of consumption tax.

- (3) The Commissioner of State Revenue must –
  - (a) approve an application made by a betting operator under this section; and
  - (b) register that betting operator.
- (4) If a betting operator who is required to apply for registration under this section does not apply for that registration, the Commissioner of State Revenue may, on the Commissioner of State Revenue's own initiative, register the betting operator.
- (5) The Commissioner of State Revenue must, as soon as practicable after registering a betting operator under this section, give the betting operator a notice stating –
  - (a) that the betting operator has been registered as a betting operator under this section; and
  - (b) the day on which the betting operator was registered.
- (6) A notice under subsection (5) may also include such other information that the Commissioner of State Revenue considers reasonably necessary to the performance of the betting operator's obligations under this Act or the *Taxation Administration Act 1997*.

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- (7) The Commissioner of State Revenue may amend a betting operator's registration by written notice given to the betting operator.
- (8) A notice under subsection (7) must state the particulars of the betting operator's registration that are amended and the way in which they are amended.
- (9) The Commissioner of State Revenue must cancel the registration of a person as a betting operator under this section if the person has –
  - (a) ceased to be a betting operator; and
  - (b) lodged all returns that the person is required to lodge under this Division; and
  - (c) paid the person's liability in relation to those returns.
- (10) As soon as practicable after cancelling a person's registration under subsection (9), the Commissioner of State Revenue must give the person a notice –
  - (a) stating that the person's registration has been cancelled; and
  - (b) specifying the day on which the registration was cancelled.

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**145I. Obligation to identify person's location**

- (1) A betting operator must, when receiving a bet, take reasonable steps to identify the location of the person making the bet.

Penalty: Fine not exceeding 100 penalty units.

- (2) For the purposes of subsection (1), a betting operator may rely on the following as being the location of a person making a bet with the betting operator:
- (a) in the case of an individual, an address given to the betting operator by the individual as the individual's residential address;
  - (b) in the case of a corporation, an address given to the betting operator by or for the corporation as the corporation's principal place of business.
- (3) However, subsection (2) does not apply if the betting operator knows, or has reasonable grounds to suspect, that an address specified in subsection (2)(a) or (b) is not the location of the person when the bet is made.

**145J. Requirement to lodge monthly return**

- (1) This section applies to a betting operator who –
- (a) is registered under section 145H; or
  - (b) is required to apply for registration under section 145H.

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- (2) The betting operator must, not later than 21 days after the last day of the month, lodge a return (a *monthly return*) in relation to the net wagering revenue of the betting operator for the month.

Penalty: Fine not exceeding 100 penalty units.

- (3) A monthly return is to be in an approved form.
- (4) Subsection (2) applies even if the betting operator's monthly liability for the month is nil.

**145K. Exemption from monthly return for on-course bookmaking**

- (1) In this section –

***on-course bookmaking*** means the business of accepting bets, or engaging in activities connected with the acceptance of bets, on contingencies relating to horse races or greyhound races or contingencies relating to approved sports events at a venue at which the racing or event is conducted.

- (2) This section applies to a betting operator –
- (a) whose primary betting operations are on-course bookmaking; and
- (b) who has not previously given the Commissioner of State Revenue a notice under subsection (5).
- (3) The betting operator is exempt from the requirement to lodge monthly returns under section 145J.

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- (4) For the avoidance of doubt, an exemption under subsection (3) does not exempt the betting operator from the obligation to pay point of consumption tax, even though it may have the effect of postponing the time for payment of point of consumption tax.
- (5) Despite subsection (3), the betting operator may, by notice given to the Commissioner of State Revenue, relinquish the betting operator's exemption under subsection (3) if, on the day on which the notice is given –
- (a) the net wagering revenue of the betting operator for the previous relevant period is more than \$150 000; or
  - (b) the betting operator expects the net wagering revenue of the betting operator for the financial year in which the notice is given to be more than \$150 000.
- (6) If the betting operator gives a notice under subsection (5), section 145J is taken to apply to the betting operator for the month immediately after the month in which the notice is given and for each succeeding month.
- (7) A betting operator with an exemption under subsection (3) must, within 21 days after the end of each financial year lodge with the Commissioner of State Revenue a return in an approved form in relation to the net wagering revenue of the betting operator for the relevant financial year.

Penalty: Fine not exceeding 100 penalty units.

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**145L. General exemption from monthly returns**

- (1) The Commissioner of State Revenue may, by notice given to a betting operator, exempt that betting operator from the requirement to lodge monthly returns under section 145J if the Commissioner of State Revenue considers it would be unduly onerous to require the betting operator to lodge monthly returns.
- (2) A betting operator is not required to lodge monthly returns under section 145J while a notice under subsection (1) is in effect in relation to that betting operator.
- (3) For the avoidance of doubt, the giving of the notice does not exempt the betting operator from the obligation to pay point of consumption tax, even though it may have the effect of postponing the time for payment of that tax.
- (4) The Commissioner of State Revenue may at any time, by notice given to the betting operator, revoke a notice given under subsection (1).
- (5) A notice under subsection (1) –
  - (a) must include a condition requiring the betting operator to lodge a return, for each period stated in the notice, specifying the taxable betting revenue of the betting operator for that period; and
  - (b) must include a condition requiring the betting operator to lodge the return and payment within a period stated in the notice; and

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- 
- (c) may be subject to any conditions that the Commissioner of State Revenue thinks fit.

**145M. Treasurer may enter into agreements**

- (1) The Treasurer may enter into an agreement (a *multi-jurisdictional agreement*) with one or more other Australian jurisdictions to establish and implement processes for achieving improvements in the assessment and collection of taxes, interest, and penalties, imposed by the participating jurisdictions on betting operations that are carried on in multiple jurisdictions.
- (2) A multi-jurisdictional agreement may –
- (a) provide for the collection of taxes, interest and penalties by a participating jurisdiction on behalf of other participating jurisdictions and for the distribution of amounts so collected; and
  - (b) provide for each participating jurisdiction to collect, on behalf of all participating jurisdictions, taxes, interest and penalties payable to those jurisdictions by betting operators whose businesses are based in the collecting jurisdiction; and
  - (c) provide for participating jurisdictions to undertake audits or investigations in respect of taxes, interest and penalties payable by a betting operator under the law of another participating jurisdiction; and

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- (d) authorise the performance of functions under this Act or the *Taxation Administration Act 1997* by a specified authority of a participating jurisdiction, subject to subsection (4) and any other limitations specified in the agreement; and
- (e) authorise the performance of functions under a specified law of another participating jurisdiction by the Commissioner of State Revenue, subject to any law of that jurisdiction and any other limitations specified in the agreement; and
- (f) provide for participating jurisdictions to assist each other in making timely and accurate determinations of taxes, interest and penalties payable, by sharing information available to them, including the results of audits and investigations and any other information of a kind specified in the agreement; and
- (g) provide for any other measures or matters that the participating jurisdictions consider necessary or expedient for achieving improvements in the assessment or collection of taxes, interest and penalties or for implementing processes established by the agreement for that purpose.

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- (3) A multi-jurisdictional agreement operates for the period, and may be varied or terminated in such a manner, as the participating jurisdictions agree.
- (4) A multi-jurisdictional agreement –
- (a) must be consistent with the provisions of this Act and the *Taxation Administration Act 1997*; and
  - (b) cannot authorise a participating jurisdiction –
    - (i) to make a binding determination of the amount of tax, interest or penalties payable by a betting operator under the laws of another participating jurisdiction; or
    - (ii) to take enforcement action in respect of tax, interest or penalties payable by a betting operator under the laws of another participating jurisdiction.
- (5) The Commissioner of State Revenue is to take such action as is necessary or expedient to give effect to a multi-jurisdictional agreement.

**145N. Avoidance of point of consumption tax**

- (1) If a person enters into an agreement, transaction or arrangement, whether in writing or otherwise, that has the effect of reducing, postponing or avoiding the liability of any person to the

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assessment, imposition or payment of point of consumption tax, the Commissioner of State Revenue may –

- (a) disregard the agreement, transaction or arrangement for one or more periods; and
  - (b) determine one or more of the matters specified in subsection (2).
- (2) The matters to which subsection (1)(b) refers are the following:
  - (a) that the net wagering revenue of a betting operator for a particular period is to be taken to include an additional amount;
  - (b) that a bet made with a betting operator –
    - (i) is to be taken to have been made by a person other than the person who purportedly made the bet or at a place other than the place where the bet was purportedly made; and
    - (ii) if applicable, is a Tasmanian bet for calculating the net wagering revenue of the betting operator for a particular period;
  - (c) that –
    - (i) a party to the agreement, transaction or arrangement is to be taken to be a betting operator; and

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- (ii) a payment made in respect of the agreement, transaction or arrangement is to be taken to be part of the net wagering revenue of the party for a particular period.
- (3) If the Commissioner of State Revenue makes a determination under subsection (1)(b) about a betting operator or another party to the agreement, transaction or arrangement, the Commissioner of State Revenue must give the betting operator or party a notice that states the decision and the reasons for the decision.
- (4) A person who, by any act or omission, avoids or attempts to avoid point of consumption tax is guilty of an offence.

Penalty: Fine not exceeding 100 penalty units.

**145O. Regulations**

The regulations may make provision for or in respect of the following:

- (a) methods for determining the location of persons making bets with, or through a service provided by, a betting operator;
- (b) specified amounts associated with the making of bets that are to be included, or not to be included, in net wagering revenue;

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- (c) matters necessary or expedient to give effect to a multi-jurisdictional agreement under section 145M;
- (d) specified persons or classes of persons that are to be, or not to be, betting operators;
- (e) exceptions to an exemption from liability to pay point of consumption tax.

***Division 2 – Licence fees, taxation and other amounts payable***

**146. Casino licence fee**

- (1) The holder of a casino licence must pay a licence fee to the Treasurer on the first day of each month during the currency of the licence.
- (2) Subject to subsection (3), the monthly licence fee payable under subsection (1) is –
  - (a) for the financial year commencing on 1 July 2003, \$112 500.00; and
  - (b) for any subsequent financial year, the monthly licence fee for the previous financial year multiplied by the relevant factor.
- (3) A monthly licence fee calculated in accordance with subsection (2) is to be rounded to the nearest one hundred dollars, with fifty dollars being rounded to the next one hundred dollars.
- (4) In this section –

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***Consumer Price Index*** means –

- (a) the All Groups Consumer Price Index for Hobart published by the Australian Bureau of Statistics; and
- (b) if the Consumer Price Index is suspended or discontinued, such index published by the Australian Bureau of Statistics as determined by the Commission which reflects movements of the cost of living in Hobart;

***March quarter*** means the months of January, February and March;

***relevant factor***, in relation to a financial year, means a factor calculated by dividing the Consumer Price Index for the March quarter preceding that financial year by the Consumer Price Index for the March quarter in the calendar year immediately preceding that financial year.

**147. Gaming operator licence fee**

- (1) The holder of a gaming operator's licence must pay the licence fee prescribed, if any, to the Treasurer on the first day of each month during the currency of the licence.
- (2) A licence fee is not payable by a gaming operator where the gaming operator constitutes a

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group, within the meaning of Part 5 of the  
*Payroll Tax Act 2008*, with a casino operator.

**148. Licensed premises gaming licence fee**

- (1) The holder of a licensed premises gaming licence must pay the prescribed annual licence fee to the Treasurer on the first day that the licence takes effect and on the end of each period of 12 months after that day.
- (2) . . . . .
- (3) If the holder of a licensed premises gaming licence ceases to hold that licence during the currency of the licence, the Commission may refund to that person an amount calculated in accordance with the following formula:

$$A = \frac{LF}{D_1} \times D_2$$

where –

*A* is the amount to be calculated;

*LF* is the licence fee paid in respect of the 12-month period referred to in subsection (1);

*D<sub>1</sub>* is the number of days in the 12-month period in which the licence is held;

*D<sub>2</sub>* is the number of days remaining after the person ceased to hold the licence in respect of the 12-month period in which the licence is surrendered.

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**148A. Annual Tasmanian gaming licence fee**

- (1) A licensed provider must pay a Tasmanian gaming licence fee to the Treasurer in the following manner:
  - (a) if the licence takes effect on a day other than 1 July in any financial year, that proportion of the whole licence fee specified in subsection (2) that relates to the proportion of the financial year during which the licence has effect is to be paid within 3 days after the Tasmanian gaming licence takes effect;
  - (b) the whole licence fee specified in subsection (2) in respect of a complete financial year during which the licence is to have effect under the term of the licence is to be paid on the first day of that financial year;
  - (c) if the term of the licence will end on a day other than 30 June in any financial year, that proportion of the whole licence fee specified in subsection (2) that relates to the proportion of that financial year during which the licence has effect is to be paid on the first day of that financial year.
- (2) The amount of a Tasmanian gaming licence fee payable each year the licence is in force is, subject to subsection (1) –

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- (a) if the Tasmanian gaming licence is endorsed with a sports betting endorsement – 200 000 fee units; or
- (b) if the Tasmanian gaming licence is endorsed with a race wagering endorsement – 200 000 fee units; or
- (c) if the Tasmanian gaming licence is endorsed with a simulated gaming endorsement – 300 000 fee units; or
- (ca) if the Tasmanian gaming licence is endorsed with a simulated racing event endorsement – 300 000 fee units; or
- (d) if the Tasmanian gaming licence is endorsed with a major lottery endorsement – 300 000 fee units; or
- (da) if the Tasmanian gaming licence is endorsed with a betting exchange endorsement – 300 000 fee units; or
- (db) if the Tasmanian gaming licence is endorsed with a totalizator endorsement – 350 000 fee units; or
- (dc) if the Tasmanian gaming licence is endorsed with an agent endorsement – 5 000 fee units; or
- (e) . . . . .
- (f) if the Tasmanian gaming licence is endorsed with both a sports betting

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endorsement and a race wagering  
endorsement – 200 000 fee units; or

(g) if, in any case other than that provided  
for by paragraph (f), the Tasmanian  
gaming licence is endorsed with more  
than one of the endorsements referred to  
in paragraphs (a), (b), (c), (d), (da), (db)  
and (dc) –

(i) the total of the amounts specified  
in respect of each endorsement  
endorsed on the Tasmanian  
gaming licence; or

(ii) 450 000 fee units –

whichever is lesser.

(3) The amount of a Tasmanian gaming licence fee  
is automatically increased so as to comply with  
subsection (2) if a new gaming endorsement is  
endorsed on an existing Tasmanian gaming  
licence and subsection (1)(a) applies to the  
amount by which the fee is increased by the  
grant of the endorsement and to payment of that  
amount as if the grant of the endorsement were  
the grant of a Tasmanian gaming licence.

(4) If a Tasmanian gaming licence is granted and  
any gaming endorsement granted and endorsed  
on the licence takes effect on a day later than the  
day on which the licence takes effect,  
subsection (1)(a) applies to the portion of the  
Tasmanian gaming licence fee relating to that  
gaming endorsement and to payment of that

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portion as if the grant of the endorsement were the grant of a Tasmanian gaming licence.

- (5) Notwithstanding subsections (1), (2), (3) and (4), the holder of a Tasmanian gaming licence endorsed with the initial totalizator endorsement or second totalizator endorsement is not (while that totalizator endorsement is in effect) required to make any payments to the Treasurer under this section in respect of that totalizator endorsement or any of the following endorsements on the licence:
- (a) agent endorsement;
  - (b) race wagering endorsement;
  - (c) sports betting endorsement;
  - (d) simulated racing event endorsement.
- (6) Notwithstanding subsection (1), the fee payable under subsection (2)(da) in respect of a licence granted or renewed within 5 years after the day on which this section takes effect, for a period of 5 years, is payable as –
- (a) a non-refundable instalment of 900 000 fee units on the grant or renewal of the licence; and
  - (b) a non-refundable instalment of 300 000 fee units payable on the third anniversary of the grant or renewal of the licence; and

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- 
- (c) a non-refundable instalment of 300 000 fee units payable on the fourth anniversary of the grant or renewal of the licence.
- (6A) Where the holder of a betting exchange endorsement on a licence referred to in subsection (6) also holds any other endorsements referred to in subsection (2), the maximum annual licence fee payable in respect of those other endorsements is a total of 150 000 fee units.
- (7) If a Tasmanian gaming licence with a betting exchange endorsement that is granted or renewed within 5 years after the day on which this section takes effect is surrendered before the expiration of the period for which the licence was granted or renewed, any subsequent instalments that would otherwise be payable in accordance with this section cease, on that surrender, to be payable.
- (8) In this section –
- initial totalizator endorsement* has the same meaning as in Division 5A of Part 4A;
- second totalizator endorsement* has the same meaning as in Division 5A of Part 4A.

**148AB. Fee to remain on Roll**

- (1) A person listed on the Roll must pay to the Treasurer annual listing fees as prescribed.

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- (2) If a person ceases for any reason to be listed on the Roll, the Treasurer may give that person a prescribed proportional refund of the relevant annual listing fee.

**148B. Minor gaming fees**

A minor gaming operator must pay to the Commission such fees as are prescribed by the regulations.

**149. Unclaimed winnings**

- (1) A licensed operator must pay to the Treasurer, on or before the 7th day of each month, an amount equal to unclaimed winnings arising from the conduct of gaming during the preceding month.
- (2) The amount of unclaimed winnings for a month in respect of the game of keno is to be calculated in accordance with the following formula:

$$A = B - C$$

where –

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

*B* is the total amount of winnings payable in respect of winning tickets purchased during the month that were unrepresented at the end of the month;

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*C* is the total amount of winnings paid out during the month in respect of winning tickets that were unrepresented at the beginning of the month.

(3 - 4) . . . . .

**150. Taxation in respect of licensed operator**

- (1) A licensed operator must pay to the Treasurer a tax on the gross profits derived from gaming each month.
- (2) 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 0.88% of those profits.
- (2A) The tax payable under subsection (1) in respect of the monthly gross profits derived from keno is a sum equivalent to 5.88% of those profits.
- (3) Until 30 June 2013, the tax payable under subsection (1) in respect of the monthly gross profits derived from gaming machine games is –
  - (a) if the cumulative gross profits of the licensed operator for that form of gaming do not exceed \$35 000 000, a sum equivalent to 20.88% of the monthly gross profits; or
  - (b) if the cumulative gross profits of the licensed operator for that form of gaming exceed \$35 000 000, a sum equivalent to the total of –

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- (i) 20.88% of that part of the monthly gross profits derived during that part of that month occurring before the cumulative gross profits so exceeded \$35 000 000; and
  - (ii) 25.88% of that part of the monthly gross profits derived during that part of that month occurring when and after the cumulative gross profits so exceeded \$35 000 000.
- (3A) On and from 1 July 2013, the tax payable under subsection (1) in respect of the monthly gross profits derived from gaming machine games is a sum equivalent to 25.88% of those profits.
- (4) If 2 or more licensed operators constitute a group, within the meaning of Part 5 of the *Payroll Tax Act 2008*, the tax referred to in subsection (3) is to be calculated as if the licensed operators which constitute the group were a single licensed operator.
- (5) A sum payable by way of tax under subsection (1) must be paid to the Treasurer on or before the 7th day of the month immediately following the month to which that tax relates.
- (6) In this section –
  - cumulative gross profit* means gross profits derived by a licensed operator during a prescribed period;

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

***prescribed period***, in relation to a month for which tax is payable under this section, means the period –

- (a) commencing on the first day of the financial year in which that month occurs; and
- (b) ending at the end of that month.

(7) . . . . .

150AA. . . . .

**150A. Taxation in respect of Tasmanian gaming licence**

(1) In this section –

***cumulative gross profits*** means gaming revenue derived by a licensed provider during a prescribed period;

***gaming revenue***, in relation to a month, means the total amount wagered with a licensed provider on simulated games and simulated racing events during that month less –

- (a) the total of all prizes paid out to the winning players and any

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unclaimed winnings paid pursuant to section 76ZRA during that month in respect of simulated games and simulated racing events (other than prizes paid from a jackpot special prize pool); and

- (b) the total of amounts determined under the rules of the simulated games and simulated racing events for payment in respect of that total amount wagered into a jackpot special prize pool;

***jackpot*** means winnings payable from money that accumulates as contributions are made to a jackpot special prize pool;

***monthly gross profits*** means gaming revenue derived by a licensed provider during the month in relation to which tax is payable under this section;

***prescribed period***, in relation to a month for which tax is payable under this section, means the period –

- (a) commencing on the first day of the financial year in which that month occurs; and
- (b) ending at the end of that month.

- (2) For the purposes of the definition of “gaming revenue”, if the amount of all prizes paid by the licensed provider exceeds the total of gaming

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revenue received in any month, the amount of the excess may be counted as prizes payable in the next or a subsequent month.

- (3) Subject to section 150AB, a licensed provider must, where this section so provides, pay to the Commissioner of State Revenue in relation to each month during which the Tasmanian gaming licence is in force a tax relating to the gaming business conducted in respect of each gaming endorsement endorsed on the licence.
- (4 - 5) . . . . .
- (6) The tax payable in relation to a month and the gaming business conducted in respect of a simulated gaming endorsement in relation to wagers from persons in Australia is –
- (a) if the cumulative gross profits of the licensed provider are or do not exceed \$10 000 000, 20% of the monthly gross profits; or
  - (b) if the cumulative gross profits of the licensed provider exceed \$10 000 000 but are or do not exceed \$20 000 000, the total of –
    - (i) 20% of that part of the monthly gross profits derived during that part of that month occurring before the cumulative gross profits so exceeded \$10 000 000; and

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- (ii) 17.5% of that part of the monthly gross profits derived during that part of that month occurring when and after the cumulative gross profits so exceeded \$10 000 000; or
  - (c) if the cumulative gross profits of the licensed provider exceed \$20 000 000, the total of –
    - (i) 20% of that part of the monthly gross profits derived during that part of that month occurring before the cumulative gross profits so exceeded \$10 000 000; and
    - (ii) 17.5% of that part of the monthly gross profits derived during that part of that month occurring when and after the cumulative gross profits so exceeded \$10 000 000 but before those cumulative gross profits so exceeded \$20 000 000; and
    - (iii) 15% of that part of the monthly gross profits derived during that part of that month occurring when and after the cumulative gross profits so exceeded \$20 000 000.
- (6A) The tax payable in relation to a month and the gaming business conducted in respect of a

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simulated gaming endorsement in relation to wagers from persons elsewhere than in Australia is 4% of the monthly gross profits.

- (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.
- (7) The tax payable in relation to a month and the gaming business conducted in respect of a major lottery endorsement is 35.55% of the licensed provider's turnover, or such other amount as may be prescribed by the regulations to take account of the effect of the goods and services tax.
- (7A) . . . . .
- (8) A licensed provider must pay the tax payable in relation to a month not later than 7 days after the end of that month.
- (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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**150AB. Set off for goods and services tax in respect of Tasmanian gaming licence**

- (1) This section applies to all gaming endorsements except –
  - (a) a simulated gaming endorsement; and
  - (ab) a betting exchange endorsement; and
  - (ac) a simulated racing event endorsement; and
  - (b) if an amount has been prescribed under section 150A(7), a major lottery endorsement.
- (2) A licensed provider may set off against the tax payable under section 150A any goods and services tax paid during the relevant month arising in respect of a gaming endorsement to which this section applies.
- (3) If, in any month, the amount of goods and services tax paid in respect of an endorsement to which this section applies exceeds the amount of tax payable under section 150A in respect of that endorsement, that excess may be set off in any subsequent month in the same financial year against the tax payable under that section.
- (4) The amount of any credit provided to a licensed provider of goods and services tax paid in respect of an endorsement to which this section applies in any financial year is limited to the amount of tax payable under section 150A in

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respect of that endorsement for that financial year.

- (5) Within 14 days after the end of a financial year, a licensed provider must submit a return to the Commission stating –
- (a) the amount of tax payable under section 150A in respect of each gaming endorsement to which this section applies for that financial year; and
  - (b) the amount of goods and services tax paid in that financial year in respect of each gaming endorsement to which this section applies; and
  - (c) the amount of credit given in respect of the amount of tax payable under section 150A in respect of each gaming endorsement to which this section applies for that financial year.
- (6) Subject to subsection (4), where the amount of goods and services tax paid in respect of a gaming endorsement to which this section applies for a financial year by a licensed provider exceeds the amount of credit given in respect of that gaming endorsement for that financial year, the difference between those amounts is to be credited to the licensed provider at the time of the next payment of tax required under this Act.
- (7) Subject to subsection (4), where the amount of goods and services tax paid in respect of a gaming endorsement to which this section

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applies for a financial year by a licensed provider is less than the amount of credit given in respect of that gaming endorsement for that financial year, the difference between those amounts is to be paid by the licensed provider at the time of the next payment of tax required under this Act.

**150AC. Annual levy for Tasmanian gaming licence with second totalizator endorsement**

(1) In this section –

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

(2) The holder of a Tasmanian gaming licence endorsed with the second totalizator endorsement must pay to the Treasurer an annual levy in the following manner:

- (a) the whole annual levy specified in subsection (3) in respect of a complete financial year during which the second totalizator endorsement is to have effect is to be paid on the first day of that financial year;
- (b) if the term of the second totalizator endorsement will end on a day other than 30 June in any financial year, that proportion of the annual levy specified in subsection (3) that relates to the proportion of that financial year during which the second totalizator endorsement

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has effect is to be paid on the first day of that financial year.

- (3) Subject to subsection (2), the amount of the annual levy payable each financial year under that subsection is 925 000 fee units or such other amount as may be prescribed.
- (4) If the second totalizator endorsement is surrendered, the Treasurer may give the holder of the Tasmanian gaming licence a proportional refund of the annual levy determined by the Treasurer.

150AD - 150AE. . . . .

**150AF. Taxation in respect of foreign games permit**

- (1) A foreign games permit holder is liable to pay a tax to the Commission under this section in respect of the turnover obtained during the term of the foreign games permit from the sale in Tasmania of tickets in foreign games if there is no agreement under section 150B in force in relation to the sharing of tax and other revenue in respect of the sale of those tickets.
- (2) If the foreign game in which the tickets are sold in Tasmania is determined by the Commission by written notice provided to the foreign games permit holder to be the equivalent of a major lottery, the tax payable in relation to a month and the sale in Tasmania of tickets in that foreign game is 35.55% of the foreign games permit

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holder's turnover on those tickets during that month, or such other amount as may be prescribed by the regulations to take account of the effect of the goods and services tax.

- (3) A foreign games permit holder must pay the tax payable under subsection (2) in relation to a month not later than 7 days after the end of that month.
- (4) If the foreign game in which the tickets are sold in Tasmania is determined by the Commission by written notice provided to the foreign games permit holder to be the equivalent of a game other than a major lottery, the tax payable in relation to the turnover from the sale in Tasmania of tickets in that foreign game in each financial year during the term of the foreign games permit is determined in accordance with the following table:

<b>Turnover rounded to the nearest dollar</b>	<b>Tax</b>
1. \$20 000 or less	Nil
2. \$20 001 – \$50 000	0.15% of the excess over \$20 000
3. \$50 001 – \$100 000	\$45 plus 0.20% of the excess over \$50 000
4. \$100 001 – \$500 000	\$145 plus 0.25% of the excess over \$100 000

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<b>Turnover rounded to the nearest dollar</b>	<b>Tax</b>
5. More than \$500 000	\$1 145 plus 0.30% of the excess over \$500 000

**150AG. Set-off for goods and services tax in respect of certain foreign games**

- (1) A foreign games permit holder who is liable to pay tax in respect of the sale in Tasmania of tickets in foreign games at the rate specified in section 150AF(4) may apply to the Commission for a refund of any tax paid under that section in an amount equal to the amount of goods and services tax paid in respect of the sale of those tickets.
- (2) On receipt of an application under subsection (1), the Commission must notify the Commissioner of State Revenue of the application and whether or not it is satisfied that the foreign games permit holder has paid the goods and services tax specified in the application.
- (3) If the Commission has notified the Commissioner of State Revenue that it is satisfied that the foreign games permit holder has paid the goods and services tax specified in the application, the Commissioner may pay a refund to the foreign games permit holder.
- (4) The amount of a refund paid under subsection (3) must not exceed the total of any

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tax paid under section 150AF(4) by the foreign games permit holder in respect of the sale in Tasmania of tickets in foreign games.

(5) . . . . .

**150B. Revenue sharing**

- (1) The Treasurer may enter into an agreement with the appropriate representative of the Government of a State, a Territory, a country or part of a country in relation to the sharing of tax and other revenue –
  - (a) obtained under this Act; or
  - (b) obtained by that Government in relation to any gaming, game, gaming activity or foreign game conducted in that place or this State.
- (2) An agreement made under subsection (1) may provide for incidental and supplementary matters.
- (3) If an agreement made under subsection (1) is inconsistent with a provision of this Act, the agreement prevails to the extent of the inconsistency.
- (4) If the Treasurer enters into an agreement with the Government of a State, Territory, country or part of a country under subsection (1) in relation to a tax payable by a licensed provider under section 150A(6A) in respect of a month, the licensed provider must pay to the Treasurer in

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respect of that month an amount equal to the amount that the Treasurer must pay to that Government under that agreement.

- (5) The amount payable under subsection (4) –
  - (a) is in addition to the amount payable as tax under section 150A(6A); and
  - (b) is to be paid at the same time as that tax.
- (6) . . . . .

**151. Community support levy**

- (1) A gaming operator must, from the gross profits derived from gaming machine games in each month, pay to the Treasurer a community support levy.
- (2) The community support levy is a sum equal to 4% of those monthly gross profits.
- (3) A community support levy must be paid to the Treasurer on or before the 7th day of the month immediately following the month to which it relates.
- (3A) Without further appropriation than this section, the Treasurer must, to the payments made under subsection (1) in respect of a month, add an amount equivalent to 4% of the Tasmanian commission for the same month.
- (4) The Minister must distribute the total community support levy as follows:

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- (a) 25% for the benefit of sport and recreation clubs;
- (b) 25% for the benefit of charitable organizations;
- (c) 50% for the provision of—
  - (i) research into gambling; and
  - (ii) services for the prevention of compulsive gambling; and
  - (iii) treatment or rehabilitation of compulsive gamblers; and
  - (iv) community education concerning gambling; and
  - (v) other health services.

(5) . . . . .

(6) In this section –

***Tasmanian commission*** means that part of the commission referred to in section 150A(7A) as is attributable to the brokered wagers of Tasmanian registered players;

***total community support levy*** means the payments made under subsection (1) and the amounts added under subsection (3A).

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**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
- (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.

**153. Debt due to the Crown**

All amounts due under this Part may be recovered by the Treasurer in a court of competent jurisdiction as a debt due to the Crown.

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***Division 2A – Gaming machine rental***

**153AA. Gaming machine rental**

(1) In this section –

***agreed*** means agreed to by the Commission and the Companies, after the Commission has consulted –

- (a) in the case of hotels, the Australian Hotels Association; and
- (b) in the case of clubs, the Registered Clubs Co-operative Society or such other body, if any, as in the reasonable opinion of the Commission represents the common interests of clubs in this State;

***club*** means a venue 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 licensed premises gaming licence;

***Companies*** means the Companies within the meaning of the 2003 Deed;

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

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- 
- (2) Nothing in the 2003 Deed is to be taken as preventing the Companies from charging a club or hotel –
- (a) an agreed rental fee to cover the cost to the Companies of supplying that club or hotel with gaming machines; and
  - (b) an agreed maintenance fee to cover the cost to the Companies of servicing and, if necessary, repairing those gaming machines.

***Division 3 – Gaming and wagering guarantee***

**153A. Gaming and wagering guarantee**

- (1) In this section –

***gaming and wagering guarantee*** means a guarantee from an authorised deposit-taking institution relating to the business carried on, or to be carried on, under a Tasmanian gaming licence endorsed with a guaranteeable endorsement;

***guaranteeable endorsement*** means –

- (a) a sports betting endorsement; or
- (b) a race wagering endorsement; or
- (c) both such endorsements.
- (d) . . . . .

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- (2) A person must provide a gaming and wagering guarantee from an authorised deposit-taking institution if –
  - (a) the person has been granted a Tasmanian gaming licence endorsed with a guaranteeable endorsement; or
  - (b) the person is a licensed provider whose Tasmanian gaming licence has newly been endorsed with a guaranteeable endorsement; or
  - (c) the Commission under subsection (3)(b) requires a licensed provider to provide a new gaming and wagering guarantee.
- (3) By written notice to a licensed provider whose Tasmanian gaming licence is endorsed with a guaranteeable endorsement, the Commission may require the licensed provider to do one or more of the following:
  - (a) provide to the Commission financial statements showing the turnover of the provider in respect of that endorsement for the period of 12 months specified in the notice;
  - (b) provide the Commission with a new gaming and wagering guarantee.
- (4) A copy of a gaming and wagering guarantee is to be provided to the Commission within 21 days after, as the case requires –

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- 
- (a) the person receives notice of the grant of the Tasmanian gaming licence; or
    - (b) the licensed provider receives notice of the grant of the new guaranteeable endorsement; or
    - (c) the licensed provider receives the requirement made under subsection (3).
  - (5) A gaming and wagering guarantee provided in accordance with subsection (2)(a) or (b) must be for an amount of not less than \$1 000 000.
  - (6) A gaming and wagering guarantee provided in accordance with the requirement of the Commission made 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 \$1 000 000 or 1% of the licensed provider's turnover relating to all gaming businesses conducted in respect of the guaranteeable endorsement during the 12 months immediately preceding the month in which the Commission made that requirement.
  - (7) The Commission, under subsection (3), may not require a licensed provider to provide a new gaming and wagering guarantee unless –
    - (a) at least 6 months have passed since the Tasmanian gaming licence or endorsement to which the requirement relates was granted; or
    - (b) at least 6 months have passed since the last such requirement was made; or

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- (c) the licensed provider has acquired a new associate; or
  - (d) the Commission considers that there has been a substantial increase in the turnover of the licensed provider.
- (8) If the Commission under subsection (3) requires a licensed provider to provide a new gaming and wagering guarantee and the licensed provider has not at that time conducted a gaming business in respect of the guaranteeable endorsement for a period of 12 months, the Commission may, for the purposes of determining the amount of the guarantee under subsection (6), estimate the provider's turnover for a period of 12 months by having regard to the provider's turnover for the period during which the provider has conducted that gaming business.
- (9) Where a licence holder –
  - (a) has gone into receivership; and
  - (b) owes money to the Commission or has unpaid winnings to settle –the Commission may use the gaming and wagering guarantee paid by the licence holder in order to satisfy those debts.
- (10) This section does not apply to the holder of the initial totalizator endorsement, within the meaning of Division 5A of Part 4A, if and for as long as it is –

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- 
- (a) a State-owned company within the meaning of the *Government Business Enterprises Act 1995*; or
  - (b) a wholly-owned subsidiary, within the meaning of the Corporations Act, of such a State-owned company.

***Division 4 – Miscellaneous***

**153B. Application of *Taxation Administration Act 1997***

The provisions of the *Taxation Administration Act 1997* apply in relation to this Part and, for that purpose, this Part is taken to be a taxation law within the meaning of that Act.

**153C. Act not taxing Act**

This Act is not, and never has been, an Income Tax Rating Act for the purposes of Part IV of the *Constitution Act 1934*.

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**PART 10 – MISCELLANEOUS**

**154. Manufacture, &c., of gaming equipment**

- (1) A venue operator and a gaming 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) Despite subsection (1), a venue operator and a gaming operator may manufacture, sell, supply, obtain or be in possession of gaming equipment if –
- (a) the equipment is for use outside Tasmania; and
- (b) the person has the written authority of the Commission.
- (3) The authority of the Commission may be subject to any terms, conditions or limitations that the Commission thinks fit.

**155. Possession of gaming equipment**

- (1) The Commission may authorize in writing any person or class of persons to be in possession of gaming equipment.
- (2) . . . . .

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- 
- (3) A person who is not authorised under this Act must not possess gaming equipment.

Penalty: Fine not exceeding 1 000 penalty units.

**156. Seizure and forfeiture of equipment**

- (1) A police officer or an inspector may, without warrant, seize from any person any equipment which the police officer or inspector reasonably suspects is gaming equipment that the person is not authorised under this Act to possess.
- (2) A police officer or inspector may apply to a court not less than 28 days after seizure of equipment for an order that the equipment seized be forfeited to the Crown.
- (3) On an application under subsection (2), the court must order that the equipment be forfeited to the Crown if the court is satisfied that the equipment is gaming equipment that the person is not authorised under this Act to possess regardless of whether a charge has been filed in relation to the equipment or whether a person has been convicted of an offence in relation to the equipment.
- (4) The owner of equipment seized under subsection (1) may apply, within 28 days of the seizure, to a court for the return of the equipment.
- (5) On an application under subsection (4), the court must order that the equipment be returned to its owner if the court is satisfied that the equipment

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is gaming equipment that the owner is authorised under this Act to possess.

- (6) If the owner of equipment seized under subsection (1) does not apply for the return of the equipment within 28 days of the seizure, the equipment is forfeited to the Crown.
- (7) Any equipment forfeited under this section is to be sold or otherwise disposed of in accordance with the directions of the court.
- (8) The proceeds (if any) of the sale or disposal is to be applied as if they were penalties.

**156A. Instant money lotteries**

- (1) In this section,  
  

*instant money lottery* means a lottery in which the distribution of prizes in the lottery is determined by the requirement to match symbols or amounts on a ticket in the lottery.
- (2) If there appears on a ticket in an instant money lottery the expression “match 3”, “match three”, “match any 3” or “match any three”, or an expression having similar effect, the expression has, and always has had, the same meaning as the expression “find 3 of the same”.
- (3) This section applies to a claim in respect of an instant money lottery whether made before or after the commencement of this section and

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whether or not proceedings have been brought in respect of the claim.

**157. Secrecy**

- (1) Subject to subsection (3), a person must not directly or indirectly, except in the performance of duties or exercise of powers under this Act, make a record of, or divulge to any person, any information with respect to the affairs of another person acquired by the first-mentioned person in the performance of those duties or exercise of those powers.

Penalty: Fine not exceeding 50 penalty units.

- (2) Subject to subsection (5), a person is not, except for the purposes of this Act, required –
- (a) to produce in a court a document that has come into his or her possession or under his or her control; or
  - (b) to divulge to a court any information that has come to his or her notice –

in the performance of duties or exercise of powers under this Act.

- (3) A person may –
- (a) divulge specified information to such persons as the Minister directs if the Minister certifies that it is necessary in the public interest that the information should be so divulged; or

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- (b) divulge information to a law enforcement agency or gaming regulation agency; or
  - (c) divulge information to a person who is expressly or impliedly authorized by the person to whom the information relates to obtain it.
- (4) An authority or person to whom information is divulged under subsection (3), and a person or employee under the control of that authority or person, is subject, in respect of that information, to the same rights, privileges, obligations and liabilities under this section as if that authority, person or employee were a person performing duties under this Act and had acquired the information in the performance of those duties.
- (5) If –
  - (a) the Minister certifies that it is necessary in the public interest that specified information should be divulged to a court; or
  - (b) a person to whom information relates has expressly authorized it to be divulged to a court –a person may be required –
  - (c) to produce in the court any document containing the information; or
  - (d) to divulge the information to the court.

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(6) This provision has effect notwithstanding anything contained in the *Right to Information Act 2009*.

(7) In this section –

***court*** includes any tribunal, authority or person having power to require the production of documents or the answering of questions;

***gaming regulation agency*** means any authority or person responsible for the regulation and control of the conduct of gaming, whether in this State or elsewhere;

***produce*** includes permit access to.

**158. Delegation**

The Commission may delegate any of its functions or powers under this Act or any other Act (other than this power of delegation).

**159. Conflict of interest and duty**

(1) An authorized person must not be a venue operator, a gaming operator, a licensed provider, a manufacturer, supplier or tester listed on the Roll or an employee in any capacity of such an operator, manufacturer, supplier or tester.

(2) An authorized person who knowingly has directly or indirectly, any business or financial association with or any business or financial

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interest in any matter in conjunction with a venue operator, gaming operator, licensed provider or manufacturer, supplier or tester 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 significantly associated with, a casino operator, gaming operator, licensed provider or manufacturer, supplier or tester 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 licensed premises gaming operator, casino operator, gaming operator, licensed provider or manufacturer, supplier or tester listed on the Roll unless the Commission otherwise approves.
- (5) Subsection (3) does not apply to a person who immediately before the commencement of this Act held office as the Commissioner for Gaming or as an inspector under the *Gaming Act 1983*.
- (6) A casino operator, gaming operator, licensed provider or manufacturer, supplier or tester listed

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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.

**160. Protection from liability of authorized persons**

- (1) An authorized person does not incur any personal liability in respect of any act done or omitted to be done by the authorized person in good faith in the performance or exercise, or purported performance or exercise, of any function or power of the authorized person or in the administration or execution, or proposed administration or execution, of this Act.
- (2) Subsection (1) does not preclude the Crown from incurring liability that the authorized person would, but for subsection (1), incur.

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

- (1) Whenever a change of a kind specified by the Commission in writing given to the holder of any licence under this Act or a manufacturer, supplier or tester listed on the Roll takes place in the situation existing in relation to that person, the 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.

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Penalty: Fine not exceeding 20 penalty units.

- (2) 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 licensed operator, in accordance with sections 23, 24 and 25; or
  - (b) if the change relates to a licensed premises gaming operator, in accordance with sections 38, 39 and 40; or
  - (c) if the change relates to a person whose name is listed on the Roll, in accordance with section 71.

**162. Destruction of finger prints, &c.**

- (1) Any finger prints or palm prints obtained by the Commission under this Act and any copies of them may be destroyed by the Commission as soon as the Commission has no further use for them.
- (2) The Commission is deemed to have no further use for finger prints or palm prints when –
  - (a) they were obtained in connection with an application for a licensed premises gaming licence and the application is refused; or

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- (b) they were obtained in connection with the grant of a casino licence or a gaming operator's licence and the licence is not granted; or
  - (ba) they were obtained in connection with an application for a Tasmanian gaming licence and the licence is not granted; or
  - (c) they were obtained in connection with an application by a manufacturer, supplier or tester to be listed on the Roll and the application is refused; or
  - (d) the licence in connection with which they were obtained is cancelled or surrendered; or
  - (e) they were obtained in connection with the appointment of a person as an inspector or as an authorized person and the person is not so appointed.
- (2A) The Commission may destroy any finger prints or palm prints obtained by the Commission under this Act and any copies of them in any circumstances it considers appropriate.
- (3) A person who in connection with an application for a licence or to be listed on the Roll or appointment as an inspector has possession of finger prints or palm prints obtained by the Commission under this Act, or copies of them, must deliver them to the Commission, in accordance with the directions of the Commission, so as to enable the Commission to comply with subsection (1).

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Penalty: Fine not exceeding 20 penalty units.

- (4) The holder of a special employee's licence may, when his or her licence is surrendered, request that his or her finger prints or palm prints be retained by the Commission for a period not exceeding 3 years.

**163. Records not kept in writing**

- (1) This section applies to a record that –
  - (a) is not in writing; or
  - (b) is not written in the English language; or
  - (c) is not decipherable on sight.
- (2) A requirement under this Act to produce a record is to be considered to be a requirement to produce (in addition to the record if it is in writing or instead of the record if it is not in writing) a statement written in the English language and decipherable on sight containing the whole of the information in the record.

**164. False or misleading information**

- (1) A person must not –
  - (a) in, or in relation to, an application for a licence; or
  - (b) in purported compliance with the requirements of a notice under this Act; or

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- (c) in answer to a question asked by an inspector in the exercise of his or her functions as an inspector; or
  - (d) in purporting to provide information that the person has been authorized to provide; or
  - (e) in, or in relation to, a return provided in respect of the finances of the holder of a licence under this Act –

give information that is false or misleading in a material particular.

Penalty: Fine not exceeding 50 penalty units.

- (2) It is a defence to a prosecution of a person for an offence under subsection (1) if it is proved that, at the time the information was given, the person believed, on reasonable grounds –
  - (a) in the case of false information that the information was true; or
  - (b) in the case of misleading information that the information was not misleading.

**165. Inducements, cheating, &c.**

- (1) A person must not dishonestly –
  - (a) by a scheme or practice; or
  - (b) by the use of gaming equipment; or

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- (c) by the use of an instrument or article of a type used in connection with gaming, or appearing to be of a type used in connection with gaming or of any other thing –

in relation to gaming or the conduct of gaming, induce –

- (d) a person licensed under this Act; or
- (e) a person listed on the Roll; or
- (f) an associate of a person so licensed or listed; or
- (g) a person acting on behalf of a person so licensed or listed –

to deliver, give or credit to the first-mentioned person or another person any money, chips, gaming tokens, benefit, advantage, valuable consideration or security.

Penalty: Fine not exceeding 10 000 penalty units or imprisonment for a term not exceeding 4 years, or both.

- (2) A person licensed under this Act or a person listed on the Roll or an associate of a person so licensed or listed must not dishonestly –
  - (a) by a scheme or practice; or
  - (b) by the use of gaming equipment; or
  - (c) by the use of an instrument or article of a type used in connection with gaming or

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appearing to be of a type used in connection with gaming or of any other thing –

in relation to gaming or the conduct of gaming, induce a person to deliver, give or credit to the person so licensed or listed or another person, any money, chips, gaming tokens, benefit, advantage, valuable consideration or security.

Penalty: Fine not exceeding 10 000 penalty units or imprisonment for a term not exceeding 4 years, or both.

- (3) A person must not dishonestly cause gaming equipment to deliver, give or credit to the person or another person any chips, gaming tokens, benefit, advantage, valuable consideration or security.

Penalty: Fine not exceeding 10 000 penalty units or imprisonment for a term not exceeding 4 years or both.

- (4) A person must not –

- (a) cheat in a gaming activity; or
- (b) do anything for the purposes of enabling or assisting another person to cheat in a gaming activity.

Penalty: Fine not exceeding 10 000 penalty units or imprisonment for a term not exceeding 4 years, or both.

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- (5) For the purposes of subsection (4), it is immaterial whether a person who cheats in a gaming activity –
  - (a) improves the person's chances of winning anything; or
  - (b) wins anything.
- (6) Without prejudice to the generality of subsection (4), cheating in a gaming activity may, in particular, consist of actual or attempted deception or interference in connection with –
  - (a) the process by which the gaming activity is conducted; or
  - (b) a real or simulated game, race or other event or process to which the gaming activity relates.

**166. Bribery of authorized persons**

- (1) An authorized person must not corruptly ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any kind for the authorized person or any other person –
  - (a) so that the authorized person will forego or neglect his or her functions or duties under this Act or in order to influence the authorized person in the performance of his or her functions or duties under this Act; or
  - (b) on account of any thing already done or omitted to be done or to be afterwards

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done or omitted to be done by the authorized person in the performance of his or her functions or duties under this Act; or

- (c) for the authorized person to use or take advantage of his or her position improperly to gain any benefit or advantage for or facilitate the commission of an offence by another person.

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

- (2) A person must not corruptly give to, confer on or procure for, or promise or offer to give to, confer on or procure for, an authorized person or any other person any money, property or benefit of any kind –
  - (a) so that the authorized person will forego or neglect his or her functions or duties under this Act or in order to influence the authorized person in the performance of his or her functions or duties under this Act; or
  - (b) on account of any thing already done or omitted to be done or to be afterwards done or omitted to be done by the authorized person in the performance of his or her functions or duties under this Act; or

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- (c) for the authorized person to use or take advantage of his or her position improperly to gain any benefit or advantage for or facilitate the commission of an offence by the first-mentioned person or any other person.

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

**167. Gambling by authorized persons prohibited**

- (1) An authorized person must not gamble in an approved venue except to the extent that it may be necessary to do so in the exercise of his or her functions in the course of the administration of this Act.
- (2) If an authorized person ceases to be an authorized person, he or she must not gamble in an approved venue during the next 3 months.

Penalty: Fine not exceeding 20 penalty units.

**168. Service of documents on Commission**

- (1) A document may be served on the Commission by sending it by post to the principal office of the Commission or leaving it at that office with a person authorized in writing by the Commission to accept service of documents on behalf of the Commission.
- (2) Nothing in this section affects the operation of any provision of a law or of the rules of a court

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authorizing a document to be served on the Commission in any other manner.

**169. Evidence**

- (1) In proceedings under this Act, an assertion –
- (a) that, at a specified time or during a specified period a specified person was the Minister administering this or any other Act; or
  - (b) that, at a specified time or during a specified period, a specified person held, or is acting in a specified office; or
  - (c) that a signature purporting to be the signature of a Minister, a police officer or an authorized person is the signature it purports to be; or
  - (d) that, at a specified time or during a specified period, a specified person was, or was not, the holder of a specified licence under this Act; or
  - (e) that, at a specified time, a person attained a specified age or that, at a specified time or during a specified period, a specified person was under or over a specified age –

is evidence of the fact or facts asserted.

- (2) In proceedings under this Act –

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- (a) a document purporting to be a copy of a direction, notice, order, requirement or decision given or made under this Act is evidence of a direction, notice, order, requirement or decision of which it purports to be a copy; and
- (b) a document purporting to be a copy of a licence under this Act is evidence of a licence of which it purports to be a copy; and
- (c) evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

**170. Offences by corporations**

- (1) If a corporation contravenes any provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation is to be taken to have contravened the same provision if the person knowingly authorized or permitted the contravention.
- (2) A person may be proceeded against and convicted under a provision in accordance with subsection (1) whether or not the corporation has been proceeded against or convicted under that provision.
- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act.

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**171. Proceedings**

- (1) A proceeding for an offence against this Act may only be brought by –
  - (a) a police officer; or
  - (b) the Commission; or
  - (c) a person authorized to do so, either generally or in a particular case, by the Commission.
- (2) In a proceeding for an offence against this Act it must be presumed, in the absence of evidence to the contrary, that the person bringing the proceeding was authorized to bring it.
- (3) Despite the *Justices Act 1959*, proceedings in respect of an offence against this Act (other than an offence that is a crime) may be commenced at any time within 2 years after the cause of complaint arises.

**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 venue operator, gaming operator, licensed provider, minor gaming operator or manufacturer, supplier or tester listed on the Roll in writing to provide the Commission with information obtained by the operator, provider, manufacturer, supplier or tester concerning their operations.

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- (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 venue operator, gaming operator, licensed provider, minor gaming operator, manufacturer, supplier or tester 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, licensed premises gaming licence, gaming operator's licence, Tasmanian gaming licence, minor gaming permit or listing on the Roll that the holder of the licence or permit or the manufacturer, supplier or tester 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.

**172A. Infringement notices**

- (1) A police officer, authorized person or inspector may issue and serve an infringement notice on a person if he or she reasonably believes that the person has committed an infringement offence.

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- (2) An infringement notice may not be served on a minor.
- (3) An infringement notice –
- (a) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and
  - (b) is not to relate to more than 3 offences.
- (4) The regulations –
- (a) may prescribe the penalty applicable to each infringement notice offence that is payable under an infringement notice; and
  - (b) may prescribe different penalties for bodies corporate and individuals.
- (5) . . . . .
- (6) In this section –

***infringement offence*** means an offence against this Act or the regulations that is prescribed by the regulations to be an infringement offence;

***minor*** means a person who is under the age of 18 years.

**173. Appeals**

- (1) A person aggrieved by a decision of the Commission –

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- (a) to cancel or suspend, or to refuse to cancel or suspend, a prescribed licence or gaming endorsement under this Act; or
- (b) to amend, or to refuse to amend, the conditions of a prescribed licence under this Act; or
- (c) to list or refuse to list the name of a person on the Roll –

may appeal to the Supreme Court from the decision.

- (2) The Supreme Court must hear and determine the appeal and make such order as it thinks appropriate by reason of its decision, including, without limiting its power to make such orders –
  - (a) an order affirming or setting aside the decision of the Commission; or
  - (b) an order remitting the matter to the Commission to decide again in accordance with the directions of the Supreme Court.

**174. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Regulations under this section may be made for or with respect to any of the following:
  - (a) the activities of persons licensed under this Act;

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- (b) the activities of manufacturers, suppliers and testers listed on the Roll;
  - (c) the periods within which, and the manner in which, appeals may be made to the Supreme Court under section 173;
  - (d) classes of approved venue and the restrictions and entitlements applying to each class;
  - (e) facilities and amenities in approved venues, approved locations or classes of approved venues or approved locations;
  - (f) security arrangements to be taken by persons licensed under this Act or by manufacturers, suppliers and testers listed on the Roll;
  - (g) technical standards to which the electronic monitoring systems of gaming operators must conform;
  - (h) production, registration, security and confidentiality of chips and gaming tokens;
  - (i) access to gaming machines and other gaming equipment;
  - (j) administration and accounting procedures of gaming operators, venue operators and licensed providers;
  - (k) the collection and security of money in approved venues and approved locations

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and between approved venues or approved locations and financial institutions;

(l) procedures for the counting of revenue in approved venues;

(m) procedures and standards for the maintenance, security and storage of gaming equipment;

(n) the acquisition of gaming equipment including tendering and the calling of expressions of interest;

(o) conditions under which linked jackpot arrangements are permitted;

(p) conditions for the accumulation or contribution of money to special prize pools;

(q) fees for the purposes of this Act;

(r) . . . . .

(s) any matter relevant to the conduct of gaming, a gaming activity or a gaming business.

(2A) . . . . .

(3) Regulations under this section –

(a) may impose a fine not exceeding 20 penalty units for a contravention of or failure to comply with the regulations; and

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- (b) may be of general or of specially limited application; and
  - (c) may differ according to differences in time, place or circumstance; and
  - (d) may apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person whether –
    - (i) wholly or partially or as amended by the regulations; or
    - (ii) as formulated, issued, prescribed or published at the time the regulations are made or any time before then; or
    - (iii) as formulated, issued, prescribed or published from time to time; and
  - (e) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Commission or an authorized person.
- (4) A power conferred by subsection (1) to make regulations providing for the imposition of fees may be exercised by providing for all or any of the following matters:
- (a) specific fees;
  - (b) maximum fees;

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- (c) minimum fees;
  - (d) fees that vary according to class of premises or venue;
  - (e) the manner of payment of fees;
  - (f) the time or times at which fees are to be paid.
- (5) Regulations under this section may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.
- (6) A provision referred to in subsection (5) may, if the regulations so provide, take effect from the commencement of this Act or the Act amending this Act, as the case requires, or a later date.
- (7) If necessary to effect or further a savings or transitional purpose, a provision referred to in subsection (5) –
  - (a) need not be consistent with this Act or, if applicable, the amending Act; and
  - (b) may confer exemptions on persons from the requirements of this Act or the amending Act.

**175. Repeal**

The Acts specified in Schedule 4 are repealed.

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176. The amendments effected by this section have been incorporated into the authorised version of the *Casino Company Control Act 1973*.

177. The amendment effected by this section has been incorporated into the authorised version of the *Racing and Gaming Act 1952*.

**178. Transitional and savings provisions**

(1) In this section –

*commencement day* means the day on which this Act commences;

*former body* means the Tasmanian Gaming Commission constituted under the *Gaming Act 1983*.

(2) A game that was specified in the casino licence under the *Wrest Point Casino Licence and Development Act 1968* immediately before the commencement of this Act and a game in respect of which a declaration under section 10 of the *Northern Casino Act 1978* was in force immediately before that commencement are deemed to be approved by the Commission under section 80 or 103 of this Act and the rules in respect of those games are deemed to be approved by the Commission under section 103.

(3) Any machine, instrument or device prescribed as being an authorized machine in regulations in force under the *Wrest Point Casino Licence and Development Act 1968* or the *Northern Casino Act 1978* immediately before the commencement

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of this Act is deemed to be a gaming machine type approved by the Commission under section 80 or is deemed to be other gaming equipment approved by the Commission under section 81.

- (4) A direction in force under section 9A of the *Wrest Point Casino Licence and Development Act 1968* or section 12 of the *Northern Casino Act 1978* immediately before the commencement of this Act in so far as it is not inconsistent with the provisions of this Act is deemed to be a direction given to a casino operator under section 112P.
- (5) Any approval given by the former body in relation to internal controls and administrative and accounting procedures in accordance with a direction referred to in subsection (4) is deemed to be an approval given by the Commission under section 137.
- (6) The Commission must issue a special employee's licence to a person who, immediately before the commencement of this Act, was authorized under the *Gaming Act 1983* to undertake duties approved by the former body in a casino.
- (7) Until the Commission issues a special employee's licence to a person under subsection (6), the person is deemed to be the holder of a provisional special employee's licence.
- (8) The Commission must issue a technician's licence to a person who, immediately before the commencement of this Act, was authorized

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under the *Gaming Act 1983* to be employed in a casino as a technician.

- (9) Until the Commission issues a technician's licence to a person under subsection (8), the person is deemed to be the holder of a provisional technician's licence.
- (10) It is to be a condition of a licence issued under subsection (6) or (8) that the licensee consent to having his or her finger prints and palm prints taken by the Commission before 1 January 1997.
- (11) A person who immediately before the commencement of this Act held office as an inspector under the *Gaming Act 1983* is taken to be an inspector on the same terms and conditions as those applying to the inspector appointed under the *Gaming Act 1983*.
- (12) On the commencement day, the property and rights of the former body vest in the Commission and the liabilities and obligations of the former body become the liabilities and obligations of the Commission.
- (13) On and after the commencement day, any contract or agreement entered into by the former body and in force immediately before that day is taken to be a contract or agreement entered into by the Commission.
- (14) On and after the commencement day, legal proceedings instituted by or against the former body before, and pending on, the commencement day may be continued by or against the Commission.

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- (15) Any legal or other proceedings which may, before the commencement day, have been instituted or continued by or against the former body may, on and after that day, be instituted or continued by or against the Commission.
- (16) On and after the commencement day, a judgment or order of a court obtained in legal proceedings by or against the former body may be enforced by or against the Commission.
- (17) On and after the commencement day –
  - (a) a reference to the former body in any law or in any contract, award or other instrument in force immediately before that day and to which the former body was a party is taken to be a reference to the Commission; and
  - (b) a document addressed to and purporting to be served on the former body is taken to be served on the Commission.
- (18) All acts, matters and things done or omitted to be done by, or done or suffered in relation to, the former body before the commencement day have, on and after that day, the same force and effect as if they had been done or omitted to be done by, or done or suffered in relation to, the Commission.

**178A. Further transitional and savings provisions**

Schedule 5 has effect.

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**179. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Treasurer; and
- (b) the Department responsible to the Treasurer in relation to the administration of this Act is the Department of Treasury and Finance.

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**SCHEDULE 1 – DEED**

Section 3



**THE FEDERAL HOTELS PTY LIMITED,  
AUSTRALIAN NATIONAL HOTELS PTY LIMITED  
and  
TASMANIAN COUNTRY CLUB CASINO  
PROPRIETARY LIMITED**

**AND**

**THE CROWN IN RIGHT OF THE  
STATE OF TASMANIA**

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**D E E D**

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**THE CROWN SOLICITOR OF TASMANIA**

GPO Box 825 Hobart 7001  
Phone: (03) 6233 3409  
Fax: (03) 6233 2874  
Email: crown.solicitor@justice.tas.gov.au

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**This Deed** is made the 18<sup>th</sup> day of March 2003,

**Between:** **The Federal Hotels Pty Limited** (ACN. 004 108 249) a company incorporated in the State of Victoria whose registered office is at 812 Pacific Highway, Chatswood in New South Wales, and

**Australian National Hotels Pty Limited** (ACN. 009 477 552) a company incorporated in the State of Tasmania whose registered office is at 410 Sandy Bay Road, Sandy Bay in Tasmania,

(the operators of the Wrest Point Hotel Casino), and

**Tasmanian Country Club-Casino Proprietary Limited** (ACN 009 516 189) whose registered office is at Country Club Avenue, Prospect Vale in Tasmania, (the operator of the Country Club Casino),

(together, "the Companies");

**And:** **The Crown In Right Of The State Of Tasmania** ("the Crown"), represented by the Department.

**Recitals:**

**A** The Crown has agreed to grant to the Companies the Exclusive Right;

**B** The Companies have agreed:

- (a) to exclude from their charges to all Clubs and Hotels, all amounts attributable to the cost of maintaining, operating and re-developing the Central Monitoring System;
- (b) to conduct all popular Casino Games at Wrest Point and the Country Club during the hours indicated by the demands of patrons, on every day of each year;
- (d) to use their best endeavours to continue to improve player protection measures and to support the Crown's initiatives for that purpose;
- (e) to undertake development of a new premium standard tourist resort near Coles Bay;

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- (i) including accommodation, convention, restaurant and recreation facilities;
  - (ii) with construction starting by October 2003 and the project being completed by early 2005; and
  - (iii) at a capital cost of at least \$25 Million;
  - (f) to introduce a flexible operating model that permits a Licensed Premises Gaming Operator of a Club or an Hotel to choose from the selection then available from the Companies, the games and Gaming Machines that the operator considers most appropriate for those premises;
- C** The Crown plans to amend the Act (inter alia) as described in clause 5.1;
- D** The Companies and the Crown have agreed to enter into this Deed to record their respective rights and obligations.

**The Parties agree as follows:**

**1. Definitions and Interpretation**

1.1 In this Deed, unless the context precludes it:

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

“**Business Day**” means a day on which banks are open for business in Hobart;

“**Casino Licence**” has the meaning defined in the Act;

“**Casino Games**” means games played in casinos but does not include games played on Gaming Machines or Keno approved for play at a casino;

“**Casino Operations**” means the conduct of Casino Games and Keno and the operation of Gaming Machines at premises approved for the operation of a casino by the Gaming Commission under the Act;

“**Central Monitoring System**” means the hardware and software approved by the Gaming Commission, located both on the premises of the Companies and in licensed gaming venues, that is necessary to record and maintain the data that flows to and from Gaming Machines. The Central Monitoring System includes the transmission of data both to and from the Gaming Machines but does not include:

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- (a) the data monitoring hardware and software approved by the Gaming Commission that is a component of each Gaming Machine; or
- (b) the necessary wiring installed in each licensed gaming venue;

**“Club”** means premises in respect of which:

- (a) a licence to possess Gaming Machines or participate in games of Keno has been issued under the Act; and
- (b) a licence referred to in section 10 of the *Liquor and Accommodation Act 1990* has issued;

**“Companies”** means Federal Hotels Pty Limited, Australian National Hotels Pty Limited, and Tasmanian Country Club-Casino Proprietary Limited, and their successors and assigns;

**“Corporations Act”** means the *Corporations Act 2001 (Cwth.)*;

**“Country Club”** means the Country Club Casino situated at Prospect Vale in Tasmania;

**“CPI”** means:

- (a) the Consumer Price Index: All Groups Index For Hobart published from time to time by the Australian Bureau of Statistics;
- (b) if the Consumer Price Index is suspended or discontinued an index published by the Australian Bureau of Statistics that the parties agree reflects movements of the costs of living in Hobart;

**“Crown”** means the Crown in Right of the State of Tasmania;

**“Deed”** or **“this Deed”** means this Deed;

**“Department”** means the Department of Treasury and Finance;

**“Exclusive Right”** means the exclusive right to:

- (a) conduct Casino Operations;
- (b) operate Gaming Machines; and
- (c) conduct games of Keno;

in Tasmania;

**“Gaming Commission”** means the Tasmanian Gaming Commission established under Section 123 of the *Gaming Control Act 1993*;

**“Gaming Machine”** has the meaning defined in the Act;

**“Gross Profit”** has the meaning defined in the Act;

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**“Force Majeure Event”** means (for all obligations under this agreement):

- (a) Act of God, fire, explosion, earthquake, landslide, flood, wash out, lightning, storm or tempest or consistent inclement weather;
- (b) strikes, lockouts, stoppages or restraints of labour or other industrial disturbances;
- (c) war, acts of public enemies, riot or civil commotion or sabotage;
- (d) breakdown of or accident to plant, machinery or equipment except when the breakdown is due to failure by the Party claiming Force Majeure Event to maintain the plant, machinery and equipment in a proper manner;
- (e) restraints, embargoes or other unforeseeable actions of the government of the Commonwealth of Australia;
- (f) any other cause, impediment or circumstance beyond the Companies' reasonable control:
  - (i) that could not be taken into account when this Deed was executed;
  - (ii) the consequences of which could not be avoided in this Deed; and
  - (iii) that makes performance of the Companies' obligations impossible (rather than merely uneconomic or more onerous);

and (only for the Companies' obligations under clauses 4.2 and 4.3), includes the default of any suppliers under any material contracts to which the Companies are a party, but, does not include, in any circumstances, a lack of, or an inability to use, money or available funds for any reason.

**“Hotel”** means premises other than a Club or a casino in respect of which a licence to possess Gaming Machines or participate in games of Keno has been issued under the Act;

**“Indexed”** means adjusted as at the 1<sup>st</sup> July in each year in accordance with the movement in the March quarter CPI compared to the March quarter CPI for the previous year;

**“Keno”** has the meaning defined in the Act;

**“Legislation”** means the legislation referred to in clause 5.1;

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**“Licensed Premises Gaming Operator”** has the meaning defined in the Act;

**“Minister”** means the Minister responsible for administering the Act;

**“Rolling Term”** means a succession of discrete five-year periods:

- (a) each replacing the last;
- (b) the first, starting 15 years and one day after the Starting Date; and
- (c) renewable annually on the anniversary of the start of the first five-year term, at the Minister’s discretion;

**“Starting Date”** means:

- (a) the date from which the Legislation takes effect, if that is on or before 30<sup>th</sup> June 2003; and
- (b) otherwise, 1<sup>st</sup> July 2003;

**“Wrest Point”** means the Wrest Point Hotel Casino situated at Sandy Bay Road, Sandy Bay in Tasmania;

**“Writing”** and similar words includes typing, lithography, photography, and other modes of representing or reproducing words in a tangible and visible form and **“written”** has a corresponding meaning.

1.2 In this Deed, unless the context precludes it:

- (a) “including” and similar words do not imply any limitation;
- (b) words importing the singular include the plural and vice versa;
- (c) words that are gender neutral or gender specific include each gender;
- (d) other parts of speech and grammatical forms of a defined word or phrase have a corresponding meaning;
- (e) an expression importing a natural person includes a company, partnership, joint venture, association, corporation or other body corporate and a Government Agency;
- (f) a reference to a thing (including a chose-in-action or other right) includes a part of that thing;
- (g) a reference to a clause, party, schedule or attachment is a reference to a clause of the Deed, and a party, schedule or attachment to, the Deed and a reference to the Deed includes a schedule and attachment to the Deed;

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- (h) a reference to a law includes a constitutional provision, treaty, decree, convention, statute, regulation, ordinance, by-law judgment, rule of common law or equity or a rule of an applicable stock exchange and is a reference to that law as amended, consolidated or replaced;
  - (i) a reference to a document includes all amendments or supplements to that document, or replacements or novations of it;
  - (j) a reference to a party to a document includes that party's successors and permitted assigns;
  - (k) an agreement on the part of two or more persons binds them jointly and severally, unless specified otherwise; and
  - (l) a reference to an agreement, other than this Deed, includes an undertaking, deed, agreement or legally enforceable arrangement or understanding, whether or not in writing.
- 1.3 If the day on, or by which something must be done is not a Business Day, then that thing must be done on or by the following Business Day.
- 1.4 Headings are for convenience only and do not affect the interpretation of the Deed.
- 1.5 The Deed is not to be construed adversely to a party, only because that party prepared it.

**2. Exclusive Right**

- 2.1 The Crown grants the Exclusive Right to the Companies:
- (a) for 15 years from the Starting Date; and
  - (b) following that, for the duration of the Rolling Term, subject to the terms of this Deed.
- 2.2 The Exclusive Right is granted conditionally upon the Companies complying strictly with:
- (a) all the terms of this Deed; and
  - (b) all laws that apply to them.

The Companies acknowledge that the Crown has an absolute discretion to cancel all or any part of the Exclusive Right under clause 7 without being liable to pay compensation.

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- 2.3 The Exclusive Right does not extend to cover any rights granted under the provisions of the *TT-Line Gaming Act 1993*.

**3 Rolling Term**

- 3.1 The Rolling Term will be renewed annually unless the Minister determines otherwise.
- 3.2 The Minister may determine not to renew the Rolling Term in his or her absolute discretion and need not give any reason for the determination.
- 3.3 The Rolling Term will be subject to:
- (a) a licence fee fixed under the Act;
  - (b) the conditions determined by the Gaming Commission; and
  - (c) the Act.

A licence fee or the conditions to be applicable to the Rolling Term, will take effect from the end of the Rolling Term current when the licence fee or the conditions are imposed. The parties intend that the Companies will have at least four years' notice of any change to the licence fee or the conditions to be applied to the Rolling Term.

**4. Companies' Covenants**

- 4.1 In consideration of the grant of the Exclusive Right, the Companies covenant with the Crown that, throughout the term of the Exclusive Right, they will:
- (a) not negligently, knowingly or wilfully do anything, or allow anything to be done, that in any way impairs the operation of this Deed or dilutes the obligations of the Companies under it, (but nothing in this sub-clause (a) prejudices the Companies' rights to take action under this Deed);
  - (b) exclude from their charges to all Clubs and Hotels, all amounts attributable to the cost of maintaining, operating and re-developing the Central Monitoring System;
  - (c) conduct table gaming on every day of each year at both Wrest Point and the Country Club, and provide both the number of tables and range of games sufficient to meet patron demand from time to time.

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These obligations do not prevent the Companies from changing or varying the types, or the daily hours of operation, of table games to maintain their commercial viability.

- 4.2 The Companies covenant with the Crown that:
- (a) (subject to clause 4.3), they will undertake development of a new premium standard tourist resort near Coles Bay:
    - (i) including accommodation, convention, restaurant and recreation facilities;
    - (ii) with infrastructure development (such as the provision of sewerage, water and electricity services and site works) or actual construction starting by October 2003 and the project to be completed by early 2005; and
    - (iii) at a capital cost of at least \$25 Million;
  - (b) in undertaking the development described in clause 4.2(a) or any alternative development, they will engage Tasmanian contractors and labour and will use Tasmanian materials, where it is possible and commercially feasible to do so;
  - (c) they will introduce a flexible operating model that permits a Licensed Premises Gaming Operator of a Club or an Hotel to choose, from the selection then available from the Companies, the games and Gaming Machines that the operator considers most appropriate for those premises.
- 4.3 If, after exhausting all reasonable efforts, the Companies cannot obtain the regulatory approvals (on commercially reasonable terms) necessary to complete the development described in clause 4.2(a), the Companies will negotiate in good faith with the Crown to agree on either:
- (a) a reasonable extension of the times allowed under clause 4.2(a)(ii), if it is reasonably likely that an extension of time will enable the Companies to obtain those regulatory approvals; or
  - (b) otherwise, an equivalent development on another site in Tasmania.
- 4.4 Throughout the term of the Exclusive Right, the Companies will use their best endeavours to continue to improve player protection measures and to support the Crown's initiatives in that field.

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**5. Crown's Covenants**

- 5.1 As soon as practicable after this Deed is executed, the Minister will introduce the Legislation into the Parliament of the State to amend the Act providing, inter alia, that:
- (a) unless clause 6(b) applies, the deed referred to in section 6 of the Act ceases to have effect;
  - (b) this Deed is ratified and approved;
  - (c) the provisions of this Deed have the force of law as if those provisions were enacted by the Legislation;
  - (d) if a provision of the Act and a provision of the Deed are inconsistent, then the provisions of the Act will prevail;
  - (e) the Gaming Commission has power to issue, and must issue, a licence or licences to the Companies for the Exclusive Right;
  - (f) the maximum number of Gaming Machines permitted:
    - (i) in Tasmania, will be 3,680 (excluding Gaming Machines operated on vessels operated by the TT-Line);
    - (ii) in all Hotels and Clubs, will be 2,500 in total;
    - (ii) in each Hotel, will be 30; and
    - (iii) in each Club, will be 40;
  - (g) the applicable tax rates from the Starting Date for Gaming Machines and Casino Games will be:
    - (i) for Gaming Machines:
      - A until 30<sup>th</sup> June 2013, 20.88 percent upon the first \$35 Million of Gross Profit and 25.88 percent upon the rest of the Gross Profit; and
      - B from 1<sup>st</sup> July 2013, 25.88 percent of Gross Profit;
    - (ii) for Casino Games, 0.88 percent of Gross Profit;
  - (h) the annual fee for each Casino Licence will be \$1.3496 Million, Indexed;
  - (i) the community support levy applicable to Clubs under section 151 of the Act will be increased to 4 percent from the Starting Date.

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- 5.2 The Crown will use its best endeavours to ensure that the Legislation commences on or before 1<sup>st</sup> July 2003 and takes effect from its commencement date.
- 5.3 Subject to clause 6, if the Legislation does not commence on or before 1<sup>st</sup> July 2003, then it will provide that its provisions will have effect retrospectively from 1<sup>st</sup> July 2003.

**6. General**

If, by 1<sup>st</sup> August 2003 (or such later date as the parties agree), the Legislation:

- (a) has not been enacted; or
- (b) has been enacted, but with amendments that prevent the Crown from complying with its obligations under this Deed,

then from that date, this Deed ceases to bind the parties who will have no claim against each other about anything done or omitted to be done under this Deed.

**7. Default and Termination of Deed**

- 7.1 The Crown may give notice (except in the case of the breach of a fundamental term, in which case no notice is required) to the Companies that, within twenty (20) Business Days of receiving the notice, they must remedy the default described in the notice, if:
- (a) any tax or licence fee payable by any of the Companies remains unpaid for one month after it has become due, whether demanded or not; or
  - (b) the Companies breach any of the terms of this Deed; or
  - (c) any of the Companies fail to comply with the requirements of a notice given by the Crown, the Gaming Commission or the Minister under this Deed; or
  - (d) any of the Companies fail to comply with any law; or
  - (e) any of the Companies have distress or execution levied or issued against any of their property and it is not paid out within seven days; or
  - (f) an application (which is not withdrawn, dismissed or the subject of an injunction, within 20 Business Days), is made to a court for an order appointing a liquidator or provisional liquidator, or a liquidator or

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- provisional liquidator is appointed in respect of any of the Companies, whether or not under an order; or
- (g) (except to reconstruct or amalgamate while solvent, on terms approved by the Crown, for the purposes of this Deed), any of the Companies enters into, or resolves to enter into, a scheme of arrangement, deed of company arrangement or composition with, or an assignment for the benefit of, all or any class of, or it proposes a reorganisation, moratorium or other administration involving any of its creditors; or
  - (h) any of the Companies resolves to wind itself up, or otherwise dissolve itself, or gives notice of an intention to do so (except to reconstruct or amalgamate while solvent on terms approved by the State for the purposes of this Deed) or is otherwise wound up or dissolved; or
  - (i) any of the Companies is, or states that it is, insolvent; or
  - (j) as a result of the operation of section 459F(1) of the *Corporations Act* any of the Companies is taken to have failed to comply with a statutory demand; or
  - (k) any of the Companies is, or makes a statement from which the State may reasonably deduce for the purposes of this Deed, that it is, the subject of an event described in section 459C(2)(b) or section 585 of the *Corporations Act*; or
  - (l) any of the Companies takes a step to obtain protection or is granted protection from its creditors, under any applicable legislation; or
  - (m) a resolution is passed to appoint an administrator or a receiver and manager, or an administrator or a receiver and manager is appointed to any of the Companies.
- 7.2 For the purposes of clause 7.1 the parties agree that clauses 4.1, 4.2, 4.3 and 4.4 are fundamental terms of this Deed.
- 7.3 If a default described in a notice is remedied within the time allowed under the notice, then the notice will be of no further force and effect.
- 7.4 If a default described in a notice is not remedied within the time allowed under the notice, then:
- (a) if the default is:
    - (i) incapable of being remedied; and

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- (ii) minor in nature and effect,  
the Crown must accept the Companies' reasonable offer of compensation, made within the time allowed by the notice, in lieu of exercising its rights under paragraph (b) of this clause; and
    - (b) in any other case, the Crown may cancel the Deed by written notice to the Companies, without prejudice to any action, suit or other remedy of the Crown for any other antecedent breach of covenant.
  - 7.5 Despite the provisions of this clause 7, the Companies will not be treated as being in default if a bona fide dispute has arisen between the parties and it has been submitted for resolution under clause 13;
  - 7.6 If the Crown cancels this Deed for default by any of the Companies, then the Companies must pay to the Crown liquidated damages equal to all revenue lost by the Crown from the date of actual default until the Crown is in a position to select and licence another gaming operator or operators. The Crown must use all reasonable endeavours to select and licence another operator or operators as soon as practicable after the Deed is cancelled under this clause 7;
  - 7.7 If the Crown terminates the Deed under this clause 7, then the Crown may enter into any agreements that it thinks fit with any person or persons for the conduct of Casino Operations and Gaming Machines and Keno operations whether those agreements are exclusive and the Companies acknowledge that they will have no right of action against the Crown.
- 8. Indemnities**
- 8.1 Throughout the term of the Exclusive Right, the Companies agree to indemnify the Crown, its agents, servants or workmen and to keep them indemnified against:
    - (a) any cost, claim or demand brought against the Crown, its agents, servants or workmen arising out of the Companies' rights and entitlements under this Deed, if the Crown, its agents, servants or workmen have not acted negligently or unlawfully to cause the cost, claim or demand;

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- (b) any claim or demand of a non-insurable nature arising as a result of an action on the part of the Companies;
  - (c) any liability to any employee, servant, agent or other person engaged by the Companies or to their estate for:
    - (i) personal injury to; or
    - (ii) death of; or
    - (iii) damage to any of the property of,any such person arising from the performance of their services to the Companies.
- 8.2 The indemnities in clause 8.1:
- (a) are continuing obligations of the Companies, separate and independent from any other obligations of the Companies and survive the termination of this Deed;
  - (b) do not extend to cover the Crown if a Court of competent jurisdiction has decided that the Crown is liable under an action brought against it, despite the existence of this clause 8; and
  - (c) do not prevent the Companies from taking action against the Crown under the terms of this Deed.
- 9. Notices**
- 9.1 A notice, demand, consent in writing or other communication to be given or made under this Deed is taken to have been duly given or made when:
- (a) hand delivered in writing; or
  - (b) sent by prepaid certified or registered post; or
  - (c) sent by facsimile transmission (to the listed facsimile number);
- to the party to which the notice or demand or consent is required or permitted to be given or made under this Deed, at the following addresses:

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The Companies:           General Manager  
                                  West Point Hotel Casino  
                                  410 Sandy Bay Road  
                                  SANDY BAY TAS 7005  
                                  Facsimile Number (03) 6225 2424

The Crown:               Secretary  
                                  Department of Treasury & Finance  
                                  21 Murray Street  
                                  HOBART TAS 7000  
                                  Facsimile Number (03) 6223 2755

- 9.2 A notice, demand, consent in writing or other communication is taken to have been duly served:
- (a) in the case of hand delivery, when delivered;
  - (b) if sent by prepaid certified or registered post, on the third Business Day after the date of posting;
  - (c) if sent by facsimile transmission, at the time shown in the transmission report as at the time that the whole facsimile was sent, if that report states that the transmission was completed before 5.00 p.m. on a Business Day, otherwise at 9.00 a.m. on the next Business Day.
- 9.3 A notice, demand, consent in writing or other communication given or made under this Deed is sufficient if it is:
- (a) in the case of the Companies, under the hand of the Companies or their authorised agent or solicitors;
  - (b) in the case of the Crown, under the hand of the Secretary of the Department or the Crown's agent or solicitors.
- A printed or copied signature is sufficient to send a notice, demand, consent in writing or other communication by facsimile transmission.

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**10. Relationship of Parties**

Except as expressly provided in this Deed, nothing contained or implied in it, will:

- (a) constitute, or be taken to constitute, a party to be the partner, agent or legal representative of another party for any purpose, or to create or be taken to create a partnership; or
- (b) create, or be taken to create, an agency or trust.

**11. Governing Law**

This Deed is governed by the laws of Tasmania and the parties submit to the non-exclusive jurisdiction of its courts and agree, without preventing any other mode of service permitted by law, that any document required to be served in any proceedings may be served in the manner in which notices and other written communications may be given under Clause 9.

**12. Application of Law**

Unless application is mandatory by law, any present or future suit, ordinance, proclamation, order, regulation or moratorium, whether State or Commonwealth does not apply to this Deed so as to abrogate, impair, diminish, fetter, delay or otherwise prejudicially affect any rights powers or discretions given or accruing to the Companies or the Crown.

**13. Dispute Resolution**

- 13.1 If a dispute arises about any of the clauses in this Deed or the rights and obligations of either party, then the parties must use all reasonable endeavours to settle the dispute within ten (10) Business Days of both parties becoming aware of the dispute. To assist in resolving a dispute at first instance, it must be discussed at management level and failing satisfactory resolution, a committee consisting of a representative from the Crown and a representative from the Companies, with an independent third person to act as mediator, will be established to try to resolve the dispute.
- 13.2 If the parties have complied with clause 13.1 and dispute has not been settled, then either party may require that the dispute be referred for mediation

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by an independent consultant expert in the area of the dispute. The independent consultant is to be appointed by two persons one of whom is a nominee of the Crown and the other a nominee of the Companies. Failing agreement by the nominees of the Crown and the Companies, the expert will be nominated by the President of the Law Society of Tasmania (or its successor body), at the request of either party.

- 13.3 In making a determination, an independent consultant is taken to be acting as an expert and not as an arbitrator.
- 13.4 Neither the Crown nor the Companies are entitled to commence or maintain an action, whether by way of legal proceedings or arbitration, relating to a dispute until it has been referred to and determined by the independent consultant as provided for in this clause 13.
- 13.5 Either party is entitled to reject the decision of the independent consultant and, once the independent consultant has reached a determination, nothing in this clause 13 prohibits either party from pursuing any other legal remedies available to that party.
- 13.6 Each party must ensure that a notice of dispute given under this clause contains full particulars of the dispute, to ensure that all determinations are expeditiously completed.
- 13.7 The cost of a determination by an independent consultant is to be paid by the Crown and the Companies in proportions determined by the independent consultant.

**14. Waiver**

- 14.1 A waiver by a party of a provision of, or a right, remedy or power of the Crown or the Companies under this Deed:
  - (a) is not effective unless it is in writing; and
  - (b) is effective only in the specific instance and for the specific purpose for which it is given.
- 14.2 No:
  - (a) failure or delay by a party to exercise a right, remedy or power under this Deed; or

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(b) failure or delay by a party to insist that the other party strictly complies with an obligation under this Deed; or

(c) custom or practice of the parties at variance with the terms of this Deed;

constitutes a waiver of the Crown's or the Companies' right to demand strict compliance with this Deed.

**15. Assignment**

No party to this Deed may assign, or part with, or be relieved from any of its rights powers and obligations arising under this Deed, or assign or part with the benefit of it, without first obtaining the written consent of all other parties.

**16. Force Majeure**

16.1 If a party to this Deed is affected, or likely to be affected, by a Force Majeure Event:

(a) that party must immediately give the other prompt notice of that fact including:

- (i) full particulars of the Force Majeure Event;
- (ii) an estimate of its likely duration;
- (iii) the obligations affected by it and the extent of its effect on those obligations; and
- (iv) the steps taken to rectify it; and

(b) except for the payment of money, the obligations under this Deed of the party giving the notice are suspended to the extent to which they are affected by the relevant Force Majeure Event for as long as:

- (i) it continues to prevent the party giving the notice from performing its obligations; and
- (ii) it would prevent any other potential operator or operators from conducting Casino Operations and Gaming Machines and Keno operations.

16.2 A party claiming a Force Majeure Event must use its best endeavours to remove, overcome or minimise the effects of that Force Majeure Event as quickly as possible. However, this obligation does not require a party to settle

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any industrial dispute in a manner that would, in the bona fide view of that party, unreasonably disadvantage that party.

- 16.3 During any period in which a party to this Deed is not performing its obligations because of a claimed Force Majeure Event, the other party may (but need not) make alternative arrangements for the performance, whether by another person or otherwise, of any obligation which the party claiming the Force Majeure Event is not performing, without incurring any liability to that party.
- 16.4 If a notice is given under clause 16.1 and the Force Majeure Event continues for more than 60 Business Days, either party may terminate this Deed by giving at least 30 Business Days written notice to the other party.

**17 Severance**

- 17.1 If a provision of this Deed is void or voidable or unenforceable, by either party, but would not be void or voidable or unenforceable if it were read down and is capable of being read down, then it must be read down accordingly.
- 17.2 If, despite clause 17.1, a provision of this Deed is still void or voidable or unenforceable by either party, then:
- (a) if the provision would not be void or voidable or unenforceable if a word or words were omitted, then that word or those words (as the case may be) are severed; and
  - (b) in any other case, the whole provision is severed, and the remainder of this Deed has full force and effect.

**Executed** by the parties this day.

**The Common Seal of**  
**The Federal Hotels Limited**  
fixed in the presence of:

G. D. Farrell  
*Director*

)

)

)



A. Eakins  
*Secretary*

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<b>The Common Seal of Australian</b>	)	
<b>National Hotels Pty Ltd fixed</b>	)	(C.S.)
in the presence of:	)	
G. D. Farrell		A. Eakins
<i>Director</i>		<i>Secretary</i>

<b>The Common Seal of Tasmanian</b>	)	
<b>Country Club-Casino Pty Ltd</b>	)	(C.S.)
fixed in the presence of:	)	
G. D. Farrell		A. Eakins
<i>Director</i>		<i>Secretary</i>

Signed for and on behalf of	)	
<b>The Crown In Right Of The State Of</b>	)	
<b>Tasmania by The Honourable</b>	)	
<b>Dr. David Mackenzie Crean, MLC</b>	)	D. M. Crean
being and as the Treasurer of the State	)	
of Tasmania, in the presence of:	)	

Signature of Witness:	D. W. Challen
Full Name:	Donald W. Challen
Address:	21 Murray Street, Hobart
Occupation:	Secretary, Department of Treasury and Finance

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<b>The Common Seal of Australian</b>	)	
<b>National Hotels Pty Ltd fixed</b>	)	(C.S.)
in the presence of:	)	
G. D. Farrell		A. Eakins
<i>Director</i>		<i>Secretary</i>

<b>The Common Seal of Tasmanian</b>	)	
<b>Country Club-Casino Pty Ltd</b>	)	(C.S.)
fixed in the presence of:	)	
G. D. Farrell		A. Eakins
<i>Director</i>		<i>Secretary</i>

Signed for and on behalf of	)	
<b>The Crown In Right Of The State Of</b>	)	
<b>Tasmania by The Honourable</b>	)	
<b>Dr. David Mackenzie Crean, MLC</b>	)	D. M. Crean
being and as the Treasurer of the State	)	
of Tasmania, in the presence of:	)	

Signature of Witness:	D. W. Challen
Full Name:	Donald W. Challen
Address:	21 Murray Street, Hobart
Occupation:	Secretary, Department of Treasury and Finance

**SCHEDULE 2 – PROVISIONS WITH RESPECT TO  
MEMBERSHIP OF COMMISSION**

Section 124

**1. Terms of office**

- (1) A member of the Commission is to be appointed for such term, not exceeding 4 years, as is specified in the relevant instrument of appointment and, if otherwise qualified, is eligible for reappointment from time to time for a term not exceeding 4 years.

- (2) . . . . .

**2. Provisions requiring devotion of whole of time to other duties**

Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his or her time to the duties of office under that Act, that provision does not operate to disqualify that person from holding that office and also the office of a member of the Commission.

**3. Conditions of appointment**

- (1) Subject to subclause (2), a member of the Commission is entitled to be paid such remuneration and allowances as the Governor may from time to time determine.
- (2) A member of the Commission holds office on such conditions in relation to matters not

provided for by this Act as are specified in the instrument of appointment.

**4. Deputies of members**

- (1) The Minister may appoint a deputy of a member of the Commission.
- (2) If a member of the Commission is unable for any reason to perform the duties of a member, the member's deputy may perform those duties and, when doing so, is treated as a member.
- (3) A deputy member of the Commission holds office for such term, not exceeding 4 years, and on such conditions as are specified in the deputy member's instrument of appointment.

**5. Resignation**

A member of the Commission may resign by signed notice given to the Governor.

**6. Removal of member of Commission**

The Governor may remove a member of the Commission from office if –

- (a) the member fails to disclose a pecuniary interest as required under clause 6 of Schedule 3; or
- (b) the member is convicted in Tasmania, or elsewhere, of an offence involving fraud or dishonesty which is punishable on

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conviction by imprisonment for a term of 3 months or more or of an offence which is punishable by imprisonment for a term of 12 months or more; or

- (c) the Governor considers that the member is physically or mentally incapable of continuing as a member; or
- (d) the Governor considers that the member is unable to perform adequately or competently the functions of the office as a member; or
- (e) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or
- (f) the member is absent from 3 consecutive ordinary meetings of the Commission without leave of absence.
- (g) . . . . .

**7. Filling of vacancy**

- (1) A member of the Commission vacates office if the member –
  - (a) dies; or
  - (b) resigns; or

(c) is removed from office under clause 6.

- (2) The Minister may appoint a person to a vacant office of a member for the residue of the predecessor's term of office.

**8. Validity of proceedings, &c.**

- (1) An act or proceeding of the Commission or of any person acting under a power of delegation of the Commission is not invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the Commission.
- (2) All acts and proceedings of the Commission or of any person acting under a power of delegation of the Commission are, notwithstanding the subsequent discovery of any defect in the appointment of any member of the Commission or that any person was disqualified from acting as, or incapable of being, a member of the Commission, as valid as if the member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Commission had been fully constituted.

**9. Presumptions**

In any proceedings by or against the Commission, unless evidence is given to the contrary, proof is not required of –

- (a) the constitution of the Commission; or

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- (b) any resolution of the Commission; or
- (c) the appointment of any member of the Commission; or
- (d) the presence of a quorum at any meeting of the Commission.

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**SCHEDULE 3 – PROVISIONS WITH RESPECT TO  
MEETINGS OF COMMISSION**

Section 124

**1. Convening of meetings**

Meetings of the Commission may be convened by the chairperson of the Commission or by any 2 members of the Commission.

**2. Presiding at meetings**

- (1) The chairperson of the Commission is to preside at all meetings of the Commission at which the chairperson is present.
- (2) If the chairperson of the Commission is not present at a meeting of the Commission, a member of the Commission elected by the members present is to preside at that meeting.

**3. Quorum and voting at meetings**

- (1) Two members of the Commission form a quorum at any duly convened meeting of the Commission.
- (2) Any duly convened meeting of the Commission at which a quorum is present is competent to transact any business of the Commission.
- (3) Questions arising at a meeting of the Commission are to be determined by a majority of votes of the members of the Commission present and voting and, in the event of an

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equality of votes, the person presiding at the meeting has a second or casting vote.

**4. Conduct of meetings**

- (1) Subject to this Act, the Commission may regulate the calling of, and the conduct of business at, its meetings as it considers appropriate.
- (2) The Commission may permit members to participate in a particular meeting or all meetings by telephone or any other means of communication.
- (3) A member who participates in a meeting under a permission granted under subclause (2) is taken to be present at the meeting.
- (4) Without limiting subclause (1), the Commission may allow a person to attend a meeting for the purpose of advising or informing it on any matter.

**5. Minutes**

The Commission is to keep minutes of its proceedings.

**6. Disclosure of interests**

- (1) If –
  - (a) a member of the Commission has a direct or indirect pecuniary interest in a matter

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being considered, or about to be considered, by the Commission; and

- (b) the interest could conflict with the proper performance of the member's duties in relation to consideration of the matter –

the member must, as soon as practicable after the relevant facts come to the member's knowledge, disclose the nature of the interest to a meeting of the Commission.

- (2) A disclosure under subclause (1) is to be recorded in the minutes of the meeting and, unless the Commission otherwise determines, the member is not to –

- (a) be present during any deliberation of the Commission in relation to the matter; or

- (b) take part in any decision of the Commission in relation to the matter.

- (3) For the purpose of making a determination under subclause (2) in relation to a member who has made a disclosure under subclause (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates is not to –

- (a) be present during any deliberations of the Commission for the purpose of making the determination; or

- (b) take part in the making by the Commission of the determination.

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**SCHEDULE 4 – ACTS REPEALED**

Sections 3 and 175

<b>Short title of Act</b>	<b>Number and year of Act</b>
<i>Gaming Act 1983</i>	No. 81 of 1983
<i>Northern Casino Act 1978</i>	No. 81 of 1978
<i>Wrest Point Casino Licence and Development Act 1968</i>	No. 78 of 1968
<i>Wrest Point Casino (Further Agreement) Act 1976</i>	No. 69 of 1976
<i>Wrest Point Casino Licence and Development Amendment Act 1982</i>	No. 28 of 1982

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**SCHEDULE 5 – FURTHER TRANSITIONAL AND  
SAVINGS PROVISIONS**

**PART 1 – . . . . .**

**PART 2 – . . . . .**

**PART 3 – TRANSITIONAL PROVISION  
CONSEQUENT ON *GAMING CONTROL AMENDMENT  
ACT 2009***

**10. Betting exchange operator taken to have agent  
endorsement for existing arrangements**

- (1) On the transition day, a Tasmanian gaming licence with a betting exchange endorsement is, without further authority than this subclause, taken to have been endorsed with an agent endorsement authorising the licensed provider to –
  - (a) maintain and continue to participate in, under and subject to this Act, any existing arrangements of the licensed provider; and
  - (b) continue to do all things necessary or convenient to execute any such arrangements, including the use of approved outlets.
- (2) In this clause –

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*existing arrangements* means arrangements of the kind referred to in section 76VC(1) in place immediately before the transition day;

*transition day* means the day on which the *Gaming Control Amendment Act 2009* commences.

**PART 4 – TRANSITIONAL PROVISIONS  
CONSEQUENT ON *GAMING CONTROL AMENDMENT  
(COMMUNITY INTEREST) ACT 2016***

**1. Interpretation**

In this Part –

*operate* has the same meaning as in section 35A.

**2. Application of Part**

This Part applies to –

- (a) an application under section 36(1) for a licensed premises gaming licence that authorises the possession of gaming machines at licensed premises; and
- (b) a request under section 44(2)(a) to amend a licensed premises gaming licence to authorise the possession of gaming machines at the licensed premises to which the licence relates –

if the application or request is made in respect of licensed premises where gaming machines have not operated in the 6-month period immediately before the application or request.

**3. Unprocessed licence applications and licence amendment requests**

If –

- (a) an application under section 36(1) for a licensed premises gaming licence or a request under section 44(2)(a) to amend a licensed premises gaming licence is made to the Commission; and
- (b) that application or request is not determined by the Commission immediately before the day on which this clause commences –

the Commission must suspend consideration of that application or request until the day on which Division 3 of Part 5 of this Schedule commences.

**4. Suspension of certain licence applications and licence amendment requests**

Notwithstanding any other provision of this Act, a person cannot make –

- (a) an application under section 36(1) for a licensed premises gaming licence; or

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- (b) a request under section 44(2)(a) to amend a licensed premises gaming licence –

until the day on which Division 3 of Part 5 of this Schedule commences.

**PART 5 – FURTHER TRANSITIONAL PROVISIONS  
CONSEQUENT ON *GAMING CONTROL AMENDMENT  
(COMMUNITY INTEREST) ACT 2016***

*Division 1 – Preliminary*

**1. Interpretation**

In this Part –

*community interest matters* has the same meaning as in section 35A;

*operate* has the same meaning as in section 35A.

**2. Application of Part**

- (1) This Part applies to the holder of a licensed premises gaming licence, in respect of that licence, if –
  - (a) the licence authorises the possession of gaming machines at the licensed premises to which the licence relates; and
  - (b) between 16 March 2016 and the day on which this clause commences (both days exclusive) –

- (i) an application was made under section 36(1) for that licence; or
  - (ii) a request was made under section 44(2)(a) to amend that licence to authorise the possession of gaming machines at the licensed premises to which the licence relates.
- (2) However, this Part does not apply to the holder of a licensed premises gaming licence if the application referred to in subclause (1)(b)(i) or the request referred to in subclause (1)(b)(ii) was made in respect of licensed premises at which gaming machines operated –
  - (a) before 17 March 2016; and
  - (b) in the 6-month period immediately before the application or request.

***Division 2 – Stay of operation of certain gaming machines***

**3. Stay of operation of certain gaming machines**

- (1) Notwithstanding any other provision of this Act, if the holder of a licensed premises gaming licence possesses gaming machines at licensed premises under the authority of a licence referred to in clause 2(1), the licence holder must not operate, or permit the operation of, those gaming machines unless the Commission has made a determination under clause 5(1) that the authorisation to possess gaming machines under that licence is in the community interest.

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Penalty: A fine not exceeding 600 penalty units

- (2) The holder of a licensed premises gaming licence who is prohibited under this clause from operating, or permitting the operation of, gaming machines at licensed premises is not entitled to compensation or a refund in respect of any matter arising from the prohibition.

***Division 3 – Community interest submission***

**4. Community interest submission**

- (1) The holder of a licensed premises gaming licence must, within 90 days after the day on which this clause commences, make a community interest submission to the Commission –
  - (a) in respect of a licence referred to in clause 2(1); and
  - (b) in accordance with section 36(2B).
- (2) The Commission may extend the period referred to in subclause (1) if satisfied that special circumstances exist that justify the extension.
- (3) Within 14 days of making a community interest submission under subclause (1), the holder of a licensed premises gaming licence must cause to be published, in a newspaper circulating in the area in which the licensed premises are situated, a notice containing the information required by the Commission and a statement that any person may object to the licence by giving notice in

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writing to the Commission, within 14 days of the date of publication of the notice, stating the grounds for the objection.

- (4) A person may, within 14 days of the date of publication of a notice under subclause (3), request in writing that the Commission make available –
  - (a) information as provided in the notice; and
  - (b) the community interest submission made in respect of the licence specified in that notice.
- (5) The Commission is to comply with a request under subclause (4).
- (6) A person may, within 14 days of the date of publication of a notice under subclause (3), object to the licence specified in that notice on the grounds that authorisation to possess gaming machines under that licence is not in the community interest, having regard to community interest matters.
- (7) An objection under subclause (6) is to –
  - (a) be in writing; and
  - (b) set out the reasons for the objection.

***Division 4 – Determination of Commission***

**5. Determination of Commission**

- (1) If the Commission receives a community interest submission made in relation to a licensed premises gaming licence under clause 4(1), the Commission must determine whether or not, after taking into account community interest matters, the authorisation to possess gaming machines under that licence is in the community interest.
- (2) The Commission must not make a determination under subclause (1) without first considering –
  - (a) the community interest submission made under clause 4(1) in relation to that licensed premises gaming licence; and
  - (b) every objection made under clause 4(6) in relation to that licensed premises gaming licence.
- (3) The Commission must, as soon as practicable, notify the licence holder of a determination made in respect of his or her licensed premises gaming licence under subclause (1).
- (4) If the Commission determines under subclause (1) that the authorisation to possess gaming machines under a licensed premises gaming licence is not in the community interest, the Commission must, by written notice given to the licence holder –

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- (a) amend the licence to remove the authorisation to possess gaming machines at the licensed premises to which the licence relates; and
  - (b) give reasons to the licence holder for its determination.
- (5) If the holder of a licensed premises gaming licence does not make a community interest submission in accordance with this Part, the Commission must, by written notice given to the licence holder, amend the licence referred to in clause 2(1) to remove the authorisation to possess gaming machines at the licensed premises to which the licence relates.
- (6) The amendment of a licence under this clause takes effect on the day on which the licence holder receives notice of the amendment or on a later day specified in the notice.
- (7) The holder of a licensed premises gaming licence is not entitled to compensation or a refund in respect of any matter arising from the amendment of the licence holder's licence in accordance with this clause.

***Division 5 – Miscellaneous***

**6. Surrender of licence prior to determination of Commission**

- (1) In this clause –

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***transitional licensed premises*** means licensed premises in respect of which the holder of a licensed premises gaming licence has surrendered his or her licence before the Commission has made a determination under clause 5(1) in relation to that licence.

- (2) If an application under section 36(1) for a licensed premises gaming licence is made in respect of transitional licensed premises, the premises are taken for the purposes of section 36(2A) to have not had gaming machines operating at the premises at any time in the 6-month period immediately before the application is made.

**PART 6 – TRANSITIONAL PROVISIONS  
CONSEQUENT ON *GAMING CONTROL AMENDMENT  
(WAGERING) ACT 2019***

**1. Interpretation**

In this Part –

***former Act*** means the *Gaming Control Act 1993*, as in force immediately before the commencement of Part 3 of the *Gaming Control Amendment (Wagering) Act 2019*;

***second totalizator endorsement*** has the same meaning as in Division 5A of Part 4A;

***transitional period*** means the period from 1 January 2020 to 30 June 2020 (both days inclusive).

## **2. Point of consumption tax during transitional period**

For the purposes of the application of Division 1A of Part 9 during the transitional period, a reference in that Division to –

- (a) a financial year is taken to be a reference to the transitional period; and
- (b) a period starting on 1 July in a financial year is taken to be a reference to 1 January 2020; and
- (c) an amount of \$150 000 is taken to be a reference to \$75 000.

## **3. Entitlement to refund of totalizator wagering levy**

- (1) This section applies to the holder of a Tasmanian gaming licence endorsed with the second totalizator endorsement.
- (2) The holder of the Tasmanian gaming licence is entitled to a refund of 50% of the wagering levy paid by that licence holder under section 150AD of the former Act for the financial year commencing on 1 July 2019.
- (3) The Treasurer is to pay a refund under subsection (2) to the holder of the Tasmanian gaming licence within 7 days after the holder of the Tasmanian gaming licence has paid the

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annual levy under section 150AC for the transitional period.

**4. Payment of annual levy for transitional period**

For the purposes of the application of section 150AC during the transitional period –

- (a) a reference in that section to a financial year is taken to be a reference to the transitional period; and
- (b) a requirement that the annual levy be paid on the first day of a financial year is taken to be a requirement that the annual levy be paid within 7 days after 1 January 2020; and
- (c) a reference in that section to an amount of 925 000 fee units is taken to be a reference to 462 500 fee units.

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

**1. Interpretation**

In this Part –

*changeover day* means 1 July 2023;

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

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***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.

**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

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- (b) possess gaming equipment purchased or obtained in accordance with paragraph (a); and
  - (c) do all things necessarily incidental to carrying on the 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.

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

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- (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;
  - (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 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.

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- (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 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

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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;
    - (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 –

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- (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 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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## NOTES

The foregoing text of the *Gaming Control Act 1993* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2022 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Gaming Control Act 1993</i>	No. 94 of 1993	17.12.1993
<i>Statute Law Revision Act 1994</i>	No. 68 of 1994	25.11.1994
<i>Gaming Control Amendment Act 1996</i>	No. 46 of 1996	17.12.1996
<i>Financial Institutions (Miscellaneous Amendments) Act 1996</i>	No. 62 of 1996	1.1.1997
<i>Gaming Control Amendment Act 1998</i>	No. 11 of 1998	22.5.1998
<i>Gaming Control Amendment Act 1999</i>	No. 102 of 1999	22.12.1999
<i>Gaming Control Amendment Act 2001</i>	No. 112 of 2001	22.12.1999 (s. 6)
<i>Financial Sector Reform (Tasmania) (Miscellaneous Amendments) Act 1999</i>	No. 74 of 1999	1.1.2000
<i>Gaming Control Amendment (Tasmanian Gaming Licence Taxation) Act 2000</i>	No. 16 of 2000	19.4.2000 (remaining provisions) 1.7.2000 (s. 4(b)-(p))
<i>National Taxation Reform (Commonwealth-State Relations) Miscellaneous Amendments Act 2000</i>	No. 21 of 2000	1.7.2000
<i>Statutory Holidays (Consequential Amendments) Act 2000</i>	No. 82 of 2000	13.12.2000
<i>Gaming Control Amendment (Trading Accounts) Act 2001</i>	No. 5 of 2001	12.4.2001
<i>State Service (Consequential and Miscellaneous Amendments) Act 2000</i>	No. 86 of 2000	1.5.2001
<i>Gaming Control Amendment (Minor Gaming and Miscellaneous Amendments) Act 2001</i>	No. 45 of 2001	1.7.2001 (remaining provisions)
<i>Corporations (Consequential Amendments) Act 2001</i>	No. 42 of 2001	15.7.2001

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Act	Number and year	Date of commencement
<i>Gaming Control Amendment Act 2001</i>	No. 112 of 2001	1.9.2001 (s. 7)
<i>Gaming Control Amendment (Minor Gaming and Miscellaneous Amendments) Act 2001</i>	No. 45 of 2001	19.12.2001 (ss. 51, 62 and 63, as amended by 112 of 2001)
<i>Gaming Control Amendment (Foreign Games Permit) Act 2002</i>	No. 66 of 2002	19.12.2002
<i>Statute Law Revision Act 2003</i>	No. 9 of 2003	16.4.2003
<i>Gaming Control Amendment Act 2003</i>	No. 59 of 2003	1.7.2003
<i>Relationships (Consequential Amendments) Act 2003</i>	No. 45 of 2003	1.1.2004
<i>Police Service (Consequential Amendments) Act 2003</i>	No. 76 of 2003	1.1.2004
<i>Gaming Control Amendment Act 2004</i>	No. 15 of 2004	1.7.2004
<i>Australian Crime Commission (Tasmania) Act 2004</i>	No. 26 of 2004	1.11.2004
<i>Liquor and Accommodation Amendment Act 2004</i>	No. 24 of 2004	1.1.2005
<i>Racing Regulation (Transitional and Consequential Provisions) Act 2004</i>	No. 64 of 2004	1.1.2005
<i>Statutory Officers (Age for Retirement) Act 2005</i>	No. 17 of 2005	10.6.2005
<i>Gaming Control Amendment (Betting Exchange) Act 2005</i>	No. 53 of 2005	1.12.2005
<i>Gaming (Miscellaneous Amendments) Act 2013</i>	No. 15 of 2013	6.2.2006 (Part 3)
<i>Gaming Control Amendment (Miscellaneous Amendments) Act 2006</i>	No. 13 of 2006	20.9.2006
<i>Gaming Control Amendment Act 2007</i>	No. 70 of 2007	19.12.2007
<i>Payroll Tax Act 2008</i>	No. 16 of 2008	1.7.2008
<i>Racing (Tasracing Pty Ltd) (Transitional and Consequential Provisions) Act 2009</i>	No. 26 of 2009	1.7.2009
<i>Gaming Control Amendment Act 2009</i>	No. 9 of 2009	1.7.2009
<i>Gaming Control Amendment Act (No. 2) 2009</i>	No. 75 of 2009	7.12.2009
<i>Right to Information (Consequential and Transitional) Act 2009</i>	No. 54 of 2009	1.7.2010
<i>Gaming Control Amendment Act (No. 2) 2009</i>	No. 75 of 2009	18.8.2010
<i>Gaming Control Amendment Act 2010</i>	No. 14 of 2010	28.9.2010 (remaining provisions) 6.2.2011 (s. 12)

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Act	Number and year	Date of commencement
<i>Justice and Related Legislation (Miscellaneous Amendments) Act 2013</i>	No. 20 of 2013	20.6.2013
<i>Gaming (Miscellaneous Amendments) Act 2013</i>	No. 15 of 2013	20.6.2013 (Part 2)
<i>Liquor Licensing Amendment (Liquor and Gaming Administrative Restructuring) Act 2015</i>	No. 9 of 2015	12.8.2015
<i>Unclaimed Money Act 2015</i>	No. 40 of 2015	1.7.2016
<i>Gaming Control Amendment (Community Interest) Act 2016</i>	No. 57 of 2016	6.12.2016 (Part 2) 1.9.2017 (Part 3)
<i>Gaming Control Amendment (Wagering) Act 2019</i>	No. 45 of 2019	12.12.2019 (Part 2) 1.1.2020 (Part 3)
<i>Gaming Control Amendment (Future Gaming Market) Act 2021</i>	No. 31 of 2021	16.12.2021 (Part 2)
<i>Legislation Publication Act 1996</i>	No. 17 of 1996	16.12.2021
<i>Gaming Control Amendment (Future Gaming Market) Act 2021</i>	No. 31 of 2021	1.7.2022 (Part 3) 1.7.2023 (Part 4) not commenced

**TABLE OF AMENDMENTS**

Provision affected	How affected
The long title	Amended by No. 45 of 2001, s. 4
Section 3	Amended by No. 46 of 1996, s. 4, No. 11 of 1998, s. 4, No. 11 of 1998, s. 24, No. 102 of 1999, s. 4, No. 21 of 2000, s. 13, No. 82 of 2000, Sched. 1, No. 42 of 2001, Sched. 1, No. 45 of 2001, s. 5, No. 66 of 2002, s. 4, No. 59 of 2003, s. 4, No. 76 of 2003, Sched. 1, No. 24 of 2004, s. 37, No. 26 of 2004, Sched. 2, No. 53 of 2005, s. 4, No. 13 of 2006, s. 4, No. 9 of 2009, s. 4, No. 14 of 2010, s. 4, No. 15 of 2013, s. 27, No. 9 of 2015, s. 31, No. 45 of 2019, s. 4 and No. 31 of 2021, s. 4
Section 4	Amended by No. 102 of 1999, s. 5, No. 45 of 2001, s. 6, No. 45 of 2003, Sched. 1, No. 24 of 2004, s. 38 and No. 9 of 2009, s. 5
Section 4A	Inserted by No. 102 of 1999, s. 6
	Amended by No. 45 of 2001, s. 7
Section 4B	Inserted by No. 102 of 1999, s. 6

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Provision affected	How affected
Section 4C	Inserted by No. 102 of 1999, s. 6
Section 4D	Inserted by No. 45 of 2019, s. 5
Section 4E	Inserted by No. 31 of 2021, s. 5
Section 5A	Inserted by No. 45 of 2001, s. 8
	Amended by No. 13 of 2006, s. 5
Section 5B	Inserted by No. 13 of 2006, s. 6
Part 2	Substituted by No. 59 of 2003, s. 5
Section 6	Substituted by No. 59 of 2003, s. 5
Section 7	Substituted by No. 59 of 2003, s. 5
Section 8	Amended by No. 45 of 2001, s. 9 and No. 9 of 2003, Sched. 1
Section 9	Amended by No. 45 of 2001, s. 10 and No. 9 of 2003, Sched. 1
Section 10	Amended by No. 45 of 2001, s. 11
Section 11	Amended by No. 102 of 1999, s. 7
	Substituted by No. 112 of 2001, s. 6
	Amended by No. 13 of 2006, s. 7 and No. 31 of 2021, s. 6
Section 12	Amended by No. 13 of 2006, s. 8
Section 13	Amended by No. 102 of 1999, s. 8 and No. 59 of 2003, s. 6
Section 15	Amended by No. 15 of 2013, s. 5
Section 18	Amended by No. 42 of 2001, Sched. 1 and No. 45 of 2001, s. 12
Section 19	Amended by No. 24 of 2004, s. 39
Section 20	Repealed by No. 45 of 2001, s. 13
Section 22	Amended by No. 59 of 2003, s. 7
Section 23	Amended by No. 75 of 2009, s. 4
Section 24	Amended by No. 45 of 2001, s. 14
Section 28	Amended by No. 59 of 2003, s. 8
Section 29	Amended by No. 75 of 2009, s. 5
Section 29A	Inserted by No. 59 of 2003, s. 9
Section 31	Substituted by No. 102 of 1999, s. 9
Section 32	Amended by No. 102 of 1999, Sched. 2 and No. 45 of 2001, s. 15
Section 34	Amended by No. 102 of 1999, s. 10 and No. 45 of 2001, s. 16
Section 35A	Inserted by No. 57 of 2016, s. 4
Section 36	Amended by No. 11 of 1998, s. 5, No. 13 of 2006, s. 9, No. 57 of 2016, s. 7 and No. 31 of 2021, s. 7
Section 37	Amended by No. 75 of 2009, s. 6 and No. 57 of 2016, s. 8
Section 38	Amended by No. 75 of 2009, s. 7, No. 15 of 2013, s. 6, No. 57 of 2016, s. 9 and No. 31 of 2021, s. 33
Section 40	Amended by No. 45 of 2001, s. 17
Section 41	Amended by No. 57 of 2016, s. 10
Section 42	Amended by No. 45 of 2001, s. 18
Section 43	Substituted by No. 45 of 2001, s. 19
Section 43A	Inserted by No. 11 of 1998, s. 6
Section 43B	Inserted by No. 11 of 1998, s. 6
	Amended by No. 45 of 2001, s. 20 and No. 13 of 2006, s.

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Provision affected	How affected
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Section 44	Amended by No. 15 of 2013, s. 7 and No. 57 of 2016, s. 11
Section 45	Amended by No. 46 of 1996, s. 5, No. 45 of 2001, s. 21 and No. 24 of 2004, s. 40
Section 47	Amended by No. 46 of 1996, s. 6 Subsection (10) inserted by No. 11 of 1998, s. 7 Amended by No. 11 of 1998, s. 7 Repealed by No. 45 of 2001, s. 22
Section 47A	Inserted by No. 11 of 1998, s. 8 Repealed by No. 45 of 2001, s. 22
Section 48	Amended by No. 57 of 2016, s. 12
Section 49	Amended by No. 102 of 1999, s. 11 and No. 45 of 2001, s. 23
Section 50	Amended by No. 46 of 1996, s. 7, No. 11 of 1998, s. 9, No. 102 of 1999, Sched. 2 and No. 45 of 2001, s. 24
Section 51	Amended by No. 11 of 1998, s. 10, No. 102 of 1999, Sched. 2, No. 45 of 2001, s. 25 and No. 13 of 2006, s. 11
Section 52	Amended by No. 45 of 2001, s. 26
Section 53	Amended by No. 45 of 2001, s. 27
Section 55	Amended by No. 46 of 1996, s. 8 and No. 45 of 2001, s. 28
Section 56	Amended by No. 45 of 2001, Sched. 1
Section 56A	Inserted by No. 11 of 1998, s. 11 Amended by No. 45 of 2001, s. 30
Section 57	Amended by No. 102 of 1999, s. 12 and No. 45 of 2001, s. 31
Section 58	Amended by No. 45 of 2001, s. 32
Section 59	Substituted by No. 45 of 2001, s. 33
Section 60	Amended by No. 45 of 2001, s. 34
Section 61	Repealed by No. 45 of 2001, s. 35
Section 62	Repealed by No. 45 of 2001, s. 35
Section 63	Repealed by No. 45 of 2001, s. 35
Section 64	Amended by No. 102 of 1999, s. 13 and No. 45 of 2001, s. 36
Section 65	Amended by No. 11 of 1998, s. 12, No. 102 of 1999, s. 14, No. 45 of 2001, s. 37 and No. 31 of 2021, s. 8
Section 66	Amended by No. 11 of 1998, s. 13 and No. 45 of 2001, s. 38
Section 67	Amended by No. 102 of 1999, Sched. 2, No. 45 of 2001, s. 39 and No. 45 of 2019, s. 6
Section 69	Amended by No. 11 of 1998, s. 14
Division 5 of Part 4	Heading amended by No. 13 of 2006, s. 12
Section 69A	Inserted by No. 45 of 2001, s. 40
Section 70	Amended by No. 13 of 2006, s. 13
Section 71	Amended by No. 45 of 2001, s. 41 and No. 13 of 2006, s. 14
Section 73	Amended by No. 45 of 2001, s. 42

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Provision affected	How affected
Section 73A	Inserted by No. 45 of 2001, s. 43
Section 74	Amended by No. 45 of 2001, s. 44 and No. 75 of 2009, s. 8
Section 75	Substituted by No. 11 of 1998, s. 15 and No. 45 of 2001, s. 45
Section 75A	Inserted by No. 11 of 1998, s. 15 Substituted by No. 45 of 2001, s. 45
Section 75B	Inserted by No. 15 of 2013, s. 8
Section 75C	Inserted by No. 15 of 2013, s. 8
Section 76	Amended by No. 102 of 1999, s. 15 and No. 13 of 2006, s. 15
Division 1	Inserted by No. 102 of 1999, s. 16
Section 76B	Amended by No. 45 of 2001, s. 46, No. 66 of 2002, s. 5, No. 64 of 2004, Sched. 1 and No. 9 of 2009, s. 6
Division 2	Inserted by No. 102 of 1999, s. 16
Section 76I	Amended by No. 31 of 2021, s. 9
Section 76N	Amended by No. 9 of 2009, s. 7
Division 3	Inserted by No. 102 of 1999, s. 16
Section 76O	Amended by No. 31 of 2021, s. 10
Section 76P	Substituted by No. 31 of 2021, s. 11
Section 76R	Amended by No. 9 of 2009, s. 8
Division 4	Inserted by No. 102 of 1999, s. 16
Section 76S	Amended by No. 66 of 2002, s. 6 and No. 9 of 2009, s. 9
Section 76T	Substituted by No. 9 of 2009, s. 10
Section 76U	Amended by No. 66 of 2002, s. 7
Section 76UA	Inserted by No. 31 of 2021, s. 12
Section 76V	Amended by No. 66 of 2002, s. 8 and No. 9 of 2009, s. 11
Section 76VA	Inserted by No. 53 of 2005, s. 5
Section 76VB	Inserted by No. 9 of 2009, s. 12
Section 76VC	Inserted by No. 9 of 2009, s. 12
Section 76W	Substituted by No. 9 of 2009, s. 13 Repealed by No. 15 of 2013, s. 9
Section 76XA	Inserted by No. 14 of 2010, s. 5
Section 76XB	Inserted by No. 14 of 2010, s. 5
Section 76XC	Inserted by No. 14 of 2010, s. 5
Section 76Y	Amended by No. 15 of 2013, s. 10
Section 76Z	Amended by No. 9 of 2009, s. 14
Section 76ZA	Amended by No. 9 of 2009, s. 15
Section 76ZB	Substituted by No. 9 of 2009, s. 16
Section 76ZC	Amended by No. 9 of 2009, s. 17
Section 76ZD	Repealed by No. 45 of 2001, s. 47
Section 76ZE	Repealed by No. 45 of 2001, s. 47
Section 76ZF	Repealed by No. 45 of 2001, s. 48
Section 76ZG	Repealed by No. 45 of 2001, s. 48
Division 5	Inserted by No. 102 of 1999, s. 16
Division 5 of Part 4A	Repealed by No. 45 of 2001, s. 48 Inserted by No. 53 of 2005, s. 6
Subdivision 1 of Division 5 of	Amended by No. 53 of 2005, s. 6

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Part 4A	
Section 76ZDA	Inserted by No. 53 of 2005, s. 6
Section 76ZDB	Inserted by No. 53 of 2005, s. 6 Amended by No. 9 of 2009, s. 18, No. 26 of 2009, Sched. 1 and No. 14 of 2010, s. 6
Subdivision 2 of Division 5 of Part 4A	Amended by No. 53 of 2005, s. 6
Section 76ZDC	Inserted by No. 53 of 2005, s. 6 Repealed by No. 14 of 2010, s. 7
Section 76ZDD	Inserted by No. 53 of 2005, s. 6
Subdivision 3 of Division 5 of Part 4A	Amended by No. 53 of 2005, s. 6
Section 76ZDE	Inserted by No. 53 of 2005, s. 6
Section 76ZDF	Inserted by No. 53 of 2005, s. 6
Subdivision 4 of Division 5 of Part 4A	Amended by No. 53 of 2005, s. 6
Section 76ZDG	Inserted by No. 53 of 2005, s. 6
Section 76ZDH	Inserted by No. 53 of 2005, s. 6 Repealed by No. 9 of 2009, s. 19
Section 76ZDI	Inserted by No. 53 of 2005, s. 6 Repealed by No. 9 of 2009, s. 19
Section 76ZDJ	Inserted by No. 53 of 2005, s. 6 Repealed by No. 9 of 2009, s. 19
Section 76ZDK	Inserted by No. 53 of 2005, s. 6 Repealed by No. 9 of 2009, s. 19
Subdivision 5 of Division 5 of Part 4A	Amended by No. 53 of 2005, s. 6
Section 76ZDL	Inserted by No. 53 of 2005, s. 6 Amended by No. 9 of 2009, s. 20
Section 76ZDM	Inserted by No. 53 of 2005, s. 6
Subdivision 1 of Part 4A	Amended by No. 9 of 2009, s. 21
Section 76ZEB	Amended by No. 14 of 2010, s. 8
Subdivision 2 of Part 4A	Amended by No. 9 of 2009, s. 21
Section 76ZEF	Repealed by No. 14 of 2010, s. 9
Section 76ZEH	Amended by No. 45 of 2019, s. 7
Subdivision 3 of Part 4A	Amended by No. 9 of 2009, s. 21
Subdivision 4 of Part 4A	Amended by No. 9 of 2009, s. 21
Division 6	Inserted by No. 102 of 1999, s. 16
Section 76ZH	Amended by No. 42 of 2001, Sched. 1 and No. 45 of 2001, s. 49

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Provision affected	How affected
Section 76ZI	Amended by No. 45 of 2001, s. 50 and No. 75 of 2009, s. 9
Section 76ZJ	Amended by No. 42 of 2001, Sched. 1
Division 7	Inserted by No. 102 of 1999, s. 16
Subdivision 1 of Division 7 of Part 4A	Heading inserted by No. 9 of 2009, s. 22
Section 76ZK	Amended by No. 53 of 2005, s. 7 and No. 9 of 2009, s. 23
Section 76ZL	Repealed by No. 45 of 2001, s. 51
	Inserted by No. 45 of 2019, s. 8
Section 76ZN	Amended by No. 45 of 2001, s. 52 and No. 31 of 2021, s. 13
Section 76ZNA of Division 7 of Part 4A	Inserted by No. 9 of 2009, s. 24
Section 76ZNB of Division 7 of Part 4A	Inserted by No. 9 of 2009, s. 24
Section 76ZNB	Amended by No. 75 of 2009, s. 10
Section 76ZNC of Division 7 of Part 4A	Inserted by No. 9 of 2009, s. 24
Section 76ZNC	Amended by No. 75 of 2009, s. 11
Section 76ZND of Division 7 of Part 4A	Inserted by No. 9 of 2009, s. 24
Section 76ZNE of Division 7 of Part 4A	Inserted by No. 9 of 2009, s. 24
Section 76ZNF of Division 7 of Part 4A	Inserted by No. 9 of 2009, s. 24
Section 76ZNG of Division 7 of Part 4A	Inserted by No. 9 of 2009, s. 24
Division 8	Inserted by No. 102 of 1999, s. 16
Section 76ZP	Amended by No. 9 of 2009, s. 25 and No. 40 of 2015, Sched. 2
Section 76ZQA	Inserted by No. 53 of 2005, s. 8
Section 76ZQB	Inserted by No. 53 of 2005, s. 8
Division 9	Inserted by No. 102 of 1999, s. 16
Section 76ZR	Amended by No. 9 of 2009, s. 26
Section 76ZRA	Inserted by No. 9 of 2009, s. 27
Section 76ZS	Amended by No. 40 of 2015, Sched. 2
Section 76ZT	Amended by No. 45 of 2001, s. 53, No. 53 of 2005, s. 9 and No. 31 of 2021, s. 14
Division 10 of Part 4A	Heading amended by No. 45 of 2001, s. 54
Division 10	Inserted by No. 102 of 1999, s. 16

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Provision affected	How affected
Section 76ZU	Amended by No. 53 of 2005, s. 10
Section 76ZW	Substituted by No. 75 of 2009, s. 12
Section 76ZX	Amended by No. 14 of 2010, s. 10 and No. 15 of 2013, s. 11
Section 76ZY	Amended by No. 45 of 2001, s. 55
Section 76ZZ	Repealed by No. 53 of 2005, s. 11
	Inserted by No. 9 of 2009, s. 28
Section 76ZZAAA	Inserted by No. 9 of 2009, s. 28
Section 76ZZAAB	Inserted by No. 9 of 2009, s. 28
Section 76ZZAA	Inserted by No. 5 of 2001, s. 4
	Subsection (1) substituted by No. 53 of 2005, s. 12
	Amended by No. 53 of 2005, s. 12, No. 9 of 2009, s. 29
	Repealed by No. 45 of 2019, s. 9
Section 76ZZAB	Inserted by No. 9 of 2009, s. 30
Division 11	Inserted by No. 102 of 1999, s. 16
Section 76ZZC	Substituted by No. 9 of 2009, s. 31
	Amended by No. 15 of 2013, s. 12
Section 76ZZE	Repealed by No. 75 of 2009, s. 13
	Inserted by No. 15 of 2013, s. 13
Section 76ZZF	Subsection (8) omitted by No. 53 of 2005, s. 13
	Substituted by No. 14 of 2010, s. 11
	Amended by No. 31 of 2021, s. 15
Section 76ZZG	Amended by No. 9 of 2009, s. 32, No. 45 of 2019, s. 10 and No. 31 of 2021, s. 16
Section 76ZZGA	Inserted by No. 15 of 2013, s. 14
	Repealed by No. 31 of 2021, s. 17
Section 76ZZI	Amended by No. 13 of 2006, s. 16, No. 9 of 2009, s. 33, No. 45 of 2019, s. 11 and No. 31 of 2021, s. 18
Section 76ZZIA	Inserted by No. 75 of 2009, s. 14
Division 1	Inserted by No. 45 of 2001, s. 56
Section 76ZZJ	Amended by No. 9 of 2003, Sched. 1
Division 2	Inserted by No. 45 of 2001, s. 56
Section 76ZZM	Amended by No. 59 of 2003, s. 10
Division 3	Inserted by No. 45 of 2001, s. 56
Section 76ZZN	Amended by No. 75 of 2009, s. 15
Section 76ZZQ	Substituted by No. 75 of 2009, s. 16
Division 4	Inserted by No. 45 of 2001, s. 56
Division 1	Inserted by No. 66 of 2002, s. 9
Division 2	Inserted by No. 66 of 2002, s. 9
Division 3	Inserted by No. 66 of 2002, s. 9
Section 77B	Amended by No. 15 of 2013, s. 15
Division 4	Inserted by No. 66 of 2002, s. 9
Section 77J	Substituted by No. 9 of 2009, s. 34
Section 77O	Substituted by No. 15 of 2013, s. 16
Section 77P	Amended by No. 15 of 2013, s. 17
Division 5	Inserted by No. 66 of 2002, s. 9
Division 6	Inserted by No. 66 of 2002, s. 9
Section 77	Subsection (1A) inserted by No. 46 of 1996, s. 9

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	Amended by No. 46 of 1996, s. 9
	Substituted by No. 45 of 2001, s. 57
	Repealed by No. 66 of 2002, s. 10
Section 77V	Inserted by No. 66 of 2002, s. 10
	Amended by No. 9 of 2009, s. 35, No. 75 of 2009, s. 17, No. 45 of 2019, s. 12 and No. 31 of 2021, s. 19
Section 78	Amended by No. 45 of 2001, s. 58
	Substituted by No. 13 of 2006, s. 17
Section 80	Amended by No. 46 of 1996, s. 10
Section 81	Amended by No. 102 of 1999, s. 17
Section 82	Amended by No. 45 of 2001, s. 59
Section 85	Amended by No. 11 of 1998, s. 16
Section 91	Amended by No. 11 of 1998, s. 18, No. 9 of 2009, s. 36 and No. 75 of 2009, s. 18
Section 92	Amended by No. 9 of 2009, s. 37
Section 93	Repealed by No. 45 of 2001, s. 60
Section 94	Amended by No. 45 of 2001, s. 61 and No. 15 of 2013, s. 18
Section 98	Amended by No. 11 of 1998, s. 18
Section 99	Substituted by No. 9 of 2009, s. 38
Section 100	Amended by No. 9 of 2009, s. 39
Section 101	Amended by No. 102 of 1999, s. 18
Section 101A of Part 5	Inserted by No. 59 of 2003, s. 11
Section 101A	Amended by No. 24 of 2004, s. 41
Section 101B of Part 5	Inserted by No. 59 of 2003, s. 11
Section 101C of Part 5	Inserted by No. 59 of 2003, s. 11
Section 103	Amended by No. 46 of 1996, s. 11 and No. 31 of 2021, s. 20
Section 105	Repealed by No. 45 of 2001, s. 62
Section 106	Repealed by No. 45 of 2001, s. 62
Section 107	Repealed by No. 45 of 2001, s. 62
Section 108	Repealed by No. 45 of 2001, s. 62
Section 109	Repealed by No. 45 of 2001, s. 62
Section 110	Repealed by No. 45 of 2001, s. 62
Section 111	Repealed by No. 45 of 2001, s. 62
Division 3 of Part 5	Heading amended by No. 75 of 2009, s. 19
Section 112A of Part 5	Inserted by No. 45 of 2001, s. 63
Section 112A	Substituted by No. 53 of 2005
	Amended by No. 75 of 2009, s. 20
Section 112B of Part 5	Inserted by No. 45 of 2001, s. 63
Section 112B	Amended by No. 75 of 2009, s. 44
Section 112C of	Inserted by No. 45 of 2001, s. 63

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Part 5	
Section 112C	Amended by No. 75 of 2009, s. 45
Section 112D of Part 5	Inserted by No. 45 of 2001, s. 63
Section 112DA	Inserted by No. 75 of 2009, s. 46
Section 112E of Part 5	Inserted by No. 45 of 2001, s. 63
Section 112E	Amended by No. 75 of 2009, s. 47
Section 112F of Part 5	Inserted by No. 45 of 2001, s. 63
Section 112F	Amended by No. 13 of 2006, s. 18
Section 112G of Part 5	Inserted by No. 45 of 2001, s. 63
Section 112G	Amended by No. 13 of 2006, s. 19 and No. 75 of 2009, s. 21
Section 112GA	Inserted by No. 13 of 2006, s. 20
Section 112GB	Inserted by No. 13 of 2006, s. 20
Section 112H of Part 5	Inserted by No. 45 of 2001, s. 63
Section 112H	Amended by No. 75 of 2009, s. 48
Section 112I of Part 5	Inserted by No. 45 of 2001, s. 63
Section 112I	Amended by No. 75 of 2009, s. 22
Section 112IA	Inserted by No. 75 of 2009, s. 23
Section 112IB	Inserted by No. 75 of 2009, s. 23
Section 112J of Part 5	Inserted by No. 45 of 2001, s. 63
Section 112J	Amended by No. 75 of 2009, s. 24
Section 112K of Part 5	Inserted by No. 45 of 2001, s. 63
Section 112K	Amended by No. 75 of 2009, s. 25
Division 4 of Part 5	Repealed by No. 66 of 2002, s. 11
Section 112L of Part 5	Inserted by No. 75 of 2009, s. 26
Section 112L	Inserted by No. 45 of 2001, s. 64
Section 112L	Repealed by No. 66 of 2002, s. 11
Section 112M of Part 5	Inserted by No. 75 of 2009, s. 26
Section 112M	Inserted by No. 45 of 2001, s. 64
Section 112M	Repealed by No. 15 of 2004, s. 4
Section 112N of Part 5	Inserted by No. 45 of 2001, s. 64
Section 112O of Part 5	Inserted by No. 45 of 2001, s. 64
Section 112P of Part 5	Inserted by No. 45 of 2001, s. 64
Section 112P	Amended by No. 66 of 2002, s. 12
	Substituted by No. 75 of 2009, s. 27

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Provision affected	How affected
Section 112Q of Part 5	Inserted by No. 45 of 2001, s. 64
Section 112R of Part 5	Inserted by No. 45 of 2001, s. 64
Section 112S of Part 5	Inserted by No. 45 of 2001, s. 64
Section 112S	Amended by No. 13 of 2006, s. 21 and No. 75 of 2009, s. 28
Section 112T of Part 5	Inserted by No. 45 of 2001, s. 64
Section 112T	Amended by No. 66 of 2002, s. 13, No. 53 of 2005, s. 15, No. 13 of 2006, s. 22 and No. 75 of 2009, s. 29
Section 112TA	Inserted by No. 75 of 2009, s. 30
Section 112U of Part 5	Inserted by No. 45 of 2001, s. 64
Section 113	Amended by No. 9 of 2009, s. 40
Section 115	Amended by No. 11 of 1998, Sched. 1
Section 116	Substituted by No. 45 of 2001, s. 65
Section 117	Amended by No. 11 of 1998, Sched. 1, No. 45 of 2001, s. 66 and No. 75 of 2009, s. 31
Section 117A	Inserted by No. 75 of 2009, s. 32
Section 118	Amended by No. 11 of 1998, Sched. 1 Substituted by No. 45 of 2001, s. 67 Amended by No. 66 of 2002, s. 14
Section 118A	Inserted by No. 45 of 2001, s. 67 Amended by No. 66 of 2002, Sched. 1 and No. 75 of 2009, s. 33
Section 119	Amended by No. 45 of 2001, s. 68
Section 120	Amended by No. 11 of 1998, Sched. 1
Section 121	Amended by No. 11 of 1998, Sched. 1 and No. 75 of 2009, s. 34
Section 122	Amended by No. 11 of 1998, Sched. 1 and No. 45 of 2001, s. 69
Part 7	Heading amended by No. 9 of 2015, s. 32
Section 123	Amended by No. 9 of 2015, s. 33
Section 124	Amended by No. 15 of 2004, s. 5
Section 125	Amended by No. 9 of 2009, s. 41, No. 75 of 2009, s. 35, No. 9 of 2015, s. 34 and No. 31 of 2021, s. 21
Section 127	Amended by No. 15 of 2004, s. 6 and No. 9 of 2015, s. 35
Section 127AA	Inserted by No. 31 of 2021, s. 22
Section 127AB	Inserted by No. 31 of 2021, s. 23
Section 127A	Inserted by No. 9 of 2009, s. 42
Section 128	Amended by No. 86 of 2000, Sched. 1
Section 130	Subsection (2) substituted by No. 46 of 1996, s. 12 Subsection (3) inserted by No. 46 of 1996, s. 12 Amended by No. 102 of 1999, s. 19 Substituted by No. 45 of 2001, s. 70 Amended by No. 66 of 2002, s. 15 and No. 9 of 2009, s. 43

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Provision affected	How affected
Section 131	Amended by No. 46 of 1996, s. 13, No. 102 of 1999, s. 20, No. 45 of 2001, s. 71 and No. 66 of 2002, s. 16
Section 132	Amended by No. 46 of 1996, s. 14, No. 45 of 2001, s. 72, No. 66 of 2002, s. 17, No. 9 of 2009, s. 44 and No. 45 of 2019, s. 13
Section 133	Amended by No. 46 of 1996, s. 15, No. 102 of 1999, s. 21, No. 45 of 2001, s. 73, No. 66 of 2002, s. 18, No. 13 of 2006, s. 23, No. 9 of 2009, s. 45 and No. 45 of 2019, s. 14
Section 134	Amended by No. 46 of 1996, s. 16, No. 45 of 2001, s. 74, No. 66 of 2002, s. 19 and No. 45 of 2019, s. 15
Section 135	Amended by No. 46 of 1996, s. 17, No. 102 of 1999, s. 22, No. 45 of 2001, s. 75, No. 66 of 2002, s. 20, No. 13 of 2006, s. 24, No. 9 of 2009, s. 46 and No. 45 of 2019, s. 16
Section 138	Amended by No. 45 of 2001, s. 76
Section 138A	Inserted by No. 45 of 2001, s. 77
Section 139	Amended by No. 62 of 1996, s. 3 and Sched. 1, No. 11 of 1998, s. 20, No. 74 of 1999, Sched. 2 and No. 102 of 1999, s. 23
Section 140	Amended by No. 102 of 1999, s. 24, No. 21 of 2000, s. 14, No. 45 of 2001, s. 78 and No. 15 of 2004, s. 7
Section 141	Amended by No. 102 of 1999, s. 25, No. 45 of 2001, s. 79, No. 53 of 2005, s. 16 and No. 9 of 2009, s. 47
Section 142	Amended by No. 102 of 1999, s. 26, No. 42 of 2001, Sched. 1 and No. 13 of 2006, s. 25
Section 143	Amended by No. 102 of 1999, Sched. 2 and No. 45 of 2001, s. 80
Section 143A	Inserted by No. 45 of 2001, s. 81 Amended by No. 15 of 2004, s. 8
Section 145	Amended by No. 45 of 2001, s. 82, No. 9 of 2009, s. 48 and No. 15 of 2013, s. 19
Section 145A of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145B of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145C of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145D of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145E of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145F of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145G of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145H of Part 9	Inserted by No. 45 of 2019, s. 20

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Section 145I of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145J of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145K of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145L of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145M of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145N of Part 9	Inserted by No. 45 of 2019, s. 20
Section 145O of Part 9	Inserted by No. 45 of 2019, s. 20
Section 146	Amended by No. 59 of 2003, s. 12
Section 147	Amended by No. 16 of 2008, Sched. 4
Section 148	Amended by No. 11 of 1998, s. 20, No. 75 of 2009, s. 36 and No. 15 of 2013, s. 20
Section 148A	Inserted by No. 102 of 1999, s. 28 Amended by No. 45 of 2001, s. 83, No. 112 of 2001, s. 7, No. 53 of 2005, s. 17, No. 9 of 2009, s. 49, No. 14 of 2010, s. 12, No. 15 of 2013, s. 21, No. 45 of 2019, s. 21 and No. 31 of 2021, s. 24
Section 148AB	Inserted by No. 75 of 2009, s. 37
Section 148B	Inserted by No. 45 of 2001, s. 84 Substituted by No. 75 of 2009, s. 38
Section 149	Amended by No. 102 of 1999, s. 29 and No. 9 of 2009, s. 50
Section 150	Amended by No. 21 of 2000, s. 15, No. 45 of 2001, s. 85, No. 59 of 2003, s. 13 and No. 16 of 2008, Sched. 4
Section 150AA	Inserted by No. 21 of 2000, s. 16 Repealed by No. 45 of 2001, s. 86
Section 150A	Inserted by No. 102 of 1999, s. 30 Amended by No. 16 of 2000, s. 4, No. 21 of 2000, s. 17, No. 53 of 2005, s. 18, No. 13 of 2006, s. 26, No. 70 of 2007, s. 4, No. 9 of 2009, s. 51, No. 14 of 2010, s. 13, No. 45 of 2019, s. 22 and No. 31 of 2021, s. 25
Section 150AB	Inserted by No. 21 of 2000, s. 18 Amended by No. 53 of 2005, s. 19 and No. 31 of 2021, s. 26
Section 150AC	Inserted by No. 45 of 2001, s. 87 Repealed by No. 15 of 2004, s. 9 Inserted by No. 53 of 2005, s. 20 Subsection (4A) inserted by No. 9 of 2009, s. 52 Repealed by No. 14 of 2010, s. 14 Inserted by No. 45 of 2019, s. 23
Section 150AD	Inserted by No. 45 of 2001, s. 87 Repealed by No. 15 of 2004, s. 9

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	Inserted by No. 9 of 2009, s. 53
	Repealed by No. 45 of 2019, s. 24
Section 150AE	Inserted by No. 45 of 2001, s. 87
	Repealed by No. 15 of 2004, s. 9
Section 150AF	Inserted by No. 66 of 2002, s. 21
Section 150AG	Inserted by No. 66 of 2002, s. 21
	Amended by No. 45 of 2019, s. 18
Section 150B	Inserted by No. 102 of 1999, s. 30
	Amended by No. 16 of 2000, s. 5, No. 45 of 2001, s. 88, No. 66 of 2002, s. 22 and No. 75 of 2009, s. 39
Section 151	Amended by No. 59 of 2003, s. 14, No. 53 of 2005, s. 21, No. 15 of 2013, s. 22 and No. 31 of 2021, s. 27
Section 152	Repealed by No. 59 of 2003, s. 15
	Inserted by No. 53 of 2005, s. 22
	Repealed by No. 9 of 2009, s. 54
	Inserted by No. 31 of 2021, s. 28
Section 153AA of Part 9	Inserted by No. 59 of 2003, s. 16
Section 153AA	Amended by No. 24 of 2004, s. 42
Section 153A of Part 9	Inserted by No. 102 of 1999, s. 31
Section 153A	Amended by No. 13 of 2006, s. 27, No. 9 of 2009, s. 55 and No. 15 of 2013, s. 23
Section 153B of Part 9	Inserted by No. 102 of 1999, s. 31
Section 153C of Part 9	Inserted by No. 102 of 1999, s. 31
Section 155	Amended by No. 46 of 1996, s. 18, No. 13 of 2006, s. 28 and No. 31 of 2021, s. 29
Section 156	Amended by No. 13 of 2006, s. 29
Section 156A	Inserted by No. 102 of 1999, s. 32
Section 157	Amended by No. 54 of 2009, Sched. 1 and No. 75 of 2009, s. 40
Section 158	Amended by No. 46 of 1996, s. 19
Section 159	Amended by No. 102 of 1999, Sched. 1, No. 86 of 2000, Sched. 1, No. 13 of 2006, s. 30 and No. 15 of 2013, s. 24
Section 161	Substituted by No. 11 of 1998, s. 21
	Amended by No. 13 of 2006, s. 31
Section 162	Amended by No. 11 of 1998, s. 23, No. 102 of 1999, s. 34 and No. 13 of 2006, s. 32
Section 164	Amended by No. 102 of 1999, s. 35
Section 165	Amended by No. 53 of 2005, s. 23 and No. 13 of 2006, s. 33
Section 171	Amended by No. 45 of 2001, s. 89
Section 172	Amended by No. 102 of 1999, s. 36, No. 45 of 2001, s. 90 and No. 13 of 2006, s. 34
Section 172A	Inserted by No. 75 of 2009, s. 41

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	Amended by No. 20 of 2013, s. 47 and No. 31 of 2021, s. 30
Section 173	Amended by No. 11 of 1998, s. 23, No. 102 of 1999, s. 37 and No. 45 of 2001, s. 91
Section 174	Amended by No. 102 of 1999, s. 38, No. 45 of 2001, s. 92, No. 53 of 2005, s. 24, No. 13 of 2006, s. 35, No. 9 of 2009, s. 56 and No. 15 of 2013, s. 25
Section 177	Amended by No. 68 of 1994, s. 3 and Sched. 1
Section 178	Amended by No. 45 of 2001, s. 93
Section 178A	Inserted by No. 102 of 1999, s. 39
Schedule 1	Substituted by No. 59 of 2003, s. 17
Schedule 2	Amended by No. 17 of 2005, Sched. 1
Schedule 5	Amended by No. 102 of 1999, s. 40
Part 1 of Schedule 5	Amended by No. 45 of 2001, s. 94, No. 66 of 2002, s. 23, No. 75 of 2009, s. 42 and No. 14 of 2010, s. 15
Part 2 of Schedule 5	Amended by No. 45 of 2001, s. 94 and No. 75 of 2009, s. 42
Part 3 of Schedule 5	Amended by No. 9 of 2009, s. 57 and No. 57 of 2016, s. 5
Part 4 of Schedule 5	Amended by No. 57 of 2016, s. 5
Part 5 of Schedule 5	Amended by No. 57 of 2016, s. 5
Division 1 of Part 5 of Schedule 5	Amended by No. 57 of 2016, s. 5
Division 2 of Part 5 of Schedule 5	Amended by No. 57 of 2016, s. 5
Division 3 of Part 5 of Schedule 5	Amended by No. 57 of 2016, s. 13
Division 4 of Part 5 of Schedule 5	Amended by No. 57 of 2016, s. 13
Division 5 of Part 5 of Schedule 5	Amended by No. 57 of 2016, s. 13
Part 6 of Schedule 5	Amended by No. 45 of 2019, s. 25
Part 7 of Schedule 5	Amended by No. 17 of 1996 and No. 31 of 2021, s. 31

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