

TASMANIA

GAMING CONTROL REGULATIONS 2022

STATUTORY RULES 2022, No. 31

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GAMING CONTROL REGULATIONS 2022

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

Dated 20 June 2022.

B. BAKER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Treasurer

1. Short title

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

2. Commencement

These regulations take effect on 1 July 2023.

3. Interpretation

In these regulations –

Act means the *Gaming Control Act 1993*;

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nominated associate means a person who is named –

- (a) in an application for a prescribed licence, or the renewal of a prescribed licence, as an associate of the applicant; or
- (b) as a new associate of the holder of a prescribed licence in a notification of change, under section 161 of the Act, in relation to the prescribed licence.

4. Sports events

- (1) In this regulation –

political election means an election in –

- (a) Australia or another country; or
- (b) any state, territory, district or area of Australia or another country –

in respect of any level of Government in that country, state, territory, district or area, including local or district Government, if wagering in respect of that election is not otherwise illegal under the law of Tasmania or any other law.

- (2) For the purposes of paragraph (c) of the definition of *sports event* in section 3(1) of the Act, the following activities are prescribed as sports events:

- (a) a political election;
- (b) the awarding of a prize, or other award, in respect of any sport;
- (c) the awarding of a prize, or other award, in respect of any art or other cultural activity;
- (d) the movement in a stock market index or the price of a stock on a stock market;
- (e) the movement in a commodities market index or the price of a commodity on a commodities market;
- (f) the movement in interest rates, consumer price index or other economic indicator;
- (g) the temperature, weather or other meteorological event;
- (h) the result or an outcome of a television show or other media entertainment event;
- (i) the result or an outcome of a bloodstock sale or the sex, weight or other characteristic of the progeny of a bloodstock animal;
- (j) a statistical result based on published research or data;
- (k) a celebrity announcement.

5. Community interest matters

(1) In this regulation –

Australian Statistical Geographical Classification means the Australian Statistical Geographical Classification published by the Australian Bureau of Statistics;

Australian Statistical Geography Standard means the Australian Statistical Geography Standard published by the Australian Bureau of Statistics;

gaming-sensitive sites includes the following:

- (a) licensed premises;
- (b) community facilities;
- (c) financial institutions;
- (d) any other site that the Commission considers to be a gaming-sensitive site;

local government area means a local government area under the Australian Statistical Geographical Classification;

premises means licensed premises at which gaming machines are proposed to be located;

relevant areas, in relation to premises, means –

- (a) the local government area in which the premises are situated; and
 - (b) any other local government area within 2 kilometres of the premises; and
 - (c) the statistical area level 2 (SA2) under the Australian Statistical Geography Standard in which the premises are situated.
- (2) For the purposes of paragraph (a) of the definition of *community interest matters* in section 35A of the Act, the following matters are prescribed in relation to premises:
 - (a) the name and address of the premises and the venue licence number (if any);
 - (b) the number of gaming machines proposed for the premises;
 - (c) the internal floor plan of the premises;
 - (d) the relevant areas in which the premises are located;
 - (e) the location and name of any gaming-sensitive sites that are within a 2-kilometre radius of the premises;
 - (f) a description of the facilities provided and the activities conducted at the premises;

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- (g) the harm minimisation and responsible gambling measures that will be in place at the premises in addition to those required by any other legislation;
- (h) data relating to gaming machines in the relevant areas in which the premises are located;
- (i) demographic and other social and economic information relating to the relevant areas in which the premises are located;
- (j) the potential social and economic benefits, for the local community, of any proposed gaming machines;
- (k) the negative social and economic impacts, and the potential negative social and economic impacts, on the local community, of any proposed gaming machines and how those impacts will be managed.

6. Calculation of totalizator wagering dividends

- (1) In this regulation –

totalizator rules means the rules that a totalizator operator has in place in respect of a totalizator as required under section 76XA of the Act.

- (2) A totalizator operator in calculating the amount payable as a totalizator wagering dividend is to –

-
- (a) disregard a fraction of 10 cents that is less than 5 cents; and
 - (b) take a fraction of 10 cents that is equal to or greater than 5 cents to be exactly 5 cents –

except where the relevant totalizator rules provide otherwise.

7. Foreign games permit tax rate

For the purposes of section 150AF(2) of the Act, the amount of tax payable on a foreign games permit holder's turnover on tickets sold in Tasmania in a foreign game during a month, taking into account the effect of the goods and services tax, is the percentage, of that turnover, calculated in accordance with the following formula:

$$A = 35.55 - \left\{ (100 - B) \times \left(\frac{C}{C + 100} \right) \right\}$$

where –

A is the percentage of the foreign games permit holder's turnover, on the tickets in the foreign game during the month, that is payable as tax under section 150AF(2) of the Act;

B is the percentage that is specified by the foreign games permit holder (in accordance with the foreign games permit holder's foreign games permit) as

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the rate of return to players, as winnings, of turnover on the tickets in the foreign game during the month;

C is the rate of goods and services tax specified in section 4 of the *A New Tax System (Goods and Services Tax Imposition – General) Act 1999* of the Commonwealth as being payable under the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

8. Fees generally

The fees specified in Schedule 1 are prescribed as the fees that are payable under the Act in respect of the matters to which they relate.

9. Annual fee for gaming machine authorities endorsed on venue licence

(1) In this regulation –

quarter means the period of 3 months commencing on 1 July, 1 October, 1 January or 1 April in a financial year.

(2) For the purposes of section 148(1)(a) of the Act, the annual licence fee payable by the holder of a venue licence for each gaming machine authority endorsed on that licence is –

(a) for the first 5 gaming machine authorities endorsed on the licence, 564 fee units per gaming machine authority; and

- (b) for each gaming machine authority endorsed on the licence in excess of 5 but fewer than 11, 734 fee units; and
 - (c) for each gaming machine authority endorsed on the licence in excess of 10 but fewer than 16, 903 fee units; and
 - (d) for each gaming machine authority endorsed on the licence in excess of 15 but fewer than 21, 1 073 fee units; and
 - (e) for each gaming machine authority endorsed on the licence in excess of 20 but fewer than 26, 1 242 fee units; and
 - (f) for each gaming machine authority endorsed on the licence in excess of 25, 1 412 fee units.
- (3) The annual licence fee payable by the holder of a venue licence for each gaming machine authority endorsed on that licence is due and payable in the following manner:
- (a) if the venue licence is in effect on 1 July in a financial year, the annual licence fee specified in subregulation (2) is payable in 4 equal instalments on the first day of each quarter;
 - (b) if the venue licence takes effect on a day other than 1 July in a financial year, the annual licence fee specified in subregulation (2) is payable in 4 instalments as follows:

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- (i) for a quarter in which the venue licence is not in effect, the instalment for the quarter is waived;
 - (ii) for the quarter during which the venue licence takes effect, the proportional amount of the fee for the quarter is payable within 3 days after the licence takes effect;
 - (iii) for those quarters remaining during the financial year after the quarter referred to in subregulation (ii), on the first day of each quarter.
- (4) For the purposes of subregulation (3)(b)(ii), the proportional amount of the fee for the quarter is to be calculated in accordance with the following formula:

$$A = \frac{B}{C} \times D$$

where –

A is the proportional fee to be calculated for the quarter;

B is the licence fee payable for the venue licence under subregulation (3) for the full quarter;

C is the number of days in the quarter;

D is the number of days remaining in the quarter as at the date on which the venue licence takes effect.

10. Annual fee for keno operations at licensed premises

- (1) For the purposes of section 148(1)(b) of the Act, the annual licence fee payable by the holder of a venue licence for keno operations at the licensed premises is 800 fee units.
- (2) The annual licence fee payable by the holder of a venue licence for keno operations at the licensed premises is due and payable in the following manner:
 - (a) if the venue licence is in effect on 1 July in a financial year, the licence fee specified in subregulation (1) is payable in respect of that financial year on the first day of that financial year;
 - (b) if a venue licence takes effect on a day other than 1 July in a financial year, the proportional fee amount is to be paid within 3 days after the venue licence takes effect.
- (3) For the purposes of subregulation (2)(b), the proportional fee amount is to be calculated in accordance with the following formula:

$$A = \frac{B}{C} \times D$$

where –

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A is the proportional fee amount to be calculated;

B is the licence fee payable under subregulation (1) for the venue licence for the full financial year;

C is the number of days in that financial year;

D is the number of days remaining in the financial year as at the date on which the venue licence takes effect.

11. Partial refund of venue licence fee on surrender of venue licence

For section 148(3) of the Act, the proportional refund of the venue licence fee is to be calculated in accordance with the following formula:

$$A = B - \left(\frac{C}{D} \times E \right)$$

where –

A is the refund amount to be calculated;

B is the total licence fee that has been paid by the holder of the venue licence under section 148(1) of the Act during the financial year in which the licence is surrendered;

C is the licence fee payable by the holder of the venue licence under section 148(1)

for the full financial year during which
the venue licence is surrendered;

D is the number of days in that financial year;

E is the number of days in the financial year
for which the licence is in effect.

**12. Partial refund of licence fee on reduction of gaming
machine authorities**

(1) In this regulation –

reduced number, in relation to gaming
machine authorities endorsed on a venue
licence, means the number of gaming
machine authorities endorsed on that
venue licence after the venue licence has
been amended to reduce the number of
gaming machine authorities endorsed on
that licence.

(2) For section 148(4) of the Act, the proportional
refund of the relevant part of a venue licence fee
where the number of gaming machine authorities
endorsed on the licence is reduced is to be
calculated in accordance with the following
formula:

$$A = \left(\frac{B}{D} - \frac{C}{D} \right) \times E$$

where –

A is the refund amount to be calculated;

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B is the venue licence fee payable for the full financial year under section 148(1)(a) of the Act;

C is the venue licence fee that would have been payable for the full financial year under section 148(1)(a) of the Act if the number of gaming machine authorities endorsed on the venue licence were the reduced number;

D is the number of days in that financial year;

E is the number of days in the quarter for which the number of gaming machine authorities endorsed on the licence is the reduced number.

13. Proportional licence fee if increase in gaming machine authorities

(1) In this regulation –

increased number, in relation to gaming machine authorities endorsed on a venue licence, means the number of gaming machine authorities endorsed on that venue licence after the venue licence has been amended to increase the number of gaming machine authorities endorsed on that licence.

(2) For section 148(5) of the Act, the proportional licence fee to be paid for additional gaming machine authorities endorsed on a venue licence

is to be calculated in accordance with the following formula:

$$A = \left(\frac{B}{D} - \frac{C}{D} \right) \times E$$

where –

A is the proportional licence fee to be calculated for the additional gaming machine authorities;

B is the venue licence fee that would have been payable under section 148(1)(a) of the Act for the full financial year if the number of gaming machine authorities endorsed on the venue licence were the increased number;

C is the venue licence fee payable under section 148(1)(a) of the Act for the full financial year;

D is the number of days in that financial year;

E is the number of days in the quarter for which the number of gaming machine authorities endorsed on the licence is the increased number.

14. Partial refund of licence fee on surrender of Tasmanian gaming licence

For section 76ZI(2A) of the Act, the proportional refund of the relevant licence fee is to be calculated in accordance with the following formula:

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$$A = \frac{LF}{D_1} \times D_2$$

where –

A is the amount to be calculated;

LF is the licence fee payable for the full financial year in which the licence is surrendered;

D1 is the number of days in that financial year;

D2 is the number of days remaining in that financial year after the day on which the licence is surrendered.

15. Partial refund of licence fee on surrender of gaming endorsement

- (1) For section 76ZI(4)(c) of the Act, the proportional refund of the relevant part of the licence fee is to be calculated in accordance with the following formula:

$$A = NR - NF$$

where –

A is the amount of the refund to be calculated;

NR is the amount of the nominal proportional refund (being the refund that the licensed provider would be given under section 76ZI(2A) of the Act if, on the day on which the gaming endorsement is

surrendered (the “*day of surrender*”), the Tasmanian gaming licence itself were being surrendered, rather than that gaming endorsement);

NF is the amount of the nominal residual licence fee (being the fee that, under section 148A of the Act, would be payable in respect of the Tasmanian gaming licence for the relevant financial year if it were issued, with its remaining gaming endorsements, on the day of surrender).

- (2) In this regulation, *relevant part* has the same meaning as in section 76ZI of the Act.

16. Annual listing fee to remain on Roll

- (1) In this regulation –

listing year means the 12-month period commencing on 1 September in any year.

- (2) The fee required to be paid under section 148AB(1) of the Act is –
- (a) payable for each listing year; and
 - (b) payable, for each listing year, by 31 August of the listing year immediately preceding the listing year for which it is being paid.
- (3) For section 148AB(2) of the Act, a proportional refund of the annual listing fee referred to in that

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subregulation is to be calculated in accordance with the following formula:

$$A = \frac{LF}{D_1} \times D_2$$

where –

A is the amount of the refund to be calculated;

LF is the annual listing fee paid by the person for the listing year in which the person ceases to be listed on the Roll;

D1 is the number of days in that listing year;

D2 is the number of days remaining in that listing year after the day on which the person ceases to be listed on the Roll.

17. Appeals

An appeal to the Supreme Court under section 173 of the Act is to be instituted in the manner and within the period provided in Division 4 of Part 27 of the *Supreme Court Rules 2000* as if it were an appeal which is subject to the provisions of the *Supreme Court Civil Procedure Act 1932*.

18. Offences

For the purposes of section 100(2) of the Act, the following provisions of the Act are prescribed:

- (a) section 87;
- (b) section 89;

- (c) section 94;
- (d) section 112;
- (e) section 115;
- (f) section 116;
- (g) section 118;
- (h) section 135.

19. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

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SCHEDULE 1 – FEES

	Provision of Act under which fee is payable	Regulation 8 Fee units
1.	Proposal by licensed operator under section 14 of the Act for change to conditions on casino licence or keno operator's licence.	500
2.	Application under section 36 of the Act for venue licence with no gaming machine authorities endorsed on it –	
	(a) base fee; and	833
	(b) additional fee if venue licence has not been held previously in respect of the premises.	121
3.	Application under section 36 of the Act for venue licence endorsed with one or more gaming machine authorities –	
	(a) base fee; and	975
	(b) additional fee if application is accompanied by community interest submission.	1 147
4.	Application under section 43B of the Act for renewal of venue licence with no gaming machine authorities endorsed on it.	556

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	Provision of Act under which fee is payable	Fee units
5.	Application under section 43B of the Act for renewal of venue licence endorsed with one or more gaming machine authorities.	656
6.	Request under section 44 of the Act to amend a venue licence.	125
7.	Application under section 51 of the Act for special employee's licence.	132
8.	Application under section 51 (as applied under section 68) of the Act for technician's licence.	132
9.	Application under section 56A of the Act for replacement of special employee's licence.	20
10.	Application under section 56A (as applied under section 68) of the Act for replacement of technician's licence.	20
11.	Application under section 60 of the Act for renewal of special employee's licence.	132
12.	Application under section 60 (as applied under section 68) of the Act for renewal of technician's licence.	132
13.	Application under section 71 of the Act to be listed on the Roll.	500
14.	Application under section 75B of the Act for renewal of listing on the Roll.	500

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	Provision of Act under which fee is payable	Fee units
15.	Application under section 75C of the Act for variation of listing on the Roll.	100
16.	Application under section 76ZB of the Act for variation of Tasmanian gaming licence.	100
17.	Application under section 76ZZN of the Act for minor gaming permit –	
	(a) for permit that is to be in effect for period not exceeding 12 months; or	75
	(b) for permit that is to be in effect for period exceeding 12 months.	105
18.	Application under section 77B of the Act for foreign games permit.	1 000
19.	Application under section 77O of the Act for variation of foreign games permit.	100
20.	Application under section 77P of the Act for renewal of foreign games permit.	1 000
21.	Monthly licence fee under section 146 of the Act for holder of general casino licence.	49 039
22.	Monthly licence fee under section 147 of the Act for holder of high-roller casino licence.	9 415

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	Provision of Act under which fee is payable	Fee units
23.	Monthly licence fee under section 147A of the Act for holder of keno operator's licence.	23 540
24.	Annual listing fee under section 148AB of the Act for person to remain on the Roll.	85
25.	Notification under section 161 of the Act of change of nominated associate of venue operator or person listed on the Roll.	103

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SCHEDULE 2 – LEGISLATION RESCINDED

Regulation 19

Gaming Control Regulations 2014 (No. 120 of 2014)

Gaming Control Amendment Regulations 2017 (No. 53 of
2017)

Gaming Control Amendment Regulations 2020 (No. 14 of
2020)

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

Notified in the *Gazette* on 29 June 2022.

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

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations, which replace the *Gaming Control Regulations 2014*, prescribe various matters for the purposes of the *Gaming Control Act 1993* including –

- (a) fees, refunds, and tax rates; and
- (b) certain activities to be sports events for the purposes of that Act; and
- (c) offences in relation to which a prescribed licence holder may detain a person in certain circumstances; and
- (d) the period within which, and the manner in which, appeals may be made to the Supreme Court.