

I certify that this is a copy of the authorised version of this Statutory Rule as at 9 May 2023, and that it incorporates all amendments, if any, made before and in force as at that date and 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 9 May 2023.

K Woodward
Acting Chief Parliamentary Counsel
Dated 10 May 2023

TASMANIA

GAMING CONTROL REGULATIONS 2014

STATUTORY RULES 2014, No. 120

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GAMING CONTROL REGULATIONS 2014

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

Dated 17 November 2014.

A. M. BLOW
Lieutenant-Governor

By His Excellency's Command,

PETER GUTWEIN
Treasurer

1. Short title

These regulations may be cited as the *Gaming Control Regulations 2014*.

2. Commencement

These regulations take effect on
22 December 2014.

3. Interpretation

In these regulations –

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Act means the *Gaming Control Act 1993*;

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. Fees

The fees specified in Schedule 1 are the maximum fees prescribed for the matters to which they respectively relate.

5. 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

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characteristic of the progeny of a bloodstock animal;

- (j) a statistical result based on published research or data;
- (k) a celebrity announcement.

5A. 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 include 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 electronic 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 licensed premises gaming licence number (if any);
 - (b) the number of electronic gaming machines proposed for the premises;
 - (c) the internal floor plan of the premises;

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- (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;
- (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 electronic 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 electronic gaming machines;
- (k) the negative social and economic impacts, and the potential negative social and economic impacts, on the local community, of any proposed electronic gaming machines and how those impacts will be managed.

5B. 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.

6. 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:

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

where –

A is the amount to be calculated;

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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.

7. 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.

8. Offences

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

- (a) section 87;
- (b) section 88;
- (c) section 89;
- (d) section 94;
- (e) section 112;
- (f) section 115;
- (g) section 116;
- (h) section 118;
- (i) section 135.

8A. Pro-rata calculation of licence fees

- (1) In this regulation –

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licensing period means the 12-month period commencing on 1 July 2022.

- (2) Despite regulation 4, the applicable fee payable under section 148 of the Act in respect of a licensed premises gaming licence issued for a part of the licensing period is to be calculated in accordance with the following formula:

$$A \times \frac{R}{F}$$

where –

A is the annual licence fee specified in Schedule 1;

R is the number of days for which the licence will be in effect during the licensing period;

F is the number of days in the licensing period.

9. 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 subsection 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;

*D*₁ is the number of days in that listing year;

*D*₂ is the number of days remaining in that listing year after the day on which the person ceases to be listed on the Roll.

10. 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:

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

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 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.

11. 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*.

12. Auditing and reporting requirements for gaming operator during auditing period

(1) In this regulation –

auditing period means the period from 18 May 2023 to 15 June 2023 (both days inclusive);

data reported, for a gaming machine, means the data relating to credits played and credits won on that machine that is reported to the electronic monitoring system;

electronic monitoring data, for a gaming machine, means the data recorded in relation to the operations of that gaming machine by the electronic monitoring system to which that gaming machine is connected;

source data, for a gaming machine, means the data relating to credits played and credits won on that machine that is recorded in the electronic meter of that machine.

(2) The holder of a gaming operator's licence must, during the auditing period, complete an audit, of all gaming machines that have been installed in licensed premises by that gaming operator, in accordance with subregulation (3).

(3) In completing an audit of gaming machines, the holder of a gaming operator's licence must –

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- (a) collect the source data for all gaming machines that have been installed in licensed premises by that gaming operator; and
 - (b) for each gaming machine, compare the source data collected under paragraph (a) against the data reported for that machine since the last audit of source data was undertaken by the gaming operator; and
 - (c) in a case where there is a discrepancy between the source data collected under paragraph (a) and the data reported for that gaming machine, amend the electronic monitoring data so that the data reported for that gaming machine is the same as the source data.
- (4) The holder of a gaming operator's licence must, within 7 days after completing an audit under subregulation (2), provide the Commission with a report outlining the outcome of the audit and detailing –
- (a) any discrepancies identified between the source data and data reported for gaming machines; and
 - (b) the amendments made to the electronic monitoring data as a consequence of those discrepancies.
- (5) A report under subregulation (4) is to be in a form approved by the Commission.

13. Final report on 30 June 2023

(1) In this regulation –

data reported, for a gaming machine, means the following data for that machine that has been reported to the electronic monitoring system:

- (a) jackpot increment amounts for that machine;
- (b) credits played and credits won on that machine;

jackpot increment amount means the amount by which a gaming machine's progressive jackpot prize has been increased from its initial jackpot prize amount by the accumulation of contributions from credits played on the gaming machine.

(2) The holder of a gaming operator's licence must on 30 June 2023 –

- (a) collect the data reported for each gaming machine that has been installed in licensed premises by that gaming operator; and
- (b) provide a report to the Commission detailing the data collected under paragraph (a).

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- (3) The holder of a gaming operator's licence must ensure that the data collected under subregulation (2)(a) is accurate and up to date.
- (4) A report under subregulation (2)(b) is to be in a form approved by the Commission.
- (5) The holder of a gaming operator's licence must not permit the use of a gaming machine for the conduct of gaming after the data reported for that gaming machine has been collected under subregulation (2)(a).

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SCHEDULE 1 – FEES

	Provision of Act under which fee is payable	Regulation 4 Fee units
1.	Application under section 15 of the Act for the redefining of the boundaries of a casino or gaming operator’s premises.	500
2.	Application under section 36 of the Act for licensed premises gaming licence in relation to keno –	
	(a) base fee; and	833
	(b) additional fee if licensed premises gaming licence has not been held previously in respect of premises.	121
3.	Application under section 36 of the Act for licensed premises gaming licence in relation to gaming machines or keno and gaming machines –	
	(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 licensed premises gaming licence in relation to keno.	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 licensed premises gaming licence in relation to gaming machines or keno and gaming machines.	656
6.	Request under section 44 of the Act to amend a licensed premises gaming 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
10.	Application under section 56A of the Act for replacement of a special employee's licence.	20
11.	Application under section 56A (as applied under section 68) of the Act for replacement of a technician's licence.	20
12.	Application under section 60 of the Act for renewal of special employee's licence.	132
13.	Application under section 60 (as applied under section 68) of the Act for renewal of technician's licence.	132
14.	Application under section 71 of the Act to be listed on the Roll.	500

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	Provision of Act under which fee is payable	Fee units
15.	Application under section 75B of the Act for renewal of listing on the Roll.	500
16.	Application under section 75C of the Act for variation of listing on the Roll.	100
17.	Application under section 76ZB of the Act for variation of Tasmanian gaming licence.	100
18.	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
19.	Application under section 77B of the Act for foreign games permit.	1 000
20.	Application under section 77O of the Act for variation of foreign games permit.	100
21.	Application under section 77P of the Act for renewal of foreign games permit.	1 000
22.	Annual licence fee under section 148 of the Act for holder of licensed premises gaming licence.	700 plus 70 fee units for each machine permitted under the licence in excess of 10

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	Provision of Act under which fee is payable	Fee units
23.	Annual listing fee under section 148AB of the Act for person to remain on the Roll.	85
24.	Notification under section 161 of the Act of change of nominated associate.	103

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

Notified in the *Gazette* on 26 November 2014.

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

NOTES

The foregoing text of the *Gaming Control Regulations 2014* 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 9 May 2023 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
<i>Gaming Control Regulations 2014</i>	S.R. 2014, No. 120	22.12.2014
<i>Gaming Control Amendment Regulations 2017</i>	S.R. 2017, No. 53	1.9.2017
<i>Gaming Control Amendment Regulations 2020</i>	S.R. 2020, No. 14	4.3.2020
<i>Gaming Control Amendment (Fees) Regulations 2022</i>	S.R. 2022, No. 32	1.7.2022
<i>Gaming Control Amendment (Gaming Operator) Regulations 2023</i>	S.R. 2023, No. 15	9.5.2023
<i>Gaming Control Regulations 2022</i>	S.R. 2022, No. 31	1.7.2023 Regulations rescinded

TABLE OF AMENDMENTS

Provision affected	How affected
Regulation 3	Amended by S.R. 2022, No. 32
Regulation 5A	Inserted by S.R. 2017, No. 53
Regulation 5B	Inserted by S.R. 2020, No. 14

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Provision affected	How affected
Regulation 8A	Inserted by S.R. 2022, No. 32
Regulation 12	Inserted by S.R. 2023, No. 15
Regulation 13	Inserted by S.R. 2023, No. 15
Schedule 1	Amended by S.R. 2022, No. 32