



TASMANIA

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## **GAMING CONTROL AMENDMENT ACT 1996**

**No. 46 of 1996**

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## **GAMING CONTROL AMENDMENT ACT 1996**

**No. 46 of 1996**

**An Act to amend the *Gaming Control Act 1993***

**[Royal Assent 16 December 1996]**

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:

### **Short title**

1. This Act may be cited as the *Gaming Control Amendment Act 1996*.

### **Commencement**

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

### **Principal Act**

3. In this Act, the *Gaming Control Act 1993*\* is referred to as the Principal Act.

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\* No. 94 of 1993. Amended by No. 68 of 1994.

**Section 3 amended (Interpretation)**

4. Section 3 of the Principal Act is amended by inserting the following definition after the definition of "money clearance":

**"non-licensed premises"** means premises in respect of which a licence may be granted under the *Liquor and Accommodation 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 rules of the club or a person who is a member of the club by reason of a reciprocal arrangement with another club;

**Section 45 amended (Notification of certain applications concerning liquor licence)**

5. Section 45(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) ", transferred";
- (b) by inserting the following paragraph after paragraph (a):
  - (ab) is transferred, the licensed premises gaming licence is cancelled unless the Commission determines otherwise; or

**Section 47 amended (Disciplinary action)**

6. Section 47(1) of the Principal Act is amended by inserting ", the imposition of a fine not exceeding 50 penalty units" after "a licence" in the definition of "disciplinary action".

**Section 50 amended (Special employees to be licensed)**

7. Section 50 of the Principal Act is amended by omitting subsections (3) and (4) and substituting the following subsection:

(3) A licensee must not carry out any prescribed duties not authorised under a licence unless the Commission has received a certificate as to the competence of the licensee to perform those duties from the venue operator or gaming operator employing, or proposing to employ, the licensee.

**Section 55 amended (Determination of application)**

8. Section 55(4) of the Principal Act is amended by omitting ", including the type of duties that the licensee is authorized to carry out under the licence".

**Section 77 amended (Approval of certain contracts by Commission)**

9. Section 77 of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (1):

(1A) The Commission may determine that a specified relevant contract or class of relevant contract requires its approval.

(b) by omitting paragraph (b) from subsection (2) and substituting the following paragraph:

(b) if the Commission has determined that the contract requires its approval, be approved by the Commission.

(c) by omitting from subsection (3) "The Commission must not approve a relevant contract if in the opinion of the Commission" and substituting "If the Commission determines that a relevant contract or class of relevant contract requires its approval, it must not give that approval if, in its opinion,".

**Section 80 amended (Approval of gaming machine types and games)**

10. Section 80 of the Principal Act is amended as follows:

(a) by inserting the following subsections after subsection (2):

(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.

- (b) by inserting the following subsection after subsection (5):

(6) The Commission may repeal or vary any rules approved under subsection (2B).

**Section 103 amended (Approval of games played in casino)**

11. Section 103 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) "by notice published in the *Gazette*" and substituting "on application being made to it";
- (b) by inserting the following subsection after subsection (1):

(1A) The Commission may require an applicant to pay any costs incurred by the Commission in evaluating the application.

**Section 130 amended (Entry into premises)**

12. Section 130 of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:

(2) An inspector or a police officer may at any time enter and remain on any licensed premises or non-licensed premises to ascertain whether any unlawful gaming is being carried out on those premises.

(3) An inspector or a police officer must not remain on any premises if he or she does not produce an identity card when requested to do so by a person apparently in charge of the premises.

**Section 131 amended (Functions of inspectors)**

13. Section 131(1)(d) of the Principal Act is amended by inserting "or the *Racing and Gaming Act 1952*" after "Act".

**Section 132 amended (Investigation of complaints)**

14. Section 132 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) "or non-licensed premises" after "venue";
- (b) by inserting in subsection (2) "or person apparently in charge of the non-licensed premises" after "venue operator".

**Section 133 amended (Powers of inspectors)**

15. Section 133 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) the following paragraph after paragraph (e):
  - (ea) require any person to provide assistance to the inspector that is reasonably necessary to perform his or her functions;
- (b) by omitting subsection (7) and substituting the following subsection:



(7) In this section, "**records**" means records relating to –

- (a) any business or activity authorised by a licence under this Act; and
- (b) any unlawful gaming under this Act or the *Racing and Gaming Act 1952*; and
- (c) any controlled activities within the meaning of the *Racing and Gaming Act 1952*.

#### **Section 134 amended (Search warrants)**

16. Section 134(1) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) "or the *Racing and Gaming Act 1952*" after "Act";
- (b) by inserting in paragraph (b) "or the *Racing and Gaming Act 1952*" after "Act".

#### **Section 135 amended (Offences relating to inspectors)**

17. Section 135(1) of the Principal Act is amended by inserting the following paragraph after paragraph (e):

- (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

**Section 155 amended (Possession of gaming equipment)**

18. Section 155 of the Principal Act is amended as follows:

- (a) by inserting "(1)" before "The";
- (b) by inserting in subsection (1) "promotion," after "training,";
- (c) by inserting the following subsection:

(2) The Commission may authorise a casino operator to provide gaming equipment for gratuitous gaming or static displays subject to any condition relating to the use and operation of the equipment the Commission determines.

**Section 158 amended (Delegation)**

19. Section 158 of the Principal Act is amended by inserting "or any other Act" after "Act".

*[Second reading presentation speech made in:-  
House of Assembly on 14 November 1996  
Legislative Council on 20 November 1996]*