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## TT-LINE GAMING AMENDMENT ACT 1993

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No. 109 of 1993

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AN ACT to amend the *TT-Line Gaming Act 1993*

[Royal Assent 23 December 1993]

**B**E 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 *TT-Line Gaming Amendment Act 1993*.

### Commencement

2—This Act commences on the day on which the *Gaming Control Act 1993* commences.

### Principal Act

3—In this Act, the *TT-Line Gaming Act 1993*\* is referred to as the Principal Act.

### Section 3 amended (Interpretation)

4—Section 3 of the Principal Act is amended as follows:—

(a) by omitting the definition of “approved” and substituting the following definition:—

“**approved**” means—

(a) in the case of gaming areas, approved in writing by the Minister; and

(b) in any other case, approved by the Commission under the *Gaming Control Act 1993*;

(b) by inserting after the definition of “Commission” the following definitions:—

“**Director**” means the Director of Gaming holding office under section 117 of the *Gaming Machine Control Act 1991* of Victoria;

“**exclusion order**” means an order under section 105 of the *Gaming Control Act 1993* prohibiting a person from entering, or remaining in, a gaming area;

(c) by inserting “or other reward” after “money” in the definition of “gaming”;

(d) by omitting the definition of “gaming employee”;

(e) by inserting “by the insertion of money or a token,” after “machine” in paragraph (b) of the definition of “gaming machine”;

(f) by inserting after the definition of “gaming operations” the following definition:—

“**inspector**” means an inspector appointed under section 128 of the *Gaming Control Act 1993*;

(g) by inserting after the definition of “special cruise” the following definition:—

“**special employee**” means a natural person holding a licence in force under Division 3 of Part 4 of the *Gaming Control Act 1993*;

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\* No. 32 of 1993.

**Section 4 amended (Issue of gaming licences)**

5—Section 4 of the Principal Act is amended by omitting subsection (6) and substituting the following subsection:—

(6) This section has effect notwithstanding section 13 (4) of the *Gaming Control Act 1993*.

**Section 7 amended (Gaming on standard interstate ferry service)**

6—Section 7 (2) (b) (i) of the Principal Act is amended by omitting “authorized” and substituting “approved”.

**Section 9 substituted**

7—Section 9 of the Principal Act is repealed and the following section is substituted:—

**Legalization of onboard gaming, &c.**

9—(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 gaming area or at a keno outstation by or on behalf of the operator in accordance with this Act.

(2) The *Racing and Gaming Act 1952* does not apply to the conduct and playing of a game and the use of gaming equipment when the game is conducted, and the gaming equipment is provided, in a gaming area or at a keno outstation by or on behalf of the operator in accordance with this Act.

(3) The conduct of gaming operations on a ship in accordance with this Act and the conditions of a gaming licence is not a public or private nuisance.

(4) Section 9 of the *Police Offences Act 1935* does not apply to implements or articles used or intended to be used in gaming conducted on a ship by or on behalf of the operator in accordance with this Act.

**Section 15 amended (Cancellation or suspension of gaming licences)**

8—Section 15 (1) of the Principal Act is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:—

- (a) where the licensee is the operator, the licensee contravenes or fails to comply with a provision of this Act, a provision of a Division or Part of the *Gaming Control Act 1993* referred to in section 16, or a term of the licence, that, in the opinion of the Minister, is a serious or fundamental contravention or failure to comply; or
- (b) where the licensee is not the operator, the operator—
  - (i) contravenes or fails to comply with a provision of this Act, or a provision of a Part of the *Gaming Control Act 1993* referred to in section 16, that, in the opinion of the Minister, is a serious or fundamental contravention or failure to comply; or
  - (ii) does any act or thing that causes the licensee to contravene or fail to comply with the gaming licence; or

**Sections 16, 17, 18 and 19 substituted and section 19A inserted**

9—Sections 16, 17, 18 and 19 of the Principal Act are repealed and the following sections are substituted:—

**Application of certain provisions of *Gaming Control Act 1993***

16—(1) Divisions 1, 3, 4 and 5 of Part 4, Parts 5 (other than sections 79, 91, 92 and 96), 6 and 7, Division 1 of Part 9 (other than section 136) and Part 10 (other than sections 161, 173, 174, 175, 176, 177, 178 and 179) of the *Gaming Control Act 1993* apply in relation to the regulation and control of gaming on a ship operated by a State shipping company as if—

- (a) a reference to a casino operator, licensed operator or venue operator were read as a reference to an operator, within the meaning of this Act; and

- (b) a reference to a gaming area were read as a reference to a gaming area, or a keno outstation, within the meaning of this Act; and
- (c) a reference to operations, when used in relation to a casino and to the conduct of gaming, were read as a reference to gaming operations, within the meaning of this Act; and
- (d) a reference to gaming equipment were read as a reference to gaming control equipment, gaming equipment, and a keno draw display board, within the meaning of this Act; and
- (e) a reference to a gaming machine were read as a reference to a gaming machine, within the meaning of this Act; and
- (f) a reference to a casino were read as a reference to the areas on a ship set aside for use as gaming areas and specified in a licence issued under section 4; and
- (g) a reference to a casino licence were read as a reference to a licence issued under section 4; and
- (h) a reference to premises included a reference to a ship; and
- (i) a reference to keno were read as a reference to keno, within the meaning of this Act; and
- (j) a reference to an approved venue were read as a reference to a ship in respect of which a licence has been issued under section 4.

(2) For the purposes of the application of the Divisions and Parts specified in subsection (1), the terms specified in section 3 (1) of the *Gaming Control Act 1993* apply except as provided in paragraphs (a) to (h) of subsection (1) or regulations made under subsection (3).

(3) Regulations may be made modifying the provisions of the Divisions and Parts specified in subsection (1).

#### **Notice of interstate ferry service or special cruise**

17—A licensee must give the Commission not less than 14 days' written notice before the ship to which the licensee's licence relates commences a special interstate ferry service or special cruise if it is proposed that gaming take place on that service or cruise.

**Application of an approval, rule or direction under the  
*Gaming Control Act 1993***

18—Where the Commission gives an approval under the *Gaming Control Act 1993* in respect of games or gaming equipment or makes a rule or gives a direction under that Act in respect of the gaming operations of the licensee, the approval, rule or direction may apply to gaming operations either generally or in respect of one or more of the following:—

- (a) the whole or any part of a standard interstate ferry service;
- (b) the whole or any part of a special interstate ferry service;
- (c) the whole or any part of a special cruise.

**Exclusion order not to apply to master, &c.**

19—Section 105 of the *Gaming Control Act 1993* does not authorize the operator to give an exclusion order that prevents the master, a ship's officer or a member of the ship's crew from entering or remaining in a gaming area in the course of that person's duty as master, ship's officer or a member of a ship's crew.

**Director may exercise powers of Commission**

19A—(1) In relation to the regulation and control of gaming on a ship operated by a State shipping company, the Director may exercise any power that an inspector may exercise under a provision of a Division or Part of the *Gaming Control Act 1993* specified in section 16.

(2) The Director may exercise a power referred to in subsection (1) only—

- (a) with the written approval of the Commission; and
- (b) while that approval is in force; and
- (c) in accordance with any conditions of that approval.

(3) The Commission, by notice in writing, may—

- (a) give an approval subject to any conditions; and
- (b) vary or revoke such an approval; and
- (c) vary or revoke a condition of such an approval.



(4) The Director, by a certificate of authority, may authorize a person to exercise in accordance with this section any power that the Director may exercise under this section.

### **Section 20 amended (Gaming is subject to ship safety)**

**10**—Section 20 (5) (c) of the Principal Act is amended by omitting “gaming” (first occurring) and substituting “special”.

### **Part 3: Division 2 repealed**

**11**—Division 2 of Part 3 of the Principal Act is repealed.

### **Section 27 repealed**

**12**—Section 27 of the Principal Act is repealed.

### **Transitional and savings provisions**

**13**—(1) A game in respect of which a declaration is in force under section 17 of the Principal Act immediately before the commencement of this Act is deemed to be approved by the Commission under section 103 of the *Gaming Control Act 1993* and the rules in respect of that game are deemed to be approved by the Commission under section 103 of that Act.

(2) A gaming machine type in respect of which a declaration is in force under section 18 of the Principal Act immediately before the commencement of this Act is deemed to be a gaming machine type approved by the Commission under section 80 of the *Gaming Control Act 1993*.

(3) A gaming machine game in respect of which a declaration is in force under section 18 of the Principal Act immediately before the commencement of this Act is deemed to be a gaming machine game approved by the Commission under section 80 of the *Gaming Control Act 1993*.

(4) A direction in force under section 16 of the Principal Act immediately before the commencement of this Act in so far as it is not inconsistent with the provisions of the *Gaming Control Act 1993* is deemed to be a direction given to a casino operator under section 93 of that Act.

(5) Any approval given by the Commission 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 of the *Gaming Control Act 1993*.

(6) Any gaming area approved by the Minister and included in a licence in force under section 4 of the Principal Act immediately before the commencement of this Act, and the associated plans, diagrams and specifications, are deemed to be facilities for the conduct of gaming approved by the Commission under section 102 of the *Gaming Control Act 1993*.

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[*Second reading presentation speech made in:—  
House of Assembly on 8 December 1993  
Legislative Council on 9 December 1993*]