

**1999**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**GAMBLING LEGISLATION AMENDMENT BILL 1999**

**EXPLANATORY MEMORANDUM**

**Circulated by the authority of the Treasurer**

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## **Gambling Legislation Amendment Bill 1999**

### **Summary**

The Gambling Legislation Amendment Bill 1999 is a consolidation of enhancements to a number of gambling laws. These enhancements are necessary:

- to address deficiencies in the current legislative framework; and
- to enable the *Gambling and Racing Commission* to properly regulate gambling in the ACT.

The gambling laws affected by this Bill are the *Casino Control Act 1988*, the *Gaming Machine Act 1987* and the *Interactive Gambling Act 1998*.

The Bill is intended to correct anomalies and deficiencies in three principal pieces of gambling legislation. The opportunity has been taken to recast some provisions for the purposes of consolidation, to remove obsolete and/or ineffective provisions and where possible achieve consistency across the legislation to further enhance effective administration of gambling in the ACT.

## **Details of the Gambling Legislation Amendment Bill 1999**

### **PART 1 - PRELIMINARY**

#### **Title**

Clause 1 - provides for the short title of this Act to be the *Gambling Legislation Amendment Bill 1999*.

#### **Commencement**

Clause 2 - provides for sections 1 and 2 of this Act to commence on the day on which it is notified in the *Gazette*; for the remaining provisions to commence on a day or days notified by the Minister in the *Gazette*; and for any provision that has not commenced within 6 months of notification of this Act in the *Gazette* to commence automatically on that day, immediately after the commencement of any provisions of the *Gambling and Racing Control (Consequential Provisions) Act 1999* which also commences on that day.

### **PART 2 - AMENDMENTS OF THE CASINO CONTROL ACT**

#### **Act amended**

Clause 3 - states that this Part amends the *Casino Control Act 1988* (the Principal Act).

#### **Insertion**

Clause 4 - inserts the following section into the Principal Act:

#### **Incorporation of the *Gambling and Racing Control Act 1999***

Section 2A states that the Principal Act should be read, interpreted and applied as one with the *Gambling and Racing Control Act 1999*.

#### **Interpretation**

Clause 5 - makes the following amendments to section 3 of the Principal Act:

- (a) by omitting "(1) In this Act, unless the contrary intention appears-" and substituting "In this Act, the following definitions apply unless the contrary intention appears:";
- (b) by omitting "developer or proprietor" from the definition of "casino lease" in subsection (1) and substituting "owner";
- (c) by omitting "developer, proprietor" from the definition of "casino operation agreement" in subsection (1) and substituting "owner";

(d) by omitting from the definition of "involved person" in subsection (1) paragraphs (b) and (c) and substituting new paragraph (b) - "(b) an owner; or";

(e) by inserting paragraph (ga) after paragraph (g) of the definition of "operation" - "(ga) the keeping and storage of records; or";

(f) by omitting from subsection (1) the definitions of "authorised police officer", "developer", "development agreement", "investigator" and "proprietor";

(g) by omitting from subsection (1) the definitions of "casino", "casino licensee", "control agreement", "inspector" and "owner" and substituting new definitions for "casino", "casino licensee", "control agreement", "inspector" and "owner";

(h) by inserting in subsection (1) definitions for "approved schedule of opening times", "approved system", "censure", "disciplinary action", "excluded person", "grounds for disciplinary action", "group", "influential person", "prescribed identity document", "respectable" and "suitable";

(i) by omitting subsections (1A), (2), (3), (4) and (5).

#### **Insertion**

Clause 6 - inserts the following sections in Part 1 of the Principal Act after section (3):

#### **3A Owners**

This section defines a reference to "an owner" and "the owner" of the casino.

#### **3B Suitability**

(1) This subsection defines "suitable" to be the casino licensee in respect of a corporation.

(2) This subsection defines "suitable" to be an owner of the casino in respect of a person.

(3) This subsection defines "suitable" to be the lessee of the casino in respect of a corporation.

#### **3C Respectability**

(1) This subsection defines "respectable" in relation to a corporation.

(2) This subsection defines "respectable" in relation to an individual.

(3) This subsection states that a person is not respectable if, within the previous 5 years, the person has been convicted, whether in the Territory or elsewhere, of an

offence involving fraud or dishonesty, or an offence that is punishable by a prison term or is an offence against a gaming law of the Territory or any other jurisdiction.

### **3D Influential persons**

(1) This subsection defines "influential person" in respect of a corporation.

(2) This subsection defines "apparently influential person", "influential owner", "related corporation" and "senior manager" in respect of a corporation.

### **3E Reference to offences against this Act**

This section provides that in this Act, unless stated otherwise, a reference to an offence against this Act (the primary offence) also shall include a reference to an offence against Part 8 of the Crimes Act 1900 in respect of the primary offence.

### **Substitution**

Clause 7 - amends the Principal Act by repealing section 4 and substituting the following -

#### **4 Designation of casino**

This section empowers the Minister, by regulation, to designate an area to be the casino for this Act.

### **Repeal**

Clause 8 - amends the Principal Act by repealing section 6.

### **Substitution**

Clause 9 - amends the Principal Act by repealing section 12 and substituting the following -

#### **12 Identity card for the Chief Casino Inspector**

This section requires that the identity card issued to the Chief Casino Inspector under the *Gambling and Racing Control Act 1999* identifies the holder as the Chief Casino Inspector.

### **Powers**

Clause 10 amends section 14 of the Principal Act by omitting paragraphs (3)(c) and (d) and substituting the following new paragraph -

"(c) an owner."

### **Liability for fee and taxes - suspension of licence**

Clause 11 - amends section 17 of the Principal Act by omitting "Territory" from paragraph (b) and substituting "commission".

### **Repeal**

Clause 12 - amends the Principal Act by repealing Division 4 of Part 2.

### **Substitution**

Clause 13 - amends the Principal Act by repealing Part 4 and substituting the following Part which provides:

## **PART 4 - CONTROL AGREEMENT**

### **"41 Owner of the casino**

(1) This subsection prohibits an owner of the casino from selling or disposing of the owner's share, or a part thereof, of the lease to anyone other than a person approved in writing by the Minister.

Maximum penalty: 50 Penalty units for an individual, and 250 penalty units for a corporation.

(2) This subsection states that the Minister will not approve a person in respect of subsection (1) unless satisfied, on the advice of the commission, that each influential person in relation to the person has been identified, that the person and each influential person is respectable and that the person will become party to a control agreement on transfer of ownership.

### **42 Commission must make a control agreement**

(1) This subsection requires the Minister to ensure that at all times a control agreement exists between the Minister and the owner of the casino.

(2) This subsection permits the terms of the control agreement to be varied by agreement between the commission and the owner.

(3) This subsection states that the Minister may not enter a control agreement, or a variation of a control agreement, unless, upon receipt of advice from the Commission, the Minister is satisfied that it is appropriate.

(4) This subsection requires the Minister to publish notification of the making or variation of a control agreement in the *Gazette*.

### **43 Control agreement**

This section defines "control agreement".

#### **Grant of casino licence**

Clause 14 - amends section 45 of the Principal Act by:

(a) omitting subsections (1), (1A), (2), and (3) and substituting the following subsections which provide:

(1) This subsection permits the Minister to grant a single licence under this section (the casino licence).

(2) This subsection prohibits the Minister from granting a single licence unless it is to a corporation nominated by the casino lessee, if there is a casino lease, or otherwise the owner. The Minister must be satisfied, after receiving advice from the commission, that the corporation is suitable to be the casino licensee.

(b) omitting subsection (7).

#### **Substitution**

Clause 15 - amends the Principal Act by repealing sections 48 and 49 and substituting the following sections which provide:

#### **48 Commission may take disciplinary action against casino licensee**

(1) This subsection lists the disciplinary actions available to the commission if it is satisfied that grounds for disciplinary action against the casino licensee exist.

(2) This subsection defines "censure".

(3) This subsection provides that a censure may include a direction to the casino licensee requiring the licensee to cease contravening a provision of the Principal Act or a condition of the licence or to rectify a matter that constitutes grounds for disciplinary action within a specified time.

(4) This subsection provides that a casino licence is not effective for the purposes of section 5 (lawfulness of casino operation) while suspended but the operation of the licence is otherwise not effected by suspension.

(5) This subsection states that a fine imposed under this section may be recovered as a debt due to the Territory.

#### **48A Minister may suspend or cancel the casino licence in the public interest**

This section empowers the Minister to suspend the casino licence for an appropriate period or cancel the licence if the Minister is satisfied that such action is in the public interest.

#### **48B Grounds for disciplinary action**

This subsection lists the "grounds for disciplinary action".

#### **49 Procedure for disciplinary action or Ministerial action**

(1) This subsection prevents the commission taking disciplinary against the casino licensee or the Minister taking action under section 48A against the casino licensee unless the commission has given each interested person 21 days notice of the action, the grounds for the action and a reasonable opportunity to show why the proposed action should not proceed.

(2) This subsection allows further disciplinary action to be taken if a direction given in a censure is not complied with in the specified time, without complying with subsection (1).

(3) This subsection states that a member of the commission, who has been party to a decision to issue a censure, is not, by that involvement, prevented from the consideration of further disciplinary action under subsection (2).

(4) This subsection allows the commission to reduce the severity of a disciplinary action and the Minister to reduce a period of suspension under section 48A.

(5) This subsection states that a disciplinary action, or an action under subsection (4) or section 48A takes effect when the casino licensee receives written notification of the action or at such later date specified in the notice.

((6) This subsection requires the commission to send copies of any notice issued under subsection (5) to each interested person.

(7) This subsection defines "interested person".

#### **Assignment of casino licence**

Clause 16 - amends section 50 of the Principal Act by omitting subsections (2) and (3) and substituting the following subsection which provides:

(2) This subsection prevents the Minister from assigning the casino licence to a person that could not be granted the licence under section 45.

### **Lease of casino**

Clause 17 - amends section 52 of the Principal Act by :

(a) omitting subsections (1), (2) and (3) and substituting the following subsections which provide -

(1) This subsection allows the owner, with the Minister's written approval, to lease the casino to a corporation.

(2) This subsection states that the Minister cannot approve a casino lease unless satisfied, after taking advice from the commission, that the proposed lessee is suitable to be the lessee.

(b) omitting "the developer, or proprietor, as the case requires," from subsection (4) and substituting "the owner".

### **Casino operation agreement**

Clause 18 - amends section 53 of the Principal Act by:

(a) omitting "developer, proprietor" from subsection (1) and substituting "owner; and

(b) omitting "developer, proprietor or casino lessee, as the case requires, and the casino licensee" from subsection (2) and substituting "proposed parties".

### **Substitution**

Clause 19 - amends the Principal Act by repealing Divisions 1, 2 and 3 of Part 7 and substituting the following Divisions which provide:

#### **Division 1 - Facilities and operations**

##### **57A Directions about operations**

(1) This subsection empowers the commission to give the casino licensee written directions concerning the conduct of any casino operation and the casino licensee must obey those directions.

(2) This subsection states that this Division does not limit the directions that the commission may issue under this section.

##### **58 Maintenance of facilities**

This section requires the casino licensee to maintain the facilities and amenities of the casino for the benefit of the patrons, maintain and regularly test all casino security and surveillance equipment and maintain the casino's gaming equipment and chips

## **59 Approval of layout**

(1) This subsection prohibits the casino licensee from operating the casino unless the layout of the casino accords with plans and diagrams approved by the commission and any conditions set by the commission for the layout used.

**Maximum penalty:** 250 penalty units for a corporation.

(2) This subsection requires the casino licensee to submit to the commission for approval plans and diagrams of the casino layout and plans and diagrams of any proposed variation to the casino layout.

(3) This subsection allows the commission to require the casino licensee to supply further particulars or documents or to respond to written questions about the submitted plans and diagrams.

(4) This subsection prohibits the commission from approving plans and diagrams of a casino layout that do not comply with the regulations.

(5) This subsection allows the commission to approve plans and diagrams that make provision for alternative layouts and to set conditions relating to the use of a layout.

## **60 Approval of gaming equipment and chips**

This section authorises the commission to approve gaming equipment and chips for use in the casino.

### **60A Approved system of controls and procedures must be implemented.**

(1) This subsection prohibits a casino licensee from operating the casino unless the commission has given written approval to a system of internal controls and administrative and accounting procedures for the casino (the approved system).

**Maximum penalty:** 250 penalty units for a corporation.

(2) This subsection authorises the commission to amend the approved system as it deems appropriate.

(3) This subsection provides that the approved system, or an amendment of it, becomes effective when the casino licensee is given written notice of it, or a later date specified in the notice.

(4) This subsection requires the casino licensee to implement the approved system.

**Maximum penalty:** 250 penalty units for a corporation.

## **60B Content of approved system**

This subsection sets out the details of information that may be included, but not limited to, in the approved system.

## **Division 2 - Operating times**

### **61 Application of Holidays Act**

This section states that the *Holidays Act 1958* does not limit the days on which the casino may operate.

### **62 Casino must operate only at approved times**

This section prohibits the casino licensee from operating the casino outside the approved schedule of opening times.

Maximum penalty: 250 penalty units for a corporation.

### **63 Approved schedule of opening times**

- (1) This subsection requires the commission to give the casino a schedule of the hours and days when the casino, or specified parts of the casino, may open (the approved schedule).
- (2) This subsection allows the commission to vary or replace the approved schedule at any time.
- (3) This subsection states that the approved schedule may specify conditions for opening the casino, or a part of the casino, at specified times, or require the casino, or a part of the casino, to be open at specified times.
- (4) This subsection requires the commission to consider any submissions from the casino licensee when deciding on the approved schedule.

## **Division 3 - Exclusion of persons from the casino**

### **64 Excluded persons**

This section defines "excluded persons".

### **65 No general right of entry to the casino**

- (1) This subsection states that a person may enter or remain in the casino only with the approval of the casino licensee.
- (2) This subsection provides that conditions for members of the public to enter or remain in the casino may be prescribed by regulation.

## **66 Entry of inspectors**

This subsection allows an inspector carrying out functions under this Act to enter and remain in any part of the casino.

## **67 Entry of police**

(1) This subsection provides that any part of the casino to which the public has access is deemed to be a public place for the purpose of a police officer discharging his/her duty.

(2) This subsection allows the commission or an inspector to authorise entry to any part of the casino which is not accessible to the public by a police officer and remain there for the purpose of discharging his/her duty.

(3) This subsection allows an authorisation applying to a particular occasion to be given orally.

(4) This subsection states that a written authorisation may apply either to a particular occasion or a specified period.

(5) This subsection states that this section does not affect any power a police officer has by law to enter the casino.

## **68 Exclusion of young people**

(1) This subsection makes it an offence for the casino licensee to allow a young person to enter or remain in a gaming area or, unless accompanied his/her spouse or a parent, any other part of the casino.

Maximum penalty: 250 penalty units for a corporation.

(2) This subsection makes it an offence for a young person to enter or remain in a gaming area or, unless accompanied by his/her spouse or a parent, any other part of the casino.

Maximum penalty: 5 penalty units.

(3) This subsection provides that it is a defence in proceedings for an offence against subsection (1) if the defendant establishes that the young person was at least 16 and had shown a prescribed identity document.

(4) This subsection prohibits a person using another person's identification or forged identification to enter or remain in a gaming area.

Maximum penalty: 10 penalty units.

(5) This subsection defines “gaming area”, “parent”, “spouse” and “young person” for the purposes of this section.

#### **69 Casino licensee may notify persons of exclusion**

(1) This subsection authorises the casino licensee, or the person for the time being in charge of the casino, to give a person verbal or written notification that the person is excluded, under this section, from entering or remaining in the casino for the period specified.

(2) This subsection states that the period specified in a verbal notice cannot exceed 14 days.

(3) This subsection provides that a written notice must refer to this section, must briefly give reasons for the exclusion and must advise that an appeal against the exclusion may be made to the commission.

(4) This subsection allows a person given a verbal notice to require that notice to be given in writing, and to remain in the casino while this is done.

(5) This subsection requires any appeal to the commission against an exclusion notice to be in a form approved by the commission.

(6) This subsection permits the commission, after considering submissions from the person and the casino licensee, to confirm, modify or rescind the exclusion.

#### **70 Casino licensee must notify certain persons of exclusion**

This section requires the licensee to notify a person who appears not to understand the nature of gaming, the rules of authorised games and the potential for financial loss, or appears to be under the influence of alcohol or a drug to the extent that the person could not be reasonably expected to exercise rational judgement while playing, or appears to be under the influence of alcohol or a drug and is interfering with the orderly conduct of the casino, that in accordance with section 69, the person is excluded for a period of not less than 24 hours.

#### **70A Notification of exclusion by the Commissioner of Police or the commission**

(1) This subsection permits the Commissioner of Police or the commission to exclude a specified person (the subject) from entering or remaining in the casino indefinitely or for a specified period by giving written notice to the casino licensee.

(2) This section requires the person who gives or revokes a notice under subsection (1) to make reasonable efforts to inform the subject of the effect of the notice or revocation.

(3) This subsection requires the person who gives a notice under subsection (1) to provide the casino licensee with a recent photograph of the subject, or, if that is not practicable, a description of the subject such as to enable the casino licensee to identify the person readily.

#### **70B Requests for exclusion**

(1) This subsection provides for this section to apply where a person wishes to apply, under section 69A, to the commission for the exclusion of the applicant or another person (the affected person) from entering or remaining in the casino.

(2) This section requires the application to be made in the approved form and be accompanied by either the determined fee or an application for the fee to be waived.

(3) This subsection states that if the application relates to an affected person, the commission must not consider the application unless satisfied that the applicant's relationship to the affected person justifies the application, that the affected person has had the opportunity to object to the notice and that it would be in the affected person's best interests to issue the notice.

(4) This section requires that if the commission excludes a person following an application pursuant this section then the notice to the casino licensee must state that reason.

(5) This subsection protects the commission's power to exclude a person under section 69A without an application under this section, or on grounds other than an application under this section.

(6) This subsection authorises the commission to waive the determined fee.

(7) This subsection states that, unless the determined fee has been waived, the commission cannot issue the notice until the fee has been paid.

#### **70C Requests for revocation of exclusion**

(1) This subsection states that this section applies if a person excluded by the commission by notice under section 70A wishes to apply to the commission for revocation of the notice.

(2) This subsection requires the application to be in the approved form, and to be accompanied by either the determined fee or an application for waiver of the fee.

(3) This subsection permits the commission to waive the determined fee.

(4) This subsection states that, unless the determined fee has been waived, the commission cannot revoke the notice until the fee has been paid.

#### **70D Casino licensee must exclude excluded persons**

(1) This subsection prohibits the casino licensee, without reasonable excuse, from allowing an excluded person to enter or remain in the casino.

Maximum penalty: 250 penalty units for a corporation.

(2) This subsection provides that it is a defence to a prosecution for an offence against subsection(1) if the defendant reasonably believed that the person who entered or remained in the casino was not the excluded person.

#### **70E Excluded person must not enter casino**

This section makes it an offence for an excluded person to enter or remain in the casino.

Maximum penalty: 20 penalty units.

#### **70F Enforcement**

(1) This subsection authorises a police officer or an agent or employee of the casino licensee to, with necessary and reasonable assistance and using necessary and reasonable force, prevent an excluded person from entering the casino and remove an excluded person promptly from the casino.

(2) This subsection makes it an offence for a person, without reasonable excuse, to obstruct or hinder a person acting in accordance with subsection (1).

Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.

#### **70G Record of persons excluded from casino**

(1) This subsection requires the casino licensee to maintain a current record of persons excluded from the casino under sections 69 or 70A.

Maximum penalty: 250 penalty units for a corporation.

(2) This subsection states that the record must show which category applies to each person and lists the categories of reasons for exclusion.

(3) This subsection states that the record must show the duration of each person's exclusion.

(4) This subsection provides that the casino licensee must inform the commission of all changes to the record and must supply a copy to the commission on request.

Maximum penalty: 250 penalty units for a corporation.

### **Authorised games**

Clause 20 - amends section 71 of the Principal Act by adding the following subsection at the end which provides:

(4) This subsection states that any request for a declaration by the commission under this section by the casino licensee must be accompanied by the determined fee.

### **Rules for authorised games**

Clause 21 - amends section 72 of the Principal Act by omitting subsection (7) and substituting the following subsections which provide:

(7) This subsection requires the casino licensee to make available to patrons free, printed copies of the approved rules for each authorised game. These should be available near the entrance to the casino.

(8) This subsection states that any request from the casino licensee to the commission to alter the approved rules of a game under this section must be accompanied by the determined fee.

### **Restriction on credit**

Clause 22 - amends section 79 of the Principal Act by:

(a) adding the word "or" at the end of each of paragraphs (a), (b), (c) and (d);

(b) omitting the word "or" (last occurring); and

(c) omitting paragraph (f).

### **Application for casino employee's licence**

Clause 23 - amends section 89 of the Principal Act by:

(a) adding "and" at the end of subparagraph (1)(c)(ii); and

(b) adding at the end of paragraph (1)(c) the following subparagraph which provides -

(iii) This subparagraph requires the applicant to consent to the commission keeping the photograph regardless of the outcome of the application.

### **Destruction of prints and photographs**

Clause 24 - amends section 90 by;

(a) omitting ", and the photograph," from paragraph (c); and

(b) omitting ", and of that photograph,".

## **Substitution**

Clause 25 - amends the Principal Act by repealing section 119 and substituting the following section which provides:

### **119 Banking accounts**

(1) This subsection requires the casino licensee to use a bank account, to which the commission has given written approval, for each banking transaction which relates either to the operation of the casino or to the casino operation agreement.

Maximum penalty: 250 penalty units for a corporation.

(2) This subsection empowers the commission to approve the casino licensee using several bank accounts.

(3) This subsection prohibits the commission approving a bank account unless the account is with a bank as defined in section 5 of the *Banking Act 1959* of the Commonwealth, is with a bank, credit union or building society constituted under a law of the Territory or a similar institution outside the Territory. If the account is with an institution located outside the Territory the commission is satisfied that this is reasonable. The casino has authorised the supply of account details to the commission on request by the institution.

(4) This subsection permits the commission to restrict the casino licensee's use of a bank account outside the Territory.

## **Audit**

Clause 26 - amends section 123 of the principal Act by:

(a) omitting "the Auditor-General" from subsection (1) and substituting "an auditor approved in writing by the commission"; and

(b) omitting "Auditor-General" from subsection (2) and substituting "auditor".

## **Retention of records**

Clause 27 - amends section 124 of the Principal Act by inserting ", or in a place approved in writing by the commission," after "in the casino".

## **Interpretation**

Clause 28 - amends section 125 of the Principal Act by omitting paragraphs (f), (g), (h) and (i) from the definition of "primary decision" and substituting the following paragraph:

“(f) a decision by the commission to issue or vary an approved schedule of opening times under section 64;”

#### **Notification of decisions**

Clause 29 - amends section 127 of the Principal Act by:

(a) omitting “The Minister, commission or authorised police officer, as the case requires, shall, upon making a primary decision,” from subsection (1) and substituting “The person making a primary decision must”; and

(b) omitting “(h) or” from paragraph (1)(b).

#### **Insertion**

Clause 30 - inserts after section 134 the following section which provides:

#### **135 Transitional provision on control agreement**

This section provides for the continuation, as a control agreement, of the development agreement that was in place immediately before the commencement of section 13 of the *Gambling legislation Amendment Act 1999* and is taken to have been duly notified in accordance with section 42.

#### **Further amendments of the Casino Control Act 1988**

Clause 31 - states that the Principal Act is further amended as detailed in Schedule 1.

### **PART 3 - AMENDMENTS OF THE GAMING MACHINE ACT 1987**

#### **Act amended**

Clause 32 - states that this Part amends the *Gaming Machine Act 1987* (the Principal Act).

#### **Interpretation**

Clause 33 - makes the following amendments to section 4 of the Principal Act:

(a) by omitting the definitions of “honorary member”, “ordinary member”, “temporary member” and “recording device”;

(b) by substituting new definitions of “acquire”, “club”, “eligible club”, “life member”, “member” and “voting member” for existing definitions of these terms; and

(c) by inserting definitions of “approved attendant”, “approved supplier”, “approved technician”, “computer cabinet”, “eligible object”, “gaming area”, “prescribed identity document” and “unsuitable person”.

### **Application for a licence**

Clause 34 - amends section 14 of the Principal Act by:

- (a) omitting paragraph 2(d); and
- (b) omitting paragraph (2)(f) and adding the following new paragraphs -

that an application for a licence shall be accompanied by:

- (f) details of rules proposed by the licensee to control the operation of gaming machines on the licensed premises;
- (g) an application for approval, in accordance with section 41, of the area of the premises where the gaming machines are to be installed;
- (h) any other information or document required by the Commission; and
- (I) the determined fee.

### **Grant or refusal of licences - clubs**

Clause 35 - amends section 14A of the Principal Act by inserting after paragraph 14A the following conditions required to satisfy the Commissioner prior to the issue of a licence:

- (d) the rules proposed to control the operation of gaming machines are satisfactory; and
- (e) a majority of voting members of the club voted , in a ballot, in favour of the operation of gaming machines on the club premises.

### **Grant or refusal of licences - offences**

Clause 36 - amends section 15A of the Principal Act by omitting subsection (2) and substituting a new subsection (2) which enables the Commission to refuse to issue a licence to an unsuitable person.

### **Substitution**

#### **Approval of percentage payout**

Clause 37 - repeals section 17 of the Principal Act and replaces it with a new section 17 which provides that the Commission shall approve a percentage payout of not less than 85% for each gaming machine to which a licence applies and that the percentage payout for each gaming machine shall be specified in the licence.

### **Conditions for issue of licences - premises**

Clause 38 - amends section 20 of the Principal Act by:

- (a) omitting subsection (1);

- (b) omitting “(2) A licence” and substituting “A licence”;
- (c) by inserting the words “a general licence or” after “premises to which” in subsection (2);
- (d) by inserting the words “a general licence or” after “been the subject of” in paragraph (2)(a);
- (e) by inserting the words “in the case of an on-licence-” before “the premises” in paragraph (2)(c); and

#### **Variation of licences**

Clause 39 - amends section 22 of the Principal Act by:

- (a) by inserting the words “increasing or” before “reducing” in paragraph (1)(a);
- (b) by allowing the Commissioner to vary a licence under subsection (1) for the purposes of -
  - (e) making changes to the licensed premises; or
  - (f) moving to different premises;
- (c) omitting subsection(2) and adding the following subsections -
  - (2) provides that an application, where that application is for a change to the premises or a move to different premises, shall be accompanied by an application for approval, as required by section 41, of the part of the premises where the gaming machines are to be located, together with any other information or document required by the commission.
  - (2A) provides that the commission shall not increase the number of licensed gaming machines held under a licence unless it is satisfied with the licensee’s operation of existing machines and that the increase is reasonable having regard to the premises and, in the case of a club, the number of members; and
- (d) adding at the end of paragraph (3)(b) “or”;
- (e) omitting “or” (last occurring) from paragraph (3)(c);
- (f) omitting paragraph (3)(d); and
- (g) adding “, or any longer period allowed by the commission”.

#### **Transfer of licence**

Clause 40 - amends section 23 of the Principal Act by:

- (a) adding “and at the end of paragraph (2)(c); and

(b) adding "(d) must be accompanied by such other information as the commission requires" at the end of subsection (2).

#### **Substitution of heading**

Clause 41 - repeals the heading to Division 3 of Part 4 of the Principal Act and substitutes the new heading -

#### **Division 3 - Disciplinary action by the commission**

#### **Substitution**

Clause 42 - amends the Principal Act by repealing section 24 and substituting new sections 24, 24A and 24B which provide that:

#### **24 Commission may take disciplinary action against licensee**

(1) The commission may, if satisfied that grounds exist for disciplinary action in relation to a gaming machine licence, impose any of the following actions -

- (a) issue a censure;
- (b) vary the conditions of the licence;
- (c) impose a fine not exceeding \$10,000;
- (d) suspend the licence for a specified period or until a specified condition is met;
- (e) indefinite suspension of the licence;
- (f) cancel the licence.

(2) Defines "censure".

(3) A licensee must comply with a direction given in a censure within a specified time.

(4) Section 5 has no effect while a licence is suspended, but the suspension does not affect the operation of the licence for any other purpose.

(5) Any fine imposed under this section may be recovered as a debt to the Territory.

#### **24A Grounds for disciplinary action**

Provides that grounds for disciplinary action exist in relation to a gaming machine licence if -

- (a) information provided to the commission by the licensee at any time was false, incomplete or misleading;
- (b) the licensee, or an agent or employee of the licensee, contravenes this Act or a condition of the licence;
- (c) the licensee, or in the case of a club, a relevant influential person is, or becomes, an unsuitable person; and

- (d) in the case of a licence issued to a club, the club has been or is about to be wound up, has not operated for 3 months or such longer period allowed by the commission or has ceased to be an eligible club; and
- (e) in the case of a licence issued for on licence premises, those premises have ceased to be used primarily for consumption of alcohol.

#### **24B Procedure for disciplinary action**

- (1) The commission must not take disciplinary action against a licensee unless the commission has given the licensee 21 days notice that action is possible, the grounds for the possible action and a reasonable opportunity to show why such action should not be taken.
- (2) The commission can take further disciplinary action, notwithstanding section (1), if a direction given in a censure is not complied with in the specified time.
- (3) A member of the commission involved in a decision to issue a censure is not prevented, by that reason alone, from consideration of further disciplinary action under subsection (2).
- (4) The commission may reduce the severity of a disciplinary action imposed by written advice to the licensee.
- (5) A disciplinary action or notice under subsection (4) becomes effective either when the licensee receives written notice of the action, or on a later date specified in the notice.

#### **Substitution**

##### **Changes in influential persons**

Clause 43 - amends the Principal Act by repealing section 30A and replacing it with a new subsection 30A which provides:

- (1) If it is proposed that a person becomes or ceases to be a relevant influential person in relation to a body or that there be any other change in the relationship between a relevant influential person and a body, that body shall provide the commission with written notice of the person's name and residential address and details of the proposed change.

Maximum penalty: 100 penalty units.

- (2) If a person has become or ceased to be a relevant influential person in relation to a body or there has been any other change in the relationship between a relevant influential person and a body, and notice has not been given in accordance with subsection(1), that body shall provide the commission with written details of the person's name and residential address and details of the change.

Maximum penalty: 100 penalty units.

(3) Defines “body” in respect of this section.

### **Substitution**

Clause 44 - amends the Principal Act by repealing sections 30B and 30C and replacing them with new sections 30B and 30C which provide:

#### **30B Eligible objects**

(1) An object of a club is eligible, for the purposes of this section, if it is intended to further or promote recreation, social, religious, political, literary, scientific, artistic, sporting or athletic pursuits, or is approved by written Ministerial instrument or is substantially the same as one of the categories listed previously.

(2) A club has eligible objects, for the purposes of section 30C if one or more of its stated objects are eligible objects, in accordance with subsection (1), and constitute the main part of the club’s statement of objects.

(3) An instrument declaring an object of a club an eligible object issued by the Minister under paragraph (1)(b) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

#### **30C Eligible clubs**

Provides that a club is an eligible club if it satisfies the following criteria -

- (a) the objects of the club are eligible objects under section 30B (Eligible Objects);
- (b) the primary purpose of the club is to achieve eligible objects;
- (c) club rules accord with the requirements of section 30G (Membership Rules) and section 30H (Persons may not profit from the club) and do not prohibit the playing of games of chance for money on club premises;
- (e) the club has a minimum of 200 voting members;
- (f) life members do not exceed 5% of voting members; and
- (g) club premises, facilities and property are provided for the benefit of members generally.

### **Insertion**

Clause 45 - amends the Principal Act by inserting sections 30G and 30H after section 30F. These new sections provide:

#### **30G Membership rules**

Club rules, to satisfy this section, must meet the following criteria -

- (a) the club has voting members - members entitled to vote on matters to be decided by the club;
- (b) a voting member is entitled to vote on every matter to be decided by the club, has a single vote on each matter and is eligible to be elected to the club’s governing body;

- (c) a voting member is required to pay an annual fee;
- (d) a voting member must be 18 years or older and be elected to membership by a meeting of voting members or a meeting of the governing body or a committee of the club;
- (e) a eligible person becomes a voting member by paying the annual fee (or an instalment), remains a voting member for the period covered by the fee and ceases to be a voting member at the end of that period if a renewal fee for the next period has not been paid; and
- (f) the term of the club's governing body may not exceed 3 years and its members are either elected or re-elected by voting members of the club or 1 or more members are nominated by an associated organisation with the remaining members elected or re-elected by voting members of the club.

### **30H Persons may not profit from the club**

(1) A person, whether a member or not, must not profit, directly or indirectly, from any benefit from a club that is not available equally to all voting members. A benefit under an agreement between parties dealing at arms length or a benefit conferred on a member as a result of a resolution passed at a general meeting of voting members.

(2) A person, whether a member or not, must not benefit, directly or indirectly, from the club applying for a licence, a licence being issued to the club or any increase in valuation accruing to club premises as a result of a licence being issued, that is not available equally to all voting members of the club.

(3) For this section a person is not disqualified from being considered as dealing at arms length with the club only because the person and the club are companies related under section 50 of the Corporations law, or the person is a relevant influential person or the individual dealing with the club is a relevant influential person.

(4) This section does not prevent a person accepting a benefit from the club if the person is entitled to the benefit, under the rules of the club or not, for acting on behalf of the club or for out-of-pocket expenses, authorised by the club, reasonably incurred.

### **Substitution**

Clause 46 - amends the Principal Act by repealing section 31 and substituting a new section 31 which provides:

### **31 Rules to control operation of gaming machines**

(1) A licensee must enforce the rules approved by the commission in to control the operation of gaming machines on its licensed premises.

(2) The commission may, in response to a licensee's application, approve a variation in the rules.

## **Substitution**

Clause 47 - amends the Principal Act by repealing section 34 and substituting new sections 34, 34A, 34B, 34C and 34D which provide:

### **34 Approved suppliers**

This section provides that the commission may approve a person as an approved supplier if satisfied that the person meets certain criteria and also identifies those criteria.

#### **34A Approved technicians**

(1) This subsection allows the commission to approve an individual, on the application of an approved supplier, as an approved technician for the purposes of this Act.

(2) This subsection states that an application must be in a form approved by the commission and must be accompanied by specified details about the person, the applicant and their relationship, an undertaking by the person for a police check (using fingerprints) and authority for the police to advise the result to the commission, two passport-size photographs and the determined fee.

(3) This subsection allows the commission to waive a requirement of paragraph (2)(a) if the application is for a renewal of an existing approval.

(4) This subsection states that the commission will not approve a person unless satisfied that the person is qualified.

(5) This subsection allows the commission to approve a person in relation to several suppliers.

(6) This subsection permits the commission to transfer an approved technician approval from one supplier to another.

(7) This subsection provides that an approval is valid for 2 years.

(8) This section authorises the commission to cancel an approval if the commission ceases to be satisfied that the person is qualified.

(9) This subsection states that an individual is qualified for approval under this section if certain criteria are satisfied and also identifies those criteria.

#### **34B Certificates for approved technicians.**

(1) This subsection requires the commission, if it approves a technician, to issue the supplier a certificate containing details of the approval.

**(2) This subsection authorises the commission to issue or approve an identity card to be carried by the approved technician.**

**(3) This subsection requires, where a certificate has been issued, the return of the certificate and any identity cards to the commission, within 7 days, by the supplier where the approval expires, or the approved technician ceases to be employed by the supplier or ceases to be an agent of the supplier or the supplier receives notice that the approval has been withdrawn.**

**Maximum penalty: 5 penalty units for an individual, 25 penalty units for a corporation.**

**(4) This subsection allows the commission to replace lost or destroyed certificates or identity cards upon payment of the appropriate determined fee.**

### **34C Approved attendants**

**(1) This subsection states that the commission, upon the application of a licensee, approve an individual as an approved attendant for the purposes of this Act.**

**(2) This subsection provides that an application must be in a form approved by the commission and be accompanied by specified personal details, an undertaking by the person to obtain a police report (using fingerprints) and authority for the police to provide the report to the commission, 2 passport-size photographs and the determined fee.**

**(3) This subsection allows the commission to waive a requirement under paragraph (2)(a) if the application is for a renewal of an existing approval.**

**(4) This subsection states that the commission cannot approve a person unless satisfied that the person is qualified.**

**(5) This subsection allows the commission to approve a person in relation to several licensees.**

**(6) This subsection allows an approved attendant approval to be transferred from one licensee to another.**

**(7) This subsection validates an approval for 2 years.**

**(8) This subsection permits the commission to cancel an approval if the commission ceases to be satisfied that the person is qualified.**

**(9) This subsection states that an individual is qualified for approval under this section if specified criteria are met and also details those criteria.**

### **34D Certificates for approved attendants**

**(1) This subsection requires, where the commission approves an attendant, that the commission issue a certificate to the licensee containing details of the approval.**

**(2) This subsection states that, where a certificate has been issued, and the approval expires, or the approved attendant ceases to work for the licensee, or the approval is withdrawn the licensee must return the certificate to the commission within 7 days.**

**Maximum penalty: 5 penalty units for an individual, 25 penalty units for a corporation.**

**(3) This subsection allows the commission to replace lost or destroyed certificates upon payment of the determined fee.**

#### **Substitution**

**Clause 48 - amends the Principal Act by repealing section 35 and substituting a new section 35 which provides:**

#### **35 Acquisition of gaming machines - general**

**A person must not acquire a gaming machine in any way other than in accordance with the provisions of section 36.**

**Maximum penalty: 100 penalty units, imprisonment for 12 months or both for an individual, and 500 penalty units for a corporation.**

### **Acquisition of gaming machines - approval**

Clause 49 - amends the Principal Act by omitting subparagraph (2)(d)(i) from section 36 and substituting a new subparagraph (i) which states "(i) is an approved supplier; or".

### **Possession and control of gaming machines**

Clause 50 - amends section 39 of the Principal Act as follows:

(a) by omitting "subsection (2)" from subsection (1) and substituting "this section"; and

(b) by adding at the end subsection (3) which provides -

(3) the commission may give a person written approval to control or possess a gaming machine, on specified conditions, if the person is the receiver, manager or liquidator of a licensee, or if the machine is used only for training purposes, or is being stored or displayed for sale, or is being repaired, tested or evaluated.

### **Disposal of gaming machines - approval**

Clause 51 - amends section 39F of the Principal Act by inserting , after subsection (2), subsection (2A) which prohibits the commission from approving one licensee leasing or hiring a gaming machine from another licensee.

### **Installation to be in accordance with approval of commission**

Clause 52 - amends the Principal Act by inserting after paragraph (2)(c) paragraph (ca) which includes the comfort and safety of persons on any part of the premises in the criteria to be considered by the commission for the purposes of section(2).

### **Persons who may install gaming machines**

Clause 53 - amends section 43 of the Principal Act by:

(a) omitting "he or she -" and substituting "he or she is an approved technician."; and

(b) omitting paragraphs (a) and (b).

### **Meter readings - certificate**

Clause 54 - amends section 43A of the Principal Act by replacing "commission" with "licensee".

### **Linked jackpot arrangements - single club licence**

Clause 55 - amends section 45A of the Principal Act by omitting the words "and basic stake denomination" from subparagraph (2)(a)(ii).

### **Interclub permits - issue**

Clause 56 - amends section 45B of the Principal Act by:

(a) omitting the words "and basic stake denomination" from subparagraph (1)(b)(i);  
and

(b) by replacing paragraph (2)(e) with a new paragraph (2)(e) which states "(e) whether the person is an unsuitable person."

### **Interclub permits - variation on request by permit-holder**

Clause 57 - amends section 45G of the Principal Act by omitting the words "and basic stake denomination" from subparagraphs (2)(a)(i) and (b)(i).

### **Insertion**

#### **Undisbursed and unclaimed jackpots**

Clause 58 - inserts section 45M into the Principal Act which provides that an amount which is won under a linked jackpot, under sections 45A or 45B, and not claimed within 12 months is forfeited to the Territory; after the amount has been paid to the Territory, the winner is not entitled to recover it from the permit-holder but may recover it from the Territory for up to 6 years after winning the amount; the winner is not entitled to recover interest on the amount recovered from the Territory.

### **Repeal and substitution**

Clause 59 - repeals section 46 of the Principal Act and replaces it with a new section 46 which provides:

#### **Repair and adjustment of gaming machines**

46(1) states that only an approved attendant, an approved technician or an authorised officer may open a gaming machine installed on licensed premises.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) states that only an approved technician or an authorised officer may open the computer cabinet of a gaming machine installed on licensed premises.

Maximum penalty: 50 penalty points, imprisonment for 6 months or both.

### **Interface with gaming machines**

Clause 60 - amends section 47 of the Principal Act by omitting "a person who is the holder of a repairer's certificate issued under section 34" and substituting "an approved technician or an authorised officer".

### **Warning notices**

Clause 61 - amends section 51B of the Principal Act by:

(a) adding "; and" at the end of subparagraph (4)(b)(ii); and

(b) adding a new subparagraph (iii) at the end of paragraph (4)(b) which states that the Minister may include provisions of this Division about persons under the age of 18 in the text of warning notices.

### **Insertion**

Clause 62 inserts the following sections into the Principal Act which provide:

#### **51E Entry to gaming area by persons under 18**

(1) states that a licensee must not permit a person under 18 to enter or remain in a gaming area.

Maximum penalty: 50 penalty units for an individual, and 250 penalty units for a corporation.

(2) makes it an offence for a person under 18 to enter or remain in a gaming area.

Maximum penalty: 5 penalty units.

(3) provides a defence for a defendant for an offence against subsection (1) if the defendant can prove that the person was older than 16 and had shown a prescribed identity document.

#### **51F Persons under 18 must not play gaming machines**

(1) provides that a licensee must not permit a person under 18 to play a gaming machine.

Maximum penalty: 50 penalty units for an individual, and 250 penalty units for a corporation.

(2) makes it an offence for a person under 18 to play a gaming machine.

Maximum penalty: 5 penalty units.

(3) provides a defence for a defendant for an offence against subsection (1) if the defendant can prove that the person was older than 16 and had shown a prescribed identity document.

#### **51G False identification**

provides that it is an offence to use another person's identification or forged identification to obtain entry to or remain in a gaming area or to play a gaming machine.

Maximum penalty: 10 penalty units.

#### **Audit of records**

Clause 63 - amends section 56 of the Principal Act by omitting "a person approved by the commission" from paragraph (1)(a) and substituting "a certified document".

#### **Gaming machine tax - imposition**

Clause 64 - omits paragraphs (2)(a) and (b) from section 57 of the Principal Act and replaces them with new paragraphs (2)(a) and (b) which provide:

(a) that tax is payable at the prescribed rate in relation to the lawful operation of gaming machines; and

(b) that tax is payable at the rate of 100% in relation to the unlawful operation of gaming machines.

#### **Gaming tax - liability**

Clause 65 amends section 58 of the Principal Act by:

(a) replacing "by a licensee" in paragraph (1)(a) with "lawfully"; and

(b) omitting "by a person other than a licensee" from paragraph (1)(b).

#### **Substitution**

Clause 66 repeals section 59 of the Principal Act and replaces it with a new section 59 which provides:

#### **59 Returns**

(1) states that a licensee must provide the commission, within 7 days after the end of a month, with a return showing the gross revenue of gaming machines operated under the licence during that month.

(2) states that the return must be in writing, must be in a form approved by the commission and must be signed by the licensee.

### **Further amendments of the Gaming Machine Act 1987**

Clause 67 - states that the Principal Act is also amended as detailed in Schedule 3.

### **PART 4 - AMENDMENTS OF THE INTERACTIVE GAMBLING ACT**

#### **Act amended**

Clause 68 - states that this Part amends the *Interactive Gambling Act 1998* (the Principal Act).

#### **Interpretation**

Clause 69 - makes the following amendments to section 3 of the Principal Act by:

- (a) amending the definition of “interactive game” by omitting “player” and substituting “person”;
- (b) omitting the definitions of “interactive gambling”, “player” and “player’s account” and inserting new definitions for “interactive gambling”, “player” and “player’s account”; and
- (c) inserting definitions for “disqualified person” and “excluded person”.

#### **Authorisation to conduct interactive games**

Clause 70 - amends section 11 of the Principal Act by omitting subsection (2).

#### **Substitution**

Clause 71 - amends the Principal Act by repealing Division 3 of Part 2 and substituting the following Division:

#### **Division 3 - Registration of players**

##### **15. Only players may participate in authorised games**

(1) This subsection provides that a licensed provider must not allow anyone other than a player to participate in an authorised game.

Maximum penalty: 200 penalty units, imprisonment for 2 years, or both for an individual; 1000 penalty units for a corporation.

(2) This subsection prohibits anyone other than a player from participating in an authorised game with a licensed provider.

Maximum penalty: 40 penalty units.

## **16. Wagers must be covered in the player's account**

This section provides that a licensed provider cannot accept a wager from a player unless there are adequate funds to cover the wager in an account established by the player with the provider.

## **17. Provisional registration of players**

(1) This subsection provides that a person seeking registration as a provisional player with a licensed provider must supply (by electronic or other means) the person's name and address, details of the person's account with an approved credit provider, a statement that the person is over 18 years of age and a statement that the law, where the person is, does not prohibit the person from playing authorised games with the provider.

(2) This subsection prohibits a person from providing false or misleading information in an application under this section.

**Maximum penalty:** 30 penalty units.

(3) This subsection provides that a licensed provider may only provisionally register the person as a player where the person is not an excluded person or a disqualified person and is in good standing with the approved credit provider.

**Maximum penalty:** 50 penalty units for an individual, and 250 penalty units for a corporation.

(4) This subsection provides that the licensed provider must cease the person's provisional registration after 30 days, or if the person is registered by the provider under section 18, or the provider becomes aware that the person is an excluded person or is not in good standing with the approved credit provider. The registration would be ceased whenever any of these circumstances occur.

**Maximum penalty:** 50 penalty units for an individual, and 250 penalty units for a corporation.

(5) This subsection defines "approved credit provider".

## **18. Registration**

(1) This subsection provides that person applying to be registered as a player by a licensed provider must apply in the approved form and supply the information required by the form, acceptable evidence of identity, place of residence and age (older than 18 years), and a statement that the law, where the person is, does not prohibit the person from playing authorised games with the provider.

**(2) This subsection prohibits a person from supplying false or misleading information under this section.**

**Maximum penalty: 30 penalty units.**

**(3) This subsection provides that a person cannot be registered by a licensed provider unless the person's identity has been verified, in accordance with the provider's approved control system, the applicant's other statements have been verified as provided by the commission, and the person is not a disqualified person.**

**Maximum penalty: 50 penalty units for an individual, and 250 penalty units for a corporation.**

#### **18A Player's accounts**

**(1) This subsection requires a licensed provider to establish an account in the name of a player registered or provisionally registered by the provider as a player.**

**(2) This subsection gives the provider the right to debit the amount of a wager from the player's account.**

**(3) This subsection states that a player may only have direct access to the account to obtain a balance or close the account, or to withdraw or partially withdraw winnings in an authorised game, or as may be authorised by the licensed provider or the commission.**

**(4) This subsection states that a provider cannot accept more than \$100 in total deposits into the player's account of a provisionally registered player.**

#### **18B Lists of excluded persons and disqualified persons**

**(1) This subsection defines a "disqualified person".**

**(2) This subsection defines an "excluded person".**

**(3) This subsection requires the commission to maintain current lists of disqualified and excluded persons and provide these lists periodically to each licensed provider.**

**Maximum penalty: 50 penalty units for an individual, and 250 penalty units for a corporation.**

**(4) This subsection prohibits a person from disclosing information on a list under this section except where required for this Act or other law.**

**Maximum penalty: 50 penalty units or imprisonment for 6 months, or both for an individual; 250 penalty units for a corporation.**

### **18C Players names**

This section permits a registered or provisionally registered player to be identified by a nickname agreed by the provider when playing an authorised game.

### **19. Player bound by the rules of a game**

This section states that a player, participating in an authorised game, must comply with the rules of the game as notified under the conditions on which the game is authorised.

Maximum penalty: 40 penalty units.

### **Substitution**

Clause 72 - amends the Principal Act by repealing section 67 and substituting the following:

#### **67 Returns about licensees**

(1) Under this subsection a licensed provider is required to furnish a return, in the approved form, to the commission, within 14 days after each return day. This return must contain details of the functions being performed by each key person licensee on the return day.

Maximum penalty: 10 penalty units for an individual, and 50 penalty units for a corporation.

(2) This subsection defines "return day".

#### **Conditions for entering into agency agreement**

Clause 73 - amends section 70 of the Principal Act by:

(a) omitting paragraph (1)(b) and substituting paragraphs (b) and (c) which provide-

(b) this paragraph provides that an agency agreement shall be in a form approved by the commission and include any provision required by the commission; and

(c) this paragraph requires the provider to make enquiries about the person and each associated person to satisfy that the person is of good business reputation, that each associated person is of good character and in a financially sound position, and any other prescribed matters; and

(b) adding at the end the following subsection -

(4) this subsection defines "associated person" in this section.

### **Substitution**

Clause 74 - amends the Principal Act by repealing section 73 and substituting the following section:

#### **73 Returns about agents**

(1) This subsection requires a licensed provider to provide the commission with a return listing the provider's agents on the return day. The return must be supplied within 14 days after each return day.

Maximum penalty: 10 penalty units for an individual, and 50 penalty units for a corporation.

(2) This subsection defines "return day" for this section.

### **Substitution**

Clause 75 - amends the Principal Act by repealing section 82 and substituting the following section:

#### **82 Liability to licence fee**

(1) This subsection requires a licensed provider to pay the determined fee to the commission as a licence fee.

(2) This subsection provides that the licence fee is due and payable on the day that the provider receives the licence and on each anniversary thereafter.

(3) this subsection provides that the licence is suspended if a due licence fee has not been paid.

### **Agent's place of operation**

Clause 76 - amends the Principal Act by omitting paragraph (a) of section 91 and substituting the following:

"(a) is approved in writing by the commission; and".

### **Control system submission**

Clause 77 - amends section 93 of the Principal Act by omitting all the words from and including "writing-" and substituting "writing".

### **Insertion**

Clause 78 amends the Principal Act by inserting the following section in Division 4 after section 96:

#### **96A Players' funds must be kept in a trust account**

- (1) This subsection requires a licensed provider to open 1 or more trust accounts with a financial institution in a way that has the written approval of the commission.
- (2) This subsection requires a provider to keep all funds in a player's account in an approved trust account.
- (3) This subsection prohibits a provider keeping any other funds in an approved trust account.
- (4) This subsection states that a provider can distribute interest paid on an approved trust account only in a manner that has the written approval of the commission.

#### **Funds in player's account to be remitted on demand**

Clause 79 - amends section 97 of the Principal Act by omitting the word "registered" from subsection (1).

#### **Limitation on amount wagered**

Clause 80 - amends section 101 of the Principal Act by omitting the word "registered" from subsection (1).

#### **Prohibition on interactive gambling**

Clause 81 - amends section 102 of the Principal Act by:

- (a) inserting after subsection (2) a new subsection (2A) which provides -

(2A) states that an application must be in the approved form and accompanied by the determined fee or an application for waiver of the fee; and

- (b) omitting subsection (8) and substituting subsections (8), (9) and (10) which provide -

(8) it is a defence against the prosecution of an offence against subsection (7) if the defendant reasonably believed that the person playing the authorised game was not the person who was subject to the prohibition.

(9) the commission may waive the determined fee.

(10) if the determined fee has not been waived by the commission, the prohibition cannot be issued or revoked by the commission until the fee has been paid.

#### **Payment or collection of prizes**

Clause 82 - amends section 119 of the Principal Act by omitting the words " , or a player without a player's account wins a monetary prize," from subsection (2).

### **Claim for prize**

Clause 83 - amends subsection (1) of section 121 of the Principal Act by omitting "5 years" and substituting "1 year".

### **Entitlement to prize lapses if not claimed within 1 years**

Clause 84 - amends section 122 of the Principal Act by omitting "5 years" and substituting "1 year".

### **Aborted games**

Clause 85 - amends section 123 of the Principal Act by:

- (a) omitting subsection (1); and
- (b) omitting the word "player" from subsection (5) and substituting the word "person".

### **Offences by certain persons**

Clause 86 - amends section 138 of the Principal Act by:

- (a) omitting the words "provider or an agent acting within the scope of the agent's authority" in subsections (1) and (2) and substituting the word "person"; and
- (b) adding at the end subsection (5) which defines "authorised person" in this section.

## **PART 5 - CONSEQUENTIAL AMENDMENTS**

### **Amendments of the *Gambling and Racing Control Act 1999***

Clause 87 - states that the *Gambling and Racing Control Act 1999* is amended as detailed in Schedule 3.