



Australian Capital Territory

# **Gambling and Racing Control Act 1999**

**A1999-46**

**Republication No 22**

**Effective: 13 May 2018 – 14 June 2018**

Republication date: 13 May 2018

Last amendment made by [A2017-42](#)

## About this republication

### The republished law

This is a republication of the *Gambling and Racing Control Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 13 May 2018. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 13 May 2018.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Gambling and Racing Control Act 1999

## Contents

---

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Dictionary 2
3	Notes 2
4	Gaming laws 2
<b>Part 2</b>	<b>The commission</b>
<b>Division 2.1</b>	<b>Establishment and functions of commission</b>
5	Establishment of gambling and racing commission 4
6	Functions of commission 4
7	How commission must exercise its functions 6
8	Community consultation 6
10	Delegation 6

---

R22  
13/05/18

Gambling and Racing Control Act 1999  
Effective: 13/05/18-14/06/18

contents 1

	Page
<b>Division 2.2</b>	<b>Governing board</b>
11	Establishment of governing board 6
12	Governing board members 7
13	Chief executive officer of commission 8
14	Commission's staff 8
15	Consultants and contractors 8
<b>Part 3</b>	<b>Role of commission in dealing with social effects of gambling</b>
<b>Division 3.1</b>	<b>Monitoring and research</b>
17	Monitoring and research 9
<b>Division 3.2</b>	<b>Dealing with social effects of gambling</b>
18	Code of practice 9
19	Education and counselling 11
<b>Part 4</b>	<b>Powers of investigation</b>
<b>Division 4.1</b>	<b>Authorised officers</b>
20	Authorised officers 12
21	Identity cards for authorised officers 12
<b>Division 4.2</b>	<b>Powers of investigation</b>
22	Power to require information, instruments or records or attendance for examination 13
22A	Commission may require records to be kept 14
23	Powers of entry and inspection 15
24	Search warrant 17
25	Use and inspection of documents and records produced or seized 18
26	Use of goods produced or seized 18
27	Self-incrimination 19
28	Failing to comply with requirement of authorised officer 20
30	Access to public records without fee 20
31	Investigation of complaints 20
<b>Division 4.3</b>	<b>Cooperation with other jurisdictions</b>
32	Cooperative agreements 21
33	Investigation at request of reciprocating jurisdiction 21

	Page
<b>Division 4.4</b>	<b>Secrecy</b>
34	Meaning of <i>gaming officer</i> in div 4.4 21
35	Gaming officers must respect confidentiality 22
36	Permitted disclosures of a general nature 22
37	Permitted disclosures to particular people 23
38	Prohibition on secondary disclosures of information 24
39	Further restrictions on disclosure 25
<b>Part 5</b>	<b>Inquiries</b>
40	Starting an inquiry 26
41	Interested people may make submissions 26
42	Hearings to be in public 26
43	Adjournments 26
44	Record of proceedings 26
45	Evidence 26
46	Report and recommendations 27
47	Rules of commission 27
<b>Part 6</b>	<b>Tax administration</b>
48	Provisions of Taxation Administration Act apply 28
49	Commission may exercise functions under Commonwealth Act 28
<b>Part 6A</b>	<b>Authorisation numbers for electronic gaming</b>
50	Maximum number of authorisations for electronic gaming allowed in ACT 29
<b>Part 7</b>	<b>Miscellaneous</b>
53C	Acts and omissions of representatives 33
53CA	Protection for authorised officers 34
53D	Approved forms 34
54	Regulation-making power 35
<b>Part 20</b>	<b>Transitional—Casino (Electronic Gaming) Act 2017</b>
100	Transitional—Gaming Machine Act 2004, s 10 (3) instruments 36
101	Expiry—pt 20 36

Contents

---

<b>Dictionary</b>	Page
	37
<b>Endnotes</b>	
1 About the endnotes	39
2 Abbreviation key	39
3 Legislation history	40
4 Amendment history	44
5 Earlier republications	49



Australian Capital Territory

## **Gambling and Racing Control Act 1999**

---

An Act to provide for the administration of certain Acts relating to gambling and racing and to create the gambling and racing commission

---

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Gambling and Racing Control Act 1999*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

### 4 Gaming laws

For this Act, the following are *gaming laws*:

- (a) this Act;
- (b) the [Casino Control Act 2006](#);
- (c) the [Casino \(Electronic Gaming\) Act 2017](#);
- (d) the [Gaming Machine Act 2004](#);
- (e) the [Interactive Gambling Act 1998](#);
- (f) the [Lotteries Act 1964](#);
- (g) the [Pool Betting Act 1964](#);
- (h) the [Race and Sports Bookmaking Act 2001](#);



- (i) the *Racing Act 1999*;
- (j) the *Totalisator Act 2014*;
- (k) the *Unlawful Gambling Act 2009*.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see [Legislation Act](#), s 104).

## **Part 2 The commission**

*Note for pt 2*

The governance of territory authorities, including the commission, is regulated by the [Financial Management Act 1996](#) (the *FMA*), pt 9 as well as the Act that establishes them.

The [FMA](#), pt 9 deals, for example, with the corporate status of territory authorities and their powers, the make-up of governing boards, the responsibilities of the governing board and board members, how governing board positions can be ended, meetings of governing boards and conflicts of interest.

### **Division 2.1 Establishment and functions of commission**

#### **5 Establishment of gambling and racing commission**

The ACT Gambling and Racing Commission (the *commission*) is established.

#### **6 Functions of commission**

- (1) The functions of the commission are—
- (a) to administer the gaming laws; and
  - (b) to control, supervise and regulate gaming in the ACT; and
  - (c) to exercise any other function given to the commission under this Act or any other territory law.

*Note* A provision of a law that gives a function to an entity also gives the entity the powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196).

- (2) Without limiting subsection (1), the functions of the commission include the following:
- (a) regulating—
    - (i) the activities of casinos; and

- (ii) machine gaming; and
  - (iii) lotteries; and
  - (iv) racing, as provided in the *Racing Act 1999*; and
  - (v) betting; and
  - (vi) interactive gambling;
  - (b) approving gaming and racing activities;
  - (c) monitoring and researching the social effects of gambling and of problem gambling;
  - (d) providing education and counselling services;
  - (e) engaging in community consultation, as appropriate, on matters related to its functions;
  - (f) reviewing legislation and policies related to gaming and racing and making recommendations to the Minister on those matters;
  - (g) monitoring, researching and funding activities relating to gaming and racing;
  - (h) investigating and conducting inquiries into—
    - (i) issues related to gaming and racing; and
    - (ii) activities of people in relation to gaming and racing, for the purpose of exercising functions under a gaming law;
  - (i) collecting taxes, fees and charges imposed or authorised by or under gaming laws.
- (3) The Minister may direct the commission by way of—
- (a) guidelines directing the way the commission is to exercise any of its functions; or
  - (b) directions in writing relating to particular matters.

- (4) A guideline under subsection (3) (a) is a disallowable instrument.

*Note*     A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## **7            How commission must exercise its functions**

The commission must exercise its functions in the way that best promotes the public interest, and in particular, as far as practicable—

- (a) promotes consumer protection; and
- (b) minimises the possibility of criminal or unethical activity; and
- (c) reduces the risks and costs, to the community and to the individuals concerned, of problem gambling.

## **8            Community consultation**

In exercising its functions of reviewing legislation and policies to make recommendations to the Minister, the commission must engage in community consultation.

## **10          Delegation**

The commission may delegate the commission's functions under this Act or another territory law to a public servant.

*Note*     For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

## **Division 2.2            Governing board**

### **11          Establishment of governing board**

The commission has a governing board.

*Note*     An appointment of a governing board member is an appointment under this section (see [Financial Management Act 1996](#), s 78 (7) (b)).

## 12 Governing board members

- (1) The governing board has 5 members, of whom 1 must have knowledge, experience or qualifications related to providing counselling services to problem gamblers.

*Note 1* The chair and deputy chair of the governing board must be appointed under the *Financial Management Act 1996*, s 79.

*Note 2* The chief executive officer of the authority is a member of the board (see *Financial Management Act 1996*, s 80 (4)).

- (2) A person is not eligible to be a member if—

- (a) the person or the person's domestic partner has an interest in a business subject to a gaming law; or

*Note* For the meaning of *domestic partner*, see the *Legislation Act*, s 169.

- (b) the person would be unlikely to be able to properly exercise the functions of a member because of the person's business association, financial association or close personal association with someone else; or

- (c) the person has been convicted or found guilty of an offence against a gaming law or a corresponding law; or

- (d) within 5 years before the proposed appointment, the person has been convicted, or found guilty, of an offence in Australia punishable by imprisonment for at least 1 year; or

- (e) within 5 years before the proposed appointment, the person has been convicted, or found guilty, of an offence outside Australia that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year.

*Note* **Found guilty**—see the *Legislation Act*, dictionary, pt 1.

- (3) In this section:

**corresponding law** means a law of another jurisdiction, whether in or outside Australia, that regulates gaming or racing.

**13            Chief executive officer of commission**

The chief executive officer of the commission must be a public servant.

*Note*        A chief executive officer must be appointed under the *Financial Management Act 1996*, s 80 (2) and (3).

**14            Commission's staff**

- (1) The chief executive officer may employ staff for the commission on behalf of the Territory.
- (2) The commission's staff must be employed under the *Public Sector Management Act 1994*.

*Note*        The *Public Sector Management Act 1994*, div 8.2 applies to the chief executive officer in relation to the employment of staff (see *Public Sector Management Act 1994*, s 152).

**15            Consultants and contractors**

- (1) The commission may engage consultants and contractors.
- (2) However, the commission must not enter into a contract of employment under this section.

## **Part 3**                      **Role of commission in dealing with social effects of gambling**

### **Division 3.1**              **Monitoring and research**

#### **17**                      **Monitoring and research**

- (1) The commission must monitor the social and economic effects of gambling and problem gambling in the ACT, including the need for counselling and other services.
- (2) The commission may conduct or sponsor research into the social and economic effects of gambling in the ACT.
- (3) The Minister, or a resolution of the Assembly, may require the commission to address particular matters when exercising its functions under this section.
- (4) The commission must, at intervals of not less than 12 months, provide reports to the Minister on the results of its activities under this section.
- (5) The Minister must present a report under this section to the Assembly within 14 sitting days after receiving it.

### **Division 3.2**              **Dealing with social effects of gambling**

#### **18**                      **Code of practice**

- (1) A regulation may prescribe 1 or more codes of practice to apply to specified classes of people who are licensed or otherwise authorised to do things under a gaming law.

- (2) A code of practice may include, but is not limited to, guidelines about the following:
- (a) advertising, promotional practices and the offering of inducements;
  - (b) providing objective and accurate information about losing and winning;
  - (c) limiting facilities that make it easy for a gambler to spend more than the gambler originally intended;

**Examples—facilities**

- automatic teller machines
- credit facilities
- allowing people to pay by cheque or credit card

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (d) providing mechanisms to allow problem gamblers to exclude themselves using a licensee’s facilities for gambling;
  - (e) training staff to recognise and deal appropriately with people who are problem gamblers or are at risk;
  - (f) developing methods of dealing with staff or clients who are problem gamblers or are at risk.
- (3) The commission must, for each licence under a gaming law that permits the licensee to conduct gambling, develop and review a code of practice to apply to the licensees and make recommendations to the Minister for appropriate regulations.



## **19 Education and counselling**

- (1) The commission may carry out or sponsor—
  - (a) counselling for people with gambling problems; or
  - (b) publicity and education programs—
    - (i) providing consumer information for different kinds of gambling; or
    - (ii) about the risks of gambling; or
    - (iii) about dealing with gambling problems.
- (2) The Minister, or a resolution of the Assembly, may require the commission to address particular matters when exercising its functions under this section.

## **Part 4 Powers of investigation**

### **Division 4.1 Authorised officers**

#### **20 Authorised officers**

- (1) The members of the governing board are authorised officers.
- (2) The chief executive officer may appoint a person to be an authorised officer.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (3) The director-general may, in writing, recognise a person engaged in the administration or enforcement of a gaming law of a reciprocating jurisdiction as an authorised officer for this subsection.
- (4) If the director-general recognises a person for subsection (3), the person is an authorised officer for the period and purpose stated in the recognition of the person.
- (5) A gaming officer to whom the chief executive officer delegates functions under division 4.2 is an authorised officer.

#### **21 Identity cards for authorised officers**

- (1) An authorised officer must be issued with an identity card in a form approved by the commission—
  - (a) containing the person's name and a photograph of the person; and
  - (b) stating that the person is an authorised officer for the gaming laws.

- (2) When recognising an officer of a reciprocating jurisdiction for section 20 (3), the commission may approve the use of the identity card issued by that jurisdiction for subsection (1).
- (3) A person who has been issued with an identity card under subsection (1) and ceases to be an authorised officer must return the card to the commission as soon as practicable.

Maximum penalty: 1 penalty unit.

## **Division 4.2 Powers of investigation**

### **22 Power to require information, instruments or records or attendance for examination**

- (1) The commission may, for a purpose related to the administration or enforcement of a gaming law, by written notice served on a person, require the person—
  - (a) to provide to the commission (either orally or in writing) information that is described in the notice; or
  - (b) to attend and give evidence before the commission or an authorised officer; or
  - (c) to produce to the commission a record or other document described in the notice that is in the person's custody or control.

*Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

- (2) If a notice to a person under subsection (1) is made to determine that person's tax liability, the notice must state that the requirement is made for that purpose, but the commission is not otherwise required to identify a person in relation to whom any information, evidence, record or other document is required under this section.

- (3) The commission—
- (a) may specify whether information or evidence to be provided or given under this section must be given orally or in writing; and
  - (b) may require any information or evidence given orally to be given on oath or affirmation.

*Note* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (4) A person must not, without reasonable excuse, fail—
- (a) to comply with the requirements of a notice under this section within the period specified in the notice or any further period allowed by the commission; or
  - (b) to comply with any other requirement of the commission about the giving of evidence or how information or evidence is to be provided or given under this section.

Maximum penalty: 50 penalty units.

- (5) A person required to attend before an authorised officer to give oral evidence must be paid expenses in accordance with the scale of allowances determined under the [Taxation Administration Act 1999](#), section 139 for that Act, section 82 (5).
- (6) Subsection (5) does not apply to a person, or a representative of a person, giving evidence in relation to the person's own obligations under a gaming law.

## **22A Commission may require records to be kept**

- (1) For the administration or enforcement of a gaming law, the commission may require a stated class of people to keep records of the kind, and in the way, stated in the instrument.

- (2) A person to whom a requirement under subsection (1) applies must comply with the requirement.

Maximum penalty: 50 penalty units.

- (3) An instrument under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## **23 Powers of entry and inspection**

- (1) An authorised officer may, for a purpose related to the administration or enforcement of a gaming law, enter and inspect any premises at any reasonable time and do any of the following:

- (a) remain on the premises;
- (b) examine all documents and remove, or take copies of or extracts from, any document on behalf of the commission;
- (c) inspect any gaming equipment and remove any gaming equipment that the officer believes on reasonable grounds to be connected with an offence against a gaming law;
- (d) remove any thing that the officer believes on reasonable grounds might be used as evidence in a prosecution for an offence against a gaming law;
- (e) require any person on the premises to answer questions or otherwise give information, including information about the identity of the person or another person;

- (f) require any person on the premises to give access to any document in the person's custody or control, and to—
    - (i) produce or display the document; or
    - (ii) provide a copy of the document or a version of it in some form other than that in which it is normally kept;  
in any printed, electronic or other form that it is reasonably practicable to provide;
  - (g) require any person on the premises to produce any gaming equipment in the person's custody or control;
  - (h) require the owner or occupier of the premises to provide the officer with the assistance and facilities that are reasonably necessary to enable the officer to exercise powers under this part.
- (2) An authorised officer who enters premises under subsection (1) and is requested by the occupier to identify himself or herself is not authorised to remain on the premises unless the officer produces his or her identity card to the occupier.
- (3) The powers of entry and inspection under this section must not be exercised in relation to premises, or a part of premises, used for residential purposes except with the consent of the owner or occupier of the premises or part.
- (4) In this section:
- occupier***, in relation to premises, includes a person apparently in charge or responsible for the premises.

## **24 Search warrant**

- (1) If a magistrate is satisfied, on the application of the chief executive officer supported by an affidavit or other sworn evidence, that there is a reasonable ground for suspecting that a document or gaming equipment relevant to an investigation into a possible offence against a gaming law, or any other thing constituting evidence of an offence against a gaming law, may be found in certain premises, the magistrate may issue a warrant authorising an authorised officer together with any assistants named or described in the warrant—
  - (a) to enter those premises, using the force that is necessary for the purpose; and
  - (b) to search the premises and to break open and search anything in the premises in which a document or any gaming equipment may be stored or concealed; and
  - (c) to seize and remove, on behalf of the commission—
    - (i) any document that appears to be relevant to the obligations of a person under a gaming law; or
    - (ii) any gaming equipment that the officer believes on reasonable grounds to be connected with an offence against a gaming law; or
    - (iii) any other thing that the officer believes on reasonable grounds might be used as evidence in a prosecution for an offence against a gaming law.
- (2) The powers given by this section are in addition to, and not in derogation of, any other powers given by law.

**25 Use and inspection of documents and records produced or seized**

- (1) This section applies to a document that has been produced to the commission or seized and removed by an authorised officer.
- (2) The document may be kept for as long as is reasonably necessary to enable it to be inspected, copies of, or extracts or notes from it to be made, and for a decision to be made about whether subsection (3) applies.
- (3) If the document is required by the commission as evidence for a legal proceeding, it may be kept until the proceeding is finally decided.
- (4) The commission must permit a person who would be entitled to inspect the document if it were not in the possession of the commission to inspect the document at any reasonable time.
- (5) Nothing in this section prejudices a lien a person has on the document.

**26 Use of goods produced or seized**

- (1) This section applies to any thing, other than a document, that has been produced to the commission or seized and removed by an authorised officer.
- (2) The thing may be kept for as long as is reasonably necessary to enable it to be inspected and for a decision to be made about whether subsection (3) applies.
- (3) If the thing is required by the commission as evidence for a legal proceeding, it may be kept until the proceeding is finally decided.
- (4) If the owner of the thing is convicted as a result of the legal proceedings, the court may direct that the thing be forfeited to the Territory, and in that case it may be disposed of as the Minister directs.



- (5) If the thing is no longer required by the commission, but the commission cannot return it to the owner within 12 months despite reasonable efforts to do so (for example, because the owner has left the ACT), the commission may direct that the thing be disposed of by auction and the proceeds held for the owner instead of the thing.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (6) Nothing in this section prejudices a lien a person has on the thing.

## **27 Self-incrimination**

- (1) A person is not excused from answering a question, providing information or producing a document, when required to do so under this Act, on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.
- (2) If the person objects to answering the question, providing the information or producing the document on that ground, the answer, information or document is not admissible against the person in any criminal proceedings other than—
- (a) proceedings for an offence in relation to false or misleading statements, information or records; or
  - (b) proceedings for an offence in the nature of perjury.

**28 Failing to comply with requirement of authorised officer**

- (1) A person must not, without reasonable excuse, fail to comply with a requirement of an authorised officer under this division.

Maximum penalty: 50 penalty units.

- (2) A person does not commit an offence against this section arising from the entry of an authorised officer onto premises unless it is established that, at the material time, the authorised officer—
- (a) identified himself or herself as an authorised officer; and
  - (b) warned the person that a refusal or failure to comply with the requirement constituted an offence.

**30 Access to public records without fee**

The commission is entitled to inspect and take copies of any public record kept under an Act or law of the Territory without payment of any fee that would otherwise be payable.

**31 Investigation of complaints**

- (1) A person may lodge a complaint with the commission, in a form approved by the commission, about compliance with a gaming law.
- (2) If a complaint has been lodged under this section and investigated by the commission, the commission may give the complainant information about the results of the investigation if the commission is satisfied that—
- (a) the complainant has a legitimate interest in the information; and
  - (b) giving the information to the complainant would not unreasonably prejudice the privacy or other interests of another person.

## **Division 4.3                      Cooperation with other jurisdictions**

### **32                      Cooperative agreements**

The commission may make agreements with the responsible authorities of reciprocating jurisdictions governing cooperation under this division.

### **33                      Investigation at request of reciprocating jurisdiction**

- (1) The commission may authorise a gaming officer of the Territory or of a reciprocating jurisdiction to investigate a matter that relates to the administration or enforcement of a gaming law of that jurisdiction, on the written request of an officer of that jurisdiction who exercises functions in relation to a gaming law of that jurisdiction.
- (2) This Act applies in relation to an investigation under this section as if it were an investigation into a matter relating to the administration or enforcement of a gaming law of the Territory.

## **Division 4.4                      Secrecy**

### **34                      Meaning of *gaming officer* in div 4.4**

In this division:

*gaming officer* includes any person who has acquired a confidential document or confidential information under a gaming law or as a result of exercising functions under or in relation to a gaming law.

### **35 Gaming officers must respect confidentiality**

- (1) A person who is or has been a gaming officer must not, otherwise than in the performance of the person's duties as a gaming officer, make a record of any confidential information about another person.

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

- (2) A person who is or has been a gaming officer must not disclose any information obtained under or in relation to the administration of a gaming law, except as permitted by this part.

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

- (3) The commission may require a gaming officer to make an oath or affirmation, in a way specified by the commission in writing, to maintain secrecy in accordance with this section.

*Note* If a form is approved under s 53D for an oath or affirmation, the form must be used.

- (4) For subsection (2), information disclosed to the commission by a person exercising a function under a law of the Commonwealth, a State or another Territory in relation to gaming or racing is information obtained under this Act.

### **36 Permitted disclosures of a general nature**

- (1) The commission may disclose information obtained under or in relation to the administration of a gaming law that does not and is not likely to—
- (a) directly or indirectly identify a particular person; or
  - (b) disclose matters about the personal affairs of a particular person.

- (2) The commission may disclose statistical information that does not satisfy subsection (1) if—
- (a) the reason that a person or his or her affairs might be identified is that there are few people in particular categories; and
  - (b) the commission is satisfied that it is in the public interest to disclose that information.

### **37 Permitted disclosures to particular people**

A gaming officer may disclose information obtained under or in relation to the administration of a gaming law—

- (a) with the consent of the person to whom the information relates or at the request of a person acting on behalf of the person to whom the information relates; or
- (b) in connection with the administration or execution of a gaming law (including for the purpose of any legal proceedings arising out of a gaming law or a report of any such proceedings); or
- (c) in accordance with a requirement imposed under an Act; or
- (d) to any of the following, or to a person authorised to receive the information by any of the following:
  - (i) for the purpose of the administration or enforcement of a gaming law of a reciprocating jurisdiction—a person who, or authority that, exercises functions under that law;
  - (ii) the auditor-general;
  - (iii) the Australian Competition and Consumer Commission;
  - (iv) the Australian Crime Commission;
  - (v) the Australian Federal Police;
  - (vi) the Australian Securities and Investments Commission;
  - (vii) the Australian statistician;

- (viii) the Australian Transaction Reports and Analysis Centre (AUSTRAC);
  - (ix) the chief police officer;
  - (x) the commissioner for revenue;
  - (xi) the Commissioner of Taxation of the Commonwealth;
  - (xii) the Department of Immigration and Border Protection (Cwlth);
  - (xiii) the Commonwealth Services Delivery Agency (Centrelink);
  - (xiv) the ombudsman;
  - (xv) the police force or service of a State;  
*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).
  - (xvi) an authority or agency of a State that is responsible for collecting or receiving taxation revenue of the State;
  - (xvii) a person prescribed by regulation; or
- (e) in accordance with section 31.

### **38 Prohibition on secondary disclosures of information**

A person must not disclose any information provided to the person by a gaming officer in accordance with this Act unless the disclosure is made with the consent of the commission or to enable the person to exercise a function given to the person by law for the purpose of the enforcement of a law for protecting the public revenue.

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

**39 Further restrictions on disclosure**

- (1) A person who is or has been a gaming officer must not be required—
- (a) to produce a confidential document in court; or
  - (b) to disclose any confidential information to a court;
- unless the court considers that it is necessary to do so for the administration or execution of a gaming law.
- (2) In this section:
- court* includes any tribunal, authority or person having power to require documents to be produced or questions to be answered.

## **Part 5                            Inquiries**

### **40           Starting an inquiry**

- (1) The commission must inquire into any matter referred to it by the Minister or under a gaming law.
- (2) The commission may inquire into any other matter as it considers appropriate.

### **41           Interested people may make submissions**

The commission must give any entity directly affected by or interested in the subject matter of an inquiry an opportunity to make submissions.

### **42           Hearings to be in public**

An inquiry by the commission must be heard in public unless the commission, for good reason, decides otherwise.

### **43           Adjournments**

The commission may at any time adjourn an inquiry as it considers appropriate.

### **44           Record of proceedings**

The commission must keep a record of its proceedings.

### **45           Evidence**

The commission may inform itself in any way it considers appropriate.



**46 Report and recommendations**

- (1) The commission must report its findings in an inquiry, other than an inquiry mentioned in subsection (2), to the Minister and may make recommendations on its findings.
- (2) If a gaming law requires the commission to make an inquiry before taking a specified action, the commission must report its findings in the annual report.
- (3) The Minister must present any reports and recommendations before the Legislative Assembly within 14 sitting days after receiving them.

**47 Rules of commission**

- (1) The commission may make rules for the procedure of the commission in an inquiry.
- (2) A rule made under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Part 6 Tax administration

### 48 Provisions of Taxation Administration Act apply

The provisions of the *Taxation Administration Act 1999*, except for part 9 (Taxation officers, investigation and secrecy provisions), apply in relation to a gaming law as if—

- (a) a reference to an authorised officer were a reference to an authorised officer under this Act; and
- (b) a reference to the commissioner were a reference to the commission under this Act; and
- (c) a reference to the Minister were a reference to the Minister in relation to this Act; and
- (d) a reference to a tax law were a reference to a gaming law under this Act; and
- (e) a reference to a tax officer were a reference to a gaming officer under this Act.

### 49 Commission may exercise functions under Commonwealth Act

The commission may exercise the functions of a State taxation officer under the *Taxation Administration Act 1953* (Cwlth), part 3A.

## Part 6A Authorisation numbers for electronic gaming

### 50 Maximum number of authorisations for electronic gaming allowed in ACT

- (1) The maximum number of authorisations for electronic gaming for all authorised premises in the ACT is worked out as follows:

$$SN - (NS + NC + NF)$$

*NC* means the total number of authorisations cancelled after the relevant day.

*NF* means the total number of authorisations forfeited to the Territory after the relevant day.

*NS* means the total number of authorisations surrendered after the relevant day.

*SN* means the number notified by the commission under subsection (3).

- (2) The total number of authorisations for electronic gaming under all authorisation schedules issued under a gaming law must not exceed the maximum number worked out under subsection (1).

*Note* An authorisation schedule is included in an authorisation certificate (see [Casino \(Electronic Gaming\) Act 2017](#), s 12 (1) (e) and s 15 (1) (e) and [Gaming Machine Act 2004](#), s 27 (1) (h) and s 30 (3) (j)).

- (3) As soon as practicable after each time the maximum number of authorisations for electronic gaming changes, the commission must prepare a notice stating the new maximum number and the date of the change.

- (4) A notice under subsection (3) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

(5) In this section:

**authorisation**, for electronic gaming, means—

- (a) an authorisation for a gaming machine under the *Gaming Machine Act 2004*; and
- (b) an authorisation for a casino gaming machine or casino FATG terminal under the *Casino (Electronic Gaming) Act 2017*.

**authorised premises**—

- (a) see the *Gaming Machine Act 2004*, dictionary; and
- (b) includes the casino.

**cancelled**—

- (a) an authorisation for a gaming machine is **cancelled** if—
  - (i) the authorisation is cancelled under either of the following sections of the *Gaming Machine Act 2004*:
    - (A) section 62 (Commission may take disciplinary action against licensee);
    - (B) section 64 (Cancellation of authorisation certificate because of cancellation etc of general and on licences); and
  - (ii) the cancellation has become final; and
- (b) an authorisation for a casino gaming machine or casino FATG terminal is **cancelled** if—
  - (i) the authorisation is cancelled under—
    - (A) the *Casino Control Act 2006*, section 34 (Disciplinary action against casino licensee); or
    - (B) the *Casino (Electronic Gaming) Act 2017*, section 41 (Cancellation of authorisation certificates and authorisations on surrender of casino licence); and

- (ii) the cancellation has become final.

**casino**—see the *Casino Control Act 2006*, dictionary.

**casino FATG terminal**—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

**casino gaming machine**—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

**electronic gaming** means gaming machines, casino gaming machines, casino FATG terminals and fully-automated table game machines.

**final**—a cancellation of an authorisation becomes **final** when—

- (a) the time for any appeal or review in relation to the decision has ended; or
- (b) any appeal or review in relation to the decision has been decided or withdrawn.

**forfeited**—an authorisation is **forfeited** if the authorisation is forfeited under—

- (a) the *Gaming Machine Act 2004*, section 127F (Trading authorisations—forfeiture requirement); or
- (b) the following sections of the *Casino (Electronic Gaming) Act 2017*:
  - (i) section 17 (Acquiring authorisations—forfeiture requirement);
  - (ii) section 23 (Status of restricted authorisations if development approval ends under Planning and Development Act 2007, s 184 or because no approval given);
  - (iii) section 24 (Status of restricted authorisations if development approval ends in other circumstances);

- (iv) section 42 (Cancellation of authorisation certificates and authorisations—forfeiture).

***gaming machine*** means a gaming machine under the [Gaming Machine Act 2004](#), dictionary.

***relevant day*** means the date of the change stated in the notice prepared by the commission under subsection (3).

***surrendered***—

- (a) an authorisation for a gaming machine is ***surrendered*** if the licensee, under the [Gaming Machine Act 2004](#), section 37F (1) (c) (Surrender of licences, authorisation certificates and authorisations), surrenders the authorisation and the surrender takes effect under that [Act](#), section 173E (Notifiable actions—date of effect); and
- (b) an authorisation for a casino gaming machine or casino FATG terminal is ***surrendered*** if the casino licensee, under the [Casino \(Electronic Gaming\) Act 2017](#), section 43 (Surrender of authorisation certificates and authorisations), surrenders the authorisation and the surrender takes effect under that [Act](#), section 50 (Notifiable actions—date of effect).

## Part 7                      Miscellaneous

### 53C            Acts and omissions of representatives

- (1) In this section:

*person* means an individual.

*Note*        See the [Criminal Code](#), pt 2.5 for provisions about corporate criminal responsibility.

*representative*, of a person, means an employee or agent of the person.

*state of mind*, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
  - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.
- (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.
- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.

- (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.
- (6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

**53CA Protection for authorised officers**

- (1) This section applies to an authorised officer who is not a member of the governing board.

*Note* Members of governing boards are protected from liability under the [Financial Management Act 1996](#), s 90.

- (2) The authorised officer is not civilly liable for anything done or omitted to be done honestly and without recklessness—
  - (a) for the purpose of administering or enforcing a territory gaming law; or
  - (b) for the purpose of administering or enforcing a gaming law of a reciprocating jurisdiction under division 4.3; or
  - (c) in the reasonable belief that the act or omission was for a purpose mentioned in paragraph (a) or (b).
- (3) Any liability that would, apart from this section, attach to the authorised officer attaches instead to the commission.

**53D Approved forms**

- (1) The commission may approve forms for a gaming law.
- (2) If the commission approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).



**54 Regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) A regulation may prescribe offences for contraventions of a regulation and prescribe maximum penalties of not more than 10 penalty units for offences against a regulation.

## Part 20 Transitional—Casino (Electronic Gaming) Act 2017

### 100 Transitional—Gaming Machine Act 2004, s 10 (3) instruments

- (1) A notice made under the *Gaming Machine Act 2004*, section 10 (3), that is in force immediately before the commencement day, is taken to be a notice made under this Act, section 50 (3).
- (2) In this section:

*commencement day* means the day the *Casino (Electronic Gaming) Act 2017*, section 55 commences.

### 101 Expiry—pt 20

This part expires on the commencement of the *Casino (Electronic Gaming) Act 2017*, schedule 4.

*Note* Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see *Legislation Act*, s 88).

---

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- ACT
- Australian statistician
- director-general (see s 163)
- exercise
- found guilty
- function
- public servant
- under.

***annual report*** means the report that the commission is required to prepare under the [Annual Reports \(Government Agencies\) Act 2004](#).

***authorised officer*** means a person who is an authorised officer under section 20.

***casino*** means the casino under the [Casino Control Act 2006](#).

***chief executive officer*** means the chief executive officer of the commission.

***code of practice***—see section 18.

***commission*** means the ACT Gambling and Racing Commission established under section 5.

***gaming*** means conducting or playing a game of chance, or of mixed chance and skill, in which money or any other valuable thing is offered as a prize or is staked or risked (by a participant or someone else) on an event or contingency.

***gaming equipment*** means any electrical, electronic or mechanical device or any other thing (other than chips) used, or suitable for use, in connection with gaming.

***gaming law***—

- (a) in relation to the Territory—see section 4; and
- (b) in relation to the Commonwealth, a State, another Territory, or a foreign country, (the ***other jurisdiction***)—means a law of the other jurisdiction that relates to gaming or racing.

***gaming officer***—

- (a) for this Act generally—means any of the following:
  - (i) a member of the governing board;
  - (ii) any other authorised officer;
  - (iii) anyone else engaged (whether as an officer or employee or otherwise) in the administration or enforcement of a gaming law; and
- (b) for division 4.4 (Secrecy)—see section 34.

***governing board*** means the governing board of the commission.

***inquiry*** means an inquiry conducted under part 5.

***racing*** means racing conducted for the purpose of betting.

***reciprocating jurisdiction*** means a jurisdiction, being the Commonwealth, a State, another Territory or New Zealand, under a law of which an officer of the jurisdiction is authorised to give to the commission, for the purposes of the administration of a gaming law, information within the knowledge of the officer.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

---

### 3 Legislation history

#### **Gambling and Racing Control Act 1999 A1999-46**

notified 17 September 1999 ([Gaz 1999 No S54](#))

s 1, s 2 commenced 17 September 1999 (s 2 (1))

remainder commenced 1 December 1999 (s 2 (2) and [Gaz 1999 No S63](#))

as amended by

#### **[Gambling Legislation Amendment Act 1999 A1999-56 sch 3 \(as am by A2000-80 amdt 3.5\)](#)**

notified 10 November 1999 ([Gaz 1999 No 45](#))

s 1, s 2 commenced 10 November 1999 (s 2 (1))

sch 3 commenced 1 December 1999 (s 2 (2) and [Gaz 1999 No S63](#))

#### **[Statute Law Amendment Act 2000 A2000-80 amdt 1.1](#)**

notified 21 December 2000 ([Gaz 2000 No S69](#))

s 1, s 2 commenced 21 December 2000 (IA s 10B)

amdt 1.1 taken to have commenced 1 December 1999 (s 2 (2), amdt 1.1)

#### **[Legislation \(Consequential Amendments\) Act 2001 A2001-44 pt 161](#)**

notified 26 July 2001 ([Gaz 2001 No 30](#))

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 161 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

#### **[Race and Sports Bookmaking Act 2001 A2001-49 sch 2 pt 3](#)**

notified 12 July 2001 ([Gaz 2001 No 28](#))

s 1, s 2 commenced 12 July 2001 (IA s 10B)

sch 2 pt 3 commenced 7 September 2001 (s 2 and [Gaz 2001 No S68](#))

#### **[Legislation \(Gay, Lesbian and Transgender\) Amendment Act 2003 A2003-14 sch 1 pt 1.17](#)**

notified LR 27 March 2003

s 1, s 2 commenced 27 March 2003 (LA s 75 (1))

sch 1 pt 1.17 commenced 28 March 2003 (s 2)

**Australian Crime Commission (ACT) Act 2003 A2003-58 sch 1 pt 1.2**

notified LR 17 December 2003  
s 1, s 2 commenced 17 December 2003 (LA s 75 (1))  
sch 1 pt 1.2 commenced 17 June 2004 (s 2 and LA s 79)

**Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.16**

notified LR 19 March 2004  
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))  
sch 1 pt 1.16 commenced 13 April 2004 (s 2 and see [Annual Reports \(Government Agencies\) Act 2004 A2004-8](#), s 2 and [CN2004-5](#))

**Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 1 pt 1.18, sch 2 pt 2.40**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 1 pt 1.18, sch 2 pt 2.40 commenced 9 April 2004 (s 2 (1))

**Gaming Machine Act 2004 A2004-34 sch 2**

notified LR 9 July 2004  
s 1, s 2 commenced 9 July 2004 (LA s 75 (1))  
sch 2 commenced 1 November 2004 (s 2 and [CN2004-14](#))

**Financial Management Legislation Amendment Act 2005 A2005-52 sch 1 pt 1.8**

notified LR 26 October 2005  
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))  
sch 1 pt 1.8 commenced 1 January 2006 (s 2 (2))

**Casino Control Act 2006 A2006-2 sch 1 pt 1.1**

notified LR 22 February 2006  
s 1, s 2 commenced 22 February 2006 (LA s 75 (1))  
sch 1 pt 1.1 commenced 1 May 2006 (s 2 and [CN2006-6](#))

**Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.51**

notified LR 22 March 2007  
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))  
sch 3 pt 3.51 commenced 12 April 2007 (s 2 (1))

## Endnotes

3 Legislation history

---

**Statute Law Amendment Act 2007 (No 2) A2007-16 sch 3 pt 3.16**

notified LR 20 June 2007  
s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))  
sch 3 pt 3.16 commenced 11 July 2007 (s 2 (1))

**Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.28**

notified LR 12 August 2008  
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))  
sch 3 pt 3.28 commenced 26 August 2008 (s 2)

**Unlawful Gambling Act 2009 A2009-39 sch 2 pt 2.1**

notified LR 17 November 2009  
s 1, s 2 commenced 17 November 2009 (LA s 75 (1))  
sch 2 pt 2.1 commenced 22 March 2010 (s 2 and [CN2010-2](#))

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.70**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.70 commenced 1 July 2011 (s 2 (1))

**Statute Law Amendment Act 2013 A2013-19 sch 3 pt 3.22**

notified LR 24 May 2013  
s 1, s 2 commenced 24 May 2013 (LA s 75 (1))  
sch 3 pt 3.22 commenced 14 June 2013 (s 2)

**Totalisator Act 2014 A2014-4 sch 2 pt 2.1**

notified LR 26 March 2014  
s 1, s 2 commenced 26 March 2014 (LA s 75 (1))  
sch 2 pt 2.1 commenced 27 March 2014 (s 2)

**Statute Law Amendment Act 2014 A2014-18 sch 3 pt 3.9**

notified LR 20 May 2014  
s 1, s 2 commenced 20 May 2014 (LA s 75 (1))  
sch 3 pt 3.9 commenced 10 June 2014 (s 2 (1))

**Annual Reports (Government Agencies) Amendment Act 2015 A2015-16 sch 1 pt 1.12**

notified LR 27 May 2015  
s 1, s 2 commenced 27 May 2015 (LA s 75 (1))  
sch 1 pt 1.12 commenced 3 June 2015 (s 2)



**Statute Law Amendment Act 2015 (No 2) A2015-50 sch 3 pt 3.18**

notified LR 25 November 2015

s 1, s 2 commenced 25 November 2015 (LA s 75 (1))

sch 3 pt 3.18 commenced 9 December 2015 (s 2)

**Red Tape Reduction Legislation Amendment Act 2016 A2016-18  
sch 3 pt 3.24**

notified LR 13 April 2016

s 1, s 2 commenced 13 April 2016 (LA s 75 (1))

sch 3 pt 3.24 commenced 27 April 2016 (s 2)

**Public Sector Management Amendment Act 2016 A2016-52 sch 1  
pt 1.30**

notified LR 25 August 2016

s 1, s 2 commenced 25 August 2016 (LA s 75 (1))

sch 1 pt 1.30 commenced 1 September 2016 (s 2)

**Casino (Electronic Gaming) Act 2017 A2017-42 sch 3 pt 3.2,  
sch 4 pt 4.1**

notified LR 13 November 2017

s 1, s 2 commenced 13 November 2017 (LA s 75 (1))

sch 3 pt 3.2 commenced 13 May 2018 (s 2 (1) and LA s 79)

sch 4 pt 4.1 awaiting commencement

## Endnotes

4 Amendment history

---

### 4 Amendment history

#### Name of Act

s 1 sub [A2005-52](#) amdt 1.111

#### Dictionary

s 2 om [A2001-44](#) amdt 1.1866  
ins [A2005-52](#) amdt 1.114

#### Notes

s 3 defs reloc to dict [A2005-52](#) amdt 1.113  
sub [A2005-52](#) amdt 1.114  
def casino om [A2005-52](#) amdt 1.112  
def commission om [A2005-52](#) amdt 1.112  
def gaming officer om [A2005-52](#) amdt 1.112  
def *penalty unit* om [A2001-49](#) amdt 2.20

#### Gaming laws

s 4 am [A2001-44](#) amdts 1.1867-1.1869; [A2001-49](#)  
amdts 2.21-2.23; [A2004-34](#) amdt 2.3; [A2006-2](#) amdt 1.1;  
[A2009-39](#) amdt 2.1, amdt 2.2; pars renum R13 LA; [A2014-4](#)  
amdt 2.1, amdt 2.2; pars renum R16 LA; [A2017-42](#)  
amdt 3.10; pars renum R22 LA

#### The commission

pt 2 hdg am [A2005-52](#) amdt 1.115

#### Establishment and functions of commission

div 2.1 hdg (prev pt 2 div 2 hdg) renum R1 LA  
sub [A2005-52](#) amdt 1.116

#### Establishment of gambling and racing commission

s 5 sub [A2005-52](#) amdt 1.117

#### Functions of commission

s 6 am [A2001-44](#) amdt 1.1870, amdt 1.1871; [A2005-52](#)  
amdt 1.118; [A2013-19](#) amdt 3.163; [A2015-16](#) amdt 1.16

#### Community consultation

s 8 am [A2015-16](#) amdt 1.16

#### Powers of commission

s 9 om [A2005-52](#) amdt 1.119

#### Delegation

s 10 sub [A2007-16](#) amdt 3.65

#### Governing board

div 2.2 hdg (prev pt 2 div 2 hdg) renum R1 LA  
sub [A2005-52](#) amdt 1.121

**Establishment of governing board**

s 11 om [A2005-52](#) amdt 1.120  
ins [A2005-52](#) amdt 1.122  
am [A2008-28](#) amdt 3.92; [A2013-19](#) amdt 3.164

**Governing board members**

s 12 sub [A2005-52](#) amdt 1.122  
am [A2013-19](#) amdt 3.165

**Chief executive officer of commission**

s 13 om [A2005-52](#) amdt 1.123  
ins [A2005-52](#) amdt 1.122

**Commission's staff**

s 14 sub [A2005-52](#) amdt 1.124  
am [A2007-3](#) amdt 3.283; [A2011-22](#) amdt 1.216  
sub [A2016-52](#) amdt 1.92

**Consultants and contractors**

s 15 sub [A2005-52](#) amdt 1.124

**Annual report**

s 16 om [A2004-9](#) amdt 1.24

**Monitoring and research**

div 3.1 hdg (prev pt 3 div 1 hdg) renum R1 LA

**Dealing with social effects of gambling**

div 3.2 hdg (prev pt 3 div 2 hdg) renum R1 LA

**Code of practice**

s 18 am [A2013-19](#) amdt 3.166

**Authorised officers**

div 4.1 hdg (prev pt 4 div 1 hdg) renum R1 LA

**Authorised officers**

s 20 sub [A2005-52](#) amdt 1.125  
am [A2011-22](#) amdt 1.217

**Powers of investigation**

div 4.2 hdg (prev pt 4 div 2 hdg) renum R1 LA

**Power to require information, instruments or records or attendance for examination**

s 22 am [A2014-18](#) amdt 3.37, amdt 3.38; [A2016-18](#) amdt 3.107,  
amdt 3.108; pars renum R20 LA

**Commission may require records to be kept**

s 22A ins [A2001-49](#) amdt 2.24  
am [A2013-19](#) amdt 3.167

## Endnotes

### 4 Amendment history

---

#### **Search warrant**

s 24 am [A2005-54](#) amdt 1.126

#### **Failing to comply with requirement of authorised officer**

s 28 hdg sub [A2004-15](#) amdt 2.89

s 28 am [A2004-15](#) amdt 2.90; ss renum R4 LA (see [A2004-15](#) amdt 2.91)

#### **Impersonating authorised officer**

s 29 om [A2004-15](#) amdt 2.92

#### **Investigation of complaints**

s 31 am [A2015-16](#) amdt 1.16

#### **Cooperation with other jurisdictions**

div 4.3 hdg (prev pt 4 div 3 hdg) renum R1 LA

#### **Secrecy**

div 4.4 hdg (prev pt 4 div 4 hdg) renum R1 LA

#### **Gaming officers must respect confidentiality**

s 35 am [A2001-44](#) amdt 1.1872, amdt 1.1873

#### **Permitted disclosures to particular people**

s 37 am [A2003-58](#) amdt 1.2; [A2009-39](#) amdt 2.3; [A2015-50](#) amdt 3.109

#### **Rules of commission**

s 47 am [A2001-44](#) amdt 1.1874, amdt 1.1875; [A2013-19](#) amdt 3.167

#### **Provisions of Taxation Administration Act apply**

s 48 am [A2001-49](#) amdt 2.25

#### **Authorisation numbers for electronic gaming**

pt 6A hdg ins [A2017-42](#) amdt 3.11

#### **Maximum number of authorisations for electronic gaming allowed in ACT**

s 50 om [A2006-2](#) amdt 1.2  
ins [A2017-42](#) amdt 3.11

#### **Miscellaneous**

pt 7 hdg orig pt 7 hdg om [A2006-2](#) amdt 1.2  
(prev pt 9 hdg) renum [A2006-2](#) amdt 1.3

#### **Functions of commission in relation to Casino Act**

s 51 am [A1999-56](#) s 90 sch 3 (as am [A2000-80](#) amdt 3.5)  
om [A2006-2](#) amdt 1.2

#### **Racing**

pt 8 hdg om [A2006-2](#) amdt 1.2

#### **Meaning of *Racing Act* in pt 8**

s 52 om [A2006-2](#) amdt 1.2

**Functions of commission in relation to Racing Act**

s 53 om [A2006-2](#) amdt 1.2

**Service of documents**

pt 8A hdg ins [A2001-49](#) amdt 2.26  
om [A2006-2](#) amdt 1.2

**Service of documents etc on people generally**

s 53A ins [A2001-49](#) amdt 2.26  
om [A2006-2](#) amdt 1.2

**Serving documents etc on commission**

s 53B ins [A2001-49](#) amdt 2.26  
om [A2006-2](#) amdt 1.2

**Miscellaneous**

pt 9 hdg renum as pt 7 hdg

**Acts and omissions of representatives**

s 53C ins [A2001-49](#) amdt 2.27  
sub [A2004-15](#) amdt 1.22

**Protection for authorised officers**

s 53CA ins [A2005-52](#) amdt 1.127

**Approved forms**

s 53D ins [A2001-44](#) amdt 1.1876  
(4)-(7) exp 12 September 2002 (s 53D (7))  
am [A2013-19](#) amdt 3.167

**Regulation-making power**

s 54 sub [A2001-44](#) amdt 1.1876

**Appointment and terms of office of members of commission**

sch 1 om [A2005-52](#) amdt 1.128

**Transitional—Casino (Electronic Gaming) Act 2017**

pt 20 hdg ins [A2017-42](#) amdt 3.12  
exp on the commencement of the [Casino \(Electronic Gaming\) Act 2017](#) [A2017-42](#), sch 4 (s 101)

**Transitional—Gaming Machine Act 2004, s 10 (3) instruments**

s 100 ins [A2017-42](#) amdt 3.12  
exp on the commencement of the [Casino \(Electronic Gaming\) Act 2017](#) [A2017-42](#), sch 4 (s 101)

**Expiry—pt 20**

s 101 ins [A2017-42](#) amdt 3.12  
exp on the commencement of the [Casino \(Electronic Gaming\) Act 2017](#) [A2017-42](#), sch 4 (s 101)

## Endnotes

### 4 Amendment history

---

#### **Appointment of ordinary members**

s 1.2 am [A2003-14](#) amdt 1.60, amdt 1.61  
om [A2005-52](#) amdt 1.128

#### **Term of office**

s 1.5 am [A2000-80](#) amdt 1.1  
om [A2005-52](#) amdt 1.128

#### **Meetings**

sch 2 om [A2005-52](#) amdt 1.128

#### **Meetings**

s 2.7 am [A2004-34](#) amdt 2.4  
om [A2005-52](#) amdt 1.128

#### **Dictionary**

dict ins [A2005-52](#) amdt 1.129  
am [A2011-22](#) amdt 1.218; [A2013-19](#) amdt 3.168; [A2014-18](#)  
amdt 3.39; [A2016-52](#) amdt 1.93  
def **annual report** ins [A2004-9](#) amdt 1.23  
reloc from s 3 [A2005-52](#) amdt 1.113  
def **authorised officer** ins [A2005-52](#) amdt 1.129  
def **casino** ins [A2005-52](#) amdt 1.129  
sub [A2006-2](#) amdt 1.4  
def **chief executive officer** ins [A2005-52](#) amdt 1.129  
def **code of practice** reloc from s 3 [A2005-52](#) amdt 1.113  
def **commission** ins [A2005-52](#) amdt 1.129  
sub [A2013-19](#) amdt 3.169  
def **executive officer** ins [A2001-49](#) amdt 2.19  
reloc from s 3 [A2005-52](#) amdt 1.113  
om [A2013-19](#) amdt 3.170  
def **gaming** reloc from s 3 [A2005-52](#) amdt 1.113  
sub [A2009-39](#) amdt 2.4  
def **gaming equipment** reloc from s 3 [A2005-52](#) amdt 1.113  
def **gaming law** am [A2004-34](#) amdt 2.1  
reloc from s 3 [A2005-52](#) amdt 1.113  
def **gaming officer** ins [A2005-52](#) amdt 1.129  
sub [A2008-28](#) amdt 3.93  
def **governing board** ins [A2005-52](#) amdt 1.129  
def **inquiry** reloc from s 3 [A2005-52](#) amdt 1.113  
def **racing** reloc from s 3 [A2005-52](#) amdt 1.113  
def **reciprocating jurisdiction** am [A2004-34](#) amdt 2.2  
reloc from s 3 [A2005-52](#) amdt 1.113

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R0A 13 Feb 2006	1 Dec 1999– 20 Dec 2000	<a href="#">A1999-56</a>	amendments by <a href="#">A1999-56</a>
R0B 13 Feb 2006	21 Dec 2000– 6 Sept 2001	<a href="#">A2000-80</a>	amendments by <a href="#">A2000-80</a>
R1 2 Nov 2001	12 Sept 2001– 12 Sept 2002	<a href="#">A2001-49</a>	amendments by <a href="#">A2001-44</a> and <a href="#">A2001-49</a>
R2 13 Sept 2002	13 Sept 2002– 27 Mar 2003	<a href="#">A2001-49</a>	commenced expiry
R3 28 Mar 2003	28 Mar 2003– 8 Apr 2004	<a href="#">A2003-14</a>	amendments by <a href="#">A2003-14</a>
R4 9 Apr 2004	9 Apr 2004– 12 Apr 2004	<a href="#">A2004-15</a>	amendments by <a href="#">A2004-15</a>
R5 13 Apr 2004	13 Apr 2004– 16 June 2004	<a href="#">A2004-15</a>	amendments by <a href="#">A2004-9</a>
R6 17 June 2004	17 Jun 2004– 31 Oct 2004	<a href="#">A2004-15</a>	amendments by <a href="#">A2003-58</a>
R7 1 Nov 2004	1 Nov 2004– 31 Dec 2005	<a href="#">A2004-34</a>	amendments by <a href="#">A2004-34</a>
R8 1 Jan 2006	1 Jan 2006– 30 Apr 2006	<a href="#">A2005-52</a>	amendments by <a href="#">A2005-52</a>
R9 1 May 2006	1 May 2006– 11 Apr 2007	<a href="#">A2006-2</a>	amendments by <a href="#">A2006-2</a>
R10 12 Apr 2007	12 Apr 2007– 10 July 2007	<a href="#">A2007-3</a>	amendments by <a href="#">A2007-3</a>

## Endnotes

### 5 Earlier republications

---

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R11 11 July 2007	11 July 2007– 25 Aug 2008	<a href="#">A2007-16</a>	amendments by <a href="#">A2007-16</a>
R12* 26 Aug 2008	26 Aug 2008– 21 Mar 2010	<a href="#">A2008-28</a>	amendments by <a href="#">A2008-28</a>
R13 22 Mar 2010	22 Mar 2010– 30 June 2011	<a href="#">A2009-39</a>	amendments by <a href="#">A2009-39</a>
R14 1 July 2011	1 July 2011– 13 June 2013	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>
R15 14 June 2013	14 June 2013– 26 March 2014	<a href="#">A2013-19</a>	amendments by <a href="#">A2013-19</a>
R16 27 Mar 2014	27 Mar 2014– 9 June 2014	<a href="#">A2014-4</a>	amendments by <a href="#">A2014-4</a>
R17 10 June 2014	10 June 2014– 2 June 2015	<a href="#">A2014-18</a>	amendments by <a href="#">A2014-18</a>
R18 3 June 2015	3 June 2015– 8 Dec 2015	<a href="#">A2015-16</a>	amendments by <a href="#">A2015-16</a>
R19 9 Dec 2015	9 Dec 2015– 26 Apr 2016	<a href="#">A2015-50</a>	amendments by <a href="#">A2015-50</a>
R20 27 Apr 2016	27 Apr 2016– 31 Aug 2016	<a href="#">A2016-18</a>	amendments by <a href="#">A2016-18</a>
R21 1 Sept 2016	1 Sept 2016– 12 May 2018	<a href="#">A2016-52</a>	amendments by <a href="#">A2016-52</a>

---

© Australian Capital Territory 2018