



Australian Capital Territory

Gambling and Racing Control Act 1999

A1999-46

Republication No 25

Effective: 11 December 2018 – 30 June 2019

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Last amendment made by [A2018-45](#)

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 11 December 2018. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 11 December 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):

- 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 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). 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 \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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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 gambling harm;
 - (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 gambling harm.

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 people experiencing gambling harm.

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 gambling harm 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 people experiencing gambling harm to exclude themselves using a licensee's facilities for gambling;
 - (e) training staff to recognise and deal appropriately with people who are experiencing gambling harm or are at risk;
 - (f) developing methods of dealing with staff or clients who are experiencing gambling harm 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 who are experiencing gambling harm; or
 - (b) publicity and education programs—
 - (i) providing consumer information for different kinds of gambling; or
 - (ii) about the risks of gambling; or

- (iii) for people who are experiencing gambling harm.
- (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) for the purpose of advising the Minister about policy matters or the operation of a gaming law—the administrative unit responsible for this Act, the commission or the Minister;
- (iii) for the purpose of administering the *Gaming Machine Act 2004*, part 2A (Reducing cap on authorisations in ACT to 4 000 or fewer)—the administrative unit responsible for this Act, the commission, the Minister or a tax officer under the *Taxation Administration Act 1999*;
- (iv) the auditor-general;
- (v) the Australian Competition and Consumer Commission;
- (vi) the Australian Crime Commission;
- (vii) the Australian Federal Police;
- (viii) the Australian Securities and Investments Commission;
- (ix) the Australian statistician;
- (x) the Australian Transaction Reports and Analysis Centre (AUSTRAC);
- (xi) the chief police officer;
- (xii) the commissioner for revenue;
- (xiii) the Commissioner of Taxation of the Commonwealth;
- (xiv) the Department of Home Affairs (Cwlth);
- (xv) the Commonwealth Services Delivery Agency (Centrelink);
- (xvi) the ombudsman;
- (xvii) the police force or service of a State;

Note **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (xviii) an authority or agency of a State that is responsible for collecting or receiving taxation revenue of the State;
- (xix) a person prescribed by regulation; or
- (e) in accordance with section 31.

37A Permitted disclosures—enforceable undertakings

The commission may disclose information relating to a person as agreed with the person in an enforceable undertaking under the *Gaming Machine Act 2004*, part 3A.

37B Public register—disciplinary actions and enforceable undertakings

- (1) The commission must keep a public register that lists—
 - (a) the business or trading names of licensees that have had disciplinary action taken against them under the *Gaming Machine Act 2004*, part 4; and
 - (b) a description of the—
 - (a) disciplinary action taken; and
 - (b) disciplinary ground for which the action was taken.
- (2) The commission may enter any details agreed with a licensee on the register if the licensee has entered into an enforceable undertaking under the *Gaming Machine Act 2004*, part 3A.
- (3) The commission must not enter details relating to disciplinary action on the register—
 - (a) if the details contain any references to the names of individuals; and
 - (b) unless—
 - (i) the time for any appeal or review in relation to the disciplinary action has not ended; and

- (ii) any appeal or review in relation to the disciplinary action has not been decided or withdrawn.

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 Cap on number of authorisations for electronic gaming in ACT

- (1) The cap on the 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 cap on the 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 cap on the number of authorisations for electronic gaming changes, the commission must prepare a notice stating the new cap on the 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 it is surrendered, or an authorisation certificate to which it relates is surrendered, under any of the following provisions of the [Gaming Machine Act 2004](#):
- (i) section 10D (Surrender of authorisations and authorisation certificates on voluntary surrender day);
 - (ii) section 10M (Surrender of authorisations for gaming machines);
 - (iii) section 37F (1) (c) (Surrender of licences, authorisation certificates and authorisations), if 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 6B Licences, authorisation certificates and authorisations—register and replacement copies

51 Definitions—pt 6B

In this part:

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*.

authorisation certificate, for electronic gaming, means—

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

authorisation number, for electronic gaming, means—

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

authorisation schedule, for electronic gaming, means—

- (a) an authorisation schedule for an authorisation certificate for a licence for a gaming machine under the *Gaming Machine Act 2004*; and

- (b) an authorisation schedule for an authorisation certificate for a casino gaming machine or casino FATG terminal under the *Casino (Electronic Gaming) Act 2017*.

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.

gaming machine means a gaming machine under the *Gaming Machine Act 2004*, dictionary.

general purpose, for a storage permit—see the *Gaming Machine Act 2004*, dictionary.

interim purpose, for a storage permit—see the *Gaming Machine Act 2004*, dictionary.

licence means—

- (a) a casino licence granted under the *Casino Control Act 2006*, section 21; or
- (b) a licence for a class B or class C gaming machine issued under the *Gaming Machine Act 2004*.

Note *Licensee* has a meaning corresponding to the meaning of *licence* (see *Legislation Act*, s 157).

maximum number, of authorisations—

- (a) for gaming machines—see the *Gaming Machine Act 2004*, dictionary; and
- (b) for casino gaming machines—means the maximum number of authorisations for casino gaming machines the casino licensee is allowed under an authorisation certificate; and

- (c) for casino FATG terminals—means the maximum number of authorisations for casino FATG terminals the casino licensee is allowed under an authorisation certificate.

permit—see the *Gaming Machine Act 2004*, dictionary.

quarantine permit—see the *Gaming Machine Act 2004*, dictionary.

storage permit—see the *Gaming Machine Act 2004*, section 127L.

52 Licences and authorisation certificates—register

- (1) The commission must keep a register of licences, authorisation certificates and authorisations.
- (2) The register must include the following details:
 - (a) the date of issue, amendment or transfer of a licence or authorisation certificate;
 - (b) the date of the suspension or cancellation of a licence or authorisation certificate;
 - (c) for each authorisation certificate included in the register—
 - (i) for an authorisation certificate in relation to gaming machines—the maximum number of authorisations for gaming machines the licensee may have under the authorisation certificate; and
 - (ii) for an authorisation certificate in relation to casino gaming machines or casino FATG terminals—the maximum number of authorisations for casino gaming machines or casino FATG terminals the licensee is allowed under the authorisation certificate; and
 - (iii) the authorisation number for each authorisation; and
 - (iv) details of any gaming machine, casino gaming machine or casino FATG terminal under each authorisation;

- (d) if a licensee holds a storage permit—
 - (i) whether the permit is for a general purpose or an interim purpose; and
 - (ii) the serial number of each gaming machine to be stored under the permit; and
 - (iii) for a storage permit for a general purpose—the authorisation number for each gaming machine’s associated authorisation;
 - (e) anything else prescribed by regulation.
- (3) The register may be kept in any form, including electronically, that the commission decides.
 - (4) The commission may correct an error or omission in the register.
 - (5) A licensee may ask the commission, in writing, to correct an error or omission in the register.
 - (6) The commission may change a detail included in the register to keep the register up-to-date.

Example

A detail in the register may be changed as a consequence of receiving notification under the [Casino \(Electronic Gaming\) Act 2017](#), s 49 or the [Gaming Machine Act 2004](#), s 173D about a notifiable action.

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).

53 Licences, authorisation certificates and authorisation schedules—replacement copies

- (1) This section applies if a licensee’s licence, authorisation certificate or authorisation schedule is lost, stolen or destroyed.
- (2) The licensee must give the commission a statement verifying the loss, theft or destruction of the licence, authorisation certificate or authorisation schedule as soon as practicable after becoming aware of the loss, theft or destruction.

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).

- (3) If the commission receives a statement under subsection (2), the commission must give the licensee a replacement licence, replacement authorisation certificate or replacement authorisation schedule.

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 30 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
- administrative unit
- Australian statistician
- director-general (see s 163)
- exercise
- found guilty
- function
- Minister (see s 162)
- public servant
- under.

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

authorisation, for electronic gaming, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see section 51.

authorisation certificate, for electronic gaming, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see section 51.

authorisation number, for electronic gaming, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see section 51.

authorisation schedule, for electronic gaming, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see section 51.

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

casino means the casino under the *Casino Control Act 2006*.

casino FATG terminal, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

casino gaming machine, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

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.

electronic gaming, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see section 51.

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 machine, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see section 51.

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.

general purpose, for a storage permit, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see the [Gaming Machine Act 2004](#), dictionary.

governing board means the governing board of the commission.

inquiry means an inquiry conducted under part 5.

interim purpose, for a storage permit, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see the [Gaming Machine Act 2004](#), dictionary.

licence, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see section 51.

maximum number, of authorisations, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see section 51.

permit, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see the [Gaming Machine Act 2004](#), dictionary.

quarantine permit, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see the [Gaming Machine Act 2004](#), dictionary.

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.

storage permit, for part 6B (Licences, authorisation certificates and authorisations—register and replacement copies)—see the [Gaming Machine Act 2004](#), section 127L.

Endnotes

1 About the endnotes

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

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)

Endnotes

3 Legislation history

[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))

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)

Endnotes

3 Legislation history

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 (as am by A2018-45 sch 1 pt 1.1)

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 om before commenced (see [A2018-45](#) sch 1 amdt 1.1)

Casino and Other Gaming Legislation Amendment Act 2018 A2018-21 pt 4

notified LR 14 June 2018

s 1, s 2 commenced 14 June 2018 (LA s 75 (1))

pt 4 commenced 15 June 2018 (s 2)

Statute Law Amendment Act 2018 A2018-42 sch 3 pt 3.16

notified LR 8 November 2018

s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))

sch 3 pt 3.16 commenced 22 November 2018 (s 2 (1))

Gaming Legislation Amendment Act 2018 A2018-45 pt 2, sch 1 pt 1.1, sch 2

notified LR 4 December 2018

pt 1 taken to have commenced 15 June 2015 (s 2 (1))

pt 2 commenced 11 December 2018 (s 2 (6))

sch 1 pt 1.1 taken to have commenced 13 November 2017 (s 2 (3))

sch 2 awaiting commencement

Note This Act also amends the Casino (Electronic Gaming) Act 2017 [A2017-42](#).

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;
[A2018-45](#) s 4

How commission must exercise its functions

s 7 am [A2018-45](#) s 5

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; [A2018-45](#) s 6

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

Monitoring and research

s 17 am [A2018-45](#) s 7

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; [A2018-45](#) s 8, s 9

Education and counselling

s 19 am [A2018-45](#) s 10, s 11

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

Endnotes

4 Amendment history

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

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; [A2018-42](#) amdt 3.47; [A2018-45](#) s 12; pars renum R25 LA

Permitted disclosures—enforceable undertakings

s 37A ins [A2018-45](#) s 13

Public register—disciplinary actions and enforceable undertakings

s 37B ins [A2018-45](#) s 13

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

Cap on number of authorisations for electronic gaming in ACT

s 50 hdg sub [A2018-45](#) s 14
 s 50 om [A2006-2](#) amdt 1.2
 ins [A2017-42](#) amdt 3.11
 am [A2018-45](#) s 15, s 16

Licences, authorisation certificates and authorisations—register and replacement copies

pt 6B hdg ins [A2018-21](#) s 24

Definitions—pt 6B

s 51 am [A1999-56](#) s 90 sch 3 (as am [A2000-80](#) amdt 3.5)
 om [A2006-2](#) amdt 1.2
 ins [A2018-21](#) s 24
 def **authorisation** ins [A2018-21](#) s 24
 def **authorisation certificate** ins [A2018-21](#) s 24
 def **authorisation number** ins [A2018-21](#) s 24
 def **authorisation schedule** ins [A2018-21](#) s 24
 def **casino FATG terminal** ins [A2018-21](#) s 24
 def **casino gaming machine** ins [A2018-21](#) s 24
 def **electronic gaming** ins [A2018-21](#) s 24
 def **gaming machine** ins [A2018-21](#) s 24
 def **general purpose** ins [A2018-21](#) s 24
 def **interim purpose** ins [A2018-21](#) s 24
 def **licence** ins [A2018-21](#) s 24
 def **maximum number** ins [A2018-21](#) s 24
 def **permit** ins [A2018-21](#) s 24
 def **quarantine permit** ins [A2018-21](#) s 24
 def **storage permit** ins [A2018-21](#) s 24

Licences and authorisation certificates—register

s 52 om [A2006-2](#) amdt 1.2
 ins [A2018-21](#) s 24
 am [A2018-45](#) s 17

Licences, authorisation certificates and authorisation schedules—replacement copies

s 53 om [A2006-2](#) amdt 1.2
 ins [A2018-21](#) s 24

Miscellaneous

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

Racing

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

Service of documents

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

Endnotes

4 Amendment history

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
am [A2018-45](#) s 18

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)

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

Meetingssch 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; [A2018-45](#) s 19
def **annual report** ins [A2004-9](#) amdt 1.23
reloc from s 3 [A2005-52](#) amdt 1.113
def **authorisation** ins [A2018-21](#) s 25
def **authorisation certificate** ins [A2018-21](#) s 25
def **authorisation number** ins [A2018-21](#) s 25
def **authorisation schedule** ins [A2018-21](#) s 25
def **authorised officer** ins [A2005-52](#) amdt 1.129
def **casino** ins [A2005-52](#) amdt 1.129
sub [A2006-2](#) amdt 1.4
def **casino FATG terminal** ins [A2018-21](#) s 25
def **casino gaming machine** ins [A2018-21](#) s 25
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 **electronic gaming** ins [A2018-21](#) s 25
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 machine** ins [A2018-21](#) s 25
def **gaming officer** ins [A2005-52](#) amdt 1.129
sub [A2008-28](#) amdt 3.93
def **general purpose** ins [A2018-21](#) s 25
def **governing board** ins [A2005-52](#) amdt 1.129
def **inquiry** reloc from s 3 [A2005-52](#) amdt 1.113
def **interim purpose** ins [A2018-21](#) s 25
def **licence** ins [A2018-21](#) s 25
def **maximum number** ins [A2018-21](#) s 25
def **permit** ins [A2018-21](#) s 25
def **quarantine permit** ins [A2018-21](#) s 25

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4 Amendment history

def ***rac****ing* 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
def ***storage permit*** ins [A2018-21](#) s 25

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	A1999-56	amendments by A1999-56
R0B 13 Feb 2006	21 Dec 2000– 6 Sept 2001	A2000-80	amendments by A2000-80
R1 2 Nov 2001	12 Sept 2001– 12 Sept 2002	A2001-49	amendments by A2001-44 and A2001-49
R2 13 Sept 2002	13 Sept 2002– 27 Mar 2003	A2001-49	commenced expiry
R3 28 Mar 2003	28 Mar 2003– 8 Apr 2004	A2003-14	amendments by A2003-14
R4 9 Apr 2004	9 Apr 2004– 12 Apr 2004	A2004-15	amendments by A2004-15
R5 13 Apr 2004	13 Apr 2004– 16 June 2004	A2004-15	amendments by A2004-9
R6 17 June 2004	17 June 2004– 31 Oct 2004	A2004-15	amendments by A2003-58
R7 1 Nov 2004	1 Nov 2004– 31 Dec 2005	A2004-34	amendments by A2004-34
R8 1 Jan 2006	1 Jan 2006– 30 Apr 2006	A2005-52	amendments by A2005-52
R9 1 May 2006	1 May 2006– 11 Apr 2007	A2006-2	amendments by A2006-2
R10 12 Apr 2007	12 Apr 2007– 10 July 2007	A2007-3	amendments by A2007-3

Endnotes

5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R11 11 July 2007	11 July 2007– 25 Aug 2008	A2007-16	amendments by A2007-16
R12* 26 Aug 2008	26 Aug 2008– 21 Mar 2010	A2008-28	amendments by A2008-28
R13 22 Mar 2010	22 Mar 2010– 30 June 2011	A2009-39	amendments by A2009-39
R14 1 July 2011	1 July 2011– 13 June 2013	A2011-22	amendments by A2011-22
R15 14 June 2013	14 June 2013– 26 March 2014	A2013-19	amendments by A2013-19
R16 27 Mar 2014	27 Mar 2014– 9 June 2014	A2014-4	amendments by A2014-4
R17 10 June 2014	10 June 2014– 2 June 2015	A2014-18	amendments by A2014-18
R18 3 June 2015	3 June 2015– 8 Dec 2015	A2015-16	amendments by A2015-16
R19 9 Dec 2015	9 Dec 2015– 26 Apr 2016	A2015-50	amendments by A2015-50
R20 27 Apr 2016	27 Apr 2016– 31 Aug 2016	A2016-18	amendments by A2016-18
R21 1 Sept 2016	1 Sept 2016– 12 May 2018	A2016-52	amendments by A2016-52
R22 13 May 2018	13 May 2018– 14 June 2018	A2017-42	amendments by A2017-42
R23 15 June 2018	15 June 2018– 21 Nov 2018	A2018-21	amendments by A2018-21
R24 22 Nov 2018	22 Nov 2018– 10 Dec 2018	A2018-42	amendments by A2018-42

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