

House of Assembly—No 32

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South Australia

**Statutes Amendment (Gambling Measures)
Bill 2015**

A BILL FOR

An Act to amend the *Gaming Machines Act 1992*; the *Independent Gambling Authority Act 1995*, the *Lottery and Gaming Act 1936* and the *Problem Gambling Family Protection Orders Act 2004*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Gambling Measures) Act 2015*.

2—Commencement

5 This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Gaming Machines Act 1992*

4—Amendment of section 15—Eligibility criteria

Section 15(5)(a)(ii)—delete subparagraph (ii)

5—Amendment of section 18—Form of application

Section 18(4)—delete "and the layout of the machines within each gaming area"

6—Amendment to heading to Part 4AA

15 Heading to Part 4AA—delete "Prohibition notices—gaming" and substitute:
Gaming

7—Insertion of section 44AAA

Before section 44AA insert:

44AAA—Commissioner may notify Commissioner of Police of appointment of gaming managers and gaming employees

- 20
- (1) The Commissioner may provide a copy of a notification of the appointment of a gaming manager or gaming employee to the Commissioner of Police.
- 25
- (2) As soon as reasonably practicable following receipt of a notification under subsection (1), the Commissioner of Police—
- (a) must make available to the Commissioner information about any criminal convictions of the gaming manager or gaming employee; and
- 30
- (b) may make available to the Commissioner other information to which the Commissioner of Police has access relevant to whether the Commissioner should issue a prohibition notice under section 44AA.

8—Amendment of section 45—Offence of being unlicensed

Section 45—after paragraph (a) insert:

- (ab) purchase, or enter into a contract or agreement to purchase, a gaming machine; or

9—Amendment of section 51A—Cash facilities not to be provided within gaming areas

Section 51A(1)—after "cash facility" insert:

other than an EFTPOS facility

10—Amendment of Schedule 1—Gaming machine licence conditions

Schedule 1, paragraph (e)—delete paragraph (e)

Part 3—Amendment of *Independent Gambling Authority Act 1995*

11—Amendment of long title

Long title—delete "Gaming Supervisory Authority" and substitute:

Independent Gambling Authority

12—Substitution of section 10

Section 10—delete the section and substitute:

10—Staff

- (1) The Authority's staff consists of Public Service employees assigned to assist the Authority in the exercise of its functions.
- (2) While a Public Service employee is assigned to the Authority, directions given to the employee by the Authority in respect of the exercise of its functions prevail over directions given to the employee by the chief executive of the administrative unit of the Public Service in which the employee is employed to the extent of any inconsistency.

13—Amendment of section 11B—Delegation

- (1) Section 11B(1)—delete "committee established by the Authority, a member, deputy member or the Secretary of the Authority, or the Commissioner" and substitute:

person or body (including a person for the time being holding or acting in a particular position)

- (2) Section 11B(2)—delete "to the Secretary of the Authority"

- (3) Section 11B(3)—after paragraph (c) insert:

and

- (d) may, if the instrument of delegation so provides, be further delegated.

14—Amendment of section 14—Powers and procedures of Authority

Section 14(1)—delete "signed on behalf of the Authority by the Secretary of the Authority" wherever occurring

15—Amendment of section 15I—Powers to remove etc

5 Section 15I(1)—after "place" third occurring insert:
 or barred from taking part in specified gambling activities that are engaged in
 at that place

16—Amendment of section 17—Confidentiality

Section 17—after subsection (2) insert:

- 10 (3) An authorised person under this Act or a prescribed Act must not
 disclose confidential information obtained in the course of exercising
 powers or carrying out functions or duties under this Act or a
 prescribed Act except—
- (a) to another authorised person; or
- 15 (b) to the Commissioner or the Authority; or
- (c) as permitted by the person in whose favour the duty of
 confidentiality exists; or
- (d) as is otherwise necessary for the proper administration of
 this Act or a prescribed Act; or
- 20 (e) as required by law.
- Maximum penalty: \$10 000.

Part 4—Amendment of *Lottery and Gaming Act 1936*

17—Amendment of section 4—Interpretation

- (1) Section 4, definition of *unlawful gaming*—after paragraph (a) insert:
- 25 (ab) the playing at or engaging in a game of poker in a public place
 (provided that the regulations may prescribe circumstances in which
 playing at or engaging in a game will or will not constitute unlawful
 gaming for the purposes of this paragraph); and
- (2) Section 4, definition of *unlawful gaming*, (b)—delete "hereinbefore defined" and
30 substitute:
 defined in paragraphs (a) and (ab)

18—Amendment of section 61—Unlawful gaming and playing of unlawful games

Section 61—after subsection (3) insert:

- 35 (4) A person must not organise or promote unlawful gaming.
 Maximum penalty: \$2 500.

19—Insertion of section 117

After section 116 insert:

117—Delegation

- 5 (1) The Minister may delegate to a person (including a person for the time being holding or acting in a particular position) any of the Minister's powers or functions under this Act.
- (2) A delegation—
- 10 (a) must be by instrument in writing; and
- (b) may be absolute or conditional; and
- (c) does not derogate from the power of the delgator to act in a matter; and
- (d) is revocable at will by the delegator.
- 15 (3) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated in accordance with that instrument.

Part 5—Amendment of *Problem Gambling Family Protection Orders Act 2004*

20—Amendment of section 3—Interpretation

Section 3(1), definition of *Secretary*—delete the definition

21—Amendment of section 13—Notification of making, variation or revocation of problem gambling family protection orders by Authority

Section 13—delete "Secretary" wherever occurring and substitute in each case:

Authority

22—Amendment of section 18—Report to Parliament

Section 18(2)—delete "Secretary" and substitute:

Authority

Schedule 1—Statute law revision amendments of *Lottery and Gaming Act 1936*

Provision amended	How amended
Act	Delete "upon" wherever occurring and substitute in each case: on Delete "No person shall" wherever occurring and substitute in each case: A person must not

Provision amended	How amended
	Delete "Chief Secretary" wherever occurring and substitute in each case: Minister
	Delete "member of the police force" wherever occurring and substitute in each case: police officer
Section 4, definition of <i>bet</i> or <i>make a bet</i>	Delete "shall have" and substitute: has
Section 4, definition of <i>public place</i> , (c)	Delete " <i>Licensing Act 1967</i> , as amended," and substitute: <i>Liquor Licensing Act 1997</i>
Section 4, definition of <i>public place</i> , (f)	Delete "thereof" and substitute: of that building or place
Section 4, definition of <i>unlawful gaming</i> , (a)	After "his" insert: or her
Section 5	Delete "hereby declared to be"
Section 5	Delete "or in pursuance thereof" and substitute: of or pursuant to a lottery is
Section 7(d)	Delete "aforesaid" and substitute: set out above
Section 9(1)	Delete "part of this Act shall extend to or affect" and substitute: Part extends to or affects
Section 9(1)(b)	Delete "thereof" and substitute: of such association
Section 9(1)(b)	Delete ": Provided" and substitute: , provided
Section 9(1)(c)	Delete "thereof" first occurring and substitute: of the property
Section 9(1)(c)	Delete "thereof" second and third occurring
Section 9(1)(e)	Delete "thereof"
Section 10(d)	Delete "thereof" and substitute: of an illegal lottery
Section 12(1)	Delete "shall" second occurring
Section 12(2)	Delete "shall" and substitute: will
Section 13	Delete "shall" second occurring and substitute: will

Provision amended	How amended
Section 14	Delete "the provisions of the next preceding section" and substitute: section 13
Section 14(a) and (b)	Delete the colon at the end of each paragraph and substitute a semicolon
Section 14	Delete "shall" and substitute: will
Section 14A	Delete "shall not be" and substitute: is not
Section 14A	Delete "of this Act"
Section 14B(1)(b)	Delete "him" and substitute: the Minister
Section 14B(2)	Delete "of this section"
Section 14C(1)	Delete "shall" and substitute: will
Section 14C(2)	Delete "of this section it shall be" and substitute: , it is
Section 14C(2)	After "he" insert: or she
Section 14D	After "his" insert: or her
Section 14D	After "approved" second occurring insert: ,
Section 14D	Delete "shall" and substitute: will
Section 50(1)	Delete "shall be" and substitute: are
Section 50(2)	Delete "shall" and substitute: may
Section 50(2)(b)	Delete "made:" and substitute: made,
Section 50(2)	Delete "Provided that this section shall" and substitute: but this section does
Section 50A	Delete "shall" wherever occurring and substitute in each case: will
Section 50A(3)	Delete "moneys" and substitute: money

Provision amended	How amended
Section 51	Delete "shall be" and substitute: is
Section 53	Delete "shall" second occurring
Section 54	Delete "No person under the age of eighteen years shall" and substitute: A person under the age of 18 years must not
Section 55	After "himself" insert: or herself
Section 55	Delete "shall" second occurring and substitute: will
Section 57(1)	After "him" insert: or her
Section 57(1)	Delete "thereof respectively, shall" and substitute: of such money or thing, will
Section 58(b)	Delete "shall" and substitute: will
Section 58A	Delete "shall" and substitute: will
Section 58A	After "by him" insert: or her
Section 59	Delete "hereby"
Section 59A(3)	Delete "shall" and substitute: will
Section 61(3)(b)	Delete "the proof of which excuse shall be upon him" and substitute: and the burden of proof is on the defendant to show lawful excuse
Section 62	Delete "No person shall be in or upon any" and substitute: A person must not be in a
Section 63(2)	Delete "of this section"
Section 64(2)	Delete "of this section"
Section 69(1)	After "him" insert: or her
Section 69(2)	Delete "No" and substitute: A
Section 69(2)	Delete "shall" and substitute: must not

Provision amended	How amended
Section 69(2)	After "he" insert: or she
Section 69(2)	Delete "thereto" and substitute: to that place
Section 69(3)	Delete "him" and substitute: the officer
Section 69(3)	Delete "of this section shall" and substitute: will
Section 69(3)	Delete "his"
Section 72(a)	Delete "acting in his assistance" and substitute: assisting the officer
Section 72	Delete "thereof" wherever occurring and substitute in each case: of the house, room or place
Section 73(1)	Delete "Upon" and substitute: On
Section 73(1)	Delete "he" and substitute: the officer
Section 73(1)	Delete "shall" first and second occurring and substitute in each case: must
Section 73	Delete "him" wherever occurring and substitute in each case: the officer
Section 73(1)	Delete "shall be deemed a" and substitute: will be
Section 73(2)	Delete "shall"
Section 73(2)(a)	Delete "thereof or any premises leading thereto" and substitute: of the place or any premises leading to the place
Section 74(1)(a)	Delete "therein"
Section 74(1)(c)	Before "shareholders" insert: its
Section 74(1)(c)	Delete "thereof"
Section 74(1)(c)	Delete "so made either" and substitute: made
Section 74	Delete "shall" wherever occurring and substitute in each case: will
Section 76	Delete "shall" first occurring and substitute: may

Provision amended	How amended
Section 76	Delete ": Provided that" and substitute: , but
Section 76	Delete "shall not be" and substitute: is not
Section 77	Delete "shall" first occurring and substitute: may
Section 77	Delete ": Provided that" and substitute: , but
Section 77	Delete "he shall not be" and substitute: he or she is not
Section 78(2)	Delete "shall" and substitute: will
Section 78(2)	Delete "thereupon" and substitute: then
Section 78(3)	Delete "shall" and substitute: must
Section 78(3)	Delete "he" and substitute: the occupier
Section 78(4)	Delete "Upon" and substitute: On
Section 78(4)	Delete "manner aforesaid, he shall" and substitute: the manner set out in this section, the Registrar-General must
Section 78(4)	Delete "thereof" and substitute: of service
Section 79(1)	Delete "he" and substitute: the occupier
Section 79(2)	Delete "shall" first occurring and substitute: must
Section 79(2)	Delete "shall operate" and substitute: operates
Section 79(2)	Delete "the last preceding section" and substitute: section 78
Section 80(2)	Delete "shall be" and substitute: remains

Provision amended	How amended
Section 81(1)	Delete "Any such declaration may be rescinded by a judge of the Supreme Court, subject to such terms as he thinks fit, on application being made to him" and substitute: <p style="padding-left: 40px;">A declaration made under section 80 may be rescinded by a judge of the Supreme Court, subject to terms as the judge thinks fit, on application made</p>
Section 81(1)(a)	After "he" insert: <p style="padding-left: 40px;">or she</p>
Section 81(2)	Delete "Where the application is made by the owner, tenant, or occupier as aforesaid" and substitute: <p style="padding-left: 40px;">If an application is made by an owner, tenant or occupier under subsection (1)</p>
Section 81(2)	Delete "same shall" and substitute: <p style="padding-left: 40px;">application must</p>
Section 81(2)	Delete "two days at least" and substitute: <p style="padding-left: 40px;">at least 2 days</p>
Section 81(3)	Delete ": Provided that the Commissioner of Police shall be given notice of any application by such owner, tenant or occupier and shall be entitled to be heard in opposition thereto"
Section 81	After subsection (3) insert: <p style="padding-left: 40px;">(4) The Commissioner of Police must be given notice of an application by an owner, tenant or occupier under subsection (3) and is entitled to be heard in opposition to the application.</p>
Section 82(1)	Delete "the same, shall" and substitute: <p style="padding-left: 40px;">such declaration, must</p>
Section 82(2)	Delete "shall" and substitute: <p style="padding-left: 40px;">will</p>
Section 82(2)	Delete "therein notified"
Section 83(1)	Delete "shall" wherever occurring and substitute in each case: <p style="padding-left: 40px;">must</p>
Section 83(1)(a)	Delete "declaration:" and substitute: <p style="padding-left: 40px;">declaration; and</p>
Section 83(1)(b)	Delete "aforesaid,"
Section 83(1)(b)	Delete "thereof" and substitute: <p style="padding-left: 40px;">of the notice</p>
Section 83(2)	Delete "shall" and substitute: <p style="padding-left: 40px;">will</p>
Section 83(2)	Delete "thereon" and substitute: <p style="padding-left: 40px;">on that newspaper</p>

Provision amended	How amended
Section 84	Delete ", in pursuance of paragraph (a) of the last preceding section, of notice" and substitute: <p style="text-align: center;">of a notice under section 83(1)</p>
Section 84	After "him" insert: <p style="text-align: center;">or her</p>
Section 84	After "he" wherever occurring insert: <p style="text-align: center;">or she</p>
Section 84	Delete ", as aforesaid, for a lawful purpose shall be" and substitute: <p style="text-align: center;">for a lawful purpose is</p>
Section 85	Delete "on an owner, in pursuance of paragraph (b) of section 83 of" and substitute: <p style="text-align: center;">under section 83(1)(b) on an owner of a</p>
Section 85	Delete "shall, unless he proves that he has taken all reasonable steps to evict the occupier from the same, be" and substitute: <p style="text-align: center;">is, unless the owner proves that he or she has taken all reasonable steps to evict the occupier from the house, office, room or place,</p>
Section 86	Delete "on an occupier, in pursuance of paragraph (b) of section 83 of" and substitute: <p style="text-align: center;">under section 83(1)(b) on an occupier of a</p>
Section 86	Delete "said occupier shall, unless he proves that he has taken all reasonable steps to prevent such use, be" and substitute: <p style="text-align: center;">occupier is, unless the occupier proves that he or she has taken reasonable steps to prevent such use,</p>
Section 87	Delete "While any such declaration" and substitute: <p style="text-align: center;">If a declaration under section 83</p>
Section 87(a) to (d) (inclusive)	Delete the colon at the end of each paragraph and substitute a semicolon
Section 87(b)	Delete "he" and substitute: <p style="text-align: center;">the officer</p>
Section 87(b)	Delete "same" and substitute: <p style="text-align: center;">house, office, room or place</p>
Section 87(c)	Delete "the purpose of entering in pursuance of paragraph (a) or paragraph (b) aforesaid" and substitute: <p style="text-align: center;">a purpose set out in paragraph (a) or (b)</p>
Section 87(d)	Delete "any of the purposes aforesaid" and substitute: <p style="text-align: center;">a purpose set out in paragraph (a), (b) or (c)</p>
Section 88	Delete "him" and substitute: <p style="text-align: center;">the officer</p>

Provision amended	How amended
Section 88A	Delete "shall be" and substitute: is
Section 89	Delete "his" wherever occurring and substitute in each case: the officer's
Section 89	Delete "thereof" wherever occurring and substitute in each case: of the house, room, office or place
Section 89(b)	Delete "as aforesaid" and substitute: under this Act
Section 89	Delete "it shall be evidence, until the contrary is made to appear" and substitute: it is evidence, unless the contrary is proven
Section 89	Delete "therein were playing an unlawful game therein" and substitute: in the house, office, room or place were playing an unlawful game
Section 90(1)	Delete "shall" and substitute: may
Section 90(1)(a) and (b)	Delete the colon at the end of each paragraph and substitute a semicolon
Section 90(1)(b)	Delete "resorting thereto" and substitute: at the house, office, room or place
Section 90(1)(c)	Delete "thereafter"
Section 90(2)	Delete "aforesaid is hereby declared to be" and substitute: set out in subsection (1) is
Section 90(3)	Delete "aforesaid" and substitute: set out in this section
Section 90(4)	Delete "It shall not be" and substitute: It is not
Section 90(4)	Delete "aforesaid" and substitute: set out in this section
Section 90(4)	Delete "shall" second occurring and substitute: must
Section 90(4)	After "he" wherever occurring insert: or she
Section 92(1)	Delete "No occupier of any" and substitute: An occupier of a
Section 92(1)	Delete "shall" and substitute: must not

Provision amended	How amended
Section 92(1)	Delete "thereafter"
Section 92(2)	Delete "aforesaid" wherever occurring and substitute in each case: <p style="text-align: center;">referred to in subsection (1)</p>
Section 92(3)	Delete "aforesaid" wherever occurring and substitute in each case: <p style="text-align: center;">referred to in subsection (1) or (2)</p>
Section 92(3)	Delete "shall" and substitute: <p style="text-align: center;">will</p>
Section 92(3)	Delete "thereof" and substitute: <p style="text-align: center;">of that money or thing</p>
Section 93(b)	Delete "resort thereto" and substitute: <p style="text-align: center;">the house, office, room or place</p>
Section 94	Delete "shall" second and third occurring
Section 94(a) and (b)	Delete the colon at the end of each paragraph and substitute a semicolon
Section 95	Delete "No" and substitute: <p style="text-align: center;">A</p>
Section 95	Delete "constable" wherever occurring and substitute in each case: <p style="text-align: center;">police officer</p>
Section 95	Delete "him" and substitute: <p style="text-align: center;">the officer</p>
Section 95	After "his" insert: <p style="text-align: center;">or her</p>
Section 95	Delete "shall" first occurring and substitute: <p style="text-align: center;">must not</p>
Section 95	Delete "shall" second occurring
Section 96	Delete "shall extend" and substitute: <p style="text-align: center;">extends</p>
Section 96	Delete "in respect of any lawful race, game, sport or exercise, or as part of the prize or stakes therefor" and substitute: <p style="text-align: center;">or as part of the prize or stakes in respect of, any lawful race, game, sport or exercise</p>
Section 97	After "his" insert: <p style="text-align: center;">or her</p>
Section 97	Delete "shall" wherever occurring and substitute in each case: <p style="text-align: center;">will</p>

Provision amended	How amended
Section 97	Delete "the member" wherever occurring and substitute in each case: the officer
Section 97	Delete "in pursuance or attempted pursuance thereof" and substitute: in accordance with or attempts to act in accordance with the order or instructions,
Section 97	Delete "such members" and substitute: such officers
Section 99(a)	Delete "complaint:" and substitute: complaint; or
Section 99(b)	Delete "therein specified" and substitute: specified in the complaint
Section 99(b)	Delete "therein mentioned" and substitute: mentioned in the complaint
Section 99	Delete "shall" and substitute: will
Section 100	Delete "shall" and substitute: will
Section 102	Delete "shall" wherever occurring and substitute in each case: will
Section 102(1)	After "him" insert: or her
Section 102(1)	Delete "thereof" and substitute: of the ticket or thing
Section 103	Delete "therein" and substitute: in that place
Section 103	Delete "Court" and substitute: court
Section 103	Delete "shall" and substitute: will
Section 104	After "his" insert: or her
Section 104	Delete "as aforesaid shall be deemed" and substitute: will be
Section 104	Delete "against him"
Section 105(1)	Delete "against him"

Provision amended	How amended
Section 105(1)	Delete "shall be deemed to" and substitute: will
Section 105(2)	Delete "shall" wherever occurring and substitute in each case: do
Section 105(2)	Delete "of this Act"
Section 106	Delete "of this Act"
Section 106	Delete "shall" and substitute: will
Section 107	Delete "shall" and substitute: will
Section 108	Delete "Court" and substitute: court
Section 108A	Delete "shall" and substitute: will
Section 112(1)	Delete "shall be held" and substitute: is
Section 112(1)	After "he" insert: or she
Section 112(2)	Delete "shall" and substitute: will
Section 112(3)	Delete "shall" and substitute: may
Section 115(1)	Delete "officer of the police force" and substitute: police officer
Section 115(1)(a)	Delete " <i>Licensing Act 1967</i> , as amended," and substitute: <i>Liquor Licensing Act 1997</i>
Section 115(1)(d)	Delete "thereof" and substitute: of the building or place
Section 115(2)(a)	Delete "such officer or member" and substitute: the police officer
Section 115(2)(b)	Delete "shall be" and substitute: are
Section 115(3)	Delete "of this section"
Section 115(3)	Delete "such member" and substitute: the police officer
Section 115(3)	Delete "as in the subsection mentioned"

Statutes Amendment (Gambling Measures) Bill 2015
Schedule 1—Statute law revision amendments of *Lottery and Gaming Act 1936*

Provision amended	How amended
Section 116	Delete "shall apply" and substitute: applies
Section 118	Delete the section
Schedule 2	Delete the Schedule