

**House of Assembly—No 107**

As laid on the table and read a first time, 26 September 2019

South Australia

**Statutes Amendment (Gambling Regulation)  
Bill 2019**

A BILL FOR

An Act to amend the *Authorised Betting Operations Act 2000*, the *Casino Act 1997*, the *Gaming Machines Act 1992*, the *Liquor Licensing Act 1997*, the *Problem Gambling Family Protection Orders Act 2004* and the *State Lotteries Act 1966*.

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- 3 Transitional and other provisions
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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 Regulation) Act 2019*.

5 **2—Commencement**

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 *Authorised Betting Operations Act 2000*

### 4—Insertion of section 2

After section 1 insert:

#### 2—Objects

5 The objects of this Act are—

- (a) to ensure that those involved in the control, management and operation of authorised betting operations are fit and proper persons to exercise their respective functions and responsibilities; and
- 10 (b) to ensure that authorised betting operations are conducted responsibly, fairly and honestly, with due regard to minimising the harm caused by gambling; and
- (c) to prohibit minors from gambling and ensure that minors are not encouraged to gamble; and
- 15 (d) to ensure that the interest of the State in the taxation of gambling revenue arising from authorised betting operations is properly protected.

### 5—Amendment of section 3—Interpretation

- 20 (1) Section 3(1), definition of *advertising code of practice*—delete "—see section 6A" and substitute:

means an advertising code of practice prescribed under the *Gambling Administration Act 2019*

- (2) Section 3(1), definition of *authorised officer*—delete the definition

- (3) Section 3(1), definition of *betting shop licence*—delete the definition

- 25 (4) Section 3(1), definition of *Commissioner*—delete the definition and substitute:

*Commissioner* has the same meaning as in the *Gambling Administration Act 2019*;

- (5) Section 3(1), definition of *criminal intelligence*—delete the definition

- (6) Section 3(1)—after the definition of *executive officer* insert:

30 *gambling administration guidelines* means the gambling administration guidelines issued by the Commissioner under the *Gambling Administration Act 2019*;

- (7) Section 3(1), definition of *licensed betting shop*—delete the definition

- 35 (8) Section 3(1), definition of *responsible gambling code of practice*—delete "—see section 6A" and substitute:

means a responsible gambling code of practice prescribed under the *Gambling Administration Act 2019*

- (9) Section 3(1), definitions of *statutory default* and *substantial holding*—delete the definitions and substitute:

*taxation default*—see section 73A;

## 6—Insertion of section 3A

After section 3 insert:

### 3A—Interaction with *Gambling Administration Act 2019*

This Act and the *Gambling Administration Act 2019* will be read together as a single Act (and a reference in a provision of this Act to "this Act" will be taken to include, where relevant, a reference to the *Gambling Administration Act 2019*).

## 7—Amendment of section 4—Approved contingencies

Section 4(3)—after paragraph (a) insert:

- (ab) be satisfied that the betting operations in relation to the contingencies do not allow betting in relation to amateur sporting events or sporting events where the only participants are children; and

## 8—Insertion of section 4A

After section 4 insert:

### 4A—Fit and proper person

- (1) A person is not a fit and proper person for a particular purpose under this Act if—
- (a) the person has been found guilty or convicted of an offence as prescribed by the regulations; or
  - (b) in the case of a body corporate—
    - (i) the body corporate is a body corporate, or is a body corporate of a class, prescribed by the regulations; or
    - (ii) the body corporate is a prescribed organisation; or
  - (c) in the case of a natural person, the person—
    - (i) is—
      - (A) a member of a prescribed organisation; or
      - (B) a close associate of a person who is a member of a prescribed organisation or is subject to a control order under the *Serious and Organised Crime (Control) Act 2008*; or
    - (ii) is an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth.



(2) For the purpose of determining whether a person is a fit and proper person for a particular purpose under this Act the Commissioner—

- (a) may cause the person's photograph to be taken; and
- (b) may cause the person's fingerprints to be taken; and
- 5 (c) may have regard to the following:
  - (i) the corporate structure of the person;
  - (ii) the person's financial background and resources;
  - (iii) the person's reputation;
  - 10 (iv) the character, reputation and financial background of the person's close associates;
  - (v) any representations made by the Minister;
  - (vi) any other matters the Commissioner thinks fit.

(3) In this section—

*prescribed organisation*—the following are prescribed organisations:

- (a) a declared organisation within the meaning of the *Serious and Organised Crime (Control) Act 2008*;
- (b) a criminal organisation within the meaning of Division 1 or Division 2 of Part 3B of the *Criminal Law Consolidation Act 1935*;
- 20 (c) any other organisation prescribed by the regulations for the purposes of this definition.

### 9—Amendment of section 5—Close associates

(1) Section 5(1)—delete "close associates for the purposes of this Act" and substitute:

*close associates*

(2) Section 5(1)—after paragraph (d) insert:

- (da) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or

(3) Section 5—after subsection (1) insert:

- 30 (1a) For the purposes of this section, a reference to a parent, brother, sister or child of a person will be taken to include a reference to a step-parent, step-brother, step-sister or step-child (as the case requires) of the person.

(4) Section 5(2)—after the definition of *prescribed financial market* insert:

*substantial holding* in a body corporate has the same meaning as in section 9 of the *Corporations Act 2001* of the Commonwealth.

## 10—Substitution of sections 6A and 6B

Sections 6A and 6B—delete the sections and substitute:

### 6A—Commissioner may approve staff training courses

- 5
- (1) The Commissioner may, on application by a person, approve courses of training to be undertaken by staff involved in betting operations.
- (2) The Commissioner must not approve a training course under this section unless the course complies with the requirements of any applicable responsible gambling codes of practice or any applicable gambling administration guidelines.
- 10
- (3) The Commissioner may—
- (a) on the Commissioner's own initiative, by written notice to the training course provider, relevant authorised betting operator and a relevant body representative of licensees or authorised interstate betting operators; or
- 15
- (b) on application by a training course provider, vary or revoke an approval under this section.
- (4) Before the Commissioner varies or revokes an approval under subsection (3)(a), the Commissioner must—
- 20
- (a) give notice in writing of the proposed variation or revocation to the training course provider, relevant authorised betting operator or relevant body representative of licensees or authorised interstate betting operators; and
- 25
- (b) consider any representations made by the provider, operator or body within 21 days after the notice is given or a longer period allowed in the notice.

## 11—Amendment of section 12—Approved licensing agreements

Section 12(6)—delete "*Gambling Administration Act 1995*" and substitute:

*Gambling Administration Act 2019*

## 12—Amendment of section 22—Determination of applications

Section 22(4)—delete "suitable" and substitute:

fit and proper

## 13—Amendment to section 24—Investigative powers

Section 24(4)—delete "*Gambling Administration Act 1995*" and substitute:

*Gambling Administration Act 2019*

## 14—Insertion of Part 2 Division 6A

After Part 2 Division 6 insert:

### **Division 6A—Notification of change of prescribed particulars**

#### **26A—Licensee to notify change of particulars**

- (1) A licensee must, within 14 days after a change in any prescribed particulars, notify the Commissioner of that change.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) In this section—

*prescribed particulars* means—

- (a) any address for service or other email address, telephone number or street or postal address provided by the licensee to the Commissioner for purposes connected with the licence; and
- (b) any other particulars of a kind prescribed by the regulations.

## 15—Amendment of section 27—Accounts and audit

- (1) Section 27(2)—delete subsection (2)

- (2) Section 27(4)—after subsection (3) insert:

- (4) The licensee must, on the request of the Treasurer or the Commissioner and within the time specified in the request, provide to the Treasurer or Commissioner (as the case may be) a copy of the audited accounts in relation to the operation of the licensed business.

Maximum penalty: \$10 000.

## 16—Repeal of section 28

Section 28—delete the section

## 17—Repeal of Part 2 Division 9

Part 2 Division 9—delete Division 9

## 18—Amendment of section 34—Classes of licences

- (1) Section 34(1)(d)—delete paragraph (d)

- (2) Section 34(2b)—delete subsection (2b)

## 19—Amendment of section 37—Application for grant or renewal, or variation of condition, of licence

Section 37(2)—delete subsection (2)

**20—Amendment of section 38—Determination of applications**

(1) Section 38(1)(a)—delete "suitable" and substitute:

fit and proper

(2) Section 38(2)—delete subsection (2)

5 **21—Insertion of section 38B**

After section 38A insert:

**38B—Licensee to notify change of particulars**

10 (1) The holder of a licence under this Part must, within 14 days after a change in any prescribed particulars, notify the Commissioner of that change.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) In this section—

*prescribed particulars* means—

15 (a) any address for service or other email address, telephone number or street or postal address provided by the licensee to the Commissioner for purposes connected with the licence; and

(b) any other particulars of a kind prescribed by the regulations.

20 **22—Amendment of section 40A—Authorisation of interstate betting operators**

(1) Section 40A(2)—after "form" insert:

and be given in the manner

(2) Section 40A(5)—delete "free of charge on a website and at its principal place of business during normal office hours" and substitute:

25 on a website to which the public has access free of charge

**23—Insertion of section 40AA**

After section 40A insert:

**40AA—Interstate betting operator to notify change of particulars**

30 (1) An authorised interstate betting operator must, within 14 days after a change in any prescribed particulars, notify the Commissioner of that change.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) In this section—

*prescribed particulars* means—

- (a) any address for service or other email address, telephone number or street or postal address provided by the authorised interstate betting operator to the Commissioner for purposes connected with the authorisation; and
- (b) any other particulars of a kind prescribed by the regulations.

**24—Amendment of section 43—Prevention of betting by children**

Section 43(2)—delete "prescribed under section 6A" and substitute:

in the gambling administration guidelines

**25—Repeal of sections 52 and 53**

Sections 52 and 53—delete the sections

**26—Amendment of section 54—Places at which bets may be accepted by bookmakers**

Section 54(1)(b)—delete paragraph (b)

**27—Amendment of section 60—Prevention of betting with children by bookmaker or agent**

Section 60(1a)—delete "prescribed under section 6A" and substitute:

in the gambling administration guidelines

**28—Amendment of section 62A—Prevention of betting by children**

Section 62A(b)—delete "prescribed under section 6A" and substitute:

in the gambling administration guidelines

**29—Repeal of Part 5**

Part 5—delete the Part

**30—Amendment of heading to Part 6 Division 1**

Heading to Part 6 Division 1—delete "Statutory" and substitute:

Taxation

**31—Repeal of sections 67 to 73**

Sections 67 to 73 (inclusive)—delete the sections

**32—Amendment of section 73A—Disciplinary action for taxation defaults**

- (1) Section 73A(5)—delete "1 or more of the ways specified in section 72(3)(a) to (d)" and substitute:

accordance with Part 5 of the *Gambling Administration Act 2019* (and the provisions of Part 5 apply to an order made under this section as if the order were made under that Part).

(2) Section 73A(6)—delete subsection (6)

### **33—Amendment of section 76—Administrators, controllers and liquidators**

(1) Section 76(1)—delete "a licensee" and substitute:

an authorised betting operator

5 (2) Section 76(1)—after "licence" insert:

or authorisation

(3) Section 76(1)(a) and (c)—delete "licensee" wherever occurring and substitute in each case:

authorised betting operator

10 (4) Section 76(2)—after "licence" insert:

or authorisation

(5) Section 76—after subsection (2) insert:

(3) An administrator, controller or liquidator of an authorised betting operator must, within 7 days after assuming control over the business conducted under a licence or authorisation, notify the Commissioner of that fact.

### **34—Repeal of Part 7**

Part 7—delete the Part

### **35—Amendment of section 84—Offences by bodies corporate**

20 (1) Section 84(3)—delete "or 66"

(2) Section 84(4), definition of *prescribed offence*—delete "33, 61, 62E, 69 or 72" and substitute:

61 or 62E

### **36—Amendment of section 87—Confidentiality of information provided by Commissioner of Police**

Section 87—after its present contents (now to be designated as subsection (1)) insert:

(2) This section applies in addition to the provisions of the *Gambling Administration Act 2019*.

### **37—Repeal of section 88**

30 Section 88—delete the section

### **38—Amendment of section 89—Evidence**

(1) Section 89(1)(d)—delete paragraph (d)

(2) Section 89(2)—delete subsection (2)

### **39—Repeal of section 90**

35 Section 90—delete the section

## Part 3—Amendment of *Casino Act 1997*

### 40—Amendment of section 2A—Object

(1) Section 2A(b)—after "suitable" insert:

and fit and proper

5 (2) Section 2A—after paragraph (c) insert:

(ca) that minors are prohibited from gambling and that minors are not encouraged to gamble; and

### 41—Amendment of section 3—Interpretation

(1) Section 3(1)—before the definition of *approved licensing agreement* insert:

10 *advertising code of practice* means an advertising code of practice prescribed under the *Gambling Administration Act 2019*;

(2) Section 3(1), definition of *authorised officer*—delete the definition

(3) Section 3(1), definition of *Commissioner* and *compliance notice*—delete the definitions and substitute:

15 *Commissioner* has the same meaning as in the *Gambling Administration Act 2019*;

(4) Section 3(1), definition of *criminal intelligence*—delete the definition and substitute:

*Court* means the Licensing Court of South Australia;

(5) Section 3(1)—after the definition of *gambling* insert:

20 *gambling administration guidelines* means the gambling administration guidelines issued by the Commissioner under the *Gambling Administration Act 2019*;

(6) Section 3(1)—after the definition of *gaming machine* insert:

25 *inspector* means a person appointed as an inspector for the purposes of this Act under the *Gambling Administration Act 2019*;

(7) Section 3(1)—after the definition of *prescribed gaming machine component* insert:

*responsible gambling code of practice* means a responsible gambling code of practice prescribed under the *Gambling Administration Act 2019*;

(8) Section 3(1), definition of *staff member*—delete "(4)"

30 (9) Section 3(1), definition of *statutory default* and *substantial shareholder*—delete the definitions

## 42—Insertion of section 3A

After section 3 insert:

### 3A—Interaction with *Gambling Administration Act 2019*

5 This Act and the *Gambling Administration Act 2019* will be read together as a single Act (and a reference in a provision of this Act to "this Act" will be taken to include, where relevant, a reference to the *Gambling Administration Act 2019*).

## 43—Amendment of section 4—Close associates

(1) Section 4(1)—after paragraph (d) insert:

10 (da) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or

(2) Section 4(1)(g)—delete "is a substantial shareholder" and substitute:

has a substantial holding

(3) Section 4(1)(h)—delete "income" and substitute:

15 , or is remunerated by reference to, proceeds

(4) Section 4—after subsection (1) insert:

20 (1a) For the purposes of this section, a reference to a parent, brother, sister or child of a person will be taken to include a reference to a step-parent, step-brother, step-sister or step-child (as the case requires) of the person.

(5) Section 4(2)—after the definition of "*prescribed financial market*" insert:

*substantial holding* in a body corporate has the same meaning as in section 9 of the *Corporations Act 2001* of the Commonwealth.

## 44—Amendment of section 14—Other transactions under which outsiders may acquire control or influence

25 Section 14(5), (6) and (7)—delete "Supreme" wherever occurring

## 45—Amendment of section 14B—Approval of designated persons

(1) Section 14B(8)—delete "suitable" and substitute:

fit and proper

30 (2) Section 14B(9)—delete subsection (9) and substitute:

(9) A person is not a fit and proper person to become a designated person in relation to the licensee if—

(a) the person has been found guilty or convicted of an offence as prescribed by the regulations; or

35 (b) in the case of a body corporate—

(i) the body corporate is a body corporate, or is a body corporate of a class, prescribed by the regulations; or



- (ii) the body corporate is a prescribed organisation; or
- (c) in the case of a natural person, the person—
- (i) is—
- (A) a member of a prescribed organisation; or
- 5 (B) a close associate of a person who is a member of a prescribed organisation or is subject to a control order under the *Serious and Organised Crime (Control) Act 2008*; or
- 10 (ii) is an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth.
- (9a) For the purpose of determining whether a person is a fit and proper person to become a designated person in relation to the licensee, the
- 15 Commissioner—
- (a) may cause the person's photograph to be taken; and
- (b) may cause the person's fingerprints to be taken; and
- (c) may have regard to the following:
- (i) the corporate structure of the person;
- 20 (ii) the person's financial background and resources;
- (iii) the person's reputation;
- (iv) the character, reputation and financial background of the person's close associates;
- (v) any representations made by the Minister;
- 25 (vi) any other matters the Commissioner thinks fit.
- (3) Section 14B(12)—after paragraph (b) insert:
- (ba) a person who is employed or working in an executive capacity who exercises discretion, influence or control in respect of business operations under the casino licence; or
- 30 (4) Section 14B(12)—after the definition of *designated person* insert:
- prescribed organisation*—the following are prescribed organisations:
- (a) a declared organisation within the meaning of the *Serious and Organised Crime (Control) Act 2008*;
- 35 (b) a criminal organisation within the meaning of Division 1 or Division 2 of Part 3B of the *Criminal Law Consolidation Act 1935*;
- (c) any other organisation prescribed by the regulations for the purposes of this definition.

#### 46—Amendment of section 27—Opening hours

Section 27(2)—delete subsection (2)

## 47—Insertion of Part 4 Division 1AA

After Division 1 insert:

### Division 1AA—Right of entry to casino premises

#### 27AA—Right of entry to casino premises

5 Except as otherwise provided in this Act, no person has a right to enter or remain on casino premises except with the permission of the licensee.

## 48—Amendment of section 27A—Gambling only allowed in enclosed areas

Section 27A(1)—delete "*Tobacco Products Regulation Act 1997*" and substitute:

10 *Tobacco and E-cigarette Products Act 1997*

## 49—Substitution of Part 4 Divisions 2 and 3

Part 4 Divisions 2 and 3—delete Divisions 2 and 3 and substitute:

### Division 2—Casino management and staff

#### 28—Interpretation

15 In this Division—

*designated person* has the same meaning as in section 14B;

*special employee* means a person employed or appointed by the licensee to carry out any of the following duties in respect of operations under the casino licence:

- 20
- 25
- 30
- 35
- (a) conducting authorised games;
  - (b) handling, dealing with and accounting for money or gambling chips in the casino premises;
  - (c) exchanging money or chips for casino patrons;
  - (d) security and surveillance of the casino premises;
  - (e) operating, maintaining, constructing or repairing equipment for gambling;
  - (f) duties relating to intervention programs for patrons adversely affected by, or at risk of harm from, gambling;
  - (g) duties relating to the operation and conduct of gambling in premium gaming areas, including premium player attraction programs;
  - (h) accounting;
  - (i) supervising the carrying out of the duties in paragraphs (a) to (g);
  - (j) any other duties related to the operations under the casino licence specified by the Commissioner for the purposes of this definition and notified to the licensee;



- (4) The Commissioner may, at any time, on the Commissioner's own initiative, or on application by a person given a notice under this section, vary or revoke the notice.

### **32—Offences in relation to special employees**

- 5 (1) The licensee must not employ or appoint—
- (a) a minor; or
  - (b) a person of a class prescribed by the regulations,
- to be a special employee.  
Maximum penalty: \$20 000.
- 10 (2) The licensee must not permit a special employee to carry out duties unless their appointment has been notified to the Commissioner under section 29.  
Maximum penalty: \$20 000.
- (3) This section does not apply—
- 15 (a) in respect of a designated person; or
  - (b) in respect of an administrator, controller or liquidator of the licensee who has assumed control over the casino business or a person acting on the authority of such a person.

### **33—Identity cards**

- 20 (1) A designated person must, during any time when they are on duty in the casino premises—
- (a) carry on their person an identity card that is in a form determined by the Commissioner; and
  - 25 (b) at the request of a person, produce their identity card to the person.
- Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (2) A special employee must, during any time when they are on duty in the casino premises, wear an identification card that—
- 30 (a) is in a form determined by the Commissioner; and
  - (b) that is clearly visible to other persons.
- Maximum penalty: \$1 250.  
Expiation fee: \$160.
- 35 (3) A person must, on ceasing to be a special employee or designated person, surrender their identity card to the licensee.  
Maximum penalty:
- (a) in the case of a special employee—\$1 250;
  - (b) in the case of a designated person—\$2 500.
- Expiation fee:

(a) in the case of a special employee—\$160;

(b) in the case of a designated person—\$210.

(4) The Commissioner may, by instrument in writing, exempt a person or class of person from compliance with this section.

### 34—Certain staff not to gamble

(1) A designated person or a special employee must not, except as is necessary for the purpose of carrying out their duties, operate a gaming machine or an automated table game or participate in any authorised game in the casino premises.

Maximum penalty: \$10 000 or imprisonment for 6 months.

(2) A staff member (other than a designated person or a special employee) must not, while working in the casino premises, operate a gaming machine or an automated table game or participate in any authorised game in the casino premises.

Maximum penalty: \$5 000.

### 35—Special employees and designated persons not to accept gratuities

(1) A designated person or a special employee must not, in relation to their work, accept a gift or gratuity from any person.

Maximum penalty: \$20 000.

(2) A person does not commit an offence under subsection (1) by accepting a gift or gratuity if—

(a) it is a gratuity paid by the licensee or another employer on a basis approved by the Commissioner; or

(b) the gift or gratuity is of a kind, or given in circumstances, approved by the Commissioner.

### 36—Staff exempt from *Security and Investigation Industry Act 1995*

Staff members are, in relation to the performance of their functions and duties, exempt from the *Security and Investigation Industry Act 1995*.

### 50—Amendment of section 39—Operations involving movement of money etc

(1) Section 39(1)—delete "authorised officer" and substitute:

inspector

(2) Section 39(2)—delete "authorised officers" and substitute:

inspectors

### 51—Amendment of section 40—Approval of installation etc of equipment

(1) Section 40(3)—delete "authorised officer" and substitute:

inspector

- (2) Section 40(4)—after "removal" insert:  
or destruction

**52—Amendment of section 40A—Approval of automated table game equipment, gaming machines and games**

5 Section 40A(8) and (9)—delete subsections (8) and (9) and substitute:

- (8) The Commissioner may vary or revoke an approval under this section.
- (9) Before the Commissioner varies or revokes an approval under subsection (8), the Commissioner must—
- 10 (a) give notice in writing of the proposed variation or revocation to the licensee; and
- (b) consider any representations made by the licensee within 21 days after the notice is given or a longer period allowed in the notice.

15 **53—Substitution of section 40B**

Section 40B—delete the section and substitute:

**40B—Commissioner may approve certain systems to be operated in connection with authorised games, gaming machines and automated table game equipment**

- 20 (1) The Commissioner may, on application by a person, approve systems to be operated in connection with authorised games, approved gaming machines or automated table game equipment, or classes of authorised games, approved gaming machines or automated table game equipment being—
- 25 (a) account based cashless gaming systems; or
- (b) automated risk monitoring systems; or
- (c) cashless gaming systems of a kind prescribed by the regulations.
- (2) The Commissioner must not approve a system under this section unless the system—
- 30 (a) is able to be operated in compliance with the requirements of this Act; and
- (b) complies with the requirements of any applicable gambling administration guidelines.
- 35 (3) It is a condition of the casino licence that the licensee must, on the request of the Commissioner, provide information recorded by a system approved under this section to the Commissioner for the purposes of gambling research.

- 5
- (4) Information requested under subsection (3) must be provided in a manner and form and within a time specified by the Commissioner in the request.
- (5) The Commissioner may, by written notice to the licensee, revoke an approval under this section.
- (6) Before the Commissioner revokes an approval under this section, the Commissioner must—
- 10
- (a) give notice in writing of the proposed revocation to the licensee; and
- (b) consider any representations made by the licensee within 21 days after the notice is given or a longer period allowed in the notice.
- (7) If the Commissioner—
- 15
- (a) refuses to approve a system under this section; or
- (b) revokes an approval of a system under this section, the licensee may apply to the Minister for a review of that decision.
- (8) The Minister may determine the application as the Minister thinks fit and, if the Minister finds in favour of the applicant, grant or preserve approval (as appropriate) and require the Commissioner to publish a notice in the Gazette accordingly.
- 20

#### **40C—Commissioner may approve staff training courses**

- (1) The Commissioner may, on application by a person, approve courses of training to be undertaken by casino staff.
- 25
- (2) The Commissioner must not approve a training course under this section unless the course complies with the requirements of any applicable responsible gambling codes of practice or any applicable gambling administration guidelines.
- (3) The Commissioner may—
- 30
- (a) on the Commissioner's own initiative, by written notice to the licensee and the training course provider; or
- (b) on application by the licensee or a training course provider, vary or revoke an approval under this section.
- (4) Before the Commissioner varies or revokes an approval under subsection (3)(a), the Commissioner must—
- 35
- (a) give notice in writing of the proposed variation or revocation to the licensee; and
- (b) consider any representations made by the licensee within 21 days after the notice is given or a longer period allowed in the notice.

**54—Amendment of section 41—Interference with approved systems, equipment etc**

(1) Section 41—after subsection (2) insert:

(2a) In proceedings for an offence against subsection (2), an allegation in the information that a particular device was designed, adapted or intended to be used for the purpose of interfering with the proper operation of a system, equipment, machine or game approved under this Division, will be accepted as proved in the absence of proof to the contrary.

(2) Section 41(4)—delete "staff member authorised by the licensee to do so" and substitute:

special employee

(3) Section 41—after subsection (4) insert:

(5) In this section—

*special employee* has the same meaning as in section 28.

**55—Repeal of section 41A**

Section 41A—delete the section

**56—Amendment of section 41B—Compliance with codes of practice**

(1) Section 41B(a)—delete "any advertising codes of practice prescribed under section 41A(1)(a)" and substitute:

the applicable advertising codes of practice

(2) Section 41B(b)—delete "any responsible gambling codes of practice prescribed under section 41A(1)(b)" and substitute:

the applicable responsible gambling codes of practice

**57—Amendment of section 42B—Provisions relating to authorised games, gaming machines and automated table games**

(1) Section 42B(1), (2) and (3)—delete subsections (1), (2) and (3) and substitute:

(1) It is a condition of the casino licence that the licensee must not provide any gaming machine or automated table game equipment that may be operated in connection with an account based cashless gaming system unless—

(a) the system is approved by the Commissioner under section 40B(1)(a); and

(b) the gaming machine or automated table game equipment is operated in connection with an automated risk monitoring system approved by the Commissioner under section 40B(1)(b); and



- 5
- (c) the gaming machine or automated table game equipment is capable of displaying on-screen messages of a kind prescribed in the applicable responsible gambling code of practice either on a primary screen or an ancillary screen; and
- (d) the gaming machine or automated table game equipment is operated in connection with a pre-commitment system in compliance with the requirements prescribed by the regulations.
- 10 (2) It is a condition of the casino licence that the licensee must not provide any gaming machine or automated table game equipment that may be operated otherwise than in connection with an automated risk monitoring system approved by the Commissioner under section 40B(1)(b).
- 15 (3) It is a condition of the casino licence that the licensee must not provide any gaming machine or automated table game equipment that may be operated—
- (a) by insertion of a credit or debit card; or
- (b) by means of a cashless payment system; or
- 20 (c) by insertion of a ticket (other than in accordance with the requirements prescribed by the regulations).
- (3a) It is a condition of the casino licence that the licensee must not allow an authorised game (not being a game played on a gaming machine or automated table game equipment) to be conducted in connection with a cashless gaming system unless the system is approved by the Commissioner under section 40B(1)(c).
- 25
- (2) Section 42B(4)—delete "bank note" and substitute:
- banknote otherwise than in accordance with the limitations (if any) prescribed by the regulations which may—
- 30 (a) limit the denomination of banknote able to be used to operate the gaming machine or automated table game; and
- (b) provide that a gaming machine or automated table game equipment is not able to be operated by insertion of a banknote if the cash value of the credit balance on the gaming machine or automated table
- 35 game equipment is of or above a prescribed amount.
- (3) Section 42B(8)—before the definition of *audio device* insert:
- ancillary screen* means a screen—
- (a) in the sandwich board of a gaming machine or automated table game equipment; or
- 40 (b) attached to a gaming machine or automated table game equipment that is visible to the person using the machine or equipment;

- (4) Section 42B(8), definition of *prescribed day*—delete the definition and substitute:

*cashless payment system* does not include an account based cashless gaming system approved under section 40B(1)(a) or a cashless gaming system of a kind prescribed by the regulations and approved under section 40B(1)(c);

*primary screen* means a gaming machine screen or an automated table game equipment screen;

*ticket* means a ticket—

- (a) issued from a gaming machine or automated table game equipment (or from equipment attached to the gaming machine or automated table game equipment for the purpose of issuing tickets); and
- (b) that shows the cash value of the credits accumulated and not otherwise redeemed in the course of play on that gaming machine or automated table game equipment.

### **58—Amendment of section 43—Exclusion of children**

- (1) Section 43(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) Section 43(2)—delete "Crown" and substitute:

Commissioner and must be paid into the Gamblers Rehabilitation Fund established under section 73BA of the *Gaming Machines Act 1992*

- (3) Section 43(3)—delete the penalty provision and substitute:

Maximum penalty: \$10 000.

Expiation fee: \$1 200.

- (4) Section 43—after subsection (4) insert:

(4a) A person must not knowingly assist a child or enable a child to enter or remain in a gaming area.

Maximum penalty: \$10 000.

Expiation fee: \$1 200.

- (5) Section 43(6), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **59—Amendment of section 44—Licensee's power to bar**

- (1) Section 44(1)—delete "gaming areas for a period specified in the order" and substitute:

casino premises, or part of the casino premises, for a period specified in the order or for an unlimited period

(2) Section 44(3)—delete subsection (3) and substitute:

(3) An order may be made under this section on any of the following grounds:

(a) the licensee suspects on reasonable grounds that the person against whom the order is to be made—

(i) has engaged in dishonest acts in relation to gambling; or

(ii) has acted in a way affecting or potentially affecting the proper conduct or integrity of gambling; or

(iii) has acted in a way affecting or potentially affecting the safety or wellbeing of the person or other persons on casino premises;

(b) the person against whom the order is to be made has engaged in unlawful conduct;

(c) any other reasonable grounds.

(3a) An order may not be made under this section on grounds that the person may suffer harm, or a family member of the person may suffer harm, because of gambling.

**Note—**

In relation to barring on these grounds, see Part 6 of the *Gambling Administration Act 2019*.

(3) Section 44(4) and (5)—delete subsections (4) and (5) and substitute:

(4) A barred person may, within 14 days after an order is made under this section, apply to the Commissioner for a review of the order and, on completing the review, the Commissioner may confirm, vary or revoke the order.

(5) The licensee or the Commissioner may at any time, on the application of a barred person or on the licensee's or Commissioner's own initiative, vary or revoke an order made under this section.

(4) Section 44(6)—delete "in a gaming area" and substitute:

on casino premises

(5) Section 44(6)—at the foot of subsection (6) insert:

Expiation fee: \$210.

(6) Section 44(7)—delete "in a gaming area" and substitute:

on casino premises

(7) Section 44(7)—at the foot of subsection (7) insert:

Expiation fee: \$1 200.

(8) Section 44(8)(a)—delete "a gaming area" and substitute:

casino premises

(9) Section 44(8)(b)—delete "in a gaming area" and substitute:  
on casino premises

(10) Section 44(9)—delete subsection (9)

(11) Section 44—after subsection (10) insert:

5 (11) This section operates without limiting or derogating from the provisions of section 27AA.

### **60—Amendment of section 45—Commissioner's power to bar**

(1) Section 45(1)—delete "gaming areas" and substitute:

casino premises, or part of the casino premises,

10 (2) Section 45(4)—delete subsection (4) and substitute:

(4) An order may be made under this section on any reasonable grounds (other than on the grounds that the person is at risk of harm, or is at risk of causing harm to a family member of the person, because of gambling).

15 **Note—**

In relation to barring on the grounds that the person is at risk of harm, or is at risk of causing harm to a family member of the person, because of gambling—see Part 6 of the *Gambling Administration Act 2019*.

20 (3) Section 45(5)—delete "in a gaming area" and substitute:  
on casino premises

(4) Section 45(5)—at the foot of subsection (5) insert:  
Expiation fee: \$210.

25 (5) Section 45(6)—delete "in a gaming area" and substitute:  
on casino premises

(6) Section 45(6)—at the foot of subsection (6) insert:  
Expiation fee: \$1 200.

(7) Section 45(7)(a)—delete "a gaming area" and substitute:  
casino premises

30 (8) Section 45(7)(b)—delete "in a gaming area" and substitute:  
on casino premises

(9) Section 45(8)—delete subsection (8) and substitute:

35 (8) The Commissioner may at any time, on the application of a barred person or on the Commissioner's own initiative, vary or revoke an order made under this section.

(8a) A barred person may, within 14 days after an order is made under this section, apply to the Commissioner for a review of the order and, on completing the review, the Commissioner may confirm, vary or revoke the order.

**61—Amendment of section 45A—Commissioner of Police's power to bar**

(1) Section 45A(1)—delete "gaming areas" and substitute:

casino premises, or part of the casino premises,

(2) Section 45A(3)—delete "from the gaming areas"

5 (3) Section 45A(4)—delete subsection (4) and substitute:

(4) The Commissioner of Police must, within 14 days of service of an order under this section, or a variation or revocation of an order under this section, provide the licensee with—

(a) information that identifies the barred person; and

10 (b) a copy of the order, or notice of the variation or revocation of the order,

(but a failure to comply with this subsection does not affect the operation of the order, or the variation or revocation of the order).

15 (4a) A barred person may, within 14 days after an order is made under this section, apply to the Commissioner for a review of the order and, on completing the review, the Commissioner may confirm, vary or revoke the order.

20 (4b) The Commissioner of Police may at any time, on the application of a barred person or on the Commissioner of Police's own initiative, vary or revoke an order under this section.

(4) Section 45A(5)—delete "in a gaming area" and substitute:

on casino premises

(5) Section 45A(5)—at the foot of subsection (5) insert:

Expiation fee: \$210.

25 (6) Section 45A(6)—delete "in a gaming area" and substitute:

on casino premises

(7) Section 45A(6)—at the foot of subsection (6) insert:

Expiation fee: \$1 200.

(8) Section 45A(7)(a)—delete "a gaming area" and substitute:

30 casino premises

(9) Section 45A(7)(b)—delete "in a gaming area" and substitute:

on casino premises

(10) section 45A(8)—delete subsection (8)

**62—Repeal of Part 4 Division 8**

35 Part 4 Division 8—delete Division 8

**63—Amendment of section 47A—Requirement for Commissioner to consult licensee**

Section 47A(1)(a)—delete "a direction or instruction" and substitute:  
instructions

5 **64—Amendment of section 48—Accounts and audit**

(1) Section 48(2)—delete subsection (2)

(2) Section 48—after subsection (3) insert:

10 (4) The licensee must, on the request of the Treasurer or the  
Commissioner and within the time specified in the request, provide  
to the Treasurer or Commissioner (as the case may be) a copy of the  
audited accounts in relation to the operation of the licensed business.

**65—Repeal of section 49**

Section 49—delete the section

**66—Repeal of Part 6**

15 Part 6—delete the Part

**67—Repeal of Part 7 Divisions 1 to 5**

Part 7 Divisions 1 to 5 (inclusive)—delete Divisions 1 to 5

**68—Amendment of section 63—Power to appoint manager**

Section 63—after subsection (2) insert:

20 (2a) Before making a recommendation under subsection (1) or (2), the  
Commissioner must consult with the Commissioner of Police and  
must allow the Commissioner of Police a reasonable opportunity to  
make representations in relation to the appointment of a person as an  
official manager.

25 (2b) The Commissioner of Police must make available to the  
Commissioner information about criminal convictions and other  
information to which the Commissioner of Police has access relevant  
to the appointment of a person as an official manager under  
subsection (1) or (2).

30 **69—Amendment of section 64A—Administrators, controllers and liquidators**

Section 64A—after subsection (2) insert:

(3) An administrator, controller or liquidator must, within 7 days after  
assuming control over the casino business, notify the Commissioner  
of that fact.

35 **70—Repeal of Part 8**

Part 8—delete the Part

## 71—Amendment of section 69—Confidentiality of information provided by Commissioner of Police

Section 69(2) and (3)—delete subsections (2) and (3) and substitute:

- 5 (2) This section applies in addition to Part 3 of the *Gambling Administration Act 2019*.

## 72—Repeal of sections 70 and 71

Sections 70 and 71—delete the sections

## Part 4—Amendment of *Gaming Machines Act 1992*

### 73—Insertion of section 2

10 After section 1 insert:

#### 2—Objects

The objects of this Act are—

- 15 (a) to ensure that gaming machine gambling is conducted responsibly, fairly and honestly, with regard to minimising the harm caused by gambling; and
- (b) to ensure that the management and operation of gaming machines, associated gaming equipment and monitoring equipment is free from interference, criminal influence and exploitation; and
- 20 (c) to ensure the probity of people involved in the conduct, management and oversight of gambling; and
- (d) to prohibit minors from gambling and to ensure that minors are not encouraged to gamble; and
- 25 (e) to ensure that the club and hotel gaming machine industry develops in a manner consistent with the needs and aspirations of the community and is in the community interest; and
- 30 (f) to protect the interests of the State in the taxation of gaming revenue resulting from the operation of the club and hotel gaming machine industry.

### 74—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *advertising code of practice*—delete "—see section 10A(1)(d)" and substitute:

35 means an advertising code of practice prescribed under the *Gambling Administration Act 2019*

- (2) Section 3(1), definition of *authorised officer*—delete the definition
- (3) Section 3(1), definition of *certificate*—delete the definition

(4) Section 3(1), definition of *the Commissioner*—delete the definition and substitute:

*Commissioner* has the same meaning as in the *Gambling Administration Act 2019*;

*community impact assessment guidelines*—see section 17B;

(5) Section 3(1), definition of *criminal intelligence*—delete the definition and substitute:

*designated application*—see section 17A;

(6) Section 3(1)—after the definition of *domestic partner* insert:

*gambling administration guidelines* means the gambling administration guidelines issued by the Commissioner under the *Gambling Administration Act 2019*;

(7) Section 3(1), definition of *inspector*—after "Act" insert:

under the *Gambling Administration Act 2019*

(8) Section 3(1), definition of *mandatory provision*—delete the definition

(9) Section 3(1), definition of *proposed premises certificate*—delete the definition

(10) Section 3(1), definition of *responsible gambling agreement*—delete the definition and substitute:

*responsible gambling agreement* means an agreement approved under section 40C(2) between the holder of a gaming machine licence and an industry body approved under section 40C(1);

(11) Section 3(1), definition of *responsible gambling code of practice*—delete "—see section 10A(1)(e)" and substitute:

means a responsible gambling code of practice prescribed under the *Gambling Administration Act 2019*

(12) Section 3(1), definitions of *social effect certificate*, *social effect inquiry* and *social effect principles*—delete the definitions

## 75—Insertion of section 3A

After section 3 insert:

### 3A—Interaction with *Gambling Administration Act 2019*

This Act and the *Gambling Administration Act 2019* will be read together as a single Act (and a reference in a provision of this Act to "this Act" will be taken to include, where relevant, a reference to the *Gambling Administration Act 2019*).



**76—Insertion of section 4A**

After section 4 insert:

**4A—Provisions governing whether person is fit and proper**

- 5 (1) A person is not a fit and proper person for a particular purpose under this Act if—
- (a) the person has been found guilty or convicted of an offence as prescribed by the regulations; or
- (b) in the case of a body corporate—
- 10 (i) the body corporate is a body corporate, or is a body corporate of a class, prescribed by the regulations; or
- (ii) the body corporate is a prescribed organisation; or
- (c) in the case of a natural person, the person—
- (i) is—
- 15 (A) a member of a prescribed organisation; or
- (B) a close associate of a person who is a member of a prescribed organisation or is subject to a control order under the *Serious and Organised Crime (Control) Act 2008*; or
- 20 (ii) is an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth.
- 25 (2) A person is not a fit and proper person to occupy a position of authority in a trust or corporate entity that holds a licence if—
- (a) the person has been found guilty or convicted of an offence as prescribed by the regulations; or
- (b) the person is—
- (i) a member of a prescribed organisation; or
- 30 (ii) a close associate of a person who is a member of a prescribed organisation or is subject to a control order under the *Serious and Organised Crime (Control) Act 2008*; or
- (c) the person is an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth.
- 35 (3) For the purpose of determining whether a person is a fit and proper person for a particular purpose under this Act the Commissioner—
- (a) may cause the person's photograph to be taken; and
- 40 (b) may cause the person's fingerprints to be taken; and

(c) may have regard to the following:

- (i) the corporate structure of the person;
- (ii) the person's financial background and resources;
- (iii) the person's reputation;
- (iv) the character, reputation and financial background of the person's close associates;
- (v) any representations made by the Minister;
- (vi) any other matters the Commissioner thinks fit.

(4) In this section—

*close associate*—see subsection (5);

*prescribed financial market* means a prescribed financial market within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth;

*prescribed organisation*—the following are prescribed organisations:

- (a) a declared organisation within the meaning of the *Serious and Organised Crime (Control) Act 2008*;
- (b) a criminal organisation within the meaning of Division 1 or Division 2 of Part 3B of the *Criminal Law Consolidation Act 1935*;
- (c) any other organisation prescribed by the regulations for the purposes of this definition.

*substantial holding* in a body corporate has the same meaning as in section 9 of the *Corporations Act 2001* of the Commonwealth.

(5) For the purposes of this section, 2 persons are *close associates* if—

- (a) 1 is a spouse, domestic partner, parent, brother, sister or child of the other; or
- (b) they are members of the same household; or
- (c) they are in partnership; or
- (d) they are joint venturers; or
- (e) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or
- (f) 1 is a body corporate and the other is a director or executive officer of the body corporate; or
- (g) 1 is a body corporate (other than a public company whose shares are quoted on a prescribed financial market) and the other is a shareholder in the body corporate; or
- (h) 1 is a body corporate whose shares are quoted on a prescribed financial market and the other has a substantial holding in the body corporate; or

- (i) 1 has a right to participate (otherwise than as a shareholder in a body corporate) in, or is remunerated by reference to, proceeds or profits derived from a business conducted by the other; or
- 5 (j) 1 is in a position to exercise control or significant influence over the conduct of the other; or
- (k) a chain of relationships can be traced between them under any 1 or more of the above paragraphs.
- 10 (6) For the purposes of this section, a reference to a parent, brother, sister or child of a person will be taken to include a reference to a step-parent, step-brother, step-sister or step-child (as the case requires) of the person.

### 77—Repeal of Part 2

Part 2—delete the Part

### 15 78—Amendment of section 15—Eligibility criteria

- (1) Section 15(4)—delete subsection (4)
- (2) Section 15(5)(a)(viii)—delete "*Tobacco Products Regulation Act 1997* (see section 4(3) and (4); or" and substitute:
- Tobacco and E-Cigarette Products Act 1997* (see section 4(3) and (4)); and
- 20 (3) Section 15(5)(b)—delete paragraph (b) and substitute:
- (b) the Commissioner has determined, in accordance with the community impact assessment guidelines, that the application is in the community interest.

### 25 79—Amendment of section 16—Number of gaming machines to be operated under licence

- (1) Section 16(3)—delete "The" and substitute:
- Subject to subsection (4a), the
- (2) Section 16(4)—delete "If" and substitute:
- Subject to subsection (4a), if
- 30 (3) Section 16—after subsection (4) insert:
- (4a) The Commissioner may, in accordance with the provisions of Part 3 Division 3C—
- (a) approve up to 60 machines for operation under a gaming machine licence held in respect of premises to which a club licence relates; and
- 35 (b) if 2 or more gaming machine licences are in force in relation to the same licenced premises to which a club licence relates—approve up to an aggregate of 60 gaming machines for operation under the licences.

## 80—Substitution of sections 17A and 17B

Sections 17A and 17B—delete the sections and substitute:

### 17A—Commissioner to be satisfied that designated application is in community interest

- 5
- (1) The Commissioner may only grant a designated application if the Commissioner is satisfied that it is in the community interest to do so.
- (2) Without limiting subsection (1), in determining whether or not granting a designated application is in the community interest, the Commissioner—
- 10
- (a) must have regard to—
- (i) the harm that might be caused by gambling, whether to a community as a whole or a group within a community; and
- 15
- (ii) the cultural, recreational, employment or tourism impacts; and
- (iii) the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises; and
- 20
- (iv) any other prescribed matter; and
- (b) must apply the community impact assessment guidelines.
- (3) An applicant in respect of a designated application must comply with any requirements set out in the community impact assessment guidelines, and any other requirements specified by the Commissioner for the purposes of this section.
- 25
- (4) In this section—
- designated application* means—
- (a) an application for a gaming machine licence; or
- 30
- (b) any other application that the Commissioner has determined, either in accordance with the community impact assessment guidelines or another provision of this Act, to be a designated application for the purposes of this section.

### 17B—Community impact assessment guidelines

- 35
- (1) The Commissioner must, by notice in the Gazette, publish guidelines (the *community impact assessment guidelines*) for the purposes of determining—
- (a) whether or not an application is a designated application for the purposes of section 17A; and
- 40
- (b) whether or not a designated application is in the community interest.

- 5
- 10
- 15
- 20
- (2) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a notice under this section.
  - (3) The community impact assessment guidelines may provide for—
    - (a) any matters relevant to an assessment of the likely impacts of a designated application on a community; and
    - (b) the manner and form of a designated application; and
    - (c) any other matter considered appropriate by the Commissioner.
  - (4) The community impact assessment guidelines may set out requirements that apply to a designated application for the purposes of section 17A, including requirements that the applicant—
    - (a) provide documents, material or other information; and
    - (b) take certain steps or undertake consultation in accordance with the guidelines.
  - (5) The provisions of the community impact assessment guidelines may be of general, limited or varied application according to—
    - (a) the class of designated application or licence; or
    - (b) the circumstances; or
    - (c) any other specified factor,to which the provision is expressed to apply.

### 17C—Certificate of approval for proposed premises

- 25
- 30
- 35
- 40
- (1) If the Commissioner refuses an application for a gaming machine licence only on the ground that the proposed premises are uncompleted, the Commissioner may, instead, grant a certificate (a *certificate of approval*) approving the plans submitted by the applicant in respect of the proposed premises if the applicant satisfies the Commissioner, by such evidence as the Commissioner may require that—
    - (a) the requirements of section 15(5)(a) will be met in relation to the proposed premises if completed in accordance with the plans; and
    - (b) any approvals, consents or exemptions that are required under the law relating to planning to permit the use of the proposed premises for the conduct of gaming operations have been obtained.
  - (2) A certificate of approval—
    - (a) may be granted for a term and on conditions the Commissioner thinks fit; and
    - (b) must state the maximum number of gaming machines to be operated under the licence.

(3) The Commissioner may, on application by the holder of a certificate of approval, approve a variation of the plans approved in the certificate.

(4) If—

(a) a certificate of approval has been granted; and

(b) the holder of the certificate satisfies the Commissioner—

(i) that the conditions (if any) on which the certificate was granted have been complied with; and

(ii) that the premises have been completed in accordance with plans approved by the Commissioner on the grant of the certificate or a variation of those plans later approved by the Commissioner,

a gaming machine licence subject to the conditions (if any) specified in the certificate must be granted to the holder of the certificate in respect of the premises.

(5) Subject to subsection (6), a certificate under this section is, for the purposes of the provisions of this Act relating to the transfer of a licence, treated as if it were a gaming machine licence.

(6) A transaction under which the holder of a certificate of approval agrees to the transfer of the certificate for a monetary or other consideration is void unless the proposed transfer is to a close associate within the meaning of section 4A.

### **81—Amendment of section 18—Requirements for licence application**

(1) Section 18(1)—delete "or a certificate"

(2) Section 18(1)(a), (b) and (ba)—delete paragraphs (a), (b) and (ba)

(3) Section 18(1)(d)—delete paragraph (d) and substitute:

(d) if the application is a designated application—must comply with any requirements in the community impact assessment guidelines.

(4) Section 18(2) and (3)—delete subsections (2) and (3)

(5) Section 18(4)—delete "a proposed premises certificate" and substitute:

for the removal of a gaming machine licence

(6) Section 18(6) and (7)—delete subsections (6) and (7)

### **82—Amendment of section 19—Certain criteria must be satisfied by all applicants**

Section 19(2)—delete subsection (2) and substitute:

(2) The Commissioner may determine that an applicant need not comply with subsection (1) if the Commissioner is satisfied that the applicant is otherwise fit and proper to hold a licence or occupy a position of authority in a trust or corporate entity that holds a licence.

**83—Repeal of section 20**

Section 20—delete the section

**84—Repeal of section 23A**

Section 23A—delete the section

5 **85—Amendment of section 24—Discretion to refuse application**

(1) Section 24(1)—delete "for a licence" and substitute:

under this Part

(2) Section 24(2)—delete "objections" and substitute:

written submissions in relation

10 **86—Amendment of section 24A—Special club licence**

Section 24A—after subsection (5) insert:

(6) Nothing in this section will be taken to prevent the grant of the special club licence to some other person or authority in the event of the licence being surrendered or revoked pursuant to this Act, provided that the other person or authority satisfies the Commissioner of the matters set out in subsection (1) and otherwise complies with the provisions of this section as they apply to Club One.

**87—Amendment of section 27—Conditions**

20 Section 27(7)(b)—delete paragraph (b) and substitute:

(b) must ensure that there are at least 6 hours in each 24 hour period (which may be a continuous period of 6 hours, or 2 separate periods of 3 hours or 3 separate periods of 2 hours) during which gaming operations cannot be conducted on the premises.

25 **88—Amendment of section 27AA—Variation of licence**

Section 27AA(4), (5) and (6)—delete subsections (4), (5) and (6) and substitute:

(4) The Commissioner may, after receiving an application for variation of a gaming machine licence, determine that the application is to be a designated application for the purposes of section 17A.

30 **89—Amendment of section 27A—Gaming machine entitlements**

(1) Section 27A(2)—after paragraph (c) insert:

; or

(d) a person who is entitled to hold gaming machine entitlements under an arrangement approved by the Commissioner under section 27B(1)(c); or

(e) the Commissioner.

(2) Section 27A(4)—after paragraph (b) insert:

; and

- (c) the number of gaming machine entitlements temporarily held by the Commissioner; and
- (d) any other matters in relation to the approved trading system as prescribed by the regulations.

5 **90—Amendment of section 27B—Transferability of gaming machine entitlements**

(1) Section 27B(1)(c)—delete paragraph (c) and substitute:

- (c) a non-profit association that holds a gaming machine licence may transfer, absolutely or for a limited period, a gaming machine entitlement to another non-profit association that holds a gaming machine licence under an arrangement approved by the Commissioner;
- (ca) a non-profit association that holds a gaming machine licence may transfer, absolutely or for a limited period, a gaming machine entitlement to the Commissioner under an arrangement approved by the Commissioner;

(2) Section 27B(3)—after paragraph (a) insert:

- (ab) provisions dealing with advertising of gaming machine entitlements for sale on a website maintained by the Commissioner that is able to be accessed by intending sellers and purchasers in the system;

(3) Section 27B(3)(c)—delete paragraph (c)

(4) Section 27B(3)(e)—delete paragraph (e)

(5) Section 27B(3)(f)—delete "(not exceeding one-third of the purchase price)"

(6) Section 27B—after subsection (8) insert:

- (9) The Commissioner may determine that gaming machine entitlements held under a gaming machine licence that is to be transferred, or that is suspended, or has been surrendered or revoked, may be held temporarily by the Commissioner on the basis that the entitlements will, with Commissioner's approval, be subsequently—
  - (a) vested in the licensee or another person; or
  - (b) allocated to licensed premises, or a gaming area within the meaning of the *Casino Act 1997*; or
  - (c) cancelled under section 27CA.

35 **91—Amendment of section 27C—Premises to which gaming machine entitlements relate**

(1) Section 27C(2)—after "transfer of a gaming machine entitlement" insert:

to a person other than the Commissioner

(2) Section 27C(5)—delete subsection (5)



## 92—Insertion of section 27CA

After section 27C insert:

### 27CA—Cancellation of gaming machine entitlements

(1) If the Commissioner—

5 (a) revokes a gaming machine licence (whether under this Part or as a result of disciplinary action against a former licensee); or

(b) accepts a surrender of a gaming machine licence under section 33,

10 the Commissioner must determine whether all or any of the gaming machine entitlements held by the former licensee should be cancelled and, if so, cancel them accordingly.

(2) If the Commissioner cancels gaming machine entitlements—

15 (a) the gaming machine entitlements vest, on cancellation, in the Commissioner; and

(b) the entitlements may be offered for sale by the Commissioner under the approved trading system and any proceeds from such sales must be paid into the Gamblers Rehabilitation Fund.

## 20 93—Substitution of section 27E

Section 27E—delete the section and substitute:

### 27E—Limit on number of gaming machine entitlements in the State

25 (1) The Commissioner must not, on or after the prescribed day, allow the total number of gaming machine entitlements in the State to exceed the prescribed number.

(2) In this section—

*prescribed day* means a day specified by the Minister by notice in the Gazette;

30 *prescribed number* means the total number of gaming machine entitlements held, on the prescribed day, by those referred to in section 27A(2).

## 94—Insertion of Part 3 Divisions 3B and 3C

Part 3—after Division 3A insert:

### **Division 3B—Removal etc of gaming machine licence**

#### **27F—Removal of gaming machine licence**

- 5                   (1) The Commissioner may, on application by the holder of a gaming machine licence, approve the removal of the gaming machine licence and the reallocation of gaming machine entitlements held by the licensee from 1 set of premises (*premises A*) to another (*premises B*) if—
- 10                         (a) the licensing authority has granted an application for the removal of a liquor licence from premises A to premises B under Part 4 Division 4 of the *Liquor Licensing Act 1997*; and
- 15                         (b) premises A and premises B are in the same locality; and
- (c) in the case of an application that is a designated application—the applicant has satisfied the requirements (if any) set out in the community impact assessment guidelines.
- 20                   (2) In determining an application for the removal of a gaming machine licence under this section, the Commissioner must have regard to the matters set out in section 15(5)(a) (to the extent that they are relevant to the application).
- 25                   (3) The following provisions apply in relation to an application under this section in respect of premises that are held by a licensee under a lease:
- (a) if the lease is entered into after the commencement of this section, an application may not be made in contravention of any express provision in the lease;
- 30                         (b) if the lease was entered into before the commencement of this section, the licensee may only make an application under this section if—
- (i) all parties to the lease agree; or
- (ii) the District Court, on application by the licensee, determines that it is fair and equitable to authorise the making of the application and gives its authorisation accordingly;
- 35                         (c) if the District Court gives an authorisation under paragraph (b)(ii), it may impose conditions or make consequential alterations to the term of the lease, as the Court thinks fit.
- 40                   (4) The Commissioner may issue a replacement copy of the gaming machine licence with such alterations as may be required to reflect an approval granted under this section.

### **27G—Commissioner may determine application is a designated application**

The Commissioner may, after receiving an application under this Division, determine that the application is to be a designated application for the purposes of section 17A.

### **Division 3C—Provisions relating to clubs**

#### **27H—Dealing with gaming machine licence on amalgamation of clubs**

(1) If—

- (a) 2 or more associations incorporated under the *Associations Incorporation Act 1985* (the *amalgamating clubs*) amalgamate under that Act as a single incorporated association (the *amalgamated club*); and
- (b) the amalgamated club is to carry on business at the premises of 1 of the amalgamating clubs (the *amalgamated club premises*); and
- (c) an application has been made to the Commissioner on behalf of the amalgamating clubs under section 65A of the *Liquor Licensing Act 1997*; and
- (d) 1 or more of the amalgamating clubs holds a gaming machine licence,

the Commissioner may, on application on behalf of the amalgamating clubs—

- (e) revoke a gaming machine licence; or
- (f) issue a replacement copy of a gaming machine licence; or
- (g) reallocate gaming machine entitlements,

in accordance with this section.

(2) If—

- (a) only 1 of the amalgamating clubs is the holder of a gaming machine licence; and
- (b) the amalgamated club premises are the premises to which the gaming machine licence relates,

the Commissioner may—

- (c) issue a replacement copy of the gaming machine licence in the name of the amalgamated club; and
- (d) reallocate the gaming machine entitlements held in respect of the premises to which that gaming machine licence relates to the amalgamated club to be held in respect of the amalgamated club premises.

- (3) If—
- (a) 2 or more of the amalgamating clubs hold a gaming machine licence; and
  - (b) 1 of those gaming machine licences is held in respect of the amalgamated club premises,
- the Commissioner may—
- (c) revoke the gaming machine licence of 1 or more of the amalgamating clubs; and
  - (d) issue a replacement copy of the gaming machine licence in the name of the amalgamated club in respect of the amalgamated club premises; and
  - (e) reallocate gaming machine entitlements held in respect of premises to which the revoked gaming machine licenses relate to the amalgamated club to be held in respect of the amalgamated club premises but only such as to allow the amalgamated club to hold up to a maximum of 60 gaming machine entitlements.

**27I—Transfer of gaming machine licences and gaming machine entitlements**

- (1) The Commissioner may, on application by the holder of a club licence, approve the transfer of a gaming machine licence—
  - (a) to that holder jointly with 1 or more other holders of separate club licences; or
  - (b) to the holder of another club licence or the holders of separate club licences to be held jointly by them.
- (2) The holder of a club licence who holds a gaming machine licence may transfer, absolutely or for a limited period, under an arrangement approved by the Commissioner, a gaming machine entitlement to the holder of another club licence who also holds a gaming machine licence, but only such as to allow the transferee to hold up to a maximum of 60 gaming machine entitlements.
- (3) The holder of the special club licence may, under an arrangement approved by the Commissioner, transfer, absolutely or for a limited period, a gaming machine entitlement to the holder of a club licence who also holds a gaming machine licence, but only such as to allow the transferee to hold up to a maximum of 60 gaming machine entitlements.
- (4) The Commissioner may issue a replacement copy of a gaming machine licence or the special club licence with such alterations as may be required to reflect an approval granted under this section.

**27J—Commissioner may determine application is a designated application**

The Commissioner may, after receiving an application under this Division, determine that the application is to be a designated application for the purposes of section 17A.

**27K—Provisions relating to premises held under a lease**

The following provisions apply in relation to an application under this Division in respect of premises that are held under a lease:

- (a) if the lease is entered into after the commencement of this Division, an application may not be made in contravention of any express provision of the lease;
- (b) if the lease was entered into before the commencement of this section, an application under this Division may only be made if—
  - (i) all parties to the lease agree; or
  - (ii) the District Court, on application by a proposed applicant under this Division, determines that it is fair and equitable to authorise the making of the application and gives its authorisation accordingly;
- (c) if the District Court gives an authorisation under paragraph (b)(ii), it may impose conditions or make consequential alterations to the term of the lease, as the Court thinks fit.

**95—Amendment of section 28—Certain licenses only are transferable**

- (1) Section 28(1)—after "may" insert:  
on application and
- (2) Section 28(1a)—delete subsection (1a)
- (3) Section 28(1b)—delete "(1a)" and substitute:  
Part 3 Division 3C
- (4) Section 28(3)(a) and (b)—delete paragraphs (a) and (b)
- (5) Section 28(4)—delete subsection (4)
- (6) Section 28(6)—delete subsection (6)

**96—Repeal of section 28AA**

Section 28AA—delete the section

**97—Amendment to section 28AAB—Discretion to grant or refuse application under section 28**

Section 28AAB(2)—delete "objections" and substitute:  
written submissions in relation

**98—Repeal of section 28A**

Section 28A—delete the section

**99—Amendment of heading to Part 3 Division 5**

Heading to Part 3 Division 5—delete "Objections and intervention" and substitute:

5 Intervention by Commissioner of Police

**100—Repeal of sections 29 and 30**

Sections 29 and 30—delete the sections

**101—Amendment of section 32—Voluntary suspension**

(1) Section 32—delete "for such period as the Commissioner thinks fit"

10 (2) Section 32—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

(2) The Commissioner may suspend the licence for up to a period of 12 months, or a longer period determined by the Commissioner.

15 (3) A suspension under this section may be subject to such conditions as the Commissioner thinks fit, which may (without limitation) include—

(a) that all gaming machines be stored in a secure area on the premises that is inaccessible to the public; and

20 (b) that the gaming area may be used for other purposes during the period of suspension; and

(c) limitations on the use of, and any changes to, the gaming area during the suspension.

**102—Amendment of section 32A—Surrender or revocation of certificate of approval**

25 (1) Section 32A(1)—delete "social effect certificate" first occurring and substitute:  
certificate of approval under section 17C

(2) Section 32A(1)—delete "social effect" second occurring

(3) Section 32A(2)—delete subsection (2)

30 (4) Section 32A(3) and (4)—delete "social effect certificate" wherever occurring and substitute in each case:

certificate of approval

**103—Insertion of section 34A**

After section 34 insert:

**34A—Suspension or revocation of licence by Commissioner**

The Commissioner may, by notice to the licensee, suspend or revoke a gaming machine licence if—

- (a) the licensee does not hold any gaming machine entitlements; or
- (b) the Commissioner is satisfied that gaming operations are not being undertaken on premises to which the gaming machine licence relates.

**104—Repeal of Part 3 Division 7**

Part 3 Division 7—delete Division 7

**105—Repeal of section 38A**

Section 38A—delete the section

**106—Amendment of section 40—Approval of gaming machines and games**

Section 40(5) and (6)—delete subsections (5) and (6) and substitute:

- (5) The Commissioner may vary an approval under this section.
- (6) Before the Commissioner varies an approval under subsection (5), the Commissioner must—
  - (a) give notice in writing of the proposed variation to the person to whom the approval was given; and
  - (b) consider any representations made by the person within 21 days after the notice is given or a longer period allowed in the notice.

**107—Insertion of sections 40A, 40B and 40C**

After section 40 insert:

**40A—Commissioner may approve certain systems to be operated in connection with gaming machines**

- (1) The Commissioner may, on application by a person, approve systems to be operated in connection with approved gaming machines, or classes of approved gaming machines being—
  - (a) account based cashless gaming systems; or
  - (b) automated risk monitoring systems; or
  - (c) cashless gaming systems of a kind prescribed by the regulations; or
  - (d) any other system or equipment to be used with a gaming machine to enable the gaming machine to comply with the requirements of section 40(2).

- 5
- (2) The Commissioner must not approve a system under this section unless the system—
- (a) is able to be operated in compliance with the requirements of this Act; and
  - (b) complies with the requirements of any applicable gambling administration guidelines.
- (3) The Commissioner may, by written notice to the system provider, revoke an approval under this section.
- 10 (4) Before the Commissioner revokes an approval under this section, the Commissioner must—
- (a) give notice in writing of the proposed revocation to the system provider and a body representative of licensees; and
  - (b) consider any representations made by the system provider and the body representative of licensees within 21 days after the notice is given or a longer period allowed in the notice.
- 15 (5) If the Commissioner—
- (a) refuses to approve a system under this section; or
  - (b) revokes an approval of a system under this section,
- 20 the system provider or a body representative of licensees may apply to the Minister for a review of that decision.
- (6) The Minister may determine the application as the Minister thinks fit and, if the Minister finds in favour of the applicant, grant or preserve approval (as appropriate) and require the Commissioner to publish a notice in the Gazette accordingly.

25 **40B—Commissioner may approve training courses to be undertaken by gaming managers or gaming employees**

- 30 (1) The Commissioner may, on application by a person, approve courses of training to be undertaken by gaming managers or gaming employees.
- (2) The Commissioner must not approve a training course under this section unless the course complies with the requirements of any applicable responsible gambling codes of practice or any applicable gambling administration guidelines.
- 35 (3) The Commissioner may—
- (a) on the Commissioner's own initiative, by notice to a body representative of licensees and the training course provider; or
  - (b) on application by a body representative of licensees or a training course provider,
- 40 vary or revoke an approval under this section.



(4) Before the Commissioner varies or revokes an approval under subsection (3)(a), the Commissioner must—

(a) give notice in writing of the proposed variation or revocation to a body representative of licensees; and

(b) consider any representations made within 21 days after the notice is given or a longer period allowed in the notice.

#### **40C—Approvals in relation to responsible gambling agreements**

(1) The Commissioner may, on application by a person, approve a body as an industry body with whom the holder of a gaming machine licence may enter into a responsible gambling agreement.

(2) The Commissioner may, on application by a person, approve the form of a responsible gambling agreement to be entered into by an approved industry body and the holder of a gaming machine licence.

(3) The Commissioner has an unqualified discretion to approve or refuse to approve a matter under this section.

#### **108—Repeal of section 41A**

Section 41A—delete the section

#### **109—Amendment of section 42—Discretion to grant or refuse approval**

Section 42(6)—delete subsection (6)

#### **110—Repeal of sections 42A and 43**

Sections 42A and 43—delete the sections

#### **111—Amendment of section 44—Revocation of approval**

(1) Section 44(1)—delete "The" and substitute:

Subject to subsection (1a), the

(2) Section 44—after subsection (1) insert:

(1a) Subsection (1) does not apply in relation to an approval given under section 40A or 40B.

(3) Section 44(2)(a)—delete ", subject to section 12,"

## 112—Insertion of Part 4B

After Part 4A insert:

### **Part 4B—Applications and submissions**

#### **Division 1—Applications**

##### **44B—Form of application**

- (1) An application to the Commissioner under this Act—
  - (a) must be made in a manner and form approved by the Commissioner (which may include requirements relating to consultation and reports); and
  - (b) must be accompanied by documents and materials required by the Commissioner; and
  - (c) must be accompanied by the prescribed fee; and
  - (d) must comply with the requirements of the gambling administration guidelines.
- (2) The Commissioner may, on such conditions (if any) as the Commissioner thinks fit, waive compliance with formal requirements relating to an application.
- (3) The Commissioner may require an applicant to produce to the Commissioner specified documents that are, in the Commissioner's opinion, relevant to the application.
- (4) The Commissioner may allow an applicant to vary the application at any time before the determination of the application.
- (5) If the Commissioner allows an applicant to vary the application under subsection (4), the Commissioner must give notice to any person who has made written submissions in relation to the application within a reasonable time before determining the application.

##### **44C—Applications to be given to Commissioner of Police**

- (1) This subsection applies to the following applications:
  - (a) the grant of a licence;
  - (b) the transfer of a gaming machine licence;
  - (c) the removal of a gaming machine licence;
  - (d) an approval under sections 38 or 38B.
- (2) The Commissioner—
  - (a) must give a copy of each application to which subsection (1) applies; and
  - (b) may give a copy of any other application, to the Commissioner of Police.

- (3) As soon as reasonably practicable following the receipt of an application under subsection (2), the Commissioner of Police—
- (a) must make available to the Commissioner information about criminal convictions; and
  - (b) may make available to the Commissioner other information to which the Commissioner of Police has access,
- relevant to whether the application should be granted.

#### **44D—Notice of certain applications to be given**

- (1) This subsection applies to the following applications:
- (a) the grant of a gaming machine licence;
  - (b) the transfer of a gaming machine licence;
  - (c) the removal of a gaming machine licence;
  - (d) a designated application.
- (2) Notice of an application to which subsection (1) applies must be given, in accordance with the regulations, to members of the public by notice placed on the licensed premises or, in the case of proposed licensed premises, on the relevant land, so as to be clearly visible to, and legible by, persons passing the premises or land.
- (3) A notice under subsection (2) must specify that the application and certain documents and material relevant to the application may be inspected at a place and during a period specified by the Commissioner.
- (4) The Commissioner must ensure that a copy of a notice under subsection (2) is published on a website maintained by the Commissioner.
- (5) The Commissioner must ensure that notice of an application for the grant of a gaming machine dealer's licence—
- (a) is published on a website maintained by the Commissioner; and
  - (b) specifies that the application and certain documents and material relevant to the application may be inspected at a place and during a period specified by the Commissioner in the notice.
- (6) The Commissioner—
- (a) may, in an appropriate case, dispense with, or modify, a requirement of this section; or
  - (b) may direct that—
    - (i) notice be given under this section of other applications to the Commissioner; or

- (ii) notice be given to specified authorities and persons in addition to the notice specifically required by this section.

#### **44E—Commissioner may consider applications concurrently**

5 If an applicant under this Act has also made a related application under the *Liquor Licensing Act 1997*, the Commissioner may deal with the applications concurrently in any manner the Commissioner thinks fit.

### **Division 2—Submissions in relation to applications**

#### **44F—Commissioner of Police may make written submissions**

10 Without limiting the Commissioner of Police's right under section 31 to intervene in proceedings before the Commissioner, the Commissioner of Police may, in relation to an application under this Act, by notice lodged in a manner and form approved by the  
15 Commissioner at least 7 days before the day appointed for the determination or hearing of the application (or such lesser period as the Commissioner may allow), make written submissions to the Commissioner in relation to the application.

#### **44G—General right to make written submissions**

- 20 (1) If an application has been advertised under this Part, a person may, by notice lodged in a manner and form approved by the Commissioner, at least 7 days before the day appointed for the determination or hearing of the application (or such lesser period as the Commissioner may allow), make written submissions to the  
25 Commissioner in respect of the application.
- (2) Subject to subsection (3), written submissions under this section may be made on 1 or more of the following grounds:
- 30 (a) that the grant of the application would not be consistent with the objects of this Act or would be contrary to this Act in some other way;
  - (b) in the case of a designated application—that the granting of the designated application is not in the community interest;
  - 35 (c) in the case of an application by a natural person for the grant or transfer of a gaming machine licence—that the applicant is of bad reputation or character or is in other respects not a fit and proper person to be licensed;
  - 40 (d) in the case of an application by a trust or corporate entity for the grant or transfer of a licence—that the applicant is not a fit and proper person to be licensed or that a person who occupies a position of authority in the entity is of bad reputation or character or is in other respects not a fit and proper person to hold such a position in an entity that holds a licence;

(e) in the case of an application for the grant or removal of a licence—that the position, nature or quality of the premises renders them unsuitable to be licensed;

(f) that if the application were granted—

(i) undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises or proposed premises to which the application relates would be likely to result; or

(ii) the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises or proposed premises to which the application relates would be likely to be prejudiced; or

(iii) the amenity of the locality in which the premises or proposed premises to which the application relates are situated would be adversely affected in some other way.

(3) A person who makes written submissions under this section must ensure that the applicant is given a copy of the written submissions at least 7 days before the day appointed for the hearing or determination of the application (or such lesser period as the Commissioner may allow).

(4) The Commissioner must have regard to any written submissions (including further written submissions under section 44H) made in accordance with the requirements of this Division.

#### **44H—Further written submissions**

(1) The Commissioner may, in the Commissioner's absolute discretion, in accordance with the rules of natural justice—

(a) call for further written submissions to be made in relation to a particular application; or

(b) invite a person or body determined by the Commissioner to make written submissions in relation to a particular application.

(2) Written submissions made under subsection (1) may be made on any ground.

(3) If the Commissioner receives written submissions (or further written submissions) under this section, the Commissioner must ensure that the applicant is given a copy of the written submissions (or further written submissions) a reasonable time before the hearing or determination of the application.

#### 44I—Conciliation

- 5
- (1) If an application has been advertised under this Part and 1 or more written submissions have been made opposing the application, the Commissioner may, in the Commissioner's absolute discretion, endeavour to resolve the application by conciliation.
  - (2) If an application is resolved by conciliation, the Commissioner may determine the application so as to reflect the agreement reached by conciliation if the Commissioner considers it appropriate to do so in accordance with this Part.

#### 44J—Commissioner may refer matters to Court

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The Commissioner may, in the Commissioner's absolute discretion, refer any application under this Part for hearing and determination by the Court (and a person who has made written submissions in relation to an application referred to the Court will be taken to be a party to the proceedings before the Court in relation to the application).

15

#### 44K—Hearings etc

The Commissioner may, in the Commissioner's absolute discretion—

- 20
- (a) determine an application under this Part entirely on the basis of the application and any written submissions made without holding a hearing; or
  - (b) hold a hearing in relation to an application under this Part.

#### 44L—Variation of written submissions

- 25
- (1) The Commissioner may allow a person who has made written submissions in relation to an application to vary the submissions at any time before the application is determined.
  - (2) If the Commissioner allows written submissions to be varied, the Commissioner must ensure that the applicant is given a copy of the submissions as varied a reasonable time before the hearing or determination of the application.
- 30

### 113—Amendment of section 45—Offence of being unlicensed

Section 45—after its present contents (now to be designated as subsection (1)) insert:

- 35
- (2) For the purposes of subsection (1)(a), a person has possession of a gaming machine if—
    - (a) the person has physical possession or control of the gaming machine or has the gaming machine in the physical possession or control of another; or
    - (b) the person controls access to the gaming machine; or
    - (c) the person occupies, or has care, control or management of, premises, or is in charge of a vehicle, vessel or aircraft, where the gaming machine is found.
- 40

- (3) A person does not commit an offence against subsection (1)(a) if the person possesses the gaming machine in the ordinary course of the person's business involving the transportation or temporary storage of a gaming machine on behalf of the holder of a licence under this Act.

#### 114—Insertion of section 46A

After section 46 insert:

##### 46A—Licensee to notify change of particulars

- (1) A licensee must, within 14 days after a change in any prescribed particulars, notify the Commissioner of that change.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) In this section—

*prescribed particulars* means—

- (a) any address for service or other email address, telephone number or street or postal address provided by the licensee to the Commissioner for purposes connected with the licence; and
- (b) any other particulars of a kind prescribed by the regulations.

#### 115—Repeal of section 47

Section 47—delete the section

#### 116—Amendment of section 51—Persons who may not operate gaming machines

Section 51(5)—delete subsection (5)

#### 117—Amendment of section 53A—Prohibition of certain gaming machine facilities

- (1) Section 53A(1), (2) and (3)—delete subsections (1), (2) and (3) and substitute:

- (1) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that may be operated in connection with an account based cashless gaming system unless—
- (a) the system is approved under section 40A(1)(a); and
- (b) the gaming machine is operated in connection with an automated risk monitoring system approved under section 40A(1)(b); and
- (c) the gaming machine is capable of displaying on-screen messages of a kind prescribed in the applicable responsible gambling code of practice either on a primary screen or an ancillary screen; and

- (d) the gaming machine is operated in connection with a pre-commitment system in compliance with the requirements prescribed by the regulations.

Maximum penalty: \$35 000.

- 5 (2) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that may be operated otherwise than in connection with an automated risk monitoring system approved under section 40A(1)(b).

Maximum penalty: \$35 000.

- 10 (3) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that may be operated—
- (a) by insertion of a credit or debit card; or
- (b) by means of a cashless payment system; or
- (c) by insertion of a ticket (other than in accordance with the requirements prescribed by the regulations).

15 Maximum penalty: \$35 000.

- (2) Section 53A(5)—after "banknote" insert:

otherwise than in accordance with the limitations (if any) prescribed by the regulations which may—

- 20 (a) limit the denomination of banknote able to be used to operate the gaming machine; and
- (b) provide that a gaming machine is not able to be operated by insertion of a banknote if the cash value of the credit balance on the gaming machine is of or above a prescribed amount.

- 25 (3) Section 53A(9)—before the definition of *audio device* insert:

*ancillary screen* means a screen—

- (a) in the sandwich board of a gaming machine; or
- (b) attached to a gaming machine that is visible to the person using the gaming machine;

- 30 (4) Section 53A(9), definition of *prescribed day*—delete the definition and substitute:

*cashless payment system* does not include an account based cashless gaming system approved under section 40A(1)(a) or a cashless gaming system of a kind prescribed by the regulations and approved under section 40A(1)(c);

*primary screen* means a gaming machine screen;

35 *ticket* means a ticket—

- (a) issued from a gaming machine (or from equipment attached to the gaming machine for the purposes of issuing tickets); and
- (b) that shows the cash value of the credits accumulated but not otherwise redeemed in the course of play on that gaming machine.



**118—Amendment of section 56—Minors not permitted in gaming areas**

- (1) Section 56(1)—at the foot of subsection (1) insert:

Expiation fee: \$210.

- (2) Section 56(2)—at the foot of subsection (2) insert:

Expiation fee: \$1 200.

- (3) Section 56(4)—at the foot of subsection (4) insert:

Expiation fee: \$1 200.

- (4) Section 56—after subsection (4) insert:

(4a) A person must not knowingly assist a minor or enable a minor to enter or remain in a gaming area on the licensed premises.

Maximum penalty: \$10 000.

Expiation fee: \$1 200.

- (5) Section 56(5)—delete "Crown" and substitute:

Commissioner and must be paid into the Gamblers Rehabilitation Fund

**119—Amendment of section 63—Interference devices**

Section 63—after its present contents (now to be designated as subsection (1)) insert:

- (2) In proceedings for an offence against subsection (1), an allegation in the information that a particular device was designed, adapted or intended to be used for the purpose of interfering with the proper operation of an approved gaming machine or the proper operation of an approved game in a gaming machine, will be accepted as proved in the absence of proof to the contrary.

- (3) For the purposes of subsection (1), a person has possession of a device if—

(a) the person has physical possession or control of the device or has the device in the physical possession or control of another; or

(b) the person controls access to the device; or

(c) the person occupies, or has care, control or management of, premises, or is in charge of a vehicle, vessel or aircraft, where the device is found.

**120—Amendment of section 64—Sealing of gaming machines**

- (1) Section 64(2)—delete "authorised officer" and substitute:

inspector

- (2) Section 64—after subsection (2) insert:

- (3) A licensee must not cause a gaming machine to be operated by a person (other than an inspector or approved gaming machine technician) unless it has been sealed.

Maximum penalty: \$5 000.

- (4) An approved gaming machine technician must, after installing, servicing or repairing an unsealed gaming machine, seal the gaming machine in the manner approved by the Commissioner.

Maximum penalty: \$5 000.

5 **121—Repeal of Parts 6 and 7**

Parts 6 and 7—delete the Parts

**122—Repeal of section 71A**

Section 71A—delete the section

**123—Amendment of section 73BA—Gamblers Rehabilitation Fund**

- 10 (1) Section 73BA(4)—delete "problem gambling or rehabilitating problem gamblers and towards any costs associated with the gambling advisory committee and gambling advisory officer established in accordance with this section" and substitute:

the harm caused by gambling

- (2) Section 73BA(5)—delete subsection (5) and substitute:

- 15 (5) Without limiting subsection (4), the Fund may be applied towards programs for or related to the following:

- (a) undertaking preventative and other activities to address harms associated with gambling;
- (b) facilitating public education and information programs;
- 20 (c) providing treatment and counselling programs for persons harmed by gambling;
- (d) providing information and advice on the harm caused by gambling;
- (e) undertaking gambling research and evaluation.

- 25 (3) Section 73BA(6) to (11) (inclusive)—delete subsections (6) to (11) and substitute:

- (6) The Minister responsible for the administration of the *Family and Community Services Act 1972* must, on or before 30 September in each year, prepare a report on the application of the Fund during the preceding financial year and must cause copies of the report to be
- 30 laid before both Houses of Parliament.

**124—Repeal of section 74**

Section 74—delete the section

**125—Amendment of section 76—Power to refuse to pay winnings**

- (1) Section 76(2)—after "may" insert:

35 , within 14 days of being informed of the decision,

(2) Section 76—after subsection (3) insert:

(4) The holder of a gaming machine licence or a gaming manager must deal with any winnings withheld under subsection (1) as follows:

(a) if the Commissioner revokes a decision made under subsection (1), the withheld winnings must be paid to the player;

(b) if the Commissioner upholds a decision under subsection (1) or if a player does not apply to the Commissioner for a review of the decision under subsection (2), the withheld winnings are to be retained by the holder of the gaming machine licence for the licensed premises.

## 126—Insertion of section 76AA

After section 76 insert:

### 76AA—Unclaimed winnings

(1) If winnings on a gaming machine have not been collected or claimed within 24 hours of the winning game being played on the machine, the winnings are forfeited to the Commissioner and must be paid into the Gamblers Rehabilitation Fund.

(2) If a gaming machine or game is decommissioned and there are residual jackpots to the credit of that machine or game, the amount of such jackpots is forfeited to the Commissioner and must be paid into the Gamblers Rehabilitation Fund.

(3) This section does not apply to an amount of winnings or a residual jackpot that is below the prescribed amount.

## 127—Repeal of section 80

Section 80—delete the section

## 128—Repeal of section 82

Section 82—delete the section

## 129—Amendment of section 85—Vicarious liability

Section 85(1b)—delete "6, 50A, 54, 64, 65, 71 or 80" and substitute:

50A, 64 or 65

## 130—Repeal of section 85A

Section 85A—delete the section

## 131—Amendment of section 86—Evidentiary provision

(1) Section 86(1)(k)—delete paragraph (k)

(2) Section 86(2)—delete subsection (2)

### 132—Insertion of section 86A

After section 86 insert:

#### 86A—Commissioner to recover administration costs

- 5 (1) The Commissioner must, not less than 1 month before the commencement of the relevant financial year, notify each licensee of a prescribed class in writing of the amount fixed by the Minister as the recoverable administration costs for that financial year.
- 10 (2) A licensee must, within 28 days of receiving a notice under subsection (1), pay to the Commissioner the amount of the recoverable administration costs for that financial year specified in the notice.
- 15 (3) If a licensee fails to pay an amount in accordance with subsection (2)—
- (a) the Commissioner may, by notice to the licensee, suspend the licence until the amount has been paid; and
  - (b) the amount unpaid may be recovered from the licensee as a debt due to the State.
- 20 (4) In proceedings for recovery of an amount unpaid, the Commissioner's notice is to be regarded as conclusive evidence of the recoverable administration costs for the period specified in the notice.
- (5) In this section—

25 *administration costs* means the costs of administering this Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of a licensee, or a licensee of a particular class, in the relevant financial year;

*relevant financial year* means the financial year designated by the Minister by notice in the Gazette for the purposes of this section.

### 30 133—Amendment of Schedule 1—Gaming machine licence conditions

(1) Schedule 1—after paragraph (g) insert:

- 35 (h) that the licensee will not conduct gaming operations pursuant to the licence unless the licensee has entered into a responsible gambling agreement; and
- (i) that the licensee must, on the request of the Commissioner for the purposes of gambling research, provide to the Commissioner information recorded by a system approved under section 40A in a manner and form, and within a time, specified by the Commissioner in the request; and

40 (2) Schedule 1, paragraph (k)(ii)—delete "authorised officer" and substitute:  
inspector

(3) Schedule 1—after paragraph (ma) insert:

- (mb) that the licensee will ensure that gaming managers and gaming employees have undertaken approved training courses in accordance with any requirements under the relevant responsible gambling codes of practice; and

### 134—Amendment of Schedule 2—Gaming machine monitor licence conditions

Schedule 2—after paragraph (f) insert:

- (fa) a condition that the licensee must, on the request of the Commissioner, provide to the Commissioner information recorded by the monitoring system in a manner and form, and within a time, specified by the Commissioner in the request;

## Part 5—Amendment of *Liquor Licensing Act 1997*

### 135—Amendment of section 7—Close associates

(1) Section 7(1)(f)—delete ", manager, secretary or public officer" and substitute:

or executive officer

(2) Section 7(1)(h)—delete "is a substantial shareholder" and substitute:

has a substantial holding

(3) Section 7(2)—delete "For the purposes of" and substitute:

In

(4) Section 7(2)—after the definition of *spouse* insert:

*substantial holding* in a body corporate has the same meaning as in section 9 of the *Corporations Act 2001* of the Commonwealth.

## Part 6—Amendment of *Problem Gambling Family Protection Orders Act 2004*

### 136—Amendment of section 3—Interpretation

Section 3(1), definition of *Commissioner*—delete "*Gambling Administration Act 1995*" and substitute:

*Gambling Administration Act 2019*

### 137—Amendment of section 7—Complaints

Section 7(5)—delete "*Gambling Administration Act 1995*" and substitute:

*Gambling Administration Act 2019*

### 138—Amendment of section 11—Conduct of proceedings

(1) Section 11(1)—delete "*Gambling Administration Act 1995*" and substitute:

*Gambling Administration Act 2019*

- (2) Section 11(5)—delete "Part 4 of the *Gambling Administration Act 1995*" and substitute:

Part 6 of the *Gambling Administration Act 2019*

**139—Amendment of section 13—Notification of orders by Commissioner**

5 Section 13(3)—delete "Part 4 of the *Gambling Administration Act 1995*" and substitute:

Part 6 of the *Gambling Administration Act 2019*

**140—Amendment of section 15—Removal of respondent barred from certain premises**

10 Section 15—delete "Part 4 of the *Gambling Administration Act 1995*" and substitute:

Part 6 of the *Gambling Administration Act 2019*

**Part 7—Amendment of *State Lotteries Act 1966***

**141—Repeal of section 13B**

Section 13B—delete the section

**142—Amendment of section 13C—Compliance with codes of practice under *Gambling Administration Act 2019***

15 Section 13C—delete "the matters prescribed under section 13B(1)" and substitute:

20 the provisions of the applicable responsible gambling codes of practice or the applicable advertising codes of practice prescribed under the *Gambling Administration Act 2019*.

**Schedule 1—Savings and transitional provisions etc**

**Part 1—Transitional and other provisions—*Authorised Betting Operations Act 2000***

**1—Transitional and other provisions**

25 Any applications made under the *Authorised Betting Operations Act 2000* that have not been finally determined before the day on which this clause commences may be continued and completed under that Act as if the amendments to that Act effected by the *Statutes Amendment (Gambling Regulation) Act 2019* had not come into operation.

**Part 2—Transitional and other provisions—*Casino Act 1997***

**2—Transitional and other provisions**

- 30 (1) The approved licensing agreement under the *Casino Act 1997* continues as if it had been made under that Act as amended by the *Statutes Amendment (Gambling Regulation) Act 2019*.

- (2) An appeal commenced but not finally determined by the Supreme Court under section 14 of the *Casino Act 1997* before the commencement of section 44 of the *Statutes Amendment (Gambling Regulation) Act 2019* may be continued and completed by the Supreme Court.
- 5 (3) An approval under section 40A of the *Casino Act 1997* in force immediately before the commencement of section 52 of the *Statutes Amendment (Gambling Regulation) Act 2019* continues despite the provision of section 40A(8) and (9) of the *Casino Act 1997* as in force immediately before that commencement, and such an approval may be varied or revoked under section 40A of the *Casino Act 1997* as amended by  
10 section 52 of the *Statutes Amendment (Gambling Regulation) Act 2019*.
- (4) A course of training recognised under section 33A of the *Casino Act 1997* as in force immediately before the commencement of this subclause will, on that commencement, be taken to be an approved course of training under section 40C of that Act.
- 15 (5) A system recognised under section 40B of the *Casino Act 1997* as in force immediately before the commencement of this subclause will, on that commencement, be taken to be an approved system under section 40B of that Act as substituted by section 53 of the *Statutes Amendment (Gambling Regulation) Act 2019*.
- 20 (6) Any applications made under the *Casino Act 1997* that have not been finally determined before the commencement of this subclause may be continued and completed under that Act as if the amendments to that Act effected by the *Statutes Amendment (Gambling Regulation) Act 2019* had not come into operation.

## **Part 3—Transitional and other provisions—*Gaming Machines Act 1992***

### **3—Transitional and other provisions**

- 25 (1) An industry body recognised by the Commissioner under section 10B(1)(a) of the *Gaming Machines Act 1992* as in force immediately before the commencement of this subclause will, on the commencement of section 40C of the Act, be taken to be an approved industry body under that section.
- 30 (2) A course of training recognised by the Commissioner under section 10B(1)(b) of the *Gaming Machines Act 1992* as in force immediately before the commencement of this subclause will, on the commencement of section 40B of the Act, be taken to be an approved course of training under that section.
- 35 (3) A system recognised under section 10B(1)(c) of the *Gaming Machines Act 1992* as in force immediately before the commencement of this subclause will, on the commencement of section 40A of the Act, be taken to be an approved system under that section.
- 40 (4) An approval under section 40 of the *Gaming Machines Act 1992* in force immediately before the commencement of section 106 of the *Statutes Amendment (Gambling Regulation) Act 2019* continues despite the provision of section 40(5) and (6) of the *Gaming Machines Act 1992* as in force immediately before that commencement, and such an approval may be varied under section 40 of the *Gaming Machines Act 1992* as amended by section 106 of the *Statutes Amendment (Gambling Regulation) Act 2019*.

- (5) Any applications made under the *Gaming Machines Act 1992* that have not been finally determined before the commencement of this subclause may be continued and completed under that Act as if the amendments to that Act effected by the *Statutes Amendment (Gambling Regulation) Act 2019* had not come into operation.