

South Australia

# Gambling Administration Act 1995

An Act to give certain powers and functions to the Liquor and Gambling Commissioner to regulate and control gambling activities in the State; and for other purposes.

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## Legislative history

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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 *Gambling Administration Act 1995*.

#### 2—Purpose and objectives

- (1) The main purpose of this Act is to consolidate various regulatory functions and powers relating to different forms of gambling in the State.
- (2) The main objectives of this Act are—
  - (a) the fostering of responsibility in gambling and, in particular, the minimising of harm caused by gambling, recognising the positive and negative impacts of gambling on communities; and
  - (b) the maintenance of an economically viable and socially responsible gambling industry (including an economically viable and socially responsible club and hotel gaming machine industry) in this State.

#### 3—Interpretation

In this Act—

**Advisory Council** means the *Gambling Advisory Council* established under Part 2A;

**Commissioner** means the person for the time being holding or acting in the office of the Liquor and Gambling Commissioner under the *Liquor Licensing Act 1997* (or the Commissioner's delegate);

**prescribed Act** means each of the following:

- (a) the *Authorised Betting Operations Act 2000*;
- (b) the *Casino Act 1997*;
- (c) the *Gaming Machines Act 1992*;
- (d) the *Problem Gambling Family Protection Orders Act 2004*;
- (e) any other Act prescribed by regulation;

**proceedings** means proceedings on an inquiry, review, reconsideration (under section 15H) or appeal;

*welfare agency* means the administrative unit of the Public Service that is, under a Minister responsible for the administration of the *Family and Community Services Act 1972*, responsible for performing functions in relation to the Gamblers Rehabilitation Fund (established under section 73BA of the *Gaming Machines Act 1992*).

## Part 2—Functions of Commissioner

### 4—Functions and powers of Commissioner

- (1) The Commissioner has the following functions:
  - (a) to develop and promote strategies for reducing the incidence of problem gambling and for preventing or minimising the harm caused by gambling; and
  - (b) to undertake, assist in or co-ordinate ongoing research into matters relevant to gambling and the Commissioner's functions relating to gambling, including research into—
    - (i) the social and economic costs and benefits to the community of gambling and the gambling industry; and
    - (ii) the likely impact, both negative and positive, on the community of any new gambling product or gambling activity that might be introduced by any section of the gambling industry; and
    - (iii) strategies for reducing the incidence of problem gambling and preventing or minimising the harm caused by gambling; and
    - (iv) any other matter directed by the Minister; and
  - (c) to provide a proactive whole-of-industry and client-centric responsive approach to the promotion of responsible gambling practices and the prevention or minimisation of harm caused by gambling; and
  - (d) to ensure that an effective and efficient system of supervision is established and maintained over the operations of licensees under prescribed Acts; and
  - (e) to conduct consumer and licensee education campaigns and publish advertisements directed at reducing the incidence of problem gambling and for preventing or minimising the harm caused by gambling; and
  - (f) to encourage the gambling industry and related professional associations to disseminate to their members, and enforce compliance with, mandatory responsible gambling and advertising codes of practice; and
  - (g) to publish reports and disseminate statistical information on matters relating to the operation of licensees under prescribed Acts; and
  - (h) to consider representations from, and give consideration to matters identified by, the Advisory Council or the welfare agency relating to the incidence of problem gambling or measures for preventing or minimising the harm caused by gambling; and
  - (i) to advise, and make recommendations to, the Minister on matters relating to the operations of licensees under prescribed Acts or on any aspect of the operation, administration or enforcement of prescribed Acts; and

- (j) to perform other functions assigned to the Commissioner under this Act or a prescribed Act or by the Minister.
- (2) The Commissioner has power to do anything that is necessary for, or incidental to, the performance of the Commissioner's functions.

**Note—**

For other provisions relevant to the Commissioner see also Part 2 Division 1 of the *Liquor Licensing Act 1997* which includes, for example, a power of delegation.

## **Part 2A—Gambling Advisory Council**

### **5—Establishment of Advisory Council**

- (1) The *Gambling Advisory Council* is established.
- (2) The Advisory Council is to consist of—
  - (a) the Commissioner or a nominee of the Commissioner; and
  - (b) the following members, appointed, from time to time, by the Commissioner on terms and conditions determined by the Commissioner:
    - (i) a nominee of the welfare agency;
    - (ii) such other members as the Commissioner thinks appropriate so as to be representative of charitable, gambling support or social welfare organisations, the gambling industry and government.
- (3) The functions of the Advisory Council are—
  - (a) to assist the Commissioner in formulating, and advise the Commissioner on implementing, policies and legislative proposals affecting—
    - (i) the minimisation of harm caused by (and associated with) gambling, recognising the positive and negative impacts of gambling on communities; and
    - (ii) the maintenance of a socially responsible gambling industry; and
  - (b) to provide a forum for the exchange of information and views between industry, welfare and government sectors concerning issues relating to responsible gambling and harm-minimisation practices; and
  - (c) to consider other matters referred to the Advisory Council by the Commissioner.

### **6—Proceedings**

The procedures to be observed by the Advisory Council in relation to the conduct of its business will be—

- (a) as determined by the Commissioner; or
- (b) insofar as a procedure is not determined under paragraph (a)—as determined by the Advisory Council.

## **7—Use of staff and facilities**

The Advisory Council may, by agreement with the Minister responsible for an administrative unit in the Public Service, make use of the services of the staff, equipment or facilities of that administrative unit.

## **8—Committees**

- (1) The Advisory Council may establish such committees as it thinks fit to assist it in the performance of its functions.
- (2) The membership of a committee will be determined by the Advisory Council and may, but need not, consist of or include members of the Advisory Council.
- (3) The procedures to be observed by a committee in relation to the conduct of its business will be—
  - (a) as determined by the Advisory Council;
  - (b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

## **Part 3—Inquiries and other proceedings**

### **13—Inquiries by Commissioner**

- (1) The Commissioner—
  - (a) may hold an inquiry whenever the Commissioner considers it necessary or desirable to do so for the purpose of carrying out the Commissioner's functions; and
  - (b) must, if requested to do so by the Minister, hold an inquiry into any matter relating to—
    - (i) the operations of a licensee under a prescribed Act; or
    - (ii) the operation, administration or enforcement of a prescribed Act.
- (2) On completing an inquiry under this section, the Commissioner must submit to the Minister a report of the inquiry and the findings of the Commissioner on the inquiry, and any such report may include recommendations for action to be taken.
- (3) Unless the Commissioner recommends that the report should remain confidential, the Minister must, within six sitting days of receiving a report under subsection (2), cause a copy of the report to be laid before each House of Parliament.

### **14—Powers and procedures of Commissioner**

- (1) If the Commissioner thinks it reasonably necessary for the purpose of performing any functions (whether under this Act or any other Act), the Commissioner may—
  - (a) by summons, require the attendance before the Commissioner of any person; or
  - (b) by summons, require the production of any equipment or other item, or any books, papers or documents; or

- (c) inspect any equipment or other item, or any books, papers or documents produced before the Commissioner and retain them for such reasonable period as the Commissioner thinks fit, and, in the case of books, papers or documents, make copies of any of them, or of any of their contents; or
- (d) require any person to make oath or affirmation that he or she will truly answer all questions put to him or her by the Commissioner relating to any matter being inquired into or that is before the Commissioner; or
- (e) require any person appearing before the Commissioner to answer any relevant questions put to him or her by the Commissioner or by any person appearing before the Commissioner.

(2) If a person—

- (a) who has been served with a summons to appear before the Commissioner, fails without reasonable excuse (proof of which lies on the person) to attend in obedience to the summons; or
- (b) who has been served with a summons to produce equipment or any other items, or books, papers or documents, fails without reasonable excuse (proof of which lies upon the person) to comply with the summons; or
- (c) misbehaves before the Commissioner, wilfully insults the Commissioner or interrupts the proceedings of the Commissioner; or
- (d) refuses to be sworn or to affirm or to answer any relevant question when required to do so by the Commissioner,

the person is guilty of an offence.

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

(3) A person is not excused from answering a question or from producing books, papers or documents under this section—

- (a) on the ground that the answer to the question or the contents of the books, papers or documents would tend to incriminate the person; or
- (b) on the ground of legal professional privilege,

but if the person objects to answering a question on the ground that the answer would tend to incriminate him or her, the answer will not be admissible against him or her in criminal proceedings (except in proceedings for perjury) or, if the person objects to answering a question on the ground of legal professional privilege, the answer will not be admissible in civil or criminal proceedings against the person who would, but for this subsection, have the benefit of the legal professional privilege.

(4) The Commissioner may, if requested to do so by a person who has been required to answer a question by the Commissioner or who has produced books, papers or documents to the Commissioner, by order prohibit the publication in any newspaper or by radio or television of the name of the person, any answer given by him or her in proceedings before the Commissioner or the contents of any book, paper or document produced by him or her to the Commissioner.

(5) A person who contravenes an order under subsection (4) is guilty of an offence.

Maximum penalty: \$10 000.

- (6) The Commissioner may conduct proceedings at any time and in any place (including a place outside this State) and may adjourn any proceedings from time to time and from place to place.
- (7) In the course of any proceedings, the Commissioner may—
  - (a) receive in evidence any transcript of evidence in proceedings before a court or tribunal and draw any conclusions of fact from the transcript that the Commissioner thinks proper; or
  - (b) adopt, as in the Commissioner's discretion the Commissioner considers proper, any findings, decision or judgment of a court or tribunal that may be relevant to the matter before the Commissioner.
- (8) The Commissioner may—
  - (a) conduct any proceedings by telephone or other electronic means; and
  - (b) allow a person to participate in any proceedings by telephone or other electronic means.

## **15—Representation before Commissioner**

- (1) A person appearing before the Commissioner may appear—
  - (a) personally;
  - (b) by counsel;
  - (c) if a body corporate—by an officer or employee of the body corporate who has obtained leave of the Commissioner to appear on behalf of the body corporate;
  - (d) if the party is a member of a genuine association formed to promote or protect the interests of a section of the liquor industry or the gaming machine industry or of employees in those industries—by an officer or employee of that association.
- (2) The Commissioner of Police may be represented before the Commissioner—
  - (a) by a member of the police force; or
  - (b) by counsel.
- (3) The welfare agency may be represented before the Commissioner—
  - (a) by a member of the welfare agency; or
  - (b) by counsel.

## **Part 4—Barring orders**

### **15B—Interpretation**

In this Part—

*authorised person*, in relation to a place, means each of the following:

- (a) a police officer;
- (b) a person of a class prescribed by regulation (either generally or in relation to that place);

- (c) in relation to premises of a gambling provider—an agent or employee of the gambling provider;
- (d) in relation to a place at which operations of a kind authorised under the *Authorised Betting Operations Act 2000* are being conducted—an authorised officer under that Act;
- (e) in relation to the gaming area, or areas, of premises to which a gaming machine licence relates—an authorised person within the meaning of the *Gaming Machines Act 1992*;

**barred person** means a person who is the subject of a barring order under this Part;

**barring order** means an order doing any 1 or more of the following:

- (a) barring a person from taking part in specified gambling activities or gambling activities of a specified class;
- (b) barring a person from entering or remaining in the whole or a part of—
  - (i) specified premises; or
  - (ii) a specified class of premises,where gambling activities are or may be undertaken;
- (c) barring a person from a prescribed place or a place of a prescribed class or from engaging in a prescribed activity or an activity of a prescribed class;

**gambling provider** means each of the following:

- (a) the holder of a licence or authorisation under the *Authorised Betting Operations Act 2000*;
- (b) the holder of the casino licence;
- (c) the holder of a gaming machine licence;
- (d) the Lotteries Commission of South Australia.

## 15C—Barring orders

- (1) The Commissioner may make a barring order in relation to a person—
  - (a) at the request of that person; or
  - (b) if—
    - (i) there is a reasonable apprehension that the person may suffer harm, or may cause serious harm to family members, because of problem gambling; and
    - (ii) the Commissioner is satisfied that the making of the order is appropriate in the circumstances.
- (2) A gambling provider may make a barring order in relation to a person—
  - (a) at the request of that person; or
  - (b) if—
    - (i) there is a reasonable apprehension that the person may suffer harm, or may cause serious harm to family members, because of problem gambling; and



- (ii) the gambling provider is satisfied that the making of the order is appropriate in the circumstances.
- (3) A barring order made by a gambling provider may only relate to premises of, or the business conducted by, that gambling provider.
- (4) If no decision is made within 14 days after the making of a request by a person under subsection (1)(a) or (2)(a), the Commissioner or the gambling provider (as the case may be) will be taken, for the purposes of this Part, to have made a decision to refuse the request.
- (5) For the avoidance of doubt, a barring order made in relation to premises may relate to parts of the premises where gambling activities are not undertaken (provided that the order also relates to parts of the premises where gambling activities are or may be undertaken).
- (6) A barring order made under this section—
  - (a) must be in writing in a form determined by the Commissioner; and
  - (b) subject to this Part, remains in force during the period specified in the order, being—
    - (i) in the case of an order made by the Commissioner—a period of not more than 3 years from the date on which the order is made; or
    - (ii) in any other case—a period of 3 months from the date on which the order is made.
- (7) A barring order made by the Commissioner at the request of the barred person may specify a minimum period (being not greater than 6 months) during which the order must remain in force.
- (8) If a gambling provider makes a barring order or receives a request to make a barring order, the provider must—
  - (a) make a record of the order or request in a manner and containing the particulars required by the Commissioner; and
  - (b) within 7 days after making the order or making a decision to refuse the request, notify the Commissioner of the order or decision (in a manner, and containing the particulars, required by the Commissioner).

Maximum penalty: \$2 500.

### **15D—Variation or revocation of barring order**

- (1) The Commissioner may make an order varying or revoking a barring order under this Part at any time (provided that, in a case where the order was made by the Commissioner at the request of the barred person, the order may not be revoked, or be varied so as to limit in any way its application, unless it has been in force for the prescribed minimum period).
- (2) An order made under this section must be in writing in a form determined by the Commissioner.

(3) In this section—

*prescribed minimum period*, in relation to a barring order made by the Commissioner at the request of the barred person, means—

- (a) if a minimum period is specified in the order—that period;
- (b) in any other case—6 months.

#### **15E—Notice of barring order etc**

- (1) A barred person must be given notice of a barring order, or an order varying or revoking a barring order, under this Part.
- (2) A notice required to be given under subsection (1) must include any particulars prescribed by the regulations.
- (3) A barring order, or an order varying a barring order, is of no effect unless notice of the order has been given to the barred person in accordance with this section.
- (4) The Commissioner must give written notice of a barring order made by the Commissioner under this Part, and of any variation or revocation of the order, to the owner or occupier of each place to which the order relates.
- (5) If the Commissioner obtains a photograph of the barred person, the Commissioner may also give a copy of that photograph to the owner or occupier of each place to which the order relates.

#### **15F—Contravention of barring order**

- (1) A barred person who contravenes or fails to comply with a barring order is guilty of an offence.  
Maximum penalty: \$2 500.
- (2) A gambling provider, or another person of a class prescribed by the regulations, who suffers or permits a contravention of a barring order is guilty of an offence.  
Maximum penalty: \$10 000.
- (3) It is a defence to a charge of an offence against subsection (2) for the defendant to prove that he or she took reasonable steps to prevent the commission of the offence.
- (4) For the purposes of disciplinary or enforcement action under a relevant Act, it will be taken to be a condition of the licence or authorisation issued to a gambling provider under the relevant Act that the provider must not suffer or permit a contravention of a barring order (subject to the defence specified in subsection (3)).
- (5) In this section—  
*disciplinary or enforcement action* means—
  - (a) in relation to the *Authorised Betting Operations Act 2000*—an exercise of powers under Part 6 of that Act;
  - (b) in relation to the *Casino Act 1997*—an exercise of powers under Part 7 of that Act;
  - (c) in relation to the *Gaming Machines Act 1992*—action taken under Part 3 Division 7 of that Act;

*relevant Act* means—

- (a) the *Authorised Betting Operations Act 2000*;
- (b) the *Casino Act 1997*;
- (c) the *Gaming Machines Act 1992*.

### **15G—Review of barring order by gambling provider**

- (1) When the Commissioner is notified of a decision by a gambling provider to make, or to refuse to make, a barring order under this Part, the Commissioner must, as soon as is reasonably practicable, undertake a review of the decision.
- (2) On a review under this section, the Commissioner—
  - (a) may undertake consultation (in such manner as the Commissioner thinks fit) with any person involved with, or affected by, the making of the decision under review; and
  - (b) may confirm, vary, revoke or reverse the decision under review; and
  - (c) may make any recommendations to persons involved with, or affected by, the making of the decision under review that the Commissioner thinks appropriate in the circumstances.
- (3) The conduct of a review in relation to a barring order—
  - (a) does not affect the operation of that order while the review is being undertaken; and
  - (b) does not prevent the making of another barring order in relation to the barred person.

### **15H—Reconsideration of barring order by Commissioner**

- (1) A gambling provider who is dissatisfied with a decision by the Commissioner to refuse to make a barring order under this Part, or any other person who is affected by a decision by the Commissioner to make, or refuse to make a barring order under this Part, may apply to the Commissioner to undertake a reconsideration of the decision.
- (2) An application to the Commissioner under this section must—
  - (a) be made in a manner, and contain the particulars, required by the Commissioner; and
  - (b) be lodged with the Commissioner within 14 days after the date of the decision (or such longer period as the Commissioner may allow in the circumstances).
- (3) On reconsidering a decision under this section, the Commissioner—
  - (a) may undertake consultation (in such manner as the Commissioner thinks fit) with any person involved with, or affected by, the making of the decision; and
  - (b) may confirm, vary, revoke or reverse the decision; and
  - (c) may make any recommendations to persons involved with, or affected by, the making of the decision that the Commissioner thinks appropriate in the circumstances.

- (4) If the Commissioner has not completed reconsidering a decision within 8 weeks after the day on which the application under this section was made, the Commissioner will be taken to have confirmed the decision.
- (5) The reconsideration of a decision in relation to a barring order under this section—
  - (a) does not affect the operation of the barring order while the reconsideration is being undertaken; and
  - (b) does not prevent the making of another barring order in relation to the barred person.

### **15I—Powers to remove etc**

- (1) If a person who is an authorised person in relation to a place suspects on reasonable grounds that a person who is in, or who is entering or about to enter, that place is barred from that place or barred from taking part in specified gambling activities that are engaged in at that place by order under this Part, the authorised person may require the person to leave the place.
- (2) If a person refuses or fails to comply with a requirement under subsection (1), an authorised person may remove the person from the place.
- (3) The regulations may prescribe procedures to be observed by authorised persons (other than police officers) in or in connection with the exercise of powers under this section.
- (4) An authorised person must comply with the procedures (if any) prescribed under subsection (3).

Maximum penalty: \$2 500.

### **15J—Liability**

A decision of a gambling provider or an authorised person to exercise or not to exercise powers under this Part, or a failure of a gambling provider or an authorised person to exercise such powers, does not give rise to any liability of the gambling provider or authorised person to pay damages or compensation to any person.

### **15K—Delegation**

- (1) A gambling provider may delegate a power or function under this Part to an employee or agent of the gambling provider.
- (2) A delegation—
  - (a) must be by instrument in writing; and
  - (b) may be unconditional or subject to conditions; and
  - (c) does not derogate from the power of the gambling provider to act personally in any matter; and
  - (d) may be revoked at any time by the gambling provider.

### **15L—Service**

- (1) A notice or document required to be given to a person under this Part may—
  - (a) be served on the person personally; or
  - (b) be posted in an envelope addressed to the person's last known address; or

- (c) be transmitted by fax or email to the person's fax number or email address (in which case the notice or document will be taken to have been given or served at the time of transmission).
- (2) If, under any Act or law, a gambling provider is a party to an arrangement, or is subject to a requirement, that the gambling provider be given notices or documents by the Commissioner in a manner not specified in subsection (1), a notice or document required to be given to the gambling provider by the Commissioner under this Part may be given in that manner (or may be given in a manner specified in subsection (1)).

### **15M—Register**

- (1) The Commissioner must maintain a register containing—
  - (a) the prescribed particulars of—
    - (i) barring orders; and
    - (ii) requests for barring orders that are refused; and
    - (iii) problem gambling family protection orders referred to in section 13(3) of the *Problem Gambling Family Protection Orders Act 2004*; and
  - (b) any information required to be included in the register under another Act; and
  - (c) any other information that, in the opinion of the Commissioner, is relevant to barring or exclusion of persons from gambling activities or venues (on welfare or any other grounds).
- (2) Information referred to in subsection (1) will be regarded as confidential information for the purposes of this Act.

### **15N—Winnings still to be paid**

Contravention of, or failure to comply with, a barring order does not constitute grounds for refusing to pay any winnings to a person.

## **Part 5—Miscellaneous**

### **16—Participation in gambling**

The Commissioner, and any person of a class prescribed by the regulations, must not engage in a gambling activity to which the Commissioner's statutory responsibilities extend.

Maximum penalty: \$10 000.

## 17—Confidentiality

- (1) The Commissioner or a person who is or has been engaged in the administration or enforcement of this Act or a prescribed Act, or who is or has been a member of the Advisory Council or any other body or committee established, at any time, under this Act (including the former Independent Gambling Authority or a committee established by that Authority) must not disclose confidential information obtained in the course of carrying out official functions except—
- (a) to another person who has official functions under this Act or a prescribed Act, to the Commissioner of Police or as may otherwise be required for carrying out such official functions; or
  - (b) as required by law; or
  - (c) as permitted by the person in whose favour the duty of confidentiality exists; or
  - (d) to a reciprocating authority, or an officer or employee of a reciprocating authority.

Maximum penalty: \$10 000.

- (2) An authority, officer or person responsible for the administration or enforcement of laws relating to the supervision or control of gambling in another jurisdiction is a **reciprocating authority** if—
- (a) the other jurisdiction is the Commonwealth, a State or Territory of the Commonwealth, or New Zealand; or
  - (b) there is an arrangement in force between the South Australian government and the government of the relevant jurisdiction for the exchange of information relevant to the administration or enforcement of laws for the supervision or control of gambling.
- (3) An authorised person under this Act or a prescribed Act must not disclose confidential information obtained in the course of exercising powers or carrying out functions or duties under this Act or a prescribed Act except—
- (a) to another authorised person; or
  - (b) to the Commissioner; or
  - (c) as permitted by the person in whose favour the duty of confidentiality exists; or
  - (d) as is otherwise necessary for the proper administration of this Act or a prescribed Act; or
  - (e) as required by law.

Maximum penalty: \$10 000.

## 20—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) The regulations may—
- (a) be of general or limited application; and

- (b) make different provision according to the persons, things or circumstances to which they are expressed to apply; and
- (c) make provisions of a saving or transitional nature consequent on the enactment of any amendments to this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act; and
- (d) provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Commissioner or another person.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Formerly

*Gaming Supervisory Authority Act 1995*

*Independent Gambling Authority Act 1995*

### Repeal of Act

The *Gambling Administration Act 1995* was repealed by Sch 1 cl 2 of the *Gambling Administration Act 2019* on 3.12.2020.

### Principal Act and amendments

Year	No	Title	Assent	Commencement
1995	12	<i>Gaming Supervisory Authority Act 1995</i>	23.3.1995	1.7.1995 ( <i>Gazette</i> 29.6.1995 p2972)
1997	32	<i>Gaming Supervisory Authority (Administrative Restructuring) Amendment Act 1997</i>	19.6.1997	24.7.1997 ( <i>Gazette</i> 24.7.1997 p174) except ss 3 & 5—11.9.1997 ( <i>Gazette</i> 11.9.1997 p703)
2000	59	<i>Racing (Controlling Authorities) Amendment Act 2000</i>	27.7.2000	1.10.2000 ( <i>Gazette</i> 28.9.2000 p2221)
2000	90	<i>Racing (Proprietary Business Licensing) Act 2000</i>	21.12.2000	18.1.2001 ( <i>Gazette</i> 18.1.2001 p68)
2000	95	<i>Authorised Betting Operations Act 2000</i>	21.12.2000	Sch 2 (cl 2)—deleted by 44/2003 without coming into operation
2001	18	<i>Statutes Amendment (Gambling Regulation) Act 2001</i>	31.5.2001	Pt 5 (ss 30—41)—1.10.2001 ( <i>Gazette</i> 13.9.2001 p4116)
2003	44	<i>Statute Law Revision Act 2003</i>	23.10.2003	Sch 1—24.11.2003 ( <i>Gazette</i> 13.11.2003 p4048)
2004	46	<i>Gaming Machines (Miscellaneous) Amendment Act 2004</i>	9.12.2004	Sch 1 (c11 1 & 2)—1.2.2005 ( <i>Gazette</i> 13.1.2005 p68)
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 80 (ss 190—192)—1.2.2010 ( <i>Gazette</i> 28.1.2010 p320)



2010	28	<i>Gaming Machines (Miscellaneous Amendment Act 2010)</i>	9.12.2010	Sch 1 (cl 2)—1.1.2011 ( <i>Gazette 16.12.2010 p5695</i> )
2013	37	<i>Statutes Amendment (Gambling Reform) Act 2013</i>	8.8.2013	Pt 5 (ss 125, 127, 129—134 & 136—138)—31.8.2013; s 128—1.1.2014; ss 126, 135, 139 & 140—1.7.2014 ( <i>Gazette 29.8.2013 p3648</i> )
2015	22	<i>Statutes Amendment (Gambling Measures) Act 2015</i>	1.10.2015	Pt 3 (ss 11—16)—1.1.2016 ( <i>Gazette 17.12.2015 p5266</i> )
2018	35	<i>Statutes Amendment and Repeal (Budget Measures) Act 2018</i>	22.11.2018	Pt 6 (ss 85 to 106)—1.12.2018 ( <i>Gazette 29.11.2018 p4058</i> )
2019	42	<i>Gambling Administration Act 2019</i>	12.12.2019	Sch 1 (c11 1 & 3(1) to (6))—uncommenced

## Provisions amended

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 22/2015 s 11	1.1.2016
	amended by 35/2018 s 85	1.12.2018
Pt 1		
heading	inserted by 37/2013 s 125	31.8.2013
s 1	amended by 18/2001 s 30	1.10.2001
	amended by 35/2018 s 86	1.12.2018
s 2	omitted under <i>Legislation Revision and Publication Act 2002</i>	1.2.2005
	inserted by 35/2018 s 87	1.12.2018
s 3	amended by 32/1997 s 3	11.9.1997
	amended by 59/2000 Sch para (a)	1.10.2000
	substituted by 90/2000 Sch 2 cl 1(a)	18.1.2001
Advisory Council	inserted by 35/2018 s 88(1)	1.12.2018
Authority	<i>amended by 18/2001 s 31(a)</i>	<i>1.10.2001</i>
	<i>deleted by 35/2018 s 88(1)</i>	<i>1.12.2018</i>
Commissioner	amended by 18/2001 s 31(b)	1.10.2001
prescribed Act	substituted by 35/2018 s 88(2)	1.12.2018
proceedings	amended by 37/2013 s 126	1.7.2014
welfare agency	inserted by 35/2018 s 88(3)	1.12.2018
<i>Pt 2 before deletion by 35/2018</i>		
heading	<i>inserted by 37/2013 s 127</i>	<i>31.8.2013</i>
s 4		
s 4(1)	<i>s 4 redesignated as s 4(1) by 90/2000 Sch 2 cl 1(b)</i>	<i>18.1.2001</i>
	<i>amended by 18/2001 s 32(a)</i>	<i>1.10.2001</i>
s 4(2)	<i>inserted by 90/2000 Sch 2 cl 1(b)</i>	<i>18.1.2001</i>
s 4(3)	<i>inserted by 18/2001 s 32(b)</i>	<i>1.10.2001</i>

s 5		
s 5(1)	<i>amended by 18/2001 s 33(a)</i>	1.10.2001
s 5(2)	<i>substituted by 18/2001 s 33(b)</i>	1.10.2001
s 5(3)	<i>substituted by 90/2000 Sch 2 cl 1(c)</i>	18.1.2001
s 5(6)	<i>substituted by 32/1997 s 4</i>	24.7.1997
s 8		
s 8(2) and (3)	<i>deleted by 84/2009 s 190</i>	1.2.2010
s 9 before deletion by 84/2009		
s 9(1)	<i>amended by 32/1997 s 6(a)</i>	24.7.1997
s 9	<i>deleted by 84/2009 s 191</i>	1.2.2010
s 10 before substitution by 22/2015		
s 10(2)	<i>amended by 18/2001 s 34</i>	1.10.2001
	<i>substituted by 84/2009 s 192</i>	1.2.2010
s 10	<i>substituted by 22/2015 s 12</i>	1.1.2016
s 11	<i>amended by 59/2000 Sch paras (b)—(e)</i>	1.10.2000
	<i>substituted by 90/2000 Sch 2 cl 1(d)</i>	18.1.2001
s 11(1)	<i>amended by 18/2001 s 35(a)</i>	1.10.2001
	<i>amended by 37/2013 s 128</i>	1.1.2014
s 11(2a)	<i>inserted by 18/2001 s 35(b)</i>	1.10.2001
	<i>amended by 46/2004 Sch 1 cl 1</i>	1.2.2005
s 11A	<i>inserted by 18/2001 s 36</i>	1.10.2001
s 11B	<i>inserted by 37/2013 s 129</i>	31.8.2013
s 11B(1)	<i>amended by 22/2015 s 13(1)</i>	1.1.2016
s 11B(2)	<i>amended by 22/2015 s 13(2)</i>	1.1.2016
s 11B(3)	<i>amended by 22/2015 s 13(3)</i>	1.1.2016
Pt 2	<i>substituted by 35/2018 s 89</i>	1.12.2018
Pt 2A	<i>inserted by 35/2018 s 89</i>	1.12.2018
Pt 3		
heading	<i>inserted by 37/2013 s 130</i>	31.8.2013
	<i>substituted by 35/2018 s 90</i>	1.12.2018
s 12 before deletion by 35/2018		
s 12(1)	<i>amended by 18/2001 s 37</i>	1.10.2001
	<i>amended by 37/2013 s 131(1)</i>	31.8.2013
s 12(1a)	<i>inserted by 37/2013 s 131(2)</i>	31.8.2013
s 12(2)	<i>substituted by 90/2000 Sch 2 cl 1(e)</i>	18.1.2001
s 12(3) and (4)	<i>inserted by 90/2000 Sch 2 cl 1(e)</i>	18.1.2001
s 12	<i>deleted by 35/2018 s 91</i>	1.12.2018
s 13		
s 13(1)	<i>amended by 59/2000 Sch paras (f), (g)</i>	1.10.2000
	<i>substituted by 90/2000 Sch 2 cl 1(f)</i>	18.1.2001

	amended by 35/2018 s 92(1), (2)	1.12.2018
s 13(2) and (3)	amended by 35/2018 s 92(1)	1.12.2018
s 14		
s 14(1)	amended by 90/2000 Sch 2 cl 1(g)	18.1.2001
	amended by 37/2013 s 132	31.8.2013
	amended by 22/2015 s 14	1.1.2016
	amended by 35/2018 s 93(1)—(4)	1.12.2018
s 14(2)	amended by 32/1997 s 6(b)	24.7.1997
	amended by 35/2018 s 93(1), (5)	1.12.2018
s 14(4)	amended by 35/2018 s 93(1)	1.12.2018
s 14(5)	amended by 32/1997 s 6(c)	24.7.1997
s 14(6)	substituted by 35/2018 s 93(6)	1.12.2018
s 14(7)	amended by 35/2018 s 93(1), (7), (8)	1.12.2018
s 14(8)	inserted by 35/2018 s 93(9)	1.12.2018
s 15		
s 15(1)	amended by 90/2000 Sch 2 cl 1(h)	18.1.2001
	amended by 35/2018 s 94(1)	1.12.2018
s 15(2)	amended by 90/2000 Sch 2 cl 1(i)	18.1.2001
	amended by 35/2018 s 94(1)	1.12.2018
s 15(3)	inserted by 35/2018 s 94(2)	1.12.2018
<i>s 15A before deletion by 37/2013</i>	<i>inserted by 90/2000 Sch cl 1(j)</i>	<i>18.1.2001</i>
<i>s 15A(1)</i>	<i>amended by 18/2001 s 38</i>	<i>1.10.2001</i>
<i>s 15A</i>	<i>deleted by 37/2013 s 133</i>	<i>31.8.2013</i>
Pt 4		
heading	inserted by 37/2013 s 134	31.8.2013
<i>s 15B before substitution by 37/2013</i>	<i>inserted by 18/2001 s 39</i>	<i>1.10.2001</i>
<i>s 15B(1)</i>	<i>amended by 28/2010 Sch 1 cl 2</i>	<i>1.1.2011</i>
s 15B	substituted by 37/2013 s 135	1.7.2014
s 15C	inserted by 37/2013 s 135	1.7.2014
s 15C(1)	amended by 35/2018 s 95	1.12.2018
s 15C(4)	amended by 35/2018 s 95	1.12.2018
s 15C(6)—(8)	amended by 35/2018 s 95	1.12.2018
s 15D	inserted by 37/2013 s 135	1.7.2014
s 15D(1) and (2)	amended by 35/2018 s 96	1.12.2018
s 15D(3)		
prescribed minimum period	amended by 35/2018 s 96	1.12.2018
s 15E	inserted by 37/2013 s 135	1.7.2014
s 15E(4) and (5)	amended by 35/2018 s 97	1.12.2018
s 15F	inserted by 37/2013 s 135	1.7.2014
s 15G	inserted by 37/2013 s 135	1.7.2014

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 Legislative history

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s 15G(1) and (2)	amended by 35/2018 s 98	1.12.2018
s 15H	inserted by 37/2013 s 135	1.7.2014
s 15H(1)	amended by 35/2018 s 99(1), (2)	1.12.2018
s 15H(2)—(4)	amended by 35/2018 s 99(1)	1.12.2018
s 15I	inserted by 37/2013 s 135	1.7.2014
s 15I(1)	amended by 22/2015 s 15	1.1.2016
ss 15J and 15K	inserted by 37/2013 s 135	1.7.2014
s 15L	inserted by 37/2013 s 135	1.7.2014
s 15L(2)	amended by 35/2018 s 100	1.12.2018
s 15M	inserted by 37/2013 s 135	1.7.2014
s 15M(1)	amended by 35/2018 s 100	1.12.2018
s 15N	inserted by 37/2013 s 135	1.7.2014
Pt 5		
heading	inserted by 37/2013 s 136	31.8.2013
s 16	inserted by 32/1997 s 5	11.9.1997
	amended by 90/2000 Sch 2 cl 1(k)	18.1.2001
	amended by 35/2018 s 101	1.12.2018
s 17	inserted by 32/1997 s 5	11.9.1997
s 17(1)	substituted by 90/2000 Sch 2 cl 1(l)	18.1.2001
	amended by 18/2001 s 40	1.10.2001
	amended by 35/2018 s 102(1)	1.12.2018
s 17(3)	deleted by 46/2004 Sch 1 cl 2	1.2.2005
	inserted by 22/2015 s 16	1.1.2016
	amended by 35/2018 s 102(2)	1.12.2018
s 18	<i>inserted by 32/1997 s 5</i>	<i>11.9.1997</i>
	<i>deleted by 35/2018 s 103</i>	<i>1.12.2018</i>
s 19 before deletion by 35/2018	<i>inserted by 18/2001 s 41</i>	<i>1.10.2001</i>
s 19(1)	<i>amended by 37/2013 s 137</i>	<i>31.8.2013</i>
s 19	<i>deleted by 35/2018 s 103</i>	<i>1.12.2018</i>
s 20		
s 20(1)	s 20 inserted by 37/2013 s 138	31.8.2013
	s 20 redesignated as s 20(1) by 35/2018 s 104	1.12.2018
s 20(2)	inserted by 35/2018 s 104	31.8.2013

## Transitional etc provisions associated with Act or amendments

### *Statutes Amendment (Gambling Reform) Act 2013*

#### 139—Transitional provision—existing voluntary barring orders

A person who, immediately before the commencement of section 135, is barred from entering or remaining in a place by order under section 15B of the *Independent Gambling Authority Act 1995* is, on the commencement of section 135, taken to be so barred under section 15C of the *Independent Gambling Authority Act 1995* (as enacted by section 135)—

- (a) for a period of 3 years; or
  - (b) until a review of the order is completed under section 140,
- whichever occurs first.

#### 140—Transitional provision—review of existing barring orders

- (1) The Independent Gambling Authority must, within 3 years after the commencement of this section, undertake a review of relevant barring orders.
- (2) In this section—

*relevant barring order* means an order, made under an Act amended by this Act, that is, by virtue of transitional provisions contained in this Act, taken to be a barring order under section 15C of the *Independent Gambling Authority Act 1995* (as enacted by section 135).

### *Statutes Amendment and Repeal (Budget Measures) Act 2018, Pt 6*

#### 105—Review

The Attorney-General must, as soon as practicable after the enactment of this Act, undertake a review of the functions of the Commissioner and the Gambling Advisory Council under any Act (as amended by this Act) with a view to achieving greater consistency in regulatory requirements and processes applicable to the gambling industry.

#### 106—Transitional provisions

- (1) All members of the Independent Gambling Authority cease to hold office on the commencement of this subsection.
- (2) All assets, rights and liabilities of the Independent Gambling Authority are, on the commencement of this subsection, transferred to the Attorney-General.
- (3) After the commencement of subsection (1), a reference in any instrument, contract, agreement or other document to the Independent Gambling Authority will have effect as if it were a reference to the Commissioner.

- (4) If an inquiry being conducted by the Independent Gambling Authority under Part 3 of the *Independent Gambling Authority Act 1995* (as in force before the commencement of subsection (1)) has not been completed before the commencement of subsection (1), that inquiry—
- (a) may be continued and completed by the Commissioner as if it had been commenced under Part 3 of the *Gambling Administration Act 1995* as in force after the commencement of subsection (1); or
  - (b) may be suspended or discontinued by the Commissioner.
- (5) A barring order in force under Part 4 of the *Independent Gambling Authority Act 1995* (as in force before the commencement of subsection (1)) continues in force as if it had been made under Part 4 of the *Gambling Administration Act 1995* (as in force after the commencement of subsection (1)).
- (6) The Register maintained by the Independent Gambling Authority under Part 4 of the *Independent Gambling Authority Act 1995* (as in force before the commencement of subsection (1)) continues as the Register maintained by the Commissioner under Part 4 of the *Gambling Administration Act 1995* (as in force after the commencement of subsection (1)).
- (7) The Commissioner may exempt a person from a requirement under the *Gambling Administration Act 1995* or a prescribed Act if satisfied that the exemption is necessary or appropriate to avoid a duplication of requirements, or an inconsistency in applicable requirements, arising as a consequence of amendments enacted by this Act (and such exemption may be subject to any conditions specified in the instrument of exemption).
- (8) The provisions of this section are subject to any regulations made under section 20(2)(c) of the *Gambling Administration Act 1995* (as in force after the commencement of section 104).
- (9) In this section—
- Commissioner** has the same meaning as in the *Gambling Administration Act 1995*;
- Independent Gambling Authority** means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995* (as in force before the commencement of subsection (1));
- prescribed Act** has the same meaning as in the *Gambling Administration Act 1995*.

## Historical versions

Reprint No 1—24.7.1997  
Reprint No 2—11.9.1997  
Reprint No 3—1.10.2000  
Reprint No 4—18.1.2001  
Reprint No 5—1.10.2001  
1.2.2005  
1.2.2010  
1.1.2011  
31.8.2013

1.1.2014

1.7.2014

1.1.2016