



TT-LINE GAMING ACT 1993

No. 32 of 1993

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SCHEDULE 1

MATTERS RELEVANT TO INVESTIGATIONS BY THE COMMISSION



TT-LINE GAMING ACT 1993

No. 32 of 1993

AN ACT to allow gaming on ships operated by State shipping companies and for related purposes

[Royal Assent 25 June 1993]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART 1

PRELIMINARY

Short title

1—This Act may be cited as the *TT-Line Gaming Act 1993*.

Commencement

2—This Act commences on a day to be proclaimed.

Interpretation

3—In this Act, unless the contrary intention appears—

“**approved**” means—

(a) in the case of gaming equipment and gaming control equipment—approved in writing by the Commission; and

(b) in any other case—approved in writing by the Minister;

“**Commission**” means the Tasmanian Gaming Commission constituted under section 5 of the *Gaming Act 1983*;

“**game**” means a game of chance or a game that combines elements of chance and skill;

“**gaming**” means the playing of games for money, whether by means of a gaming machine or otherwise;

“**gaming area**” means an area on a ship within which, under a gaming licence, gaming and gaming operations may take place subject to and in accordance with this Act and the licence;

“**gaming control equipment**” includes electronic monitoring and security equipment;

“**gaming employee**” in relation to an operator, means a person who is an employee or agent of that operator for the purposes of gaming operations conducted by that operator but does not include a person who is an employee or agent of that operator for the purposes of shipping operations or for any other purposes;

“**gaming equipment**” means an implement, article or device used, or capable of being used, for gaming;

“**gaming licence**” means a licence issued to a State shipping company under section 4;

“**gaming machine**” means a machine, whether wholly or partly mechanically or electronically operated, that is so designed that—

(a) it may be used for the purpose of playing a game; and

(b) as a result of making a bet on the machine winnings may be payable;

“gaming management agreement” means an agreement entered into under section 5;

“gaming manager” in relation to a ship, means a company that has entered into a gaming management agreement with the licensee in respect of that ship;

“gaming operations” includes—

- (a) the organization and conduct of gaming; and
- (b) the management and supervision of gaming by means of gaming control equipment or otherwise; and
- (c) the control of gaming areas and keno outstations; and
- (d) accounting and the handling of money in relation to gaming; and
- (e) the keeping of records in relation to gaming; and
- (f) the maintenance of gaming equipment, gaming control equipment and gaming machines; and
- (g) other activities reasonably affecting or arising out of the conduct of gaming;

“keno” means a game in which a person, by buying a keno ticket in the game, bets that certain numbers selected by that person will be among a group of winning numbers randomly selected, by means of a number drawing device or number generating device, from a total pool of 80 numbers;

“keno draw display board” means an electronic device on which the results of a keno game may be displayed;

“keno outstation” means an area on a ship, outside a gaming area, within which a person may buy a keno ticket for, and receive winnings from, a keno game conducted in a gaming area on that ship;

“keno ticket” means a ticket that enables a person to participate in a keno game;

“licensee” means a State shipping company that holds a gaming licence;

“maintain” in relation to any gaming machine, gaming equipment or gaming control equipment includes—

- (a) the monitoring and testing of that machine or equipment; and
- (b) the servicing, repair and cleaning of that machine or equipment;

“**master**” means the person, other than a pilot, having command of a ship;

“**operational service**” in relation to a ship, means—

(a) if the ship is being used to provide an interstate ferry service—the operation of the ship in respect of that interstate ferry service; or

(b) if the ship is being used for a special cruise—the operation of the ship in respect of that special cruise;

“**operator**” in relation to gaming operations on a ship, means—

(a) if the licensee is conducting those gaming operations—the licensee; or

(b) if the licensee has entered into a gaming management agreement in respect of that ship and the gaming manager is conducting those gaming operations—the gaming manager;

“**police officer**” has the same meaning as in the *Police Regulation Act 1898*;

“**special cruise**” means a shipping operation that is undertaken otherwise than for the purpose of providing an interstate ferry service;

“**special interstate ferry service**” means an interstate ferry service on which gaming, apart from the operation of keno outstations, may take place in a permanent gaming area or a temporary gaming area, or both;

“**standard interstate ferry service**” means an interstate ferry service on which gaming, apart from the operation of keno outstations, is restricted to a permanent gaming area;

“**State shipping company**” means a company formed and incorporated pursuant to section 5 of the *TT-Line Arrangements Act 1993*;

“**terms**” includes conditions;

“**token**” means a chip, card or other article that may be used in gaming instead of money.

PART 2**GAMING LICENCES***Division 1—Issue and effect of licences***Issue of gaming licences**

4—(1) The Minister may issue a gaming licence to a State shipping company in respect of a ship that is operated exclusively by that company.

(2) A gaming licence may be issued under subsection (1) notwithstanding that the ship has not entered operational service with the State shipping company, but a licence so issued ceases to have effect if the ship does not enter operational service with the company within the period of 6 months immediately after the licence is issued.

(3) Subject to this Act, a gaming licence may be issued on such terms determined by the Minister as are specified in the licence.

(4) A State shipping company must pay to the Minister such fee as may be prescribed for the issue of a gaming licence.

(5) A fee prescribed for the purposes of subsection (4) may be a nominal fee.

(6) This section has effect notwithstanding clause 2 of the agreement set out in Schedule 1 to the *Northern Casino Act 1978*.

(7) A gaming licence is not a casino licence within the meaning of the *Casino Company Control Act 1973*.

Gaming management agreements

5—(1) Subject to this section, a licensee may at any time enter into a gaming management agreement with a company that—

(a) is incorporated under the Corporations Law; and

(b) is a specified company under section 4 (1) of the *Casino Company Control Act 1973*.

(2) A gaming management agreement may be entered into on such terms, including terms relating to the recovery of costs incurred by the licensee in connection with the issue of a gaming licence, as are agreed by the parties and specified in the agreement.

(3) Notwithstanding subsection (2), the terms of a gaming management agreement entered into by a licensee are not to contravene or be inconsistent with the terms of the licensee's gaming licence.

(4) A licensee must not enter into a gaming management agreement in respect of a ship if the licensee has previously entered into a gaming management agreement in respect of that ship that is still in force.

(5) A gaming management agreement comes into force on the day specified in it as the commencement date.

Approval of gaming management agreements

6—(1) A gaming management agreement is of no effect unless both the gaming manager and the terms of the agreement have been approved in writing by the Commission.

(2) For the purposes of subsection (1), the Commission may—

(a) carry out such investigations as the Commission considers necessary or appropriate; and

(b) by notice in writing—require the company that has entered or proposes to enter into the agreement with the licensee, or any person holding a position of authority in that company, to provide to the Commission—

(i) any record or other information; or

(ii) an authority or consent to obtain any record or other information—

that the Commission considers relevant to its investigations.

(3) Without limiting the generality of subsection (2) (a), the Commission may have particular regard in its investigations to all or any of the matters set out in Schedule 1 and to any prescribed matters.

(4) For the purposes of subsection (2) (b), the Commission may require the provision of any record or other information that is of a confidential nature and a person who complies with a notice of such a requirement does not on that account incur a liability to another person.

(5) If a notice of a requirement under subsection (2) (b) is not complied with, the Commission is not required to take any further action in relation to the approval of the relevant gaming management agreement.

(6) The Commissioner of Police is authorized to assist and provide any record or other information to the Commission for the purposes of this section.

(7) The Commission is not required to give reasons for approving or refusing to approve a gaming manager or the terms of a gaming management agreement but it may do so if it thinks fit.

Gaming on standard interstate ferry services

7—(1) A gaming licence authorizes gaming to take place on the ship in respect of which the licence is issued when the ship is being used to provide a standard interstate ferry service.

(2) For the purposes of subsection (1)—

(a) the licensee may set aside permanently an approved area on the ship for use as a gaming area; and

(b) the operator, subject to and in accordance with this Act and the licence, may do all or any of the following:—

(i) install and maintain approved gaming control equipment, approved gaming equipment and authorized gaming machines in the permanent gaming area;

(ii) conduct gaming operations in the permanent gaming area;

- (iii) sell keno tickets, in approved keno outstations, for keno games conducted in the permanent gaming area;
- (iv) display the results of keno games that have been conducted in the permanent gaming area on keno draw display boards located in approved keno outstations and at other approved places on the ship.

(3) For the purposes of this section, a ship is taken to be providing a standard interstate ferry service during any time when it is—

- (a) in port embarking passengers for that service; or
- (b) at sea on that service.

Gaming on special interstate ferry services and cruises

8—(1) A gaming licence authorizes gaming to take place on the ship in respect of which the licence is issued when the ship is being used—

- (a) to provide a special interstate ferry service; or
- (b) for a special cruise.

(2) For the purposes of subsection (1)—

- (a) the licensee may set aside temporarily, in addition to the permanent gaming area referred to in section 7 (2) (a), another approved area on the ship for use as a gaming area on any such service or cruise; and
- (b) the operator, subject to and in accordance with this Act and the licence, may do all or any of the following:—
 - (i) install and maintain approved gaming control equipment and approved gaming equipment in the temporary gaming area;
 - (ii) conduct gaming operations in the permanent gaming area or the temporary gaming area, or both, on any such service or cruise;

- (iii) sell keno tickets, in approved keno outstations, for keno games conducted in a gaming area;
- (iv) display the results of keno games that have been conducted in a gaming area on keno draw display boards located in approved keno outstations and at other approved places on the ship.

(3) For the purposes of this section, a ship is taken to be providing a special interstate ferry service or to be on a special cruise during any time when it is—

- (a) in port embarking passengers for that service or cruise; or
- (b) at sea on that service or cruise.

Legalization of onboard gaming, &c.

9—(1) Section 9 of the *Police Offences Act 1935* does not apply to gaming equipment used, or intended to be used, in an approved gaming area or approved keno outstation.

(2) Notwithstanding any provision of the *Racing and Gaming Act 1952* to the contrary—

- (a) it is lawful in an approved gaming area on a ship in respect of which a gaming licence is in force—
 - (i) for the operator or a gaming employee of the operator to organize or play an authorized game, or operate an authorized gaming machine, for the purposes of conducting gaming operations; and
 - (ii) for any other person, except a person who has not attained the age of 18 years, or in respect of whom a direction under section 21 is in force, to play an authorized game or operate an authorized gaming machine; and
- (b) it is lawful in an approved keno outstation on a ship in respect of which a gaming licence is in force—
 - (i) for the operator or a gaming employee of the operator to sell keno tickets for, and pay out winnings on, keno games that are conducted in an approved gaming area on that ship; and

- (ii) for any other person, except a person who has not attained the age of 18 years, or in respect of whom a direction under section 21 is in force, to buy keno tickets for, and collect winnings from, keno games that are conducted in an approved gaming area on that ship.

Limits of authority of gaming licences

10—(1) Nothing in this Act or a gaming licence authorizes gaming or gaming operations to take place in contravention of a law of another State or a Territory of the Commonwealth during any period when the ship in respect of which the licence is issued is within the jurisdiction of that other State or Territory.

(2) A gaming licence does not authorize gaming or gaming operations to take place on the ship in respect of which the licence is issued during any period when the ship—

- (a) is not carrying passengers; or
- (b) has berthed at a port for the purpose of enabling passengers to disembark.

Division 2—Licence controls

Duration of gaming licences

11—(1) A gaming licence comes into force on the day specified in it as the commencement date.

(2) A gaming licence, unless it is sooner surrendered or forfeited and notwithstanding any period of suspension, remains in force for such time as the ship in respect of which the licence is issued remains in operational service with—

- (a) the State shipping company to which the licence has been issued; or
- (b) a State shipping company to which the licence has been assigned under section 12 (2).

Gaming licences not generally assignable

12—(1) Except as provided by subsection (2), a gaming licence is not capable of being assigned.

(2) A State shipping company that has been issued with a gaming licence in respect of a ship may, with the approval of the Minister, assign that licence to another State shipping company if that other company has taken over the exclusive operation of that ship.

Surrender of gaming licences

13—(1) A licensee may, with the approval of the responsible Minister in relation to the *TT-Line Arrangements Act 1993*, surrender a gaming licence at any time.

(2) A gaming licence and any gaming management agreement entered into pursuant to the licence, cease to have effect when the licence is surrendered.

Variation of gaming licences

14—The Minister may, by giving a licensee not less than 14 days' notice in writing, do either or both of the following:—

- (a) vary or revoke any of the terms of the licensee's gaming licence;
- (b) specify further terms of that licence.

Cancellation or suspension of gaming licences

15—(1) The Minister may, by notice in writing given to the licensee, cancel or suspend a gaming licence issued in respect of a ship if—

- (a) where the licensee is the operator—the licensee—
 - (i) contravenes or fails to comply with a provision of this Act or a term of the licence that, in the opinion of the Minister, is a serious and fundamental contravention or failure to comply; or
 - (ii) refuses or fails to comply with a direction given to the licensee under section 16, 17 (6) or 18 (5); or

- (b) where the licensee is not the operator— the operator—
 - (i) contravenes or fails to comply with a provision of this Act that, in the opinion of the Minister, is a serious and fundamental contravention or failure to comply; or
 - (ii) refuses or fails to comply with a direction given to the operator under section 16, 17 (6) or 18 (5); or
 - (iii) does any act or thing that causes the licensee to contravene or fail to comply with the gaming licence; or
- (c) the Minister is of the opinion that the operator is unfit to carry on the business of gaming; or
- (d) any person concerned in the management of the operator is, in the opinion of the Minister, unfit to participate in or be connected with the business of gaming and has not, within 7 days after being required to do so by the Minister, ceased to be a person so concerned; or
- (e) the licensee or, if the operator is a gaming manager, the gaming manager becomes subject to external administration under the Corporations Law.

(2) A reference in subsection (1) (d) to a person concerned in the management of the operator includes a person who is an officer of the operator.

(3) The Minister, on suspending a gaming licence, must specify the period for which it is suspended.

(4) At any time while a gaming licence is suspended, the Minister may cancel the suspension, or reduce or extend the period for which the licence is suspended.

(5) While the gaming licence is suspended, it is taken nevertheless to remain in force for the purposes of this section and sections 5, 7 (2) (a), 7 (2) (b) (i), 8 (2) (b) (i), 9, 13 and 14.

(6) During a period of suspension—

(a) no gaming is permitted to take place on the ship to which the licence relates; and

(b) all gaming areas on that ship are to be closed; and

- (c) all gaming equipment and each gaming machine in those gaming areas is to be rendered inoperable; and
 - (d) all gaming equipment in each keno outstation on that ship is to be rendered inoperable.
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PART 3

CONTROL OF GAMING

Division 1—General controls

Directions by Minister

16—(1) The Minister may, at any time, give written directions to an operator with respect to all or any of the following matters:—

- (a) the conduct of the operator's gaming operations;
- (b) the manner of keeping the accounts and records of the operator's gaming operations;
- (c) the production from time to time to the Minister of information relating to the operator's gaming operations.

(2) The Minister may give a written direction to an operator to adopt, vary, or cease any practice in respect of the conduct of the operator's gaming operations.

(3) Without limiting the generality of subsections (1) and (2), a direction given under this section may be expressed to apply to gaming operations either generally or in respect of one or more of the following:—

- (a) the whole or any part of a standard interstate ferry service;
- (b) the whole or any part of a special interstate ferry service;
- (c) the whole or any part of a special cruise.

Authorized games and rules

17—(1) This section does not apply to a game played on a gaming machine.

(2) Subject to this section, the Minister may, by order, declare a game specified in the order to be an authorized game for the purposes of this Act.

(3) An order under subsection (2) is taken to be a regulation for the purposes of section 47 of the *Acts Interpretation Act 1931*.

(4) The Minister must not declare a game to be an authorized game unless the Minister has approved the rules under which it is to be played.

(5) When a game becomes an authorized game, the rules approved under subsection (4) are, for the purposes of this Act, the approved rules of the game.

(6) Notwithstanding subsection (5), the Minister may at any time give an operator a written direction to alter the approved rules of an authorized game, and, on the receipt by the operator of the direction, the approved rules of that game are the rules as altered in accordance with the direction.

(7) A reference in subsection (6) to the alteration of any rules includes a reference to the omission of any of those rules and the addition to those rules of further rules.

(8) An operator must ensure that an authorized game conducted by that operator in a gaming area is conducted in accordance with the approved rules for that game.

(9) A declaration or direction given under this section in respect of a game or the rules of a game may be expressed to apply to the onboard playing of the game either generally or in respect of one or more of the following:—

- (a) the whole or any part of a standard interstate ferry service;
- (b) the whole or any part of a special interstate ferry service;
- (c) a special cruise.

Authorized gaming machines

18—(1) Subject to this section, the Minister may—

- (a) by order—declare a gaming machine of a type specified in the order to be an authorized gaming machine for the purposes of this Act; and
- (b) by that order, or a later order—declare a gaming machine game specified in that order, or the later order, to be an authorized gaming machine game in respect of that authorized gaming machine.

(2) An order under subsection (1) is taken to be a regulation for the purposes of section 47 of the *Acts Interpretation Act 1931*.

(3) The Minister must not—

- (a) declare a type of gaming machine to be an authorized gaming machine unless the Minister has approved the conditions in accordance with which that type of machine is to be operated; or
- (b) declare a gaming machine game to be an authorized gaming machine game unless the Minister has approved the rules under which that game is to be played.

(4) When a gaming machine becomes an authorized gaming machine, for the purposes of this Act—

- (a) the conditions in accordance with which the machine is to be operated, that are approved under subsection (3), are the approved conditions in accordance with which it is to be operated; and
- (b) the gaming machine games that are authorized under subsection (1) are the authorized gaming machine games that may be played on that machine; and
- (c) the rules of those gaming machine games that are approved under subsection (3) are the approved rules of those games.

(5) Notwithstanding subsection (4), the Minister may at any time give an operator a written direction to—

- (a) alter the approved conditions in accordance with which an authorized gaming machine is to be operated; or

- (b) alter the approved rules of an authorized gaming machine game—

and, on the receipt by the operator of the direction, the approved conditions in accordance with which that machine is to be operated, or the approved rules of that game, are the conditions or rules as altered in accordance with the direction.

(6) A reference in subsection (5) to the alteration of any conditions or rules, includes a reference to the omission of any of those conditions or rules, and the addition to those conditions or rules, of further conditions or rules.

- (7) An operator must ensure that—

- (a) an authorized gaming machine operated in a gaming area under the operator's control is operated in accordance with the approved conditions for that machine; and
- (b) an authorized gaming machine game played in a gaming area under the operator's control is played in accordance with the approved rules for that game.

(8) A declaration or direction given under this section in respect of a gaming machine, or a gaming machine game, may be expressed to apply to the onboard operation of that gaming machine, or to the onboard playing of that game, either generally or in respect of one or more of the following:—

- (a) the whole or any part of a standard interstate ferry service;
- (b) the whole or any part of a special interstate ferry service;
- (c) a special cruise.

Supervision of onboard gaming operations

- 19—(1) In this section—

“gaming area” includes keno outstation;

“gaming inspector” means a person appointed as a gaming inspector under subsection (2).

(2) The Commission may appoint a person who is appointed or employed pursuant to section 8 of the *Gaming Act 1983* as a gaming inspector for the purposes of this Act.

(3) For the purposes of supervising gaming and gaming operations conducted under a gaming licence the Commission may from time to time, with or without notice to the operator or any other person, place gaming inspectors on the ship in respect of which the licence is issued.

(4) A gaming inspector may at any time enter and remain in a gaming area.

(5) Subsection (4) does not prejudice the exercise by a gaming inspector of any other power to enter or remain in a gaming area or any part of a gaming area.

(6) For the purposes of subsections (3), (4) and (5), the Commissioner for Gaming appointed under section 5 of the *Gaming Act 1983* is taken to be a gaming inspector.

(7) A licensee must give the Commission not less than 14 days' written notice before the ship, to which the licensee's licence relates, commences a special interstate ferry service or special cruise, if it is proposed that gaming take place on that service or cruise.

Gaming is subject to ship safety

20—(1) In this section “**gaming area**” includes keno outstation.

(2) This section applies to a ship in respect of which the operator is a gaming manager.

(3) The master of a ship in respect of which a gaming licence has been issued may at any time give to the operator any order that appears to the master to be necessary or expedient for the preservation of good order or discipline on the ship or for the safety of the ship.

(4) Without limiting the generality of subsection (3), the master may at any time order the operator to close a gaming area immediately, or within a specified time, if the master considers it necessary or expedient to do so to—

(a) ensure the safety of the ship or of all or any persons on the ship in an emergency or in hazardous seas; or

(b) conduct a fire drill or life-boat drill, or both.

- (5) An order under subsection (3) or (4)—
- (a) may be given to the operator by the master personally or conveyed by a ship's officer; and
 - (b) may be given orally or in writing; and
 - (c) is taken to have been given to the operator if it is given to a gaming employee of the operator who apparently occupies a responsible position in the gaming area; and
 - (d) may specify that all persons are to leave the gaming area or that only certain persons are to leave the gaming area.
- (6) An operator must not—
- (a) fail to comply with an order given under subsection (3) or (4); or
 - (b) re-open a gaming area before an order given under subsection (4) has been countermanded.

Penalty: Fine not exceeding 250 penalty units.

(7) If an operator fails to comply with an order under subsection (3) or (4) the master may execute the terms of the order.

Division 2—Control of gaming areas

Exclusion of persons from gaming areas

21—(1) In this section, “gaming area” includes keno outstation.

(2) A person does not have a right, as against an operator, to enter or remain in a gaming area, except by the licence of the operator.

(3) A direction prohibiting any person from entering or remaining in a gaming area may be given to that person by the operator, a gaming employee of the operator or the Commissioner of Police.

(4) A direction given under subsection (3) by the Commissioner of Police is of no effect until notice of the direction has been given, in writing, to the operator.

(5) If a direction under subsection (3) is in writing, it remains in force until the person to whom the direction relates is notified in writing of its revocation.

(6) If a direction has been given to a person under this section, a gaming employee of the operator may, using only such reasonable force as may be necessary in the circumstances, exclude or remove that person from a gaming area or cause the person to be so excluded or removed.

(7) A person must not enter or remain in a gaming area contrary to a direction given to that person under subsection (3).

Penalty: Fine not exceeding 20 penalty units.

(8) This section does not prevent—

- (a) the master, a ship's officer or a member of the ship's crew entering or remaining in a gaming area in the course of that person's duty as master or as a ship's officer or crew member; or
- (b) any person from exercising any power conferred on that person by this or any other Act, or by a gaming licence to enter or remain in, or to do any other act in relation to, a gaming area.

Powers of entry of police

22—(1) In this section, “**gaming area**” includes keno outstation.

(2) A police officer, if authorized by the Commissioner of Police or a Superintendent of Police, may at any time enter and remain in a gaming area.

(3) Subsection (2) does not prejudice the exercise by a police officer of any other power to enter or remain in a gaming area or any part of a gaming area.

Gaming by minors prohibited

23—(1) An operator must not—

- (a) allow a person who has not attained the age of 18 years to play a game or operate a gaming machine in a gaming area; or

- (b) sell a keno ticket in a keno outstation to a person who has not attained the age of 18 years.

Penalty: Fine not exceeding 20 penalty units.

(2) It is a defence in any proceedings for an offence under subsection (1), to establish that the defendant had reasonable grounds for believing that the person alleged not to have attained the age of 18 years, had attained that age.

(3) A person who has not attained the age of 18 years must not—

- (a) play a game, or operate a gaming machine, in a gaming area; or

- (b) buy a keno ticket in a keno outstation.

Penalty: Fine not exceeding—

- (a) 5 penalty units for a first offence; or

- (b) 10 penalty units for a second or subsequent offence.

(4) A gaming employee of an operator who reasonably suspects that a person about to—

- (a) play a game, or operate a gaming machine, in a gaming area; or

- (b) buy a keno ticket in a keno outstation—

has not attained the age of 18 years, may require that person to provide evidence to the gaming employee's satisfaction as to that person's age.

(5) A person must not—

- (a) fail, without reasonable excuse, to comply with a requirement under subsection (4); or

- (b) make a false statement or produce a false document in response to a requirement under subsection (4).

Penalty: Fine not exceeding 10 penalty units.

PART 4
MISCELLANEOUS

Taxation

24—(1) In this section—

“**onboard gaming**” means gaming on a ship in respect of which a gaming licence has been issued;

“**relevant percentage**” means 33.3% or, if another percentage is prescribed, the prescribed percentage.

(2) An operator must pay to the Treasurer, as a tax on the gross profits derived by that operator from onboard gaming each month, a sum equivalent to the relevant percentage of the amount of that gross profit.

(3) A sum payable by way of tax under subsection (2), is to be paid to the Treasurer on or before the seventh day of the month following the month to which that tax relates.

(4) For the purposes of subsection (2), the gross profit derived in any month from onboard gaming is to be calculated—

(a) by deducting from the total amount received in that month from gaming, the amount paid out during that month as winnings in respect of gaming; and

(b) then—

(i) if the value of the unredeemed tokens at the end of the month is greater than it was at the beginning of the month—by adding to the amount ascertained under paragraph (a), the difference between those values; or

(ii) if that value is less than it was at the beginning of the month—by deducting from the amount so ascertained, the difference between those values.

(5) For the purposes of subsection (4)—

(a) the value of a token is the amount required to be given for its issue for onboard gaming; and

(b) any sum received for the issue of a token for gaming is a sum received from onboard gaming; and

(c) a token is taken to be unredeemed so long as, having been issued for onboard gaming, it is not used in onboard gaming.

(6) Any sum due under subsection (2) as a tax may be recovered by the Treasurer in a court of competent jurisdiction as a debt due to the Crown.

Revenue-sharing agreements

25—The Treasurer may enter into an agreement with another State that provides for a proportion of the taxes that are paid to the Treasurer under section 24 (2) to be paid to that State.

Proceedings to recover gaming debts

26—(1) In this section, “legal proceedings” means legal proceedings that could not be brought had this Act not been enacted.

(2) A person may not, except against an operator, bring legal proceedings to recover—

- (a) money won by gaming on a ship in respect of which a gaming licence is in force; or
- (b) money on a cheque or other instrument given in payment of money so won; or
- (c) a loan of money with which to play a game on a ship in respect of which a gaming licence is in force.

Keno gaming

27—Nothing in this Act authorizes the game of keno to be played on a ship in respect of which a gaming licence has been issued if that game has not been declared under section 17 (2) to be an authorized game for the purposes of this Act.

Regulations

28—(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the regulations may authorize the Commission to do any act or thing for the purposes of investigations carried out by the Commission under section 6 (2).

(3) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

(4) The regulations may—

- (a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and
- (b) in respect of such an offence, provide for the imposition of a fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

(5) The regulations may authorize any matter to be from time to time determined, applied or regulated by the Minister or the Commission.

Casino Company Control Act 1973 amended

29—The *Casino Company Control Act 1973* is amended as follows:—

- (a) by inserting in the long title “**or conduct gaming operations under certain agreements**” after “**casinos**”;
- (b) by omitting from section 4 (1) “in this State and conducting or desirous of conducting herein a casino” and substituting “under the Corporations Law and conducting or desirous of conducting a casino or conducting gaming operations as a gaming manager under a gaming management agreement”;
- (c) by omitting subsection (3) of section 4 and substituting the following subsection:—

(3) In addition to the making of a proclamation for the purpose of subsection (1) (c), the Governor may proclaim a specified company, being a company—

- (a) to which a casino licence has not been granted or which has ceased for any reason to be the holder of a casino licence; or

(b) that has not entered into a gaming management agreement or which has ceased to be a party to a gaming management agreement—

to be a company to which this Act does not apply and, from the date of the publication of the proclamation under this subsection, the company, except in a case where a further proclamation is made under subsection (1) (c) in relation to that company, is taken not to be a specified company within the meaning of this Act.

(d) by inserting in section 5 (1) the following definition after the definition of “foreign share”:

“**gaming management agreement**”, “**gaming manager**” and “**gaming operations**” have the same meaning as in the *TT-Line Gaming Act 1993*;

Gaming Act 1983 amended

30—*The Gaming Act 1983* is amended as follows:—

(a) by inserting in section 7 (1) (a) the following subparagraph after subparagraph (i):—

(ia) gaming and gaming operations on ships in respect of which a gaming licence is issued under the *TT-Line Gaming Act 1993*;

(b) by omitting section 14 and substituting the following section:—

Minister’s power of delegation

14—(1) In this section, “**prescribed Act**” means any of the following Acts:—

(a) *Northern Casino Act 1978*;

(b) *TT-Line Gaming Act 1993*;

(c) *Wrest Point Casino Licence and Development Act 1968*.

(2) The responsible Minister in relation to a prescribed Act may delegate to the Commission any of the Minister’s powers or functions under that Act.

(3) The provisions of section 23AA of the *Acts Interpretation Act 1931*, except subsection (1) of that section, apply to a delegation under subsection (2).

Administration of Act

31—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Treasurer; and
 - (b) the Department responsible to the Treasurer in relation to the administration of this Act is the Department of Treasury and Finance.
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SCHEDULE 1

Section 6 (3)

MATTERS RELEVANT TO INVESTIGATIONS BY THE COMMISSION

Interpretation

1—In this Schedule, “**company**” means a company that has entered, or proposes to enter, into a gaming management agreement with a licensee.

Matters relevant to investigations

2—In determining whether or not to approve a gaming manager and the terms of a gaming management agreement the Commissioner may have particular regard to all or any of the following matters:—

- (a) whether the company has, or has arranged, a satisfactory ownership, trust or corporate structure;
- (b) whether the company has, or is capable of securing, sufficient financial resources to guarantee its viability as a gaming manager;
- (c) whether the company has, or is capable of securing, appropriate business and managerial expertise and resources to conduct gaming operations;
- (d) whether the company has, or is capable of securing, appropriate technical expertise and resources to conduct gaming operations and, in particular, to operate and maintain gaming machines and gaming control equipment;
- (e) whether the company has, or will have in place, appropriate arrangements and procedures for the recruitment, vetting, supervision and control of gaming employees;
- (f) whether the company has, or will have in place, appropriate arrangements and procedures to ensure that it will be able to conduct gaming operations in an orderly and efficient manner;
- (g) whether the company has a history of compliance with the Corporations Law;

- (h) the history and reputation of the company in connection with any casino or gaming operations in this State or elsewhere;
- (i) whether each person holding a position of authority in the company is a fit and proper person to participate in, or be connected with, the business of gaming and, in particular, whether that person—
 - (i) has a stable financial background; and
 - (ii) is of good repute, having regard to character, honesty and integrity; and
 - (iii) has any associates who are not of good repute, having regard to character, honesty and integrity.

*[Second reading presentation speech made in:—
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