NORTHERN TERRITORY OF AUSTRALIA

GAMING CONTROL ACT 1993

As in force at 20 November 2020

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 20 November 2020

GAMING CONTROL ACT 1993

An Act to licence and control casinos and gaming, and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Gaming Control Act 1993*.

2 Commencement

This Act shall come into operation on the commencement of the *Racing and Gaming Authority Act 1993*.

2A Objects

The objects of this Act are:

(a) to promote probity and integrity in gaming;

(b) to maintain the probity and integrity of persons engaged in gaming in the Territory;

(c) to promote fairness, integrity and efficiency in the operations of persons engaged in gaming in the Territory;

(d) to reduce any adverse social impact of gaming; and

(e) to promote a balanced contribution by the gaming industry to general community benefit and amenity.

3 Definitions

In this Act:

affected person, see section 68CA.

Agency means the Agency administering this Act.

agreement:

(a) in relation to a casino licence, means the agreement in pursuance of which the licence was granted, that agreement as amended and in force from time to time or any agreement made in substitution for that agreement; and

(b) in relation to a licence under Division 4 or 5 of Part 4, means the agreement in pursuance of which the licence was granted.

amusement machine means a mechanical, electrical or electronic machine or device, operated by the insertion of a coin or token or by the use of accrued credits, which is intended for the amusement of the player and from which the player can obtain nothing representing money, goods or any other benefit, other than the opportunity to continue to use the machine.

approved means approved by the Director.

approved game means a game approved under section 26.

casino means a place approved under section 18.

casino licence means a casino licence granted under section 18(1) or such a licence as amended under section 18(1A).

Community Benefit Committee means the Community Benefit Committee established under section 68B(3).

Community Benefit Fund means the Community Benefit Fund maintained under section 68A.

Community Benefit Fund Guidelines means the guidelines approved under section 68A(3).

delegate decision, see section 68CA.

Director means the Director of Gaming Control appointed under section 3B.

foreign lottery means a lottery conducted or to be conducted outside the Territory which is authorised by or under and conducted in accordance with the law of the country or the State or Territory of the Commonwealth in which it is conducted.

gaming includes lotteries.

gaming inspector means a gaming inspector appointed under section 15.

gaming machine means a mechanical, electrical or electronic machine or device played, used or operated for the purpose of obtaining by chance or skill, or a combination of chance and skill, goods, services or credits, or tokens representing goods or services, and includes any equipment or devices used to link more than one gaming machine or that may influence or determine the outcome of a game and such other equipment or device that is prescribed.

instant scratch lottery means a lottery in which the winning of a prize is determined by exposing a specified number of symbols (including identical symbols) on a ticket in the lottery.

instrument of gaming means anything used for the purposes of gaming and includes money, coins, notes, cheques, written acknowledgements of a debt and other writings for securing the payment of money, lists, cards and other documents relating to gaming, wheels, spinning jinnies, playing cards, housey cards, dice, dice boxes, balls, kips, counters, tables and anything declared by the Minister to be an instrument of gaming.

lawful lottery means a lottery authorised by and conducted in accordance with this Act.

licensed employee means an employee of a Licensee licensed under this Act.

Licensee means the person to whom a casino licence or a licence under Division 4 or 5 of Part 4 is granted or assigned.

liquor, see section 4(1) of the *Liquor Act 2019*.

lottery means a disposition of real or personal property or a share or interest in such property or of a right to a benefit or thing dependent on or to be determined, wholly or partly, by chance or such means as may be prescribed, and includes such a disposition in or outside of the Territory as the result of a chance offered, accepted or arranged by mail in or from the Territory.

major grant means:

(a) a grant for an amount that is more than a minor grant and not more than the amount determined by the Minister under section 68A(4)(a); or

(b) a grant of a motor vehicle.

minor grant means a grant for an amount that is not more than the amount determined by the Minister under section 68A(4)(b).

Operating Account, in relation to the Agency, has the same meaning as in the *Financial Management Act 1995*.

place includes:

(a) land;

(b) a building, structure or erection of any kind, whether wholly or partly constructed or erected or in the course of construction or erection;

(c) a room in a building, structure or erection;

(d) a road, street, thoroughfare, alley or right of way;

(e) a vehicle, vessel or aircraft; and

(f) a tent, caravan, trailer or other conveyance.

reviewable decision, see section 68CA.

ticket means a chance in a lottery and includes a share in such a chance.

ticket dispensing machine means a machine or device which dispenses tickets or from which tickets may be obtained, but does not include a punchboard.

trade lottery means a lottery conducted for the purpose of promoting a product or business by a person in the course of carrying on his or her trade or business.

valuable thing includes a benefit or a promise, whether oral or in writing or conditional or absolute, to pay or give a valuable thing.

Note for section 3

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

3A Application of Act

Nothing in this Act shall be construed as making unlawful that which is permitted by or under the *Gaming Machine Act 1995*.

Part 2 Administration

3B Appointment of Director of Gaming Control

The Minister must, in writing, appoint a person to be the Director of Gaming Control.

4 Functions of Director

(1) The functions of the Director under this Act are:

(a) to do such things as the Director considers necessary or desirable for the proper regulation and control, in the interests of the public, of gaming; and

(b) to investigate and make recommendations to the Minister on matters relating to the administration or operation of this Act; and

(c) to undertake research and investigations into matters relating to gaming control, including the probity and financial security of organisations and persons involved in the business of gaming; and

(d) to liaise with other gaming control agencies, whether in Australia or elsewhere, on matters relating to the administration, operation or control of gaming; and

(e) to make recommendations to the Minister relating to games that may be played in a casino; and

(f) to monitor the implementation of guidelines for gaming control in the Territory; and

(g) to review and determine complaints relating to the administration of gaming control; and

(h) to advise the Minister on matters relating to gaming control; and

(i) to perform other functions imposed on the Director under this Act.

(3) In addition, the Director has the function of inquiring into:

(a) the suitability of a Licensee, a proposed Licensee or a person to whom a casino licence is proposed to be transferred;

(b) the suitability of a person to whom an interest (whether beneficial or otherwise) in a casino licence is proposed to be transferred or assigned;

(c) the operations conducted in a casino to ensure that they are being conducted in accordance with this Act;

(d) the suitability of a person involved, or proposing to become involved, in the management or operation of a casino; and

(e) the suitability of a person proposing to conduct, or who is conducting, a business relating to gaming.

(4) The Director, when performing the functions conferred by subsection (3)(e), shall have regard to the matters specified in section 17(4) as if that subsection, with the necessary changes, applied to the Director.

(6) For the purposes of this section, the Director or a person authorised by the Director to exercise powers under this section:

(a) may, at all reasonable times, enter a place;

(b) shall have full and free access, at all reasonable times, to all books, documents and other papers at a place; and

(c) may take extracts from and make copies of any books, documents or papers at a place.

(7) A person authorised under this section who enters a place in pursuance of this section is not authorised to remain at the place if, on request by the occupier of the place, the person does not produce a certificate signed by the Director certifying that the person is a person authorised to exercise powers under this section.

(8) A person shall not, without reasonable excuse, obstruct or hinder the Director or a person authorised under this section in the exercise of his or her powers under this section.

(9) For the purposes of this section, the Director may authorise a person to exercise powers under this section.

5 Delegation

The Director may delegate any of the Director's powers or functions under this Act, other than a power under Part 5B, to a public sector employee.

6 Annual report

(1) The Director must, within 3 months after the end of each financial year, give the Minister a report on the operation of this Act during that year.

(2) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

7 Approved forms

The Director may approve forms for this Act.

14 Regulatory principles

The following principles are to be considered when the Director is performing functions conferred by this Act:

(a) minimum regulatory intervention by government;

(b) maximum cooperation between industry and government;

(c) performance-based risk management controls;

(d) proactive and competitive industry positioning;

(e) long term viability of the gaming industry;

(f) a balanced approach to problem gambling.

15 Gaming inspectors

(1) The Director may appoint a person who, in the opinion of the Director, is of good repute, having regard to character, honesty and integrity, to be a gaming inspector for the purposes of this Act.

(2) A gaming inspector may exercise such powers and perform such functions as are given by or under this or any other Act.

(3) The Director shall issue to a gaming inspector an identity card containing a photograph and the signature of the gaming inspector verified by the signature of the Director.

(4) A gaming inspector whose appointment is terminated shall surrender to the Director the identity card issued to the person under subsection (3).

Maximum penalty: 4 penalty units.

(5) A gaming inspector shall, when exercising or performing any of his or her powers or functions, produce the identity card issued to the gaming inspector under subsection (3) to a person who questions the right of the gaming inspector to exercise the power of perform the function.

(6) The production by a gaming inspector of an identity card issued under subsection (3) shall, until the contrary is proved, be sufficient authority for the gaming inspector to do any thing which the gaming inspector is authorised to do by or under this Act.

(7) A gaming inspector may, while lawfully exercising a power or performing a function, be accompanied by a person (including a member of a professional body, a person authorised by the Director, a tradesman or a person expert or experienced in a particular field of endeavour) and may, if the gaming inspector reasonably believes it is necessary in the circumstances, request a person to assist the gaming inspector.

(8) A person assisting a gaming inspector under subsection (7) has and may exercise all the powers of a gaming inspector as are reasonably necessary for the purpose.

(9) Where a person's appointment as a gaming inspector is terminated:

(a) the person shall not work; or

(b) a person shall not knowingly employ the person to work,

in a casino for a period of 6 months after the person's appointment is terminated.

Part 3 Casinos

Division 1 Casino agreements and licences

16 Application for casino licence

(1) A person may apply to the Minister to be granted a casino licence.

(2) An application under this section shall be in a form or to the effect of the form approved by the Minister and shall be accompanied by the prescribed fee, if any.

(3) An application under this section shall contain or be accompanied by such additional information as the Minister may request.

(4) If a requirement made by this section is not complied with, the Minister may refuse to consider the application.

(5) The Minister may refund the whole or part of the application fee.

17 Minister may enter into agreement

(1) Notwithstanding any other law of the Territory, the Minister may negotiate and enter into an agreement with a person relating to the conduct by the person of the business of a casino and the manner in which the business may be conducted.

(1A) The Minister may at anytime enter into an agreement with the Licensee of a casino to amend the agreement in pursuance of which the licence was granted or in substitution for that agreement.

(2) The Minister may carry out, or cause to be carried out, such investigations and inquiries as the Minister considers necessary for the purposes of determining whether to enter into an agreement under subsection (1) or to grant a casino licence under section 18.

(3) An investigation or inquiry under subsection (2) may include an investigation or inquiry to determine whether a person or an associate of a person is a suitable person to be concerned in or associated with the business proposed to be conducted.

(4) In determining whether to enter into an agreement under subsection (1), the Minister shall have regard to whether:

(a) the person is of good repute, having regard to character, honesty and integrity;

(b) the person is of sound and stable financial background;

(c) in respect of a body corporate, it has or has arranged a satisfactory ownership, trust or corporate structure;

(d) the person has or is able to obtain financial resources that are adequate to ensure the financial viability of the business proposed to be conducted and to obtain the services of persons who have sufficient experience in the management and operation of such a business;

(e) the person has sufficient business ability to establish and maintain the business proposed to be conducted;

(f) the person or any person to be involved in the management or operation of the business proposed to be conducted has any association with any person, body or association who or which, in the opinion of the Minister, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources; and/or

(g) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Minister to be associated or connected with the ownership, administration or management of the operations or business of the person is a fit and proper person to act in that capacity.

(5) The Minister shall, not later than 3 sitting days of the Legislative Assembly after the Minister enters into an agreement under subsection (1) or (1A), cause a copy of the agreement to be tabled in the Assembly.

18 Minister may grant casino licence

(1) Where the Minister enters into an agreement with a person under section 17(1), the Minister may grant a casino licence to the person for the playing of games, the operation of machines for the purpose of gaming and for such other purposes or activities as the Minister thinks fit and specifies in the licence at such place or places as the Minister approves.

(1A) Where the Minister enters into an agreement under section 17(1A), the Minister may amend the casino licence granted under subsection (1) of this section, to accord with that agreement.

(2) Subject to this Act, a casino licence is subject to such terms and conditions as are specified in the agreement.

(3) For the purposes of this section, the Minister shall, on granting a casino licence, approve a place or places at which the Licensee may conduct the business specified in the licence and may, from time to time, subject to the agreement, approve such other place or places at which the Licensee may conduct that business.

19 Duration of casino licence

A casino licence remains in force for the period specified in the agreement unless, before the expiration of that period:

(a) it is terminated in accordance with the agreement;

(b) the Licensee surrenders it; or

(c) it is cancelled in accordance with this Act.

20 Cancellation or suspension of casino licence

(1) Subject to subsection (2), the Minister may:

(a) cancel a casino licence;

(b) suspend a casino licence for a period not exceeding 6 months or the agreement; or

(c) vary the casino licence so that it applies to and in relation to part only of a place approved under section 18.

(2) The Minister shall not cancel, suspend or vary a casino licence unless the Minister is satisfied that the Licensee has:

(a) failed to comply with a law of the Territory in relation to the conduct of the business in a casino;

(b) failed to comply with a condition of the licence;

(c) failed promptly to pay a fee, tax, levy or charge in relation to the conduct of the business in a casino payable under a law of the Territory or in accordance with a condition of the licence;

(d) failed to comply with a direction lawfully given by the Minister or the Director;

(e) been found guilty of an offence which the Minister considers, in the Minister's absolute discretion, to be of such a nature as would bring the casino licence into disrepute; or

(f) in the opinion of the Minister, acted in a manner or condoned an action which is contrary to the good repute of a casino licence and which has brought the conduct of the business in a casino into disrepute.

(3) Where the Minister suspends a casino licence under this section, the licence is of no force or effect during the period of the suspension.

(4) Nothing in this section shall be construed as extending the term of a casino licence suspended under this section.

(5) In subsection (2), a reference to a Licensee includes, for the purposes of paragraphs (e) and (f), where the Licensee is a body corporate, a director of the body corporate and the person in charge of casino operations in a casino.

20A Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a casino licence is not personal property for that Act.

Note for section 20A

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

Division 2 Conduct and operation of casino

21 Conduct of casino

Subject to this Act, nothing in a law of the Territory prevents a Licensee or a person employed by a Licensee from conducting the business permitted by the casino licence in a casino in accordance with the terms and conditions of the casino licence and, to the extent that a condition would, but for this section, be in conflict with a law of the Territory, the law shall be deemed to be of no force or effect.

22 Assignment of casino licence

(1) Subject to subsection (2), a casino licence or an interest (whether beneficial or otherwise) in a casino licence may be assigned with the consent of the Minister.

(2) The Minister may, in the Minister's absolute discretion, consent or refuse to consent to the assignment of a casino licence or an interest in a casino licence.

23 Surrender of casino licence

Subject to a Licensee having paid all outstanding fees, taxes, levies and charges payable in relation to the Licensee's conduct of the business specified in the casino licence and the payment to the Territory of any prizes that have been won but are unclaimed or unpaid, the Licensee may surrender the casino licence by notice in writing to the Minister and the licence ceases to have effect on its being so surrendered.

24 Payment of fees, taxes and levies

(1) This section applies to a person who:

(a) has entered into an agreement with the Minister under section 17; and

(b) has been granted a casino licence.

(2) The person must pay to the Territory all of the following:

(a) fees for the casino licence specified in, or calculated in accordance with, the agreement at the times specified in the agreement;

(b) fees for the casino licence prescribed by, or calculated in accordance with, Regulations made for this subsection, at the times prescribed by the Regulations;

(c) taxes and levies specified in, or calculated in accordance with, the agreement at the times specified in the agreement;

(d) taxes and levies prescribed by, or calculated in accordance with, Regulations made for this subsection, at the times prescribed by the Regulations.

(3) Subsection (2) does not limit the person's liability to pay any other fees, taxes or levies under a law of the Territory.

26 Games in casinos

(1) The Minister may approve a game, the organising or playing of which is unlawful, as a game that may be played in a casino.

(2) The Director may approve the rules and procedures of an approved game and the equipment that may be used in playing an approved game and may give directions and issue guidelines as to the operation and playing of an approved game.

27 Playing of approved games

(1) Notwithstanding any other law of the Territory, it is lawful in a casino for:

(a) the Licensee, a licensed employee or an approved agent of the Licensee to organise or play an approved game; and

(b) a person, except a person in respect of whom a direction under section 33 is in force or who has not attained the age of 18 years, to play an approved game.

(2) A casino shall be deemed not to be a nuisance, either public or private, by reason only that it is used as a gaming house.

(3) The *Police Administration Act 1978* does not apply to or in relation to:

(a) approved implements or approved articles used or intended to be used in the playing of an approved game in a casino; or

(b) implements or articles used or intended to be used in the playing of an approved game in a casino in the possession of the Director or a gaming inspector in the course of the Director's or the inspector's duties under this Act.

(4) Subject to subsection (5), a person shall not, except against a Licensee, bring legal proceedings to recover:

(a) money won at gaming in a casino;

(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 in a casino,

that could not be brought if this Act had not been enacted.

(5) A person is not permitted to bring legal proceedings against a Licensee under subsection (4) to recover money won at gaming in a casino during a period when a direction under section 33 is in force in respect of the person, or if the person had not attained the age of 18 years when the money was won.

(6) A person shall not organise or play a game in a casino the organising or playing of which is unlawful unless the game is an approved game.

28 Detention of suspected person in casino

(1) Notwithstanding any other law of the Territory, where:

(a) the person for the time being in charge of a casino;

(b) an employee authorised by the Licensee to act in pursuance of this section; or

(c) a gaming inspector,

suspects on reasonable grounds that a person in a casino is contravening or attempting to contravene this or any other Act, the person in charge, the employee or inspector may detain the suspected person in an approved place in the casino until the arrival at the place of a member of the Police Force.

(2) A person who detains a suspected person under subsection (1) shall take such steps as are necessary to ensure the summoning and arrival of a member of the Police Force with as little delay as possible.

(3) A member of the Police Force may in a casino detain in a suitable place for a reasonable time a person who has or who is suspected, on reasonable grounds, to have contravened or attempted to contravene this or any other Act.

(4) A member of the Police Force, in detaining a person under this section, may:

(a) search the person and the possessions of the person;

(b) seize anything found as a result of the search that may afford evidence of the commission of an offence; and

(c) use such force as is reasonably necessary for the purpose of the detention and search.

(5) Nothing in subsection (3) or (4) shall derogate from a provision of the *Police Administration Act 1978* relating to the detention of a suspected person.

29 Conservation of evidence

(1) Where the person for the time being in charge of a casino, an employee authorised under section 28(1)(b) or a gaming inspector in the course of their duties suspects, on reasonable grounds, that an instrument, article, equipment, device or thing has been or may be used in connection with an offence in a casino, whether or not a person has been detained under section 28, the person in charge, employee or inspector may seize the instrument, article, equipment, device or thing in order to prevent it being:

(a) concealed, lost or destroyed;

(b) sold or otherwise disposed of; or

(c) used in connection with an offence in the casino.

(2) Where it appears that property specified in subsection (1) cannot be seized under that subsection without a search of a person, the person shall be detained under section 28 and the search carried out by a member of the Police Force under that section.

(3) Property seized under subsection (1) shall be kept in a secure place and delivered up to a member of the Police Force with as little delay as possible.

30 Breach of rules, conditions or guidelines of games by operator

(1) Where a Licensee or licensed employee, after being warned by a gaming inspector, fails to take such action as is necessary to prevent:

(a) a person playing an approved game from breaching the approved rules or procedures of the game; or

(b) the operation of an approved game in a manner contrary to the approved rules or procedures,

the gaming inspector shall forthwith close down the table at which the game is being played or the gaming equipment being used to play the game.

(2) An order under subsection (1) shall remain in force for 24 hours.

(3) Unless approved, a person shall not, while an order under subsection (1) is in force, start up another game similar to the game closed down, notwithstanding that there is capacity in the casino to do so.

31 Powers of Director in respect of casino operations

(1) The Director may approve the manner and form in which the accounts of the business conducted in a casino are to be kept.

(2) For the purposes of this Act, the Director may appoint a person to be a casino controller to carry out such functions as the Director may direct relating to the supervision and control of the business conducted in a casino.

(3) The Director may, from time to time, direct a Licensee to provide such information relating to the business conducted in a casino as may be required by the Director.

(4) The Director may, from time to time, direct a Licensee to adopt, vary, cease or refrain from a practice in respect of the business conducted in a casino.

(5) A Licensee shall keep the accounts of the business conducted in a casino in the manner and form approved under subsection (1).

(6) A Licensee shall not contravene or fail to comply with a direction given under this section.

32 Liquor licence at casino

Despite the *Liquor Act 2019*, no person other than the Licensee or an approved employee of the Licensee may hold a licence under that Act for any place on or in a casino.

33 Right of entry to casino

(1) Subject to this Act, a person does not have a right to enter or remain in a casino except with the express or tacit approval of the Licensee.

(2) A direction prohibiting a person from entering or remaining in a casino may be given to a person by the Licensee or a person acting under the Licensee's supervision.

(3) A direction under subsection (2) may be given orally or in writing but, where it is given orally, the direction, in written form, shall be given to the person as soon as practicable thereafter.

(4) Where a direction is given under this section, the Licensee shall exclude or remove the person, or have the person excluded or removed, from the casino.

(5) A person shall not enter or remain in a casino in contravention of a direction given to the person under subsection (2).

(6) The Director or Commissioner of Police may direct a Licensee not to permit a person to enter or remain in a casino.

(7) The Commissioner of Police must notify the Director of a direction given by the Commissioner under subsection (6) as soon as practicable after the direction is given.

(8) A Licensee or an employee or agent of the Licensee acting in connection with a casino shall not knowingly allow a person to enter or remain in a casino in contravention of a direction given under this section.

(9) This section does not prevent a person from exercising a power conferred on the person by this or any other law of the Territory to enter, or to do any other act in relation to, a casino.

(10) A direction given under this section may be revoked in a like manner to that of giving the direction.

34 Persons under 18 years gaming

(1) A Licensee shall ensure that a person who has not attained the age of 18 years is not permitted to:

(a) play a game or operate a gaming machine in a casino; or

(b) enter or remain in an area in a casino designated as a gaming area under the Regulations.

(2) It is a defence to a prosecution for an offence against subsection (1) to show that the defendant had reasonable grounds for believing that the person alleged to have not attained the age of 18 years had attained the age of 18 years.

(3) A person who has not attained the age of 18 years shall not:

(a) play a game or operate a gaming machine in a casino; or

(b) after being warned by the Licensee or a licensed employee, enter or remain in an area in a casino designated as a gaming area under the Regulations.

35 Entry of casino by Director, gaming inspectors, &c.

(1) The Director, a gaming inspector or an approved person may, at any time, enter and remain in a casino for the purpose of:

(a) observing the operations in the casino;

(b) recording the operations in the casino;

(c) ascertaining whether this Act, the *Liquor Act 2019* and the agreement relating to the casino are being complied with; and/or

(d) performing any other functions of the Director, the gaming inspector or the approved person.

(2) For the purpose of the discharge of the duty of a member of the Police Force, a part of a casino to which the public has access is a public place.

(3) The Director or an approved gaming inspector may enter and remain in a place that is associated or used in conjunction with the business conducted at a casino for the purpose of the Director or the approved gaming inspector performing his or her functions under this Act.

(4) A person shall not, without reasonable excuse, obstruct or hinder the Director, a gaming inspector or an approved person in the exercise of his or her powers under this Act.

Division 3 Gaming machine community benefit levy

35A Gaming machine community benefit levy

(1) The Licensee of a casino must pay a gaming machine community benefit levy to the Director for each month.

(2) For subsection (1), sections 144, 148(1), 150(2) and (3) and 152 to 159 of the *Gaming Machine Act 1995* apply (except to the extent that they relate to the gaming machine tax or costs and charges payable under section 149A).

(3) Those provisions apply as if:

(a) the casino were licensed premises under the *Gaming Machine Act 1995*; and

(b) the Licensee's casino licence were a gaming machine licence under that Act held by the Licensee; and

(c) a reference in those provisions to a prescribed matter or thing were a reference to a matter or thing prescribed by regulation under this Act; and

(d) section 144(1) required the report for a month to be lodged not later than the prescribed day in the following month; and

(e) a reference in those provisions to a machine manager were a reference to a person holding a Casino Operative Licence – Gaming Standard.

(4) If a monthly assessment is made under section 148(1) of the *Gaming Machine Act 1995* as applied by subsection (2), by way of an electronic monitoring system installed at the casino, the period to be covered by the assessment commences when the system first reports data from the casino to the Director for the month and ends when the system first reports data from the casino to the Director in the next month.

Part 4 Lotteries

Division 1 Conduct of lotteries

36 Conduct of lottery

A person shall not:

(a) sell or dispose of, or agree or promise, whether or not for a consideration, to sell or dispose of, any land, goods or money to a person or among persons by means of a lottery;

(b) print or cause to be printed a ticket or other writing for use in a lottery;

(c) sell or distribute or cause to be sold or distributed, offer or advertise for sale or distribution or cause to be offered or advertised for sale or distribution or have in his or her possession for sale or distribution a ticket in a lottery;

(d) accept money in respect of the sale or distribution of a ticket in a lottery;

(e) print, publish or distribute or cause to be printed, published or distributed or have in his or her possession for publication or distribution:

(i) an advertisement of;

(ii) a list, whether complete or not, of prize winners or winning tickets in; or

(iii) any matter descriptive of the drawing or intended drawing of, or otherwise relating to,

a lottery;

(f) use premises or cause or permit premises of which he or she is the occupier to be used in connection with the conduct of a lottery; or

(g) invite a person to participate in, or send to a person for distribution an advertisement concerning, or send to a person for sale or distribution a ticket in a lottery,

except in accordance with this Act and the Regulations.

37 Distribution of property among owners

This Part does not apply to the distribution of real or personal property among the owners of the property if it is capable of being fairly apportioned and is proposed to be apportioned equally, so far as practicable, among all its owners.

37A Instant scratch lotteries

(1) In this section, ***symbol*** includes:

(a) an amount, a number, word or picture; and

(b) a caption, if any, to a symbol.

(2) Where a statement is made in connection with an instant scratch lottery (whether by being printed on a ticket or otherwise publicly made) to the effect that a prize is won if a specified number of symbols is matched, found or uncovered, the statement means that a prize is won if the same symbol is exposed the specified number of times on the same ticket in the instant scratch lottery.

(3) A statement referred to in subsection (2) does not mean that a prize is won if sets of different symbols (including pairs or other combinations of different symbols) are matched, found or uncovered the specified number of times on the same ticket in an

instant scratch lottery.

(4) This section applies to each claim made in respect of the winning of a prize in an instant scratch lottery after the commencement of the *Gaming Control Amendment Act 1994*.

Division 2 Types of lotteries

38 Lotteries by or for approved associations or by agreement

(1) Subject to the Regulations:

(a) an approved association may conduct a lottery for its aid or support; or

(b) any person may, by agreement in writing with the Minister, conduct a lottery for a purpose specified in the agreement.

(2) An approved association shall not conduct a lottery other than in accordance with the Regulations.

(3) A person referred to in subsection (1)(b) shall not conduct a lottery other than in accordance with the agreement and the regulations, if any, applicable to the lottery.

38A Minister may enter into agreement

(1) Despite any other law of the Territory, the Minister may negotiate and enter into an agreement with a person relating to the conduct by the person of a lottery and the purpose for and manner in which the lottery may be conducted.

(2) An agreement under subsection (1) may be amended by the Minister with the agreement of the person with whom it was entered into.

(3) The Minister may carry out, or cause to be carried out, investigations and inquiries that the Minister considers necessary for the purposes of determining whether to enter into an agreement under subsection (1) or to amend an agreement under subsection (2).

38B Payments under agreement

(1) This section applies to a person who has entered into an agreement with the Minister under section 38(1)(b) or 38A(1).

(2) The person must pay to the Territory any fees specified in, or calculated in accordance with, the agreement at the times specified in the agreement.

(3) In addition, without limiting the person's liability to pay any other tax under a law of the Territory, the person must pay to the Territory any taxes or levies specified in, or calculated in accordance with, the agreement at the times specified in the agreement.

39 Trade lotteries

(1) Subject to the Regulations, a person carrying on a trade or business in the Territory may conduct a trade lottery.

(2) A person shall not conduct a trade lottery other than in accordance with the Regulations.

40 Foreign lotteries

(1) A person shall not sell tickets in a foreign lottery unless permission is granted under this section and the tickets are sold in accordance with the conditions to which permission is subject.

(2) A person may apply to the Minister for permission to sell tickets in a foreign lottery in the Territory.

(3) An application under subsection (2) shall be in writing in the approved form and shall be lodged with the Director, who, after considering the application, shall forward the application to the Minister with appropriate advice.

(4) The Minister, after considering the application and the advice of the Director may, in his or her discretion, refuse to grant the permission applied for, grant it, or grant it subject to such conditions as he or she thinks fit and specifies in writing to the applicant.

(4A) In determining an application under subsection (4), the Minister must have regard to whether:

(a) the person is of good repute, having regard to character, honesty and integrity;

(b) the person is of sound and stable financial background;

(c) in respect of a body corporate – it has or has arranged a satisfactory ownership, trust or corporate structure;

(d) the person has or is able to obtain financial resources that are adequate to ensure the financial viability of the business proposed to be conducted and to obtain the services of persons who have sufficient experience in the management and operation of the business;

(e) the person has sufficient business ability to establish and maintain the business proposed to be conducted;

(f) the person or any person to be involved in the management or operation of the business proposed to be conducted has any association with any person, body or association who or which, in the opinion of the Minister, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources; and

(g) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Minister to be associated or connected with the ownership, administration or management of the operations or business of the person is a fit and proper person to act in that capacity.

(5) In addition to the conditions, if any, specified under subsection (4), a permission granted under this section shall be subject to the conditions that:

(a) the tickets in the lottery are sold for the purpose specified by the Minister on granting the permission; and

(b) the proceeds of the lottery are remitted from the Territory in the manner required by the Regulations.

(6) Without limiting the generality of the Minister's power to impose conditions under subsection (4), the Minister may impose a condition that no ticket in the lottery be sold to a person who has not attained the age of 18 years or that no major prize shall comprise liquor or such other substance as may be prescribed.

(7) For the purposes of this section, a person does not sell tickets in the Territory by distributing leaflets, brochures or other printed material inviting persons to purchase elsewhere than in the Territory tickets in an art union or similar drawing.

(8) A person conducting a foreign lottery in which tickets are sold in the Territory shall submit to the Director, in the approved form, monthly returns of tickets sold in the Territory and such other information relating to the conduct of the lottery as the Director may, from time to time, require.

(9) The Director must pay into the Central Holding Authority all moneys received by the Director in respect of foreign lotteries conducted under this section, including commissions and unclaimed prizes.

Division 4 Mail order lotteries

46A Definition

In this Division, ***mail order lottery business*** includes:

(a) conducting a lottery;

(b) conducting a lottery or foreign lottery by mail order; and

(c) the sale of tickets, including by mail order, in a lottery or foreign lottery,

in or from the Territory.

46B Application for licence to conduct lottery by mail order

(1) A person may apply to the Minister to be granted a licence to conduct a mail order lottery business.

(2) An application under this section shall be in a form or to the effect of the form approved by the Minister and shall be accompanied by the prescribed fee, if any.

(3) An application under this section shall contain or be accompanied by such additional information as the Minister may request.

(4) If a requirement made by this section is not complied with, the Minister may refuse to consider the application.

(5) The Minister may refund the whole or part of the application fee.

46C Minister may enter into agreement

(1) Notwithstanding any other law of the Territory, the Minister may negotiate and enter into an agreement with a person relating to the conduct by the person of a mail order lottery business in or from the Territory and the manner in which the business may be conducted.

(2) The Minister may carry out, or cause to be carried out, such investigations and inquiries as the Minister considers necessary for the purposes of determining whether to enter into an agreement under subsection (1) or to grant a licence under section 46D.

(3) An investigation or inquiry under subsection (2) may include an investigation or inquiry to determine whether a person or an associate of a person is a suitable person to be concerned in or associated with the business proposed to be conducted.

(4) In determining whether to enter into an agreement under subsection (1), the Minister shall have regard to whether:

(a) the person is of good repute, having regard to character, honesty and integrity;

(b) the person is of sound and stable financial background;

(ba) in respect of a body corporate – it has or has arranged a satisfactory ownership, trust or corporate structure;

(c) the person has or is able to obtain financial resources that are adequate to ensure the financial viability of the business proposed to be conducted and to obtain the services of persons who have sufficient experience in the management and operation of such a business;

(d) the person has sufficient business ability to establish and maintain the business proposed to be conducted;

(e) the person or any person to be involved in the management or operation of the business proposed to be conducted has any association with a person, body or association who or which, in the opinion of the Minister, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources; and/or

(f) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Minister to be associated or connected with the ownership, administration or management of the operations or business of the person is a fit and proper person to act in that capacity.

(5) The Minister shall, not later than 3 sitting days of the Legislative Assembly after the Minister enters into an agreement under subsection (1), cause a copy of the agreement to be tabled in the Assembly.

46D Minister may grant licence

(1) Where the Minister enters into an agreement with a person under section 46C, the Minister may grant a licence under this Division to the person for the conducting of a mail order lottery business in or from the Territory and for such other purposes or activities associated with that business as the Minister thinks fit and specifies in the licence.

(2) Subject to this Act, a licence granted under this Division is subject to such terms and conditions as are specified in the agreement and/or in the licence document.

46E Duration of licence

(1) Subject to subsection (2), a licence granted under this Division remains in force for 10 years from the date on which it was granted but may be renewed from time to time for successive periods of 5 years each.

(2) A licence under this Division ceases to be in force if, before its expiration:

(a) it is terminated in accordance with the agreement;

(b) the Licensee surrenders it; or

(c) it is cancelled in accordance with this Act.

46F Cancellation or suspension of licence

(1) Subject to subsection (2), the Minister may:

(a) cancel a licence granted under this Division; or

(b) suspend such a licence, or the agreement pursuant to which it was granted, for such period, not exceeding 6 months, as the Minister thinks fit.

(2) The Minister shall not cancel, suspend or vary a licence granted under this Division unless the Minister is satisfied that the Licensee has:

(a) failed to comply with a law of the Territory in relation to the conduct of the business to which the licence relates;

(b) failed to comply with a condition to which the licence is subject;

(c) failed promptly to pay a fee, tax or levy in relation to the conduct of the business payable under a law of the Territory or in accordance with a condition to which the licence is subject;

(d) failed to comply with a direction lawfully given by the Minister or the Director;

(e) been convicted of an offence which the Minister considers, in the Minister's absolute discretion, to be of such a nature as would bring the licence into disrepute; or

(f) in the opinion of the Minister, acted in a manner or condoned an action which is contrary to the good repute of a licence and which has brought the conduct of the business to which it relates into disrepute.

(3) Where the Minister suspends a licence under this section, the licence is of no force or effect during the period of the suspension.

(4) Nothing in this section shall be construed as extending the term of a licence suspended under this section.

(5) In subsection (2), a reference to a Licensee includes, for the purposes of paragraphs (e) and (f), where the Licensee is a body corporate, a director of the body corporate and the person in charge of the operations of the business to which it relates.

46G Appeal against cancellation or suspension

(1) A Licensee may appeal to the Supreme Court against a cancellation or suspension of a licence under section 46F.

(2) In deciding an appeal under this section the Supreme Court:

(a) has the same powers as the Minister; and

(b) is not bound by the rules of evidence.

(3) An appeal under this section is by way of a rehearing.

(4) In an appeal under this section the Supreme Court may:

(a) confirm the decision;

(b) set aside the decision and substitute another decision it considers appropriate; or

(c) set aside the decision and return the matter to the Minister with the directions it considers appropriate.

(5) If the Supreme Court substitutes another decision for that of the Minister, the substituted decision is, for the relevant provisions of this Division, taken to be that of the Minister.

46H Conduct of business under a licence

Subject to this Act, nothing in a law of the Territory prevents a Licensee or a person employed by a Licensee from conducting the business permitted by the licence in accordance with the terms and conditions to which the licence is subject and, to the extent that a condition would, but for this section, be in conflict with a law of the

Territory, the law shall be deemed to be of no force or effect.

46J Assignment of licence

(1) Subject to subsection (2), a licence granted under this Division or an interest (whether beneficial or otherwise) in such a licence may be assigned with the consent of the Minister.

(2) The Minister may, in the Minister's absolute discretion, consent or refuse to consent to the assignment of the licence or interest.

46K Surrender of licence

Subject to the Licensee having paid all outstanding fees, taxes and charges payable in relation to the Licensee's conduct of the business to which the licence relates and to the payment to the Territory of any prizes that have been won but are unclaimed or unpaid, the Licensee may, by notice in writing to the Minister, surrender a licence granted under this Division and the licence ceases to have effect on its being so surrendered.

46M Payments under agreement

(1) This section applies to a person who:

(a) has entered into an agreement with the Minister under section 46C; and

(b) has been granted a licence under this Division.

(2) The person must pay to the Territory any fees for the licence specified in, or calculated in accordance with, the agreement at the times specified in the agreement.

(3) In addition, without limiting the person's liability to pay any other tax under a law of the Territory, the person must pay to the Territory any taxes or levies specified in, or calculated in accordance with, the agreement at the times specified in the agreement.

46P Powers of Director in respect of mail order lottery business

(1) The Director may approve the manner and form in which the accounts of a mail order lottery business conducted under a licence granted under this Division are to be kept.

(2) For the purposes of this Act, the Director may appoint a person to be a mail order lottery business controller to carry out such functions as the Director may direct relating to the supervision and control of the mail order lottery business conducted under a licence granted under this Division.

(3) The Director may, from time to time, direct a Licensee to provide such information relating to the mail order lottery business conducted under the licence held by the Licensee as may be required by the Director .

(4) The Director may, from time to time, direct a Licensee to adopt, vary, cease or refrain from a practice in respect of the mail order lottery business conducted under the licence held by the Licensee.

(5) A Licensee shall keep the accounts of the mail order lottery business conducted under the licence held by the Licensee in the manner and form approved under subsection (1).

(6) A Licensee shall not contravene or fail to comply with a direction given under this section.

46Q Entry of place by Director, gaming inspectors, &c.

(1) The Director, a gaming inspector or an approved person may, at any time, enter and remain in a place where a mail order lottery business is conducted under a licence granted under this Division or a place that is associated or used in conjunction with the business for the purpose of:

(a) observing the operations of the business;

(b) recording the operations of the business;

(c) ascertaining whether this Act and the agreement relating to the business are being complied with; and/or

(d) performing any other functions of the Director, the gaming inspector or the approved person.

(2) A person shall not, without reasonable excuse, obstruct or hinder the Director, a gaming inspector or an approved person in the exercise of his or her powers under this Act.

46R Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a licence granted under this Division is not personal property for that Act.

Note for section 46R

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

Division 5 Internet gaming

47A Definition

In this Division, ***internet gaming business*** includes:

(a) conducting a lottery;

(b) conducting a game; and

(c) the sale of tickets in a lottery or foreign lottery,

by means of the internet but does not include:

(d) gaming conducted in accordance with this Act by an approved association; and

(e) a trade lottery conducted in accordance with this Act.

47B Application for licence to conduct internet gaming

(1) A person may apply to the Minister to be granted a licence to conduct an internet gaming business.

(2) An application under this section is to be in a form or to the effect of the form approved by the Minister and is to be accompanied by the prescribed fee, if any.

(3) An application under this section must contain or be accompanied by any additional information that the Minister may request.

(4) If a requirement made by this section is not complied with, the Minister may refuse to consider the application.

(5) The Minister may refund the whole or part of the application fee.

47C Minister may enter into agreement

(1) Notwithstanding any other law of the Territory, the Minister may negotiate and enter into an agreement with a person relating to the conduct by the person of an internet gaming business in or from the Territory and the manner in which the business may be conducted.

(2) The Minister may carry out, or cause to be carried out, any investigations and inquiries that the Minister considers necessary for the purposes of determining whether to enter into an agreement under subsection (1) or to grant a licence under section 47D.

(3) An investigation or inquiry under subsection (2) may include an investigation or inquiry to determine whether a person or an associate of a person is a suitable person to be concerned in or associated with the internet gaming business proposed to be conducted.

(4) In determining whether to enter into an agreement under subsection (1), the Minister is to have regard to the following:

(a) whether the person is of good repute, having regard to character, honesty and integrity;

(b) whether the person is of sound and stable financial background;

(ba) in respect of a body corporate – it has or has arranged a satisfactory ownership, trust or corporate structure;

(c) whether the person has or is able to obtain financial resources that are adequate to ensure the financial viability of the internet gaming business proposed to be conducted and to obtain the services of persons who have sufficient experience in the management and operation of the business;

(d) whether the person has sufficient business ability to establish and maintain the business proposed to be conducted;

(e) whether the person or any person to be involved in the management or operation of the internet gaming business proposed to be conducted has any association with a person, body or association who or which, in the opinion of the Minister, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;

(f) whether each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Minister to be associated or connected with the ownership, administration or management of the operations or business of the person is a fit and proper person to act in that capacity.

(5) The Minister must, not later than 3 sitting days of the Legislative Assembly after entering into an agreement under subsection (1), cause a copy of the agreement to be tabled in the Assembly.

47D Minister may grant licence

(1) Where the Minister enters into an agreement with a person under section 47C, the Minister may grant a licence under this Division to the person to conduct an internet gaming business in or from the Territory and for other purposes or activities associated with that business that the Minister thinks fit and specifies in the licence.

(2) Subject to this Act, a licence granted under this Division is subject to the terms and conditions that are specified in the agreement and in the licence document.

47E Duration of licence

(1) Subject to subsection (2), a licence granted under this Division remains in force for the period specified in the licence but may be renewed.

(2) A licence under this Division ceases to be in force if, before it expires:

(a) it is terminated in accordance with the agreement;

(b) the Licensee surrenders it; or

(c) it is cancelled in accordance with this Act.

47F Cancellation or suspension of licence

(1) Subject to subsection (2), the Minister may:

(a) cancel a licence granted under this Division; or

(b) suspend a licence, or the agreement pursuant to which it was granted, for any period, not exceeding 6 months, that the Minister thinks fit.

(2) The Minister must not cancel, suspend or vary a licence granted under this Division unless the Minister is satisfied that the Licensee has:

(a) failed to comply with a law of the Territory in relation to the conduct of the business to which the licence relates;

(b) failed to comply with a condition to which the licence is subject;

(c) failed promptly to pay a fee, tax or levy in relation to the conduct of the business payable under a law of the Territory or in accordance with a condition to which the licence is subject;

(d) failed to comply with a direction lawfully given by the Minister or the Director;

(e) been convicted of an offence that the Minister considers, in the Minister's absolute discretion, to be of such a nature as would bring the licence into disrepute; or

(f) in the opinion of the Minister, acted in a manner or condoned an action that is contrary to the good repute of a licence and that has brought the conduct of the business to which it relates into disrepute.

(3) Where the Minister suspends a licence under this section, the licence is of no force or effect during the period of the suspension.

(4) Nothing in this section is to be construed as extending the term of a licence suspended under this section.

(5) In subsection (2), a reference to a Licensee includes, for the purposes of paragraphs (e) and (f), where the Licensee is a body corporate, a director of the body corporate and the person in charge of the operations of the business to which it relates.

47G Appeal against cancellation or suspension

(1) A Licensee may appeal to the Supreme Court against a cancellation or suspension of a licence under section 47F.

(2) In deciding an appeal under this section, the Supreme Court:

(a) has the same powers as the Minister; and

(b) is not bound by the rules of evidence.

(3) An appeal under this section is by way of a rehearing.

(4) In an appeal under this section, the Supreme Court may:

(a) confirm the decision;

(b) set aside the decision and substitute another decision it considers appropriate; or

(c) set aside the decision and return the matter to the Minister with the directions it considers appropriate.

(5) If the Supreme Court substitutes another decision for that of the Minister, the substituted decision is, for the relevant provisions of this Division, taken to be that of the Minister.

47H Conduct of business under licence

Subject to this Act, nothing in a law of the Territory prevents a Licensee or a person employed by a Licensee from conducting the business permitted by the licence in accordance with the terms and conditions to which the licence is subject and, to the extent that a condition would, but for this section, be in conflict with a law of the Territory, the law is of no force or effect.

47J Assignment of licence

(1) Subject to subsection (2), a licence granted under this Division or an interest (whether beneficial or otherwise) in a licence may be assigned with the consent of the Minister.

(2) The Minister may, in the Minister's absolute discretion, consent or refuse to consent to the assignment of the licence or interest.

47K Surrender of licence

Subject to the Licensee having paid all outstanding fees, taxes and charges payable in relation to the Licensee's conduct of the business to which the licence relates and to the payment to the Territory of any prizes that have been won but are unclaimed or unpaid, the Licensee may, by notice in writing to the Minister, surrender a licence granted under this Division and the licence ceases to have effect on its being surrendered.

47M Payments under agreement

(1) This section applies to a person who:

(a) has entered into an agreement with the Minister under section 47C; and

(b) has been granted a licence under this Division.

(2) The person must pay to the Territory any fees for the licence specified in, or calculated in accordance with, the agreement at the times specified in the agreement.

(3) In addition, without limiting the person's liability to pay any other tax under a law of the Territory, the person must pay to the Territory any taxes or levies specified in, or calculated in accordance with, the agreement at the times specified in the agreement.

47P Powers of Director in respect of internet gaming business

(1) The Director may approve the manner and form in which the records of an internet gaming business conducted under a licence granted under this Division are to be kept.

(2) For the purposes of this Act, the Director may appoint a person to carry out the functions that the Director may direct relating to the supervision and control of the internet gaming business conducted under a licence granted under this Division.

(3) The Director may, from time to time, direct a Licensee to provide information relating to the internet gaming business conducted under the licence held by the Licensee that the Director may require.

(4) The Director may, from time to time, direct a Licensee to adopt, vary, cease or refrain from a practice or proposed action in respect of the internet gaming business conducted under the licence held by the Licensee.

(5) A Licensee must keep the records of the internet gaming business conducted under the licence held by the Licensee in the manner and form approved under subsection (1).

(6) A Licensee must not contravene or fail to comply with a direction given under this section.

(7) The Director may approve:

(a) the rules and procedures of a game or lottery conducted under a licence granted under this Division; and

(b) the equipment that may be used in playing a game or lottery conducted under a licence granted under this Division.

(8) The Director may give directions and issue guidelines to a Licensee relating to the operation and playing of a game or lottery conducted under the licence.

47Q Entry of place by Director, gaming inspectors, &c.

(1) The Director, a gaming inspector or an approved person may, at any time, enter and remain in a place where an internet gaming business is conducted under a licence granted under this Division or a place that is associated or used in conjunction with the business for the following purposes:

(a) to observe the operations of the business;

(b) to record the operations of the business;

(c) to ascertain whether this Act and the agreement relating to the business are being complied with;

(d) to perform any other functions of the Director, the gaming inspector or the approved person.

(2) A person must not, without reasonable excuse, obstruct or hinder the Director, a gaming inspector or an approved person in the exercise of his or her powers under this Act.

47R Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a licence granted under this Division is not personal property for that Act.

Note for section 47R

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

Part 5 Gaming

Division 1 Gaming machines, ticket dispensing machines and games in nature of lottery

47 Certain machines and certain games prohibited

Subject to this Act, a person shall not:

(a) on premises owned or occupied by the person provide, or cause or allow to be used, a ticket dispensing machine; or

(b) conduct, or cause or allow to be conducted, a sweepstake, calcutta, game of bingo or such other game as may be prescribed.

48 Approved association may provide ticket dispensing machine

An approved association may provide on premises owned or occupied by it or, with the consent of the Director, on other premises:

(a) ticket dispensing machines; or

(b) such other machines or devices, not being gaming machines, as may be prescribed,

where the cost of a ticket does not exceed 50 cents or such other amount as may be prescribed.

49 Gaming machines prohibited without permit

(1) Subject to this Act, a person shall not:

(a) possess, provide, use or cause or allow to be used a gaming machine;

(b) supply, lease, hire out or bail a gaming machine; or

(c) assemble, repair or maintain a gaming machine,

unless the person does so under and in accordance with a permit granted under this Act, the guidelines (if any) made under section 51 and with any regulations relating to gaming machines.

(2) The Director may, where there is a breach of a condition under which a permit was granted or a guideline made under section 51, cancel, or suspend for not longer than 6 months, the permit.

51 Director may make guidelines

(1) Subject to this Act, the Regulations and the written directions of the Minister (if any), the Director may make written guidelines in the form of criteria, either general or specific, for or in relation to:

(a) the construction, nature, purpose and physical integrity of a gaming machine;

(b) the place (including a public place) where a gaming machine may be permitted to be kept, used, maintained or repaired;

(c) the form and content of an instrument relating to the supply, lease, hire or bailment of a gaming machine; and

(d) such other matters relating to gaming machines as the Director thinks relevant.

(2) Notwithstanding that an application for a permit may be in conformity with guidelines made under this section, the discretion of the Director to grant the permit, with or without conditions, or to refuse to grant the permit, is not limited or affected by that conformity.

52 Conduct of calcuttas, sweepstakes and bingo

(1) Subject to subsection (2), an approved association may conduct:

(a) a calcutta;

(b) a sweepstake; or

(c) games of bingo.

(2) The rules for conducting a game under this section shall be as prescribed.

53 Games in nature of lottery

(1) The Minister may, by notice in the *Gazette*, determine that a game is not a lottery for the purposes of Part 4.

(2) Where the Minister has under subsection (1) determined that a game is not a lottery for the purposes of Part 4, the Minister may in the same notice:

(a) declare it to be an unlawful game; or

(b) declare that the game may be played only:

(i) in such place or places and on such occasions as the Minister specifies in the notice; or

(ii) by an approved association or other person or body in accordance with a permit issued by the Director.

(3) A person shall not organise, promote or conduct a game in respect of which a declaration has been made under subsection (2)(b) otherwise than in accordance with a notice published under subsection (2)(b)(i) or of a permit granted under this Act.

(4) A person shall not play or take part in a game in respect of which a declaration has been made under subsection (2)(b) knowing that the game is being organised, promoted or conducted otherwise than in accordance with a notice under subsection (2)(b)(i) or of a permit granted under this Act.

(5) The Minister may, by notice in the *Gazette*, declare that the use of specified cards, devices or objects for the purpose of the disposition of real or personal property or a share or interest in such property or a right to a benefit or thing dependent on or to be determined, wholly or partly, by chance comprises a lottery.

Division 2 Control of gaming

54 Unlawful games

(1) For the purposes of this Act:

(a) a game:

(i) which is or is intended to be a game of chance;

(ii) which is or is intended to be a game partly of chance and partly of skill; or

(iii) which is a trick or sleight of hand,

played with an instrument of gaming, contrivance or device whereby money is or goods are gained or disposed of;

(b) a game from which a person derives a percentage, part or share of the amount or amounts wagered, staked or played for or for which a charge is made; or

(c) a game declared under the Regulations or by the Minister under section 53(2)(a) to be an unlawful game,

is an unlawful game.

(2) The Minister may in writing permit the playing of a game that is otherwise unlawful in such place or places and on such occasions as the Minister specifies in the notice.

(3) A person is not guilty of an offence against this Division in respect of an unlawful game specified in:

(a) a notice under subsection (2); or

(b) a permit granted under this Act,

where the person is playing the game in accordance with the notice or permit.

(4) Notwithstanding subsection (1), the game commonly known as or called two-up or swy is not an unlawful game where:

(a) it is played at a racing venue situated outside the circumference of a circle having a radius of 80 km centred on the casino at Alice Springs and Darwin respectively, is conducted by or on behalf of a club on the day of a meeting for a period of not more than 4 hours commencing after the finish of the last race of the meeting, and the profits (if any) are payable to the club to be applied towards its purposes or

such other purposes as the club thinks proper; or

(b) it is played only on 25 April (whether or not Anzac Day is publicly celebrated on that date), is conducted by or on behalf of a Returned Services League Club and the profits (if any) are payable to that club.

(5) In subsection (4)(a), ***club***, ***meeting***, ***race*** and ***racing venue*** have the same meanings as in section 4(1) of the *Racing and Betting Act 1983*.

55 Organising, &c., unlawful game

A person shall not:

(a) organise or conduct, or assist in organising or conducting, an unlawful game; or

(b) receive a percentage of an amount wagered on an unlawful game.

56 Selling ticket, &c., in unlawful game

A person shall not:

(a) give or sell a ticket; or

(b) take a ticket,

in an unlawful game.

57 Playing at unlawful game

(1) A person shall not play at or participate in an unlawful game.

(2) A person shall not:

(a) be present at any unlawful gaming or at the playing of an unlawful game;

(b) be in a place in which any unlawful gaming is taking place, without lawful excuse (the proof of which excuse shall be upon the person); or

(c) bet by way of wagering or gaming on an unlawful game.

58 Advertising

A person shall not:

(a) placard, post up or exhibit;

(b) permit or suffer to be placarded, posted up or exhibited; or

(c) assist in placarding, posting up or exhibiting,

in, on or about any land or premises any information or notice or list relating directly or indirectly to an illegal lottery or an unlawful game.

59 False pretences

A person shall not, by fraud, fraudulent device or practice in playing with an instrument of gaming, win from a person for himself or herself, or another person, money or a valuable thing.

60 Place for unlawful gaming

(1) Subject to this section, a place is used for unlawful gaming if it or a part of it:

(a) is used for or in connection with:

(i) a lottery, calcutta, sweepstake or game of bingo which is not authorised by this Act or, being authorised, is not conducted in accordance with this Act; or

(ii) an unlawful game; or

(b) is opened, kept or used for the purpose of the owner, occupier or keeper of it, or a person using it, or a person procured or employed by or acting for or on behalf of the owner, occupier or keeper, or person using it, or of a person having the care or management or in any manner conducting the business thereof, conducting or participating in unlawful gaming with persons resorting to the place.

(2) A casino is not a place used for unlawful gaming in respect of operations conducted in the casino that are permitted under this Act.

61 Penalty for keeping place for unlawful gaming

(1) A person shall not use a place for unlawful gaming, or knowingly and wilfully permit it so to be used by any other person, or have the care or management of, or in any manner assist in conducting the business of, a place so used.

(2) A person shall not, without lawful excuse, enter or remain in a place used for unlawful gaming.

62 Evidence that place used for unlawful gaming

It is prima facie evidence that a place is used for unlawful gaming if it is proved that:

(a) the place is kept or used for the playing therein of an unlawful game or that a bank is kept there by one or more of the players exclusive of the others; or

(b) the chances of a game played therein are not alike favourable to all the players (including the banker or other person by whom the game is managed or against whom the other players stake, play or bet),

whether or not the place is open for the use of subscribers only.

63 Not necessary to prove that person was found playing for money, &c.

It is not necessary in support of a complaint for gaming in, or for suffering a game or gaming in, or for keeping or using or being concerned in the management or conduct of a place for unlawful gaming, to prove that a person found playing at a game was playing for money or a valuable thing.

64 Effect of discovery of instruments of gaming

Where a place suspected to be open, kept or used as a place for unlawful gaming is lawfully entered by a member of the Police Force or a gaming inspector, the discovery therein or on or about a person found in the place of an instrument of gaming, gaming machine, ticket dispensing machine or thing used in or associated with playing an unlawful game is prima facie evidence that:

(a) the place is used as a place for unlawful gaming; and

(b) the persons found in the place where the instrument or machine was discovered were playing in that place, although no play was actually going on in the presence of the member of the Police Force or gaming inspector lawfully entering or the member's or gaming inspector's assistants.

65 Evidence that place used as place for unlawful gaming

Where:

(a) a member of the Police Force or a gaming inspector is wilfully prevented from or is obstructed or delayed in entering a place in which the member has reasonable grounds for suspecting unlawful gaming is, has been or is about to be carried on or

any part of that place;

(b) an external or internal door of, or means of access to, such place is found to be fitted or provided with a bolt, bar, chain or means or contrivance for the purpose of preventing, delaying or obstructing the entry into the place or any part of the place of a member of the Police Force or gaming inspector or for giving an alarm in case of that entry; or

(c) such a place is found fitted or provided with a means or contrivance for concealing, removing or destroying an instrument of gaming,

it shall be prima facie evidence that the place is used for unlawful gaming and that the persons found in the place were playing an unlawful game therein.

66 Evidence as to offences

Where, on the hearing of a complaint relating to an offence against this Part, the court is of the opinion that money or a valuable thing which has to its satisfaction been proved to have been given to, or received or paid by the accused person, or given to, or received or paid by a person on the accused person's behalf, has been given, received or paid, as the case may be, in circumstances which, in the mind of the court, raise a reasonable suspicion that such money or thing was so given, received or paid in contravention of this Part, the giving, receiving or paying shall be prima facie evidence of the commission by the accused person of the offence specified in the complaint.

67 Reasonable suspicion sufficient

Where, on the hearing of a complaint against a person in relation to an offence against this Part, the evidence for the prosecution is such as to raise in the mind of the court hearing the complaint a reasonable suspicion that the person is guilty of the offence, that evidence is prima facie evidence that the person is guilty of that offence.

68 Special powers relating to searches, &c.

(1) Notwithstanding section 117 of the *Police Administration Act 1978*, it shall not be necessary in an information laid or application made for the purpose of obtaining a search warrant for the search of a place on or in which a member of the Police Force has reasonable grounds for suspecting that an offence against this Part is, has been or is about to be carried on, or in a search warrant issued as a result of that information laid or application made, for the particular items associated with the offence for which it is intended to search,

or a description of such items, to be specified, and a search for any such items may be conducted by authority of the warrant.

(2) A member of the Police Force or gaming inspector who lawfully enters a place on or in which the member or gaming inspector has reasonable grounds for suspecting that an offence against this Part is, has been or is about to be carried on may, with such assistance as the member or gaming inspector thinks necessary, if necessary by force:

(a) open a cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in the place;

(b) without warrant, search a person found on or in the place or the clothing being worn by or property in the control of the person; and

(c) seize anything found on or in the place or in the course of the search that the member or gaming inspector reasonably believes is evidence of or associated with the offence committed on or in that place.

(3) The power conferred on a member of the Police Force by this section is in addition to and not in derogation of any other power conferred by a law in force in the Territory.

(4) Where the ownership of a gaming machine or part of a gaming machine cannot, at the time of its seizure under this section, be ascertained, the property seized shall be forfeit to the Crown and may be sold, destroyed or disposed of, as the Director thinks fit, after 90 days from the date of seizure if, within that time, it has not been possible after reasonable inquiry, to establish ownership of the property.

(5) A person found guilty of an offence relating to a gaming machine is liable to pay to the Crown the reasonable costs of handling, securing, maintaining or storing property seized under this section in relation to the offence, which costs may be assessed by the court and collected in like manner to a monetary penalty.

Part 5A Community Benefit Fund

68A Community Benefit Fund

(1) The Director must maintain in the Agency's Operating Account a fund to be known as the Community Benefit Fund.

(2) Money in the Community Benefit Fund is to be applied for the following purposes:

(a) research into gambling activity, including the social and economic impact of gambling on individuals, families and the community;

(b) promotion of community awareness and education in respect of problem gambling and provision of counselling, rehabilitation and support services for problem gamblers and their families in the Territory;

(c) funding of grants for community projects and services of benefit to communities throughout the Territory;

(d) management and administrative support of the Fund.

(3) The Minister may from time to time approve guidelines for this Part to be known as the Community Benefit Fund Guidelines.

(4) The Minister may determine the following in the Guidelines for the purpose mentioned in subsection (2)(c):

(a) the maximum amount of a major grant;

(b) the maximum amount of a minor grant.

(5) Subsection (4) does not limit any other matters the Minister may determine in the Guidelines.

(6) The Guidelines must be published on the Agency's website as soon as practicable after they are made.

68B Role of Director and Community Benefit Committee

(1) The functions of the Director are:

(a) to consider applications for:

(i) grants from the Community Benefit Fund for the purposes mentioned in section 68A(2)(a) and (b) and to make recommendations to the Minister about those applications; and

(ii) minor grants from the Community Benefit Fund for the purpose mentioned in section 68A(2)(c) and to make recommendations to the Minister about those applications; and

(b) to monitor the contribution made to the community by clubs that are licensees under the *Gaming Machine Act 1995*.

(2) The Director has the powers necessary to perform the Director's functions.

(3) The Minister must:

(a) establish a committee known as the Community Benefit Committee; and

(b) determine the membership of the Committee and how it is to operate.

(4) The functions of the Committee are:

(a) to consider applications for major grants from the Community Benefit Fund for the purpose mentioned in section 68A(2)(c); and

(b) to make recommendations to the Minister about those applications.

(5) The Committee has the powers necessary to perform its functions, including the power to require the Director to provide the Committee with specified information.

(6) The Director and Committee must provide the Minister with a joint report on the Director's and Committee's operations during a financial year in relation to the Community Benefit Fund within 3 months after the end of the financial year.

(7) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

68C Payments into and out of Fund

(1) The following money is to be paid into the Community Benefit Fund:

(a) all money received and assessed by the Director under section 156 of the *Gaming Machine Act 1995* as gaming machine community benefit levy;

(aa) all money received and assessed by the Director as gaming machine community benefit levy under section 35A;

(b) all money received by the Director as unclaimed prizes (other than unclaimed prizes in respect of foreign lotteries conducted under section 40);

(c) all money forfeited under section 78;

(d) all other money that, under any Act, is required to be paid into the Fund.

(2) The Minister must determine the total amount to be paid out of the Fund in a financial year in respect of each purpose specified in section 68A(2).

(3) An application:

(a) for a grant for a purpose mentioned in section 68A(2)(a) or (b), or for a minor grant for the purpose mentioned in section 68A(2)(c), is made to the Director; and

(b) for a major grant for the purpose mentioned in section 68A(2)(c) is made to the Community Benefit Committee.

(4) If an application is made to the Director or the Committee, the Director or Committee must:

(a) consider the application; and

(b) recommend to the Minister that the Minister:

(i) approve the whole or part of the grant; or

(ii) refuse to approve the grant.

(5) The Minister may, having regard to the recommendation of the Director or Committee:

(a) approve the whole or part of the grant; or

(b) refuse to approve the grant.

(6) If at the end of a financial year there is surplus money remaining in the Fund, that money must be:

(a) retained in the Fund; and

(b) applied to the following financial year for the purposes mentioned in section 68A(2).

Part 5B Review of decisions

68CA Definitions

In this Part:

affected person, for a reviewable decision, means a person to whom any of the following applies:

(a) for a decision that relates to disciplinary action relating to a licence – the person is the licensee;

(b) for a decision that was made in relation to an application – the person is the applicant;

(c) the person made a submission, complaint or objection (however described) during the process that resulted in the decision being made.

delegate decision means a reviewable decision that is made by a delegate of the Director.

reviewable decision means a decision prescribed by regulation.

68CB Notice of delegate decision

(1) As soon as practicable after making a delegate decision, a delegate of the Director must give written notice of the decision to each affected person.

(2) The notice must state the following:

(a) the delegate decision and the reasons for it;

(b) that the affected person may apply for a review of the decision under section 68CC;

(c) the period allowed for applying for a review.

68CC Application for review

(1) An affected person for a delegate decision may apply to the Director for a review of the decision.

(2) The application must be made:

(a) within 28 days after written notice of the delegate decision is given to the affected person; or

(b) by any later date allowed by the Director.

(3) The application must:

(a) be in the approved form; and

(b) be accompanied by the fee prescribed by regulation; and

(c) state the grounds on which it is made and the facts relied on to establish the grounds.

68CD Effect of application on delegate decision

(1) The making of the application does not stay the operation of the delegate decision.

(2) Despite subsection (1), the Director may stay the operation of the delegate decision pending completion of the review.

68CE Director to consider application

(1) On receipt of the application, the Director must review the delegate decision.

(2) Despite subsection (1), if satisfied the application is frivolous or vexatious, the Director may reject the application without reviewing the delegate decision.

68CF Conducting and deciding review

(1) In reviewing the delegate decision, the Director must:

(a) take into account any matter that this Act requires the Director to take into account in reviewing the decision; and

(b) follow the procedures for review determined by the Director; and

(c) comply with the rules of natural justice.

(2) After reviewing the delegate decision, the Director must:

(a) affirm the decision; or

(b) vary the decision; or

(c) set aside the decision and substitute a new decision.

68CG Notice of decision on review

(1) As soon as practicable after making a decision under section 68CF, the Director must give written notice of the decision to the following persons:

(a) the applicant;

(b) any other affected person.

(2) The notice must state the following:

(a) the Director's decision and the reasons for it;

(b) details of any right the person has under this Act to apply for a review of, or to appeal, the Director's decision.

68CH Application to NTCAT for review of Director's decision

(1) Subject to subsection (2), an affected person for a reviewable decision may apply to NTCAT for review of the decision.

(2) An affected person may only apply to NTCAT once the person has exhausted any other available avenue of review under this Division.

Note for section 68CH

A delegate decision must be reviewed by the Director under this Division before an application is made to NTCAT.

Part 6 Miscellaneous

68D Application of *Taxation Administration Act 2007*

(1) The *Taxation Administration Act 2007*, other than the excluded provisions, applies in relation to a tax or levy payable by a person under a taxation provision of this Act as if:

(a) the tax or levy were a tax under a taxation law; and

(b) each taxation provision of this Act were a taxation law; and

(c) the person were a taxpayer under a taxation law.

(2) In this section:

excluded provisions means section 20 and Parts 6 and 10 of the *Taxation Administration Act 2007*.

taxation provision of this Act means section 24(2)(c), 38B(3), 46M(3) or 47M(3).

69 Cheating

(1) A person shall not:

(a) by a fraudulent trick, device, sleight of hand or representation;

(b) by a fraudulent scheme or practice;

(c) by the fraudulent use of gaming equipment or any other thing; or

(d) by the fraudulent use of an instrument or article of a type normally used in connection with gaming, or appearing to be of a type normally used in connection with gaming,

obtain for himself or herself or another person, or induce a person to deliver, give or credit to him or her or another person, any money, chips, benefit, advantage, valuable consideration or security.

(2) A person shall not use or have in his or her possession:

(a) chips that he or she knows are bogus or counterfeit chips;

(b) an instrument of gaming that he or she knows has been marked, loaded or tampered with; or

(c) for the purpose of cheating, stealing or obtaining a benefit or advantage not ordinarily available to a person, any equipment, device or thing that permits or facilitates cheating, stealing or obtaining such a benefit or advantage.

(3) In so far as subsection (2) prohibits the possession of any thing referred to in subsection (2)(a) or (b), the prohibition does not extend to the possession by a person in charge of a casino, an agent or employee of a Licensee, a gaming inspector or a member of the Police Force, if the thing:

(a) has been seized under this Act for use as evidence in proceedings for an offence; or

(b) is being used for the purposes of instruction or comparison in identifying such things.

70 Act not to extend to stakes payable to winner of lawful game or race

Nothing in this Act shall extend to a person receiving or holding money or a valuable thing by way of a stake or deposit to be paid to the winner of a race or lawful sport, game or exercise.

71 Secrecy

(1) Subject to this section, a person who is employed by the Territory shall not, either directly or indirectly, except for the purposes of this Act:

(a) make a record of, or communicate to a person, information concerning the affairs of another person acquired by the person under this Act by reason of that employment; or

(b) produce to a person or permit a person to have access to a document furnished to the person for the purposes of this Act.

(2) Nothing in this section prevents a person to whom it applies from disclosing information obtained under this Act, where:

(a) the person from whom it was obtained consents to the disclosure; or

(b) the disclosure is to:

(i) a member of the Police Force;

(ii) a person who is employed by a State or another Territory of the Commonwealth to administer an Act in that State or Territory regulating the operations of casinos or gaming;

(iia) a person who is employed to administer a law in force in another country that regulates the operations of casinos or gaming in that country;

(iii) the Auditor-General for the purposes of performing functions or exercising powers imposed or conferred on the Auditor-General by or under the *Audit Act 1995* or any other Act, or prevents the Auditor-General from disclosing that information or publishing that document if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or

(iv) the Commissioner, within the meaning of the *Taxation Administration Act 2007*, for the purposes of performing functions or exercising powers imposed or conferred on the Commissioner by or under the *Taxation Administration Act 2007* or any other Act, or prevents the Commissioner from disclosing that information or publishing that document if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person.

(3) A person to whom this section applies shall not be required to produce in court any document connected with the administration or execution of this Act in the person's custody in the course of his or her employment or to divulge or communicate to a court any matter or thing coming under the person's notice in the course of employment, unless the production, divulgence, communication or publication is made:

(a) with the consent of the person from whom the information or documentation was obtained;

(b) in connection with the administration or execution of this Act; or

(c) for the purposes of legal proceedings arising out of this Act or of a report of such proceedings.

72 Criminal liability of executive officer of body corporate

(1) An executive officer of a body corporate commits an offence if the body corporate commits an offence by contravening a declared provision (a ***relevant offence***).

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

(2) An offence against subsection (1) is a regulatory offence.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant:

(a) was not in a position to influence the conduct of the body corporate in relation to the contravention; or

(b) took reasonable steps to prevent the contravention; or

(c) did not know, and could not reasonably have been expected to know, that the contravention would happen.

(4) In deciding whether the defendant took (or failed to take) reasonable steps to prevent the contravention, a court must consider the following:

(a) any action the defendant took directed towards ensuring the following (to the extent the action is relevant to the contravention):

(i) the body corporate arranged regular professional assessments of the body corporate's compliance with the declared provision;

(ii) the body corporate implemented any appropriate recommendation arising from an assessment under subparagraph (i);

(iii) the body corporate's employees, agents and contractors had a reasonable knowledge and understanding of the requirement to comply with the declared provision;

(b) any action the defendant took when the defendant became aware that the contravention was, or could be, about to happen.

(5) Subsection (4) does not limit the matters the court may consider.

(6) This section does not affect the liability of the body corporate.

(7) This section applies whether or not the body corporate is prosecuted for, or found guilty of, the relevant offence.

(8) This section does not apply if the body corporate would have a defence to a prosecution for the relevant offence.

(9) In this section:

declared provision means:

(a) section 27(6), 49(1) or 55; or

(b) a provision of the Regulations prescribed by regulation.

executive officer, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

73 Regulatory offences

An offence of contravening or failing to comply with section 33(5), 34(3), 49, 53(4) or 57(1), (2)(a) or (c) is a regulatory offence.

74 Penalties

A person who contravenes or fails to comply with section 4(7), 15(9), 27(6), 30(3), 31(5) or (6), 32, 33(5) or (8), 34(1) or (3), 35(4), 36, 38(2), 39(2), 40(1) or (8), 46, 46P, 46Q, 47P, 47Q, 47, 49(1), 53(3) or (4), 55, 56, 57, 58, 59, 61(1) or (2), 69 or 71(1) is guilty of an offence and is liable, on being found guilty, to a maximum penalty of 85 penalty units or imprisonment for 2 years.

75 Prosecution of offenders

(1) An offence against this Act may be prosecuted at any time.

(2) The finding of guilt or acquittal of a person of an offence against this Act does not:

(a) prevent a further prosecution and finding of guilt in respect of a continuation of the offence after the date on which the person was found guilty or acquitted;

(b) extinguish any obligation or liability imposed on the person under this Act; or

(c) prevent the imposing of any other penalty on, or the taking of any other action against, the person under this Act.

76 Institution of proceedings

Proceedings for an offence against this Act may be instituted only by a member of the Police Force or the Director.

77 Evidence in proceedings

(1) In proceedings in respect of an offence against this Act, a certificate purporting to be signed by the Chairperson or the Director to the effect that, on a date specified in the certificate:

(a) premises were or were not approved or deemed approved under this Act;

(b) a person was or was not a Licensee;

(c) the Minister had or had not entered into an agreement with a person named in the certificate;

(d) a named person was, or was not, a gaming inspector;

(e) a permit, determination, declaration, approval, permission or direction was, or was not, in force; or

(f) a named person was, or was not, an approved person,

is, in the absence of proof to the contrary, sufficient evidence of the matter stated in the certificate.

(2) Where a person observes an incident the fact that the observation was made by means of a camera, television set, video display unit or other electronic medium and not directly does not of itself render inadmissible any evidence that the person may give relating to the observation.

78 Forfeiture

(1) Where a person is found guilty of an offence against this Act, then, whether or not a conviction is entered or a penalty imposed, an instrument of gaming, amusement machine, ticket dispensing machine or any other instrument, article, equipment, device or thing used in or in relation to the commission of the offence is forfeited to the Crown and may be kept, sold, destroyed or otherwise disposed of as the Director thinks fit.

(2) A forfeiture under subsection (1) is in addition to and not in substitution for any other penalty imposed by a court in relation to the offence.

(3) Money forfeited under this section is to be paid into the Community Benefit Fund.

79 Protection from liability

(1) An action or proceeding, civil or criminal, shall not lie against the Director, a gaming inspector, a member of the Police Force or a person approved or authorised under this Act acting in the execution or intended execution of this Act or the Regulations on account of anything done or omitted to be done for the purposes of this Act or the Regulations or done or omitted to be done in good faith and purporting to be for the purposes of this Act or the Regulations.

(2) Subsection (1) has effect subject to Part VIIA of the *Police Administration Act 1978* to the extent it relates to the civil liability of a member of the Police Force.

79A Codes of practice

(1) For the purpose of providing practical guidance to Licensees on any matter relating to this Act, the Minister may, by notice in the *Gazette*, approve a code of practice.

(2) A code of practice may consist of a code, standard, rule, specification or provision relating to matters in this Act formulated, prepared or adopted by the Minister and may apply, incorporate or refer to a document formulated or published by a body or authority as in force at the time the code of practice is approved or as amended, formulated or published from time to time.

(3) A notice under subsection (1) must indicate where a copy of the code of practice to which it relates, and all documents incorporated or referred to in the code, may be inspected by members of the public and the times during which they may be inspected.

(4) A Licensee must not contravene or fail to comply with a code of practice approved under this section.

Maximum penalty: 85 penalty units or imprisonment for 2 years.

80 Regulations

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Regulations may make provision for or in relation to the following:

(c) the accounting and internal controls of the business conducted in a casino or in pursuance of a licence granted under Division 4 or 5 of Part 4;

(d) the persons who may be employed or who may perform duties at casinos, including the licensing of such persons and the fees for such licences;

(da) the persons who may be employed by Licensees, including the licensing of those persons and the fees for those licences;

(e) the approval of associations to conduct gaming, including calcuttas, sweepstakes and bingo, and the variation, suspension and cancellation of such approvals;

(f) the granting of permits under this Act, the fees to be charged for the granting of permits, the conditions to which permits may be subject and the variation, suspension and cancellation of such permits;

(g) the sale of tickets in lotteries and the payment of commission on the sale of such tickets;

(h) the prevention of fraud in connection with casinos, gaming, gaming machines and lotteries and the promotion and conduct of lotteries;

(j) the rules under which gaming including sweepstakes, games of bingo and calcuttas may be conducted;

(k) the conduct of lotteries and drawings, including trade lotteries, sweepstakes, games of bingo and calcuttas;

(m) the conditions, rules and purposes of lotteries, and the value of prizes offered in lotteries;

(n) the circumstances in which, and the conditions under which, the Director may intervene in, advise on or resolve disputes relating to gaming;

(p) the payment or delivery of prizes in connection with Territory sponsored lotteries and the conditions under which prizes shall be paid or delivered;

(q) the declaration of games to be unlawful games;

(r) the operation and control of gaming and associated equipment;

(s) the disposing of unclaimed or unpaid prizes or money;

(t) offences against the Regulations, including regulatory offences, and prescribing penalties, not exceeding 17 penalty units, for those offences;

(u) fees, taxes and levies as mentioned in section 24(2)(b) and (d);

(v) matters required or permitted to be prescribed for the provisions of the *Gaming Machine Act 1995* that apply under section 35A;

(w) methods for, and other procedures relating to, the payment of fees, taxes, levies, penalties and other amounts payable under this Act.

Part 7 Repeals and transitional matters

Division 1 Repeals and transitional matters for Gaming Control Act 1993

81 Repeal

(1) The *Casino Licensing and Control Act 1984*, comprising the Acts specified in Part 1 of the Schedule, is repealed.

(2) The *Lotteries and Gaming Act 1982*, comprising the Acts specified in Part 2 of the Schedule, is repealed.

82 Savings and transitional

(1) In this section:

Casino Act means the Act repealed by section 81(1).

former Commission means the Gaming Control Commission established by the Lotteries Act.

Lotteries Act means the Act repealed by section 81(2).

(2) On the commencement of this Act:

(a) the person who, immediately before that commencement, was the Director of Gaming, within the meaning of the Lotteries Act, shall be deemed to have been appointed the Director of Gaming under this Act;

(b) a person who, immediately before that commencement, was a member of the former Commission shall be deemed to be appointed as a member of the Commission for the remainder of the period for which the person was appointed under the Lotteries Act;

(c) a person who, immediately before that commencement, was a deputy of a member of the former Commission shall be deemed to be appointed as the deputy of the member under this Act;

(d) a person who, immediately before that commencement, was a Treasury Gaming Inspector under the Casino Act shall be deemed to have been appointed a gaming inspector under this Act;

(e) the Lotteries Fund and the Sports and Recreational Development Fund established under the Lotteries Act shall be deemed to be the Lotteries Fund and the Sports and Recreational Development Fund required to be established under this Act;

(f) the trust account opened for the purposes of section 37AB of the Lotteries Act shall be deemed to be the trust account that may be established under section 50;

(g) a licence granted under the Casino Act shall be deemed to be a licence granted under this Act subject to the same terms and conditions to which it was subject under the Casino Act;

(h) a permit, determination, declaration, approval, permission or direction granted, made or given under the Lotteries Act that

was in force immediately before that commencement shall be deemed to be a permit, determination, declaration, approval, permission or direction granted, made or given under the equivalent section, if any, of this Act subject to the same terms, conditions and limitations to which it was subject under the Lotteries Act;

(j) guidelines promulgated under the Lotteries Act that were in force immediately before that commencement shall be deemed to be guidelines promulgated under this Act;

(k) a game that, immediately before that commencement, was an authorised game under the Casino Act shall be deemed to be a game approved under this Act; and

(m) a direction under the Casino Act that was in force immediately before that commencement shall be deemed to be a direction given under the equivalent section, if any, of this Act.

(3) An appointment under the Lotteries Act or the Casino Act deemed under this section to be an appointment under this Act may be terminated in accordance with this Act.

(4) A permit, declaration, approval, permission or direction under the Lotteries Act or a direction under the Casino Act deemed by this section to be a permit, declaration, approval, permission or direction under this Act may be cancelled, suspended, varied or otherwise dealt with under this Act.

(5) On the commencement of this Act, premises specified in a licence granted under the Casino Act shall be deemed to be a place approved under this Act at which the Licensee may conduct the business specified in the licence and, notwithstanding anything to the contrary in the agreement or the licence, the Minister may, in accordance with this Act, from time to time, approve such other place or places at which the Licensee may conduct that business.

(6) A licence granted under the Casino Act to be deemed in pursuance of this section to be a licence under this Act may be cancelled, suspended, varied or otherwise dealt with under this Act.

(7) The *Lotteries and Gaming Regulations 1991*, as in force immediately before the commencement of this Act, shall continue in force after that commencement as if they had been made under this Act and may be amended or repealed under this Act, and a reference in those Regulations to a section of the Lotteries Act shall be construed, where possible, as a reference to the appropriate or relevant section of this Act.

Division 2 Transitional matters for Revenue Legislation Amendment Act 2012

83 Application of amendments

(1) The amendment made to this Act by section 14 of the *Revenue Legislation Amendment Act 2012* applies only in relation to a tax or levy that is:

(a) specified in, or calculated in accordance with, an agreement entered into on or after 1 May 2012; and

(b) payable on or after 1 July 2012.

(2) The remaining amendments made to this Act by the *Revenue Legislation Amendment Act 2012* apply in relation to a fee, tax or levy that is payable on or after 1 July 2012, including a fee, tax or levy that is specified in, or calculated in accordance with, an agreement entered into before 1 July 2012.

84 Application of *Taxation Administration Act 2007* to tax or levy specified in existing agreement

(1) This section applies to a tax or levy that is:

(a) payable by a person under section 24(2)(c), 46M(3) or 47M(3); and

(b) specified in, or calculated in accordance with, an existing agreement.

(2) Part 7 of the *Taxation Administration Act 2007* applies in relation to the tax or levy as if it were a tax under a taxation law, whether the tax or levy is payable before or after 1 July 2012.

(3) In this section:

existing agreement means an agreement made under section 17, 46C or 47C before 1 May 2012.

Division 3 Transitional matters for Licensing (Director-General) Act 2014

Subdivision 1 Definitions

85 Definitions

In this Division:

2014 Acts means the *Licensing (Director-General) Act 2014* and 2014 Amending Act.

2014 Amending Act means the *Licensing (Repeals and Consequential Amendments) Act 2014*.

commencement means the commencement of section 22 of the *Licensing (Director-General) Act 2014*.

Commission means the Commission as defined in section 3 of the NTLC Act.

NTLC Act means the *Northern Territory Licensing Commission Act 1999* as in force immediately before the commencement.

NTLC Director means the Director as defined in section 3 of the NTLC Act.

old legislation means the NTLC Act and this Act, as in force immediately before the commencement.

Subdivision 2 Applications

86 Application to NTLC Director – pending decision

(1) This section applies if, before the commencement:

(a) an application had been made under this Act for a decision to be made by the NTLC Director; but

(b) the NTLC Director had not made a decision on the application.

(2) The application:

(a) is taken to be an application made on the commencement for the decision to be made by the Director-General; and

(b) must be dealt with and determined in accordance with this Act as amended by the 2014 Amending Act.

Note for section 86

The Director-General's decision on the application will be a decision made after the commencement and may therefore be a reviewable decision or a decision to which Part 3 of the Licensing (Director-General) Act 2014 applies.

Subdivision 3 Review of decisions

87 New review regime applies to post-commencement decisions

Part 5B applies only in relation to decisions made after the commencement.

88 Review of pre-commencement decision – application not yet made

(1) This section applies if, before the commencement:

(a) a decision had been made under this Act and the period for applying for a review of the decision under the *Gaming Control (Commission Procedures) Regulations 1995*, as then in force, had not expired; but

(b) an application for a review of the decision had not been made.

(2) A person who would have been entitled to apply for a review of the decision under the old legislation may do so under the old legislation, as if the 2014 Acts had not commenced.

(3) The Commission must review the decision in accordance with the old legislation as if the 2014 Acts had not commenced.

89 Review of pre-commencement decision – application made

(1) This section applies if, before the commencement:

(a) an application had been made under the *Gaming Control (Commission Procedures) Regulations 1995*, as then in force, for a review of a decision made under this Act; but

(b) the Commission had not completed the review.

(2) The Commission must complete the review in accordance with the old legislation as if the 2014 Acts had not commenced.

Subdivision 4 General matters

90 Continuation of ongoing documents and things

(1) This section applies if:

(a) before the commencement, a power or function was conferred by this Act on the Commission or NTLC Director; and

(b) on the commencement, the power or function (or a substantially similar power or function) is conferred on the Director-General.

(2) On the commencement, an ongoing document continues with the same force and effect as if it had been issued by, or given to, the Director-General.

(3) On the commencement, an ongoing thing continues with the same force and effect as if it had been done by, or in relation to, the Director-General.

(4) This section applies subject to the other provisions of this Division and Part 5, Division 2 of the *Licensing (Director-General) Act 2014*.

(5) In this section, a reference to something done before the commencement includes a reference to something done after the commencement in accordance with this Division as if it had been done before the commencement.

(6) In this section:

ongoing document means a document that:

(a) was issued by, or given to, the Commission or NTLC Director before the commencement in or for the exercise of the power or performance of the function; and

(b) immediately before the commencement, had ongoing effect.

ongoing thing means a thing that:

(a) was done by, or in relation to, the Commission or NTLC Director before the commencement in or for the exercise of the power or performance of the function; and

(b) immediately before the commencement, had ongoing effect.

91 Protection of NTLC Director continues

Despite the amendment made to section 79 by the 2014 Amending Act, that section continues to apply to the NTLC Director as if the 2014 Amendment Act had not commenced.

Division 4 Transitional matters for Statute Law Amendment (Directors' Liability) Act 2015

92 Offences – before and after commencement

(1) Section 72, as inserted by the *Statute Law Amendment (Directors' Liability) Act 2015*, (the ***new section***) applies in relation to a relevant offence committed by a body corporate after the commencement of Part 2, Division 14 of that Act (the ***commencement***) only if:

(a) all the conduct constituting the relevant offence occurred after the commencement; and

(b) all the conduct of the executive officer constituting the offence against the new section occurred after the commencement.

(2) Section 72, as in force before the commencement:

(a) continues to apply in relation to offences committed by a corporation before the commencement; and

(b) applies in relation to relevant offences committed by a body corporate after the commencement to which, as a result of subsection (1), the new section does not apply.

Division 5 Transitional matters for Revenue and Other Legislation Amendment Act 2017

93 Application of amendments

The amendments made to sections 68D(2) and 84(1)(a) by the *Revenue and Other Legislation Amendment Act 2017* apply, and are taken to have applied, on and after 1 July 2015.

Division 6 Transitional matters for Licensing (Director-General) Repeal Act 2020

94 Definitions

In this Part:

commencement means the commencement of section 3 of the *Licensing (Director-General) Repeal Act 2020*.

Director-General means the Director-General of Licensing appointed under the repealed Act before its repeal.

repealed Act means the *Licensing (Director-General) Act 2014*.

95 Applications to be decided by Director

If an application is made to the Director-General for a decision to be made under this Act but the decision is not made before the commencement, the application must be decided by the Director as if it was made to the Director.

96 Director to complete delegate decision reviews

If an application is made to the Director-General for a review under Part 3 of the repealed Act of a delegate decision made under this Act, but the review is not completed before the commencement, the review must be conducted by the Director as if the application was made to the Director.

97 Continuation of instruments, appointments, documents etc.

(1) A statutory instrument or other instrument, an appointment, an approved form or any other document made or issued by the Director-General under this Act or the repealed Act before the commencement continues in force and is taken after the commencement to have been made or issued by the Director.

(2) Without limiting subsection (1), a delegation by the Director-General under this Act or the repealed Act in force immediately before the commencement is taken after the commencement to be a delegation by the Director and continues in force until amended or revoked under this Act.

Schedule Acts repealed

section 81

PART 1	
Casino Licensing and Control Act 1984	No. 22, 1984
Casino Licensing and Control Amendment Act 1989	No. 56, 1989
Casino Licensing and Control Amendment Act 1991	No. 20, 1991
PART 2	
Lotteries and Gaming Act 1982	No. 32, 1982
Lotteries and Gaming Amendment Act 1983	No. 51, 1983
Lotteries and Gaming Amendment Act 1984	No. 25, 1984
Lotteries and Gaming Amendment Act 1985	No. 4, 1985
Lotteries and Gaming Amendment Act 1986	No. 41, 1986
Lotteries and Gaming Amendment Act 1990	No. 11, 1990
Lotteries and Gaming Amendment Act 1991	No. 7, 1991
Lotteries and Gaming Amendment Act (No. 2) 1991	No. 21, 1991

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Gaming Control Act 1993* (Act No. 56, 1993)**
Assent date 5 October 1993
Commenced 1 November 1993 (*Gaz* S87, 11 November 1993)

***Gaming Control Amendment Act 1994* (Act No. 61, 1994)**
Assent date 24 October 1994
Commenced 24 October 1994

***Gaming Control Amendment Act (No. 2) 1994* (Act No. 66, 1994)**
Assent date 23 November 1994
Commenced 23 November 1994

***Financial Management (Consequential Amendments) Act 1995* (Act No. 5, 1995)**
Assent date 21 March 1995
Commenced 1 April 1995 (s 2, s 2 *Financial Management 1995* (Act No. 4, 1995) and *Gaz* S13, 31 March 1995)

***Gaming Control Amendment Act 1995* (Act No. 32, 1995)**
Assent date 25 August 1995
Commenced 1 September 1995 (*Gaz* S31, 1 September 1995)

***Gaming Control Amendment Act (No. 2) 1995* (Act No. 44, 1995)**
Assent date 15 November 1995
Commenced 19 December 1995 (s 2, s 2 *Gaming Machine Act 1995* (Act No. 50, 1995) and *Gaz* S43, 19 December 1995)

***Sentencing (Consequential Amendments) Act 1996* (Act No. 17, 1996)**
Assent date 19 April 1996
Commenced 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

***Gaming Control Amendment Act 1998* (Act No. 38, 1998)**

Assent date	27 May 1998
Commenced	27 May 1998

***Statute Law Revision Act 1999* (Act No. 27, 1999)**

Assent date	18 June 1999
Commenced	18 June 1999

***Gaming Control Amendment Act 1999* (Act No. 68, 1999)**

Assent date	17 December 1999
Commenced	14 February 2000 (s 2, s 2 *Northern Territory Licensing Commission Act 1999* (Act No. 67, 1999) and *Gaz* G5, 9 February 2000, p 6)

***Gaming Control Amendment Act 2002* (Act No. 56, 2002)**

Assent date	10 October 2002
Commenced	8 January 2003 (*Gaz* G1, 8 January 2003, p 2)

***Statute Law Revision Act 2004* (Act No. 18, 2004)**

Assent date	15 March 2004
Commenced	5 May 2004 (s 2(1), s 2 *Associations Act 2003* (Act No. 56, 2003) and *Gaz* G18, 5 May 2004, p 2)

***Gaming Control Amendment Act 2004* (Act No. 44, 2004)**

Assent date	14 July 2004
Commenced	1 September 2004 (*Gaz* G35, 1 September, p 8)

***Police Administration Amendment (Powers and Liability) Act 2005* (Act No. 11, 2005)**

Assent date	17 March 2005
Commenced	20 April 2005 (*Gaz* G16, 20 April 2005, p 5)

***Statute Law Revision Act 2007* (Act No. 4, 2007)**

Assent date	8 March 2007
Commenced	8 March 2007

***Revenue Law Reform (Budget Initiatives) Act 2008* (Act No. 23, 2008)**

Assent date	30 June 2008
Commenced	pt 1, ss 3, 12(1), 18 and 19: 1 January 2008; ss 7, 10 and 11(1): 6 May 2008; rem: 1 July 2008 (s 2)

***Statute Law Revision Act 2009* (Act No. 25, 2009)**

Assent date	1 September 2009
Commenced	16 September 2009 (*Gaz* G37, 16 September 2009, p 3)

***Personal Property Securities (National Uniform Legislation) Implementation Act 2010* (Act No. 30, 2010)**

Assent date	9 September 2010
Commenced	ss 58 to 60: 30 January 2012 (*Gaz*, S2, 24 January 2012); rem: 25 November 2011 (*Gaz*,S68, 25 November 2011)

***Penalties Amendment (Justice and Treasury Legislation) Act 2010* (Act No. 38, 2010)**

Assent date	18 November 2010
Commenced	1 February 2011 (*Gaz* S6, 1 February 2011)

***Revenue Legislation Amendment Act 2012* (Act No. 20, 2012)**

Assent date	30 June 2012
Commenced	1 July 2012 (s 2)

Licensing (Repeals and Consequential Amendments) Act 2014 **(Act No. 44, 2014)**

Assent date	5 December 2014
Commenced	1 January 2015 (*Gaz* S130, 19 December 2014, p 2)

Revenue and Other Legislation Amendment Act 2015 **(Act No. 18, 2015)**

Assent date	23 June 2015
Commenced	pt 2 and pt 5, divs 1 to 4: 28 April 2015; pts 3 and 4, pt 5, divs 5 to 8 and pt 6: 1 July 2015; rem: 23 June 2015 (s 2)

Statute Law Amendment (Directors' Liability) Act 2015 **(Act No. 26, 2015)**

Assent date	18 September 2015
Commenced	14 October 2015 (*Gaz* G41, 14 October 2015, p 3)

Revenue and Other Legislation Amendment Act 2017 **(Act No. 13, 2017)**

Assent date	27 June 2017
Commenced	1 July 2017 (s 2)

Gaming Control Amendment Act 2018 **(Act No. 15, 2018)**

Assent date	17 August 2018
Commenced	31 August 2018 (*Gaz* S69, 31 August 2018)

Liquor Act 2019 **(Act No. 29, 2019)**

Assent date	3 September 2019
Commenced	1 October 2019 (*Gaz* G39, 25 September 2019, p 2)

Licensing (Director-General) Repeal Act 2020 **(Act No. 4, 2020)**

Assent date	9 March 2020
Commenced	14 April 2020 (*Gaz* G13, 1 April 2020, p 2)

Statute Law Revision Act 2020 **(Act No. 26, 2020)**

Assent date	19 November 2020
Commenced	20 November 2020

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 7 *Gaming Control Amendment Act 1999* (Act No. 68, 1999)
ss 10 and 11 *Gaming Control Amendment Act 2002* (Act No. 56, 2002)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 2, 3, 27, 28, 32, 35, 35A, 54, 68, 68B, 68C, 68CC, 68CD, 68D, 71, 79, 80, 84, 85, 86, 88, 89 and 90.

5 LIST OF AMENDMENTS

s 2A	ins No. 44, 2004, s 4
s 3	amd No. 61, 1994, s 2; No. 66, 1994, s 3; No. 32, 1995, s 3; No. 44, 1995, s 3; No. 38, 1998, s 3; No. 68, 1999, s 4; No. 56, 2002, s 4; No. 18, 2004, s 3; No. 44, 2014, s 4; No. 15, 2018, s 4; No. 29, 2019, s 352; No. 4, 2020, s 5; No. 26, 2020, s 3
s 3A	ins No. 44, 1995, s 4
s 3B	ins No. 4, 2020, s 6

s 4	amd No. 68, 1999, s 5; No. 44, 2014, s 5; No. 4, 2020, s 7
ss 5 – 7	rep No. 68, 1999, s 6
	ins No. 4, 2020, s 8
ss 8 – 12	rep No. 68, 1999, s 6
s 13	rep No. 44, 2014, s 6
s 14	rep No. 68, 1999, s 6
	ins No. 44, 2004, s 5
	amd No. 4, 2020, s 9
s 15	amd No. 38, 2010, s 3; No. 4, 2020, s 10
s 16	amd No. 44, 2004, s 6
s 17	amd No. 32, 1995, s 4; No. 44, 2004, s 7; No. 26, 2015, s 43
s 18	amd No. 32, 1995, s 5
s 20	amd No. 17, 1996, s 6; No. 20, 2012, s 7; No. 18, 2015, s 7; No. 26, 2015, s 44; No. 4, 2020, s 14
s 20A	ins No. 30, 2010, s 36
s 23	amd No. 18, 2015, s 8
s 24	sub No. 20, 2012, s 8
	amd No. 18, 2015, s 9
s 25	amd No. 23, 2008, s 21
	rep No. 20, 2012, s 8
ss 26 – 27	amd No. 4, 2020, s 14
s 31	amd No. 4, 2020, s 14
s 32	sub No. 29, 2019, s 353
s 33	amd No. 44, 2004, s 8; No. 4, 2020, s 14
s 35	amd No. 29, 2019, s 354; No. 4, 2020, s 14
pt 3	
div 3 hdg	ins No. 18, 2015, s 10
s 35A	ins No. 18, 2015, s 10
	amd No. 4, 2020, s 14
s 37A	ins No. 61, 1994, s.3
s 38	amd No. 66, 1994, s 4
s 38A	ins No. 44, 2004, s 9
s 38B	ins No. 20, 2012, s 9
s 40	amd No. 56, 2002, s 5; No. 44, 2004, s 10; No. 4, 2007, s 7; No. 26, 2015, s 45; No. 4, 2020, s 14
pt 4	
div 3 hdg	rep No. 44, 2004, s 11
ss 41 – 42	rep No. 44, 2004, s 11
s 43	amd No. 5, 1995, s 19; No. 44, 1995, s 5; No. 27, 1999, s 15
	rep No. 56, 2002, s 6
s 44	amd No. 5, 1995, s 19
	rep No. 56, 2002, s 6
ss 45 – 46	rep No. 44, 2004, s 11
pt 4	
div 4 hdg	ins No. 66, 1994, s 5
s 46A	ins No. 66, 1994, s 5
s 46B	ins No. 66, 1994, s 5
	amd No. 44, 2004, s 12
s 46C	ins No. 66, 1994, s 5
	amd No. 44, 2004, s 13; No. 26, 2015, s 46
ss 46D – 46E	ins No. 66, 1994, s 5
s 46F	ins No. 66, 1994, s 5
	amd No. 20, 2012, s 10; No. 26, 2015, s 47; No. 4, 2020, s 14
ss 46G – 46L	ins No. 66, 1994, s 5
s 46M	ins No. 66, 1994, s 5
	sub No. 20, 2012, s 11

s 46N	ins No. 66, 1994, s 5 amd No. 23, 2008, s 21 rep No. 20, 2012, s 11
ss 46P – 46Q	ins No. 66, 1994, s 5 amd No. 4, 2020, s 14
s 46R	ins No. 30, 2010, s 36
pt 4	
div 5 hdg	ins No. 38, 1998, s 4
s 47A	ins No. 38, 1998, s 4
s 47B	ins No. 38, 1998, s 4 amd No. 44, 2004, s 14
s 47C	ins No. 38, 1998, s 4 amd No. 44, 2004, s 15; No. 26, 2015, s 48
ss 47D – 47E	ins No. 38, 1998, s 4
s 47F	ins No. 38, 1998, s 4 amd No. 20, 2012, s 12; No. 26, 2015, s 49; No. 4, 2020, s 14
ss 47G – 47L	ins No. 38, 1998, s 4
s 47M	ins No. 38, 1998, s 4 sub No. 20, 2012, s 13
s 47N	ins No. 38, 1998, s 4 amd No. 23, 2008, s 21 rep No. 20, 2012, s 13
ss 47P – 47Q	ins No. 38, 1998, s 4 amd No. 4, 2020, s 14
s 47R	ins No. 30, 2010, s 36
s 48	amd No. 25, 2009, s 10; No. 4, 2020, s 14
s 49	amd No. 4, 2020, s 14
s 50	amd No. 5, 1995, s 19 rep No. 56, 2002, s 6
s 51	amd No. 4, 2020, s 14
s 53	amd No. 4, 2020, s 14
s 68	amd No. 17, 1996, s 6; No. 4, 2020, s 14
pt 5A hdg	ins No. 56, 2002, s 7 amd No. 15, 2018, s 5
s 68A	ins No. 56, 2002, s 7 amd No. 15, 2018, s 6; No. 4, 2020, s 14
s 68B	ins No. 56, 2002, s 7 sub No. 15, 2018, s 7 amd No. 4, 2020, s 14
s 68C	ins No. 56, 2002, s 7 amd No. 44, 2014, s 7; No. 18, 2015, s 11; No. 15, 2018, s 8; No. 4, 2020, s 14
pt 5B hdg	ins No. 44, 2014, s 8 sub No. 4, 2020, s 11
ss 68CA – 68CD	ins No. 44, 2014, s 8 sub No. 4, 2020, s 11
ss 68CE – 68CH	ins No. 4, 2020, s 11
s 68D	ins No. 20, 2012, s 14 amd No. 13, 2017, s 4
s 71	amd No. 5, 1995, s 19; No. 44, 2004, s 16; No. 23, 2008, s 21
s 72	amd No. 17, 1996, s 6 sub No. 26, 2015, s 50
s 74	amd No. 66, 1994, s 6; No. 17, 1996, s 6; No. 38, 1998, s 5; No. 38, 2010, s 3
s 75	amd No. 17, 1996, s 6
ss 76 – 77	amd No. 4, 2020, s 14
s 78	amd No. 56, 2002, s 8; No. 4, 2020, s 14

s 79	amd No. 11, 2005, s 22, No. 4, 2020, s 12
s 79A	ins No. 44, 2004, s 17 amd No. 38, 2010, s 3
s 80	amd No. 61, 1994, s 4; No. 66, 1994, s 7; No. 38, 1998, s 6; No. 27, 1999, s 15; No. 56, 2002, s 9; No. 44, 2004, s 18; No. 38, 2010, s 3; No. 44, 2014, s 9; No. 18, 2015, s 12; No. 4, 2020, s 14
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pt 7 div 1 hdg	ins No. 20, 2012, s 15
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