

NORTHERN TERRITORY OF AUSTRALIA  
GAMING CONTROL AMENDMENT ACT 2004

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Act No. 44 of 2004

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 44 of 2004

## AN ACT

to amend the *Gaming Control Act*

[Assented to 14 July 2004]  
[Second reading 20 May 2004]

The Legislative Assembly of the Northern Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Gaming Control Amendment Act 2004*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The *Gaming Control Act* is in this Act referred to as the Principal Act.

**4. New section 2A**

The Principal Act is amended by inserting after section 2 the following:

**"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."

**5. New section 14**

The Principal Act is amended by inserting after section 13 the following:

**"14. Regulatory principles**

"The following principles are to be considered when the Commission or the Director are 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."

**6. Application for casino licence**

Section 16 of the Principal Act is amended by omitting subsection (5) and substituting the following:

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

**7. Minister may enter into agreement**

Section 17 of the Principal Act is amended by omitting from subsection (4)(g) "suitable" and substituting "fit and proper".

**8. Right of entry to casino**

Section 33 of the Principal Act is amended by omitting subsection (7) and substituting the following:

"(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."

**9. New section 38A**

The Principal Act is amended by inserting after section 38 the following:

**"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)."

**10. Foreign lotteries**

Section 40 of the Principal Act is amended –

- (a) by omitting from subsection (4) ", or the Commission"; and
- (b) by inserting after subsection (4) the following:

"(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 corporation – 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."

**11. Repeal of Part 4, Division 3**

Part 4, Division 3 of the Principal Act is repealed.

**12. Application for licence to conduct lottery by mail order**

Section 46B of the Principal Act is amended by omitting subsection (5) and substituting the following:

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

**13. Minister may enter into agreement**

Section 46C of the Principal Act is amended –

- (a) by inserting after subsection (4)(b) the following:

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

- (b) by omitting from subsection (4)(f) "suitable" and substituting "fit and proper".

**14. Application for licence to conduct internet gaming**

Section 47B of the Principal Act is amended by omitting subsection (5) and substituting the following:

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

**15. Minister may enter into agreement**

Section 47C of the Principal Act is amended –

- (a) by inserting after subsection (4)(b) the following:

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

- (b) by omitting from subsection (4)(f) "suitable" and substituting "fit and proper".

**16. Secrecy**

Section 71 of the Principal Act is amended by inserting after subsection (2)(b)(ii) the following:

"(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;"

**17. New section 79A**

The Principal Act is amended by inserting after section 79 the following:

**"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.

Penalty: \$10 000 or imprisonment for 2 years."

**18. Regulations**

Section 80 of the Principal Act is amended by inserting after subsection (2)(d) the following:

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

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