

NORTHERN TERRITORY OF AUSTRALIA

LOTTERIES AND GAMING AMENDMENT ACT 1991

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No. 21 of 1991

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# NORTHERN TERRITORY OF AUSTRALIA

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## AN ACT

to amend the *Lotteries and Gaming Act*

[Assented to 11 June 1991]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Lotteries and Gaming Amendment Act 1991*.

2. COMMENCEMENT

This Act shall come into operation on 1 July 1991.

3. PRINCIPAL ACT

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

4. INTERPRETATION

Section 3(1) of the Principal Act is amended -

- (a) by omitting the definition of "Commission" and substituting the following:

"'Commission' means the Gaming Control Commission established by section 4C;" and

- (b) by inserting after the definition of "court" the following:

"'Director' means the Director of Gaming appointed under section 4B;"

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5. DELEGATIONS

Section 4 of the Principal Act is amended -

- (a) by omitting from subsection (1) "or a member or officer of the Commission" and substituting ", a member of the Commission, the Director or a Treasury Gaming Inspector appointed under the *Casino Licensing and Control Act*";
- (b) by inserting in subsection (2) -
  - (i) after "Commission", the words "or the Director"; and
  - (ii) after "its", the words "or his"; and
- (c) by omitting from subsections (3) and (4) "or the Commission" and substituting ", the Commission or the Director".

6. NEW PART

The Principal Act is amended by inserting after Part I the following:

"PART IA - ADMINISTRATION

"4A. DEFINITION

"In this Part, unless the contrary intention appears, 'member' means a member of the Commission appointed under section 4D(b).

"4B. DIRECTOR OF GAMING

"(1) The Minister may, by notice in writing, appoint a person to be the Director of Gaming.

"(2) For the purposes of subsection (1), an appointment may be made by reference to a particular designation, office or position and any appointment so made shall be construed in accordance with section 38(3) of the *Interpretation Act*.

"(3) The Director has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of the Director's functions under this or any other Act.

"4C. GAMING CONTROL COMMISSION

"(1) There is established by this Act a commission to be known as the Gaming Control Commission.

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"(2) The Commission -

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of real (including leasehold) and personal property and of suing and being sued.

"(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall assume that it was duly affixed.

"(4) The Commission is a prescribed statutory corporation within the meaning and for the purposes of the *Financial Administration and Audit Act*.

### "4D. COMPOSITION OF COMMISSION

"(1) Subject to this Act, the Commission shall consist of -

- (a) the Departmental Head, within the meaning of the *Public Service Act*, of the Department primarily responsible to the Treasurer for the administration of the *Financial Administration and Audit Act*, or his or her nominee, who shall be the Chairman of the Commission; and
- (b) two other members appointed by the Minister.

"(2) The exercise of the powers or the performance of the functions of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

### "4E. TENURE OF OFFICE

"(1) Subject to this Part, a member shall be appointed for a period not exceeding 3 years, but is eligible for reappointment.

"(2) Notwithstanding subsection (1), unless a member sooner vacates office or is removed from office under this Part, the member shall continue in office until a successor is appointed.

### "4F. RESIGNATION AND DISMISSAL OF MEMBERS

"(1) A member may resign from office by writing signed by the member and delivered to the Minister.

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"(2) The Minister may remove a member from office for inability, inefficiency, misbehaviour or physical or mental incapacity.

"(3) Where a member -

- (a) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Commission; or
- (b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of the member's remuneration for their benefit,

the Minister shall terminate the appointment of the member.

### "4G. LEAVE OF ABSENCE

"The Minister may grant leave of absence to a member.

### "4H. MEETINGS

"(1) The Chairman shall convene such meetings of the Commission as are necessary for the exercise of its powers and the performance of its functions under this or any other Act but in any case not less than one meeting in any period of 3 months.

"(2) At a meeting of the Commission -

- (a) the Chairman shall preside;
- (b) the Chairman and one member constitute a quorum;
- (c) questions arising shall be determined by a majority of the votes of the Chairman and members present and voting and, in the event of an equality of votes, the Chairman shall have a casting vote; and
- (d) subject to this Act, the Commission shall determine its own procedures.

"(3) The Commission shall keep records of its meetings.

### "4J. PROTECTION OF MEMBERS, &c.

"No action or proceeding, civil or criminal, shall lie against the Commission, the Chairman or a member for or in respect of an act or thing done or omitted to be done, whether under this or any other Act, in good faith by the Commission, the Chairman or a member.

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### "4K. DEPUTIES OF MEMBERS

"(1) The Minister may appoint a person to be the deputy of a member.

"(2) The Minister may, at any time, terminate an appointment made under subsection (1).

"(3) A deputy appointed under subsection (1) shall, in the event of the absence from a meeting of the Commission of the member for whom the person is the deputy, be entitled to attend that meeting and when so attending shall be deemed to be a member both for the purposes of this Act and for the purposes of the *Remuneration (Statutory Bodies) Act*.

"(4) An act done by a deputy appointed under subsection (1) as a deputy shall not, in any proceedings, be questioned on the ground that the occasion for the exercise of any powers or the performance of any functions did not arise or had ceased.

### "4M. DISCLOSURE OF INTEREST

"(1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he or she is not a director, shall, as soon as practicable after the relevant facts have come to the attention of the member, disclose the nature of the interest at a meeting of the Commission.

"(2) A disclosure under subsection (1) shall be recorded in the minutes of the Commission and the member making the disclosure shall -

- (a) not, while the member has that interest, take part after the disclosure in any deliberation or decision; and
- (b) be disregarded for the purpose of constituting a quorum,

of the Commission in relation to that matter.

### "4N. POWERS AND FUNCTIONS OF COMMISSION

"(1) The functions of the Commission are -

- (a) to monitor the implementation of and establish guidelines for gaming control in the Territory;

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- (b) review any decisions of the Director relating to administration of gaming control under a law of the Territory and make recommendations to the Minister or the Director in relation to those decisions as it thinks fit;
- (c) review and determine complaints about such administration of gaming control as prescribed;
- (d) advise the Minister on matters relating to gaming control in the Territory; and
- (e) such other functions as are imposed on it by or under this or any other Act.

"(2) The Commission has such powers as are necessary to enable it to perform its functions or exercise its powers.".

### 7. SUPERVISION OF LOTTERIES

Section 33 of the Principal Act is amended -

- (a) by omitting from subsection (1) "Chairman or an employee of the Commission authorized in writing by him" and substituting "Director or a person authorized in writing by the Commission"; and
- (b) by omitting from subsection (2) "Chairman" and substituting "Director".

### 8. UNLAWFUL GAMES

Section 42(2)(a) of the Principal Act is amended by omitting "100 km" and substituting "80 km".

### 9. REGULATIONS

Section 48(2) of the Principal Act is amended by inserting before paragraph (a) the following:

- "(aa) applications for a review of actions of the Director or complaints;
  - (ab) the powers and procedures of the Commission in conducting a review;".
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