

NORTHERN TERRITORY OF AUSTRALIA

LOTTERIES AND GAMING AMENDMENT ACT 1990

No. 11 of 1990

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Interpretation
5. Provision of certain machines and conduct of certain games prohibited
6. Repeal and substitution:
 - "37. GAMING MACHINES PROHIBITED WITHOUT PERMIT
 - "37A. APPLICATIONS AND PERMITS
 - "37B. REGISTRATION LABELS
 - "37C. COMMISSION MAY PROMULGATE GUIDELINES
 - "37D. SEARCH, SEIZURE AND FORFEITURE"
7. Consideration of applications
8. Regulatory offences
9. Regulations
10. Transitional



NORTHERN TERRITORY OF AUSTRALIA

No. 11 of 1990

AN ACT

to amend the *Lotteries and Gaming Act*

[Assented to 12 April 1990]

BE 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 1990*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

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 by inserting in the definition of "gaming machine", after "goods" (twice occurring), "or services".

5. PROVISION OF CERTAIN MACHINES AND CONDUCT OF CERTAIN GAMES PROHIBITED

Section 35(a) of the Principal Act is amended by omitting "a gaming machine or".

Lotteries and Gaming Amendment

6. REPEAL AND SUBSTITUTION

Section 37 of the Principal Act is repealed and the following substituted:

"37. 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 by the Commission and with any regulations relating to gaming machines.

"(2) The Commission may cancel or suspend the operation of a permit held by a person found guilty of an offence against subsection (1).

Penalty: \$1,000 or imprisonment for 6 months.

"37A. APPLICATIONS AND PERMITS

"(1) A person may apply to the Commission for a permit for a purpose referred to in section 37(a), (b) or (c) or any combination of those purposes.

"(2) An application under subsection (1) shall be -

- (a) in writing in an approved form;
- (b) accompanied by such documentary evidence as may be required by the Commission to assist it in determining the application, or as is prescribed; and
- (c) accompanied by the prescribed fee (if any).

"(3) In considering an application under this section, the Commission shall have regard to -

- (a) any prescribed matters; and
- (b) any written directions of the Minister relating to the provision and use of gaming machines.

"(4) The Commission may, by notice in writing to the holder of a permit granted as the result of an application under subsection (1), but having regard to the matters and directions (if any) referred to in subsection (3)(a) and (b), amend or revoke a condition of the permit or impose additional conditions.

Lotteries and Gaming Amendment

"(5) It is a condition of every permit granted as a result of an application under subsection (1) that the permit holder shall allow and facilitate the entry, at all reasonable times, of a person authorized in writing by the Commission in that behalf to any place (including a public place) where a gaming machine in relation to which the permit was granted is kept, used, maintained or repaired, and there inspect that place and that or any gaming machine.

"37B. REGISTRATION LABELS

"(1) Where the Commission grants a permit relating to a gaming machine, it shall issue a registration label for that gaming machine to the permit holder.

"(2) The permit holder must fix a registration label issued under subsection (1) in a conspicuous place on the gaming machine to which it relates.

Penalty: \$500..

"37C. COMMISSION MAY PROMULGATE GUIDELINES

"(1) Subject to this Act, the Regulations and any written directions of the Minister, the Commission may promulgate in writing guidelines in the form of criteria, either general or specific, for or in relation to -

- (a) the construction, nature 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 Commission thinks relevant.

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

"37D. SEARCH, SEIZURE AND FORFEITURE

"(1) The provisions of sections 46D, 46K and 46M, with the necessary changes, apply in respect of an offence relating to gaming machines as they apply in respect of an offence relating to unlawful gaming, and for this purpose a reference in those sections to unlawful gaming shall be

Lotteries and Gaming Amendment

construed as a reference to an act prohibited by section 37 unless a permit is held.

"(2) Where the ownership of a gaming machine or part of a gaming machine cannot, at the time of its seizure pursuant to section 46D, be ascertained, the property seized shall be forfeit to the Crown and may be sold, destroyed or disposed of as the Minister 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.

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

7. CONSIDERATION OF APPLICATIONS

Section 41 of the Principal Act is amended by omitting "37" (twice occurring) and substituting "37A".

8. REGULATORY OFFENCES

Section 47A of the Principal Act is amended by omitting "32(1)," and substituting "32(1), 37,".

9. REGULATIONS

Section 48(3) of the Principal Act is amended by omitting "\$500" and substituting "\$1,000".

10. TRANSITIONAL

The provisions of section 37 of the Principal Act (as substituted by section 6 of this Act) shall not apply to or in relation to a person who, at the commencement of this Act, is a person to whom those provisions would otherwise apply, until the expiration of a period of 12 months commencing with the day of commencement of this Act.
