



New South Wales

# Community Gaming Bill 2018

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to provide a framework for the regulation of gaming activities for community or charitable purposes and trade promotion purposes.

## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** sets out the objects of the proposed Act and the way in which those objects are sought to be achieved. The principal objects include allowing the conduct of gaming activities for charitable, not-for-profit or trade promotion purposes and ensuring the integrity and fairness of permitted gaming activities.

**Clause 4** defines certain words and expressions used in the proposed Act.

**Clause 5** defines the gaming activities to which the proposed Act applies, including games of chance, games partly of skill and partly of chance and the awarding of a prize by lot or on the basis of a chance contingency related to a horse race, sporting event or competition. The gaming activity must involve the sale or other disposal of property or services and the proposed Act will apply whether or not consideration is paid for participation in the gaming activity. A person will be considered to be a participant in a gaming activity if the person enters, competes or otherwise

participates in a gaming activity or another person does so on behalf of the person. Regulations may be made to exempt games and other activities from being a gaming activity.

**Clause 6** defines the persons who are taken to conduct (including organise) a gaming activity. They include a person who authorises the conduct of a gaming activity in the capacity of an officer, trustee or member of the governing body of an incorporated or unincorporated body, a person or body that authorises an agent, contractor or employee to conduct a gaming activity, a person who assists in the conduct of a gaming activity and a person or body that solicits or receives a benefit in the course of conducting a gaming activity (other than as a prize winner or participant).

**Clause 7** applies the proposed Act and regulations made under the proposed Act to gaming activities in which persons who reside in this State participate or can participate, even though the activities may be conducted from outside the State. The proposed section also recognises permitted gaming activities authorised under the law of another State or Territory if the law is prescribed as a corresponding law by regulations made under the proposed Act.

## **Part 2 Regulation of gaming activities**

### **Division 1 General prohibitions**

**Clause 8** makes it an offence to conduct a gaming activity, to receive money paid for a ticket or right to participate in a gaming activity, to sell or offer to sell a ticket or right to participate in a gaming activity or to print or make available in electronic form tickets or rights to participate in a gaming activity.

**Clause 9** prohibits the publishing of advertising or other information promoting a gaming activity and provides for defences to the offence.

### **Division 2 Permitted gaming activities**

**Clause 10** enables the regulations to provide for gaming activities that are permitted by the proposed Act, including authorities to conduct gaming activities.

**Clause 11** provides for the grant by the Secretary of authorities to conduct permitted gaming activities and for matters related to authorities.

**Clause 12** provides that a gaming activity is not a permitted gaming activity if any of the prizes consist of tobacco, firearms, ammunition, imitation firearms or prohibited weapons. The regulations may provide for exceptions to this in exceptional circumstances.

**Clause 13** makes it an offence for a person or body that conducts a gaming activity to fail to award a prize to the winner of the prize for the gaming activity.

**Clause 14** makes it an offence for a person who is concerned in the conduct of a gaming activity, or conducts a gaming activity as the agent or employee of a person who is concerned in the conduct of a gaming activity, to convert to the person's own use any money raised by means of the gaming activity or any prize connected with the activity. The offence may be dealt with on indictment and will have a maximum penalty of \$220,000 or imprisonment for 5 years, or both.

**Clause 15** makes it an offence for a person to conduct a permitted gaming activity (other than a game partly of skill and partly of chance) with intent to defraud so that not all participants have an equal chance of winning or to fraudulently conduct a permitted gaming activity that is a game partly of skill and partly of chance.

**Clause 16** makes it an offence for a person, with intent to defraud or deceive another person, to alter or falsify a record relating to a permitted gaming activity, to make or concur in the making of a false or fraudulent record relating to a permitted gaming activity or to omit or concur in the omission of a material particular from any such record. The offence may be dealt with on indictment and will have a maximum penalty of \$220,000 or imprisonment for 5 years, or both.

**Clause 17** makes it an offence for a person who conducts or proposes to conduct a gaming activity, or who acts on behalf of any such person, to represent to an employee or agent involved in the conduct of the activity that a requirement under the proposed Act or a condition precedent

to the conduct of the activity has been complied with, if the person knows the representation is false or is reckless as to whether or not it is false.

**Clause 18** prevents a person from being punished for both the offence relating to false records and the offence relating to false representations about compliance with requirements of the proposed Act.

## **Part 3 Enforcement**

### **Division 1 Investigation powers**

**Clause 19** requires an authorised officer to be issued with an identity card in a form approved by the Secretary (who may be the Commissioner for Fair Trading in the Department of Finance, Services and Innovation, or the Secretary of that Department if no one is employed as Commissioner). The card must be returned to the Secretary if an authorised officer ceases to be an authorised officer or the Secretary requests the return of the card. Authorised officers include the Secretary, persons authorised by the Secretary, fair trading investigators and police officers.

**Clause 20** requires an authorised officer to carry his or her identity card at all times when exercising functions as an authorised officer and to produce the card when requested to do so by a person in respect of whom the authorised officer is exercising a power.

**Clause 21** provides that the investigation powers may be used if the Secretary or an authorised officer reasonably believes that it is necessary to do so to determine whether there has been a contravention of the proposed Act, regulations made under the proposed Act or an authority issued under the proposed Act.

**Clause 22** permits an authorised officer to enter premises (other than residential premises) without the occupier's consent and without a search warrant. An authorised officer may enter residential premises with the occupier's consent or if authorised by a search warrant.

**Clause 23** limits entry to premises to reasonable times during the day, a time when gaming activities are being conducted, a time when premises are open for entry and a time that is permitted by the occupier or a search warrant. The Secretary may certify other times when an authorised officer may enter premises.

**Clause 24** sets out the powers of an authorised officer who enters premises, including to make inquiries of persons at the premises, to require documents to be produced, to take photos and make recordings and to seize documents.

**Clause 25** enables an authorised officer to require accounts and statements to be produced and to make copies of and examine any accounts and statements that are produced.

**Clause 26** enables an authorised officer to apply for a search warrant to inspect premises if the authorised officer has reasonable grounds for believing that a provision of the proposed Act or regulations under the proposed Act is being contravened on the premises.

**Clause 27** requires an authorised officer to do as little damage as possible when exercising a function and allows reasonable compensation to be recovered from the Crown if damage is caused by a person exercising a power to enter premises.

**Clause 28** enables the Minister administering the proposed Act (the *Minister*) to direct a person or body to pay the remuneration and expenses of an authorised officer for the exercise of investigation functions in relation to the person or body, if a person has been found guilty of an offence.

**Clause 29** establishes offences relating to non-compliance with requirements of authorised officers, including hindering or obstructing an authorised officer exercising functions, failing to comply with requirements and failing to produce documents or things.

### **Division 2 Other general enforcement powers**

**Clause 30** enables an authorised officer to issue a compliance notice to a person or body conducting, or proposing to conduct, a gaming activity. The notice may require the person or body

to remedy or prevent a contravention of the proposed Act or the regulations under the proposed Act or to remedy things or operations causing or likely to cause the contravention.

**Clause 31** enables an authorised officer to extend the period for complying with a compliance notice given to a person or body.

**Clause 32** enables an authorised officer to make minor changes to a compliance notice and confers power on the Secretary to revoke or vary a compliance notice. The proposed section also preserves the validity of a compliance notice in the case of certain errors in the notice.

**Clause 33** enables the Secretary to make an order directing a person or body not to conduct a gaming activity if the Secretary is satisfied that the proposed Act, regulations under the proposed Act or conditions of an authority have not been, or will not be, complied with or that it is against the public interest for the gaming activity to be conducted.

**Clause 34** enables the Secretary to make an order prohibiting a person or body from conducting a gaming activity for a period of up to 2 years if the Secretary is satisfied that the person or body has persistently failed to comply with the proposed Act, regulations under the proposed Act or conditions of an authority and is likely to continue to do so. An application for an administrative review of the Secretary's decision to make the order may be made to the Civil and Administrative Tribunal.

**Clause 35** confers jurisdiction on the Local Court and the Supreme Court to order the payment of specified amounts to participants in gaming activities who are entitled to those amounts and also to order the payment of the proceeds of a gaming activity to persons who are entitled to them. The proposed section also confers jurisdiction on the Supreme Court to make orders requiring persons or bodies that have conducted, or are conducting, a gaming activity to pay prizes for an activity or to cease to conduct an activity. The Supreme Court may also order a person or body to comply with an authority or to give effect to a rule of a gaming activity.

**Clause 36** sets out the procedure for the enforcement (as a judgment debt) of orders made under proposed section 35 for the payment of money.

### **Division 3      Enforceable undertakings**

**Clause 37** provides for the Secretary to accept written undertakings by a person in connection with a contravention or alleged contravention of the proposed Act or the regulations under the proposed Act. The undertaking will be enforceable once the Secretary's decision is notified to the person making the undertaking.

**Clause 38** requires the Secretary to give notice of a decision about accepting or rejecting an enforceable undertaking and requires notice of a decision to accept an undertaking, and of the reasons for the decision, to be published.

**Clause 39** makes it an offence for a person to contravene an enforceable undertaking that is in force.

**Clause 40** confers jurisdiction on the Local Court, on application by the Secretary, to direct a person who contravenes an enforceable undertaking to comply with the undertaking or make an order discharging the undertaking. The person may also be ordered to pay the costs of the proceedings and the reasonable costs of the Secretary in monitoring future compliance with the undertaking.

**Clause 41** enables a person who makes an enforceable undertaking to withdraw or vary the undertaking at any time with the consent of the Secretary.

**Clause 42** prohibits proceedings for a contravention of the proposed Act from being brought against a person if an enforceable undertaking is in effect in relation to that contravention. An undertaking may be given before proceedings are finalised and, if that occurs, the Secretary is to take all reasonable steps to discontinue the proceedings.

## **Division 4      Offences**

**Clause 43** requires proceedings for offences under the proposed Act (other than offences identified as indictable offences) to be dealt with summarily by the Local Court.

**Clause 44** makes a director of a corporation, or other person concerned in the management of a corporation, liable for the same contravention of a provision of or under the proposed Act as the corporation if the director or other person knowingly authorised or permitted the contravention.

**Clause 45** confers on a court jurisdiction to make an order suspending, revoking or varying an authority granted under the regulations under the proposed Act. The action may be taken in addition to, or as an alternative to, imposing a penalty for an offence.

**Clause 46** enables penalty notices to be issued for offences against the proposed Act or regulations under the proposed Act.

## **Part 4      Miscellaneous**

**Clause 47** enables the Minister and the Secretary to delegate their functions under the proposed Act.

**Clause 48** sets out the manner in which notices and other documents given under the proposed Act may be served.

**Clause 49** enables the Governor to make regulations for the purposes of the proposed Act.

**Clause 50** repeals the *Lotteries and Art Unions Act 1901* and the *Lotteries and Art Unions Regulation 2014*.

## **Schedule 1      Savings, transitional and other provisions**

**Schedule 1** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

## **Schedule 2      Amendment of Acts**

**Schedule 2** amends the Acts specified in the Schedule.



New South Wales

# Community Gaming Bill 2018

## Contents

---

	Page
<b>Part 1 Preliminary</b>	
1 Name of Act	2
2 Commencement	2
3 Objects of Act	2
4 Definitions	2
5 Gaming activities	3
6 Conduct of gaming activities	3
7 Application of Act to external gaming activities	4
<b>Part 2 Regulation of gaming activities</b>	
<b>Division 1 General prohibitions</b>	
8 Conduct of gaming activities generally prohibited	5
9 Prohibited advertisements	5
<b>Division 2 Permitted gaming activities</b>	
10 Permitted gaming activities	6
11 Authorities to conduct gaming activities	6
12 Prohibited prizes	7
13 Entitlement of winner to prize	7
14 Misappropriation of funds or prizes	7
15 Fraudulent conduct of gaming activities	8

---

	Page
16 Falsification of records	8
17 False representations	8
18 No double jeopardy	8
<b>Part 3 Enforcement</b>	
<b>Division 1 Investigation powers</b>	
19 Identity cards for authorised officers	9
20 Identity cards to be shown	9
21 Exercise of investigation powers	9
22 Power of entry	9
23 Times for entry	9
24 Powers to do things at premises	10
25 Provision of information and documents	10
26 Search warrants	11
27 Care to be taken	11
28 Recovery of expenses	11
29 Offences relating to inquiries and inspections	12
<b>Division 2 Other general enforcement powers</b>	
30 Compliance notices	12
31 Extension of time for complying with compliance notice	13
32 Other provisions relating to notices	13
33 Secretary may issue order prohibiting conduct of gaming activity	13
34 Secretary may prohibit person or body from conducting gaming activities	14
35 Court orders	14
36 Enforcement of court orders	15
<b>Division 3 Enforceable undertakings</b>	
37 Secretary may accept undertakings	15
38 Notice of decision and reasons for decision	15
39 Compliance with undertaking	16
40 Contravention of undertaking	16
41 Withdrawal or variation of undertaking	16
42 Proceedings for alleged contravention	16
<b>Division 4 Offences</b>	
43 Nature of proceedings for offences	17
44 Offences by corporations	17
45 Additional orders by courts in criminal proceedings	17
46 Penalty notices	17
<b>Part 4 Miscellaneous</b>	
47 Delegation	18
48 Service of documents	18
49 Regulations	18
50 Repeals	19
<b>Schedule 1 Savings, transitional and other provisions</b>	<b>20</b>
<b>Schedule 2 Amendment of Acts</b>	<b>22</b>



New South Wales

# Community Gaming Bill 2018

No. , 2018

---

## **A Bill for**

An Act with respect to the conduct of lotteries and other games of chance; and for other purposes.

---



<b>The Legislature of New South Wales enacts:</b>	1
<b>Part 1 Preliminary</b>	2
<b>1 Name of Act</b>	3
This Act is the <i>Community Gaming Act 2018</i> .	4
<b>2 Commencement</b>	5
This Act commences on a day or days to be appointed by proclamation.	6
<b>3 Objects of Act</b>	7
(1) The objects of this Act are as follows:	8
(a) to allow the conduct of gaming activities for charitable, not-for-profit or trade promotion purposes,	9 10
(b) to ensure that there are reasonable net public benefits obtained from the conduct of gaming activities,	11 12
(c) to ensure the integrity and fairness of permitted gaming activities,	13
(d) to assist the ongoing viability of organisations conducting gaming activities that contribute positively to the community,	14 15
(e) to minimise the regulatory burden required to sufficiently protect participants in gaming activities.	16 17
(2) This Act seeks to achieve these objects by the following means:	18
(a) restricting who may conduct and benefit from gaming activities,	19
(b) establishing a principles-based framework for regulating permitted gambling activities according to the level of risk associated with the activities,	20 21
(c) ensuring that the proceeds and profits of permitted gaming activities are applied to the particular purposes, or go to the persons or organisations, for which the activities are purported to be conducted.	22 23 24
<b>4 Definitions</b>	25
(1) In this Act:	26
<b>authorised officer</b> means:	27
(a) the Secretary, or	28
(b) a person for the time being authorised in writing as an authorised officer by the Secretary, or	29 30
(c) a person appointed as an investigator under section 18 of the <i>Fair Trading Act 1987</i> , or	31 32
(d) a police officer.	33
<b>authority</b> means an authority to conduct a permitted gaming activity granted under the regulations.	34 35
<b>body</b> means an unincorporated body.	36
<b>Note.</b> A reference to a person in this Act includes a reference to a corporation or other incorporated body (see <i>Interpretation Act 1987</i> , section 21).	37 38
<b>compliance notice</b> —see section 30 (2).	39
<b>conduct</b> a gaming activity—see section 6.	40
<b>Department</b> means the Department of Finance, Services and Innovation.	41

<i>function</i> includes a power, authority or duty, and <i>exercise</i> a function includes perform a duty.	1 2
<i>permitted gaming activity</i> means a gaming activity permitted under section 10 and includes an activity taken under section 7 to be a permitted gaming activity.	3 4
<i>prize</i> includes any property or services sold or otherwise disposed of by means of a gaming activity.	5 6
<i>property</i> includes real or personal property.	7
<i>Secretary</i> means:	8
(a) the Commissioner for Fair Trading, Department of Finance, Services and Innovation, or	9 10
(b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department.	11 12
<b>Note.</b> The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	13 14
(2) Notes included in this Act do not form part of this Act.	15
<b>5 Gaming activities</b>	16
(1) In this Act:	17
<i>gaming activity</i> means:	18
(a) a game of chance or a game partly of skill and partly of chance, or	19
(b) without limiting paragraph (a), the award of any prize by lot or on the basis of a chance contingency related to a horse race, sporting event or competition, or	20 21
(c) any activity, event, scheme or other matter prescribed by the regulations for the purposes of this definition as a gaming activity.	22 23
<i>participant</i> in a gaming activity means:	24
(a) a person who enters or competes in, or otherwise participates in, a gaming activity, or	25 26
(b) a person on behalf of whom another person enters or competes, or otherwise participates, in a gaming activity.	27 28
(2) This Act applies to a gaming activity only if it involves the sale or other disposal of property or services, or a promise to sell or otherwise dispose of property or services, to participants in the activity or at the direction of the participants.	29 30 31
(3) This Act applies to a gaming activity whether or not consideration is paid by or on behalf of a person to become a participant.	32 33
(4) The regulations may exempt a game, other activity, event, scheme or other matter from being a gaming activity to which this Act, or any provision of this Act, applies.	34 35
(5) Any such exemption may be unconditional or subject to conditions.	36
<b>6 Conduct of gaming activities</b>	37
(1) In this Act, <i>conduct</i> a gaming activity means conduct or organise the gaming activity, whether alone or with others.	38 39
(2) The following are taken to conduct a gaming activity:	40
(a) each person who authorises the conduct or organisation of a gaming activity as an officer, a trustee or member of the governing body of an incorporated or unincorporated body,	41 42 43
(b) a person or body that authorises the conduct or organisation of a gaming activity by an agent, contractor or employee,	44 45

(c)	a person who assists in conducting or organising a gaming activity,	1
(d)	a person or body that solicits or receives any money, property or other benefit in the course of the conduct or organisation of a gaming activity (other than as a prize winner or participant in the gaming activity),	2 3 4
(e)	any other person or body prescribed for the purposes of this section by the regulations.	5 6
(3)	A person or body does not conduct a gaming activity:	7
(a)	if the person or body conducts the gaming activity solely as the agent or employee of another person or body that conducts the gaming activity, or	8 9
(b)	merely because the person or body gives any money or other benefit in the course of the gaming activity.	10 11
<b>7</b>	<b>Application of Act to external gaming activities</b>	12
(1)	This Act and the regulations apply to a gaming activity in which persons resident in this State participate or can participate that is conducted or proposed to be conducted:	13 14
(a)	outside Australia (whether or not it is lawful in the place where it is conducted or is proposed to be conducted), or	15 16
(b)	in another State or a Territory.	17
(2)	A gaming activity is taken to be a permitted gaming activity if:	18
(a)	it is conducted or proposed to be conducted in another State or a Territory, and	19
(b)	it is authorised under a law of that State or Territory that is prescribed by the regulations as a corresponding law for the purposes of this section.	20 21

<b>Part 2</b>	<b>Regulation of gaming activities</b>	1
<b>Division 1</b>	<b>General prohibitions</b>	2
<b>8</b>	<b>Conduct of gaming activities generally prohibited</b>	3
(1)	A person must not conduct a gaming activity. Maximum penalty: 50 penalty units.	4 5
(2)	A person must not receive an amount of any money paid for the sale or provision of a ticket or other right to participate in a gaming activity. Maximum penalty: 50 penalty units.	6 7 8
(3)	A person must not sell or offer to sell a ticket or other right to participate in a gaming activity. Maximum penalty: 50 penalty units.	9 10 11
(4)	A person must not print, or make available in electronic form, a ticket or other right to participate in a gaming activity. Maximum penalty: 50 penalty units.	12 13 14
(5)	This section does not apply:	15
(a)	to or in respect of a permitted gaming activity carried out in accordance with this Act and the regulations, or	16 17
(b)	to any act or omission of a participant in a gaming activity if the act or omission is done or omitted to be done solely in that capacity.	18 19
<b>9</b>	<b>Prohibited advertisements</b>	20
(1)	A person must not cause to be published any advertisement, notice or other information promoting a gaming activity if the conduct of that activity is prohibited by or under this Act. Maximum penalty: 50 penalty units.	21 22 23 24
(2)	It is a defence to proceedings against a person who causes an advertisement to be published if the person establishes that the person did not know, and could not reasonably have known, that the gaming activity was prohibited by or under this Act.	25 26 27
(3)	It is a defence to proceedings against a person who causes an advertisement to be published (the <i>publisher</i> ) if the person establishes that:	28 29
(a)	the advertisement, notice or information was in the form provided (either directly or indirectly) or approved by or on behalf of a person conducting or proposing to conduct the gaming activity, and	30 31 32
(b)	the publisher has not been notified by or on behalf of the Secretary that the publication of the advertisement, notice or information may contravene this section.	33 34 35
(4)	In this section: <i>publish</i> means disseminate, exhibit, provide or communicate by oral, visual, written, electronic or other means (for example, by newspaper, radio, television, the internet, cinema, billboards or other media).	36 37 38 39

<b>Division 2</b>	<b>Permitted gaming activities</b>	1
<b>10</b>	<b>Permitted gaming activities</b>	2
(1)	The regulations may make provision for or with respect to the gaming activities that are permitted gaming activities for the purposes of this Act and authorisations to conduct permitted gaming activities.	3 4 5
	<b>Note.</b> Exemptions, and conditions attached to them, may vary according to whether a gaming activity is conducted for a charitable or other not-for-profit purpose or for a trade promotion purpose.	6 7 8
(2)	Without limiting subsection (1), the regulations may:	9
(a)	permit specified gaming activities or specified classes of gaming activities, and	10 11
(b)	permit a gaming activity or class of gaming activities unconditionally or subject to conditions and may require an authority to conduct a gaming activity.	12 13 14
(3)	Nothing in the <i>Unlawful Gambling Act 1998</i> or any other law is taken to render unlawful a gaming activity that is a permitted gaming activity.	15 16
<b>11</b>	<b>Authorities to conduct gaming activities</b>	17
(1)	The Secretary may, on application made in accordance with the regulations, grant an authority to conduct a permitted gaming activity.	18 19
(2)	The Secretary must not grant an authority to a person unless the Secretary is satisfied:	20
(a)	that the person has the qualifications, if any, prescribed by the regulations to hold the authority, and	21 22
(b)	of any other matters prescribed by the regulations for the purposes of this subsection.	23 24
(3)	The Secretary must refuse to grant an authority to a person if the Secretary is satisfied that the person is not a fit and proper person to hold the authority.	25 26
(4)	The Secretary may have regard to whether it is in the public interest to grant an authority when determining whether or not to grant the authority.	27 28
(5)	An authority may be granted unconditionally or subject to conditions and is subject to any conditions imposed by the regulations.	29 30
(6)	The Secretary may, by notice in writing given to the holder of an authority, impose a condition on the authority or amend or revoke a condition of the authority (other than a condition imposed by the regulations).	31 32 33
(7)	The Secretary may suspend or cancel an authority on the following grounds:	34
(a)	the holder has failed to comply with this Act or the regulations,	35
(b)	the conduct of the gaming activity does not comply with the requirements of the authority or this Act or the regulations,	36 37
(c)	the Secretary is of the opinion that it is in the public interest to suspend or cancel the authority,	38 39
(d)	other grounds prescribed by the regulations for the purposes of this subsection.	40
(8)	The regulations may make provision for or with respect to the following:	41
(a)	the permitted gaming activities for which an authority is required,	42
(b)	fees for authorities,	43
(c)	the duration of authorities,	44

(d)	procedures relating to the proposed suspension or cancellation of an authority,	1
(e)	reviews of or appeals against the suspension or cancellation of an authority.	2
(9)	The regulations may amend Schedule 1 to the <i>Licensing and Registration (Uniform Procedures) Act 2002</i> by inserting a reference to this section or a provision of the regulations.	3 4 5
	<b>Note.</b> The effect of amending the Schedule is to apply uniform licensing provisions under that Act. The application of the provisions may be varied by regulation under this Act (see section 3 of that Act).	6 7 8
<b>12</b>	<b>Prohibited prizes</b>	9
(1)	A gaming activity is not a permitted gaming activity if any of the prizes for the activity consist of the following:	10 11
(a)	tobacco in any form,	12
(b)	a firearm, ammunition, or an imitation firearm, within the meaning of the <i>Firearms Act 1996</i> ,	13 14
(c)	a prohibited weapon within the meaning of the <i>Weapons Prohibition Act 1998</i> ,	15
(d)	any item or service prescribed by the regulations for the purposes of this section.	16 17
(2)	The regulations may provide for exceptional circumstances in which a contravention of subsection (1) does not have the effect that a gaming activity is no longer a permitted gaming activity.	18 19 20
<b>13</b>	<b>Entitlement of winner to prize</b>	21
(1)	A person or body that conducts a gaming activity must award the winner of each prize in that gaming activity the prize concerned.	22 23
(2)	A person or body that contravenes this section is guilty of an offence. Maximum penalty: 50 penalty units.	24 25
(3)	It is a defence to a prosecution for an offence under this section if the person or body did not, after making all reasonable inquiries, award the prize to the winner because the winner could not be located.	26 27 28
(4)	The regulations may specify additional circumstances in which there is a defence to a prosecution for an offence under this section.	29 30
<b>14</b>	<b>Misappropriation of funds or prizes</b>	31
	A person is guilty of an indictable offence if the person:	32
(a)	is concerned in the conduct of a permitted gaming activity or conducts a gaming activity as the agent or employee of a person who is concerned in the conduct of a gaming activity, and	33 34 35
(b)	converts to the person's own use any money raised by means of the gaming activity or any prize connected with the gaming activity.	36 37
	Maximum penalty: 200 penalty units or imprisonment for 5 years, or both.	38
<b>15</b>	<b>Fraudulent conduct of gaming activities</b>	39
(1)	A person is guilty of an offence if the person, with intent to defraud, conducts a permitted gaming activity (other than a game partly of skill and partly of chance) so that not all participants in the gaming activity have an equal chance of winning a prize. Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.	40 41 42 43 44

(2)	A person is guilty of an offence if the person fraudulently conducts a permitted gaming activity that is a game partly of skill and partly of chance.	1
	Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.	2
		3
<b>16</b>	<b>Falsification of records</b>	4
	A person is guilty of an indictable offence if the person, with intent to defraud or deceive another person:	5
		6
	(a) alters or falsifies a record relating to a permitted gaming activity, or	7
	(b) makes or concurs in the making of a false or fraudulent entry in a record relating to a permitted gaming activity, or	8
		9
	(c) omits or concurs in omitting a material particular from a record relating to a permitted gaming activity.	10
		11
	Maximum penalty: 200 penalty units or imprisonment for 5 years, or both.	12
<b>17</b>	<b>False representations</b>	13
	A person is guilty of an offence if:	14
	(a) the person conducts or proposes to conduct a permitted gaming activity, or acts on behalf of a person or body that conducts or proposes to conduct a permitted gaming activity, and	15
		16
		17
	(b) the person represents to an employee or agent involved in the conduct of the permitted gaming activity that anything required or permitted by or under this Act has been done or that any condition precedent to the conduct of the permitted gaming activity has been complied with, and	18
		19
		20
		21
	(c) when the representation was made, the person knew that, or was reckless as to whether, the thing had not been done or the condition had not been complied with.	22
		23
		24
	Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.	25
<b>18</b>	<b>No double jeopardy</b>	26
	If an act or omission of a person is an offence against both sections 16 and 17, the person may only be punished for an offence under one of those sections.	27
		28

<b>Part 3</b>	<b>Enforcement</b>	1
<b>Division 1</b>	<b>Investigation powers</b>	2
<b>19</b>	<b>Identity cards for authorised officers</b>	3
(1)	The Secretary must issue an authorised officer with an identity card.	4
(2)	The identity card must:	5
(a)	be in the form approved by the Secretary, and	6
(b)	contain a recent photograph of the person.	7
(3)	An authorised officer must not exercise a function conferred by or under this Act unless an identity card has been issued to the authorised officer by the Secretary.	8 9
(4)	A person who has ceased to be an authorised officer must not, without reasonable excuse, fail to return to the Secretary, within the period specified by the Secretary in a request for the return of the card, any identity card issued to the person by the Secretary.	10 11 12 13
	Maximum penalty: 10 penalty units.	14
(5)	This section does not apply to an authorised officer who is the Secretary, a police officer or an investigator appointed under section 18 of the <i>Fair Trading Act 1987</i> .	15 16
<b>20</b>	<b>Identity cards to be shown</b>	17
(1)	An authorised officer must:	18
(a)	carry his or her identity card at all times when exercising a power under this Act to enter premises or a power that may be exercised after entering premises, and	19 20 21
(b)	produce the identity card if requested to do so by a person in relation to whom the authorised officer is exercising, or about to exercise, the power.	22 23
(2)	An investigator appointed under the <i>Fair Trading Act 1987</i> complies with this section if the investigator carries and produces the investigator's certificate of identification issued under that Act.	24 25 26
(3)	This section does not apply to a power conferred by a search warrant or to a power exercised by an authorised officer who is the Secretary or a police officer.	27 28
<b>21</b>	<b>Exercise of investigation powers</b>	29
	An authorised officer may exercise a power conferred by this Division if the authorised officer reasonably believes that it is necessary to determine whether there has been a contravention of this Act, the regulations or an authority.	30 31 32
<b>22</b>	<b>Power of entry</b>	33
(1)	An authorised officer may enter premises (other than premises or any part of premises used only for residential purposes) without the occupier's consent and without obtaining a search warrant.	34 35 36
(2)	An authorised officer may enter any premises with the occupier's consent or the authority of a search warrant.	37 38
<b>23</b>	<b>Times for entry</b>	39
(1)	An authorised officer may enter premises under this Division only at any of the following times and after giving the occupier reasonable notice:	40 41
(a)	at any reasonable time during the day,	42



- (b) at any time at which a gaming activity is being conducted on the premises, 1
- (c) at any time the premises are open for entry, 2
- (d) at any time permitted by the occupier or a search warrant authorising the entry. 3
- (2) An authorised officer is not required to comply with subsection (1) if the Secretary has certified that, in the circumstances, an authorised officer need not comply with any or all of the requirements of that subsection. 4  
5  
6
- (3) An authorised officer must comply with any direction of the Secretary as to entry to premises under subsection (2). 7  
8

**24 Powers to do things at premises** 9

An authorised officer may, at any premises lawfully entered, do any of the following: 10

- (a) make inquiries of any person employed at the premises, 11
- (b) require documents to be produced for inspection, 12
- (c) examine and inspect any documents, 13
- (d) copy any documents or parts of documents, 14
- (e) take photos and make recordings (including photographs, audio, video, digital or other recordings) of the premises or anything on the premises, 15  
16
- (f) seize any documents that the authorised officer reasonably considers relevant to an inquiry under this Part or determining whether there has been a contravention of this Act or the regulations. 17  
18  
19

**25 Provision of information and documents** 20

- (1) An authorised officer, may, by written notice given to a person, require the person to do one or more of the following within the period specified in the notice: 21  
22
  - (a) produce, in accordance with the notice, accounts and statements relating to any matter for which a power may be exercised under this Division, 23  
24
  - (b) provide written answers to questions about any matter for which a power may be exercised under this Division, 25  
26
  - (c) verify by statutory declaration an account, statement or answer that is produced or provided, 27  
28
  - (d) attend at a specified time and place and give evidence or produce documents in the person's custody with respect to any matter for which a power may be exercised under this Division, 29  
30  
31
  - (e) furnish copies of, or extracts from, a document in the person's custody or under the person's control that relates to any matter for which a power may be exercised under this Division. 32  
33  
34
- (2) The notice must specify a reasonable time for compliance with the notice and may specify the manner in which the accounts, statements or documents are to be produced. 35  
36  
37
- (3) A person to whom a document or thing is produced under this Division: 38
  - (a) must provide a receipt for the document or thing, and 39
  - (b) may make copies of, or take extracts from, the document or thing, and 40
  - (c) may examine the document or thing, and 41
  - (d) must make a document or thing available for inspection by any other person who would be entitled to inspect the document if it were not in the possession of the person conducting the inquiry. 42  
43  
44

<b>26 Search warrants</b>	1
(1) An authorised officer may apply to an issuing officer for a search warrant if the applicant has reasonable grounds for believing that:	2
(a) a provision of this Act or the regulations has been or is being contravened on premises, or	3
(b) there are on the premises documents relevant to an inquiry under this Part and a person having custody or control of the documents has failed to comply with a requirement under this Act to produce those documents or to provide copies of them or extracts from them.	4
(2) An issuing officer to whom an application for a search warrant is made under this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an authorised officer named in the warrant, when accompanied by a police officer, and any other person named in the warrant:	5
(a) to enter the premises concerned, and	6
(b) to search the premises for evidence of a contravention of this Act or the regulations.	7
(3) Division 4 of Part 5 of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> applies to a search warrant issued under this section.	8
(4) In this section:	9
<i>issuing officer</i> means an authorised officer within the meaning of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	10
<b>27 Care to be taken</b>	11
(1) An authorised officer must do as little damage as possible when exercising a function under this Act.	12
(2) If damage is caused by a person exercising a power to enter premises, a reasonable amount of compensation is recoverable as a debt owed by the Crown to the owner of the premises, unless the occupier hindered or obstructed the exercise of that power.	13
<b>28 Recovery of expenses</b>	14
(1) The Minister may direct that a specified person or body is liable to pay the remuneration of, and any expenses incurred by, an authorised officer that are referable to the exercise of functions under this Part in relation to the person or body.	15
(2) The Minister may give a direction only if the remuneration was payable, or expenses were incurred, in relation to an offence of which a person has been found guilty.	16
(3) The amount payable by the specified person or body is the amount certified by the Minister.	17
(4) The amount payable is recoverable in a court of competent jurisdiction as a debt due to the Crown.	18
(5) If the functions were exercised in relation to a body, the trustees or persons who are members of the governing body of the body are jointly and severally liable for the amount payable.	19
(6) A trustee or person is not so liable unless the trustee or person knowingly authorised or permitted the offence to be committed.	20

<b>29</b>	<b>Offences relating to inquiries and inspections</b>	1
	A person must not:	2
	(a) hinder or obstruct an authorised officer in the exercise of functions under this Act or the regulations, or	3 4
	(b) fail to comply with a requirement made by a notice given under this Division within the period specified by the notice, or	5 6
	(c) fail to answer questions or provide information when required to do so by an authorised officer in the exercise of the authorised officer's functions under this Act or the regulations, or	7 8 9
	(d) fail to produce for inspection any document or other thing when required to do so by an authorised officer in the exercise of the authorised officer's functions under this Act or the regulations, or	10 11 12
	(e) alter, conceal or destroy any document required to be produced under a notice given under this Division, or	13 14
	(f) refuse to take an oath, or make an affirmation, required to be taken or made under this Division.	15 16
	Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.	17
<b>Division 2</b>	<b>Other general enforcement powers</b>	18
<b>30</b>	<b>Compliance notices</b>	19
(1)	This section applies if an authorised officer reasonably believes that a person or body conducting or proposing to conduct a gaming activity:	20 21
	(a) is contravening a provision of this Act or the regulations or a condition of an authority, or	22 23
	(b) has contravened a provision or condition in circumstances that make it likely that the contravention will continue or be repeated.	24 25
(2)	The authorised officer may give the person or body a written notice (a <i>compliance notice</i> ) requiring the person or body to:	26 27
	(a) remedy the contravention, or	28
	(b) prevent a likely contravention from occurring, or	29
	(c) remedy the things or operations causing the contravention or likely contravention.	30 31
(3)	A compliance notice must state:	32
	(a) the grounds on which the notice is given, including the particular contravention or contraventions on which the notice is based, and	33 34
	(b) the day by which the person or body is required to comply with the notice.	35
(4)	A compliance notice may include directions as to the measures to be taken to remedy the contravention or prevent the likely contravention, or the matters or activities causing the contravention or likely contravention, to which the notice relates.	36 37 38
(5)	The day specified for compliance must be reasonable in all the circumstances.	39
(6)	A person to whom a compliance notice is given must comply with the notice within the period specified in the notice.	40 41
	Maximum penalty: 50 penalty units.	42
(7)	If a body fails to comply with a compliance notice given to the body under this section, each trustee or other person who was a member of the governing body at the	43 44

time of the offence is guilty of an offence, if the trustee or person knowingly authorised or permitted the failure to comply.	1
Maximum penalty: 50 penalty units.	2
<b>31 Extension of time for complying with compliance notice</b>	4
(1) An authorised officer may, by written notice given to a person or body, extend the compliance period for a compliance notice.	5
(2) However, the authorised officer may extend the compliance period only if the period has not ended.	6
(3) In this section:	7
<i>compliance period</i> means the period ending on the day stated in the compliance notice by which a person is required to comply with the notice and includes that period as extended under this section.	8
<b>32 Other provisions relating to notices</b>	9
(1) An authorised officer may make minor changes to a compliance notice:	10
(a) for clarification, or	11
(b) to correct errors or references, or	12
(c) to reflect changes of address or other circumstances.	13
(2) The Secretary may revoke or vary any compliance notice.	14
(3) A compliance notice is not invalid only because of:	15
(a) a formal defect or irregularity in the notice unless the defect or irregularity causes or is likely to cause substantial injustice, or	16
(b) a failure to use the correct name of the person or body to whom the notice is issued if the notice sufficiently identifies the person or body and is given to the person or body in accordance with this Act.	17
<b>33 Secretary may issue order prohibiting conduct of gaming activity</b>	18
(1) The Secretary may, by order in writing given to a person or body conducting or proposing to conduct a gaming activity, make an order prohibiting the conduct of the gaming activity, if the Secretary is satisfied that:	19
(a) it is likely that the provisions of this Act or the regulations or the conditions of an authority have not been, or will not be, complied with in relation to the gaming activity, or	20
(b) it would otherwise be against the public interest for the gaming activity to be conducted.	21
(2) A person must not fail to comply with an order given to the person under this section. Maximum penalty: 50 penalty units.	22
(3) If a body fails to comply with an order given to the body under this section, each trustee or other person who was a member of the governing body at the time of the offence is guilty of an offence, if the trustee or person knowingly authorised or permitted the failure to comply. Maximum penalty: 50 penalty units.	23
(4) A person, or a trustee or member of the governing body of a body, given an order under this section may apply to the Civil and Administrative Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of the decision by the Secretary to make the order.	24

(5)	An order may be given whether or not a compliance notice has been given to the person or body under this Part.	1 2
<b>34</b>	<b>Secretary may prohibit person or body from conducting gaming activities</b>	3
(1)	The Secretary may, by order in writing given to a person or body, prohibit the person or body from conducting any gaming activities for a period not exceeding 2 years after the order is given to the person or body, if the Secretary is satisfied that the person or body:	4 5 6 7
(a)	has persistently failed to comply with the provisions of this Act or the regulations or the conditions of an authority, and	8 9
(b)	is likely to continue to do so.	10
(2)	A person must not fail to comply with an order given to the person under this section. Maximum penalty: 50 penalty units.	11 12
(3)	If a body fails to comply with an order given to the body under this section, each trustee or other person who was a member of the governing body at the time of the offence is guilty of an offence, if the trustee or person knowingly authorised or permitted the failure to comply. Maximum penalty: 50 penalty units.	13 14 15 16 17
(4)	A person, or a trustee or member of the governing body of a body, given an order under this section may apply to the Civil and Administrative Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of the decision by the Secretary to make the order.	18 19 20 21
(5)	An order may be given whether or not a compliance notice has been given to the person or body under this Part.	22 23
<b>35</b>	<b>Court orders</b>	24
(1)	The Local Court or the Supreme Court may, on the application of the Secretary, make an order under this section.	25 26
(2)	An application for an order must be made not later than 2 years after the gaming activity was conducted.	27 28
(3)	The Local Court may make an order that a person or body that has conducted, or is conducting, a gaming activity:	29 30
(a)	pay an amount specified by the Court to a participant in a gaming activity, if the Court is satisfied that the participant is entitled to that amount as a result of participating in the gaming activity, or	31 32 33
(b)	pay an amount to a person or body to whom the proceeds of a gaming activity are payable, if the Court is satisfied that the person or body is entitled to that amount as a beneficiary of the gaming activity.	34 35 36
(4)	The Supreme Court may make an order that:	37
(a)	a person or body that has conducted, or is conducting, a gaming activity pay an amount or give any other prize specified by the Court to a participant in a gaming activity, if the Court is satisfied that the participant is entitled to that amount or prize as a result of participating in the gaming activity, or	38 39 40 41
(b)	a person or body that has conducted, or is conducting, a gaming activity pay an amount to a person or body to whom the proceeds of a gaming activity are payable, if the Court is satisfied that the person or body is entitled to that amount as a beneficiary of the gaming activity, or	42 43 44 45
(c)	a person or body that has conducted, or is conducting, a gaming activity cease to conduct the gaming activity, if the Court is satisfied that the activity is	46 47

prohibited under this Act or is being, or is likely to be, conducted in a manner that contravenes this Act, the regulations or the conditions of an authority, or	1 2
(d) a person or body that has conducted, or is conducting or proposing to conduct, a gaming activity comply with an authority or give effect to any rule for the conduct of the gaming activity.	3 4 5
(5) The Local Court may not make an order for the payment of an amount to a participant in a gaming activity, or person to whom the proceeds of a gaming activity are payable, that exceeds \$100,000.	6 7 8
(6) A person must not fail to comply with an order given to the person under this section. Maximum penalty: 50 penalty units.	9 10
(7) If a body fails to comply with an order under this section, each trustee or other person who was a member of the governing body at the time of the offence is guilty of an offence, if the trustee or person knowingly authorised or permitted the failure to comply. Maximum penalty: 50 penalty units.	11 12 13 14 15
<b>36 Enforcement of court orders</b>	16
(1) If a court makes an order for the payment of money under section 35, and the whole of the amount is not paid in accordance with the order, the registrar of the court must, on application by the person to whom the money is to be paid (the <i>debtor</i> ), issue to the debtor a certificate that:	17 18 19 20
(a) identifies the order and specifies the person required to pay the money, and	21
(b) specifies the amount required to be paid by the order that has not, as at the date of the certificate, been paid in accordance with the order.	22 23
(2) The debtor may file the certificate in the registry of a court having jurisdiction to order the payment of the amount specified, and the registrar of the court must immediately enter judgment in favour of the debtor against the person required to pay the money specified in the certificate for:	24 25 26 27
(a) the amount specified in the certificate as having not been paid, and	28
(b) any fees payable to the registrar for filing the certificate.	29
<b>Division 3 Enforceable undertakings</b>	30
<b>37 Secretary may accept undertakings</b>	31
(1) The Secretary may accept a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of this Act or the regulations.	32 33 34
(2) The giving of an undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention or alleged contravention to which the undertaking relates.	35 36 37
(3) The Secretary may make a written undertaking publicly available.	38
(4) An undertaking takes effect and becomes enforceable when the Secretary's decision to accept the undertaking is given to the person who made the undertaking or at any later date specified by the Secretary.	39 40 41
<b>38 Notice of decision and reasons for decision</b>	42
(1) The Secretary must give the person seeking to make an undertaking written notice of the Secretary's decision to accept or reject the undertaking and of the reasons for the decision.	43 44 45

(2)	The Secretary must publish, on a publicly accessible website maintained by the Department, notice of a decision to accept an undertaking and the reasons for that decision.	1 2 3
<b>39</b>	<b>Compliance with undertaking</b>	4
	A person must not contravene an undertaking given by that person that is in effect. Maximum penalty: 50 penalty units.	5 6
<b>40</b>	<b>Contravention of undertaking</b>	7
(1)	The Secretary may apply to the Local Court for an order if a person contravenes an undertaking.	8 9
(2)	An application for an order must be made not later than 2 years after the contravention occurred.	10 11
(3)	If the Court is satisfied that the person who made the undertaking has contravened the undertaking, the Court, in addition to the imposition of any penalty, may make 1 or both of the following orders:	12 13 14
(a)	an order directing the person to comply with the undertaking for the period specified in the order,	15 16
(b)	an order discharging the undertaking.	17
(4)	In addition to the orders referred to in subsection (3), the Court may make any other order that the Court considers appropriate in the circumstances, including orders directing the person to pay to the State:	18 19 20
(a)	the costs of the proceedings, and	21
(b)	the reasonable costs of the Secretary in monitoring compliance with the undertaking in the future.	22 23
(5)	Nothing in this section prevents proceedings being brought for the contravention or alleged contravention of this Act to which the undertaking relates.	24 25
<b>41</b>	<b>Withdrawal or variation of undertaking</b>	26
(1)	A person who has made an undertaking may, at any time, with the written agreement of the Secretary:	27 28
(a)	withdraw the undertaking, or	29
(b)	vary the undertaking.	30
(2)	However, the provisions of the undertaking cannot be varied to provide for a different alleged contravention of the Act.	31 32
(3)	The Secretary must publish, on a publicly accessible website maintained by the Department, notice of the withdrawal or variation of an undertaking.	33 34
<b>42</b>	<b>Proceedings for alleged contravention</b>	35
(1)	Subject to this section, no proceedings for a contravention or alleged contravention of this Act or the regulations may be brought against a person if an undertaking is in effect in relation to that contravention.	36 37 38
(2)	No proceedings may be brought for a contravention or alleged contravention of this Act or the regulations against a person who has made an undertaking in relation to that contravention and has completely discharged the undertaking.	39 40 41
(3)	The Secretary may accept an undertaking in relation to a contravention or alleged contravention before proceedings in relation to that contravention have been finalised.	42 43 44

- (4) If the Secretary accepts an undertaking before the proceedings are finalised, the Secretary must take all reasonable steps to have the proceedings discontinued as soon as possible. 1  
2  
3

## **Division 4 Offences** 4

### **43 Nature of proceedings for offences** 5

Proceedings for an offence under this Act or the regulations (except against sections 14 and 16) may be dealt with summarily before the Local Court. 6  
7

**Note.** Chapter 5 of the *Criminal Procedure Act 1986* (which relates to summary disposal of certain indictable offences unless an election is made to proceed on indictment) applies to and in respect of an offence under section 14 or 16. See Table 2 of Schedule 1 to that Act. 8  
9  
10

### **44 Offences by corporations** 11

- (1) If a corporation contravenes any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention. 12  
13  
14  
15

- (2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or convicted under that provision. 16  
17  
18

- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation against this Act or the regulations. 19  
20

### **45 Additional orders by courts in criminal proceedings** 21

- (1) A court may, in addition to or as an alternative to imposing a penalty for an offence under this Act or the regulations, by order suspend or revoke an authority, or vary an authority granted under the regulations. 22  
23  
24

- (2) A person must not fail to comply with an order made by the court under this section. Maximum penalty: 20 penalty units. 25  
26

- (3) If a body fails to comply with an order made by the court under this section, each trustee or other person who was a member of the governing body at the time of the offence is guilty of an offence, if the trustee or person knowingly authorised or permitted the failure to comply. 27  
28  
29  
30  
Maximum penalty: 50 penalty units. 31

### **46 Penalty notices** 32

- (1) An authorised officer may issue a penalty notice to a person if it appears to the authorised officer that the person has committed a penalty notice offence. 33  
34

- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence. 35  
36

- (3) The *Fines Act 1996* applies to a penalty notice issued under this section. 37

**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence. 38  
39  
40

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court). 41  
42  
43

- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences. 44  
45



<b>Part 4</b>	<b>Miscellaneous</b>	1
<b>47</b>	<b>Delegation</b>	2
(1)	The Minister may delegate the exercise of any function of the Minister under this Act (other than this power of delegation) to:	3
	(a) any person employed in the Department, or	4
	(b) any person, or any class of persons, authorised for the purposes of this section by the regulations.	5
(2)	The Secretary may delegate the exercise of any function of the Secretary under this Act (other than this power of delegation) to:	6
	(a) any person employed in the Department, or	7
	(b) any person, or any class of persons, authorised for the purposes of this section by the regulations.	8
<b>48</b>	<b>Service of documents</b>	9
(1)	A document that is authorised or required by this Act or the regulations to be served on any person may be served by any of the following methods:	10
	(a) in the case of an individual—by personal delivery to the person,	11
	(b) by post to the address specified by the person for the service of documents of that kind,	12
	(c) in the case of an individual who has not specified such an address—by post to the residential or business address of the person last known to the person serving the document,	13
	(d) in the case of a corporation—by post to the registered office or any other office of the corporation or by leaving it at any such office with a person apparently over the age of 16 years,	14
	(e) by email to an email address specified by the person for the service of documents of that kind,	15
	(f) by any other method authorised by the regulations for the service of documents of that kind.	16
(2)	Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on a person by any other method.	17
(3)	In this section, <i>serve</i> includes give or send.	18
<b>49</b>	<b>Regulations</b>	19
(1)	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	20
(2)	In particular, regulations may be made for or with respect to the following:	21
	(a) permitted gaming activities,	22
	(b) prizes for gaming activities, including the prohibition of prizes or benefits and limits on the value or type of prizes that may be offered,	23
	(c) without limiting paragraph (b), the regulation or prohibition of liquor prizes for gaming activities,	24
	(d) a register containing information relating to authorities,	25

(e)	the sale or other disposal of unclaimed prizes and the payment of the proceeds of sale of unclaimed prizes,	1 2
(f)	the imposition of civil penalties for contraventions of the regulations relating to the conduct of permitted gaming activities, including the conferral of jurisdiction on a person, court or tribunal for that purpose and for the purpose of appeals against civil penalties,	3 4 5 6
(g)	fees for authorities and other matters,	7
(h)	the payment of money received in connection with a gaming activity,	8
(i)	records relating to the conduct of gaming activities, including financial records,	9 10
(j)	regulating advertisements for or the marketing of permitted gaming activities,	11
(k)	regulating amounts paid as commission, salary or wages in connection with the conduct of a gaming activity,	12 13
(l)	agents for the sale of tickets in a gaming activity,	14
(m)	audits of gaming activities and persons or bodies that conduct gaming activities,	15 16
(n)	the service of notices under this Act,	17
(o)	the waiver or reduction of fees payable under this Act.	18
(3)	The regulations may create an offence punishable by a penalty not exceeding 50 penalty units.	19 20
<b>50</b>	<b>Repeals</b>	21
	The following Act and instrument are repealed:	22
(a)	<i>Lotteries and Art Unions Act 1901 No 34,</i>	23
(b)	<i>Lotteries and Art Unions Regulation 2014.</i>	24

<b>Schedule 1</b>	<b>Savings, transitional and other provisions</b>	1
<b>Part 1</b>	<b>General</b>	2
<b>1</b>	<b>Regulations</b>	3
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.	4 5
(2)	Any such provision:	6
(a)	may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date, and	7 8
(b)	has effect despite anything to the contrary in this Schedule.	9
(3)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:	10 11 12
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	13 14 15
(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	16 17 18
(4)	Without limiting subclauses (1) and (2), regulations made for the purposes of this clause may amend this Schedule to provide for additional or different savings and transitional provisions instead of including the provisions in the regulations.	19 20 21
<b>Part 2</b>	<b>Provisions consequent on enactment of this Act</b>	22
<b>2</b>	<b>Definitions</b>	23
	In this Part:	24
	<i>former legislation</i> means the <i>Lotteries and Art Unions Act 1901</i> and the <i>Lotteries and Art Unions Regulation 2014</i> .	25 26
<b>3</b>	<b>General savings</b>	27
(1)	Any act, matter or thing done or omitted to be done under a provision of the former legislation and having any force or effect immediately before the commencement of a provision of this Act or a regulation under this Act that replaces that provision is, on that commencement, taken to have been done or omitted to be done under the provision of this Act or the regulation.	28 29 30 31 32
(2)	This clause does not apply:	33
(a)	to the extent to which its application is inconsistent with any other provision of this Schedule or a provision of a regulation made under this Schedule, or	34 35
(b)	to the extent that its application would be inappropriate in a particular case.	36
<b>4</b>	<b>Existing gaming activities</b>	37
(1)	A gaming activity permitted under the former legislation and not concluded before the commencement of section 10 is taken to be a permitted gaming activity for the purposes of this Act.	38 39 40
(2)	Despite subclause (1), the regulations may provide that a gaming activity taken to be permitted under this clause is not permitted.	41 42

**5 Existing permits**

- |  |             |
|--|-------------|
|  | 1           |
| (1) A permit in force under the former legislation immediately before the commencement of section 11 is taken to be an authority granted under this Act.   | 2<br>3      |
| (2) The permit continues in force for the term (if any) specified under the former legislation and subject to any conditions to which it was subject immediately before that commencement.   | 4<br>5<br>6 |
| (3) Nothing in this clause prevents the permit from being cancelled or suspended in accordance with this Act and the regulations or the conditions of the permit from being varied or revoked in accordance with this Act and the regulations. | 7<br>8<br>9 |

<b>Schedule 2</b>	<b>Amendment of Acts</b>	1
<b>2.1</b>	<b>Casino Control Act 1992 No 15</b>	2
	<b>Section 4 Gaming in licensed casino declared lawful</b>	3
	Omit “ <i>Lotteries and Art Unions Act 1901</i> ” from section 4 (2).	4
	Insert instead “ <i>Community Gaming Act 2018</i> ”.	5
<b>2.2</b>	<b>Criminal Procedure Act 1986 No 209</b>	6
	<b>Schedule 1 Indictable offences triable summarily</b>	7
	Insert at the end of Part 13 of Table 2, with appropriate clause numbering:	8
	<b>Community Gaming Act 2018</b>	9
	An offence under section 14 or 16 of the <i>Community Gaming Act 2018</i> .	10
<b>2.3</b>	<b>Gaming Machines Act 2001 No 127</b>	11
	<b>Section 7 Lawful keeping and operation of gaming machines</b>	12
	Omit “ <i>Lotteries and Art Unions Act 1901</i> ”. Insert instead “ <i>Community Gaming Act 2018</i> ”.	13
<b>2.4</b>	<b>Law Enforcement (Powers and Responsibilities) Act 2002 No 103</b>	14
	<b>Schedule 2 Search warrants under other Acts</b>	15
	Omit the matter relating to the <i>Lotteries and Art Unions Act 1901</i> .	16
	Insert in alphabetical order:	17
	<i>Community Gaming Act 2018</i> , section 26	18
<b>2.5</b>	<b>Licensing and Registration (Uniform Procedures) Act 2002 No 28</b>	19
	<b>Schedule 1 Licences to which Part 2 of Act applies</b>	20
	Omit the matter relating to the <i>Lotteries and Art Unions Act 1901</i> .	21
<b>2.6</b>	<b>Public Lotteries Act 1996 No 86</b>	22
[1]	<b>Section 6 Public lotteries not unlawful</b>	23
	Omit “ <i>Lotteries and Art Unions Act 1901</i> ” from section 6 (2) (b).	24
	Insert instead “ <i>Community Gaming Act 2018</i> ”.	25
[2]	<b>Section 21B Grounds for disciplinary action against licensee</b>	26
	Omit “ <i>Lotteries and Art Unions Act 1901</i> ” from paragraph (b) of the definition of <b><i>relevant gaming law</i></b> in section 21B (3).	27
	Insert instead “ <i>Community Gaming Act 2018</i> ”.	28
		29

<b>2.7 Totalizator Act 1997 No 45</b>	1
<b>Section 7 Conduct of totalizator by licensee not unlawful</b>	2
Omit “ <i>Lotteries and Art Unions Act 1901</i> ” from section 7 (2).	3
Insert instead “ <i>Community Gaming Act 2018</i> ”.	4
<b>2.8 Unlawful Gambling Act 1998 No 113</b>	5
<b>Section 7 Lawful forms of gambling</b>	6
Omit section 7 (b). Insert instead:	7
(b) conducting or being a participant in a gaming activity (within the meaning of the <i>Community Gaming Act 2018</i> ) that is authorised under that Act,	8 9 10