

Gambling Act and regulations possible amendments summary document

Work in progress – 8 April 2019

Broad topic	Specific amendment	Rationale for change	Policy/leg considerations	Operational implications
Venue Licensing – clarifying form of licence	Clarify whether licence is a collection of permissions or an actual document	Collection of permissions can be changed as required whereas a document with fixed content needs to be amended if conditions change.	<p>If licence should be a document need to consider whether form should be specified.</p> <p>If licence is a collection of permissions:</p> <ul style="list-style-type: none"> • other leg amendments required (ss 70(1)(h), 73(1)(a), 92(3), 93(8), 70(1)). • Need to decide whether notification of licence changes is sufficient or licence amendment still required. 	<p>If licence is a collection of permissions need to decide whether document with key information about the licence also needed – eg for display purposes.</p> <p>May only need:</p> <ul style="list-style-type: none"> • Venue licence number • Licence period • Permitted number of gambling machines • Contact details – eg licence holder (corporate society) and regulator (DIA).

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Simplifying venue licensing requirements	<p>Remove unnecessary licence conditions.</p> <p>Remove requirement that details of all gambling equipment be included on the licence (repeal s70(1)(h))</p> <p>No longer treat models and serial numbers as a condition of the licence (repeal s92(3) (pre 17 Oct 2001 licence) and 93(8) (post 17 Oct 2001 licence).</p> <p>Remove requirement to amend venue licence if gambling machines changed or increased (s74(1))</p> <p>Remove requirement to amend C4 licence if MAN, BAN or GAN changes (not specified in leg but purposeful approach taken to require these details).</p>	<p>Minimising the number of licence conditions will reduce the number of licence amendments that will be required.</p> <p>The regulator needs up-to- date information about all gambling equipment but this information not needed on licence document.</p> <p>Amending licence every time equipment changes increases compliance burden and administrative costs.</p> <p>Unnecessary licensing costs reduce community and economic benefits from 4 gambling.</p>	<p>Determine purpose of licence conditions:</p> <ol style="list-style-type: none"> 1. If to inform the regulator - look at other means eg requiring notification of changes 2. If to inform potential gambling patrons -consider what they need to know. <p>Need to consider:</p> <ul style="list-style-type: none"> • what licence conditions are needed • what licence changes should trigger the need for a new or amended licence. • The potential impact of fewer licence conditions. <p>Review requirements concerning content and conditions on a C4 operator’s licence (s53) to ensure that other requirements not also creating unnecessary compliance burden.</p>	<p>Up to date gambling equipment information needs to easily available to regulators and investigators.</p> <p>Changes to details of gambling operation may need to be notified.</p> <p>If simplify the licence need to consider:</p> <ul style="list-style-type: none"> • what additional information needs to be available to venue patrons • how best to communicate that information • whether should be requirement to display licence information at licensed venue and if so what information • whether requirement to display requires a formal written document or if electronic display acceptable.

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Licence fees - Gambling (Fees) Regulations 2015	Cancel fee increases scheduled for out years	Forecast downturn in revenue due to decreasing numbers of gaming machines has not eventuated so scheduled fee rises no longer needed	Legislative change needed to cancel scheduled fee increases Cumbersome to need to amend regulations every time want to waive or remit a fee.	Need to ensure amendment not seen to set a precedent or raise expectations about future fee reductions and waivers May want to limit waivers to circumstances where the whole industry is affected – ie only allow for general waivers not one off waivers on application from individuals
	Enable fees or charges to be remitted or waived for minor licence amendments	Would provide flexibility to regulator to adjust fees and charges as and when required No discretion currently for DIA not to charge for minor licence amendments even though minimal cost to administer Reduction in amendment fees collected would be offset by reduction of work for the Regulator	The Act includes a regulation making power to permit fees or charges to be remitted or waived in specified circumstances Regulations have not yet been made to specify circumstances in which fees may be waived or remitted. Amendment may no longer be needed if decision made to minimise information required on licence.	Should consider whether other circumstances where fee waivers or remission should be permitted.
Fixing legislative mistakes	Gambling (Venue Payments) Regulations 2016 – Reg 3 Remove reference to turnover being GST inclusive	Fixes a known error. Definition of “turnover” stated to include GST when it doesn’t.	Review whether other gambling regulations or rules with this reference that also need to be amended	

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	<p>Gambling Act - s367</p> <p>Secretary's power to make game rules</p> <p>Remove reference to audits conducted by "chartered accountant in public practice"</p> <p>Replace with reference to audits conducted by "a Chartered Accountant with a Certificate in Public Practice (CPP)"</p>	<p>Fixes a known error</p> <p>Same meaning but description is inaccurate.</p>	<p>Review whether other gambling regulations or rules with this reference that also need to be amended</p>	
<p>Improving the integrity of the gambling legislative regime</p>	<p>Move powers to prescribe regs for use of various systems associated with gambling machines (eg pre-commitment) from C4 provision (s314) to harm prevention and minimisation provision (s313).</p>	<p>Harm minimisation- has more general application (ie could apply to casinos as well as C4)</p>		

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	Promulgate new regulation to enable retention of funds by C4 societies	<p>This change does not alter the basis on which corporate societies are able to hold back funds it merely addresses an accounting issue.</p> <p>C4 societies required to distribute all net proceeds from gambling during, or within 3 months of end of, financial year. Strict enforcement essentially renders societies insolvent.</p>	<p>This change would enable DIA's current operational policy concerning retention of funds to continue</p> <p>Need to decide whether regulation should specify size of portion or take a principles based approach</p> <p>Should consider whether principles based approach here would create inconsistencies in the Act.</p>	
	Amend s110 to require corporate societies to publish more detailed grants data	<p>Current s110 requirements more concerned with grants process than grants outcome.</p> <p>EMS provides reliable data about where money is being spent need equivalent data from grants as to how proceeds are being distributed.</p>	Consider whether to regulate to require consistent data from all Corporate Societies and to require that data be provided directly to the Regulator	<p>Could develop a template for grants data from Corporate Societies.</p> <p>We want whatever we do for C4 to be consistent with approaches for other gambling platforms – so as to move towards understanding overall 'money in money out' picture for gambling system as a whole.</p>

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	Amend s108B to require Clubs to provide information to the Regulator about how grant monies are distributed.	Minimal requirements at present. Focus is on providing financial statements to shareholders rather than showing how community benefit is being realised.	Need to ensure expectations on Clubs align with expectations on other gambling providers.	
	Legislate to provide the Regulator with the tools that it needs to support audits and investigations into Clubs.	Will enable increased scrutiny on Clubs.	Need to ensure treatment of clubs is consistent with treatment of other gambling platforms.	
Improve the integrity of the gambling legislative regime	Ensure that grant related provisions enable a systematic, coherent and wholesale approach to grants.	Need better information from grants to match EMS data about expenditure – will enable better understanding of ‘money-in, money-out’ picture.	Details as to what is needed still to be determined.	
	Enable Licensing Trusts to operate as both a venue operator and a management service provider.	Would confirm validity of Licensing Trust model. Usual required separation between key person roles need not apply as does not create conflicts of interest.	Should look to see whether other circumstances in C4 sector where dual roles should be permitted.	

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Future proofing the legislation	Move power to make regulations on “the transfer of money to a gaming machine” from s313 (harm minimisation and harm prevention) to general C4 regulation making power provision (s314).	<p>Leg settings need to be able to respond to changes in gambling activity and supply, including through appropriate regulation making powers</p> <p>This power may be better placed in section 314, as cashless is not a harm prevention measure.</p> <p>Having all C4 related regulation making powers together improves transparency and effectiveness of gambling legislative scheme</p>	Consider whether need to develop new regulations in anticipation of future gambling developments eg introduction of cashless gambling	
	<p>Section 313(1)(ea) - introduction of cashless gambling</p> <p>Proceed with regulation to enable cashless gambling</p>	Act anticipates introduction of cashless gambling but regs not yet in place.	<p>The pros and cons of cashless systems (and what form they might take) as yet uncertain</p> <p>Consider whether form of cashless gambling should be mandatory</p>	

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	<p>Harm minimisation</p> <p>Section 314(1)(ga) – reg making power for prescribing pre-commitment, player tracking, or other harm minimisation devices, technology, or systems associated with gaming machines.</p> <p>Consider whether additional harm minimisation measures should be prescribed</p>		<ul style="list-style-type: none"> • Review rationale for prescribing further harm minimisation measures • Any new measures should complement existing harm minimisation approaches • New technologies need to be cost-effective to preserve community funding 	
	<p>Amend s371(1)(dd) to enable regulations to allow venue payments up to an amount that does not exceed a specified percentage of C4 gambling turnover for a stated period.</p>	<p>2015 amendment enabled regs to be made prescribing new venue payment regime to replace existing Gazette Notice system.</p> <p>Enabling a turnover based venue payment would remove unnecessary complexity and improve the administrative efficiency of the C4 gambling payments system.</p>		

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Simplifying publishing requirements	Delete requirement on Territorial Authorities (TAs) to provide copy of venue policy to the Secretary. Replace with requirement to publish policy on website or similar	History of uneven compliance Interest in venue policies potentially wider than DIA Website publication easy and low cost - facilitates compliance, increases transparency, and improves public accountability		Ensure that DIA has processes in place to keep up to date with TAs' venue policies if posted on line
	Publishing requirement on C4 societies concerning availability of net proceeds for authorised purposes Broaden definition of 'publish' in s110(6) to enable publication on C4 societies website or similar	Publish currently defined as "publish in accordance with the regulations" but no regulations in place. Shouldn't require regulations to determine definition of "publish".	Strong public and community interest in this information Website information more accessible to public, TAs, industry and other stakeholders	Consider whether other corporate society policies should be posted on-line— eg problem gambling policies