

# **TT-Line Gaming Act 1993**

**No. 109 of 1993**

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**MODIFICATIONS OF TASMANIAN REGULATIONS**



Victoria

No. 109 of 1993

## **TT-Line Gaming Act 1993**

[Assented to 26 November 1993]

**The Parliament of Victoria enacts as follows:**

### **PART 1—PRELIMINARY**

#### **1. *Purpose***

The purpose of this Act is to allow gaming on ships operated by a company formed and incorporated pursuant to section 5 of the TT-Line Arrangements Act 1993 of Tasmania as amended and in force for the time being.

#### **2. *Commencement***

- (1) Part 1 comes into operation on the day on which this Act receives the Royal Assent.

- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 6 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period.

### **3. Definitions**

- (1) In this Act and the applied provisions—
  - “ship”** means a ship operated by a company formed and incorporated pursuant to section 5 of the TT-Line Arrangements Act 1993 of Tasmania;
  - “the applied provisions”** means the provisions applying by reason of section 6;
  - “the Tasmanian Act”** means the TT-Line Gaming Act 1993 of Tasmania;
  - “the Tasmanian Minister”** means the Minister of Tasmania administering the Tasmanian Act;
  - “the Victorian Minister”** means the Minister administering this Act;
  - “this Act”** (except in this Part) includes the applied provisions.
- (2) Words and expressions used in this Act that are defined in the applied provisions have the same respective meaning as in the applied provisions.
- (3) In this Act and the applied provisions, a reference to the Tasmanian Act or any other Act of Tasmania or an Act of the Commonwealth includes a reference to that Act as amended and in force for the time being and to an Act passed in substitution for that Act.

**4. *Application of Act***

This Act does not apply to ships on a voyage other than an inter-state voyage or overseas voyage within the meaning of the Navigation Act 1912 of the Commonwealth.

**5. *Incorporation of applied provisions***

The applied provisions are incorporated and must be read as one with this Act.

**PART 2—APPLICATION OF TASMANIAN ACT**

**6. *Tasmanian Act applies as law of Victoria***

- (1) The Tasmanian Act applies as a law of Victoria and so applies as if amended as set out in Schedule 1.
- (2) Regulations in force under the Tasmanian Act (other than provisions providing for the citation or commencement of the regulations) apply as laws of Victoria and so apply as if amended as set out in Schedule 2.

**7. *Conferral of functions and powers on Tasmanian Gaming Commission***

The Tasmanian Gaming Commission has the functions and powers conferred, or expressed to be conferred, on it by this Act.

**8. *Amendment of Schedules***

If—

- (a) the Tasmanian Act is, or is to be, amended; or
- (b) regulations are made, or are proposed to be made, under the Tasmanian Act (whether or not amending other regulations made under the Tasmanian Act)—

the Governor in Council may make regulations amending Schedule 1 or 2, as the case requires, and that Schedule, as so amended, shall be Schedule 1 or 2, as the case requires, of this Act.

**PART 3—FURTHER PROVISIONS REGULATING  
ONBOARD GAMING**

**9. *Legalisation of onboard gaming etc.***

- (1) Despite the provisions of any other Act or any law, the conduct and playing of a game on a ship and the use of gaming equipment is lawful when the game is conducted, and the gaming equipment is provided, in an approved gaming area or approved keno outstation by or on behalf of the operator.
- (2) Except to the extent (if any) that the regulations otherwise provide, the **Lotteries Gaming and Betting Act 1966** does not apply to the conduct and playing of a game on a ship and the use of gaming equipment when the game is conducted, and the gaming equipment is provided, in an approved gaming area or approved keno outstation by or on behalf of the operator.
- (3) The conduct of operations on a ship in an approved gaming area or approved keno outstation in accordance with this Act and the conditions of the relevant gaming licence is not a public or private nuisance.

**10. *Gaming Machine Control Act 1991 not to apply***

The **Gaming Machine Control Act 1991** (except as provided by this Act) and the **Casino Control Act 1991** do not apply to gaming and gaming operations conducted on ships to which this Act applies.

**11. *Revenue-sharing agreement***

- (1) The Treasurer, for and on behalf of the State, may enter into an agreement with the Tasmanian Minister that provides for the payment to Victoria of a proportion of the taxes that are received by the Tasmanian Minister under the Tasmanian Act.

- (2) An agreement referred to in sub-section (1) may include such provisions relating to the conduct of gaming on ships as the parties determine.

**12. *Application of inspection powers***

- (1) Part 8 (except section 129) of the **Gaming Machine Control Act 1991** is incorporated and must be read as one with this Act as if—
- (a) a reference in that Part to the **Gaming Machine Control Act 1991** included a reference to this Act;
  - (b) a reference to a casino operator, venue operator, gaming operator or person listed on the Roll were a reference to the holder of a gaming licence under the Tasmanian Act;
  - (c) a reference to an approved venue were a reference to an approved gaming area or approved keno outstation.
- (2) Before exercising powers under section 120 (1) of the **Gaming Machine Control Act 1991**, the Director must consult with the Tasmanian Commissioner of Gaming.

**13. *Limit on number of gaming machines***

This Act does not authorise or permit a number of gaming machines to be placed on a ship in approved gaming areas or approved keno outstations that exceeds the maximum permissible number for the time being approved by the Minister in writing given to the licensee and the Tasmanian Minister.

**14. *Unlawful interference with gaming equipment***

- (1) A person must not on a ship—
- (a) be in possession of any device made or adapted, or intended by the person to be used, for improperly interfering with gaming equipment; or

- (b) do any act or thing calculated, or likely, to improperly interfere with gaming equipment; or
- (c) insert, or cause to be inserted, in a gaming machine any thing other than a gaming token of the denomination or type displayed on the gaming machine as a gaming token to be used in order to operate or gain credit on the gaming machine.

Penalty: 1000 penalty units or imprisonment for 4 years or both.

- (2) If a member of the police force believes on reasonable grounds that a person has committed an offence under sub-section (1), the member may search the person for any device or thing that the member suspects was used in the commission of the offence.

**15. *Inducements, cheating etc.***

- (1) A person must not dishonestly—
  - (a) by a scheme or practice; or
  - (b) by the use of gaming equipment; or
  - (c) by the use of an instrument or article of a type used in connection with gaming, or appearing to be of a type used in connection with gaming, or of any other thing—

in relation to gaming or the conduct of gaming on a ship, induce—

- (d) a person licensed under the Tasmanian Act; or
- (e) an associate of a person so licensed; or
- (f) a person acting on behalf of a person so licensed—

to deliver, give or credit to the person or another person, any money, gaming tokens, benefit, advantage, valuable consideration or security.

- (2) A person licensed under the Tasmanian Act or an associate of a person so licensed must not dishonestly—
  - (a) by a scheme or practice; or

- (b) by the use of gaming equipment; or
- (c) by the use of an instrument or article of a type used in connection with gaming, or appearing to be of a type used in connection with gaming, or of any other thing—

in relation to gaming or the conduct of gaming on a ship, induce a person to deliver, give or credit to the person so licensed or listed or another person, any money, gaming tokens, benefit, advantage, valuable consideration or security.

- (3) A person must not dishonestly cause gaming equipment on a ship to deliver, give or credit to the person or another person any gaming tokens, benefit, advantage, valuable consideration or security.
- (4) A person must not, for the purpose of cheating or stealing in relation to gaming or the conduct of gaming on a ship, use or be in possession of—
  - (a) any gaming tokens that the person knows are bogus or counterfeit; or
  - (b) any thing that permits or facilitates cheating or stealing.

Penalty applying to this section: 1000 penalty units or imprisonment for 4 years or both.

## **16. Offences by corporations**

- (1) If a corporation contravenes any provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation is to be taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.
- (2) A person may be proceeded against and convicted under a provision in accordance with sub-section (1) whether or not the corporation has been proceeded against or convicted under that provision.



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

### **17. Proceedings**

- (1) A proceeding for an offence against this Act may be brought by—
- (a) a member of the police force; or
  - (b) the Director of Gaming; or
  - (c) a person authorised to do so, either generally or in a particular case, by the Director of Gaming.
- (2) In a proceeding for an offence against this Act it must be presumed, in the absence of evidence to the contrary, that the person bringing the proceeding was authorised to bring it.

### **18. Suspension of Act**

- (1) If—
- (a) the Minister believes on reasonable grounds that the provisions of this Act or the applied provisions or an agreement under section 11 are not being complied with in a material respect; or
  - (b) there is no agreement in force under section 11—
- the Minister may, by writing given to the Tasmanian Minister, give notice of his or her intention to suspend the operation of this Act as from a specified date being not less than 14 days after the giving of the notice.
- (2) Unless the Minister is satisfied within the period specified in a notice under sub-section (1) that the operation of this Act ought not to be suspended, the Minister may suspend the operation of this Act for not more than 3 months by notice published in the Government Gazette within 7 days after the expiration of that period.

- (3) The Minister—
- (a) may extend, or further extend, the period of suspension of this Act by notice published in the Government Gazette;
  - (b) may terminate the suspension by notice so published.
- (4) The Minister must give notice in writing to the Tasmanian Minister of his or her decision to suspend, or not to suspend, the operation of this Act and of any decision under sub-section (3).

### **19. Regulations**

The Governor in Council may make regulations for or with respect to any matter or thing required or permitted to be prescribed as necessary to be prescribed to give effect to this Act.

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## **SCHEDULES**

### **SCHEDULE 1**

#### **MODIFICATIONS OF TASMANIAN ACT**

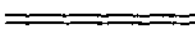
The Tasmanian Act applies as if—

- (1) sections 1 and 2 were repealed;
- (2) in section 3—
  - (a) in the definition of “approved”, in paragraph (a), after “Commission” there were inserted “and the Victorian Gaming Commission”;
  - (b) in the definition of “Commission”, after “Act 1983” there were inserted “of Tasmania”;
  - (c) in the definition of “gaming licence” after “section 4” there were inserted “of the Tasmanian Act”;
  - (d) in the definition of “gaming management agreement” after “section 5” there were inserted “of the Tasmanian Act”;
  - (e) in the definition of “police officer” after “1898” there were inserted “of Tasmania and includes a member of the Victoria Police”;
  - (f) after the definition of “police officer” there were inserted—  
“section” in the applied provisions means section of the applied provisions”;
  - (g) in the definition of “State shipping company” after “1993” there were inserted “of Tasmania”;
  - (h) after the definition of “terms” there were inserted—  
“this Act” means the Victorian Act”;
- (3) sections 4, 5 and 6 were repealed;
- (4) in section 7 for sub-section (3) there were substituted—  
“(3) For the purposes of this section, a ship is taken to be providing a standard interstate ferry service—
  - (a) when it is in port embarking passengers for that service during the period of 3 hours immediately before the scheduled departure time; or
  - (b) during any time when it is at sea on that service.”;
- (5) sections 9, 11, 12, 13, 14 and 15 were repealed;
- (6) in section 16, for “Minister” (wherever occurring) there were substituted “Tasmanian Minister and the Victorian Minister”;

SCHEDULE 1—*continued*

- (7) in section 17—
- (a) for “Minister” (wherever occurring) there were substituted “Tasmanian Minister and the Victorian Minister”;
  - (b) in sub-section (2), after “order” there were inserted “published in the Government Gazette”;
  - (c) sub-section (3) were repealed;
- (8) in section 18—
- (a) for “Minister” (wherever occurring) there were substituted “Tasmanian Minister and the Victorian Minister”;
  - (b) in sub-section (1) (a), after “order” there were inserted “published in the Government Gazette”;
  - (c) in sub-section (1) (b), after “or a later order” there were inserted “published in the Government Gazette”;
  - (d) sub-section (2) were repealed;
- (9) in section 19 (2) and (6), after “*Gaming Act 1983*” there were inserted “of Tasmania”;
- (10) in section 21 (3) and (4), after “Police” there were inserted “of Tasmania or the Chief Commissioner of Police of Victoria”;
- (11) in section 22 (2), after “Superintendent of Police” there were inserted “or the Chief Commissioner of Police of Victoria”;
- (12) sections 24, 25, 28, 29, 30 and 31 were repealed;
- (13) Schedule 1 were repealed.
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**SCHEDULE 2**  
**MODIFICATIONS OF TASMANIAN REGULATIONS**



**NOTES**

1. *Minister's second reading speech—*  
*Legislative Council: 10 November 1993*  
*Legislative Assembly: 19 November 1993*
2. The long title for the Bill for this Act was "A Bill to allow gaming on certain ships and for other purposes."
3. Section headings appear in bold italics and are not part of the Act.  
(See **Interpretation of Legislation Act 1984.**)