

REGULATION OF LICENSED PROVIDERS UNDER THE GAMING CONTROL ACT 1993

PROVISION	DISCIPLINARY ACTION
SECTION (S) OF THE ACT	78, 112L, 112P, 112S and 112T

EXPLANATION

The Tasmanian Liquor and Gaming Commission may take disciplinary action against a licensed provider where provisions of the *Gaming Control Act 1993* have been breached. In response to a breach of the Act, the Commission can determine a course of action it wishes to take. These actions include the issue of a letter of censure, the issue of a fine or the cancellation or suspension of a prescribed licence or endorsement.

ACT REQUIREMENTS

The Commission can take action against a prescribed licence holder or an associated licence holder under section 112S where the holder:

- is no longer suitable or qualified;
- has contravened a provision of the Act;
- has contravened a condition to which the licence is subject to;
- has failed to take action as directed (refer S78);
- has failed to comply with a direction (refer S112P);
- has been found guilty of an offence involving fraud or dishonesty;
- has failed to discharge financial obligations to the State or to a person who has wagered with the holder;
- is bankrupt;
- is affected by control action under the Corporations Act;
- where the prescribed licence or gaming endorsement was obtained by a materially false or misleading representation or in some other improper way; or
- has contravened a code of practice established under section 112L applying to that prescribed licence holder.

The Commission may choose to issue a Rectification Order under section 78 before taking disciplinary action. Under the written order, the Commission may direct the licence holder to take specified action, within a specified time, to rectify a matter which is grounds for disciplinary action. Failure to comply with such direction may result in disciplinary action.

Disciplinary action under section 112T can be one or more of the following:

- cancellation/suspension of a prescribed licence;
- cancellation/suspension of a gaming endorsement;
- amendment of the conditions to which a prescribed licence is subject;
- a fine; or
- a letter of censure.

TIMEFRAMES

This provision commences immediately a Tasmanian Gaming Licence is issued.

DISCIPLINARY PROCESS

A typical example of a disciplinary process may involve some or all of the following steps:

- The Commission is notified of the breach.
- Information regarding the breach is gathered for review by the Commission.
- The licence holder is asked to respond to the information gathered.
- The Liquor and Gaming Branch prepares a report to the Commission detailing the alleged breach, which is examined at a Commission meeting.
- The Commission determines if a breach of the Act has been proved.
- The Commission advises the licence holder of its decision and also what disciplinary action will be taken (for example, a fine).

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