



# **Gambling Measures Act 2012**

**No. 193, 2012 as amended**

**Compilation start date:** 31 March 2014

**Includes amendments up to:** Act No. 14, 2014

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### **This compilation**

This is a compilation of the *Gambling Measures Act 2012* as in force on 31 March 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 4 April 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### **Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### **Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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# **An Act in relation to measures to encourage responsible gambling, and for related purposes**

## **Part 1—Preliminary**

### **1 Short title**

This Act may be cited as the *Gambling Measures Act 2012*.

### **2 Commencement**

This Act commences on the day this Act receives the Royal Assent.

### **4 Object of this Act**

The object of this Act is to recognise the Commonwealth's commitment to the development and implementation of measures to encourage responsible gambling by all gamblers, including voluntary pre-commitment on gaming machines.

### **5 Definitions**

In this Act:

*Australian Institute of Family Studies* means the Australian Institute of Family Studies established by Part XIVA of the *Family Law Act 1975*.

*Director of the Australian Institute of Family Studies* means the Director within the meaning of section 114A of the *Family Law Act 1975*.

*gaming machine* has the meaning given by section 6.

### **6 Meaning of *gaming machine***

A *gaming machine* is a device (whether wholly or partly mechanically or electronically operated) that is designed so that:

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- (a) it may be used for the purposes of playing a game of chance, or a mixed game of chance and skill; and
- (b) it may be operated wholly or partly by:
  - (i) inserting a token, coin or banknote into the device; or
  - (ii) electronically transferring credits or tokens to the device; or
  - (iii) using credits or tokens in the device (whether those credits or tokens are held, stored or accredited by the device or elsewhere); and
- (c) because of making a bet on the device, winnings or other rewards may become payable.

## **Part 2—Encouraging responsible gambling**

### **19 Encouraging responsible gambling**

- (1) The Commonwealth recognises the importance of meaningful measures to encourage responsible gambling.
- (2) The Commonwealth supports voluntary pre-commitment on gaming machines.
- (3) Voluntary pre-commitment allows a player of a gaming machine to set a limit on the amount that the player is prepared to lose from playing gaming machines, and helps the player keep to the limit. The player chooses whether to set a limit.

### **20 Developing and implementing voluntary pre-commitment measure**

- (1) The Commonwealth will work with Governments of the States and Territories, the gaming industry, academics and the community sector:
  - (a) to develop and implement a voluntary pre-commitment scheme on gaming machines; and
  - (b) to develop a realistic timetable for implementing this measure.
- (2) The Commonwealth will work with Governments of the States and Territories and the gaming industry:
  - (a) to ensure that all gaming machines are capable of supporting a venue-based voluntary pre-commitment scheme; and
  - (aa) to ensure that a venue-based voluntary pre-commitment scheme operating in a State or Territory is capable of connecting to a State or Territory wide voluntary pre-commitment scheme that operates within the State or Territory; and
  - (b) to develop a realistic timetable for implementing these capabilities.

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**21 Administration of voluntary pre-commitment measure**

The Commonwealth will work with Governments of the States and Territories on the most appropriate way of administering the voluntary pre-commitment measure referred to in subsection 20(1).



## **Part 3—Research and other provisions**

### **196 Research into gambling**

- (1) In addition to the functions under subsection 114B(2) of the *Family Law Act 1975*, the functions of the Director of the Australian Institute of Family Studies include:
  - (a) undertaking or commissioning research into, or producing data and statistics about, the following:
    - (i) the harm caused by gambling to problem gamblers, the families and communities of problem gamblers, and those at risk of experiencing that harm;
    - (ii) measures that may be undertaken to reduce that harm;
    - (iii) recreational gambling; and
  - (b) increasing the capability and capacity of researchers to conduct the research and produce the data and statistics referred to in paragraph (a).
- (3) The Director, when performing a function under subsection (1), and the Australian Institute of Family Studies, when assisting the Director in the performance of that function, are to be known as the Australian Gambling Research Centre.
- (4) For the purposes of section 114LD (delegation) of the *Family Law Act 1975*, the functions of the Director referred to in subsection (1) of this section are taken to be functions under Part XIVA of that Act.

### **197 Expert Advisory Group on Gambling**

- (1) The Expert Advisory Group on Gambling is established by this section.

#### *Functions of Group*

- (2) The functions of the Group are to provide advice to the Director of the Australian Institute of Family Studies, in his or her capacity as

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the Director of the Australian Gambling Research Centre, in relation to the following:

- (a) strategic directions, and research plans and programs, for undertaking or commissioning research into, or producing data and statistics about, gambling;
- (b) strategies for increasing the capability and capacity of researchers to conduct research into, or produce data and statistics about, gambling.

Note: For the Australian Gambling Research Centre, see subsection 196(3).

*Membership of Group*

- (3) The Group consists of:
  - (a) the Director; and
  - (b) at least 7, but no more than 11, other members.

*Appointments*

- (4) A member of the Group (other than the Director) is to be appointed by the Director by written instrument.
- (5) The Director must not appoint a person as a member of the Group unless the Director is satisfied that the person has relevant expertise.
- (6) The Director may revoke a person's appointment to the Group.
- (7) The Director must determine, in writing, the terms and conditions of appointment of the members of the Group.
- (8) The office of a member of the Group is not a public office within the meaning of the *Remuneration Tribunal Act 1973*.

*Directions by Director*

- (9) The Director may give the Group written directions as to:
  - (a) the way in which the Group is to carry out its functions; and
  - (b) procedures to be followed in relation to meetings.
- (10) A direction given under subsection (9) is not a legislative instrument.

**198 Act does not create legally enforceable obligations etc.**

This Act (other than sections 196 and 197) does not create rights or duties that are legally enforceable in judicial or other proceedings.

**201 Regulations**

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

## **Endnotes**

Endnote 1—About the endnotes

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## **Endnotes**

### **Endnote 1—About the endnotes**

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### **Abbreviation key—Endnote 2**

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

### **Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### **Uncommenced amendments—Endnote 5**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Gambling Reform Act 2012	193, 2012	12 Dec 2012	12 Dec 2012	
Federal Circuit Court of Australia (Consequential Amendments) Act 2013	13, 2013	14 Mar 2013	Schedule 3 (items 99–101): (a)	Sch. 3 (item 101)
Social Services and Other Legislation Amendment Act 2014	14, 2014	31 Mar 2014	Sch 1 (items 1–23): Royal Assent	—

(a) Subsection 2(1) (items 2 and 21) of the *Federal Circuit Court of Australia (Consequential Amendments) Act 2013* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
2. Schedule 1	At the same time as item 1 of Schedule 1 to the <i>Federal Circuit Court of Australia Legislation Amendment Act 2012</i> commences.	12 April 2013
21. Schedule 3, Part 10	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and (b) immediately after the commencement of section 5 of the <i>National Gambling Reform Act 2012</i> .  However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	12 April 2013 (paragraph (a) applies)

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
Title .....	rs No 14, 2014
hdg to Ch 1 .....	rep No 14, 2014
<b>Pt 1</b>	
s 1 .....	am No 14, 2014
Note to s 2.....	rep No 14, 2014
s 3 .....	rep No 14, 2014
s 4 .....	rs No 14, 2014
s 5 .....	am No 13, 2013 rs No 14, 2014
s 6 .....	am No 14, 2014
s 7–12 .....	rep No 14, 2014
Pt 2 of Ch 1.....	rep No 14, 2014
s 13–18.....	rep No 14, 2014
Ch 2 .....	rep No 14, 2014
<b>Pt 2</b>	
Pt 2.....	ad No 14, 2014
s 19–21.....	rs No 14, 2014
s 22–56.....	rep No 14, 2014
Ch 3 .....	rep No 14, 2014
s 57–65.....	rep No 14, 2014
Ch 4 .....	rep No 14, 2014
s 66–77.....	rep No 14, 2014
Ch 5 .....	rep No 14, 2014
s 78–80.....	rep No 14, 2014
Ch 6 .....	rep No 14, 2014
s 81–84.....	rep No 14, 2014
s 84A–84C .....	rep No 14, 2014
s 85–102.....	rep No 14, 2014
Ch 7 .....	rep No 14, 2014
s 103–159.....	rep No 14, 2014

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
Ch 8 .....	rep No 14, 2014
s 160–191.....	rep No 14, 2014
hdg to Ch 9 .....	rep No 14, 2014
Pt 1 of Ch 9.....	rep No 14, 2014
s 192 .....	rep No 14, 2014
hdg to Pt 2 of Ch 9 .....	rep No 14, 2014
<b>Pt 3</b>	
hdg to Pt 3.....	ad No 14, 2014
hdg to Div 1 of Pt 2..... of Ch 9	rep No 14, 2014
s 193–195.....	rep No 14, 2014
s 196 .....	am No 14, 2014
hdg to Div 2 of Pt 2..... of Ch 9	rep No 14, 2014
s 198 .....	rs No 14, 2014
s 199, 200.....	rep No 14, 2014
s 201 .....	am No 14, 2014

## Endnotes

Endnote 5—Uncommenced amendments [none]

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**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**