

Australian Capital Territory

# **Gaming Machine Act 1987 (repealed)**

**A1987-34**

**Republication No 18**

**Effective: 1 November 2004**

Republication date: 1 November 2004

As repealed by A2004-34 s 179 (2)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Gaming Machine Act 1987* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 November 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

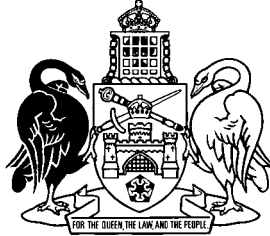
### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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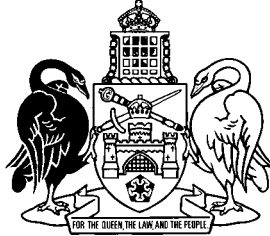
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Australian Capital Territory

# Gaming Machine Act 1987 (repealed)

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An Act relating to gaming machines

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Gaming Machine Act 1987*.

### 2 Incorporation of Control Act

The Control Act is incorporated and shall be read as one with this Act.

### 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*bar-room*—see the *Liquor Act 1975*, dictionary.' means that the term '*bar-room*' is defined in that dictionary and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 4 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

### 4A Maximum stake values—prescription

The regulations may prescribe maximum stake values for section 4, definitions of *multi-stake machine* and *single-stake machine*.

**5 Relationship with other laws**

Notwithstanding any other Territory law—

- (a) a person who is the holder of a general licence or on licence does not commit an offence only because of the installation, in accordance with this Act, of a gaming machine on the premises to which the licence applies; and
- (b) a person does not commit an offence only because of the operation, in accordance with this Act, of a gaming machine on premises to which a general licence or on licence applies.

## **Part 2 Administration**

### **6 Administration**

The commission has the general administration of this Act.

### **8 Register of licences**

The commission shall keep a register of licences and shall enter in the register particulars of the issue, variation, transfer, suspension or cancellation of licences and any other particulars the commission considers appropriate.

## **Part 4                      Licences**

### **Division 4.1A            Authority given by licences**

#### **13A            Authorised activities**

A licence authorises the licensee, subject to this Act—

- (a) to acquire and dispose of the licensed gaming machines; and
- (b) to install the licensed gaming machines on the licensed premises; and
- (c) to operate the licensed gaming machines on the licensed premises at any time when the premises are open for the sale of liquor.

### **Division 4.1            Issue of licences**

#### **14            Application for licence**

- (1) An application for a licence may be made by—

- (a) a club; or
- (b) a person who is the holder of a general licence; or
- (c) a person who is the holder of an on licence;

in relation to the premises of the club, or the premises in relation to which the general licence or on licence applies.

*Note*      A fee may be determined under s 66 (Determination of fees) for this section.

- (2) An application for a licence shall be in writing and—

- (a) shall, for an application by an individual—
  - (i) specify the name and address of the applicant; and

- (ii) be signed by the applicant; and
- (b) shall, for an application by a club—
  - (i) specify the name and address of—
    - (A) the club; and
    - (B) each officer of the club; and
    - (C) each relevant influential person; and
  - (ii) be accompanied by—
    - (A) a copy of the constitution and rules of the club; and
    - (B) a list of names, in alphabetical order, and addresses of all members of the club at the date of the application, certified by the secretary of the club to be correct; and
    - (C) a statement, signed by the secretary of the club, setting out the grounds on which it is claimed that the club is an eligible club; and
  - (iii) be signed by the secretary of the club; and
- (c) shall, for an application by a body corporate other than a club—
  - (i) specify the name and address of the directors of the body corporate; and
  - (ii) be signed by a director of the body corporate on behalf of the body corporate; and
- (d) shall specify the class, number, type, coin denomination and percentage payout of gaming machines in relation to which the licence is sought; and
- (e) for a corporation (including a club)—must state in relation to each relevant influential person the nature of the person's relationship to the corporation; and

- (f) must be accompanied by a social impact assessment; and
  - (g) must be accompanied by rules that the licensee proposes to adopt to control the operation of gaming machines on the licensed premises; and
  - (h) must be accompanied by an application for approval, in accordance with section 41, of the part of the premises where the gaming machines are to be installed; and
  - (i) must be accompanied by any other information or document required by the commission.
- (3) A social impact assessment must comply with the guidelines under section 14AB.

#### **14AA Additional requirements for social impact assessments**

- (1) This section applies if a person applies for a licence under section 14.
- (2) The applicant must publish an advertisement about the application in a newspaper published and circulating in the ACT.

*Note* If a form is approved under the Control Act, s 53D for an advertisement, the form must be used.

- (3) The advertisement must state that—
  - (a) the social impact assessment for the application will be available for inspection by members of the public at the commission's office during ordinary business hours; and
  - (b) any written submissions about the social impact assessment may be made to the commission within 6 weeks after the day the advertisement is published.
- (4) The applicant must give a copy of the advertisement and evidence of the date of publication of the advertisement to the commission.
- (5) The commission must not decide the application until the 6-week period has ended.

- (6) The commission must make the social impact assessment available for inspection by members of the public at the commission's office during ordinary business hours during the 6-week period.

#### **14AB Guidelines about social impact assessments**

- (1) The Minister may, in writing, make guidelines in relation to social impact assessments, including, for example—
- (a) the requirements that must be satisfied by a social impact assessment; and
  - (b) the matters to be assessed or addressed by a social impact assessment; and
  - (c) the information to be given by a social impact assessment.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) Guidelines are a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

#### **14A Issue or refusal of licences—clubs**

If in relation to an application by a club the commission is satisfied that—

- (a) the club is an eligible club; and
- (b) the application complies with the requirements of section 14; and
- (c) the size and layout of the premises to which the application relates are suitable for the installation and use of gaming machines; and
- (d) the proposed rules to control the operation of gaming machines are satisfactory; and

- (e) at a ballot conducted in accordance with the regulations, a majority of the voting members of the club who voted in the ballot voted in favour of the operation of gaming machines on the club premises;

the commission shall, subject to section 15A, issue a licence in relation to the premises of the club.

## **15 Issue or refusal of licences—general and on licensees**

- (1) This section applies if the holder of a general licence or an on licence applies for a licence for the premises to which the general licence or on licence applies.
- (2) The commission must issue the licence if satisfied that—
  - (a) the application complies with section 14; and
  - (b) the applicant has complied with any requirement made by the commission under the Control Act, section 22 (Power to require information, instruments or records or attendance for examination) in relation to the application; and
  - (c) the size and layout of the premises are suitable for the installation and use of gaming machines; and
  - (d) for an application by an individual—the applicant is an adult; and
  - (e) for an application by a corporation—the directors of the corporation are adults; and
  - (f) the operation of gaming machines on the premises will be conducted in a responsible way; and
  - (g) there will be no adverse impact on any school, community facility, sporting facility, or place of public worship located near the premises; and

- (h) the overall economic and social impact of issuing the licence will not be harmful to any community that is within 5km of the premises.
- (3) For subsection (2) (f), (g) and (h), the commission must take into account—
- (a) the social impact assessment for the application; and
  - (b) any written submissions made to the commission under section 14AA (Additional requirements for social impact assessments) about the social impact assessment.
- (4) Subsection (3) does not limit the matters the commission may take into account.
- (5) This section is subject to the following sections:
- section 15A (Issue or refusal of licences—relevant influential person)
  - section 16 (Issue of licence)
  - section 18 (Conditions for issue of licences—gaming machines)
  - section 20 (Conditions for issue of licences—premises).

**15A Issue or refusal of licences—relevant influential person**

- (1) This section applies—
- (a) for a club—to a relevant influential person; and
  - (b) for the holder of a general licence or on licence (other than a club)—
    - (i) if the holder is an individual—to that person; or
    - (ii) if the holder is a corporation—to a relevant influential person for the corporation.
- (2) The commission may refuse to issue a licence if a person to whom this section applies is an unsuitable person.

**16 Issue of licence**

Despite the number and type of gaming machines specified in an application for a licence, the commission may determine the number and type of gaming machines to be specified in the licence having regard to—

- (a) the size and layout of the premises to which the application relates; and
- (b) the size and layout of the room or area where it is proposed to install gaming machines; and
- (c) for an application by a club—the number of members of the club; and
- (d) any other matters that are relevant.

**16A Percentage payout—calculation**

- (1) The percentage payout for a class A or class C gaming machine, other than a machine in a linked jackpot arrangement, is the percentage of the value of the defined number of stakes that would be payable as winnings if the machine were to be played using that number of stakes.
- (2) The percentage payout for a class B gaming machine, other than a machine in a linked jackpot arrangement, is the percentage of the turnover of the machine that would be payable as winnings if the machine were to be played with reasonable strategies that would be adopted by persons displaying average skills in playing the machine.
- (3) The percentage payout for a gaming machine in a linked jackpot arrangement is the sum of the following 2 percentages:
  - (a) the percentage payout that would be applicable to the machine under this section if it were not in a linked jackpot arrangement;

(b) the percentage of the turnover of the machine that is set aside under the arrangement for the payment of linked jackpots.

(4) In this section:

*defined number*, in relation to a class A or class C gaming machine, means the product of the number of stopping positions on each reel in the machine.

### **17 Approval of percentage payout**

- (1) The commission must approve for each gaming machine to which a licence relates a percentage payout that is not less than 85%.
- (2) The percentage payout for each gaming machine must be specified in the licence.

### **18 Conditions for issue of licences—gaming machines**

- (1) A licence shall not be issued to a club except in relation to class B gaming machines or class C gaming machines.
- (2) A licence must not be issued for premises to which a general licence or on licence applies except for class B gaming machines.
- (3) A licence must not be issued for premises to which a general licence applies—
  - (a) if the premises contain at least 12 rooms that are for use as residential accommodation for lodgers—for more than 10 gaming machines; or
  - (b) if the premises do not contain rooms that are for use as residential accommodation for lodgers, or contain less than 12 of those rooms—for more than 2 gaming machines.
- (4) A licence must not be issued for premises to which an on licence applies for more than 2 gaming machines.

- (5) A licence must not be issued for premises to which an on licence applies unless the on licence is stated to be for the primary purpose of running a tavern/bar.

**20 Conditions for issue of licences—premises**

A licence shall not be issued in relation to premises to which a general licence or an on licence applies unless—

- (a) the premises have, for a continuous period of not less than 12 months immediately before the making of the application for the gaming machine licence, been the subject of a general licence or an on licence; and
- (b) the installation and use on the premises of gaming machines are not likely to affect adversely—
- (i) the nature or character of the premises; or
- (ii) the general use of the premises or enjoyment of persons using the premises; and
- (c) for an on licence—the premises are primarily used by persons for the consumption of liquor.

**21 Licensee must comply with code of practice**

A licensee must comply with the relevant code of practice (if any) prescribed under the Control Act.

**Division 4.2 Variation and transfer of licences**

**22 Variation of licences**

- (1) At the written request of a licensee, the commission may vary the licence for the purpose of—
- (a) increasing or reducing the number of licensed gaming machines; or

- (b) altering the percentage payout of a licensed gaming machine;  
or
  - (c) altering the basic stake denomination of a licensed gaming machine; or
  - (d) altering the type of a licensed gaming machine; or
  - (e) making changes to the premises to which the licence applies;  
or
  - (f) moving to different premises.
- (2) An application must be accompanied by—
- (a) if the application is for a change to the premises or moving to different premises—an application for approval, in accordance with section 41, of the part of the premises where the gaming machines are to be installed; and
  - (b) any other information or document required by the commission.
- Note* A fee may be determined under s 66 (Determination of fees) for this section.
- (3) The commission must not vary the licence to increase the number of licensed gaming machines unless satisfied that—
- (a) the licensee has maintained and operated the existing machines in accordance with this Act; and
  - (b) the increase is reasonable, having regard to—
    - (i) the size and layout of the premises; and
    - (ii) if the licensee is a club—the number of its members.
- (4) The commission shall not approve the variation of a licence—
- (a) if the licensee owes any money to the Territory under a tax law or a gaming law; or

- (b) if the licensee is a club—if the commission considers that it is not in the best interests of the members of the club; or
  - (c) for a variation under subsection (1) (b), (c) or (d)—if the commission considers that the variation is technically unsuitable, having regard to any technical evaluation relevant to the gaming machine in question, or to gaming machines of the same type.
- (5) As soon as practicable after varying a licence, the commission shall give the licensee a notice specifying—
- (a) the variation; and
  - (b) the period within which the licensee is required to implement the changes authorised by the variation.
- (6) Subject to subsection (7), the variation of a licence comes into effect on the implementation of the changes authorised by the variation.
- (7) The commission may revoke a variation of a licence if the commission is satisfied on reasonable grounds that the licensee has not implemented the changes authorised by the variation within the period specified under subsection (5) (b), or any longer period allowed by the commission.

## **23 Transfer of licence**

- (1) The commission may approve the transfer of a licence issued in relation to premises to which a general licence or on licence applies to a person who is eligible for such a gaming machine licence.
- (2) The commission may approve the transfer of a gaming machine licence held by a club in relation to the premises of the club to another club that holds a gaming machine licence in relation to its premises.
- (3) An application for the transfer of a licence—
  - (a) shall be in writing and signed—

- (i) for an application by an individual—by the applicant; and
    - (ii) for an application by a body corporate—by a director of the body corporate on behalf of the body corporate; and
  - (b) shall be lodged with the commission; and
  - (c) shall state the full name and address—
    - (i) for an application by an individual—of the applicant; and
    - (ii) for an application by a body corporate—of each director of the body corporate; and
  - (d) must be accompanied by any other information the commission requires.
- (4) The commission shall not approve the transfer of a licence—
- (a) that has been cancelled; or
  - (b) that has ceased to be in force under section 25 (3); or
  - (c) at any time when a suspension of the licence is in force; or
  - (d) at any time after giving a person under section 24B (1) an opportunity of showing cause why the licence should not be suspended or cancelled and before the date when the decision of the commission whether so to cancel or suspend the licence is made.
- (5) If the commission approves the transfer of a licence, the licensee shall lodge with the commission —
- (a) the licence; and
  - (b) the repair book of gaming machines kept in connection with the licence under section 33; and
  - (c) such of the accounts kept in connection with the licence under section 54 as relate to money taken during the month then current together with the other accounts kept in connection

with the licence under that section that the commission requires.

- (6) The commission shall—
- (a) on receipt by the commission of the licence and repair book and accounts referred to in subsection (5); and
  - (b) on payment by the licensee of any relevant amount referred to in subsection (7) that remains unpaid;

endorse on the licence a memorandum of the transfer and deliver the licence and the repair book and accounts to the person to whom the licence is transferred.

- (7) For subsection (6), the relevant amount is any amount that is payable by the licensee under the Control Act in relation to gaming machine tax in relation to gaming machines installed on the licensed premises being an amount payable in relation to any time before the month in which the licence is received by the commission.

## **Division 4.2A          Restrictions on gaming machines**

### **23A    Application**

- (1) This division has effect notwithstanding any other provision of this part.
- (2) This division expires on 30 June 2005.

### **23B    Restriction on gaming machines**

- (1) This section applies to—
  - (a) an application for a licence; or
  - (b) a request to vary a licence for the purpose of increasing the number of licensed gaming machines.
- (2) The commission shall not—
  - (a) issue a licence on an application; or

- (b) vary a licence on a request;  
to which this section applies if—
  - (c) to issue a licence; or
  - (d) to increase the number of licensed gaming machines;  
would result in the number of gaming machines on licensed premises exceeding 5 200.
- (3) In determining the number or type of gaming machines to be specified in a licence issued on an application, or varied on a request, to which this section applies, the commission, in addition to the matters about which the commission is to be satisfied or to which the commission is to have regard under this part, shall also have regard to—
- (a) for a request by a club to vary a licence—the ratio of the membership to the number and types of gaming machines in existing clubs; and
  - (b) for an application or request made by a club—the extent to which the club is likely to contribute to, support and be beneficial to the community; and
  - (c) any other matters that are relevant.

### **23C Circumstances when restriction does not apply**

Section 23B does not apply in relation to a club that, on 24 June 1998, did not hold a licence if, having regard to the following criteria, the commission is satisfied that the section should not apply in relation to that club:

- (a) the commission is satisfied that the club has, before that date, made a significant investment in its facilities and has demonstrated a commitment to providing services to the community;

- (b) the importance of the club to the community and the extent to which the club is likely to contribute to, support and be beneficial to the community;
- (c) the corporate and financial relationships with an existing club;
- (d) the extent to which the financial viability of the club would be affected if the licence were not issued;
- (e) any other matters that are relevant.

### **Division 4.3                      Disciplinary action by commission**

#### **U 24                      Commission may take disciplinary action against licensee**

- (1) If the commission is satisfied that grounds for disciplinary action exist in relation to a gaming machine licence, the commission may take any of the following *disciplinary actions* that it considers appropriate:
  - (a) issue a censure;
  - (b) impose conditions on, or vary the conditions of, the licence;
  - (c) impose a monetary penalty not exceeding \$10 000;
  - (d) suspend the licence for a specified period or until a specified condition is fulfilled;
  - (e) suspend the licence indefinitely;
  - (f) cancel the licence.
- (2) In this Act:

*censure* means a notice to a gaming machine licensee that sets out grounds of disciplinary action against the licensee.
- (3) A censure may include a direction that requires the gaming machine licensee, within a specified time—

- (a) to cease contravening a provision of this Act or condition of the licence; or
  - (b) to rectify a matter that contributes to the grounds of disciplinary action.
- (4) A licence has no effect for section 5 while it is suspended but the suspension does not affect its operation for any other purpose.
- (5) A monetary penalty imposed under this section may be recovered as a debt due to the Territory.

**U 24A Grounds for disciplinary action**

In this Act, *grounds for disciplinary action* exist in relation to a gaming machine licence if—

- (a) information given to the commission by the licensee at any time was false, incomplete or otherwise misleading; or
- (b) the licensee or an agent or employee of the licensee contravenes a provision of this Act or a condition of the licence; or
- (c) the licensee or, for a club, a relevant influential person is or becomes an unsuitable person; or
- (d) for a licence issued in relation to the premises of a club—
  - (i) the club has been or is about to be wound up; or
  - (ii) the club has not operated for a period of 3 months or for a longer period allowed by the commission; or
  - (iii) the club has ceased to be an eligible club; or
- (e) for a licence issued in relation to premises to which an on licence applies—the premises have ceased to be used by persons primarily for the consumption of liquor.

**24B Procedure for disciplinary action**

- (1) Subject to this section, the commission must not take disciplinary action against a licensee unless the commission has given the licensee—
  - (a) 21 days notice that the action is contemplated, and the grounds for it; and
  - (b) a reasonable opportunity to show cause why the proposed action should not be taken.
- (2) If a direction given in a censure is not complied with in the specified time, the commission may take further disciplinary action without complying with subsection (1).
- (3) A member of the commission who has participated in a decision to issue a censure is not prevented by that reason alone from participating in a decision on whether further disciplinary action should be taken under subsection (2).
- (4) The commission may reduce the severity of a disciplinary action by sending a written notice to the licensee.
- (5) A disciplinary action or an action under subsection (4) takes effect when written notice of the action is received by the licensee, or on a later date specified in the notice.

**25 Suspension of licences etc in particular circumstances**

- (1) If a general licence or on licence relating to premises in relation to which a gaming machine licence applies is not renewed under the *Liquor Act 1975*, the gaming machine licence ceases to be in force.
- (2) If a general licence or on licence relating to premises in relation to which a gaming machine licence applies is suspended under the *Liquor Act 1975*, the gaming machine licence is suspended for the period of suspension of the general licence or on licence.

- (3) If a general licence or on licence relating to premises in relation to which a gaming machine licence applies is cancelled under the *Liquor Act 1975*, the gaming machine licence ceases to be in force.
- (4) A licence shall not be taken to be in force during the period for which it is suspended.

**26 Cancellation of club licences on members ballot**

- (1) The commission shall cancel a licence held by a club if the commission is satisfied that, at a ballot, a majority of the voting members of the club who voted in the ballot voted in favour of the cancellation of the licence.
- (2) A ballot for subsection (1) shall be conducted in the manner prescribed by the regulations.

**Division 4.4 General**

**29 Issue of copy of licence**

If the commission is satisfied that a licence in force under this Act has been lost or destroyed, the commission may issue to the licensee a copy of the licence and that copy has, for this Act, the same force and effect as the licence.

*Note* A fee may be determined under s 66 (Determination of fees) for this section.

**30 Display of licence**

Except if a licensee ceases to have possession of a licence as a result of the licence being forwarded to the commission for section 22 (5) or 23 (5), the licensee shall cause the licence to be displayed in a conspicuous position on the licensed premises.

Maximum penalty: 5 penalty units.

**30A Changes in influential persons**

(1) If it is proposed that—

- (a) a person become or cease to be a relevant influential person in relation to a body; or
- (b) there be any other change in the relationship of a relevant influential person to a body;

the body must give the commission written notice of the person's name and residential address and details of the proposed change.

Maximum penalty: 100 penalty units.

(2) If—

- (a) a person has become or has ceased to be a relevant influential person in relation to a body; or
- (b) there has been any other change in the relationship of a relevant influential person to a body;

and no notice was given in accordance with subsection (1), the body must, within 28 days, give the commission written notice of the person's name and residential address and details of the change.

Maximum penalty: 100 penalty units.

(3) In this section:

**body** means a corporation that—

- (a) holds or has applied for a licence; or

- (b) is a partner in a partnership on behalf of which a person holds or has applied for a licence, whether or not the partner's name appears on the licence or the application.

## Division 4.5 Special provisions relating to clubs

### 30B Eligible objects

- (1) An object of a club is an *eligible object* if—
  - (a) it has the purpose of furthering or promoting—
    - (i) recreation; or
    - (ii) social, religious, political, literary, scientific, artistic, sporting or athletic purposes; or
  - (b) it is approved, in writing, by the Minister; or
  - (c) it is substantially the same as an object mentioned in paragraph (a) or (b).
- (2) An approval under subsection (1) (b) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### 30C Eligible clubs

- (1) A club is an *eligible club* if—
  - (a) the club is incorporated in the ACT under the Corporations Act; and
  - (b) the club's statement of objects—
    - (i) includes eligible objects; and
    - (ii) indicates that the eligible objects together constitute the main part of its objects; and
  - (c) the club is conducted primarily to achieve eligible objects; and

- 
- (d) the rules of the club—
- (i) satisfy section 30G (Membership rules); and
  - (ii) are consistent with section 30H (Persons may not profit from the club); and
  - (iii) do not prohibit the playing of games of chance for money on the premises of the club; and
- (e) the club has at least 200 voting members; and
- (f) the number of life members of the club does not exceed 5% of the number of voting members of the club; and
- (g) the premises occupied by the club, and the facilities and property of the club, are kept and maintained for the benefit of members generally.
- (2) Subsection (1) (a) does not apply to a club that—
- (a) was a licensee on 30 June 2000; and
  - (b) in the financial year ending 30 June 2000 had a corrected gross revenue of less than \$500 000;

until the relevant period after a later financial year in which the club had a gross revenue of \$500 000 or more.

- (3) In this section:

***corrected gross revenue***—if a club is a licensee for only a fraction (*F*) of a financial year, and has a gross revenue for that time of *R*, the club's ***corrected gross revenue*** for the year is *R/F*.

***relevant period*** means 6 months or any longer period, of not more than 2 years, that the commission allows on the application of the club.

**30CA Club eligibility—life membership exceeding 5% on 1 January 1992**

- (1) This section applies to a club if, on 1 January 1992, more than 5% of the ordinary members of the club were life members.
- (2) If this section applies to a club, on and after 1 January 1992 the eligibility of the club is not to be taken to be affected only because it does not satisfy section 30C (1) (f).
- (3) If this section applies to a club, the club ceases to be an eligible club if, at any time after 1 November 1993—
  - (a) more than 5% of the ordinary members of the club are life members; and
  - (b) the club grants life membership to another ordinary member.

**30D Associated organisations**

- (1) If the commission is satisfied—
  - (a) that an organisation is associated with a club; and
  - (b) that the organisation is not carried on for the purpose of profit or gain to its members or any other person; and
  - (c) it is incorporated under the Corporations Act or as an association; and
  - (d) its statement of objects—
    - (i) includes eligible objects; and
    - (ii) indicates that the eligible objects together constitute the main part of its objects; and
  - (e) it is conducted primarily to achieve eligible objects; and
  - (f) approval of the organisation as an associated organisation would not result in the club ceasing to be conducted primarily to achieve eligible objects;

the commission may, in writing, approve the organisation for section 4, definition of *associated organisation*.

- (2) In this section—
- (a) a reference to the statement of objects of an organisation incorporated under the Corporations Act is a reference to its memorandum; and
  - (b) a reference to an eligible object of an organisation that is not a club is a reference to an object that would be an eligible object if the organisation were a club.

**30E Maintaining records relating to club elections**

- (1) A club shall not fail, without reasonable excuse, to maintain records of—
- (a) the election of members of the club; and
  - (b) the election or re-election of members of the governing body of the club;

for at least 2 years after the election or re-election.

Maximum penalty: 20 penalty units.

- (2) In subsection (1):

*club* means a club in relation to whose premises a licence has been issued.

**30F Power to require information regarding status of eligible clubs**

- (1) If the commission suspects on reasonable grounds that a club has ceased to be an eligible club, the commission may, by instrument served on an officer of the club, require the officer, within the period specified in the instrument—
- (a) to give information; or

(b) to produce documents;

to the commission in connection with the club or an organisation that is an associated organisation of the club.

(2) In subsection (1):

*club* means a club in relation to whose premises a licence has been issued.

### 30G Membership rules

The rules of a club satisfy this section only if they have the effect that—

- (a) the club has members who are entitled to vote on matters to be decided by the club (*voting members*); and
- (b) a voting member—
  - (i) is entitled to vote on every matter to be decided by the club (other than matters to be decided by the governing body); and
  - (ii) has a single vote on every matter; and
  - (iii) is eligible to be elected to the governing body of the club; and
- (c) an annual fee (whether or not payable by instalments) is required for a voting member; and
- (d) a person is not eligible to become a voting member unless he or she—
  - (i) is at least 18 years old; and
  - (ii) has been elected to membership by—
    - (A) a meeting of voting members of the club; or
    - (B) a duly convened meeting of the governing body or a committee of the club, the names of whose members

present and voting at that meeting are recorded by the secretary; and

- (e) a person who is eligible to be a voting member—
  - (i) becomes a voting member on payment of an annual fee or an instalment; and
  - (ii) remains a voting member for the period covered by the fee or instalment; and
  - (iii) ceases to be a voting member at the end of a period if the fee for the following period has not been paid; and
- (f) at periods of not more than 3 years the term of office of the governing body of the club ends and—
  - (i) the members of the governing body are elected or re-elected by voting members of the club; or
  - (ii) 1 or more members of the governing body are elected or re-elected on the nomination of, or in accordance with the direction of, an associated organisation and any other members of the governing body are elected or re-elected by voting members of the club.

### **30H Persons may not profit from club**

- (1) A person (whether or not a member) must not derive, directly or indirectly, any benefit from a club other than a benefit that—
  - (a) is available equally to all voting members of the club; or
  - (b) arises under an agreement in which the parties are dealing with each other at arm's length; or
  - (c) is conferred on a member under a resolution passed at a general meeting of voting members.
- (2) A person (whether or not a member) must not derive, directly or indirectly, any benefit from—

- (a) the club having applied for a licence; or
- (b) a licence being issued to the club; or
- (c) any added value that may accrue to the premises of the club because of a licence being issued to the club;

that is not available equally to all voting members of the club.

- (3) For this section, a person is not excluded from being regarded as dealing with the club at arm's length only because—

- (a) the person and the club are bodies corporate that are related under the Corporations Act, section 50; or
- (b) either—
  - (i) the person; or
  - (ii) an individual representing the person in dealings with the club;

is a relevant influential person in relation to the club.

- (4) This section does not prevent a person taking a benefit if—

- (a) the person is entitled (whether or not under the rules of the club) to the benefit in the course of acting on behalf of the club; and
- (b) the benefit consists only of—
  - (i) reasonable food or refreshment; or
  - (ii) out-of-pocket expenses reasonably incurred and authorised by a resolution of the club's governing body.

## **Part 5**                      **Control of gaming machines**

### **Division 5.1**              **Administration**

#### **31**                      **Rules to control operation of gaming machines**

- (1) A licensee must enforce the rules approved by the commission to control the operation of gaming machines on its licensed premises.
- (2) The commission may, on the application of the licensee, approve a variation in the rules.

#### **32**                      **Register of gaming machines**

- (1) A licensee shall keep a register of the gaming machines that are installed on the licensed premises.
- (2) The particulars required to be entered in the register in relation to each gaming machine shall be entered under a distinct number that shall correspond with a number displayed on the machine.
- (3) The following particulars shall be entered in the register in relation to each gaming machine installed on licensed premises:
  - (a) the number of the machine;
  - (b) the type of the machine;
  - (c) the class of the machine;
  - (d) the percentage payout determined by the licensee in relation to the machine;

- (e) any other particulars that the commission requires.

Maximum penalty: 5 penalty units.

### 33 Repair book

- (1) A licensee shall keep a repair book of gaming machines.
- (2) A licensee shall enter in the repair book details of any period during which, and of the reason why, a gaming machine on the licensed premises was not in operation.
- (3) If a person repairs or adjusts a gaming machine, whether by opening the machine or not, the person shall enter in the repair book—
  - (a) the particulars necessary to clearly identify the machine; and
  - (b) the date when the repair or adjustment was made; and
  - (c) particulars of the nature of the repair or adjustment; and
  - (d) any other particulars that the commission requires.
- (4) An entry made in the repair book in relation to a gaming machine under subsection (3) shall be signed by the person who repaired or adjusted the machine.

Maximum penalty: 10 penalty units.

### 34 Approved suppliers

The commission may approve a person as an *approved supplier* for this Act if satisfied that the person—

- (a) sells, repairs or maintains gaming machines; and
- (b) is of good business reputation; and
- (c) for an individual—he or she is not an unsuitable person and is of good character; and
- (d) for a body corporate—each relevant influential person is not an unsuitable person and is of good character; and

(e) satisfies any prescribed conditions.

### **34A Approved technicians**

- (1) The commission may, on the application of an approved supplier, approve an individual as an *approved technician* for this Act.
  - (2) An application must be accompanied by—
    - (a) the details the commission requires about the person, the applicant and the relationship between them; and
    - (b) an undertaking by the person to—
      - (i) request the police to check the person's criminal record using the person's fingerprints; and
      - (ii) authorise the police to report to the commission the results of the check; and
    - (c) 2 passport-size photographs of the person.
- Note 1* A fee may be determined under s 66 (Determination of fees) for this section.
- Note 2* If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.
- (3) The commission may waive a requirement imposed under subsection (2) (a) if the application is for renewal of an existing approval.
  - (4) The commission must not approve a person unless satisfied that the person is qualified.
  - (5) The commission may approve a person in relation to several suppliers.
  - (6) The commission may transfer an approval relating to an approved technician from one supplier to another.
  - (7) Approval is valid for 2 years.

- (8) The commission may cancel an approval if the commission ceases to be satisfied that the person is qualified.
- (9) An individual is *qualified* for approval under this section if he or she—
  - (a) either—
    - (i) is an approved supplier; or
    - (ii) is, or will on approval be, an employee or an agent of an approved supplier; and
  - (b) is suitably qualified to repair and adjust gaming machines serviced by the supplier; and
  - (c) is not an unsuitable person; and
  - (d) is of good character; and
  - (e) satisfies any prescribed conditions.

**34B Certificates for approved technicians**

- (1) If the commission approves a technician, the commission must issue a certificate to the supplier containing the details of the approval.
- (2) The commission may also issue or approve an identity card to be carried by the approved technician.
- (3) If a certificate has been issued and—
  - (a) the approval expires; or
  - (b) the approved technician ceases to be employed by or ceases to be an agent of the supplier; or
  - (c) the supplier receives notice that the approval has been withdrawn;

the supplier must return the certificate and any identity cards to the commission within 7 days.

Maximum penalty: 5 penalty units.

- (4) If a certificate or identity card is lost or destroyed, the commission may issue a replacement certificate or identity card.

*Note* A fee may be determined under s 66 (Determination of fees) for this section.

### **34C Approved attendants**

- (1) The commission may, on the application of a licensee, approve an individual as an *approved attendant* for this Act.
- (2) An application must be accompanied by—
- (a) the details the commission requires about the person; and
  - (b) an undertaking by the person to—
    - (i) request the police to check the person's criminal record using the person's fingerprints; and
    - (ii) authorise the police to report to the commission the results of the check; and
  - (c) 2 passport-size photographs of the person.

*Note 1* A fee may be determined under s 66 (Determination of fees) for this section.

*Note 2* If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

- (3) The commission may waive a requirement imposed under subsection (2) (a) if the application is for renewal of an existing approval.
- (4) The commission must not approve a person unless satisfied that the person is qualified.

- (5) The commission may approve a person in relation to several licensees.
- (6) The commission may transfer an approval relating to an approved attendant from one licensee to another.
- (7) Approval is valid for 2 years.
- (8) The commission may cancel an approval if the commission ceases to be satisfied that the person is qualified.
- (9) An individual is *qualified* for approval under this section if he or she—
  - (a) is, or will on approval be, an employee of a licensee; and
  - (b) is not an unsuitable person; and
  - (c) is of good character; and
  - (d) satisfies any prescribed conditions.

**34D Certificates for approved attendants**

- (1) If the commission approves an attendant, the commission must issue a certificate to the licensee containing the details of the approval.
- (2) If a certificate has been issued and—
  - (a) the approval expires; or
  - (b) the approved attendant ceases to be employed by the licensee; or
  - (c) the licensee receives notice that the approval has been withdrawn;

the licensee must return the certificate to the commission within 7 days.

Maximum penalty: 5 penalty units.

- (3) If a certificate is lost or destroyed, the commission may issue a replacement certificate.

*Note* A fee may be determined under s 66 (Determination of fees) for this section.

## **Division 5.2                    Gaming machine dealings**

### **35                    Acquisition of gaming machines—general**

A person must not acquire a gaming machine except in accordance with an approval under section 36.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

### **36                    Acquisition of gaming machines—approval**

- (1) An application for approval to acquire a gaming machine shall be in writing, accompanied by—
- (a) the proposed contract for the acquisition (including any proposed order); and
  - (b) details of any proposed arrangements for financing the acquisition.
- (2) On application in accordance with subsection (1), the commission shall approve the acquisition of a gaming machine—
- (a) if the applicant is a licensee; and
  - (b) if the applicant's licence authorises the applicant to operate the machine; and
  - (c) if the acquisition is to be under a written contract; and

- (d) if the person from whom the machine is to be acquired—
  - (i) is an approved supplier; or
  - (ii) has obtained an approval under section 39F to dispose of the machine; and
- (e) unless the commission considers that the machine is technically unsuitable, having regard to any technical evaluation relevant to the machine, or to gaming machines of the same type; and
- (f) if any proposed arrangements for financing the acquisition are approved (or are to be approved) under section 37; and
- (g) if the applicant is a club—unless the commission is satisfied that it is not in the best interests of the members of the club.

**37 Financial arrangements—approval**

- (1) A licensee shall not enter into an arrangement for financing the acquisition of a gaming machine except in accordance with the approval of the commission.
- (2) An application for approval shall be in writing, accompanied by a copy of all documents associated with the proposed arrangement.
- (3) On application in accordance with subsection (2), the commission shall approve an arrangement for financing the acquisition of a gaming machine—
  - (a) if the arrangement is to be under a written contract or contracts; and
  - (c) if the acquisition is approved, or is to be approved, under section 36; and
  - (d) if the applicant is a club—unless the commission is satisfied that it is not in the best interests of the members of the club.

- (4) It is a condition of an approval that no contract forming part of the approved financial arrangements be varied without the prior approval of the commission.

**38 Acquisition of gaming machines—anti-corruption offences**

- (1) A person shall not offer or provide a profit, benefit or advantage directly or indirectly to—

- (a) a licensee; or
- (b) an employee or agent of a licensee; or
- (c) a relevant influential person in relation to a licensee;

as an inducement for the acquisition of a gaming machine by the licensee.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person who is—

- (a) a licensee; or
- (b) an employee or agent of a licensee; or
- (c) a relevant influential person in relation to a licensee;

shall not accept a direct or indirect profit, benefit or advantage offered as an inducement for the acquisition by the licensee of a gaming machine.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) This section does not apply in relation to a profit, benefit or advantage consisting only of—
- (a) reasonable food or refreshment offered by a person authorised under the law of another State or Territory to deal in or to sell the gaming machine; or
  - (b) out-of-pocket expenses reasonably incurred in the course of negotiations for the acquisition of the machine, if authorised—
    - (i) if the licensee is an individual—by the licensee; or
    - (ii) if the licensee is a body corporate—by a resolution of the licensee’s governing body.

**39 Possession and control of gaming machines**

- (1) A person shall not possess or control a gaming machine except in accordance with this section.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person may possess or control a gaming machine—
- (a) in accordance with a licence; or
  - (b) in accordance with an approval to repossess the machine under section 39C.
- (3) The commission may give a person written permission to possess or control a gaming machine on specified conditions if—
- (a) the person is the receiver, manager or liquidator of a licensee; or
  - (b) the machine is used only for training purposes; or
  - (c) the machine is being stored; or
  - (d) the machine is being displayed for sale; or
  - (e) the machine is being repaired, tested or evaluated.

**39A Operation of gaming machines other than in accordance with licences**

- (1) A person shall not permit a gaming machine to be played on premises owned, occupied or managed by the person, unless the machine is operated in accordance with a licence.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person (the *defendant*) is not guilty of an offence against subsection (1) if evidence is adduced that—

- (a) the conduct alleged to have constituted the offence was due to—

(i) reasonable mistake, other than a mistake constituted solely by the reliance of the defendant on information supplied by another person; or

(ii) the act or default of another person, or some other cause beyond the defendant's control; and

- (b) the defendant took reasonable precautions and exercised due diligence to avoid committing the offence;

and that evidence is not rebutted.

**39B Repossession of gaming machines—general**

- (1) A person shall not repossess a gaming machine except in accordance with an approval under section 39C.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person who has repossessed a gaming machine shall not permit the machine to be played before its disposal, unless the machine is operated in accordance with a licence.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) A person (the *defendant*) is not guilty of an offence against subsection (2) if evidence is adduced that—

- (a) the conduct alleged to have constituted the offence was due to—

(i) reasonable mistake, other than a mistake constituted solely by the reliance of the defendant on information supplied by another person; or

(ii) the act or default of another person, or some other cause beyond the defendant's control; and

- (b) the defendant took reasonable precautions and exercised due diligence to avoid committing the offence;

and that evidence is not rebutted.

### **39C Repossession of gaming machines—approval**

- (1) An application for approval for the repossession of a gaming machine shall be in writing, accompanied by information identifying—

(a) the person from whom the machine is to be repossessed; and

(b) the premises where the machine is currently held; and

(c) the class, type and basic stake denomination of the machine.

- (2) On application in accordance with subsection (1), the commission shall approve the repossession of a gaming machine unless the commission believes on reasonable grounds that the applicant would be likely to contravene a condition under subsection (3).

- (3) An approval is subject to the following conditions:
- (a) that the person given the approval take all reasonable precautions necessary to prevent the repossessed gaming machine being played before its disposal;
  - (b) that the person given the approval permit an authorised officer to exercise the commission functions under subsection (4);
  - (c) the other conditions that the commission considers appropriate in relation to the storage of the machine before its disposal.
- (4) If an approval is given to repossess a gaming machine, after the machine is repossessed, and before it is disposed of, an authorised officer shall—
- (a) take meter readings from the machine; and
  - (b) seal the computer cabinet on the machine; and
  - (c) render the machine inoperable.
- (5) A person is not authorised to repossess a gaming machine only because the person is given an approval under this section.

**39D      Repossession of gaming machines—contravention of approval conditions**

- (1) A person given an approval to repossess a gaming machine shall not contravene a condition of the approval under section 39C (3).
- Maximum penalty: 50 penalty units.
- (2) A person (the *defendant*) is not guilty of an offence against subsection (1) if evidence is adduced that—
- (a) the conduct alleged to have constituted the offence was due to—
    - (i) reasonable mistake, other than a mistake constituted solely by the reliance of the defendant on information supplied by another person; or

- (ii) the act or default of another person, or some other cause beyond the defendant's control; and
  - (b) the defendant took reasonable precautions and exercised due diligence to avoid committing the offence;
- and that evidence is not rebutted.

**39E Disposal of gaming machines—general**

A person shall not dispose of a gaming machine except in accordance with an approval under section 39F.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**39F Disposal of gaming machines—approval**

- (1) An application for approval to dispose of a gaming machine shall be in writing, accompanied by information identifying—
  - (a) the person who is to acquire the machine; and
  - (b) the premises where the machine is currently held; and
  - (c) the class, type and basic stake denomination of the machine.
- (2) On application in accordance with subsection (1), the commission shall approve the disposal of a gaming machine—
  - (a) if the person who is to acquire the machine is authorised—
    - (i) to operate the machine under a licence; or
    - (ii) to sell, or to operate, the machine under a law of a State or another Territory; and
  - (b) if the applicant has repossessed the machine—
    - (i) if the repossession is approved under section 39C; and
    - (ii) unless the commission is satisfied on reasonable grounds that the applicant has contravened that approval.

- (3) The commission must not approve the lease or hire of a gaming machine by one licensee to another.
- (4) A person is not authorised to dispose of a gaming machine only because the person is granted an approval under this section.

### **Division 5.3                    Installation and operation of gaming machines**

#### **40                    Installation to be in accordance with Act**

A licensee shall not install gaming machines on the licensed premises except in accordance with this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

#### **41                    Installation to be in accordance with approval of commission**

- (1) A licensee shall not install gaming machines on the licensed premises except in a part of the premises approved by the commission.

Maximum penalty: 50 penalty units.

- (2) In determining whether to approve a part of licensed premises for the installation of gaming machines, the commission shall have regard to—
  - (a) the material used in the surfacing of the floor, walls and ceiling of that part of the premises; and
  - (b) the treatment applied or steps taken in that part of the premises for the purpose of reducing noise; and
  - (c) the means adopted for heating, cooling, ventilating and lighting that part of the premises; and

- (d) the comfort and safety of persons on any part of the premises;  
and
- (e) any furnishing of that part of the premises; and
- (f) the provision of toilet and washing facilities for persons using  
the gaming machines.

**42 Installation not to constitute nuisance**

A licensee shall so locate gaming machines on the licensed premises as not to constitute a nuisance (either by the location of the machines or by the noise generated by the use of the machines) to persons on the premises.

Maximum penalty: 5 penalty units.

**43 Persons who may install gaming machines**

A person shall not install a gaming machine on licensed premises unless he or she is an approved technician.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**43A Meter readings—certificate**

A person who has installed a gaming machine on licensed premises shall, as soon as practicable, give the licensee a certificate signed by him or her setting out the meter readings on the machine immediately after installation.

Maximum penalty: 20 penalty units.

**43B Installation certificate**

A licensee shall, as soon as practicable, give a certificate to the commission setting out the particulars that the commission, by notice to the licensee, specifies.

Maximum penalty: 20 penalty units.

**43C Operation after installation**

A licensee shall not permit a gaming machine on licensed premises to be operated until he or she has given the commission a certificate under section 43B.

Maximum penalty: 20 penalty units.

**44 Operation to be subject to correct percentage payout**

A licensee shall not permit a gaming machine on the licensed premises to be operated, except for the purposes of repair or adjustment, at a time when the percentage payout of the machine is not the percentage payout determined by the commission in relation to that machine.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**Division 5.4 Linked jackpot arrangements**

**45 Operation of linked jackpot arrangements**

A person shall not operate a linked jackpot arrangement between gaming machines except in accordance with an approval under section 45A or an interclub permit.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**45A Linked jackpot arrangements—single club licence**

- (1) A club holding a licence may apply in writing for approval to operate a linked jackpot arrangement or arrangements between gaming machines operated under the licence.
- (2) An application under subsection (1) must include details of the event or events by reference to which linked jackpots are to be payable under each proposed arrangement.

*Note* A fee may be determined under s 66 (Determination of fees) for this section.

- (3) On application in accordance with this section, the commission shall approve a linked jackpot arrangement or arrangements if—
- (a) in relation to each proposed arrangement, each gaming machine proposed to be linked—
    - (i) is operated under a single licence held by the applicant; and
    - (ii) is of the same class; and
    - (iii) offers the same chance of winning linked jackpots as each other machine in the arrangement, if played with the same stakes; and
  - (b) the financial and operational aspects of the proposed arrangement are in accordance with the regulations; and
  - (c) the commission considers, on reasonable grounds, that the proposed arrangement is satisfactory, having regard to the interests of—
    - (i) the persons playing the machines in the proposed linked jackpot arrangement; and
    - (ii) the members of the club.
- (4) It is a condition of an approval that each gaming machine in each approved linked jackpot arrangement displays at all times a sign stating clearly—
- (a) that the machine is part of a linked jackpot arrangement with other machines in the club; and
  - (b) the percentage of the turnover of the machine that is to be set aside for the payment of linked jackpots.
- (5) It is a condition of an approval that linked jackpots be payable in connection with each approved arrangement by reference to the event or events set out in relation to the arrangement in the application for approval.

**45B Interclub permits—issue**

- (1) On application in accordance with subsection (2), the commission shall issue a permit to operate a linked jackpot arrangement or arrangements between gaming machines operated under 2 or more licences, each held by a club, if—
  - (a) the commission is satisfied on reasonable grounds that the applicant is a fit and proper person to hold a permit, in consideration of circumstances including those referred to in subsection (3); and
  - (b) in relation to each proposed arrangement, each gaming machine proposed to be linked—
    - (i) is of the same class; and
    - (ii) offers the same chance of winning linked jackpots as each other machine in the arrangement, if played with the same stakes; and
  - (c) the financial and operational aspects of each proposed arrangement are in accordance with the regulations; and
  - (d) the commission considers, on reasonable grounds, that each proposed arrangement is satisfactory, having regard to the interests of—
    - (i) the persons playing the machines in each proposed arrangement; and
    - (ii) the clubs operating the machines in each proposed arrangement; and
    - (iii) the members of those clubs.

- (2) An application under subsection (1) must include details of the event or events by reference to which linked jackpots are to be payable under each proposed arrangement.

*Note 1* A fee may be determined under s 66 (Determination of fees) for this section.

*Note 2* If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

- (3) For subsection (1) (a), the circumstances relevant to whether an applicant is a fit and proper person to hold a permit include the following:

- (a) if the applicant is an individual—whether he or she is an undischarged bankrupt;
- (b) if the applicant is a body corporate—whether it is in liquidation;
- (c) whether an amount under a tax law or a gaming law is due by the applicant;
- (d) whether the applicant has contravened a tax law or a gaming law;
- (e) whether the person is an unsuitable person.

- (4) In subsection (3) (c), (d) and (e), a reference to *an applicant* includes, if the applicant is a body corporate, a reference to each relevant influential person in relation to the body.

- (5) A permit shall specify—

- (a) the full name and address of the permit holder; and
- (b) the gaming machines in each linked jackpot arrangement in relation to which the permit is issued, and the clubs where they are situated; and
- (c) the conditions to which the permit is subject.

**45C Interclub permits—conditions**

- (1) The commission shall issue an interclub permit subject to the following conditions:
  - (a) that each gaming machine in an arrangement under the permit display at all times a sign stating clearly—
    - (i) that the machine is part of a linked jackpot arrangement between machines in different clubs; and
    - (ii) the percentage of the turnover of the machine that is to be set aside for the payment of linked jackpots;
  - (b) that linked jackpots be payable in connection with each arrangement under the permit by reference to the event or events set out in relation to the arrangement in the application for the permit;
  - (c) that the financial and operational aspects of each arrangement under the permit not be varied without the prior approval of the commission under section 45H;
  - (d) if the permit holder is a body corporate—that the permit holder give notice to the commission specifying any of the following changes to the body within 7 days of the change:
    - (i) a person becoming a relevant influential person in relation to the body;
    - (ii) a substantial change in the relationship of a relevant influential person to the body;
    - (iii) a person ceasing to be a relevant influential person in relation to the body.

- (2) The commission may issue an interclub permit subject to the other reasonable conditions that the commission considers appropriate, in consideration of the interests of—
- (a) the persons playing the machines in each linked jackpot arrangement under the permit; and
  - (b) the clubs operating the machines in each such arrangement; and
  - (c) the members of those clubs.

**45D Interclub permits—duration**

An interclub permit remains in force for 5 years beginning on the date of issue of the permit, subject to this Act, but may be renewed in accordance with section 45E.

**45E Interclub permits—renewal**

On written application, the commission shall renew an interclub permit for 5 years beginning on the day immediately following the day when, apart from its renewal, the permit would have expired.

*Note* A fee may be determined under s 66 (Determination of fees) for this section.

**45F Interclub permits—variation at commission’s discretion**

- (1) The commission may vary a condition of an interclub permit imposed under section 45C (2), in consideration of the interests of—
- (a) the persons playing the machines in each linked jackpot arrangement under the permit; and
  - (b) the clubs operating the machines in each such arrangement; and
  - (c) the members of those clubs.

- (2) A variation under subsection (1) takes effect from a date specified in the notice of variation given under section 52 (being not less than 28 days after the date of the notice).

**45G Interclub permits—variation on request by permit-holder**

- (1) At the written request of the permit holder, the commission may vary an interclub permit for the purpose of—
- (a) reducing the number of gaming machines in a linked jackpot arrangement, or terminating a linked jackpot arrangement; or
  - (b) increasing the number of gaming machines in a linked jackpot arrangement under the permit; or
  - (c) including a new linked jackpot arrangement under the permit; or
  - (d) including an additional club in a linked jackpot arrangement; or
  - (e) varying a condition imposed under section 45C (2).

*Note* A fee may be determined under s 66 (Determination of fees) for this section.

- (2) The commission shall not approve a variation of an interclub permit unless the commission is satisfied—
- (a) if an additional gaming machine is to be included in a linked jackpot arrangement—that the additional machine—
    - (i) is of the same class as the other machines in the arrangement; and
    - (ii) offers the same chance of winning linked jackpots as each other machine in the arrangement, if played with the same stakes; and

- (b) if a new linked jackpot arrangement is to be included under a permit—that each gaming machine to be linked—
  - (i) is of the same class; and
  - (ii) offers the same chance of winning linked jackpots as each other machine in the arrangement, if played with the same stakes; and
- (c) if an additional club is to be included in a linked jackpot arrangement (whether an existing arrangement or a proposed new arrangement)—that the financial and operational aspects of the arrangement are in accordance with the regulations; and
- (d) that the proposed variation is satisfactory, on reasonable grounds, having regard to the interests of—
  - (i) the persons playing the machines in each proposed linked jackpot arrangement; and
  - (ii) the clubs operating the machines in each proposed arrangement; and
  - (iii) the members of those clubs.
- (3) If the commission varies a permit, the commission shall give a notice to the permit holder specifying—
  - (a) the variation; and
  - (b) the date of effect of the variation.
- (4) A variation under subsection (1) takes effect from the date specified in the notice under subsection (3) (b).

**45H Interclub permits—variation of financial and operational aspects**

On written application, the commission shall approve the variation of the financial and operational aspects of a linked jackpot arrangement under an interclub permit if—

- (a) the financial and operational aspects of the arrangement, as proposed to be varied, are in accordance with the regulations; and
- (b) the commission considers, on reasonable grounds, that the proposed variation is satisfactory, having regard to the interests of—
  - (i) the persons playing the machines in the arrangement; and
  - (ii) the clubs operating the machines in the arrangement; and
  - (iii) the members of those clubs.

**45J Interclub permits—transfer**

- (1) On the joint written application of the permit holder and a proposed transferee, the commission shall transfer the permit to the proposed transferee if the commission is satisfied on reasonable grounds that the proposed transferee is a fit and proper person to hold a permit, in consideration of circumstances including the following:
  - (a) if the proposed transferee is an individual—whether he or she is an undischarged bankrupt;
  - (b) if the proposed transferee is a body corporate—whether it is in liquidation;
  - (c) whether an amount under a tax law or a gaming law is due by the proposed transferee;
  - (d) whether the proposed transferee has contravened a tax law or a gaming law;

- (e) whether the proposed transferee has been convicted of an offence punishable on conviction by a fine of not less than 100 penalty units or by imprisonment for a period of not less than 1 year.

*Note* A fee may be determined under s 66 (Determination of fees) for this section.

- (2) In subsection (1) (c), (d) and (e), a reference to a *proposed transferee* includes, if the proposed transferee is a body corporate, a reference to each relevant influential person in relation to the body.

#### **45K Interclub permits—cancellation**

- (1) The commission may cancel an interclub permit if satisfied on reasonable grounds that—
  - (a) the permit was granted in error or in consequence of a false statement made, or misleading information furnished, by the applicant; or
  - (b) the permit holder has contravened a condition to which the permit is subject; or
  - (c) the permit holder has contravened a tax law or a gaming law; or
  - (d) the permit holder has been convicted of an offence—
    - (i) against a tax law or a gaming law; or
    - (ii) punishable on conviction by a fine of not less than 100 penalty units or by imprisonment for a period of not less than 1 year; or
  - (e) if the permit holder is an individual—he or she is an undischarged bankrupt; or
  - (f) if the permit holder is a body corporate—it is in liquidation; or
  - (g) the permit holder is otherwise not a fit and proper person to hold a permit.

- (2) In subsection (1) (b), (c) and (d), a reference to the *permit holder* includes, if the permit holder is a body corporate, a reference to a relevant influential person in relation to the body.
- (3) The commission shall, before cancelling an interclub permit, by written notice to the permit holder invite the permit holder to show cause why the permit should not be cancelled.
- (4) A notice shall contain—
  - (a) particulars of the facts and circumstances relied on by the commission to establish that a ground for cancellation exists; and
  - (b) a statement to the effect that the permit holder may, within the period specified in the notice (being a period of not less than 14 days after the date the notice is given), give to the commission written particulars of the facts and circumstances relied on to show that the interclub permit should not be cancelled.
- (5) If the commission considers on reasonable grounds that a permit holder has not, within the time specified in the notice, showed cause why the interclub permit should not be cancelled, the commission shall cancel the permit.
- (6) The cancellation of an interclub permit takes effect on the end of the day notice of the cancellation is given to the permit holder under section 52.
- (7) Within 7 days after receiving a notice of cancellation of an interclub permit under section 52, the former permit holder shall return the permit to the commission.

Maximum penalty (subsection (7)): 20 penalty units.

#### **45L Interclub permits—surrender**

- (1) A permit holder may surrender the interclub permit by written notice to the commission, accompanied by the permit.

- (2) The surrender of an interclub permit takes effect 28 days after the date of the notice, or on a later date specified in the notice.

**45M Undisbursed and unclaimed jackpots**

If an amount won under a linked jackpot under section 45A or 45B is not claimed within 12 months—

- (a) the amount is forfeited to the Territory; and
- (b) after the amount has been paid to the Territory, the winner of the amount—
  - (i) is not entitled to recover the amount from the permit-holder; and
  - (ii) is entitled to recover the amount from the Territory within the period of 6 years after winning the amount; and
  - (iii) is not entitled to recover interest on the amount from the Territory.

## **Division 5.5 Regulation of gaming machines generally**

### **46 Repair and adjustment of gaming machines**

- (1) A person must not open a gaming machine installed on a licensed premises unless the person is an approved attendant, an approved technician or an authorised officer.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person must not open the computer cabinet of a gaming machine installed on a licensed premises unless the person is an approved technician or an authorised officer.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

### **47 Interference with gaming machines**

- (1) A person shall not—
- (a) do any act or thing calculated or likely to interfere with the operation of a gaming machine; or
  - (b) insert or cause to be inserted into a gaming machine any object or thing other than a coin, note or token of the kind specified on the gaming machine; or
  - (c) do any act or thing calculated to interfere with a gaming machine in such a way as to cause the machine to yield a reward less than or greater than the percentage payout determined by the licensee in relation to that machine; or

- (d) do any act or thing calculated to render a gaming machine, either temporarily or otherwise, incapable of forming a winning combination.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) Nothing in subsection (1) applies in relation to any act or thing done in good faith in connection with the repair or adjustment of a gaming machine by an approved technician or an authorised officer.

#### **48 Opening computer cabinets**

A person, other than an authorised officer, shall not open the computer cabinet with which a gaming machine is equipped.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

#### **49 Percentage payout of gaming machines to be displayed**

A licensee shall cause to be clearly displayed, in a position approved by the commission, on each gaming machine on the licensed premises the percentage payout determined by the commission in relation to that machine.

Maximum penalty: 5 penalty units.

*Note* If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for this section, the form must be used.

#### **50 Rendering gaming machines inoperable on licence ceasing to be in force**

If a licence ceases to be in force, the commission must render each gaming machine on the licensed premises inoperable—

- (a) if the licence ceased to be in force because of the expiration of the licence or under section 25 (1)—until the machines are removed from the premises; or

- (b) if the licence ceased to be in force because of the suspension of the licence—during the period of the suspension of the licence; or
- (c) if the licence ceased to be in force because of the cancellation of the licence—
  - (i) until the machines are removed from the premises; or
  - (ii) until the decision of the commission cancelling the licence is, following an application for review of that decision, set aside by the tribunal;whichever first occurs; or
- (d) if the licence ceased to be in force under section 25 (3)—
  - (i) until the machines are removed from the premises; or
  - (ii) until that subsection ceases, under section 53, to apply in relation to the licence;whichever first occurs.

## **51 Removal of gaming machines from premises**

- (1) A person who held a licence shall, if applicable circumstances have occurred, remove, within the required period, any gaming machines from the premises to which the licence related.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) For subsection (1), applicable circumstances shall be taken to have occurred—
- (a) if a licence ceases to be in force under section 25 (1) or 25A; or
  - (b) if—
    - (i) a licence is cancelled or ceases to be in force under section 25 (3); and

- (ii) the period within which an application for review of the relevant decision may be made has expired; and
  - (iii) an application for review has not been made in relation to the decision; or
- (c) if—
- (i) a licence is cancelled or ceases to be in force under section 25 (3); and
  - (ii) an application for review of the relevant decision having been made, the application has been withdrawn, dismissed or determined otherwise than by a decision of the tribunal after a hearing; or
- (d) if—
- (i) a licence is cancelled or ceases to be in force under section 25 (3); and
  - (ii) an application for review of the relevant decision having been made, the application has been determined by the tribunal by affirming the decision of the commissioner.
- (3) In this section:

***relevant decision***, in relation to a licence, means—

- (a) if the licence was cancelled—the decision of the commission under this Act cancelling the licence; and
- (b) if the licence ceased to be in force under section 25 (3)—the decision of the liquor licensing board under the *Liquor Act 1975* cancelling the general licence or on licence, relating to the premises in relation to which the gaming machine licence applied.

***required period*** means—

- (a) in the circumstances referred to in subsection (2) (a)—the period of 14 days after the license ceased to be in force; and

- (b) in the circumstances referred to in subsection (2) (b)—the period of 14 days after the end of the period referred to in subsection (2) (b) (ii); and
- (c) in the circumstances referred to in subsection (2) (c)—the period of 14 days after the application for review is withdrawn, dismissed or otherwise determined; and
- (d) in the circumstances referred to in subsection (2) (d)—the period of 14 days after the determination of the review;

or any further period the commission, whether before or after the end of the relevant period of 14 days, in writing, approves.

## Part 5A                      Gaming areas

### 51B            Warning notices

- (1) A licensee shall ensure that a warning notice is displayed in a prominent position—
  - (a) on each gaming machine installed on the licensed premises; and
  - (b) at or near the entrance to each gaming area within the licensed premises.
- (2) A licensee shall not, without reasonable excuse, contravene subsection (1).

Maximum penalty: 5 penalty units, imprisonment for 6 months or both.

- (3) Subsections (1) and (2) do not apply unless a determination under subsection (4) has effect.
- (4) The Minister may, in writing, determine—
  - (a) the form and minimum dimensions of a warning notice; and
  - (b) the text of a warning notice, being information about—
    - (i) risks associated with gambling; and
    - (ii) counselling or other support services available in relation to addictive or excessive gambling; and
    - (iii) the provisions of this division about persons who are under 18 years old.
- (5) A determination under subsection (4) is a disallowable instrument.

*Note*        A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (6) Unless a determination is disallowed by the Legislative Assembly, the determination commences—
- (a) 14 days after the last day when it could have been disallowed; or
  - (b) if the determination provides for a later date or time of commencement—on that date or at that time.
- (7) In subsection (1):
- warning notice** means a warning notice that, as regards its form, dimensions and text, is in accordance with a determination under subsection (4).

**51C Cash facilities**

- (1) A licensee shall not provide, or permit the provision of, a cash facility in a gaming area within the licensed premises.
- Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
- (2) In subsection (1):
- cash facility** means—
- (a) an automatic teller machine; or
  - (b) an EFTPOS facility; or
  - (c) any other facility for gaining access to cash or credit.

**51D Lending or extending credit**

A licensee or licensee's employee shall not—

- (a) lend or offer to lend money to a person who is in, or appears to be about to enter, a gaming area within the licensed premises; or

- (b) extend or offer to extend credit to a person for the purpose of enabling the person to play a gaming machine on the licensed premises.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**51E Entry to gaming area by persons under 18**

- (1) A licensee must not permit a person who is under 18 years old to enter or remain in a gaming area.

Maximum penalty: 50 penalty units.

- (2) A person who is under 18 years old must not enter or remain in a gaming area.

Maximum penalty: 5 penalty units.

- (3) It is a defence in proceedings for an offence against subsection (1) if the defendant proves that the person—

- (a) was over 16 years old; and
- (b) had shown a prescribed identity document.

**51F Persons under 18 must not play gaming machines**

- (1) A licensee must not permit a person who is under 18 years old to play a gaming machine.

Maximum penalty: 50 penalty units.

- (2) A person who is under 18 years old must not play a gaming machine.

Maximum penalty: 5 penalty units.

- (3) It is a defence in proceedings for an offence against subsection (1) if the defendant proves that the person—

- (a) was over 16 years old; and
- (b) had shown a prescribed identity document.

**51G      False identification**

A person must not use another person's identification or a form of identification that is forged—

- (a) to obtain entry to or remain in a gaming area; or
- (b) to play a gaming machine.

Maximum penalty: 10 penalty units.

## Part 6                      Review

### 52                      Notice of reviewable decisions

- (1) If the commission makes a decision—
  - (a) refusing an application for a licence under section 14A, 15 or 15A; or
  - (b) issuing a licence under section 16 in relation to which the number or type of gaming machines specified in the licence varies from the number or type of gaming machines specified in the application for the licence; or
  - (c) refusing to vary a licence under section 22 (1); or
  - (d) revoking the variation of a licence under section 22 (7); or
  - (e) refusing to approve the transfer of a licence under section 23 (1) or (2); or
  - (f) taking disciplinary action under section 24; or
  - (g) suspending or cancelling a licence under section 26; or
  - (h) refusing to issue a copy of a licence under section 29; or
  - (i) refusing to approve an organisation under section 30D; or
  - (j) refusing to approve amendment of rules under section 31; or
  - (k) refusing to approve a person as, or revoking the approval of, an approved supplier under section 34; or
  - (l) refusing to approve a person as an approved technician under section 34A (1); or
  - (m) cancelling an approval of an approved technician under section 34A (8); or

- (n) refusing to approve a person as an approved attendant under section 34C (1); or
- (o) cancelling an approval of an approved attendant under section 34C (8); or
- (p) refusing to approve the acquisition of a gaming machine under section 36 (2); or
- (q) refusing to approve a financial arrangement for the acquisition of a gaming machine under section 37 (3); or
- (r) refusing to approve the variation of a financial arrangement for the acquisition of a gaming machine under section 37 (4); or
- (s) refusing to approve the repossession of a gaming machine under section 39C (2); or
- (t) approving the repossession of a gaming machine subject to a condition under section 39C (3) (c); or
- (u) refusing to approve the disposal of a gaming machine under section 39F (2); or
- (v) refusing to approve the installation of a gaming machine for section 41; or
- (w) refusing to approve a linked jackpot arrangement under section 45A (3); or
- (x) refusing to issue an interclub permit under section 45B (1); or
- (y) issuing an interclub permit subject to conditions under section 45C (2); or
- (z) varying an interclub permit under section 45F (1); or
- (za) refusing to vary an interclub permit under section 45G (1); or
- (zb) refusing to approve the variation of the financial and operational aspects of a linked jackpot arrangement under section 45H; or

- (zc) refusing to transfer an interclub permit under section 45J (1);  
or
- (zd) cancelling an interclub permit under section 45K (5); or
- (ze) refusing to give an approval for an extension of time for section 51; or
- (zf) refusing to approve contributions as community contributions under section 60B.

the commission shall give to the licensee or person affected by the decision written notice of the decision.

- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## **52A Review of decisions**

Application may be made to the tribunal for review of a decision of the commission referred to in section 52 (1).

## **53 Revocation of certain decisions of commission**

If—

- (a) a licence ceased to be in force under section 25 (3); and
- (b) an application is made for review of a decision of the liquor licensing board under the *Liquor Act 1975* cancelling the general licence or on licence, relating to the premises in relation to which the gaming machine licence applied; and
- (c) the review of that decision is determined by the tribunal by setting aside the decision;

section 25 (3) shall cease to apply in relation to the gaming machine licence and the licence continues in force by force of this section.

## Part 7 Finance

### Division 7.1 General

#### 54 Accounts relating to gaming machines

A licensee shall—

- (a) keep full and separate accounts of all money taken from each gaming machine on the licensed premises; and
- (b) keep the accounts in such a way that they can be conveniently and properly audited; and
- (c) correctly balance the accounts at the end of each month.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

#### 55 Falsifying records etc

(1) A licensee shall not, with intent to defraud—

- (a) destroy, alter, mutilate or falsify any book, document or writing (not forming part of the accounts of the licensee) required to be kept or made by the licensee under this Act; or
- (b) make, or cause to be made, a false entry in, or omit or alter, or cause to be omitted or altered, an entry in, any such book, document or writing.

- (2) A director, officer, clerk or servant, or any person acting as a director, officer, clerk or servant, of a club shall not, with intent to defraud, acquire any property of the club.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**56 Audit of records**

- (1) A licensee shall, as soon as practicable after the end of each financial year—
- (a) cause the accounts relating to the operation of gaming machines on the licensed premises during that year to be audited by a certified accountant; and
  - (b) prepare, or cause to be prepared, an income and expenditure statement for that year relating to—
    - (i) the operation of gaming machines on the licensed premises; and
    - (ii) if the licensee is a club—the financial operations of the club.
- (2) A licensee shall, within 1 month after the preparation of an income and expenditure statement, lodge with the commission a copy of the statement certified as being correct by the person who prepared it, together with a report stating, as at the end of the period to which the statement relates—
- (a) the class, number and type of gaming machines installed on the licensed premises; and
  - (b) if the licensee is a club—
    - (i) the number of members of the club; and
    - (ii) how the club expended the profits from the machines; and
  - (c) any other particulars the commission requires.

**57 Gaming machine tax—imposition**

- (1) Subject to this Act, tax is imposed on gross revenue in relation to the operation of gaming machines, whether that operation is lawful or unlawful.
- (2) Tax is payable—
  - (a) in relation to the lawful operation of gaming machines—at the rate of the applicable prescribed percentage; and
  - (b) in relation to the unlawful operation of gaming machines—at the rate of 100%.

**58 Gaming machine tax—liability**

- (1) Gaming machine tax in relation to the operation of a gaming machine shall be paid by—
  - (a) in relation to a machine operated lawfully—the licensee; or
  - (b) in relation to a machine operated unlawfully—
    - (i) the person receiving the gross revenue; or
    - (ii) the occupier of the premises where the machine is operated.
- (2) If subsection (1) (b) applies, the person receiving the gross revenue from the operation of the relevant gaming machine and the occupier of the premises where the machine is operated are jointly and severally liable to pay tax under subsection (1).
- (3) Gaming machine tax in relation to the operation of a gaming machine during a month is due on the 7th day after the end of the month.

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**58A Tax credits and refunds in relation to GST for clubs**

- (1) This section applies if a licensee that is a club paid to the Commonwealth, during a month, an amount in relation to the licensee's liability for a global GST amount (the ***GST paid***).
- (2) If the GST paid is less than the club's gross GMT for the month, the amount of gaming machine tax for which the licensee is liable is reduced by the GST credit.
- (3) If the GST paid is equal to or more than the club's gross GMT for the month, the licensee—
  - (a) is not liable for gaming machine tax for the month; and
  - (b) is entitled to the GST refund.
- (4) The commission may, in writing, determine—
  - (a) a rate of ***GST credit*** for this section, of not more than the GST paid; and
  - (b) a rate of ***GST refund*** for this section, of not more than the difference between the GST paid and the club's gross GMT for the month.
- (5) A determination under subsection (4) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (6) In this section:

***gaming machine tax*** does not include tax relating to the unlawful operation of gaming machines.

***global GST amount***—see the GST provision.

***gross GMT***, for a club, is the amount of gaming machine tax for which the club would, apart from this section, be liable.

**GST provision** means the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 126-10 (which deals with tax on gambling revenue).

**GST tax period** means a tax period referred to in the GST provision.

## 59 Returns

- (1) Within 7 days after the end of a month, a licensee must give the commission a return relating to the gross revenue in relation to the operation of gaming machines during that month under the licence.
- (2) A return must be in writing.

*Note* If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D for a return, the form must be used.

## 60 Payment of gaming machine tax following transfer

- (1) If a licence is transferred, the person from whom the licence is transferred shall, within 7 days of the date of transfer, pay to the commission the amount referred to in subsection (2).
- (2) For subsection (1), the amount is an amount equal to the prescribed percentage of the gross revenue derived by the person as a licensee during the period that began on the 1st day of the month when the transfer occurred and ended at the end of the day of transfer.

## Division 7.2 Community contributions

### 60A Contributions

A reference in this division to a contribution made by a licensee includes the value of a contribution made in kind, but does not include—

- (a) expenditure on commercial activities, or, if the licensee is a club, on the social or entertainment activities of the club for its members; or

- (b) expenditure intended to promote specific activities of the licensee; or
- (c) a contribution made out of donations collected by the licensee, or out of the proceeds of any special fundraising activity conducted by the licensee; or
- (d) a contribution to a business association, registered party, associated entity or trade union; or
- (e) if a contribution is made on a condition—the value to the licensee of that condition being fulfilled; or
- (f) a contribution made to another club under a reciprocal arrangement or agreement.

### **60B Approval of community contributions**

- (1) The commission may approve contributions made by a licensee that is a club to a specified organisation for a specified purpose as *community contributions* if satisfied the contributions will have the effect of—
  - (a) contributing to, or developing or supporting the social fabric of the Territory or another community; or
  - (b) assisting sport or other recreational activities conducted in the Territory, or with participants predominantly based within the Territory; or
  - (c) benefiting or enhancing women’s sport conducted in the Territory, or with participants predominantly based within the Territory.
- (2) The Minister must, after consultation with Clubs ACT, prepare written guidelines for approving community contributions.
- (3) A guideline under subsection (2) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**60C Records of contributions**

- (1) A licensee must record each community contribution made by the licensee, specifying—
- (a) the organisation to which, or the purpose for which, each contribution was made; and
  - (b) the amount or value of the contribution and the date when, or the period over which, it was made.

Maximum penalty: 20 penalty units.

- (2) A licensee must record each contribution made by the licensee to a registered party or associated entity, specifying—
- (a) the party or entity to which the contribution was made; and
  - (b) the amount of the contribution and the date when it was made.

Maximum penalty: 20 penalty units.

**60D Report**

A licensee must, within 1 month after the end of a financial year, give the commission a copy of the records kept under section 60C that relate to the financial year, together with a report specifying for the financial year—

- (a) the gross revenue of the licensee; and
- (b) if the licensee is a club—the net revenue of the licensee; and
- (c) the total value community contributions; and

- (d) the total value of contributions to registered parties and associated entities.

Maximum penalty: 20 penalty units.

**60E Commission must report to Minister**

The commission must, within 3 months after the end of the financial year, give the Minister a report—

- (a) summarising the extent of compliance by licensees with sections 60C and 60D for the financial year; and
- (b) analysing the extent to which revenue received by licensees was being used to make community contributions during the financial year.

**60F Minister must present commission's report**

The Minister must present a report given to him or her under section 60E to the Legislative Assembly within 10 sitting days after the Minister receives the report.

**60G The required community contributions**

- (1) In relation to a licensee that is a club, the *required community contribution* for a financial year is the total of—
  - (a) an amount equal to the total of the contributions made by the licensee during the financial year to registered parties, associated entities, members of the Legislative Assembly, or candidates; and
  - (b) the proportion of the club's net revenue in the financial year set out in table 60G, or the other proportion determined, in writing, by the Minister.

**Table 60G required community contributions**

<b>column 1 item</b>	<b>column 2 financial year</b>	<b>column 3 required contribution</b>
1	2000-2001	5%
2	2001-2002	6%
3	after 2002	7%

- (2) If the Minister is satisfied, on application by a licensee that is a club, that—
- (a) the gross revenue of the club in a financial year is, or is likely to be, less than \$200 000; and
  - (b) the application of subsection (1) to the club would so seriously affect its viability that it would not be just and equitable in the circumstances for subsection (1) to apply to the club;

the Minister may set a lower required community contribution for the club.

- (3) A determination under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) For every \$3 of women's sport community contributions that a club contributes to an organisation specified under section 60B (1), the club's required community contributions must be worked out as if the club had contributed \$4.

- (5) In subsection (4):

**women's sport community contributions** means community contributions that the commission is satisfied will have the effect mentioned in section 60B (1) (c).

**60H Community contribution shortfall tax—imposition**

- (1) Tax (*community contribution shortfall tax*) is imposed on a community contribution shortfall of a licensee that is a club at the rate of 100%.
- (2) In this section:

*community contribution shortfall*, for a licensee that is a club, in a financial year, means the amount (if any) by which the club's community contributions fall short of its required community contribution.

**60I Community contribution shortfall tax—liability**

- (1) Community contribution shortfall tax must be paid by the licensee.
- (2) Community contribution shortfall tax is due 30 days after receipt by the licensee of an assessment under the Control Act, part 6.

**60J Community contribution shortfall tax—allocation**

If an amount of community contribution shortfall tax is paid, the commission must transfer the amount to the community services grants program fund, or to the other fund that may be prescribed under the regulations.

## Part 8 Miscellaneous

### 61 Canberra Airport

- (1) A licence may not be issued in relation to premises at Canberra Airport.
- (2) An approval may not be granted under section 36 for the acquisition of a gaming machine to be operated at Canberra Airport.
- (3) In this section:

*Canberra Airport* means the following place, namely, block 3, sections 17 and 28, division of Pialligo in the district of Majura, and blocks 587, 594, 595, 614 and 660 in that district.

### 63 Offences may be dealt with summarily

- (1) Any proceedings in relation to an offence against this Act that is an indictable offence may be heard and determined by a court of summary jurisdiction if—
  - (a) the court is satisfied that it is proper to do so; and
  - (b) the defendant and prosecution both consent to the offence being so dealt with.

### 64 Evidentiary certificates

- (1) In proceedings for an offence against this Act, a certificate issued by the commission stating that the person specified in the certificate was or was not on a date or dates or during the period specified in the certificate the holder of a licence is evidence of the matters so stated.
- (2) For subsection (1), a document that purports to have been issued by the commission shall be taken to have been so issued unless the contrary is proved.

**66 Determination of fees**

- (1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**67 Regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

## Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- Commonwealth
- Corporations Act
- disallowable instrument (see s 9)
- Executive
- financial year
- Legislative Assembly
- month
- the Territory.

***acquire***, in relation to a gaming machine, means take possession of the machine for the purpose of using it for gaming.

***approved attendant***—see section 34C.

***approved supplier***—see section 34.

***approved technician***—see section 34A.

***associated entity***—see the *Electoral Act 1992*, section 198 (1).

***associated organisation***, in relation to a club, means an organisation approved in relation to the club under section 30D.

***bar-room***—see the *Liquor Act 1975*, dictionary.

***candidate***—see the *Electoral Act 1992*, dictionary.

***censure***—see section 24.

***charitable organisation*** means an organisation, whether incorporated or not, formed or carried on primarily for charitable, benevolent, philanthropic or religious purposes, but does not include

an organisation formed or carried on for the purpose of trading or securing a pecuniary profit to its members.

**class A gaming machine** means a single-stake machine—

- (a) designed to be played by the insertion of a coin; and
- (b) designed to allow for the payment of winnings by the discharge of coins from the machine; and
- (c) designed to allow winnings of no more than 40 times the amount of the coin inserted to play the machine; and
- (d) equipped with a computer cabinet.

**class B gaming machine** means a gaming machine of a kind prescribed by the regulations, being—

- (a) a single-stake machine equipped with a computer cabinet; or
- (b) a multi-stake machine equipped with a computer cabinet.

**class C gaming machine** means a gaming machine of a kind prescribed by the regulations, being—

- (a) a single-stake machine equipped with a computer cabinet; or
- (b) a multi-stake machine equipped with a computer cabinet.

**club** means a club that is—

- (a) a company within the meaning of the Corporations Act; or
- (b) an incorporated association.

**community contribution**—see section 60B.

**community contribution shortfall**—see section 60H.

**community contribution shortfall tax** means the tax imposed by section 60I.

**computer cabinet** means the sealable part of a gaming machine that contains the game storage medium and the random access memory.

**constitution** means, for a club—

- (a) that is a company—the memorandum, and any articles of association, of the company; or
- (b) that is an incorporated association—the statement of objects and rules of the association.

**contribution** means any money, benefit, valuable consideration or security.

**Control Act** means the *Gambling and Racing Control Act 1999*.

**disciplinary action**—see section 24.

**dispose of**, in relation to a gaming machine, includes the lease or hire of the machine to a person.

**eligible club**—see section 30C.

**eligible object**—see section 30B.

**game**, in relation to a gaming machine, means a play, or a series of plays, initiated by the application of a single stake registered on the machine.

**gaming area** means a room or other area within licensed premises approved under section 41 for the installation of gaming machines.

**gaming machine** means a machine—

- (a) designed for playing a game of chance, or of mixed chance and skill; and
- (b) designed to be played (wholly or in part)—
  - (i) by the insertion of 1 or more coins, notes or tokens; or
  - (ii) by the application of a monetary credit, registered on the machine; and
- (c) that offers, or that appears to offer, persons a chance to win monetary or other valuable consideration by playing the machine.

***gaming machine tax*** means the tax imposed by section 57.

***general licence*** means a general licence under the *Liquor Act 1975*.

***gross revenue***, in relation to a licensee or person, means all revenue derived by the licensee or person from the operation of gaming machines, after deducting from that revenue—

- (a) the amount of winnings for playing the machines paid or payable in accordance with the machines' indicated prize scales (excluding linked jackpots); and
- (b) any amount set aside under a linked jackpot arrangement for the payment of linked jackpots.

***grounds for disciplinary action***—see section 24A.

***incorporated association*** means an association incorporated under the *Associations Incorporation Act 1991* or under the Act repealed by that Act.

***inquiry*** means an inquiry held by the commission under the Control Act.

***interclub permit*** means a permit issued under section 45B.

***jackpot***, in relation to a gaming machine, means the combination of letters, numbers, symbols or representations on the reels of the machine for which is payable the maximum winnings applicable to that machine in relation to any 1 combination.

***licence*** means a gaming machine licence issued under section 14A or 15.

***licensed gaming machines***, in relation to a licence, means gaming machines of the number, class, type, basic stake denomination and percentage payout specified in the licence.

***licensed premises*** means premises in relation to which a licence is in force.

**licensee** means—

- (a) in relation to a licence—the holder of the licence; and
- (b) in relation to licensed premises—the holder of the licence in force in relation to those premises.

**life member**, in relation to a club, means a person who is elected to membership of the club for life under the rules of the club.

**linked jackpot** means winnings in connection with a linked jackpot arrangement operated in accordance with a permit under division 5.4.

**linked jackpot arrangement** means an arrangement under which 2 or more gaming machines are linked to a device, being a device—

- (a) that records, from time to time, the amount that is payable as winnings in connection with the arrangement; and
- (b) that, for the purpose of recording that amount referred to in paragraph (a), receives messages from each machine to which it is linked; and
- (c) that is not capable of affecting the percentage payout of, or transmitting a message to, a machine to which it is linked.

**liquor** means a beverage that contains more than 1.15% by volume of ethyl alcohol.

**member**, in relation to a club, means—

- (a) a member who, under the rules of the club, is required to pay fees; or
- (b) a life member.

**multi-stake machine** means a gaming machine designed to allow single or multiple stakes, to a maximum value prescribed under section 4A for each game.

**net revenue**, of a licensee that is a club, means gross revenue derived by the licensee, less—

- (a) any amount of tax payable under section 57; and
- (b) 15% of the gross revenue.

**officer**, in relation to a club, means—

- (a) the holder of any office of the club (however described), including the offices of secretary, treasurer, executive officer or public officer; or
- (b) any other person who is concerned in or takes part in the management of the club's affairs;

but does not include a patron or the holder of another honorary office of the club if the office does not give its incumbent a right to participate in the management of the association's affairs.

**on licence** means an on licence under the *Liquor Act 1975*.

**percentage payout**, in relation to a gaming machine, means the percentage calculated for that machine in accordance with section 16A.

**permit holder** means the holder of an interclub permit.

**prescribed identity document**, for an individual, means a document that—

- (a) contains information that indicates that the individual showing it is more than 18 years old; and
- (b) contains a photo that could reasonably be thought to be of the individual displaying it; and
- (c) is 1 of the following:
  - (i) a licence issued under the *Road Transport (Driver Licensing) Act 1999*;
  - (ii) a proof of age card issued under the *Liquor Act 1975*;

(iii) a document equivalent to a document referred to in subparagraph (i) or (ii) that has been issued in a State or another Territory;

(iv) a passport.

***prescribed percentage***, in relation to a licensee, means—

(a) if the licensee is a club whose gross revenue for the relevant month does not exceed \$8 000—nil; or

(b) if the licensee is a club whose gross revenue for the relevant month exceeds \$8 000—

(i) in relation to that part of the gross revenue that does not exceed \$8 000—1%; and

(ii) in relation to that part of the gross revenue that exceeds \$8 000 but does not exceed \$25 000—23.5%; and

(iii) in relation to that part of the gross revenue that exceeds \$25 000 but does not exceed \$50 000—24.5%; and

(iv) in relation to that part of the gross revenue that exceeds \$50 000—27.0%; or

(c) if the licensee is not a club—25.9%.

***registered party***—see the *Electoral Act 1992*, dictionary.

***relevant influential person***, for a corporation, means—

(a) a director or secretary of the corporation; or

(b) a person who—

(i) is substantially concerned in the management of the corporation; or

(ii) can control, or substantially influence, the corporation's activities or internal affairs.

**repossession**, in relation to a gaming machine, includes the taking of possession of the machine under a default provision in a financial agreement.

**required community contribution**—see section 60G.

**rules**, in relation to a club, means rules of the club.

**secretary**, in relation to a club, includes a person concerned in the management of the club.

**single-stake machine** means a gaming machine designed to allow single stakes—

- (a) of no more than 1 coin for each game, to a maximum value prescribed under section 4A for each game; or
- (b) for a machine played by the application of credit—to the maximum value referred to in paragraph (a) for each game.

**statement of objects** means, for a club—

- (a) that is a company—the memorandum of the company; or
- (b) that is an incorporated association—the statement of objects of the association.

**tribunal** means the administrative appeals tribunal.

**unlawful game**—see the *Unlawful Games Act 1984*, section 3.

**unsuitable person** means an individual who has been convicted within the previous 5 years, whether in the ACT or elsewhere, of an offence—

- (a) involving fraud or dishonesty; or
- (b) that is punishable by a term of imprisonment; or
- (c) against a gaming law of the Territory or a similar law of another jurisdiction.

**voting member**—see section 30G.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Gaming Machine Ordinance* No 34 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Gaming Machine Act 1987 No 34**

notified 30 June 1987

commenced 30 June 1987 (s 2 and Cwlth Gaz 1987 No S159)

as amended by

##### **Gaming Machine (Amendment) Ordinance 1988 No 25**

notified 30 June 1988

commenced 1 July 1988 (s 2)

##### **Gaming Machine (Amendment) Ordinance (No 2) 1988 No 26**

notified 30 June 1988

commenced 1 July 1988 (s 2)

##### **Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

**Legislation after becoming Territory enactment**

**Gaming Machine (Amendment) Act 1989 No 14**

notified 29 September 1989 (Gaz 1989 No S26)

commenced 29 September 1989

**Gaming Machine (Amendment) Act 1990 No 31**

notified 2 October 1990 (Gaz 1990 No S69)

ss 1-3 commenced 2 October 1990 (s 2 (1))

remainder commenced 1 October 1990 (s 2 (2))

**Gaming Machine (Amendment) Act (No 2) 1990 No 49**

notified 10 December 1990 (Gaz 1990 No S87)

s 1, s 2 commenced 10 December 1990 (s 2 (1))

remainder commenced 1 January 1991 (s 2 (2))

**Gaming Machine (Amendment) Act (No 3) 1990 No 57 (as am by 1993 No 1 sch 1)**

notified 21 December 1990 (Gaz 1990 No S92)

s 1, s 2 commenced 21 December 1990 (s 2 (1))

remainder commenced 1 January 1991 (s 2 (2))

**Gaming Machine (Amendment) Act 1991 No 35**

notified 26 August 1991 (Gaz 1991 No S83)

commenced 26 August 1991

**Gaming Machine (Amendment) Act (No 2) 1991 No 113**

notified 30 December 1991 (Gaz 1991 No S161)

commenced 1 January 1992 (s 2)

**Statute Law Revision (Miscellaneous Provisions) Act 1993 No 1 sch 1**

notified 1 March 1993 (Gaz No S23)

commenced 1 March 1993

**Gaming Machine (Amendment) Act 1993 No 54**

notified 27 August 1993 (Gaz 1993 No S165)

s 1, s 2 commenced 27 August 1993 (s 2 (1))

ss 3-24 and 26-32 commenced 1 November 1993 (s 2 (2) and Gaz 1993 No S225)

remainder commenced 27 February 1994 (s 2 (3))

**Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

**Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

**Consumer Credit (Consequential Provisions) Act 1995 No 19 pt 2**

notified 5 September 1995 (Gaz 1995 No S212)  
s 1, s 2 commenced 5 September 1995 (s 2 (1))  
pt 2 commenced 1 November 1996 (s 2 (2) and see Gaz 1996 No S273)

**Gaming Machine (Amendment) Act 1995 No 39**

notified 1 November 1995 (Gaz 1995 No S271)  
ss 1-3 commenced 1 November 1995 (s 2 (1))  
remainder commenced 1 November 1995 (s 2 (2))

**Gaming Machine (Amendment) Act 1997 No 13**

notified 19 May 1997 (Gaz 1997 No S134)  
commenced 19 May 1997 (s 2)

**Gaming Machine (Amendment) Act (No 2) 1997 No 49**

notified 19 September 1997 (Gaz 1997 No S264)  
ss 1-3 commenced 19 September 1997 (s 2 (1))  
remainder commenced 22 September 1997 (s 2 (2) and Gaz 1997 No S277)

**Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 1 commenced 1 June 1998 (s 2 (2))

## Endnotes

3 Legislation history

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**Gaming Machine (Amendment) Act (No 3) 1997 No 103**

notified 24 December 1997 (Gaz 1997 No S420)  
ss 1-3 commenced 24 December 1997 (s 2 (1))  
remainder commenced 15 January 1998 (s 2 (2) and Gaz 1998 No S21)

**Gaming Machine (Amendment) Act 1998 No 14**

notified 30 June 1998 (Gaz 1998 No S180)  
commenced 1 July 1998 (s 2)

**Gaming Machine (Amendment) Act (No 2) 1998 No 23 (as amended by 1999 No 35 s 4)**

notified 10 July 1998 (Gaz 1998 No S190)  
commenced 10 July 1998 (s 2)

**Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

**Taxation Administration (Consequential and Transitional Provisions) Act 1999 No 5 sch 2**

notified 1 March 1999 (Gaz 1999 No S8)  
commenced 1 March 1999 (s 2)

**Gaming Machine (Amendment) Act 1999 No 35**

notified 7 July 1999 (Gaz 1999 No S42)  
commenced 10 July 1999 (s 2)

**Revenue Legislation Amendment Act 1999 No 38 pt 2**

notified 12 July 1999 (Gaz 1999 No S44)  
commenced 1 July 1999 (s 2)

**Gambling and Racing Control (Consequential Provisions) Act 1999 No 47 s 4, sch**

notified 17 September 1999 (Gaz 1999 No S54)  
s 1, s 2 commenced 17 September 1999 (s 2 (1))  
s 4, sch commenced 1 December 1999 (Gaz 1999 No S63)

**Gambling Legislation Amendment Act 1999 No 56 pt 3, sch 2**

notified 10 November 1999 (Gaz 1999 No 45)  
s 1, s 2 commenced 10 November 1999 (s 2 (1))  
pt 3, sch 2 commenced 1 December 1999 (s 2 (2) and Gaz 1999 No S63)

**Gambling Legislation (GST) Amendment Act 2000 No 19 sch**

notified 15 June 2000 (Gaz 2000 No 24)  
s 1, s 2 commenced 15 June 2000 (IA s 10B)  
remainder commenced 1 July 2000 (s 2)

as modified by

**Goods and Services Tax Consequential Regulations 2000 No 34 reg 3**

notified 7 August 2000 (Gaz 2000 No S42)  
reg 1, reg 2 commenced 7 August 2000 (IA s 10B)  
remainder taken to have commenced 1 July 2000 (reg 2)

as amended by

**Gaming Machine Amendment Act 2000 No 70**

notified 20 December 2000 (Gaz 2000 No S68)  
s 1, s 2 commenced 20 December 2000 (IA s 10B)  
ss 3-14 commenced 1 June 2001 (Gaz 2001 No 21) (s 2)

**Treasury and Infrastructure Legislation Amendment Act 2000 No 78 s 4**

notified 21 December 2000 (Gaz 2000 No S69)  
s 1, s 2 commenced 21 December 2000 (IA s 10B)  
s 4 taken to have commenced 1 November 2000 (s 2 (2))

**Gaming Machine Amendment Act 2001 No 35**

notified 29 June 2001 (Gaz 2001 No S36)  
commenced 29 June 2001 (s 2)

## Endnotes

3 Legislation history

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**Legislation (Consequential Amendments) Act 2001 No 44 pt 164**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
amdts 1.1935-1.1937 commenced 12 September 2001 (amdts 1.1935-1.1937)  
pt 164 remainder commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Gaming Machine Amendment Act 2001 (No 2) 2001 No 74**

notified LR 14 September 2001  
commenced 14 September 2001 (s 2)

**Gaming Machine (Cap) Amendment Act 2002 No 10**

notified LR 13 May 2002  
s 1, s 2 commenced 13 May 2002 (LA s 75)  
remainder commenced 14 May 2002 (s 2)

**Gaming Machine (Women's Sports) Amendment Act 2002 No 17**

notified LR 13 June 2002  
s 1, s 2 commenced 13 June 2002 (LA s 75)  
remainder commenced 14 June 2002 (s 2)

**Statute Law Amendment Act 2002 No 30 pt 3.32**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.32 commenced 17 September 2002 (s 2 (1))

**Gaming Machine (Cap) Amendment Act 2003 A2003-23**

notified LR 23 June 2003  
s 1, s 2 commenced 23 June 2003 (LA s 75 (1))  
remainder commenced 24 June 2003 (s 2)

**Revenue Legislation Amendment Act 2003 A2003-29 pt 3**

notified LR 30 June 2003  
s 1, s 2 commenced 30 June 2003 (LA s 75 (1))  
pt 3 commenced 1 July 2003 (s 2)

**Smoking (Prohibition in Enclosed Public Places) Act 2003 A2003-51  
pt 5 div 5.2**

notified LR 25 November 2003  
s 1, s 2 commenced 25 November 2003 (LA s 75 (1))  
pt 5 div 5.2 commences 1 December 2006 (s 2 (1))

**Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.11**

notified LR 5 December 2003

s 1, s 2 commenced 5 December 2003 (LA s 75 (1))

sch 3 pt 3.11 commenced 19 December 2003 (s 2)

**Gaming Machine Amendment Act 2004 A2004-6**

notified LR 11 March 2004

s 1, s 2 commenced 11 March 2004 (LA s 75 (1))

remainder commenced 12 March 2004 (s 2)

**Criminal Code (Theft, Fraud, Bribery and Related Offences)  
Amendment Act 2004 A2004-15 sch 1 pt 1.19**

notified LR 26 March 2004

s 1, s 2 commenced 26 March 2004 (LA s 75 (1))

sch 1 pt 1.19 commenced 9 April 2004 (s 2 (1))

as repealed by

**Gaming Machine Act 2004 A2004-34 s 179**

notified LR 9 July 2004

s 1, s 2 commenced 9 July 2004 (LA s 75 (1))

s 179 commenced 1 November 2004 (s 2 and CN2004-14)

**4 Amendment history****Incorporation of Control Act**

s 2 hdg (prev s 3A hdg) am 1999 No 47 notes

s 2 orig s 2 om 2001 No 44 amdt 1.1893

(prev s 3A) ins 1991 No 113 s 4

sub 1999 No 5 sch 2

am 1999 No 47 sch

renum 2001 No 44 amdt 1.1894

**Dictionary**

s 3 om 2001 No 44 amdt 1.1893

ins A2003-56 amdt 3.144

**Incorporation of Control Act**

s 3A am 1999 No 47 sch

renum as s 2 2001 No 44 amdt 1.1894

**Notes**

s 4 orig s 4 defs reloc to dict A2003-56 amdt 3.143

def **Administration Act** ins 1999 No 5 sch 2

om 1999 No 47 sch

## Endnotes

### 4 Amendment history

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def **authority** om 1990 No 57 s 4  
def **bonus prizes** ins 1991 No 113 s 5  
om 1993 No 54 s 4  
def **club licence** om 1991 No 113 s 5  
def **commissioner** ins 1990 No 57 s 4  
om 1999 No 47 sch  
def **determined fee** om 2001 No 44 amdt 1.1895  
def **honorary member** ins 1991 No 113 s 5  
om 1999 No 56 s 34  
def **inspector** om 1991 No 113 s 5  
def **multi-coin machine** am 1988 No 26 s 3; 1990 No 31 s 4  
om 1993 No 54 s 4  
def **NSW Liquor Administration Board** ins 1993 No 54 s 4  
om 1997 No 49 s 4  
def **ordinary member** ins 1991 No 113 s 5  
om 1999 No 56 s 34  
def **recording device** ins 1993 No 54 s 4  
om 1999 No 56 s 34  
def **registrar** om 1990 No 57 s 4  
def **senior member** om 1990 No 57 s 4  
def **single-coin machine** am 1990 No 31 s 4  
om 1993 No 54 s 4  
def **tax** ins 1991 No 113 s 5  
om 2000 No 70 s 4  
def **Taxation (Administration) Act** ins 1991 No 113 s 5  
om 1999 No 5 sch 2  
def **tax law** ins 1993 No 54 s 4  
om 1999 No 5 sch 2  
def **temporary member** ins 1991 No 113 s 5  
om 1999 No 56 s 34  
pres s 4 sub A2003-56 amdt 3.144

#### **Maximum stake values—prescription**

s 4A ins 1993 No 54 s 5

#### **Relationship with other laws**

s 5 am 1991 No 113 sch; 1993 No 54 s 6

#### **Administration**

s 6 am 1989 No 38 sch 1  
sub 1990 No 57 s 5  
am 1999 No 47 sch

#### **Inspectors**

s 7 am 1989 No 38 sch 1; 1990 No 31 s 5; 1990 No 57 s 6  
om 1991 No 113 sch

#### **Register of licences**

s 8 am 1990 No 57 s 7; 1991 No 113 sch; 1999 No 47 sch

**Inquiries by authority**

pt 3 hdg om 1999 No 47 s 4

**Conduct of inquiries**

s 9 am 1990 No 57 s 8, sch; 1997 No 96 sch 1  
om 1999 No 47 s 4

**Power to summon witnesses**

s 10 am 1990 No 57 s 9  
om 1999 No 47 s 4

**Inspection of documents by commissioner**

s 11 am 1990 No 57 s 10  
om 1999 No 47 s 4

**Protection**

s 12 am 1990 No 57 s 11; 1997 No 96 sch 1  
om 1999 No 47 s 4

**Offences in connection with inquiries**

s 13 am 1990 No 57 s 12; 1994 No 81 sch  
om 1999 No 47 s 4

**Authority given by licences**

div 4.1A hdg (prev pt 4 div 1A hdg) ins 1993 No 54 s 7  
renum R7 LA

**Authorised activities**

s 13A ins 1993 No 54 s 7  
am 2001 No 74 s 4

**Issue of licences**

div 4.1 hdg (prev pt 4 div 1 hdg) renum R7 LA

**Application for licence**

s 14 am 1990 No 57 sch; 1991 No 35 s 3; 1991 No 113 s 6; 1999  
No 38 s 5; 1999 No 56 s 35, sch 2; 2001 No 44 amdts  
1.1896-1.1898; pars renum R9 LA; A2004-6 ss 4-6; pars  
renum R16 LA (see A2004-6 s 7)

**Additional requirements for social impact assessments**

s 14AA ins A2004-6 s 8

**Guidelines about social impact assessments**

s 14AB ins A2004-6 s 8

**Issue or refusal of licences—clubs**

s 14A hdg am 1999 No 56 endnotes  
s 14A ins 1991 No 113 s 7  
am 1997 No 13 s 5; 1999 No 47 sch; 1999 No 56 s 36, sch 2

## Endnotes

### 4 Amendment history

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#### **Issue or refusal of licences—general and on licensees**

s 15 hdg am 1999 No 56 endnotes  
s 15 am 1990 No 57 s 13, sch; 1991 No 113 s 8; 1993 No 54 s 8;  
1997 No 13 s 6; 1999 No 5 sch 2; 1999 No 47 sch; 1999  
No 56 sch 2; ss renum R9 LA  
sub A2004-6 s 9

#### **Issue or refusal of licences—relevant influential person**

s 15A hdg am 1999 No 56 endnotes  
sub A2004-6 s 10  
s 15A ins 1997 No 13 s 7  
am 1999 No 47 sch; 1999 No 56 s 37, sch 2; A2004-6 s 11

#### **Issue of licence**

s 16 am 1990 No 57 sch; 1999 No 47 sch; 1999 No 56 sch 2

#### **Percentage payout—calculation**

s 16A ins 1993 No 54 s 9

#### **Approval of percentage payout**

s 17 am 1990 No 57 s 14; 1991 No 35 s 4; 1993 No 54 s 10  
sub 1999 No 56 s 38

#### **Conditions for issue of licences—gaming machines**

s 18 am 1990 No 31 s 6; 1993 No 54 s 11; A2004-6 s 12

#### **Conditions for issue of licences—ballots**

s 19 am 1990 No 57 s 15, sch; 1991 No 113 sch  
sub 1993 No 54 s 12  
am 1999 No 47 sch  
om 1999 No 56 sch 2

#### **Conditions for issue of licences—premises**

s 20 am 1990 No 57 sch; 1999 No 47 sch; 1999 No 56 s 39

#### **Licensee must comply with code of practice**

s 21 am 1991 No 35 s 5  
om 1993 No 54 s 13  
ins 1999 No 56 s 40

#### **Variation and transfer of licences**

div 4.2 hdg (prev pt 4 div 2 hdg) renum R7 LA

#### **Variation of licences**

s 22 am 1990 No 57 sch; 1991 No 35 s 6  
sub 1993 No 54 s 14  
am 1997 No 49 s 5; 1999 No 38 s 6; 1999 No 47 sch; 1999  
No 56 s 41; 2001 No 44 amdts 1.1899-1.1901; ss and pars  
renum R7 LA (see 2001 No 44 amdt 1.1902)

**Revocation of licence approval**

s 22A ins 1991 No 35 s 7  
om 1993 No 54 s 14

**Transfer of licence**

s 23 am 1988 No 25 s 3; 1990 No 57 sch; 1991 No 113 sch; 1999  
No 5 sch 2; 1999 No 47 sch; 1999 No 56 s 42, sch 2; 2000  
No 70 s 5; ss renum R9 LA

**Restrictions on gaming machines**

div 4.2A hdg (prev pt 4 div 2A hdg) ins 1998 No 23 s 4  
renum R7 LA  
exp 30 June 2005 (s 23A (2))

**Application**

s 23A ins 1998 No 23 s 4  
am 1999 No 35 s 3; 2001 No 35 s 4; A2003-23 s 4; A2004-6  
s 13  
exp 30 June 2005 (s 23A (2))

**Restriction on gaming machines**

s 23B ins 1998 No 23 s 4  
am 1999 No 47 sch; 1999 No 56 sch 2; 2002 No 30  
amdt 3.385  
exp 30 June 2005 (s 23A (2))

**Circumstances when restriction does not apply**

s 23C ins 1998 No 23 s 4  
am 1999 No 47 sch; 1999 No 56 sch 2  
exp 30 June 2005 (s 23A (2))

**Disciplinary action by commission**

div 4.3 hdg (prev pt 4 div 3 hdg) sub 1999 No 56 s 43  
renum R7 LA

**Commission may take disciplinary action against licensee**

s 24 am 1990 No 57 sch; 1991 No 113 s 9; 1993 No 54 s 15; 1997  
No 13 s 8; 1999 No 47 sch  
sub 1999 No 56 s 44  
am A2003-51 s 20

**Grounds for disciplinary action**

s 24A ins 1999 No 56 s 44  
am A2003-56 s 22, s 23, s 25

**Procedure for disciplinary action**

s 24B ins 1999 No 56 s 44

**Suspension of licences etc in particular circumstances**

s 25 am 1991 No 113 sch

## Endnotes

4 Amendment history

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### **Suspension and cancellation of licences—nonpayment of gaming machine tax**

s 25A ins 1991 No 113 s 10  
am 1999 No 5 sch 2; 1999 No 47 sch  
om 2000 No 70 s 6

### **Cancellation of club licences on members ballot**

s 26 am 1990 No 57 s 16, sch; 1991 No 113 sch  
sub 1993 No 54 s 16  
am 1999 No 47 sch; 1999 No 56 sch 2

### **General**

div 4.4 hdg (prev pt 4 div 4 hdg) renum R7 LA

### **Term of licence**

s 27 om 1991 No 113 sch

### **Renewal of licence**

s 28 am 1990 No 57 sch  
om 1991 No 113 sch

### **Issue of copy of licence**

s 29 am 1990 No 57 sch; 1999 No 47 sch; 2001 No 44 amdt  
1.1903, amdt 1.1904

### **Display of licence**

s 30 am 1990 No 57 sch; 1994 No 81 sch; 1999 No 47 sch

### **Changes in influential persons**

s 30A ins 1991 No 113 s 11  
am 1994 No 81 sch; 1999 No 47 sch  
sub 1999 No 56 s 45

### **Special provisions relating to clubs**

div 4.5 hdg (prev pt 4 div 5 hdg) ins 1991 No 113 s 12  
renum R7 LA

### **Eligible objects**

s 30B ins 1991 No 113 s 12  
sub 1999 No 56 s 46  
am 2001 No 44 amdt 1.1905, amdt 1.1906

### **Eligible clubs**

s 30C ins 1991 No 113 s 12  
am 1993 No 54 s 17  
sub 1999 No 56 s 46  
am 2000 No 70 s 7; pars renum R9 LA

### **Club eligibility—life membership exceeding 5% on 1 January 1992**

s 30CA ins 1993 No 54 s 18  
am 1999 No 56 sch 2; A2003-56 amdt 3.145, amdt 3.146

**Associated organisations**

s 30D ins 1991 No 113 s 12  
am 1999 No 47 sch; 1999 No 56 sch 2; 2000 No 70 s 8

**Maintaining records relating to club elections**

s 30E ins 1991 No 113 s 12  
am 1994 No 81 sch

**Power to require information regarding status of eligible clubs**

s 30F ins 1991 No 113 s 12  
am 1999 No 47 sch

**Membership rules**

s 30G ins 1991 No 113 s 12  
om 1999 No 47 sch  
ins 1999 No 56 s 47

**Persons may not profit from club**

s 30H ins 1999 No 56 s 47

**Administration**

div 5.1 hdg (prev pt 5 div 1 hdg) renum R7 LA

**Rules to control operation of gaming machines**

s 31 am 1990 No 57 sch; 1993 No 54 s 19; 1999 No 47 sch  
sub 1999 No 56 s 48

**Register of gaming machines**

s 32 am 1990 No 57 s 17; 1991 No 35 s 8; 1998 No 54 sch; 1999  
No 47 sch

**Repair book**

s 33 am 1990 No 57 sch; 1998 No 54 sch; 1999 No 47 sch

**Approved suppliers**

s 34 am 1990 No 57 sch; 1994 No 81 sch; 1999 No 47 sch  
sub 1999 No 56 s 49

**Approved technicians**

s 34A ins 1999 No 56 s 49  
am 2001 No 44 amds 1.1907-1.1910

**Certificates for approved technicians**

s 34B ins 1999 No 56 s 49  
am 2001 No 44 amdt 1.1911, amdt 1.1912

**Approved attendants**

s 34C ins 1999 No 56 s 49  
am 2001 No 44 amds 1.1913-1.1916

**Certificates for approved attendants**

s 34D ins 1999 No 56 s 49  
am 2001 No 44 amdt 1.1917, amdt 1.1918

## Endnotes

4 Amendment history

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### **Gaming machine dealings**

div 5.2 hdg (prev pt 5 div 2 hdg) sub 1993 No 54 s 20  
renum R7 LA

### **Acquisition of gaming machines—general**

s 35 am 1990 No 57 sch  
sub 1993 No 54 s 20  
am 1998 No 54 sch  
sub 1999 No 56 s 50

### **Acquisition of gaming machines—approval**

s 36 am 1990 No 57 sch  
sub 1993 No 54 s 20  
am 1997 No 49 s 6; 1999 No 47 sch; 1999 No 56 s 51

### **Financial arrangements—approval**

s 37 am 1990 No 57 sch  
sub 1993 No 54 s 20  
am 1995 No 19; 1999 No 47 sch

### **Acquisition of gaming machines—anti-corruption offences**

s 38 am 1990 No 57 sch  
sub 1993 No 54 s 20  
am 1998 No 54 sch

### **Possession and control of gaming machines**

s 39 am 1990 No 57 sch  
sub 1993 No 54 s 20  
am 1998 No 54 sch; 1999 No 56 s 52

### **Operation of gaming machines other than in accordance with licences**

s 39A ins 1993 No 54 s 20  
am 1998 No 54 sch

### **Repossession of gaming machines—general**

s 39B ins 1993 No 54 s 20  
am 1998 No 54 sch

### **Repossession of gaming machines—approval**

s 39C ins 1993 No 54 s 20  
am 1999 No 47 sch; 1999 No 56 sch 2

### **Repossession of gaming machines—contravention of approval conditions**

s 39D ins 1993 No 54 s 20  
am 1998 No 54 sch

### **Disposal of gaming machines—general**

s 39E ins 1993 No 54 s 20  
am 1998 No 54 sch

**Disposal of gaming machines—approval**

s 39F ins 1993 No 54 s 20  
am 1999 No 47 sch; 1999 No 56 s 53; ss renum R9 LA

**Installation and operation of gaming machines**

div 5.3 hdg (prev pt 5 div 3 hdg) am 1993 No 54 s 21  
renum R7 LA

**Installation to be in accordance with Act**

s 40 am 1994 No 81 sch

**Installation to be in accordance with approval of commission**

s 41 hdg am 1999 No 47 notes  
s 41 am 1990 No 57 sch; 1994 No 81 sch; 1999 No 47 sch; 1999  
No 56 s 54; pars renum R9 LA

**Installation not to constitute nuisance**

s 42 am 1994 No 81 sch

**Meter data records at time of installation**

s 42A ins 1993 No 54 s 22  
om 1997 No 49 s 7

**Operation after installation**

s 42B ins 1993 No 54 s 22  
om 1997 No 49 s 7

**Persons who may install gaming machines**

s 43 om 1993 No 54 s 24  
ins 1997 No 49 s 7  
am 1999 No 56 s 55

**Meter readings—certificate**

s 43A ins 1997 No 49 s 7  
am 1999 No 47 sch; 1999 No 56 s 56

**Installation certificate**

s 43B ins 1997 No 49 s 7  
am 1999 No 47 sch

**Operation after installation**

s 43C ins 1997 No 49 s 7  
am 1999 No 47 sch

**Operation to be subject to correct percentage payout**

s 44 am 1990 No 57 s 18; 1991 No 35 s 9; 1994 No 81 sch; 1999  
No 56 sch 2

## Endnotes

### 4 Amendment history

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#### **Linked jackpot arrangements**

div 5.4 hdg (prev pt 5 div 4 hdg)  
orig pt 5 div 4 hdg om 1993 No 54 s 23  
ins 1993 No 54 s 25  
renum R7 LA

#### **Operation of linked jackpot arrangements**

s 45 am 1990 No 57 sch; 1991 No 113 sch  
sub 1993 No 54 s 25  
am 1994 No 81 sch

#### **Linked jackpot arrangements—single club licence**

s 45A ins 1993 No 54 s 25  
am 1995 No 39 s 5; 1999 No 47 sch; 1999 No 56 s 57; 2001  
No 44 amdt 1.1919; R7 LA (see 2001 No 44 amdt 1.1920)

#### **Interclub permits—issue**

s 45B ins 1993 No 54 s 25  
am 1995 No 39 s 5; 1998 No 54 sch; 1999 No 47 sch; 1999  
No 56 s 58; 2001 No 44 amdt 1.1921; R7 LA (see 2001  
No 44 amdt 1.1922)

#### **Interclub permits—conditions**

s 45C ins 1993 No 54 s 25  
am 1995 No 39 s 7; 1999 No 47 sch; pars renum R9 LA

#### **Interclub permits—duration**

s 45D ins 1993 No 54 s 25  
am 1995 No 39

#### **Interclub permits—renewal**

s 45E ins 1993 No 54 s 25  
am 1995 No 39 s 9; 1999 No 47 sch; 2001 No 44 amdt  
1.1923, amdt 1.1924

#### **Interclub permits—variation at commission's discretion**

s 45F hdg am 1999 No 47 notes  
s 45F ins 1993 No 54 s 25  
am 1999 No 47 sch

#### **Interclub permits—variation on request by permit-holder**

s 45G ins 1993 No 54 s 25; 1999 No 38 s 7  
am 1999 No 47 sch; 1999 No 56 s 59; 2001 No 44 amdt  
1.1925, amdt 1.1926

#### **Interclub permits—variation of financial and operational aspects**

s 45H ins 1993 No 54 s 25  
am 1999 No 47 sch

**Interclub permits—transfer**

s 45J ins 1993 No 54 s 25  
 am 1998 No 54 sch; 1999 No 47 sch; 2001 No 44 amdt  
 1.1927, amdt 1.1928

**Interclub permits—cancellation**

s 45K ins 1993 No 54 s 25  
 am 1998 No 54 sch; 1999 No 47 sch

**Interclub permits—surrender**

s 45L ins 1993 No 54 s 25  
 am 1999 No 47 sch

**Undisbursed and unclaimed jackpots**

s 45M ins 1999 No 56 s 60

**Regulation of gaming machines generally**

div 5.5 hdg (prev pt 5 div 5 hdg) renum R7 LA

**Repair and adjustment of gaming machines**

s 46 am 1994 No 81 sch  
 sub 1999 No 56 s 61

**Interference with gaming machines**

s 47 am 1990 No 57 s 19; 1991 No 35 s 10; 1994 No 81 sch; 1999  
 No 56 s 62, sch 2

**Opening computer cabinets**

s 48 hdg am 1999 No 56 endnotes  
 s 48 am 1991 No 113 sch; 1993 No 54 s 26; 1994 No 81 sch; 1999  
 No 47 sch; 1999 No 56 sch 2

**Percentage payout of gaming machines to be displayed**

s 49 am 1990 No 57 s 20; 1991 No 35 s 11; 1994 No 81 sch; 1999  
 No 47 sch; 1999 No 56 sch 2; 2001 No 44 amdt 1.1929, amdt  
 1.1930

**Rendering gaming machines inoperable on licence ceasing to be in force**

s 50 am 1990 No 57 s 21; 1991 No 113 sch; 1993 No 54 s 27; 1999  
 No 47 sch; 1999 No 56 sch 2

**Removal of gaming machines from premises**

s 51 am 1990 No 57 s 22 (as am by 1993 No 1 sch 1); 1991 No  
 113 sch; 1994 No 81 sch; 1999 No 47 sch

**Gaming areas**

pt 5A hdg ins 1997 No 103 s 5

**Interpretation**

s 51A ins 1997 No 103 s 5  
 def ***gaming area*** ins 1997 No 103 s 5  
 om 1999 No 56 sch 2

## Endnotes

### 4 Amendment history

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#### **Warning notices**

s 51B ins 1997 No 103 s 5  
am 1999 No 56 s 63; 2001 No 44 amdt 1.1931, amdt 1.1932

#### **Cash facilities**

s 51C ins 1997 No 103 s 5

#### **Lending or extending credit**

s 51D ins 1997 No 103 s 5

#### **Entry to gaming area by persons under 18**

s 51E ins 1999 No 56 s 64

#### **Persons under 18 must not play gaming machines**

s 51F ins 1999 No 56 s 64

#### **False identification**

s 51G ins 1999 No 56 s 64

#### **Review**

pt 6 hdg sub 1990 No 57 s 23

#### **Notice of reviewable decisions**

s 52 am 1990 No 57 s 24; 1991 No 35 s 12; 1991 No 113 s 13, sch;  
1993 No 54 s 28; 1994 No 60 sch 1; 1997 No 13 s 9; 1999  
No 47 sch; 1999 No 56 sch 2; 2000 No 70 s 9; 2001 No 44  
amdt 1.1933; pars renum R9 LA

#### **Review of decisions**

s 52A ins 1993 No 54 s 29  
am 1999 No 47 sch

#### **Revocation of certain decisions of commission**

s 53 hdg am 1999 No 47 notes  
s 53 am 1990 No 57 s 25; 1991 No 113 sch

#### **General**

div 7.1 hdg (prev pt 7 div 1 hdg) ins 2000 No 7 s 10  
renum R7 LA

#### **Accounts relating to gaming machines**

s 54 am 1994 No 81 sch

#### **Records of charitable donations**

s 54A ins 1997 No 49 s 8  
om 2000 No 70 s 11

#### **Report**

s 54B ins 1997 No 49 s 8  
om 2000 No 70 s 11

**Commissioner to report to Minister**

s 54C ins 1997 No 49 s 8  
om 2000 No 70 s 11

**Minister to table commissioner's report**

s 54D ins 1997 No 49 s 8  
om 2000 No 70 s 11

**Falsifying records etc**

s 55 am 1994 No 81 sch

**Audit of records**

s 56 am 1990 No 57 sch; 1997 No 49 s 9; 1999 No 47 sch; 1999  
No 56 s 65

**Gaming machine tax—imposition**

s 57 am 1989 No 14; 1990 No 31 s 7; 1990 No 57 sch  
sub 1991 No 113 s 14; 1993 No 54 s 30  
am 1999 No 56 s 66

**Gaming machine tax—liability**

s 58 am 1989 No 38 sch 1; 1990 No 49 s 4  
om 1990 No 57 s 26  
ins 1991 No 113 s 14  
sub 1993 No 54 s 30  
am 1999 No 56 s 67; 2000 No 70 s 12

**Tax credits and refunds in relation to GST for clubs**

s 58A ins 2000 No 19 s 3 sch  
mod SL 2000 No 34 reg 3 (exp 31 October 2000 (see Act  
2000 No 35 s 7 (5))  
am 2000 No 78 s 4; 2001 No 44 amdt 1.1934

**Returns**

s 59 om 1990 No 57 s 26  
ins 1991 No 113 s 14  
am 1993 No 54 s 31; 1999 No 47 sch  
sub 1999 No 56 s 68  
am A2003-56 amdt 3.147

**Payment of gaming machine tax following transfer**

s 60 sub 1991 No 113 s 14, sch  
am 1999 No 47 sch

**Community contributions**

div 7.2 hdg (prev pt 7 div 2 hdg) ins 2000 No 70 s 13  
renum R7 LA

**Contributions**

s 60A ins 2000 No 70 s 13

## Endnotes

4 Amendment history

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### **Approval of community contributions**

s 60B ins 2000 No 70 s 13  
am 2001 No 44 amdt 1.1935; 2002 No 17 s 4

### **Records of contributions**

s 60C ins 2000 No 70 s 13

### **Report**

s 60D ins 2000 No 70 s 13

### **Commission must report to Minister**

s 60E ins 2000 No 70 s 13

### **Minister must present commission's report**

s 60F ins 2000 No 70 s 13

### **The required community contributions**

s 60G ins 2000 No 70 s 13  
am 2001 No 44 amdt 1.1936, amdt 1.1937; 2002 No 17 s 5  
ss (4)-(6) exp 30 June 2003 (s 60G (6))  
am A2004-6 s 14  
table renum R12 LA

### **Community contribution shortfall tax—imposition**

s 60H ins 2000 No 70 s 13

### **Community contribution shortfall tax—liability**

s 60I ins 2000 No 70 s 13

### **Community contribution shortfall tax—allocation**

s 60J ins 2000 No 70 s 13

### **Canberra Airport**

s 61 om 1991 No 113 sch  
ins 1998 No 14  
am 1999 No 56 sch 2

### **Conduct by directors, servants or agents**

s 62 om A2004-15 amdt 1.23

### **Offences may be dealt with summarily**

s 63 am 1998 No 54 sch

### **Evidentiary certificates**

s 64 am 1990 No 57 sch; 1999 No 47 sch

### **Signing of documents**

s 65 om 1990 No 57 s 26

### **Determination of fees**

s 66 sub 2001 No 44 amdt 1.1938

**Regulation-making power**

s 67 am 1989 No 38 sch 1; Act 1997 No 49 s 10  
sub 2001 No 44 amdt 1.1938

**Transitional provisions**

pt 9 hdg om 1997 No 49 s 11  
ins 2002 No 30 amdt 3.386  
exp 1 June 2003 (s 70)

**Transitional provision for clubs not incorporated under the Corporations****Law**

s 68 am 1990 No 57 s 27  
om 1997 No 49 s 11  
ins 1999 No 38 s 8  
om 1999 No 56 sch 2  
ins 2000 No 70 s 14  
sub 2002 No 30 amdt 3.386  
exp 1 June 2003 (s 70)

**Transitional provision for associated organisations**

s 69 am 1990 No 57 s 28  
om 1997 No 49 s 11  
ins 2000 No 70 s 14  
sub 2002 No 30 amdt 3.386  
exp 1 June 2003 (s 70)

**Expiry of pt 9**

s 70 am 1990 No 57 s 29  
om 1997 No 49 s 11  
ins 2000 No 70 s 14  
sub 2002 No 30 amdt 3.386  
exp 1 June 2003 (s 70)

**Licences**

s 71 am 1990 No 57 s 30  
om 1997 No 49 s 11

**Rules**

s 72 am 1990 No 57 s 31  
om 1997 No 49 s 11

**Certificates**

s 73 am 1990 No 57 s 32  
om 1997 No 49 s 11

**Fees**

s 74 om 1997 No 49 s 11

**Ordinances repealed**

sch om 2001 No 44 amdt 1.1939

## Endnotes

### 4 Amendment history

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#### Dictionary

##### dict

- ins A2003-56 amdt 3.148
- def **acquire** ins 1993 No 54 s 4  
sub 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **approved attendant** ins 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **approved supplier** ins 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **approved technician** ins 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **associated entity** ins 2000 No 70 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **associated organisation** ins 1991 No 113 s 5  
reloc from s 4 A2003-56 amdt 3.143
- def **bar-room** sub A2003-56 amdt 3.142  
reloc from s 4 A2003-56 amdt 3.143
- def **candidate** ins 2000 No 70 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **censure** ins 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **charitable organisation** ins 1997 No 49 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **class A gaming machine** sub 1993 No 54 s 4  
am 1999 No 56 sch  
reloc from s 4 A2003-56 amdt 3.143
- def **class B gaming machine** sub 1993 No 54 s 4  
am 1999 No 56 sch  
reloc from s 4 A2003-56 amdt 3.143
- def **class C gaming machine** sub 1993 No 54 s 4  
am 1999 No 56 sch  
reloc from s 4 A2003-56 amdt 3.143
- def **club** sub 1991 No 113 s 5; 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **community contribution** ins 2000 No 70 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **community contribution shortfall** ins 2000 No 70 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **community contribution shortfall tax** ins 2000 No 70 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **computer cabinet** ins 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **constitution** ins 1991 No 113 s 5  
reloc from s 4 A2003-56 amdt 3.143
- def **contribution** ins 1997 No 49 s 4  
reloc from s 4 A2003-56 amdt 3.143

- def **Control Act** ins 1999 No 47 sch  
reloc from s 4 A2003-56 amdt 3.143
- def **disciplinary action** ins 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **dispose of** ins 1993 No 54 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **eligible club** ins 1991 No 113 s 5  
sub 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **eligible object** ins 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **game** ins 1993 No 54 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **gaming area** ins 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **gaming machine** sub 1993 No 54 s 4  
am 1999 No 56 sch 2  
reloc from s 4 A2003-56 amdt 3.143
- def **gaming machine tax** ins 2000 No 70 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **general licence** reloc from s 4 A2003-56 amdt 3.143
- def **gross revenue** ins 1991 No 113 s 5  
sub 1993 No 54 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **grounds for disciplinary action** ins 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **incorporated association** ins 1991 No 113 s 5  
reloc from s 4 A2003-56 amdt 3.143
- def **inquiry** am 1990 No 57 sch; 1999 No 47 sch  
reloc from s 4 A2003-56 amdt 3.143
- def **interclub permit** ins 1993 No 54 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **jackpot** ins 1991 No 113 s 5  
reloc from s 4 A2003-56 amdt 3.143
- def **licence** am 1999 No 56 sch 2  
reloc from s 4 A2003-56 amdt 3.143
- def **licensed gaming machines** ins 1993 No 54 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **licensed premises** reloc from s 4 A2003-56 amdt 3.143
- def **licensee** sub 1991 No 113 s 5; 1997 No 103 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **life member** ins 1991 No 113 s 5  
sub 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **linked jackpot** ins 1993 No 54 s 4  
am 1995 No 39 s 4  
reloc from s 4 A2003-56 amdt 3.143

## Endnotes

4 Amendment history

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- def **linked jackpot arrangement** ins 1991 No 113 s 5  
am 1995 No 39 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **liquor** reloc from s 4 A2003-56 amdt 3.143
- def **member** om 1990 No 57 s 4  
ins 1991 No 113 s 5  
sub 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **multi-stake machine** ins 1993 No 54 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **net revenue** ins 2000 No 70 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **officer** ins 1991 No 113 s 5  
reloc from s 4 A2003-56 amdt 3.143
- def **on licence** reloc from s 4 A2003-56 amdt 3.143
- def **percentage payout** sub 1993 No 54 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **permit holder** ins 1993 No 54 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **prescribed identity document** ins 1999 No 56 s 34  
reloc from s 4 A2003-56 amdt 3.143
- def **prescribed percentage** ins 1991 No 113 s 5  
am 1995 No 39 s 4; 1999 No 38 s 4; 2000 No 19 sch; pars  
renum R9 LA; A2003-29 s 15  
reloc from s 4 A2003-56 amdt 3.143
- def **registered party** ins 2000 No 70 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **relevant influential person** ins 1991 No 113 s 5  
reloc from s 4 A2003-56 amdt 3.143  
sub A2004-6 s 15
- def **repossession** ins 1993 No 54 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **required community contribution** ins 2000 No 70 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **rules** ins 1991 No 113 s 5  
reloc from s 4 A2003-56 amdt 3.143
- def **secretary** reloc from s 4 A2003-56 amdt 3.143
- def **single-stake machine** ins 1993 No 54 s 4  
reloc from s 4 A2003-56 amdt 3.143
- def **statement of objects** ins 1991 No 113 s 5  
reloc from s 4 A2003-56 amdt 3.143
- def **tribunal** ins 1990 No 57 s 4  
am 1994 No 60 sch 1  
reloc from s 4 A2003-56 amdt 3.143
- def **unlawful game** ins 1997 No 13 s 4  
reloc from s 4 A2003-56 amdt 3.143

def **unsuitable person** ins 1999 No 56 s 34  
 reloc from s 4 A2003-56 amdt 3.143  
 def **voting member** ins 1991 No 113 s 5  
 sub 1999 No 56 s 34  
 reloc from s 4 A2003-56 amdt 3.143

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1991 No 35	31 August 1991
2	Act 1991 No 113	31 August 1992
3	Act 1993 No 54	28 February 1994
4	Act 1994 No 81	31 January 1995
5	Act 1997 No 103	1 June 1998
6	Act 1999 No 5	1 March 1999
7	Act 2001 No 44	12 September 2001
8	Act 2001 No 74	14 September 2001
9	Act 2002 No 10	14 May 2002
10	Act 2002 No 17	14 June 2002
11*	Act 2002 No 30	25 September 2002
12	A2002-30	2 June 2003
13	A2003-23	24 June 2003
14	A2003-29	1 July 2003
15	A2003-56	19 December 2003
16	A2004-6	12 March 2004
17	A2004-15	9 April 2004

## Endnotes

6 Uncommenced amendments

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### 6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

**Smoking (Prohibition in Enclosed Public Places) Act 2003  
A2003-51 pt 5 div 5.2**

### Division 5.2 Gaming Machine Act 1987

#### 20 Commission may take disciplinary action against licensee New section 24 (3A)

*insert*

- (3A) The licence conditions that may be imposed or varied under subsection (1) (b) include, but are not limited to, conditions to ensure the licensee complies with the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, section 8 (Offence by occupier) or section 9 (Offence by neighbouring occupier).

#### 21 Section 24

*renumber subsections when Act next republished under Legislation Act*

#### 22 Grounds for disciplinary action Section 24A

*omit*

In this Act

*substitute*

- (1) In this Act

#### 23 New section 24A (1) (ba) and (bb)

*insert*

- (ba) the licensee has permitted people to smoke in a part of the licensed premises that is an enclosed public place; or
- (bb) the licensee has fails to take reasonable steps to prevent smoke from another area occupied by the licensee entering an enclosed public place; or

**24 Section 24A (1)**

*renumber paragraphs when Act next republished under Legislation Act*

**25 New section 24A (2)**

*insert*

- (2) In this section:

***enclosed public place***—see the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, dictionary.

***smoke***—see the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, dictionary.

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