



Australian Capital Territory

Gaming Machine Act 2004

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Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Gaming Machine Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 28 March 2014. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 28 March 2014.

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):

- 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 includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$140 for an individual and \$700 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

Gaming Machine Act 2004

An Act in relation to gaming machines, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Gaming Machine Act 2004*.

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 '*general licence*—see the [Liquor Act 2010](#), section 17.' means that the term 'general licence' is defined in that section 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 the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Licences

Division 2.1 Definitions and important concepts

6 Definitions for pt 2

In this part:

initial licence application—see section 9.

licence amendment application—see section 9.

7 Meaning of *influential person* for Act

(1) In this Act:

influential person, for a corporation—

(a) means any of the following:

- (i) an executive officer of the corporation;
- (ii) a related corporation;
- (iii) an executive officer of a related corporation;
- (iv) an influential owner; and

(b) includes a person who, though not mentioned in paragraph (a), can exercise as much influence over the actions of the corporation as someone mentioned in that paragraph.

Note *Corporation* includes a club (see dict).

(2) In this section:

influential owner, of a corporation, means a person who, whether directly or through intermediary corporate ownership or nominees—

- (a) can control 5% of the votes at an annual general meeting of the corporation; or
- (b) can control the appointment of a director of the corporation.

related corporation means a related body corporate under the [Corporations Act](#).

8 What licence authorises

- (1) A licence authorises the licensee—
- (a) to acquire and dispose of gaming machines; and
 - (b) to install gaming machines on the licensed premises under the licence; and
 - (c) to operate the gaming machines stated in the licence on the licensed premises.

Note This Act, and the licence, may limit or place conditions on the authority under this section.

- (2) However, a licence does not authorise the licensee to operate gaming machines on more than 1 licensed premises under the licence.
- (3) A regulation may prescribe times when licensees must not operate a gaming machine.
- (4) A licence may authorise the use of only class B and class C gaming machines.

9 Kinds of applications under pt 2

A person may apply to the commission for a licence (an *initial licence application*) or amendment of a licence (a *licence amendment application*).

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for this provision.

10 Applications to be dealt with in order of receipt

- (1) This section applies to initial licence applications.

- (2) However, this section does not apply to the application if—
- (a) the applicant has been authorised to operate 1 or more gaming machines because of the application; or
 - (b) the application has been refused.
- (3) Applications to which this section applies must be dealt with in the order in which they are received by the commission.
- (4) However, if an application does not contain sufficient information to allow the commission to decide the application, subsection (3) applies to the application as if it were received by the commission when sufficient information is given to the commission to allow the commission to decide it.
- (5) The commission is not required to make a decision about the number of gaming machines authorised to be operated under a licence if licences that have already been issued authorise the operation of the maximum number of gaming machines allowed on all licensed premises in the ACT.
- Note* The maximum number of gaming machines on all licensed premises in the ACT is set under s 35.
- (6) The commission may, by written notice given to the applicant, require an applicant to provide updated information in an application mentioned in subsection (1), including verified updated information, if—
- (a) subsection (5) applied to the application; and
 - (b) at a later time, subsection (5) stopped applying to the application.
- (7) To remove any doubt, updated information includes an updated required document.

Division 2.2 Issue of licences

10A Initial licence applications—eligibility

A person may make an initial licence application only if the person—

- (a) is not a club; or
- (b) is a club and does not already hold a licence.

11 Initial licence applications—contents

- (1) An initial licence application must—
 - (a) be in writing signed by the applicant; and
 - (b) state the applicant's name and address; and
 - (c) if the applicant is a corporation—state the name and address of each director of the corporation; and
 - (d) state the address, and block and section number, of the premises proposed to be licensed; and
 - (e) state the class, number, kind, coin denomination and percentage payout of gaming machines for which the licence is sought; and
 - (f) for a corporation—name each influential person for the corporation and the person's relationship with the corporation; and
 - (g) be accompanied by each of the required documents for the application.
- (2) The following are *required documents* for every initial licence application:
 - (a) a social impact assessment for the application;

- (b) a scale plan of the premises, or part of the premises, proposed to be licensed, showing where the gaming machines are to be installed (the *proposed gaming area*);
- (c) a copy of the rules the applicant has adopted to control the operation of gaming machines on the premises proposed to be licensed;

Examples of what rules may cover

- 1 how long a machine may be reserved for
- 2 prohibiting abuse of machines
- 3 payment of prizes by attendants
- 4 delay of payment if machine has malfunctioned or been interfered with

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).

- (d) a copy of the control procedures the applicant has adopted to control the operation of gaming machines on the premises proposed to be licensed;

Note Control procedures are covered in s 97.

- (e) any other documents required for the application under the regulation.

- (3) The following are also *required documents* for an initial licence application by a club:

- (a) a copy of the club's constitution;
- (b) an alphabetical list of names and addresses of all current members of the club, certified correct by the club secretary;
- (c) a statement, signed by the club secretary, stating the grounds on which the club claims to be an eligible club;
- (d) evidence that a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having gaming machines.

- (4) A regulation may require—
- (a) a required document, or any information in a required document, to be verified in a particular way; or
 - (b) an application to include particular information; or
 - (c) an application, or any information in an application, to be verified in a particular way.
- (5) The commission need not consider an initial licence application if—
- (a) the application does not include any information required under this section; or
 - (b) the application, or any information in the application, is not verified as required under this section; or
 - (c) the application is not accompanied by a document required under this section to accompany the application; or
 - (d) a document accompanying the application does not include any information required under this section; or
 - (e) a document accompanying the application, or any information in a document accompanying the application, is not verified as required under this section; or
 - (f) any form required to be used for the application, or any document accompanying the application is not used; or
 - (g) any requirement of a form required to be used for the application, or any document accompanying the application, is not complied with.

12 Issue of licences

- (1) This section applies to an initial licence application under section 11.

- (2) The commission must issue a licence to the applicant if—
- (a) the applicant is an eligible person;
Note Eligibility for individuals—see s 20. Eligibility for corporations—see s 21.
 - (b) for an application by a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having gaming machines; and
 - (c) the commission is satisfied about each additional mandatory requirement under section 13 in relation to the application; and
 - (d) authorising the use of the number of gaming machines to be authorised by the licence would not contravene section 35 (Maximum number of gaming machines allowed in ACT).
- (3) However, the commission may refuse to issue a licence to a club if a ground for refusing the licence exists under section 14.
- (4) A licence may be conditional.

Example

a condition that a gaming area be separated from other parts of the premises

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).

- (5) In deciding the number and kind of gaming machines to be allowed under a licence, the commission must consider the following:
- (a) the size and layout of the premises the application relates to;
 - (b) the size and layout of the proposed gaming area;
 - (c) if the applicant is a club—
 - (i) the number of club members worked out under the regulation; and
 - (ii) the ratio of club members to the number of gaming machines held by the licensee; and

- (iii) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community;
 - (d) the social impact assessment for the application for the licence and any submission made on the assessment within the 6-week comment period under section 19;
 - (e) what the commission may allow under section 16.
- (6) The commission may consider any other relevant matter.

13 Additional mandatory requirements for issue of licence

- (1) The following requirements are mandatory requirements under section 12 (2) (c) for an initial licence application:
- (a) for a corporation (including a club)—the rules and control procedures of the corporation to control the operation of gaming machines are adequate to control that operation;
 - (b) the size and layout of the proposed gaming area are suitable for the installation of gaming machines;
 - (c) the applicant is likely to comply with this Act;

Example

If the applicant previously held a licence, the commission may consider how well the applicant complied with its conditions in assessing whether the applicant is likely to comply with this Act.

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).

- (d) if an on licence applies to the premises to which the application relates—the premises are used by people mainly for drinking alcohol;
- (e) taking into consideration the social impact assessment for the application and any submission made on the assessment within

the 6-week comment period under section 19, the issue of the licence is appropriate.

Example for par (e)

the issue of a licence for the premises to which a general licence or on licence applies may not be appropriate if it would adversely affect the nature or character of the premises and the general use and enjoyment of the premises

- (2) In deciding whether a proposed gaming area is suitable for the installation of gaming machines, the commission must consider the safety and comfort of, and harm minimisation strategies for, patrons.

14 Grounds for refusing initial licence application by club

- (1) The commission may refuse to issue a gaming machine licence to an applicant that is a club if satisfied that—
- (a) payments for goods and services supplied to a club, including the rental or lease payments for the club's premises, are related to the level of gaming machine performance; or

Examples—goods and services

- food and beverages
- cleaning services
- gaming machines

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).

- (b) someone, other than the lessor or leasing agent, will receive a payment or benefit during or at the end of a lease, agreement or arrangement entered into by the club for its premises; or
- (c) the election of a member of the club's management committee or board has been decided, controlled or influenced in a significant way, or to a significant degree, by—
- (i) people who are not voting members of the club; or

- (ii) only some voting members of the club; or
 - (d) the voting members of the club, taken as a group, do not have complete control over the election of all members of the club's management committee or board; or
 - (e) each voting member of the club does not have an equal right to elect people, and to nominate or otherwise choose people for election, to the club's management committee or board; or
 - (f) if the club does not own its premises—an executive officer or employee of the club is also the club's lessor, or an associate of the club's lessor; or
 - (g) an executive officer or employee of the club is a creditor, or an associate of a creditor, of the club; or
 - (h) the club's management committee or board does not, for any reason, have complete control over the club's business or operations, or a significant aspect of the club's business or operations; or
 - (i) the club is being, or may be, used as a device for individual gain or commercial gain by someone other than the club.
- (2) However, the commission must not refuse to issue a gaming machine licence under subsection (1) (c), (d) or (e) only because—
- (a) the commission is satisfied that the election of a member of the club's management committee or board has been decided, controlled or influenced in a significant way, or to a significant degree, by an associated organisation; or
 - (b) the voting members of the club, taken as a group, do not have complete control over the election of all members of the club's management committee or board because an associated organisation has some control; or

- (c) each voting member of the club does not have an equal right to elect people, and to nominate or otherwise choose people for election, to the club's management committee or board because an associated organisation has a right to elect, nominate or otherwise choose people for election.

15 Form of licence

- (1) A licence must—
 - (a) state the number and class of gaming machines that the licensee is allowed to operate; and
 - Example**
3 class B gaming machines
 - 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).
 - (b) state the premises, and each part of the premises (the ***gaming areas***), where the licensee is allowed to operate the gaming machines; and
 - (c) include a schedule that contains the serial number of each gaming machine authorised to be operated under the licence.
- (2) A regulation may prescribe other requirements in relation to the form of a licence.

16 Restrictions on what commission may authorise—non-clubs

- (1) This section applies if the commission must issue a licence under section 12 on an initial licence application.
- (2) The commission may issue a licence that authorises the use of no more than 10 class B gaming machines, and no class C gaming machines, if—

- (a) a general licence applies to the premises to which the application relates; and
 - (b) the premises have at least 12 rooms that are used for residential accommodation for lodgers or guests.
- (3) The commission may issue a licence that authorises the use of no more than 2 class B gaming machines, and no class C gaming machines, if—
- (a) a general licence applies to the premises to which the application relates; but
 - (b) the premises have fewer than 12 rooms (including no rooms) that are used for residential accommodation for lodgers or guests.
- (4) The commission may issue a licence that authorises the use of 2 class B gaming machines, and no class C gaming machines, if an on licence applies to the premises to which the application relates.

17 No available gaming machines

- (1) This section applies to an initial licence application if—
- (a) there are no gaming machines in the pool of available gaming machines; and
 - (b) the commission would otherwise have issued a licence to the applicant.

Note **Pool of available gaming machines**—see s 36A.

- (2) The commission must—
- (a) tell the applicant that there are no gaming machines in the pool of available gaming machines; and

- (b) give the applicant a certificate (a *certificate of suitability*) stating that the commission would otherwise have issued a licence to the applicant and that the number of machines the applicant is to be authorised to operate will be determined when—
- (i) there are gaming machines in the pool of available gaming machines; or
- (ii) the commission is considering the transfer of a licence to the applicant under section 32 (Transfer of licence).

Division 2.3 Social impact assessments

18 Social impact assessment

- (1) A social impact assessment for an application is a written assessment of the likely economic and social impact of the operation of gaming machines—
- (a) for an initial licence application—under the proposed licence; or
- (b) for a licence amendment application—under the licence as proposed to be amended; or
- (c) for an application for an in-principle approval—under the proposed in-principle approval; or
- (d) for an application for amendment of an in-principle approval—under the in-principle approval as proposed to be amended.

- Note* A social impact assessment is required for:
- an initial licence application (see s 11 (2) (a))
 - some licence amendment applications (see s 23 (1) and s 26B (2))
 - an application for an in-principle approval (see s 38E, which requires applications to comply with s 11 or s 23)
 - some applications for amendment of in-principle approvals (see s 38M).

- (2) A regulation may make provision 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 addressed by a social impact assessment; and
 - (c) the information to be given in 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).

19 Publication of social impact assessments by applicant

- (1) This section applies if an applicant for a licence, amendment of a licence, in-principle approval or amendment of in-principle approval is required to provide a social impact assessment.
- (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 for 6 weeks after a day stated in the advertisement (the **6-week comment period**); and
 - (b) any written submissions about the social impact assessment may be made to the commission within the 6-week comment period.
- (4) Before the beginning of the 6-week comment period, the applicant must give the commission—
- (a) the social impact assessment for the application; and

- (b) a copy of the advertisement for the application mentioned in subsection (2).
- (5) The applicant must—
- (a) on or before the day the advertisement is published, place a sign (the *information sign*) containing information about the application in a prominent position—
 - (i) for a licence application or licence amendment application—outside each public entrance to the premises to which the application relates; or
 - (ii) for an application for an in-principle approval or amendment of in-principle approval—on the land at the address to which the approval applies; and
 - (b) ensure that the sign stays there for the 6-week comment period.
- (6) However, an applicant for an in-principle approval need not comply with subsection (5) if it would be impractical to do so.

Examples—impractical to place sign at address

- 1 there is no road access to the address
- 2 building work is being carried out at the address

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).

- (7) The information sign for an application must include the following:
- (a) a description of the application;
 - (b) a statement of when and where the social impact assessment for the application will be available;
 - (c) an invitation to make written submissions to the commission about the social impact assessment within the 6-week comment period;
 - (d) when the 6-week comment period ends;

- (e) details of where to get more information about the application.
- (8) 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 comment period.
- (9) The commission must not decide the application until the 6-week comment period has ended.

Division 2.4 Eligible people

20 Eligibility of individuals

- (1) For this Act, an individual, other than an applicant for a licence, is an *eligible person* if there is not a disqualifying ground in relation to the individual.
- (2) For this Act, an individual who is an applicant for a licence is an *eligible person* for the application if—
 - (a) the individual—
 - (i) is an adult; and
 - (ii) holds a general licence or on licence; and
 - (b) there is not a disqualifying ground in relation to the individual.
- (3) Each of the following is a *disqualifying ground* in relation to an individual:
 - (a) the individual has been convicted, or found guilty, within the previous 5 years, whether in the ACT or elsewhere, of an offence—
 - (i) involving fraud or dishonesty; or
 - (ii) punishable by imprisonment for at least 1 year; or
 - (iii) against a law about gaming;

- (b) the individual is, or at any time in the last 5 years has been, bankrupt or personally insolvent;

Note **Bankrupt or personally insolvent**—see the [Legislation Act](#), dictionary, pt 1.

- (c) at any time in the last 5 years the individual was involved in the management of a corporation when—

- (i) the corporation became the subject of a winding-up order;
or
(ii) a controller or administrator was appointed.

- (d) at any time in the last 12 months the individual had—

- (i) a licence cancelled under section 58 (Disciplinary action);
or

Note **Licence** is defined in s 56 and includes:

- in-principle approval
- authorisation to conduct a linked-jackpot arrangement
- multi-user permit.

- (ii) a licence cancelled under section 64 (Cancellation of licences because of cancellation etc of general and on licences); or
(iii) an application for approval as a supplier refused, on the basis that the person provided false or misleading information, under section 72 (Application and approval as supplier); or
(iv) approval as a supplier cancelled under section 73A (Cancellation etc of supplier's approval); or
(v) an application for approval as a technician refused, on the basis that the person provided false or misleading information, under section 75 (Approval of technicians);
or

- (vi) approval as a technician cancelled under section 79 (1) (a) or (c) (Cancellation etc of technician's approval); or
 - (vii) an application for approval as an attendant refused, on the basis that the person provided false or misleading information, under section 86 (Approval of attendants); or
 - (viii) approval as an attendant cancelled under section 91 (1) (a) or (c) (Cancellation etc of attendant's approval).
- (4) Despite subsection (3), the commission may decide that the individual is an *eligible person* even though there is a disqualifying ground in relation to the individual.
- (5) However, the commission must not make a decision under subsection (4) unless satisfied that—
- (a) if the individual is an applicant for a licence—the operation of gaming machines by the individual would not adversely affect the public; and
 - (b) it is otherwise in the public interest that the individual be treated as an eligible person.

21 Eligibility of clubs and other corporations

- (1) A corporation is an *eligible person* if—
- (a) each executive officer and influential person of the corporation is an eligible person; and
 - (b) for a club—it is an eligible club; or
 - (c) for a corporation that is not a club—the corporation holds a general licence or on licence; and
 - (d) the corporation is not the subject of a winding-up order, and has not been the subject of a winding-up order in the last 3 years; and

- (e) a controller or administrator has not been appointed for the corporation in the last 3 years; and
 - (f) the corporation is not the subject of an auditor's opinion that it is not able to pay all of its debts as and when they become due and payable; and
 - (g) the corporation is not the subject of an auditor's adverse opinion or disclaimer of opinion, within the meaning of Auditing Standard ASA 705.
- (2) Despite subsection (1), the commission may decide that the corporation is an eligible person even though a provision of that subsection does not apply in relation to the corporation.
- (3) However, the commission must not make a decision under subsection (2) in relation to the corporation unless satisfied that—
- (a) the operation of gaming machines by the corporation would not adversely affect the public; and
 - (b) it is otherwise in the public interest that the corporation be treated as an eligible person.
- (4) In this section:

AUASB means the Auditing and Assurance Standards Board established under the *Australian Securities and Investments Commission Act 2001* (Cwlth), section 227AA (1).

Auditing Standard ASA 705 means Auditing Standard ASA 705 *Modifications to the Opinion in the Independent Auditor's Report* made by the AUASB on 27 October 2009 under the *Corporations Act*, section 336 (1) (Auditing standards).

Note A copy of the standard is accessible at www.comlaw.gov.au.

Division 2.5 Licence amendments

22 Licence amendment—applications

- (1) A licensee may apply in writing to the commission for an amendment only to—
- (a) decrease the number of licensed gaming machines allowed under the licence (a *decrease machines amendment*); or
- Note* Decreasing machines is also dealt with in par (e) and (g).
- (b) structurally change part of a gaming area at the licensed premises (a *structural change amendment*); or
 - (c) enable the licensee to temporarily store gaming machines at other premises (a *temporary storage amendment*); or
 - (d) enable the licensee to relocate to a new venue (a *venue relocation amendment*); or
 - (e) if the licensee is a club and holds more than 1 licence—decrease the number of gaming machines allowed under 1 or more licences by a total of not more than the relevant number of machines and increase the number of machines allowed under 1 other licence by the same number, to enable the licensee to relocate the gaming machines (a *small-scale machine relocation amendment*); or
 - (f) if the licensee is a club and holds more than 1 licence—decrease the number of gaming machines allowed under 1 or more licences by a total of more than the relevant number of machines and increase the number of machines allowed under 1 other licence by the same number, to enable the licensee to relocate the gaming machines (a *large-scale machine relocation amendment*); or
 - (g) if the licensee is a club—decrease the number of gaming machines allowed under 1 or more licences to enable the licensee to move the gaming machines to premises for which

the licensee is applying for a licence (a *new venue amendment*); or

- (h) make 1 or more of the following changes to a gaming machine operated under the licence (a *technical amendment*):
- (i) change the percentage payout of the machine;
 - (ii) change the basic stake denomination of the machine;
 - (iii) change the kind of machine;

Example

to change from King of the Thames mk 2 gaming machines to King of the Thames mk 3 gaming machines or to Magnificent Mel gaming machines

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).

- (iv) change any other detail mentioned in the schedule to the licence.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

- (2) In this section:

relevant number of machines, for a small-scale machine relocation amendment or a large-scale machine relocation amendment, means the smaller of the following number of machines:

- (a) 10;
- (b) 10% of the number of machines authorised to be operated under a licence at the licensed premises to which the machines are to be relocated (rounded down to the nearest whole number).

23 Licence amendment—contents of applications

- (1) A licence amendment application must—
- (a) be in writing signed by the applicant; and
 - (b) set out the proposed amendment of the licence; and
 - (c) explain why the applicant is seeking the amendment; and
 - (d) for a decrease machines amendment—state the number of machines to be removed from the licence; and
 - (e) for a structural change amendment—be accompanied by a plan showing the proposed changes to the gaming area; and
 - (f) for a temporary storage amendment—state—
 - (i) the number of machines to be temporarily stored; and
 - (ii) where the machines will be temporarily stored; and
 - (iii) when the machines will need to be temporarily stored; and
 - (g) for a venue relocation amendment—
 - (i) state the address, and block and section number, of the new venue; and
 - (ii) be accompanied by—
 - (A) a social impact assessment; and
 - (B) a plan of the new venue, showing the proposed gaming area; and
 - (C) if the applicant is a club—evidence that a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club relocating to the new venue; and
 - (h) for a small-scale machine relocation amendment—

- (i) state the number of machines to be relocated; and
 - (ii) be accompanied by a plan of the licensed premises showing where the gaming machines are to be relocated; and
- (i) for a large-scale machine relocation amendment—
- (i) state the number of machines to be relocated; and
 - (ii) be accompanied by—
 - (A) a social impact assessment; and
 - (B) a plan of the licensed premises showing where the gaming machines are to be relocated; and
 - (C) evidence that a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the stated number of gaming machines to be relocated and the premises they are to be relocated to and from; and
- (j) for a new venue amendment—
- (i) state—
 - (A) the address, and block and section number, of the new venue; and
 - (B) the number of machines to be moved to the new venue; and
 - (C) the class, number, kind, coin denomination and percentage payout of gaming machines for which the new licence is sought; and
 - (ii) be accompanied by—
 - (A) each of the required documents for an initial application under section 11 (2); and

Note **Required documents** include a social impact assessment, a scale plan of the premises and the rules and control procedures for the operation of the gaming machines.

- (B) a description of the applicant's intended monetary investment in property, buildings and facilities at the new venue; and
 - (C) a description of the amenities and facilities intended for the new venue; and
 - (D) evidence that a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having the proposed number of gaming machines at the premises proposed to be licensed.
- (2) A regulation may require an application to—
- (a) include stated information; or
 - (b) be accompanied by stated documents.
- (3) The commission need not decide the licence amendment application if the application is not in accordance with this section.

24 Licence amendment decision—decrease machines amendment

- (1) This section applies if a licensee applies for a decrease machines amendment under section 22 (1) (a).
- (2) The commission must amend the licence in accordance with the application.

25 Licence amendment decision—structural change amendment

- (1) This section applies if a licensee applies for a structural change amendment under section 22 (1) (b).

- (2) The commission must—
 - (a) amend the licence in accordance with the application if satisfied that the gaming area as it is proposed to be changed will be suitable for the operation of gaming machines; and
 - (b) if not satisfied under paragraph (a)—refuse to amend the licence.
- (3) In deciding whether a gaming area will be suitable for the operation of gaming machines, the commission must consider—
 - (a) the safety and comfort of patrons; and
 - (b) harm minimisation strategies for patrons.

26 Licence amendment decision—temporary storage amendment

- (1) This section applies if a licensee applies for a temporary storage amendment under section 22 (1) (c).
- (2) The commission may amend the licence for a stated period in accordance with the application if satisfied that the gaming machines—
 - (a) need to be removed from the licensed premises for a good reason; and
 - (b) will be stored at other appropriate premises temporarily; and
 - (c) will not be operated at the other premises.
- (3) Also, the commission may amend the licence to allow the licensee to temporarily store not more than 10% of the machines authorised under the licence, for not longer than 12 months, if satisfied that no machines under the licence have been stored under this subsection in the 12 months preceding the application.
- (4) Subsection (3) and this subsection expire 3 years after the day this subsection commences.

- (5) To remove any doubt, the temporary storage amendment does not affect the number of gaming machines licensed to the licensee.

26A Licence amendment decision—venue relocation amendment

- (1) This section applies if a licensee applies for a venue relocation amendment under section 22 (1) (d).
- (2) The commission must amend the licence in accordance with the application if satisfied that—

- (a) the size and layout of both the new venue and the proposed gaming area is suitable for the operation of the machines that would be allowed under the licence; and
- (b) amendment of the licence to relocate the venue is appropriate; and

Note In deciding whether an amendment of a licence is appropriate, the commission must consider certain things (see s (4)).

- (c) the licensee does not owe an amount to the Territory under a tax law or a gaming law; and
- (d) if the applicant is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club relocating to the new venue.
- (3) However, if the commission is not satisfied under subsection (2) in relation to the number of machines stated in the application, but would be satisfied under subsection (2) (a) and (b) in relation to fewer machines, the commission may amend the licence to allow fewer machines at the new venue.
- (4) In deciding whether an amendment of a licence under this section is appropriate, the commission must consider the following things:
- (a) the application for the amendment;
- (b) the social impact assessment for the application;

- (c) each submission made about the social impact assessment within the 6-week comment period mentioned in section 19 (3) (Publication of social impact assessments by applicant);
- (d) if the applicant is a club—the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community.

26B Licence amendment decision—small-scale machine relocation amendment

- (1) This section applies if a licensee applies for a small-scale machine relocation amendment under section 22 (1) (e).
- (2) If the commission is concerned that there may be a significant social impact if the licences are amended as proposed in the application, the commission may, by notice in writing to the applicant, require the applicant to provide—
 - (a) a social impact statement for the application; or
 - (b) a social impact assessment for the application.

Examples—concern about possible significant social impact because of licence amendment

- 1 concern that the harm minimisation strategies for the premises may not be sufficient to deal with the increased number of machines at the premises, potentially causing risk to patrons and people in the local community
- 2 concern that multiple previous small-scale machine relocations to the premises may have resulted in a significant increase in the number of machines at the premises, with possible consequential negative social impact
- 3 concern that the local community may be particularly vulnerable to problem gambling, and increasing the number of machines at the premises may have a detrimental effect on people in the local community
- 4 concern that the relocation may result in the number of machines in the area being significantly higher than other comparable areas, with possible consequential negative social impact

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).

- (3) If a social impact statement or social impact assessment is required under subsection (2), the commission must not decide the application until—
 - (a) for a social impact statement—the applicant provides the statement; or
 - (b) for a social impact assessment—the 6-week comment period under section 19 (Publication of social impact assessments by applicant) has ended.
- (4) The commission must amend the licences in accordance with the application if satisfied that—
 - (a) the size and layout of the premises where the gaming machines are to be relocated is suitable for the operation of the machines that would be allowed under the licence; and
 - (b) if a social impact statement is required under subsection (2)—amendment of the licences in accordance with the application is appropriate, considering—
 - (i) the application; and
 - (ii) the social impact statement; and
 - (c) if a social impact assessment is required under subsection (2)—amendment of the licences in accordance with the application is appropriate, considering—
 - (i) the application; and
 - (ii) the social impact assessment; and
 - (iii) each submission made about the social impact assessment within the 6-week comment period under section 19.
- (5) However, if the commission is not satisfied under subsection (4) in relation to the number of machines stated in the application, but would be satisfied in relation to fewer machines, the commission may amend the licences to relocate fewer machines.

(6) In this section—

social impact statement, for a small-scale machine relocation amendment application means a written assessment of the likely economic and social impact of the operation of gaming machines under the licences as proposed to be amended that—

- (a) satisfies the requirements prescribed by regulation; and
- (b) addresses the matters prescribed by regulation; and
- (c) includes the information prescribed by regulation.

26C Licence amendment decision—large-scale machine relocation amendment

- (1) This section applies if a licensee applies for a large-scale machine relocation amendment under section 22 (1) (f).
- (2) The commission must amend the licences in accordance with the application if satisfied that—

- (a) the size and layout of the premises where the gaming machines are to be relocated is suitable for the operation of the machines that would be allowed under the licence; and
- (b) amendment of the licences to move the gaming machines to other licensed premises is appropriate; and

Note In deciding whether an amendment of a licence is appropriate, the commission must consider certain things (see s (4)).

- (c) the number of club members worked out under the regulation, and the pattern of use of gaming machines by club members, is sufficient to justify the number of extra machines at the licensed premises where the machines would be relocated; and
- (d) the licensee does not owe an amount to the Territory under a tax law or a gaming law; and
- (e) a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the number of

gaming machines stated under section 23 (1) (i) (i) to be relocated and the premises they are to be relocated to and from.

- (3) However, if the commission is not satisfied under subsection (2) in relation to the number of machines stated in the application, but would be satisfied under subsection (2) (a) to (c) in relation to fewer machines, the commission may amend the licences to relocate fewer machines.
- (4) In deciding whether an amendment of licences under this section is appropriate, the commission must consider the following things:
 - (a) the application for the amendment;
 - (b) the social impact assessment for the application;
 - (c) each submission made about the social impact assessment within the 6-week comment period mentioned in section 19 (3) (Publication of social impact assessments by applicant);
 - (d) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community.

26D Licence amendment decision—new venue amendment

- (1) This section applies if a licensee applies for a new venue amendment under section 22 (1) (g).
- (2) The commission must amend the licence or licences, and issue the new licence, in accordance with the application if satisfied that—
 - (a) the application satisfies each additional mandatory requirement under section 13; and
 - (b) it is appropriate to issue the new licence; and

Note In deciding whether it is appropriate to issue the new licence, the commission must consider certain things (see s (6)).

 - (c) the licensee does not owe an amount to the Territory under a tax law or a gaming law; and

- (d) a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having the proposed number of gaming machines at the new venue.
- (3) However, the commission may refuse to amend the licence or licences and issue the new licence if a ground for refusing the new licence exists under section 14 (Grounds for refusing initial licence application by club).
- (4) If the commission is not satisfied under subsection (2) in relation to the number of machines stated in the application, but would be satisfied under subsection (2)(a) and (b) in relation to fewer machines, the commission may amend the licence or licences, and issue the new licence, to move fewer machines to the new venue.
- (5) The new licence may be conditional.
- (6) In deciding whether it is appropriate to issue the new licence, the commission must consider the following things:
- (a) the application;
 - (b) the size and layout of the new venue;
 - (c) the size and layout of the proposed gaming area;
 - (d) the following information about the club:
 - (i) the number of club members worked out under the regulation;
 - (ii) the ratio of club members to the number of gaming machines held by the licensee;
 - (iii) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community;
 - (e) the social impact assessment for the application;

- (f) each submission made about the social impact assessment within the 6-week comment period mentioned in section 19 (3) (Publication of social impact assessments by applicant);
- (g) the applicant's intended monetary investment in property, buildings and facilities at the new venue;
- (h) the amenities and facilities intended for the new venue compared to existing amenities and facilities in the local area around the new venue;
- (i) any other relevant matter.

26E Licence amendment decision—technical amendment

- (1) This section applies if a licensee applies for a technical amendment under section 22 (1) (h).
- (2) The commission must—
 - (a) amend the licence in accordance with the application if satisfied that the change to the gaming machine is technically suitable; and
 - (b) if not satisfied under paragraph (a)—refuse to amend the licence.
- (3) In deciding whether a change to a gaming machine is technically suitable, the commission must take into account each technical evaluation of the gaming machine carried out under section 69 (Approval of gaming machines and peripheral equipment).

27 Request for return of licence

- (1) If the commission proposes to amend a licence under this division, the commission must give the licensee written notice of the proposed amendment and ask for the licence to be given to the commission for amendment.

- (2) The commission need not amend a licence under this division unless—
- (a) the licensee returns the licence to the commission; or
 - (b) the licensee has told the commission about the loss, theft or destruction of the licence, and given any statement required, under section 38.

28 Commencement of amendments

If the commission amends a licence under this division, the licence as amended must state the date the amendment commences.

Examples

- 1 The amendment commences on the day the machines are modified by an approved technician.
- 2 The amendment commences on the day an installation certificate is issued for the new gaming machine.

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).

29 Revocation of uncommenced licence amendments

- (1) This section applies if—
- (a) the commission has amended a licence under this division; and
 - (b) the amendment does not commence within a time the commission is satisfied is reasonable; and
 - (c) the commission is satisfied that it is appropriate to take action under this section.
- (2) The commission may give written notice to the licensee—
- (a) stating that the amendment has not commenced; and
 - (b) stating that the commission intends to revoke the amendment; and

- (c) telling the licensee that the licensee may make written submissions to the commission about the commission's intention within 3 weeks after the day the notice is given to the licensee.
- (3) The commission may revoke the amendment if, after considering any submissions made within the 3-week period, the commission is satisfied on reasonable grounds that the licensee has not implemented the changes authorised by the amendment.

Division 2.6 Transfer and surrender of licences

30 Definitions for div 2.6

In this division:

current licensee—see section 31 (1).

prospective licensee—see section 31 (1).

31 Application for transfer of licence

- (1) A person (the *prospective licensee*) may apply to the commission for the transfer of a licence from the licensee (the *current licensee*).
- (2) An application for the transfer of a licence must—
 - (a) be in writing signed by the applicant; and
 - (b) state the full name and address of—
 - (i) for an application by an individual—the applicant; and
 - (ii) for an application by a corporation—each executive officer of the corporation; and
 - (c) be accompanied by—
 - (i) a signed consent to transfer by the current licensee; and

(ii) anything else prescribed by regulation.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for this provision.

32 Transfer of licence

(1) The commission may, on application under section 31, transfer a licence if—

- (a) the licence is not suspended; and
- (b) a disciplinary notice has not been given in relation to the licence; and
- (c) if the prospective licensee is a club—the prospective licensee is a licensee or has a certificate of suitability; and
- (d) if the prospective licensee is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the transfer; and
- (e) the licence would be issued to the prospective licensee on an initial licence application; and

Note Subsection (2) deals with considerations the commission must not take into account.

- (f) if the current licensee is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the transfer; and
 - (g) the current licensee has done everything required to be done under section 33.
- (2) In considering whether a licence would be issued on an initial licence application for subsection (1) (e), the commission—
- (a) must not take into consideration the requirement under section 11 (1) (g) to provide a social impact assessment; and

- (b) when considering under section 13 (1) (e) whether the issue of the licence is appropriate—must not take into consideration the lack of a social impact assessment and submissions.
- (3) If the commission transfers a licence under this section, the commission must give the prospective licensee—
 - (a) the licence as amended to mention—
 - (i) the prospective licensee rather than the current licensee; and
 - (ii) the number of machines the prospective licensee is authorised to operate; and
 - (b) the machine access register for the gaming machines covered by the licence.

33 Current licensees obligations on proposed transfer of licence

If the commission proposes to transfer a licence, the current licensee must give the commission—

- (a) the licence; and
- (b) the current licensee's machine access register; and
- (c) the accounts kept by the current licensee under section 52 (Accounts relating to gaming machines) that relate to amounts taken during the month when the transfer is made; and
- (d) any other accounts kept in connection with the licence under that section that the commission requires; and
- (e) any outstanding amount payable by the licensee under this Act.

Note Amounts are payable by licensees under provisions including s 143, s 159 and s 172.

34 Surrender of licences

- (1) This section applies to a licensee if the licensee does not owe the Territory an amount under this Act.
- (2) The licensee may surrender the licence by—
 - (a) giving the commission a written notice stating that the licensee surrenders the licence; and
 - (b) if the licensee is a club—giving the commission evidence—
 - (i) that a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club surrendering the licence; or
 - (ii) that a vote would not be practical; and
 - (c) returning the licence to the commission.

Example for par (b) (ii)

all memberships have expired and the club does not propose to continue operating

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).

- (3) The surrender of the licence takes effect 4 weeks after the day the notice under subsection (2) (a) is given to the commission or, if the notice states a later date of effect, that date.

Division 2.7 Restriction on gaming machine numbers

34A Intention to reduce maximum number of gaming machines to 4 000, then maintain per capita ratio

- (1) It is the intention of the Legislative Assembly that the maximum number of gaming machines allowed on all licensed premises in the ACT be reduced to 4 000 as gaming machines are surrendered or

cancelled over time, while keeping a pool of up to 150 available gaming machines (see s 35).

- (2) After the number of gaming machines has been reduced to 4 000, the maximum number of gaming machines allowed on all licensed premises in the ACT is to be maintained at a per capita ratio (to be decided in accordance with section 36) so that the maximum number changes as the population of the Territory changes (see s 36).

35 Maximum number of gaming machines allowed in ACT

- (1) The maximum number of gaming machines allowed on all licensed premises in the ACT is the number worked out as follows:

$$\text{maximum number} = \text{starting number} - \left(\text{number surrendered} + \text{number cancelled} \right)$$

number cancelled means the total number of gaming machines cancelled on or after 1 January 2013.

number surrendered means the total number of gaming machines surrendered on or after 1 January 2013.

starting number means the maximum number of gaming machines allowed on all licensed premises in the ACT at the end of 31 December 2012.

- (2) However, when a machine is surrendered or cancelled, the maximum number is reduced under subsection (1)—
- (a) only if the surrender or cancellation would result in the pool of available gaming machines containing more than 150 gaming machines; and
- (b) if the pool would contain more than 150 gaming machines—only by the number that would reduce the number of gaming machines in the pool to 150.

Examples

- 1 On 1 April, the maximum number is 5 000 and there are 20 machines in the pool. On 2 April, 100 machines are surrendered. The maximum number is not reduced and there are now 120 machines in the pool.
- 2 On 1 June, the maximum number is 5 000 and there are 120 machines in the pool. On 2 June, 50 machines are surrendered. The maximum number is reduced to 4 980, keeping 150 machines in the pool.

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).

- (3) As soon as practicable after each time the maximum number changes, the commission must prepare a notice stating the new maximum number and the date of the change.

- (4) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (5) In this section:

cancelled—a gaming machine is ***cancelled*** if—

- (a) the licence authorising the operation of the gaming machine is cancelled under—
 - (i) section 62 (Commission may take disciplinary action against licensee); or
 - (ii) section 64 (Cancellation of licences because of cancellation etc of general and on licences); and
- (b) the cancellation has become final.

final—a cancellation of a gaming machine licence becomes ***final*** when—

- (a) for a decision to cancel a licence under section 62—the period within which application can be made to the ACAT to review the decision has passed and no application for review is made within the period; or

- (b) a period of 30 days has passed after 1 of the following decisions and no appeal against the decision is made within the 30-day period:
- (i) a decision of the ACAT on application for review of the decision to cancel the licence under section 62;
 - (ii) a decision by a court hearing an appeal from—
 - (A) the decision of the ACAT mentioned in paragraph (a); or
 - (B) for cancellation under section 64—the decision of the ACAT to cancel the general or on licence under the *ACT Civil and Administrative Tribunal Act 2008*, section 66 (2) (e) in relation to an application under the *Liquor Act 2010*, section 187 (Application to ACAT for occupational discipline);
 - (iii) a decision by a court hearing an appeal from a decision of a lower court in relation to a decision of the ACAT mentioned in subparagraph (i) or (ii).

surrendered—a gaming machine is ***surrendered*** if—

- (a) the licensee, under section 22 (1) (a), applies for a decrease machines amendment in relation to the gaming machine and the commission, under section 24, amends the licence in accordance with the application; or
- (b) the licensee, under section 34 (2), surrenders the licence authorising the operation of the gaming machine and the surrender takes effect under section 34 (3).

Note A surrender does not take effect until at least 4 weeks after the licensee gives the commission written notice of the surrender (see s 34 (3)).

36 Review of maximum number when it reaches 4 000

When the maximum number of gaming machines allowed on all licensed premises in the ACT reaches 4 000 or less, the Minister must—

- (a) review the maximum number of gaming machines to be allowed on all licensed premises in the ACT; and
- (b) as part of the review, recommend a per capita ratio to be used to work out the maximum number of gaming machines to be allowed on all licensed premises in the ACT in the future; and
- (c) present a report of the review (including the recommended per capita ratio) to the Legislative Assembly within 6 months after the day the review is started.

36A Meaning of *pool of available gaming machines*

- (1) In this Act:

pool of available gaming machines (or *pool*) means the gaming machines that are available to be—

- (a) reserved under an in-principle approval; or
- (b) authorised under a licence.

- (2) The number of gaming machines in the pool is to be worked out as follows:

number in pool = maximum number – number allocated

maximum number means the maximum number of gaming machines allowed on all licensed premises in the ACT under section 35.

number allocated means the total number of gaming machines—

- (a) reserved under in-principle approvals in the ACT; or

- (b) authorised under licences in the ACT.

Division 2.8 Gaming machine licences

37 Register of licences

- (1) The commission must keep a register of licences.
- (2) The commission must enter in the register details of the following:
 - (a) the issue, amendment or transfer of a licence;
 - (b) the suspension or cancellation of a licence;
 - (c) any other details prescribed by regulation.

38 Giving copy of licence

- (1) This section applies if a licensee tells the commission, in writing, about the loss, theft or destruction of the licence.
- (2) The commission may, by written notice given to the licensee, require the licensee to give the commission, within a stated period and in a stated form, a statement confirming, and explaining the circumstances of, the loss, theft or destruction.
- (3) If the commission is satisfied that the licence has been lost, stolen or destroyed, the commission may give a replacement licence to the licensee.

Note A fee may be determined under s 177 for this provision.

Part 2A In-principle approvals for licences, venue relocation amendments and new venue amendments

Division 2A.1 Preliminary

38A Object—pt 2A

The object of this part is to allow a person to obtain authority to, if the in-principle approval is later converted into a licence or amendment, install and operate a number of gaming machines at an address at unleased land before—

- (a) the person acquires an interest in the land or premises at the address; or
- (b) plans are prepared for the premises proposed to be licensed at the address; or
- (c) for a club—the voting members of the club vote in a ballot conducted under the regulation for the club having gaming machines at the address.

38B Definitions

In this Act:

approval-holder means a person who is a holder of an in-principle approval under this part.

in-principle approval means an in-principle approval for a—

- (a) licence; or
- (b) venue relocation amendment of a licence; or
- (c) new venue amendment of a licence.

38C **What is an *in-principle approval*?**

- (1) An in-principle approval for a licence authorises the approval-holder to, if the approval is later converted into a licence under section 38U—
 - (a) acquire and dispose of the gaming machines reserved under the approval; and
 - (b) install and operate the gaming machines reserved under the approval on the licensed premises in accordance with the licence.
- (2) An in-principle approval for a venue relocation amendment authorises the approval-holder to, if the approval is later converted into a venue relocation amendment under section 38V, relocate to the new venue.
- (3) An in-principle approval for a new venue amendment authorises the approval-holder to, if the approval is later converted into a new venue amendment under section 38W—
 - (a) decrease the number of gaming machines allowed under 1 licence; and
 - (b) move the gaming machines to premises for which a new licence is to be issued.

Note A regular application for a:

- licence may be made under s 11
- venue relocation amendment may be made under s 22 (1) (d)
- new venue amendment may be made under s 22 (1) (g).

Division 2A.2 Applications for in-principle approvals

38D In-principle approval—applications

- (1) A person may apply for an in-principle approval for a licence only if—
 - (a) the person—
 - (i) is not a club; or
 - (ii) is a club and either—
 - (A) does not hold a licence; or
 - (B) holds only 1 licence; and
 - (b) the land at the address for which the approval is sought is suitable land.
- (2) A licensee may apply for an in-principle approval for a venue relocation amendment, or a new venue amendment, if the land at the address for which the approval is sought is suitable land.
- (3) In this section:

suitable land means land that is—

 - (a) unleased land; and
 - (b) to be leased with a purpose clause permitting use of the land for 1 or more of the following:
 - (i) a club;
 - (ii) a drink establishment;
 - (iii) a hotel;
 - (iv) an indoor entertainment facility;
 - (v) a restaurant.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38E In-principle approval—contents of applications

- (1) An in-principle approval application—
 - (a) for a licence—
 - (i) must comply with the requirements for an application for a licence under section 11 (1), (2), (3) and (4); but
 - (ii) need not comply with—
 - (A) section 11 (1) (e) in relation to the kind, coin denomination and percentage payout of the gaming machines sought; or
 - (B) section 11 (2) (b) or (3) (d); and
 - (b) for a venue relocation amendment—
 - (i) must comply with the requirements for an application for a venue relocation amendment under section 23 (1) (a), (b), (c), (g) and (2); but
 - (ii) need not comply with section 23 (1) (g) (ii) (B) or (C); and
 - (c) for a new venue amendment—
 - (i) must comply with the requirements for an application for a new venue amendment under section 23 (1) (a), (b), (c), (j) and (2); but
 - (ii) need not comply with—
 - (A) section 23 (1) (j) (ii) (A) in relation to section 11 (2) (b); or
 - (B) section 23 (1) (j) (ii) (D).

- (2) The commission need not decide the application if the application is not in accordance with this section.

Division 2A.3 Issue of in-principle approvals

38F In-principle approval decision—licence

- (1) This section applies if the commission receives an application for an in-principle approval for a licence under section 38D (1) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if—
- (a) satisfied that, were the application an application for a licence, the commission would issue the licence under section 12 (Issue of licences); and
 - (b) there are enough reservable gaming machines for the approval.

Example—enough machines to reserve number needed

A is issued an in-principle approval for 100 gaming machines at block 10, section 403, Bonner. There are now no gaming machines left in the pool. B applies for an in-principle approval for 80 gaming machines at the same address. The commission may issue the approval to B because 100 machines have already been reserved for that address under A's approval. (Later, whoever gets their approval converted into a licence first will actually get authority to install the gaming machines.)

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).

- (3) In making a decision under subsection (2) (a), the commission must disregard—
- (a) section 12 (2) (a) in relation to section 20 (2) (a) (ii) and section 21 (1) (c); and
- Note* Under s 20 (2) (a) (ii) and s 21 (1) (c), a person may only be an **eligible person** if the person holds a general licence or on licence.
- (b) section 12 (2) (b); and

(c) section 12 (5) (a) and (b).

- (4) However, if there are some, but not enough, reservable gaming machines for the approval, and the commission is satisfied under subsection (2) (a), the commission may issue the in-principle approval in relation to a smaller number of machines.

Note An approval-holder may later apply for an amendment of the in-principle approval to increase the number of machines reserved under the approval under s 38M.

- (5) In this section:

reservable gaming machine, for an in-principle approval, means a gaming machine that is—

- (a) in the pool of available gaming machines; or

Note ***Pool of available gaming machines***—see s 36A.

- (b) reserved under another in-principle approval for the same address.

38G In-principle approval decision—licence—no reservable gaming machines

- (1) This section applies to an application for an in-principle approval for a licence if—

- (a) there are no reservable gaming machines for the approval; and
(b) the commission would otherwise have issued an in-principle approval for a licence to the applicant under section 38F.

- (2) The commission must—

- (a) tell the applicant that there are no reservable gaming machines for the approval; and
(b) give the applicant a certificate (a ***certificate of suitability***) stating that the commission would otherwise have issued an in-principle approval for the licence to the applicant and that

the number of machines to be reserved for the in-principle approval will be decided when—

- (i) there are reservable gaming machines for the approval; or
 - (ii) the commission is considering the transfer of an in-principle approval or licence to the applicant under—
 - (A) section 38P (In-principle approval—transfer decision); or
 - (B) section 32 (Transfer of licence).
- (3) In this section:
reservable gaming machine, for an in-principle approval—see section 38F (5).

38H In-principle approval decision—venue relocation amendment

- (1) This section applies if the commission receives an application for an in-principle approval for a venue relocation amendment under section 38D (2) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if satisfied that, were the application an application for a venue relocation amendment, the commission would make the amendment under section 26A (Licence amendment decision—venue relocation amendment).
- (3) In making a decision under subsection (2), the commission must disregard section 26A (2) (a) and (d).

38I In-principle approval decision—new venue amendment

- (1) This section applies if the commission receives an application for an in-principle approval for a new venue amendment under section 38D (2) (In-principle approval—applications).

- (2) The commission must issue the in-principle approval if satisfied that, were the application an application for a new venue amendment, the commission would make the amendment and issue the new licence under section 26D (Licence amendment decision—new venue amendment).
- (3) In making a decision under subsection (2), the commission must disregard section 26D (2) (a) and (d) and (6) (b) and (c).

38J In-principle approval—form

- (1) An in-principle approval must—
 - (a) be in writing; and
 - (b) state—
 - (i) the name of the approval-holder; and
 - (ii) the address, and block and section number, to which the in-principle approval applies; and
 - (iii) the number and class of gaming machines reserved under the in-principle approval.
- (2) A regulation may prescribe other requirements about the form of an in-principle approval.
- (3) An in-principle approval may include anything else the commission considers relevant.

38K In-principle approval—conditions

- (1) An in-principle approval is subject to the condition that the approval-holder must take reasonable steps, during the term of the approval, to acquire an interest in the land, or premises, at the address to which the in-principle approval applies.
- (2) An in-principle approval is also subject to any other condition—
 - (a) prescribed by regulation; or

- (b) imposed by the commission when the in-principle approval is issued, extended or amended.

38L In-principle approval—term

- (1) An in-principle approval comes into force on the day when it is issued.
- (2) An in-principle approval expires 3 years after the day when it is issued.

Division 2A.4 Amendment, transfer, extension and surrender of in-principle approvals

38M In-principle approval—amendment

- (1) An approval-holder may apply to the commission for an amendment only to—
 - (a) increase or decrease the number of gaming machines reserved under the in-principle approval; or
 - (b) remove or change a condition on the in-principle approval.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

- (2) The application must—
 - (a) be in writing signed by the approval-holder; and
 - (b) set out the proposed amendment of the licence; and
 - (c) explain why the approval-holder is seeking the amendment; and
 - (d) for an application under subsection (1) (a) to increase the number of machines—be accompanied by a social impact assessment.

- (3) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (4) The commission need not decide the amendment application if the application is not in accordance with this section.

38N In-principle approval—amendment decision

- (1) This section applies if the commission receives an application to amend an in-principle approval under section 38M.
- (2) The commission must amend the in-principle approval in accordance with the application if satisfied that the commission would issue the in-principle approval, as proposed to be amended, under—
 - (a) for an amendment of an in-principle approval for a licence—section 38F (In-principle approval decision—licence); or
 - (b) for an amendment of an in-principle approval for a venue relocation amendment—section 38H (In-principle approval decision—venue relocation amendment); or
 - (c) for an amendment of an in-principle approval for a new venue amendment—section 38I (In-principle approval decision—new venue amendment).

38O In-principle approval—application to transfer

- (1) An approval-holder may apply to the commission to transfer the in-principle approval to someone else (the *proposed new approval-holder*).
- (2) The application must—
 - (a) be in writing signed by both the approval-holder and the proposed new approval-holder; and

- (b) state the full name and address of—
 - (i) if the proposed new approval-holder is an individual—the proposed new approval-holder; and
 - (ii) if the proposed new approval-holder is a corporation—each executive officer of the corporation.
- (3) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (4) The commission need not decide the application if the application is not in accordance with this section.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38P In-principle approval—transfer decision

- (1) This section applies if the commission receives an application to transfer an in-principle approval under section 38O.
- (2) The commission must transfer the in-principle approval to the proposed new approval-holder if satisfied that, were the application an application for a licence by the proposed new approval-holder, the commission would issue the licence under section 12 (Issue of licences).
- (3) In making a decision under subsection (2), the commission must disregard section 12 (2) (b) and (5) (a) and (b).

38Q In-principle approval—application for extension

- (1) An approval-holder may apply to the commission to extend the term of an in-principle approval.
- (2) The application must—

- (a) be in writing signed by the approval-holder; and
- (b) explain why the approval-holder is seeking the extension.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

- (3) If an approval-holder applies to extend an in-principle approval under this section, the in-principle approval remains in force until the application is decided.

38R In-principle approval—extension decision

- (1) This section applies if the commission receives an application for extension of an in-principle approval under section 38Q.
- (2) The commission must extend the in-principle approval for a period not longer than 12 months if satisfied that the extension is needed for a good reason.

38S In-principle approval—surrender

An approval-holder may surrender the in-principle approval by giving written notice of the surrender to the commission.

Division 2A.5 Conversion of in-principle approvals

38T Conversion of in-principle approval to licence or amendment—application

- (1) An approval-holder may apply to the commission to have—
 - (a) an in-principle approval for a licence converted into a licence; or
 - (b) an in-principle approval for a venue relocation amendment converted into a venue relocation amendment; or

- (c) an in-principle approval for a new venue amendment converted into a new venue amendment.
- (2) The application must—
- (a) be in writing signed by the applicant; and
 - (b) be accompanied by evidence that the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (c) for a licence—
 - (i) comply with the requirements for an application for a licence under section 11 (2) (b) and (3) (d); and
 - (ii) state the following information for each reserved gaming machine sought under the application:
 - (A) the kind of machine;
 - (B) the machine’s basic stake denomination;
 - (C) the percentage payout for the machine; and
 - (d) for a venue relocation amendment—comply with the requirements for an application for a venue relocation amendment under section 23 (1) (g) (ii) (B) and (C); and
 - (e) for a new venue amendment—comply with the requirements for an application for a new venue amendment under—
 - (i) section 23 (1) (j) (ii) (A) in relation to section 11 (2) (b); and
 - (ii) section 23 (1) (j) (ii) (D).
- (3) A regulation may require an application to—
- (a) include stated information; or
 - (b) be accompanied by stated documents.

- (4) The commission need not decide the application if the application is not in accordance with this section.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38U Conversion of in-principle approval to licence—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a licence into a licence under section 38T.
- (2) The commission must convert the in-principle approval into a licence if satisfied that—
- (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the premises proposed to be licensed and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and
 - (c) if the approval-holder is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having gaming machines; and
 - (d) were the application an application for a licence under section 11, the commission would issue the licence under section 12 (Issue of licences).
- (3) If an in-principle approval is converted into a licence under this section, the commission must issue a licence to the applicant in the same terms, and subject to the same conditions, as the in-principle approval.
- (4) However, if the commission is not satisfied under subsection (2) (b) in relation to the kind, basic stake denomination or percentage

payout of a machine stated in the application, but would be satisfied in relation to a different kind, basic stake denomination or percentage payout, the commission may convert the approval into a licence authorising a different kind, basic stake denomination or percentage payout for the machine.

38V Conversion of in-principle approval into venue relocation amendment—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a venue relocation amendment into a venue relocation amendment under section 38T.
- (2) The commission must convert the in-principle approval into the amendment if satisfied that—
 - (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the new venue and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and
 - (c) if the approval-holder is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club relocating to the new venue; and
 - (d) were the application an application for a venue relocation amendment under section 22 (1) (d), the commission would make the amendment under section 26A (Licence amendment decision—venue relocation amendment).
- (3) If an in-principle approval is converted into a venue relocation amendment under this section, the commission must amend the licence in the way proposed in the in-principle approval.

38W Conversion of in-principle approval into new venue amendment—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a new venue amendment into a new venue amendment under section 38T.
- (2) The commission must convert the in-principle approval into the amendment if satisfied that—
 - (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the new venue and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and
 - (c) a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having the proposed number of gaming machines at the new venue; and
 - (d) were the application an application for a new venue amendment, the commission would make the amendment and issue the new licence under section 26D (Licence amendment decision—new venue amendment).
- (3) If an in-principle approval is converted into a new venue amendment under this section, the commission must—
 - (a) amend the licence in the way proposed in the in-principle approval; and
 - (b) issue a licence to the applicant in the same terms, and subject to the same conditions, as the in-principle approval.

38X Conversion—other in-principle approvals for the land or premises expire

- (1) This section applies if the commission converts an in-principle approval under section 38U, section 38V or section 38W.
- (2) All other in-principle approvals in relation to the land, or premises, to which the in-principle approval applied, expire.
- (3) The commission must tell each approval-holder whose in-principle approval expires under subsection (2) that their in-principle approval has expired.

Part 3 **Conditions on licences**

Division 3.1 **Compliance with licence conditions**

39 **Failure to comply with conditions of licence**

- (1) A licensee commits an offence if—
- (a) the licensee's licence is subject to a condition; and
 - (b) the licensee fails to comply with a requirement of the condition.

Maximum penalty: 100 penalty units.

- (2) An offence against this section is a strict liability offence.

Note Licence conditions are imposed by the commission and by other parts of the Act, as well as by this part.

Division 3.2 **General licence conditions**

39A **Compliance with requirements for issue of licence**

It is a condition of a licence that the licensee—

- (a) continually meets each requirement for the issue of a gaming machine licence; and

Note For the requirements for the issue of a gaming machine licence—see s 12 and s 13.

- (b) continues not to do anything that would, if the licensee were applying for a gaming machine licence, cause the licensee to be refused the licence.

Note For the grounds for refusing to issue a gaming machine licence to an applicant that is a club—see s 14.

40 **Compliance with directions**

It is a condition of a licence that the licensee complies with a written direction given to the licensee by the commission.

41 Display of licence at licensed premises

- (1) It is a condition of a licence that the licensee displays the licence, or a copy of the licence, at each entrance to each gaming area of the licensed premises.
- (2) However, the licensee need not display the schedule to the licence.
- (3) Subsection (1) does not apply if the licensee has given the licence to the commission under section 27 (which is about a request for return of licences for amendment) or section 33 (1) (which is about obligations on licensee on transfer).
- (4) Also, subsection (1) does not apply if—
 - (a) the licence has been lost, stolen or destroyed; and
 - (b) the licensee gave the commission prompt notice under section 38 (Issue of copy of licence) of the loss, theft or destruction; and
 - (c) if the commission required the licensee to give a statement under section 38—the licensee gave the statement as required.

42 Licence schedule to be kept at premises

It is a condition of a licence that the licensee keeps a copy of the schedule to the licence at the licensed premises.

43 Rules and control procedures for operation of gaming machines and peripheral equipment

It is a condition of a licence that the licensee must not operate a gaming machine or peripheral equipment on its licensed premises otherwise than in accordance with licensee's rules and control procedures.

44 Installation in accordance with Act

It is a condition of a licence that the licensee must not allow the installation of a gaming machine on the licensed premises otherwise than in accordance with this Act.

45 Installation certificate

- (1) This section applies if—
 - (a) a gaming machine is installed on licensed premises; and
 - (b) the commission gives the licensee a notice under section 124 for the gaming machine.
- (2) It is a condition of the licence that the licensee gives the commission written notice of the stated details for the gaming machine as soon as practicable, but not later than 3 days after the later of the following:
 - (a) the day the machine is installed;
 - (b) the day the commission gives the notice.

46 Operation after installation

- (1) This section applies if a gaming machine is operated on licensed premises.
- (2) It is a condition of the licence that the licensee not allow the gaming machine to be operated on the licensed premises unless the licensee has given the commission a notice under section 45 (2) for the machine.
- (3) However, subsection (2) does not prevent the operation of the gaming machine for maintenance.

47 Operation subject to correct percentage payout

- (1) It is a condition of a licence that the licensee not operate a gaming machine on the licensed premises if the percentage payout on a gaming machine on the licensed premises is not the percentage payout under the licence for the machine.
- (2) Subsection (1) does not prevent the operation of the gaming machine to correct the percentage payout.

48 Percentage payout of gaming machines to be displayed

It is a condition of a licence that each licensed gaming machine has the percentage payout under the licence for the gaming machine clearly displayed on the machine in a position approved by the commission under section 126.

49 Maximum stake amount

It is a condition of the licence that the licensee not operate a gaming machine with a stake amount that is more than the amount prescribed by regulation.

50 Licensee to comply with relevant codes of practice

It is a condition of a licence that the licensee comply with the relevant code of practice (if any) prescribed under the [Control Act](#).

51 Licensee to use gaming machines

- (1) It is a condition of a licence that the licensee use the licensed gaming machines.
- (2) However, a licensee does not contravene the condition under subsection (1) if—
 - (a) the period for which the gaming machine is not used is 1 month or less; or

- (b) the gaming machine is not used because it is broken or damaged and the licensee has taken, or is taking, all reasonable steps to make the machine operational again; or
- (c) the licensee has the commission's written approval for the gaming machine not to be used.

Example

the commission has granted a temporary storage amendment in relation to the gaming machine

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).

- (3) On written application by the licensee, the commission may approve the non-use of a gaming machine for a stated period if satisfied that the gaming machine is not being used for a good reason.

52 Accounts relating to gaming machines

It is a condition of a licence that the licensee must—

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

Division 3.3 Club licence conditions

53 Conditions about inequitable benefits

- (1) It is a condition of a licence for a club that nobody, whether or not a member of a club, directly or indirectly derives a benefit from the 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 given to a member under a resolution passed at a general meeting of voting members.
- (2) It is a condition of a licence for a club that nobody, whether or not a member of a club, directly or indirectly derives a benefit that is not available equally to all voting members of the club 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.
- (3) For this section, a person is not taken to be not dealing with the club at arm's length only because—
 - (a) the person and the club are corporations that are related under the [Corporations Act](#), section 50; or
 - (b) the person, or an individual representing the person in dealings with the club, is an influential person for the club.
- (4) This section does not prevent a person taking a benefit if—
 - (a) the person is offered the benefit (whether or not under the rules of the club) in the course of acting on behalf of the club while performing the person's normal duties as an employee or director 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 management committee or board; or

- (iii) an expense relating to the person's duties paid by someone else and authorised by a resolution of the club's management committee or board.

Example—expense paid by someone else

conference fees

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).

53A Condition about club's constitution—consistency with gaming laws

It is a condition of a licence for a club that the club's constitution is consistent with the gaming laws.

53B Condition about club's constitution—amendment if inconsistent with gaming laws

- (1) It is a condition of a licence for a club that the club's constitution provides for the constitution to be amended in accordance with a direction by the commission under section 148B (Club constitution—consistency with gaming laws) without an election of the voting members of the club.
- (2) This section is declared to be a corporations legislation displacement provision for the [Corporations Act](#), section 5G (Avoiding direct inconsistency arising between the Corporations legislation and State and Territory laws).

Note Subsection (2) ensures that any provision of the [Corporations Act](#) or the [Australian Securities and Investment Commission Act 2001](#) (Cwlth) with which this section would otherwise be inconsistent does not apply to the extent necessary to avoid the inconsistency.

54 Annual report of clubs

It is a condition of a licence for a club that the club's annual report for a financial year of the club include information about the following for the financial year:

- (a) any contractual arrangement or consultancy entered into with an influential person during the year, including—
 - (i) the position the influential person occupies in the club; and
 - (ii) the purpose of the arrangement or consultancy; and
 - (iii) the total amount of the arrangement or consultancy for the year;
- (b) any contractual arrangement or consultancy entered into during the year for more than the amount prescribed by regulation, including—
 - (i) the purpose of the arrangement or consultancy; and
 - (ii) the total amount of the arrangement or consultancy for the year;
- (c) any remuneration given to a person the value of which is equal to or more than the amount prescribed by regulation;

Example for par (c)

A person may be remunerated by salary plus the use of a car.

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).

- (d) if any benefits have been taken by a person during the financial year—
 - (i) the person's position in the club; and
 - (ii) a description of the benefit taken by the person; and

- (iii) the purpose for which the benefit was taken; and
- (iv) the monetary value of the benefit; and
- (v) the name of the person who offered the benefit.

55 Other conditions of club licences

Each of the following is a condition of a licence for a club:

- (a) the proceeds from the conduct of gaming are used in a way that promotes the objects of the licensee;
- (b) the licensee follows its objects or purposes honestly and seriously;
- (c) payments made under the licensee's objects are in the best interests of the licensee's members;
- (d) salaries, wages, allowances or benefits paid or payable by the licensee to the licensee's executive officers and employees are reasonable;
- (e) payments for services provided to the licensee are reasonable and necessary, particularly in relation to the scale of the licensee's licensed business;

Example

The licensee has 4 gaming machines and pays \$150 000 a year for gaming machine advice. This payment is not reasonable because the payment is disproportionately large given the revenues from the 4 machines in relation to which the advice is being given.

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).

- (f) guests must be signed in by a club member and accompanied by the member who signed them in;
- (g) only members and signed-in guests can play gaming machines in the club.

Part 4 Disciplinary action

56 Definitions for pt 4

In this part:

disciplinary action—see section 58.

disciplinary notice—see section 61.

ground for disciplinary action against a licensee—see section 57.

licence—

- (a) in relation to a person who is authorised to conduct a linked-jackpot arrangement under section 134, means the authorisation;
- (b) in relation to an approval-holder, means the in-principle approval;
Note *Approval-holder* and *in-principle approval*—see s 38B.
- (c) in relation to a permit-holder under part 8 (Linked-jackpot arrangements), means a multi-user permit.

licensee includes—

- (a) a permit-holder under part 8; and
- (b) an approval-holder.

Note *Approval-holder*—see s 38B.

57 Grounds for disciplinary action

- (1) Each of the following is a *ground for disciplinary action* against a licensee:
 - (a) the licensee has given information to the commission that was false or misleading;

- (b) the licensee has failed to give information required to be given under this Act or the [Control Act](#);
 - (c) the licensee, or an agent or employee of the licensee, has contravened this Act;
 - (d) the licensee is not, or is no longer, an eligible person;
 - (e) for a corporation—an influential person is not an eligible person;
 - (f) for a licence issued to a club—
 - (i) the club has been or is about to be wound up; or
 - (ii) the club has not operated for 3 months or, if the commission approves a longer period, that longer period; or
 - (iii) the club has ceased to be an eligible club;
 - (g) for a licence issued in relation to premises to which an on licence applies—the premises are not being used by people mainly for drinking alcohol;
 - (h) the licensee has been given a reprimand that included a direction and has not complied with the direction;
 - (i) the licensee has failed to pay to the Territory a financial penalty imposed under section 62.
- (2) In subsection (1) (c), a reference to a *contravention* of this Act includes a reference to the following:
- (a) a contravention of the [Criminal Code](#), part 2.4 (Extensions of criminal responsibility) in relation to an offence against this Act or otherwise in relation to this Act;
 - (b) a contravention of the [Criminal Code](#) in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act;

(c) a contravention of the [Criminal Code](#) in relation to anything done, or not done, under or in relation to this Act.

- (3) In deciding whether an approval-holder is an eligible person under subsection (1) (d) and (e), the commission must disregard section 20 (2) (a) (ii) and section 21 (1) (c).

Note Under s 20 (2) (a) (ii) and s 21 (1) (c), a person may only be an **eligible person** if the person holds a general licence or on licence.

- (4) Subsection (1) (f) (ii) does not apply to an approval-holder.
- (5) The commission may, in writing, approve a period longer than 3 months for subsection (1) (f) (ii) if satisfied that—
- (a) there is a good reason why the club is not operating; and
 - (b) the club will operate again after the end of the longer period.

58 Disciplinary action

- (1) Each of the following is a **disciplinary action** when taken against a person:
- (a) reprimanding the person;
 - (b) imposing conditions on, or amending the conditions of, the person's licence;
 - (c) ordering the person to pay to the Territory a financial penalty of not more than \$100 000;
 - (d) suspending the person's licence for a stated period or until a stated thing happens;
 - (e) cancelling the person's licence.
- (2) A reprimand may include a direction by the commission that the licensee, within a stated time—
- (a) cease contravening this Act; or

- (b) rectify something that contributes to the ground for disciplinary action.
- (3) A financial penalty imposed under this section may be recovered as a debt payable to the Territory.

59 Criteria for disciplinary action

- (1) In deciding what disciplinary action to take under section 58, the commission must consider the following:
 - (a) whether disciplinary action has been taken against the licensee before;
 - (b) whether the disciplinary ground on which the disciplinary action is to be taken endangered the public or the public interest;
 - (c) the seriousness of the disciplinary ground;
 - (d) the likelihood of further disciplinary action needing to be taken.
- (2) The commission may also consider any other relevant matter.

60 When disciplinary notice may be given

If the commission is satisfied that a ground for disciplinary action exists, or may exist, in relation to a licensee, the commission may give the licensee a disciplinary notice.

Note The commission need not give a disciplinary notice if the grounds for disciplinary action are the contravention of a direction in a reprimand (see s 62).

61 Disciplinary notices

A notice (a *disciplinary notice*) given to the licensee must—

- (a) state the ground for disciplinary action that caused the notice to be given; and

- (b) tell the licensee that the licensee may, within 3 weeks after the day the licensee is given the notice, give a written response to the commission about the notice.

62 Commission may take disciplinary action against licensee

- (1) This section applies if the commission is satisfied that a licensee has contravened a direction in a reprimand.
- (2) This section also applies if—
 - (a) a licensee has been given a disciplinary notice; and
 - (b) after considering any responses given within the 3-week period in relation to the notice under section 61, the commission is satisfied that a ground for disciplinary action exists in relation to a licensee.
- (3) The commission may take disciplinary action against the licensee.
- (4) To remove any doubt, the disciplinary action may consist of 2 or more of the actions mentioned in section 58.
- (5) Disciplinary action takes effect when the licensee receives written notice of the action, or on a later stated date.

63 Suspension of licences because of suspension of general and on licences

- (1) This section applies if—
 - (a) a gaming machine licence is in force for premises; and
 - (b) a general licence or on licence is also in force for the premises.
- (2) If the general licence or on licence is suspended, the gaming machine licence is also suspended for the period of suspension of the general licence or on licence.

Note A general licence or on licence may be suspended under the [Liquor Act 2010](#) or the [ACT Civil and Administrative Tribunal Act 2008](#).

64 Cancellation of licences because of cancellation etc of general and on licences

- (1) This section applies if—
 - (a) a gaming machine licence is in force for premises; and
 - (b) a general licence or on licence is also in force for the premises.
- (2) If the general licence or on licence is not renewed under the *Liquor Act 2010*, the gaming machine licence is cancelled.
- (3) If the general licence or on licence is cancelled, the gaming machine licence is also cancelled.

Note A general licence or on licence may be cancelled under the *ACT Civil and Administrative Tribunal Act 2008*.

- (4) However, a gaming machine licence cancelled under this section is taken to be in force again if the decision to cancel the general licence or on licence is reversed on appeal.

65 Return of licence on cancellation

- (1) This section applies if—
 - (a) the commission cancels a person's licence under this part; and
 - (b) the person is given notice of the cancellation.
- (2) This section also applies if—
 - (a) a person's licence is cancelled under section 64 (1); or
 - (b) the person's licence is cancelled under section 64 (2) and the person has notice of the cancellation of the person's general or on licence.

Part 4 Disciplinary action

Section 65

- (3) The person must return the licence to the commission as soon as practicable, but in any case not later than 1 week after the day the cancellation under this part takes effect.

Maximum penalty: 50 penalty units.

- (4) An offence against this section is a strict liability offence.

Part 5 Centralised monitoring system

66 Meaning of *centralised monitoring system*

- (1) In this Act:

centralised monitoring system (or *CMS*) means a system approved by the commission that—

- (a) monitors the operation and performance of gaming machines approved under section 69; and
 - (b) facilitates the working out and checking for accuracy of tax liability, and the collection of tax, under this Act; and
 - (c) can perform other related functions.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

67 Regulations about CMS

- (1) A regulation may provide for the approval and operation of a CMS.
- (2) In particular, a regulation may fix a date, or allow the commission to fix a date, by which stated machines must be connected to the CMS.

Part 6 Approval of gaming machines, peripherals, suppliers, technicians and attendants

Division 6.1 Approval of gaming machines and peripheral equipment

68 Meaning of *peripheral equipment*

In this Act:

peripheral equipment, for a gaming machine, means equipment, or a device, that is incidental to the basic operation of the gaming machine.

Examples

- 1 note acceptors
- 2 links
- 3 card readers
- 4 ticket readers

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).

69 Approval of gaming machines and peripheral equipment

- (1) The commission may approve—
 - (a) a gaming machine; and
 - (b) any peripheral equipment for the gaming machine.
- (2) However, the commission must not approve something under subsection (1) unless the commission has considered—
 - (a) the results of a technical evaluation of the gaming machine and any peripheral equipment by an approved entity; and

- (b) any available research on the consumer protection and harm minimisation implications of the gaming machine or peripheral equipment proposed to be approved.
- (3) Also, the commission must not approve a gaming machine or peripheral equipment for a gaming machine under subsection (1) that allows the use of an audio device if the use of the device is not designed or intended primarily to assist a person with a hearing impairment.
- (4) The approval of a gaming machine or any peripheral equipment for a gaming machine is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (5) In this section:

approved entity means an entity approved (however described) under a law of a local jurisdiction about gaming machines to undertake technical evaluations for the law.

audio device means an earphone, earpiece, headphone, headset or any other device to convert signals from a gaming machine to audible sound delivered to the ear of a person playing the machine to the exclusion of everyone else.

70 Cancellation or suspension of gaming machine and peripheral equipment approval

- (1) The commission may cancel or suspend the approval of a gaming machine or peripheral equipment if—
- (a) the machine no longer operates as designed; or
- (b) the machine no longer operates as intended.
- (2) To remove any doubt, if the approval of a machine is cancelled or suspended under this section, it applies to all machines of that kind, whether or not a particular machine is operating as designed or intended.

Example

A King of the Thames gaming machine stops operating in accordance with its design. The commission suspends the approval of King of the Thames gaming machines, even though not all King of the Thames gaming machines have stopped operating in accordance with their design.

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).

- (3) A cancellation or suspension under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

71 Machine access register

- (1) A licensee must keep a register (the *machine access register*) for the licensed gaming machines on the licensed premises.
- (2) If a gaming machine on the licensed premises is not working for a reason peculiar to the machine, the machine access register must record when and why the machine is not working.

Examples

- 1 technical problems peculiar to the machine, not a problem that affects all machines, eg a blackout
- 2 maintenance
- 3 door open for coin filling or removal
- 4 inspection by authorised officer

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).

- (3) If an approved supplier, approved technician or approved attendant opens or maintains a gaming machine on the licensed premises in any way, whether or not by opening the machine, the person must enter the following details in the machine access register:
- (a) information that clearly identifies the machine;

- (b) the date when the machine was opened, repaired, adjusted or altered;
 - (c) if the machine was repaired or adjusted—a description of the repair or adjustment;
 - (d) the time when, and reason why, the machine was not working;
 - (e) the signature and number of the certificate of approval of the person making the entry;
 - (f) any other information required under the regulation.
- (4) A person commits an offence if—
- (a) the person enters anything in the machine access register; and
 - (b) the person is not an approved supplier, approved technician, approved attendant or authorised person.

Maximum penalty: 10 penalty units.

- (5) An offence against subsection (4) is a strict liability offence.

Division 6.2 Approved suppliers

72 Application and approval as supplier

- (1) A person may apply in writing for approval as a supplier.
- Note 1* If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.
- Note 2* A fee may be determined under s 177 for this provision.
- (2) The commission may approve the person as a supplier if satisfied that—
- (a) the person sells, installs or maintains gaming machines, peripheral equipment for gaming machines or systems (including a CMS) designed for use with gaming machines; and

- (b) for an individual—the individual is an eligible person; and
 - (c) for a corporation—each influential person for the corporation is an eligible person; and
 - (d) the person has not, in the last 12 months, provided false or misleading information in an application under subsection (1); and
 - (e) the person satisfies any other requirement prescribed by regulation.
- (3) If the commission approves a person as a supplier, the commission must give the person a certificate stating that the person is an approved supplier.

73 Giving copy of certificate about approved supplier

- (1) This section applies if an approved supplier tells the commission, in writing, about the loss, theft or destruction of a certificate given to the person under section 72 (3).
- (2) The commission may, by written notice given to the supplier, require the supplier to give the commission, within a stated period and in a stated form, a statement confirming, and explaining the circumstances of, the loss, theft or destruction.
- (3) If the commission is satisfied that the certificate has been lost, stolen or destroyed, the commission may give a replacement to supplier.

Note A fee may be determined under s 177 for this provision.

73A Cancellation etc of supplier's approval

- (1) This section applies if—
 - (a) the commission stops being satisfied that the supplier meets the conditions for approval stated in section 72 (2); or
 - (b) the commission is satisfied that the supplier has contravened this Act.

- (2) In subsection (1) (b), a reference to a *contravention* of this Act includes a reference to the following:
- (a) a contravention of the [Criminal Code](#), part 2.4 (Extensions of criminal responsibility) in relation to an offence against this Act or otherwise in relation to this Act;
 - (b) a contravention of the [Criminal Code](#) in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act;
 - (c) a contravention of the [Criminal Code](#) in relation to anything done, or not done, under or in relation to this Act.
- (3) The commission may, by written notice given to the approved supplier—
- (a) cancel the supplier's approval; or
 - (b) suspend the supplier's approval; or
 - (c) reprimand the supplier.
- (4) In considering whether to take action under this section, the commission must consider the following:
- (a) whether action has been taken against the approved supplier under this section before;
 - (b) the seriousness of any contravention of this Act;
 - (c) the likelihood of further action needing to be taken against the supplier;
 - (d) the public benefit of suppliers being regulated under this Act.
- (5) The commission may also consider any other relevant matter.

Division 6.3 Approved technicians

74 Application for approval as technician

- (1) An individual may apply in writing for approval as a technician for 1 or more suppliers.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for this provision.

- (2) The application must be accompanied by—
- (a) a statement by each approved supplier for which the applicant is applying for approval that—
 - (i) the supplier is satisfied that the applicant is competent to exercise the functions of an approved technician; and
 - (ii) the supplier employs, or has offered to employ, the applicant as a technician; and
 - (b) if the applicant is an approved supplier and is applying for approval to be a technician for his or her own business—a statement to that effect; and
 - (c) an undertaking by the applicant to—
 - (i) ask the police to check the applicant’s criminal record using the applicant’s fingerprints; and
 - (ii) authorise the police to report the results of the check to the commission; and
 - (d) 4 recent passport-size photographs of the applicant.

75 Approval of technicians

- (1) The commission may, on application under section 74, approve the applicant as a technician for 1 or more suppliers if satisfied that—

- (a) the applicant is qualified to exercise the functions of an approved technician; and
 - (b) the applicant has not, in the last 12 months, provided false or misleading information in an application under section 74; and
 - (c) either—
 - (i) the applicant is employed, or will be employed, by each supplier; or
 - (ii) the applicant is an approved supplier; or
 - (iii) the applicant is employed, or will be employed, by each supplier and is an approved supplier.
- (2) An approval is for 2 years.
- (3) If a short-term approval is in force in relation to the applicant, the approval under this section starts when the short-term approval under section 76 began.

Example

Jo was given a short-term approval as a technician on 1 January 2005 before the results of her police check came through. Her results were satisfactory and she was approved as a technician on 25 February 2005. Her approval ends on 1 January 2007.

- (4) A person is *qualified* to exercise the functions of an approved technician for a supplier if the person—
- (a) is an individual; and
 - (b) is competent to maintain gaming machines supplied by the supplier; and
 - (c) is an eligible person; and
 - (d) satisfies any requirement prescribed by regulation.
- (5) To remove any doubt, an approved supplier may be approved as a technician under this section for themselves as supplier, another supplier or both.

76 Short-term approval of technicians

- (1) This section applies to a person who has applied for approval as a technician if—
 - (a) the commission has not received the results of the police check of the person's criminal record; but
 - (b) the commission would approve the person if the results of the police check did not show that the person was not an eligible person.
- (2) The commission may approve the applicant as a technician.
- (3) An approval under this section (a *short-term approval*) is for 6 months, and cannot be renewed.

77 Ending short-term approvals

- (1) This section applies to a person if—
 - (a) the person has a short-term approval as a technician; and
 - (b) the commission receives the results of the police check of the person's criminal record; and
 - (c) after considering the results of the police check, the commission is satisfied that the person is not an eligible person.
- (2) The commission must, by written notice given to the technician—
 - (a) refuse the person's application for approval as a technician; and
 - (b) cancel the person's short-term approval as a technician.

78 Transfer etc of technician's approval

- (1) On written application by an approved technician, the commission may—

- (a) approve the technician for another supplier (the *new supplier*);
or
- (b) transfer the approval of the technician from 1 supplier to
another (the *new supplier*).

Note 1 If a form is approved under the [Control Act](#), s 53D for an application,
the form must be used.

Note 2 A fee may be determined under s 177 for this provision.

- (2) The application must be accompanied by a written statement by the
new supplier stating that the supplier employs, or has offered to
employ, the applicant as a technician.

79 Cancellation etc of technician's approval

- (1) This section applies if—
 - (a) the commission stops being satisfied that an approved
technician is qualified to exercise the functions of an approved
technician for each supplier for whom the technician is
approved; or
 - (b) the approved technician is not an approved supplier and is not
employed by an approved supplier; or
 - (c) the commission is satisfied that the technician has contravened
this Act.
- (2) In subsection (1) (c), a reference to a *contravention* of this Act
includes a reference to the following:
 - (a) a contravention of the [Criminal Code](#), part 2.4 (Extensions of
criminal responsibility) in relation to an offence against this
Act or otherwise in relation to this Act;
 - (b) a contravention of the [Criminal Code](#) in relation to a document
completed, kept or given, or required to be completed, kept or
given, under or in relation to this Act;

- (c) a contravention of the [Criminal Code](#) in relation to anything done, or not done, under or in relation to this Act.
- (3) The commission may, by written notice given to the approved technician—
 - (a) cancel the technician’s approval; or
 - (b) suspend the technician’s approval; or
 - (c) reprimand the technician.
- (4) In considering whether to take action under this section, the commission must consider the following:
 - (a) whether action has been taken against the approved technician under this section before;
 - (b) the seriousness of any contravention of this Act;
 - (c) the likelihood of further action needing to be taken against the technician;
 - (d) the public benefit of technicians being regulated under this Act.
- (5) The commission may also consider any other relevant matter.
- (6) In this section:
 - approved supplier*—a person is not an *approved supplier* if the person’s approval as a supplier is suspended.
 - qualified*, to exercise the functions of an approved technician—see section 75 (4).

80 Certificates and identity cards for approved technicians

- (1) This section applies if the commission approves a technician under section 75 (Approval of technicians) or section 76 (Short-term approval of technicians).
- (2) The commission must give—

- (a) a certificate (the technician's *approval certificate*) to each approved supplier for the technician containing details of the approval; and
- (b) an identity card to the approved technician containing details of the approval.

81 Giving copy of certificate about approved technician or identity card

- (1) This section applies if an approved supplier or approved technician tells the commission, in writing, about the loss, theft or destruction of a certificate or identity card given to the person under section 80.
- (2) The commission may, by written notice given to the person, require the person to give the commission, within a stated period and in a stated form, a statement confirming, and explaining the circumstances of, the loss, theft or destruction.
- (3) If the commission is satisfied that the certificate or identity card has been lost, stolen or destroyed, the commission may give a replacement to the person.

Note A fee may be determined under s 177 for this provision.

82 Notice by supplier if technician no longer employed

- (1) This section applies if—
 - (a) a supplier is the supplier for an approved technician; and
 - (b) the supplier stops employing the technician.
- (2) The supplier must tell the commission in writing that the supplier no longer employs the technician within 1 week after the day the supplier stops employing the technician.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

83 Return of approval certificates and identity cards for approved technicians

- (1) This section applies if—
 - (a) a technician’s approval expires or is cancelled or suspended; or
 - (b) a technician stops working for an approved supplier.
- (2) The supplier must return the technician’s approval certificate to the commission within 1 week after—
 - (a) the day the technician’s approval expires; or
 - (b) the day the technician is given notice of the cancellation or suspension; or
 - (c) the day the approved technician stops working for the supplier.

Maximum penalty: 5 penalty units.

- (3) The technician must return the technician’s identity card to the commission within 1 week after—
 - (a) the day the technician’s approval expires; or
 - (b) the day the technician is given notice of the cancellation or suspension; or
 - (c) the day the technician no longer works for at least 1 supplier.

Maximum penalty: 5 penalty units.

- (4) Strict liability applies to an offence against this section.

84 Renewal of technician’s approval

- (1) An approved technician may apply to the commission for renewal of his or her approval no later than 1 month, and no earlier than 3 months, before the approval expires.

Note If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

- (2) The application must be accompanied by an undertaking by the applicant to—
 - (a) ask the police to check the applicant's criminal record using the applicant's fingerprints; and
 - (b) authorise the police to report the results of the check to the commission.
- (3) On application under this section, the commission must renew the approval if satisfied that it would approve the applicant if the application were an application for initial approval.
- (4) The renewal of the approval begins on the day after the approval being renewed expires.
- (5) An approval that is suspended may be renewed, but the renewed approval is suspended until the end of the suspension.

Division 6.4 Approved attendants

85 Application for approval as attendant

- (1) An individual may apply in writing for approval as an attendant for 1 or more licensees.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for this provision.
- (2) The application must be accompanied by—
 - (a) a statement from each licensee stating that the licensee employs, or has offered to employ, the applicant as an attendant; and
 - (b) an undertaking by the applicant to—
 - (i) ask the police to check the applicant's criminal record using the applicant's fingerprints; and

- (ii) authorise the police to report the results of the check to the commission; and
- (c) 4 recent passport-size photographs of the applicant.

86 Approval of attendants

- (1) The commission may, on application under section 85, approve the applicant as an attendant for 1 or more licensees if satisfied that—
 - (a) the applicant is an eligible person; and
 - (b) the applicant has not, in the last 12 months, provided false or misleading information in an application under section 85; and
 - (c) the applicant is employed, or will be employed, by each licensee.
- (2) An approval is for 2 years.
- (3) If a short-term approval is in force in relation to the applicant, the approval under this section starts when the short-term approval under section 87 began.

Example

Joe was given a short-term approval as an attendant on 1 January 2005 before the results of his police check came through. His results were satisfactory and he was approved as an attendant on 25 February 2005. His approval ends on 1 January 2007.

87 Short-term approval of attendants

- (1) This section applies to a person who has applied for approval as an attendant if—
 - (a) the commission has not received the results of the police check of the person's criminal history; but
 - (b) the commission would approve the person if the results of the police check did not show that the person was not an eligible person.

- (2) The commission may approve the applicant as an attendant.
- (3) An approval under this section (a *short-term approval*) is for 6 months, and cannot be renewed.

88 Ending short-term approvals

- (1) This section applies to a person if—
 - (a) the person has a short-term approval as an attendant; and
 - (b) the commission receives the results of the police check of the person's criminal history; and
 - (c) after considering the results of the police check, the commission is satisfied that the person is not an eligible person.
- (2) The commission must, by written notice given to the person—
 - (a) refuse the person's application for approval as an attendant; and
 - (b) cancel the person's short-term approval as an attendant.

89 Transfer etc of attendant's approval

- (1) On written application by an approved attendant, the commission may—
 - (a) approve the attendant for another licensee (the *new licensee*);
or
 - (b) transfer the approval of the attendant from 1 licensee to another (the *new licensee*).

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for this provision.

- (2) The application must be accompanied by a written statement by the new licensee stating that the licensee employs, or has offered to employ, the applicant as an attendant.

90 Suspension of attendant's approval for short-term unemployment

On written application by an approved attendant, the commission may suspend the attendant's approval for up to 3 months from the day the application is given to the commission if the attendant is not employed by a licensee.

91 Cancellation etc of attendant's approval

- (1) This section applies if—
- (a) the commission stops being satisfied that an approved attendant is an eligible person; or
 - (b) the attendant is not employed by a licensee and his or her approval is not suspended under section 90; or
 - (c) the commission is satisfied that the attendant has contravened this Act.
- (2) In subsection (1) (c), a reference to a *contravention* of this Act includes a reference to the following:
- (a) a contravention of the [Criminal Code](#), part 2.4 (Extensions of criminal responsibility) in relation to an offence against this Act or otherwise in relation to this Act;
 - (b) a contravention of the [Criminal Code](#) in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act;
 - (c) a contravention of the [Criminal Code](#) in relation to anything done, or not done, under or in relation to this Act.
- (3) The commission may, by written notice to the approved attendant—

- (a) cancel the attendant's approval; or
 - (b) suspend the attendant's approval; or
 - (c) reprimand the attendant.
- (4) In considering whether to take action under this section, the commission must consider the following:
- (a) whether action has been taken against the approved attendant under this section before;
 - (b) the seriousness of any contravention of this Act;
 - (c) the likelihood of further action needing to be taken against the attendant;
 - (d) the public benefit of attendants being regulated under this Act.
- (5) The commission may also consider any other relevant matter.

92 Certificates for approved attendants

- (1) This section applies if the commission approves an attendant under section 86 (Approval of attendants) or section 87 (Short-term approval of attendants).
- (2) The commission must give—
- (a) a certificate (the attendant's *approval certificate*) containing details of the approval to the attendant; and
 - (b) a copy of the certificate to each licensee for the attendant.

93 Giving copy of certificate about approved attendant

- (1) This section applies if an approved attendant or licensee tells the commission, in writing, about the loss, theft or destruction of an approval certificate given to the person under section 92.
- (2) The commission may, by written notice given to the person, require the person to give the commission, within a stated period and in a

stated form, a statement confirming, and explaining the circumstances of, the loss, theft or destruction.

- (3) If the commission is satisfied that the certificate has been lost, stolen or destroyed, the commission may give a replacement to the person.

Note A fee may be determined under s 177 for this provision.

94 Notice by licensee if attendant no longer employed

- (1) This section applies if—
- (a) a licensee is the licensee for an approved attendant; and
 - (b) the licensee stops employing the attendant.
- (2) The licensee must tell the commission in writing that the licensee no longer employs the attendant within 1 week after the day the licensee stops employing the attendant.

95 Return of approval certificates for approved attendants

- (1) This section applies if—
- (a) an attendant's approval expires or is cancelled or suspended; or
 - (b) the attendant no longer works for at least 1 licensee.
- (2) The attendant must return the attendant's approval certificate to the commission within 1 week after—
- (a) the day the attendant's approval expires; or
 - (b) the day the attendant is given notice of the cancellation or suspension; or
 - (c) the day the attendant no longer works for at least 1 licensee.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

96 Renewal of attendant's approval

- (1) An approved attendant may apply to the commission for renewal of his or her approval no later than 1 month, and no earlier than 3 months, before the approval expires.

Note If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

- (2) The application must be accompanied by an undertaking by the applicant to—
 - (a) ask the police to check the applicant's criminal record using the applicant's fingerprints; and
 - (b) authorise the police to report the results of the check to the commission.
- (3) On application under this section, the commission must renew the approval if satisfied that it would approve the applicant if the application were an application for initial approval.
- (4) The renewal of the approval begins on the day after the approval being renewed ends.
- (5) An approval that is suspended may be renewed, but the renewed approval is suspended until the end of the suspension.

Division 6.5 Gaming machine dealings

97 Control procedures

- (1) A person's control procedures for gaming machines and peripheral equipment must include operational details (including who is responsible) for each of the following:
 - (a) accounting and record keeping in relation to the gaming machines and peripheral equipment;
 - (b) access to and handling of cash in relation to the gaming machines;

- (c) payment of winnings;
 - (d) access control to the gaming machines and peripheral equipment;
 - (e) security of the gaming machines and peripheral equipment;
 - (f) security of cash, records and keys in relation to the gaming machines;
 - (g) job descriptions (including responsibilities) of people operating and doing accounting and record keeping in relation to the gaming machines and peripheral equipment;
 - (h) any marketing and promotion of the gaming machines.
- (2) A person may change the person's control procedures by written notice given to the commission.
- (3) A regulation may make provision in relation to control procedures.

98 Acquisition of gaming machines—general

A person commits an offence if the person—

- (a) intentionally acquires a gaming machine; and
- (b) does not have the commission's approval under section 100 to acquire the machine.

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

99 Application for approval of acquisition of gaming machines

- (1) A person may apply in writing to the commission for approval to acquire a gaming machine.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for this provision.

- (2) The application must be accompanied by—
- (a) the proposed contract for the acquisition (including any proposed order); and
 - (b) details of any proposed arrangements for financing the acquisition.

100 Decision on application for approval to acquire gaming machines

- (1) On application for an approval to acquire a gaming machine, the commission must approve or refuse to approve the acquisition.
- (2) The commission must approve the acquisition of a gaming machine if—
- (a) the applicant is a licensee; and
 - (b) the applicant's licence authorises the applicant to operate the machine; and
 - (c) the acquisition is to be under a written contract; and
 - (d) the gaming machine, and any peripheral equipment to be used with it, is approved under section 69; and

- (e) the person from whom the machine is to be acquired—
 - (i) is an approved supplier; or
 - (ii) is approved under section 113 (Approval of disposal of gaming machines) to dispose of the machine.

103 Possession and operation of gaming machines

- (1) A person commits an offence if—
 - (a) the person possesses or operates a gaming machine; and
 - (b) the person is not authorised to possess or operate the gaming machine under this Act; and
 - (c) the person is reckless about whether the person is authorised to possess or operate the gaming machine under this Act.

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

Note Under this Act, a person may be authorised to possess or operate a gaming machine by a licence, an approval to repossess the machine or under s (2).

- (2) The commission may, in writing, authorise a person to possess or operate a gaming machine on stated conditions if—
 - (a) the person is a licensee's administrator, receiver, manager or liquidator and the licensee is authorised under this Act to possess or operate the gaming machine; 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 as a promotion; or
 - (e) the machine is being repaired, tested or evaluated.

104 Playing unlicensed gaming machines

A person commits an offence if—

- (a) the person plays a gaming machine; and
- (b) operation of the gaming machine is not authorised under a licence; and
- (c) the person is reckless about whether the operation of the gaming machine is authorised under a licence.

Maximum penalty: 100 penalty units.

105 Operation of gaming machines other than in accordance with licences

(1) A person commits an offence if—

- (a) the person owns, occupies or manages licensed premises; and
- (b) the person fails to take all reasonable steps to stop a gaming machine on the premises being used otherwise than in accordance with the licence; and
- (c) someone uses the gaming machine otherwise than in accordance with the licence.

Maximum penalty: 100 penalty units.

(2) A person commits an offence if—

- (a) the person owns, occupies or manages premises other than licensed premises; and
- (b) the person fails to take all reasonable steps to stop a gaming machine on the premises being used; and
- (c) someone uses the gaming machine.

Maximum penalty: 100 penalty units.

(3) An offence against this section is a strict liability offence.

Division 6.6 Repossession of gaming machines

106 Offences by people repossessing gaming machines

- (1) A person commits an offence if the person repossesses a gaming machine otherwise than in accordance with an approval under section 108.

Maximum penalty: 100 penalty units.

- (2) A person commits an offence if—
- (a) the person repossesses a gaming machine; and
 - (b) the person fails to take all reasonable steps to stop the gaming machine being used; and
 - (c) after repossession of the gaming machine but before its disposal, someone else uses the machine.

Maximum penalty: 100 penalty units

- (3) An offence against this section is a strict liability offence.

107 Application for repossession approval

- (1) A person may apply in writing to the commission for approval to repossess a gaming machine.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for this provision.

- (2) The application must be 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, kind and basic stake denomination of the machine.

108 Approval of repossession of gaming machines

- (1) On application under section 107, the commission must approve, or refuse to approve, the repossession of a gaming machine.
- (2) The commission must approve the repossession unless the commission believes on reasonable grounds that the applicant would be likely to contravene a requirement of a condition on the approval.

Note For conditions, see s 109.

- (3) If an approval is given to repossess a gaming machine, after the machine is repossessed but before it is disposed of, an authorised officer must—
 - (a) take meter readings from the machine; and
 - (b) seal the computer cabinet on the machine; and
 - (c) render the machine inoperable.
- (4) This section does not entitle a person to repossess a gaming machine if the person is not otherwise entitled to repossess it.

109 Conditions on approval to repossess gaming machine

- (1) An approval to repossess a gaming machine under section 108 is subject to the following conditions:
 - (a) that the person given the approval take all reasonable steps necessary to prevent the repossessed gaming machine being played before its disposal;
 - (b) that the person given the approval allow an authorised officer to exercise the commission's functions under section 108 (3).
- (2) The commission may impose any other condition on the approval in relation to the storage of the machine before its disposal that the commission considers appropriate.

110 Contravention of repossession approval conditions

- (1) A person commits an offence if the person—
 - (a) is approved under section 108 to repossess a gaming machine; and
 - (b) contravenes a requirement of a condition on the approval.Maximum penalty: 50 penalty units.
- (2) Subsection (1) does not apply if the person took all reasonable steps to avoid a contravention of the requirements of the approval conditions.
- (3) An offence against this section is a strict liability offence.

Division 6.7 Disposal of gaming machines

111 Unapproved disposal of gaming machines

- (1) A person commits an offence if—
 - (a) the person disposes of a gaming machine; and
 - (b) the disposal is not in accordance with an approval under section 113 (Approval of disposal of gaming machines).Maximum penalty: 100 penalty units.
- (2) An offence against this section is a strict liability offence.

112 Application for approval for disposal of gaming machines

- (1) A person may apply in writing to the commission for approval to dispose of a gaming machine.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for this provision.

- (2) The application must be accompanied by information identifying—
 - (a) the person (if any) who is to acquire the machine; and
 - (b) the premises where the machine is currently held; and
 - (c) the class, kind and basic stake denomination of the machine.

113 Approval of disposal of gaming machines

- (1) On application under section 112, the commission must approve, or refuse to approve, the disposal of a gaming machine.
- (2) The commission must approve the disposal if—
 - (a) the person (if any) who is to acquire the machine is authorised—
 - (i) to operate the machine under a licence; or
 - (ii) if the machine is to be sold or operated in a local jurisdiction—under a law of the local jurisdiction; or
 - (iii) to destroy the machine; and
 - (b) for an applicant who has repossessed the machine—the repossession is approved under section 108 (Approval of repossession of gaming machines) and the commission has no reason to believe that the approval has been contravened.
- (3) However, the commission must not approve the lease or hire of a gaming machine by 1 licensee to another.
- (4) This section does not entitle a person to dispose of a gaming machine if the person is not otherwise entitled to dispose of the machine.

Division 6.8 Seizure of gaming machines

114 Seizure of unlawful gaming machines

- (1) This section applies if an authorised officer believes on reasonable grounds that—
 - (a) a person possesses or operates a gaming machine; and
 - (b) the person is not authorised to possess or operate the gaming machine under this Act.
- (2) The authorised officer may seize the gaming machine.

115 Receipt for gaming machines seized

- (1) As soon as practical after the gaming machine is seized, the authorised officer must give a receipt for it to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the authorised officer must leave the receipt, secured conspicuously, at the place where the gaming machine was seized.
- (3) A receipt under this section must include the following:
 - (a) a description of the gaming machine;
 - (b) an explanation of why the gaming machine was seized;
 - (c) an explanation of the person's right to apply to a court under section 116 for an order disallowing the seizure;
 - (d) where the gaming machine is to be taken;
 - (e) the authorised officer's name, and how to contact the officer.

116 Application for order disallowing seizure

- (1) A person claiming to be entitled to a gaming machine seized under this division may apply to the Magistrates Court within 10 days after the day of the seizure for an order disallowing the seizure.

- (2) The application may be heard only if the applicant has served a copy of the application on the commission.
- (3) The commission is entitled to appear as respondent at the hearing of the application.

117 Order for return of seized gaming machine

- (1) This section applies if a person claiming to be entitled to a gaming machine seized under this division applies to the Magistrates Court under section 116 for an order disallowing the seizure.
- (2) The Magistrates Court must make an order disallowing the seizure if satisfied that—
 - (a) the applicant would, apart from the seizure, be entitled to the return of the seized gaming machine; and
 - (b) the gaming machine is not connected with an offence against this Act; and
 - (c) possession of the gaming machine by the person would not be an offence.
- (3) The Magistrates Court may also make an order disallowing the seizure if satisfied there are exceptional circumstances justifying the making of the order.
- (4) If the Magistrates Court makes an order disallowing the seizure, the court may make 1 or more of the following ancillary orders:
 - (a) an order directing the commission to return the gaming machine to the applicant or to someone else that appears to be entitled to it;
 - (b) if the gaming machine cannot be returned or has depreciated in value because of the seizure—an order directing the Territory to pay reasonable compensation;
 - (c) an order about the payment of costs in relation to the application.

118 Adjourment pending hearing of other proceedings

- (1) This section applies to the hearing of an application under section 116 (Application for order disallowing seizure).
- (2) If it appears to the Magistrates Court that the seized gaming machine is required to be produced in evidence in a pending proceeding in relation to an offence against a Territory law, the court may, on the application of the commission or its own initiative, adjourn the hearing until the end of that proceeding.

119 Forfeiture of seized gaming machines

- (1) This section applies if an application under section 116 for an order disallowing the seizure of a gaming machine—
 - (a) has not been made within 10 days after the day of the seizure; or
 - (b) has been made within that period, but the application has been refused or has been withdrawn before a decision on the application had been made.
- (2) The seized gaming machine—
 - (a) is forfeited to the Territory; and
 - (b) may be sold, destroyed or otherwise disposed of as the commission directs.

Division 6.9 Installation and operation of gaming machines

120 Installation to be in accordance with approval of commission

- (1) A licensee commits an offence if—
 - (a) the licensee allows the installation of a gaming machine on the licensed premises; and

- (b) the gaming machine is installed otherwise than in a gaming area.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

121 Offence to install gaming machines

- (1) A person commits an offence if—
 - (a) the person installs a gaming machine on licensed premises; and
 - (b) the person is not an approved supplier or approved technician.

Maximum penalty: 50 penalty units

- (2) An offence against this section is a strict liability offence.

122 Certificate about meter readings

- (1) A person commits an offence if the person—
 - (a) installs a gaming machine on licensed premises; and
 - (b) as soon as practicable, but no later than 3 days, after installing the machine, does not give the licensee a certificate signed by the person stating the meter readings on the machine immediately after installation.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

123 Sealing computer cabinet

- (1) A licensee commits an offence if—
 - (a) the licensee allows the installation of a gaming machine on the licensed premises; and

- (b) the computer cabinet is not sealed in a way that prevents unauthorised access.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

124 Commission may require information

- (1) This section applies if a gaming machine is installed on licensed premises.
- (2) The commission may give the licensee a written notice stating the details the commission needs to be told about the gaming machine.

125 Operation to be subject to correct percentage payout

- (1) A person commits an offence if—
 - (a) the person is an approved supplier or approved technician; and
 - (b) the person opens a gaming machine and makes an adjustment that will, or is likely to, affect the percentage payout of the machine; and
 - (c) the percentage payout on the gaming machine on the licensed premises is not the percentage payout authorised by the licence for the machine.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

126 Position for percentage payout of gaming machines display

- (1) The commission may approve a position on a kind of gaming machine for display of the percentage payout for the machine.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

127 Maximum stake amount

A person commits an offence if—

- (a) the person is an approved supplier or approved technician; and
- (b) the person supplies or installs a gaming machine; and
- (c) the person intentionally sets the stake amount for the gaming machine higher than the amount prescribed by regulation.

Maximum penalty: 50 penalty units.

Part 7 Regulation of gaming machines generally

128 Machine access generally

- (1) A person commits an offence if the person does any of the following in relation to a licensed gaming machine on licensed premises:
- (a) opens the machine;
 - (b) checks money in the machine;
 - (c) places money into the machine (other than to play the machine);
 - (d) removes money from the machine (other than money won or credited).

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply to the following people:
- (a) an authorised officer;
 - (b) an approved supplier;
 - (c) an approved technician;
 - (d) an approved attendant.
- (3) A person commits an offence if—
- (a) the person maintains a licensed gaming machine on licensed premises; and
 - (b) the person is not an approved supplier or approved technician.

Maximum penalty: 50 penalty units.

- (4) An offence against this section is a strict liability offence.

129 Interference with gaming machines

- (1) A person commits an offence if the person recklessly interferes with the operation of a gaming machine.

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

- (2) A person commits an offence if the person inserts into a gaming machine anything other than a coin, note or token of the kind stated on the gaming machine.

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

- (3) A person commits an offence if the person does anything intended to interfere with a gaming machine in a way that causes the machine to yield a reward less than or greater than the percentage payout under the licence in relation to that machine.

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

- (4) A person commits an offence if the person does anything intended 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.

- (5) Subsection (1) does not apply in relation to anything done honestly for the maintenance of a gaming machine by an approved supplier, approved technician or authorised officer.

130 Opening computer cabinets

- (1) A person commits an offence if the person—
- (a) opens the computer cabinet in a gaming machine; and
 - (b) is not an approved supplier, approved technician or authorised officer.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

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

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

- (a) if the licence ceased to be in force under section 64 (1) or because the licence expired—until the machines are removed from the premises; or

Note Section 64 (1) provides that a person's licence is cancelled if the person's general or on licence is not renewed.

- (b) if the licence is suspended—during the suspension; or
- (c) if the licence has been cancelled—until the first of the following happens:
- (i) the machines are removed from the premises;
 - (ii) the decision of the commission cancelling the licence is set aside on an application for review of the decision; or

- (d) if the licence ceased to be in force under section 64 (2)—until the first of the following happens:
- (i) the machines are removed from the premises;
 - (ii) the licence is taken to be in force again under section 64 (3).

Note Section 64 (2) provides that a person's licence is cancelled if the person's general or on licence is cancelled.

132 Removal of gaming machines from premises

- (1) This section applies to a person who held a licence that has ceased to be in force, other than a person whose licence is suspended.
- (2) The person commits an offence if, at the end of the required period, a gaming machine that was licensed is on the premises that were licensed.

Maximum penalty: 50 penalty units.

- (3) In this section:

relevant decision means the decision of the commission (if any) because of which the licence ceased to be in force.

required period means—

- (a) 2 weeks after the day—
 - (i) the licence ceases to be in force; or
 - (ii) if an application for review of the relevant decision may be made but is not made—the time for applying for review of the decision ends; or
 - (iii) if an application is made to review the relevant decision—the application is withdrawn, dismissed or decided; or
- (b) any further period the commission, whether before or after the end of the period, in writing, approves.

Part 8 Linked-jackpot arrangements

133 Operation of linked-jackpot arrangements

A person commits an offence if—

- (a) the person operates a linked-jackpot arrangement between gaming machines; and
- (b) the arrangement is not authorised under section 134 or by a multi-user permit.

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

134 Single-user authorisation for linked-jackpot arrangements

- (1) A licensee may apply in writing to the commission for authorisation to operate a linked-jackpot arrangement between gaming machines operated under the licence.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for this provision.

- (2) The application must include details of each event by reference to which linked jackpots are to be payable under the proposed arrangement.
- (3) The commission must authorise the linked-jackpot arrangement if—
 - (a) each gaming machine proposed to be linked under the proposed arrangement—
 - (i) is operated under a single licence held by the applicant; and
 - (ii) is 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 regulation; and
 - (c) the commission is satisfied, on reasonable grounds, that the proposed arrangement is satisfactory, having regard to the interests of the people playing the machines in the proposed linked-jackpot arrangement.
- (4) It is a condition of an authorisation under this section that—
 - (a) each gaming machine in the linked-jackpot arrangement displays at all times a sign stating clearly—
 - (i) that the machine is part of a linked-jackpot arrangement with other machines on the licensed premises; and
 - (ii) the percentage of the turnover of the machine set aside for the payment of linked jackpots; and
 - (b) linked jackpots be payable for the authorised arrangement by reference to the event or events set out in the application for authorisation for the arrangement.

135 Issue of multi-user permits

- (1) A person (including a person other than a licensee) may apply in writing to the commission for a permit (a *multi-user permit*) to operate a linked-jackpot arrangement between gaming machines operated under 2 or more licences.

Note 1 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for this provision.

- (2) The application must include details of the event or events by reference to which linked jackpots are to be payable under the proposed arrangement.
- (3) The commission must issue the multi-user permit if—
 - (a) the commission is satisfied, on reasonable grounds, that the applicant is an eligible person; and
 - (b) each licensee consents to the arrangement; and
 - (c) each gaming machine proposed to be linked under the proposed arrangement—
 - (i) is 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
 - (d) the financial and operational aspects of the proposed arrangement is in accordance with the regulation; and
 - (e) the commission is satisfied, on reasonable grounds, that the proposed arrangement is satisfactory, having regard to the interests of the people playing the machines in the proposed arrangement.
- (4) A multi-user permit must state—
 - (a) the full name and address of the permit-holder; and
 - (b) the gaming machines in the linked-jackpot arrangement for which the permit is issued, and the licensed premises where they are situated; and
 - (c) the conditions to which the permit is subject.

136 Conditions on multi-user permits

- (1) A multi-user permit is subject to the following conditions:
 - (a) each gaming machine in a linked-jackpot arrangement under the permit displays at all times a sign stating clearly—
 - (i) that the machine is part of a linked-jackpot arrangement with machines on different licensed premises; and
 - (ii) the percentage of the turnover of the machine set aside for the payment of linked jackpots;
 - (b) linked jackpots are payable under the arrangement by reference to the event or events set out in the application for the permit for the arrangement;
 - (c) the financial and operational aspects of the arrangement must not be amended without the commission's approval under section 138;
 - (d) if the permit-holder is a corporation—the permit-holder must give written notice to the commission stating any of the following changes in relation to the corporation within 1 week after the day of the change:
 - (i) a person becoming an influential person for the corporation;
 - (ii) a substantial change in the relationship of an influential person to the corporation;
 - (iii) a person ceasing to be an influential person for the corporation.
- (2) The commission may put any other reasonable condition on a multi-user permit that the commission considers appropriate, having regard to the interests of the people playing the machines in each linked-jackpot arrangement under the permit.

137 Term of multi-user permits

A multi-user permit is for the period (of up to 3 years) stated in the permit.

138 Amendment of multi-user permits in interest of users

- (1) The commission may amend a condition of a multi-user permit on its own initiative if satisfied that it is appropriate to amend the condition, having regard to the interests of the people playing the machines in the linked-jackpot arrangement under the permit.
- (2) The amendment takes effect on the date stated in the notice of the decision on the amendment given to the permit-holder by the commission.

139 Amendment of multi-user permit on request

- (1) This section applies if a multi-user permit-holder applies in writing to the commission for an amendment of the permit to—
 - (a) reduce the number of gaming machines in a linked-jackpot arrangement, or terminate a linked-jackpot arrangement; or
 - (b) increase the number of gaming machines in a linked-jackpot arrangement under the permit; or
 - (c) include a new linked-jackpot arrangement under the permit; or
 - (d) include gaming machines on other licensed premises in a linked-jackpot arrangement; or
 - (e) amend a condition on the permit.
- (2) The commission must amend the multi-user permit, or refuse to amend the permit.

Note A fee may be determined under s 177 for this provision.

- (3) The commission must not amend the multi-user permit unless satisfied—
- (a) if an additional gaming machine is proposed to be included in a linked-jackpot arrangement—that the additional machine—
 - (i) is 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 proposed to be included under a permit—that each gaming machine to be linked—
 - (i) is 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 gaming machines on other licensed premises are proposed to be included in a linked-jackpot arrangement (whether or not the arrangement is an existing arrangement)—that the financial and operational aspects of the arrangement are in accordance with the regulation; and
 - (d) that the proposed amendment is satisfactory, having regard to the interests of the people playing the machines in each proposed linked-jackpot arrangement.
- (4) The amendment takes effect on the date stated in the notice of the decision on the amendment given to the permit-holder by the commission.

140 Amendment of financial and operational aspects of multi-user permits

- (1) This section applies if a multi-user permit-holder applies in writing to the commission for an amendment of a financial or operational aspect of a linked-jackpot arrangement under a multi-user permit.
- (2) The commission must amend the multi-user permit, or refuse to amend the permit.
- (3) The commission must amend the multi-user permit in accordance with the application if—
 - (a) the financial and operational aspects of the arrangement, as proposed to be amended, are in accordance with the regulation; and
 - (b) the commission is satisfied that the proposed amendment is satisfactory, having regard to the interests of the people playing the machines in the arrangement.

141 Transfer of multi-user permits

- (1) The holder of a multi-user permit and a person (the *proposed permit-holder*) to whom the permit is proposed to be transferred may apply jointly in writing to the commission for transfer of the permit.
- (2) The commission must transfer the permit to the proposed permit-holder if satisfied on reasonable grounds that the proposed permit-holder is an eligible person.

142 Surrender of multi-user permits

- (1) This section applies to a multi-user permit-holder if the permit-holder does not owe the Territory an amount under this Act.
- (2) The multi-user permit-holder may surrender the permit by—
 - (a) giving the commission a written notice stating that the permit-holder surrenders the permit; and
 - (b) returning the permit to the commission.
- (3) The surrender of the multi-user permit takes effect 4 weeks after the day the notice under subsection (2) (a) is given to the commission or, if the notice states a later date of effect, that date.

143 Unclaimed jackpots

- (1) This section applies if an amount won under a linked-jackpot arrangement authorised under section 134 for a licensee or approved under section 135 is not claimed within 1 year after the day it is won.
- (2) The amount is forfeited to the Territory.
- (3) After the amount is forfeited, the winner of the amount—
 - (a) is not entitled to recover the amount from the licensee or permit-holder; and
 - (b) is entitled to recover the amount from the Territory within 6 years after the day the person wins the amount; and
 - (c) is not entitled to recover interest on the amount from the Territory.

144 Undisbursed jackpots

- (1) This section applies if an amount available for allocation as a prize in a linked-jackpot arrangement authorised under section 134 or a multi-user permit has not been won, and cannot be won because the authorisation or permit for the arrangement has been cancelled or surrendered.

Note A permit may be cancelled under pt 4 (see s 62).

- (2) The commission may approve an arrangement for the redistribution of the amount as a prize, or an addition to another jackpot, if satisfied that the arrangement is fair.
- (3) However, the amount is a debt owing to the Territory if—
- (a) the person who held the authorisation or permit has stopped operating gaming machines; or
 - (b) an approval under subsection (2) has not been given for an arrangement 4 weeks after the day the authorisation or permit is cancelled or surrendered.
- (4) The commission must extend the 4-week period mentioned in subsection (3) (b) if satisfied that the extension is needed for a good reason.

Note The commission may extend the period even if it has ended (see [Legislation Act](#), s 151C).

Part 9 Club administration

144A Definitions—pt 9

In this part:

associated organisation declaration means a declaration under section 147 (Associated organisations—declaration) that an entity is an associated organisation for a club.

warning notice, for an associated organisation—see section 147B (1).

145 Eligible objects

- (1) An object of a club is an *eligible object* if—
 - (a) it furthers or promotes—
 - (i) recreation; or
 - (ii) social, religious, political, literary, scientific, artistic, sporting or athletic purposes; or
 - (iii) cultural or educational purposes; or
 - (b) it is approved by the commission; 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](#).

146 Eligible clubs

A club is an *eligible club* if—

- (a) the club is incorporated in the ACT; and
- (b) the club's statement of objects—

- (i) includes eligible objects; and
- (ii) indicates that the eligible objects together make up the main part of its objects; and
- (c) the club is conducted mainly to achieve eligible objects; and
- (d) the rules of the club—
 - (i) are in accordance with the regulation; and
 - (ii) are consistent with the licence conditions under part 3; and
 - (iii) do not prohibit the playing of games of chance for money on the club premises; and
- (e) the club has at least 300 voting members; and
- (f) the number of life members of the club is not more than 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.

147 Associated organisations—declaration

- (1) The commission may, in writing, declare that an entity is an associated organisation for a club.
- (2) However, the commission may make a declaration (an *associated organisation declaration*) for an entity only if satisfied that—
 - (a) it is associated with the club; and
 - (b) it is not carried on for profit or gain to its members or anyone else; and
 - (c) it does not have the power to remove a director from the club's board; and
 - (d) it is incorporated or a registered party; and

- (e) its statement of objects—
 - (i) includes eligible objects; and
 - (ii) indicates that the eligible objects together make up the main part of its objects; and
 - (f) it is conducted mainly to achieve eligible objects; and
 - (g) declaration of the entity as an associated organisation—
 - (i) would not cause the club to stop being conducted mainly to achieve eligible objects; and
 - (ii) would help the club to achieve its eligible objects.
- (3) In this section—
- (a) a reference to the *statement of objects* of an entity incorporated under the [Corporations Act](#) is a reference to its memorandum; and
 - (b) a reference to an *eligible object* of an entity that is not a club is a reference to an object that would be an eligible object if the entity were a club.

147A Associated organisation declaration—condition

It is a condition of an associated organisation declaration that the entity declared to be an associated organisation for a club—

- (a) continually meets each requirement for the declaration; and
 - Note* For the requirements for the declaration of an entity as an associated organisation for a club—see s 147 (2).
- (b) continues not to do anything that would, if the commission were considering whether to declare the entity as an associated organisation for a club, cause the commission to refuse to make the declaration; and

- (c) does not attempt to remove a director (including do anything a purpose of which is to remove a director) from the club's board.

Note 1 The [Control Act](#), s 22 provides that the commission may, for a purpose related to the administration or enforcement of a gaming law, require a person to give or produce to the commission the things mentioned in that section.

Note 2 The [Control Act](#), s 23 provides that an authorised officer may enter and inspect the premises of an associated organisation at any reasonable time to do the things mentioned in that section.

147B Associated organisation—warning notice

- (1) If the commission is satisfied on reasonable grounds that an entity declared to be an associated organisation for a club has stopped meeting a requirement for the associated organisation declaration, the commission may give the entity a notice (a *warning notice*).
- (2) A warning notice given to the entity must—
 - (a) state that the commission is not satisfied that the entity is meeting a requirement for the associated organisation declaration; and
 - (b) tell the entity that the entity may, within 3 weeks after the day the entity is given the notice (or a longer period stated in the notice), give a written response to the commission about the notice.

147C Associated organisation declaration—suspension or repeal

- (1) This section applies if—
 - (a) an associated organisation has been given a warning notice; and
 - (b) after considering any responses given within the period stated in the warning notice, the commission is satisfied on

reasonable grounds that the associated organisation has stopped meeting a requirement for the associated organisation declaration applying to the organisation.

- (2) The commission may—
 - (a) suspend the declaration; or
 - (b) repeal the declaration.
- (3) If the commission suspends or repeals the declaration, the suspension or repeal takes effect—
 - (a) when the entity receives written notice of the suspension or repeal; or
 - (b) on a later stated date.
- (4) If the commission suspends the declaration, the suspension ends—
 - (a) on a date stated in the written notice of the suspension; or
 - (b) when an event stated in the written notice happens.

147D Club elections—election of board directors

- (1) This section applies if a club holds an election of directors to the club's board.
- (2) The club must ensure that at least 25% of the directors are elected by the voting members of the club.

148 Club elections—record-keeping

- (1) This section applies if a club has an election of members to the club's management committee or board, or another position in the club.

- (2) The club commits an offence if the club does not, for the relevant period, keep records in relation to the election.

Maximum penalty: 20 penalty units.

- (3) In this section:

club means a club in relation to whose premises a licence is in force.

election of someone to a position includes re-election of the person.

relevant period means 2 years after the day of the election.

148A Club directors—acting in good faith

A director of a club must exercise the director's powers and discharge the director's duties—

- (a) in good faith in the best interests of the club; and
- (b) for a proper purpose.

148B Club constitution—consistency with gaming laws

- (1) This section applies if the commission believes on reasonable grounds that—

- (a) a provision of a club's constitution is inconsistent with a gaming law; or
- (b) a function under a provision of a club's constitution would, if exercised, be inconsistent with a provision of a gaming law.

- (2) The commission must, in writing, direct the club to amend the constitution to remove the inconsistency.

- (3) A club must comply with a direction under subsection (2) within the reasonable time stated in the direction.

- (4) In this section:

club means a club in relation to whose premises a licence is in force.

149 Power to require information about status of eligible clubs

- (1) This section applies if the commission believes, on reasonable grounds, that a club—
 - (a) is no longer an eligible club; or
 - (b) may no longer be an eligible club.
- (2) The commission may, in writing, require the club to give the commission, within a stated period, information or documents relating to the club or an associated organisation for the club.
- (3) A club must comply with a requirement under subsection (2).
- (4) In this section:

club means a club in relation to whose premises a licence is in force.

150 Disclosure of gifts by executive officer

A person commits an offence if—

- (a) the person is an executive officer of a club; and
- (b) the person receives a gift while exercising a function as executive officer; and
- (c) the person does not tell the management committee or the board about the gift.

Maximum penalty: 20 penalty units.

Part 10 Promoting responsible practices at licensed premises

151 Warning notices

- (1) The commission may determine—
 - (a) the form and minimum dimensions of a notice (a *warning notice*); and
 - (b) the text of a warning notice.

Examples of what may be included in warning notice

- 1 risks associated with gambling
- 2 counselling or other support services available for addictive or excessive gambling
- 3 the provisions of this part about children

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) If the commission makes a determination under subsection (1), a licensee must ensure that a warning notice complying with the determination is displayed in a prominent position—
 - (a) on each gaming machine installed on the licensed premises; and
 - (b) at or near each entrance to each gaming area within the licensed premises.
- (3) A licensee commits an offence if the licensee contravenes a requirement of subsection (2).

Maximum penalty: 5 penalty units.
- (4) An offence against subsection (3) is a strict liability offence.

- (5) 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](#).

- (6) Unless the determination is disallowed by the Legislative Assembly, the determination commences—
- (a) 2 weeks after the last day when it could have been disallowed; or
 - (b) if the determination provides for a later commencement—on that later commencement.

152 External signs

- (1) A licensee commits an offence if the licensee displays an external sign advertising gaming machines or promoting a gambling activity on the licensed premises.

Maximum penalty: 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) In this section:

external sign, for licensed premises, means a sign that can be seen from outside the licensed premises, but does not include—

- (a) an advertisement on television (other than closed-circuit television) or on the internet; or
- (b) a sign consisting mainly of a registered business name; or
- (c) a sign consisting mainly of a business logo that does not advertise gaming machines or promote a gambling activity.

Example

a written, electronic or physical display, picture or symbol

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).

gambling activity means an activity that requires approval under a gaming law.

registered business name means a business name registered under the [Business Names Registration Act 2011](#) (Cwlth).

152A External visibility of gaming machines

- (1) A licensee commits an offence if a gaming machine, or any peripheral equipment for a gaming machine, can be seen from outside the licensed premises.

Maximum penalty: 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.

153 Cash facilities

- (1) A licensee commits an offence if the licensee provides, or allows 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) If the commission is satisfied that there is not adequate physical separation between a gaming area of licensed premises and a cash facility on the premises, the commission may give the licensee a written direction to separate the parts of the premises.

Example

by installing barriers

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).

- (3) A licensee must comply with a direction under subsection (2).

(4) In this section:

cash facility—

(a) means—

(i) an automatic teller machine; or

(ii) an EFTPOS facility; or

(iii) any other facility for gaining access to cash or credit; but

(b) does not include a facility where cash is exchanged for other denominations of cash, tokens, tickets or cards for the purpose of playing machines.

153A Offence—ATM allowing withdrawals exceeding \$250

(1) A licensee commits an offence if—

(a) there is an automatic teller machine at the licensed premises; and

(b) the automatic teller machine allows a person to withdraw more than a total of \$250 from all automatic teller machines at the licensed premises, using a single debit card or credit card, on a gaming day.

Maximum penalty: 50 penalty units.

(2) This section does not apply to—

(a) a portable ATM that is located temporarily at the Canberra Racing Club on a day on which a race is to be conducted; or

(b) licensed premises if the licence authorises the operation of 20 or less gaming machines on the premises; or

(c) licensed premises if the licence authorises the operation of only class B gaming machines.

(3) An offence against this section is a strict liability offence.

(4) In this section:

at the licensed premises includes in or on an exterior wall of the licensed premises.

gaming day means—

- (a) the period from when the licensed premises opens to the public on a day until it next closes; but
- (b) if the licensed premises are open to the public for longer than 24 hours continuously—
 - (i) each 24-hour period for which it is open to the public; and
 - (ii) if the last period before it closes is less than 24 hours— that period.

154 Lending or extending credit

(1) A person commits an offence if—

- (a) the person is a licensee or licensee's employee; and
- (b) the person—
 - (i) lends or offers to lend money to a person who is in, or appears to be about to enter, the licensed premises or part of them; or
 - (ii) extends or offers to extend credit to a person to allow the person to play a gaming machine on the licensed premises.

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

(2) In this section:

credit includes accepting postdated cheques, blank cheques and credit and debit cards.

155 Children must not enter gaming area

- (1) A licensee commits an offence if the licensee allows a child to enter or remain in a gaming area.

Maximum penalty: 50 penalty units.

- (2) An employee of a licensee commits an offence if the employee allows a child to enter or remain in a gaming area.

Maximum penalty: 50 penalty units.

- (3) An offence against this section is a strict liability offence.

156 Children must not play gaming machines

- (1) A licensee commits an offence if the licensee allows a child to play a gaming machine.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

157 Using false identification

- (1) A person commits an offence if the person uses someone else's identification or a form of identification that is forged—

(a) to obtain entry to or remain in a gaming area on licensed premises; or

(b) to play a gaming machine.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

Part 11 Finance

Division 11.1 General

158 Audit of financial statements etc

- (1) A licensee must, as soon as practicable (but not later than 6 months) after the end of each financial year—
 - (a) if the licensee's gross revenue for the year is at least \$200 000—
 - (i) ensure that the licensee's financial statements for the year are audited by a qualified accountant; and
 - (ii) ensure that the audited financial statements identify the licensee's gross revenue during the year; and
 - (b) if the licensee's gross revenue for the year is less than \$200 000—
 - (i) prepare an income and expenditure statement for the year that identifies the licensee's gross revenue during the year; and
 - (ii) certify that the statement is true; and
 - (c) give the commission a copy of the audited financial statements or certified income and expenditure statement.

Note **Gross revenue**—see the dictionary.

- (2) The audited financial statements or certified income and expenditure statement must be accompanied by—

- (a) if the licensee is a club—a report stating the number of club members at the end of the relevant financial year and, if different classes of members exist, the number of members in each class; and

Examples—classes of member

life member, social member, voting member

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).

- (b) any other details the commission requires in writing.
- (3) In this section:

qualified accountant means—

- (a) a member of the Institute of Chartered Accountants in Australia, the Institute of Public Accountants or the Australian Society of Certified Practising Accountants; or
- (b) a person registered as a registered company auditor under the [Corporations Act](#).

159 Gaming machine tax

- (1) Gaming machine tax is payable on the gross revenue in relation to the operation of gaming machines each month, whether or not the operation is lawful.
- (2) The rate at which gaming machine tax is payable in relation to a month is the prescribed percentage for the month.
- (3) In this section:

prescribed percentage, for a month, means—

- (a) in relation to a licensee that is a club—
- (i) for the part of the gross revenue of the club for the month that is less than \$15 000—nil; and

- (ii) for the part of the gross revenue of the club for the month that is \$15 000 or more but less than \$25 000—15%; and
 - (iii) for the part of the gross revenue of the club for the month that is \$25 000 or more but less than \$50 000—17%; and
 - (iv) for the part of the gross revenue of the club for the month that is \$50 000 or more—21%; or
- (b) in relation to a licensee that is not a club—25.9%; or
- (c) in any other case—100%.

161 Payment of gaming machine tax

- (1) Gaming machine tax in relation to the operation of a gaming machine must 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 payable on the 7th day after the end of the month.

162 Gaming machine tax returns

- (1) Within 1 week 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 [Control Act](#), s 53D for a return, the form must be used.

163 Payment of gaming machine tax following transfer

- (1) If a licence is transferred, the person (the *transferor*) from whom the licence is transferred must pay the commission the prescribed amount within 1 week after the date of transfer.
- (2) In this section:

licensed period means the period beginning on the 1st day of the month when the transfer happens and ending on the date of transfer.

prescribed amount means the amount of gaming machine tax that would be payable in relation to the licensed period if the transferor did not transfer the licence.

Division 11.2 Problem gambling assistance fund

163A Required payment to problem gambling assistance fund

- (1) A licensee is liable to pay the required percentage of the licensee's gross revenue for each month to the problem gambling assistance fund.
- (2) The *required percentage* is—
- (a) 0.6%; or
 - (b) if the Minister determines a different percentage under subsection (3)—that percentage.
- (3) The Minister may determine a percentage for subsection (2) (b).
- (4) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (5) The amount required to be paid for a month is payable on the 7th day after the end of the month.

Note A licensee must give the commission a monthly return relating to the licensee's gross revenue (see s 162).

163B Problem gambling assistance fund

- (1) The commission must open and maintain a banking account (the *problem gambling assistance fund*).
- (2) A payment out of the fund may be made only for a purpose the commission is satisfied will assist in—
- (a) alleviating problem gambling; or
 - (b) alleviating the disadvantages that arise from problem gambling; or
 - (c) providing or ascertaining information about problem gambling.

Examples

- 1 counselling for problem gamblers
- 2 education and awareness about harms caused by excessive gambling
- 3 assisting problem gamblers to exclude themselves from gambling venues
- 4 self-help information about problem gambling
- 5 research about problem gambling

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).

- (3) In this section:

banking account means an account with an authorised deposit-taking institution that is, or is substantially the same as, a bank account.

163C Annual reporting about problem gambling assistance fund

The commission must include the following information in its annual report under the *Annual Reports (Government Agencies) Act 2004*:

- (a) the amounts that were paid into the fund during the year;
- (b) who paid the amounts;
- (c) the amounts that were paid out of the fund during the year;
- (d) who the amounts were paid to;
- (e) the purposes for which the amounts were paid.

Part 12 Community contributions

164 Approval of community contributions

- (1) The commission may approve contributions made by a licensee to a stated entity for a stated purpose as community contributions if satisfied the contributions will have the effect of—
- (a) contributing to or supporting the development of the community; or
 - (b) raising the standard of living of the community or part of the community.

Examples of areas of contributions

- 1 charitable and social welfare
- 2 sport and recreation
- 3 non-profit activities
- 4 community infrastructure

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) A regulation may make provision in relation to contributions, including—
- (a) guidelines for approving contributions as community contributions; and
 - (b) how contributions may be claimed.

Example

A capital payment may be claimed proportionately over a number of years.

- (3) In this section:

associated entity—see the [Electoral Act 1992](#), section 198.

community includes a community outside the ACT.

contribution, by a licensee—

- (a) includes the value of a contribution made in kind by the licensee; but
- (b) does not include the following:
 - (i) expenditure on commercial activities, or, if the licensee is a club, on the social or entertainment activities of the club for its members;
 - (ii) expenditure intended to promote the licensee's activities;
 - (iii) expenditure in relation to gambling (for example, the purchase of gaming machines);
 - (iv) capital payments for assets owned, controlled or being acquired by the licensee or an associated organisation that are not available to be used by the public;
 - (v) capital payments or other expenditure on assets owned, controlled or being acquired by the licensee, if the assets are not in the ACT;
 - (vi) notional provisions (for example, long service and annual leave), other than depreciation;
 - (vii) depreciation in relation to a capital payment mentioned in paragraph (iv) or (v);
 - (viii) depreciation in relation to a capital payment that is an approved contribution;
 - (ix) a capital payment if depreciation in relation to the payment is an approved contribution;
 - (x) a contribution made out of donations collected by the licensee, or out of the proceeds of any special fundraising activity conducted by the licensee;
 - (xi) a contribution to a business association, registered party, associated entity or trade union;

- (xii) if a contribution is made on a condition—the value to the licensee of that condition being fulfilled;
- (xiii) if an asset is otherwise a contribution—the value of any income earned from the asset (for example, entry or hiring fees);
- (xiv) a contribution made to another licensee under a reciprocal arrangement or agreement;
- (xv) the cost of borrowing funds to acquire an asset;
- (xvi) the payment of a tax, fee or levy, other than a payment required under section 163A (1) (Required payment to problem gambling assistance fund).

165 Records of contributions

- (1) A licensee must record each community contribution made by the licensee, stating—
 - (a) the entity to which, and the purpose for which, each contribution was made; and
 - (b) the amount or value of the contribution and the date when, or period over which, it was made.Maximum penalty: 20 penalty units.
- (2) To remove any doubt, a record must relate to single licensed premises.
- (3) An offence against this section is a strict liability offence.

166 Report about records and finances

- (1) Within 1 month after the end of a financial year, a licensee must give the commission a copy of the records kept under section 165 that relate to the financial year, together with a financial report for the financial year.

Maximum penalty: 20 penalty units.

- (2) In this section:

financial report means a report about the following:

- (a) the gross revenue of the licensee;
- (b) if the licensee is a club—the net revenue of the licensee;
- (c) the total value of community contributions;
- (d) the total value of contributions to registered parties and associated entities.

Note If a form is approved under the [Control Act](#), s 53D for a financial report, the form must be used.

167 Commission must report to Minister

Within 4 months after the end of the financial year, the commission must give the Minister a report—

- (a) summarising the extent of compliance by licensees with section 165 and section 166 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.

168 Minister must present commission's report

The Minister must present a report given to the Minister under section 167 to the Legislative Assembly within 6 sitting days after the day the Minister receives the report.

169 Required community contributions

- (1) For a licensee that is a club, the *required community contribution* for a financial year is the required percentage of the club's net revenue for the financial year.
- (2) In subsection (1):
required percentage, for a club, means—
 - (a) 8%; or
 - (b) if the Minister determines a different percentage under subsection (3) for the club—that percentage.
- (3) The Minister may determine a lower required percentage for a club if satisfied, on application by the club, that—
 - (a) the gross revenue of the club for a financial year is, or is likely to be, less than \$200 000; and
 - (b) if the required percentage for the club were 8%, the application of subsection (1) to the club would so seriously affect the club's viability that it would not be just and equitable in the circumstances for that subsection to apply to the club.
- (4) A determination under subsection (3) is a disallowable instrument.
Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

170 Corporations with several licences

- (1) This section applies to a club that is a licensee if a corporation owns the club and at least 1 other club that is a licensee.
- (2) In working out the community contributions for the club, common expenditure on behalf of the different clubs must be allocated between the clubs in proportion to the number of gaming machines operated by each club.

171 Women's sport community contributions

- (1) For every \$3 of women's sport community contributions that a licensee contributes to an entity under section 164 (1), the licensee's required community contributions must be worked out as if the licensee had contributed \$4.
- (2) In this section:

women's sport community contributions means community contributions that the commission is satisfied will benefit or enhance women's sport conducted in the ACT, or with participants mainly based in the ACT.

171A Problem gambling community contributions

- (1) For every \$3 of problem gambling community contributions that a licensee contributes to an entity under section 164 (1), the licensee's required community contributions must be worked out as if the licensee had contributed \$4.
- (2) This section does not apply to a payment required under section 163A (1) (Required payment to problem gambling assistance fund).
- (3) In this section:

problem gambling community contributions means community contributions that the commission is satisfied will assist in—

- (a) alleviating problem gambling; or
- (b) alleviating the disadvantages that arise from problem gambling; or
- (c) providing information about problem gambling.

172 Community contribution shortfall tax

- (1) Tax (the *community contribution shortfall tax*) is imposed on a community contribution shortfall of a licensee that is a club at the rate of 100%.
- (2) The licensee must pay the community contribution shortfall tax.
- (3) Community contribution shortfall tax is payable 30 days after the day the licensee receives an assessment under the [Control Act](#), part 6.
- (4) If an amount of community contribution shortfall tax is paid, the commission must transfer the amount to the grants program fund or, if another fund is prescribed by regulation, that fund.
- (5) In this section:

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

Part 13 Notification and review of decisions

173 Meaning of *reviewable decision*—pt 13

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

173A Reviewable decision notices

If the commission makes a reviewable decision, the commission must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The commission must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

173B Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 14 Miscellaneous

174 Acts and omissions of representatives

- (1) In this section:

person means an individual.

Note See the [Criminal Code](#), pt 2.5 for provisions about corporate criminal responsibility.

representative, of a person, means an employee or agent of the person.

state of mind, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
 - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.
- (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
 - (b) the representative had the state of mind.
- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.
- (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.

- (6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

175 Canberra Airport

- (1) A licence must not be issued in relation to premises at Canberra Airport.
- (2) An approval must not be given under section 100 for the acquisition of a gaming machine to be operated at Canberra Airport.
- (3) In this section:

Canberra Airport means 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.

176 Evidentiary certificates

In a prosecution for an offence against this Act, a certificate issued by the commission stating that the person named in the certificate was or was not the holder of a licence on the date, or during the period, stated in the certificate is evidence of the matters so stated.

177 Determination of fees

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

Note The [Legislation Act](#) 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](#).

178 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](#).

- (2) A regulation may make provision in relation to the following:
- (a) the operation (including the restriction of the operation) of peripheral equipment for gaming machines;
 - (b) the minimum payout for gaming machines.
- (3) A regulation may create offences for contraventions of the regulations and fix maximum penalties of not more than 10 penalty units for the offences.

Schedule 1 Reviewable decisions

(see pt 13)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	12	refuse application for licence	applicant for licence
2	12	issue licence of number or kind of gaming machines different from that applied for	applicant for licence
3	25 (2)	refuse to amend licence to allow change to gaming area	licensee
4	26 (2)	refuse to amend licence to allow temporary storage of machines	licensee
5	26A (2)	refuse to amend licence to allow venue relocation	licensee
6	26A (3)	amend licence to allow relocation to new venue of lesser number of machines than applied for	licensee
7	26B (2) (a)	require social impact statement	licensee
8	26B (2) (b)	require social impact assessment	licensee

column 1 item	column 2 section	column 3 decision	column 4 entity
9	26B (4)	refuse to amend licences to allow relocation of machines	licensee
10	26B (5)	amend licences to relocate fewer machines than applied for	licensee
11	26C (2)	refuse to amend both licences to allow relocation of machines	licensee
12	26C (3)	amend both licences to relocate lesser number of machines than applied for	licensee
13	26D (2)	refuse to amend licence, and issue new licence, to allow machines to be moved to new venue	licensee
14	26D (4)	amend licence, and issue new licence, to move lesser number of machines than applied for to new venue	licensee
15	26E	refuse to amend licence for technical change	licensee
16	24, 25 or 26	refuse to amend licence	applicant for amendment
17	29	revoke uncommenced licence amendment	entity that has amendment revoked

column 1 item	column 2 section	column 3 decision	column 4 entity
18	32	refuse to approve transfer of licence	applicant for transfer
19	38	refuse to give replacement licence	applicant for replacement
20	38F (2)	refuse application for in-principle approval for licence	applicant
21	38F (4)	issue in-principle approval for smaller number of machines than applied for	approval-holder
22	38H	refuse application for in-principle approval for venue relocation amendment	applicant
23	38I	refuse application for in-principle approval for new venue amendment	applicant
24	38K	issue in-principle approval subject to condition	approval-holder
25	38N	refuse to amend in-principle approval	approval-holder
26	38P	refuse to transfer in-principle approval	approval-holder
27	38R	refuse to extend in-principle approval	approval-holder

Schedule 1

Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
28	38U (2)	refuse to convert in-principle approval into licence	approval-holder
29	38U (4)	convert in-principle approval into licence authorising machines different to those applied for	approval-holder
30	38V	refuse to convert in-principle approval into venue relocation amendment	approval-holder
31	38W	refuse to convert in-principle approval into new venue amendment	approval-holder
32	40	give licensee direction	licensee given direction
33	62	take disciplinary action	licensee
34	72	refuse to approve supplier	applicant for approval
35	73A	cancel or suspend supplier's approval	supplier that has approval cancelled or suspended
36	73A	reprimand supplier	supplier
37	75	refuse to approve technician	applicant for approval

column 1 item	column 2 section	column 3 decision	column 4 entity
38	78	refuse to approve transfer of technician's approval	applicant for transfer
39	79	cancel or suspend technician's approval	technician that has approval cancelled or suspended
40	79	reprimand technician	technician
41	84	refuse to renew approved technician's approval	applicant for renewal
42	86	refuse to approve attendant	applicant for approval
43	89	refuse to approve transfer of attendant's approval	applicant for transfer
44	91	cancel or suspend attendant's approval	attendant that has approval cancelled or suspended
45	91	reprimand attendant	attendant
46	96	refuse to renew approved attendant's approval	applicant for renewal
47	100	refuse to approve acquisition of gaming machine	applicant for approval
48	108	refuse to approve repossession of gaming machine	applicant for approval

column 1 item	column 2 section	column 3 decision	column 4 entity
49	109 (2)	approve repossession of gaming machine subject to condition	applicant for approval
50	113	refuse to approve disposal of gaming machine	applicant for approval
51	134	refuse to authorise linked-jackpot arrangement	applicant for authorisation
52	135	refuse to issue multi-user permit	applicant for permit
53	135	issue multi-user permit subject to condition, other than condition imposed by Act	applicant for permit
54	138	amend multi-user permit	entity that has permit amended
55	139	refuse to amend multi-user permit	applicant for amendment
56	140	refuse to approve amendment of financial and operational aspects of linked-jackpot arrangement	applicant for amendment
57	141	refuse to transfer multi-user permit	applicant for transfer
58	147	refuse to approve entity	applicant for approval

column 1 item	column 2 section	column 3 decision	column 4 entity
59	147C (2) (a)	suspend declaration of associated organisation	entity given warning notice
60	147C (2) (b)	repeal declaration of associated organisation	entity given warning notice
61	148B (2)	give direction to amend club's constitution	club given direction
62	153 (2)	give direction about separate parts of licensed premises	licensee given direction
63	164	refuse to approve contributions as community contributions	applicant for approval

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 In particular, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- ACT
- adult
- appoint
- child
- Commonwealth
- contravene
- Corporations Act
- Criminal Code
- disallowable instrument
- Executive
- fail
- found guilty
- gambling and racing commission
- individual
- law, of the Territory
- Legislation Act
- may (see s 146)
- must (see s 146)
- penalty unit (see s 135)
- prescribed
- regulations
- reviewable decision notice
- the Territory
- under.

acquire a gaming machine, means take possession of the machine for the purpose of using it for gaming.

approval certificate—

- (a) for an approved technician—see section 80 (2) (a) (Certificates and identity cards for approved technicians);
- (b) for an attendant—see section 92 (2) (a) (Certificates for approved attendants).

approval-holder—see section 38B.

approved attendant means an attendant approved under section 86 (Approval of attendants) or section 87 (Short-term approval of attendants).

approved supplier means a supplier approved under section 72.

approved technician means a technician approved under section 75 (Approval of technicians) or section 76 (Short-term approval of technicians).

associated organisation, for a club, means an entity declared to be an associated organisation under section 147.

associated organisation declaration, for part 9 (Club administration)—see section 144A.

authorised officer means an authorised officer under the [Control Act](#), section 20.

centralised monitoring system (or *CMS*)—see section 66.

certificate of suitability—see section 17 (2) (b).

class B gaming machine means a gaming machine consisting of the game of draw poker, or a game derived from draw poker, that requires player interaction or intervention as part of the fundamental game operation.

class C gaming machine means a gaming machine that consists of a game other than the following games or games derived from them:

- (a) roulette;
- (b) blackjack;
- (c) sic bo;
- (d) craps;
- (e) pai gow;
- (f) baccarat;
- (g) two-up;
- (h) money wheel;
- (i) draw poker.

club means a corporation established for the benefit of members to achieve eligible objects.

CMS—see definition of ***centralised monitoring system***.

commission means the gambling and racing commission.

community contribution means a contribution made by a licensee that is approved as a community contribution under section 164.

community contribution shortfall tax—see section 172 (1).

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

constitution means—

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

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

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

control procedures, for an entity, means the procedures under section 97.

corporation includes a club.

current licensee, for division 2.6 (Transfer and surrender of licences)—see section 31 (1).

decrease machines amendment—see section 22 (1) (a).

disciplinary action, for part 4 (Disciplinary action)—see section 58.

disciplinary notice, for part 4 (Disciplinary action)—see section 61.

dispose of a gaming machine includes the following:

- (a) lease or hire the machine to a person;
- (b) destroy the machine;
- (c) make the machine inoperable.

eligible club—see section 146.

eligible object—see section 145.

eligible person—

- (a) for an individual—see section 20;
- (b) for a corporation—see section 21.

employ includes engage.

executive officer, of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

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—see section 15 (1) (b).

gaming law—see the [Control Act](#), dictionary.

gaming machine—

- (a) means a machine—
 - (i) designed for playing a game of chance, or of mixed chance and skill; and
 - (ii) designed to be played completely or partly by—
 - (A) the insertion of 1 or more coins, notes or tokens; or
 - (B) by the application of a monetary credit registered on the machine or elsewhere; and
 - (iii) that offers, or that appears to offer, people a chance to win monetary or other valuable consideration by playing the machine; but
- (b) does not include a device prescribed by regulation.

gaming machine tax means the tax imposed by section 159.

general licence—see the [Liquor Act 2010](#), section 17.

gross revenue, of a licensee or person, means all revenue derived by the licensee or person from the operation of gaming machines, other than—

- (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.

ground for disciplinary action against a licensee, for part 4 (Disciplinary action)—see section 57.

incorporated association means an association incorporated under the *Associations Incorporation Act 1991*.

influential person, for a corporation—see section 7.

initial licence application, for part 2 (Licences)—see section 9.

in-principle approval—see section 38B.

jackpot, in relation to a gaming machine, means the combination of letters, numbers, symbols or representations as part of a game on the machine that pays the maximum winnings payable on the machine for any 1 combination.

large-scale machine relocation amendment—see section 22 (1) (f).

licence means—

- (a) a gaming machine licence issued under this Act; and
- (b) for part 4 (Disciplinary action)—see section 56; and
- (c) in relation to a person authorised under section 134—the authorisation; and
- (d) in relation to a permit-holder under part 8 (Linked-jackpot arrangements)—a multi-user permit.

licence amendment application, for part 2 (Licences)—see section 9.

licensed premises means premises for 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 for the premises; and

(c) for part 4 (Disciplinary action)—see section 56.

life member, of 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 under a linked-jackpot arrangement operated in accordance with an authorisation or permit under part 8.

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

- (a) that, from time to time, records the amount payable as winnings under the arrangement; and
- (b) that, for the purpose of recording the amount mentioned in paragraph (a), receives messages from each machine to which it is linked; and
- (c) that cannot affect the percentage payout of, or transmit a message to, a machine to which it is linked.

local jurisdiction means a State or New Zealand.

machine access register—see section 71.

maintain a gaming machine includes repair, adjust or alter the machine.

member, of a club, means—

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

multi-user permit—see section 135.

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

- (a) any amount of gaming machine tax payable on that revenue; and
- (b) 24% of the gross revenue.

new venue amendment—see section 22 (1) (g).

officer of a club—

(a) means—

- (i) any office-holder of the club (however described), including the secretary, treasurer, executive officer or public officer; or
- (ii) anyone else concerned in or who takes part in the management of the club's affairs; but

(b) does not include a patron or the holder of another honorary office of the club if the office does not give its holder a right to take part in the management of the club's affairs.

on licence—see the *Liquor Act 2010*, section 18.

Note Subclasses of on licences are dealt with in the *Liquor Act 2010*, div 2.2.

percentage payout, for a gaming machine, means the percentage payout authorised for the machine under the licence.

peripheral equipment, for a gaming machine—see section 68.

permit-holder means the holder of a multi-user permit.

pool of available gaming machines (or *pool*)—see section 36A.

problem gambling assistance fund—see section 163B.

proposed gaming area, in relation to an initial licence application—see section 11 (2) (b).

prospective licensee, for division 2.6 (Transfer and surrender of licences)—see section 31 (1).

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

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

required community contribution, for a licensee that is a club—see section 169 (1).

reviewable decision, for part 13 (Notification and review of decisions)—see section 173.

rules, for an entity, means the rules mentioned in section 11 (2) (c).

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

short-term approval—

(a) for an attendant—see section 87 (3); and

(b) for a technician—see section 76 (3).

small-scale machine relocation amendment—see section 22 (1) (e).

social impact assessment, for an initial licence application or an amendment licence application, means a social impact assessment for the application under division 2.3.

statement of objects of a club, means—

(a) for a company—the memorandum of the company; or

(b) for an incorporated association—the statement of objects of the association.

structural change amendment—see section 22 (1) (b).

technical amendment—see section 22 (1) (h).

technical evaluation means a technical evaluation under section 69.

temporary storage amendment—see section 22 (1) (c).

venue relocation amendment—see section 22 (1) (d).

warning notice, for an associated organisation, for part 9 (Club administration)—see section 147B.

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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

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

Endnotes

3 Legislation history

3 Legislation history

Gaming Machine Act 2004 A2004-34

notified LR 9 July 2004

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

remainder commenced 1 November 2004 (s 2 and [CN2004-14](#))

as amended by

Gaming Machine Amendment Act 2005 A2005-17

notified LR 13 April 2005

s 1, s 2 commenced 13 April 2005 (LA s 75 (1))

remainder commenced 14 April 2005 (s 2)

Gaming Machine Amendment Act 2005 (No 2) A2005-26

notified LR 28 June 2005

s 1, s 2 commenced 28 June 2005 (LA s 75 (1))

s 8 commenced 1 July 2007 (s 2 (2))

remainder commenced 1 July 2005 (s 2 (1))

Casino Control Act 2006 A2006-2 sch 1 pt 1.3

notified LR 22 February 2006

s 1, s 2 commenced 22 February 2006 (LA s 75 (1))

sch 1 pt 1.3 commenced 1 May 2006 (s 2 and [CN2006-6](#))

Gaming Machine Amendment Act 2007 A2007-14

notified LR 31 May 2007

s 1, s 2 commenced 31 May 2007 (LA s 75 (1))

remainder commenced 1 June 2007 (s 2)

Gaming Machine Amendment Act 2007 (No 2) A2007-40

notified LR 4 December 2007

s 1, s 2 commenced 4 December 2007 (LA s 75 (1))

s 17 commenced 4 June 2008 (s 2 (2))

remainder commenced 5 December 2007 (s 2 (1))

Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.29

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1))

sch 3 pt 3.29 commenced 26 August 2008 (s 2)

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.47

notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.47 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 1 pt 1.6

notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 1 pt 1.6 commenced 17 December 2009 (s 2)

Liquor (Consequential Amendments) Act 2010 A2010-43 sch 1 pt 1.12

notified LR 8 November 2010
s 1, s 2 commenced 8 November 2010 (LA s 75 (1))
sch 1 pt 1.12 commenced 1 December 2010 (s 2 (4) and see [Liquor Act 2010](#) A2010-35, s 2 (3) (as am by [A2010-43](#) amdt 1.19) and [CN2010-14](#))

Gaming Machine (Problem Gambling Assistance) Amendment Act 2010 A2010-52

notified LR 15 December 2010
s 1, s 2 commenced 15 December 2010 (LA s 75 (1))
remainder commenced 1 July 2011 (s 2)

Statute Law Amendment Act 2011 A2011-3 sch 1 pt 1.3, sch 3 pt 3.21

notified LR 22 February 2011
s 1, s 2 commenced 22 February 2011 (LA s 75 (1))
sch 1 pt 1.3, sch 3 pt 3.21 commenced 1 March 2011 (s 2)

Gaming Machine (Club Governance) Amendment Act 2011 A2011-24 pt 2

notified LR 7 July 2011
s 1, s 2 commenced 1 July 2011 (LA s 75 (2))
ss 9-11, s 21, s 26 commenced 1 July 2012 (s 2 (2))
pt 2 remainder taken to have commenced 1 July 2011 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2011 (No 2) A2011-27 sch 1 pt 1.5

notified LR 30 August 2011
s 1, s 2 taken to have commenced 29 July 2008 (LA s 75 (2))
sch 1 pt 1.5 commenced 13 September 2011 (s 2 (1))

Endnotes

3 Legislation history

Business Names Registration (Transition to Commonwealth)

Act 2012 A2012-2 sch 2 pt 2.3

notified LR 28 February 2012

s 1, s 2 commenced 28 February 2012 (LA s 75 (1))

sch 2 pt 2.3 commenced 28 May 2012 (s 2 (2))

Gaming Machine Amendment Act 2012 A2012-42 pt 2 (as am by A2013-29 s 4)

notified LR 6 September 2012

s 1, s 2 commenced 6 September 2012 (LA s 75 (1))

s 28, s 29 commenced 1 February 2014 (s 2 (2) (as am by [A2013-29](#) s 4))

pt 2 remainder commenced 1 January 2013 (s 2 (1))

Gaming Machine Amendment Act 2012 (No 2) A2012-50

notified LR 5 December 2012

s 1, s 2 commenced 5 December 2012 (LA s 75 (1))

s 3 commenced 6 December 2012 (s 2 (1))

s 4 commenced 1 January 2013 (s 2 (2))

s 5 commenced 1 February 2014 (s 2 (3) and see [Gaming Machine Amendment Act 2012 A2012-42 s 2 \(2\)](#) (as am by [A2013-29 s 4](#)))

Gaming Machine Amendment Act 2013 A2013-9

notified LR 27 March 2013

s 1, s 2 commenced 27 March 2013 (LA s 75 (1))

remainder commenced 28 March 2013 (s 2)

Statute Law Amendment Act 2013 A2013-19 sch 3 pt 3.23

notified LR 24 May 2013

s 1, s 2 commenced 24 May 2013 (LA s 75 (1))

sch 3 pt 3.23 commenced 14 June 2013 (s 2)

Gaming Machine Amendment Act 2013 (No 2) A2013-29

notified LR 21 August 2013

s 1, s 2 commenced 21 August 2013 (LA s 75 (1))

remainder commenced 22 August 2013 (s 2)

Note This Act only amends the [Gaming Machine Amendment Act 2012 A2012-42](#).

**Gaming Machine (Red Tape Reduction) Amendment Act 2014
A2014-5**

notified LR 27 March 2014

s 1, s 2 commenced 27 March 2014 (LA s 75 (1))

remainder commenced 28 March 2014 (s 2)

Endnotes

4 Amendment history

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Commencement

s 2 om LA s 89 (4)

Dictionary

s 3 am [A2013-19](#) amdt 3.171

Applications to be dealt with in order of receipt

s 10 am [A2007-40](#) s 4; [A2012-42](#) s 4

Initial licence applications—eligibility

s 10A ins [A2012-42](#) s 5

Initial licence applications—contents

s 11 hdg sub [A2012-42](#) s 6

Issue of licences

s 12 am [A2012-42](#) s 7, s 8

Grounds for refusing initial licence application by club

s 14 am [A2005-17](#) s 4, s 5; [A2011-24](#) s 4

Form of licence

s 15 am [A2005-17](#) s 6

No available gaming machines

s 17 am [A2007-40](#) s 5; [A2012-42](#) ss 9-13

Social impact assessment

s 18 am [A2012-42](#) s 14

Publication of social impact assessments by applicant

s 19 am [A2012-42](#) s 15, s 16; ss renum R20 LA

Eligibility of individuals

s 20 am [A2007-14](#) s 4; [A2007-40](#) s 6; [A2008-28](#) amdt 3.94;
[A2011-3](#) amdt 1.6; [A2012-42](#) s 17

Eligibility of clubs and other corporations

s 21 am [A2007-14](#) s 5; [A2007-40](#) s 7; [A2011-24](#) s 5, s 6

Licence amendment—applications

s 22 am [A2005-17](#) s 7; [A2012-50](#) s 4
sub [A2012-42](#) s 18

Licence amendment—contents of applications

s 23 sub [A2012-42](#) s 18

Licence amendment decision—decrease machines amendment

s 24 am [A2007-40](#) s 8, s 9
sub [A2012-42](#) s 18

- Licence amendment decision—structural change amendment**
s 25 sub [A2012-42](#) s 18
- Licence amendment decision—temporary storage amendment**
s 26 sub [A2012-42](#) s 18
(3), (4) exp 1 January 2016 (s 26 (4))
- Licence amendment decision—venue relocation amendment**
s 26A ins [A2012-42](#) s 18
- Licence amendment decision—small-scale machine relocation amendment**
s 26B ins [A2012-42](#) s 18
- Licence amendment decision—large-scale machine relocation amendment**
s 26C ins [A2012-42](#) s 18
- Licence amendment decision—new venue amendment**
s 26D ins [A2012-42](#) s 18
- Licence amendment decision—technical amendment**
s 26E ins [A2012-42](#) s 18
- Commencement of amendments**
s 28 am [A2012-42](#) s 19
- Revocation of uncommenced licence amendments**
s 29 am [A2012-42](#) s 20
- Transfer of licence**
s 32 am [A2005-17](#) ss 8-10; ss renum [A2005-17](#) s 11; [A2007-40](#)
s 10; [A2012-42](#) s 21
- Intention to reduce maximum number of gaming machines to 4 000, then
maintain per capita ratio**
s 34A ins [A2012-42](#) s 22
- Maximum number of gaming machines allowed in ACT**
s 35 am [A2011-3](#) amdt 3.210
sub [A2012-42](#) s 22
- Review of maximum number when it reaches 4 000**
s 36 sub [A2012-42](#) s 22
- Meaning of *pool of available gaming machines***
s 36A ins [A2012-42](#) s 22
- In-principle approvals for licences, venue relocation amendments and new
venue amendments**
pt 2A hdg ins [A2012-42](#) s 23
- Preliminary**
div 2A.1 hdg ins [A2012-42](#) s 23
also ins [A2012-42](#) s 23
renum as div 2A.2 hdg

Endnotes

4 Amendment history

Object—pt 2A

s 38A ins [A2012-42](#) s 23

Definitions

s 38B ins [A2012-42](#) s 23
def **approval-holder** ins [A2012-42](#) s 23
def **in-principle approval** ins [A2012-42](#) s 23

What is an *in-principle approval*?

s 38C ins [A2012-42](#) s 23

Applications for in-principle approvals

div 2A.2 hdg (prev div 2A.1 hdg) ins [A2012-42](#) s 23
renum as div 2A.2 hdg R20 LA
also ins [A2012-42](#) s 23
renum as div 2A.3 hdg

In-principle approval—applications

s 38D ins [A2012-42](#) s 23

In-principle approval—contents of applications

s 38E ins [A2012-42](#) s 23
am [A2013-19](#) amdt 3.172

Issue of in-principle approvals

div 2A.3 hdg (prev div 2A.2 hdg) ins [A2012-42](#) s 23
renum as div 2A.3 hdg R20 LA
also ins [A2012-42](#) s 23
renum as div 2A.4 hdg

In-principle approval decision—licence

s 38F ins [A2012-42](#) s 23

In-principle approval decision—licence—no reservable gaming machines

s 38G ins [A2012-42](#) s 23

In-principle approval decision—venue relocation amendment

s 38H ins [A2012-42](#) s 23

In-principle approval decision—new venue amendment

s 38I ins [A2012-42](#) s 23
am [A2013-19](#) amdt 3.173

In-principle approval—form

s 38J ins [A2012-42](#) s 23

In-principle approval—conditions

s 38K ins [A2012-42](#) s 23

In-principle approval—term

s 38L ins [A2012-42](#) s 23

Amendment, transfer, extension and surrender of in-principle approvals

div 2A.4 hdg (prev div 2A.3 hdg) ins [A2012-42](#) s 23
renum as div 2A.4 hdg R20 LA
also ins [A2012-42](#) s 23
renum as div 2A.5 hdg

In-principle approval—amendment

s 38M ins [A2012-42](#) s 23

In-principle approval—amendment decision

s 38N ins [A2012-42](#) s 23

In-principle approval—application to transfer

s 38O ins [A2012-42](#) s 23

In-principle approval—transfer decision

s 38P ins [A2012-42](#) s 23

In-principle approval—application for extension

s 38Q ins [A2012-42](#) s 23

In-principle approval—extension decision

s 38R ins [A2012-42](#) s 23

In-principle approval—surrender

s 38S ins [A2012-42](#) s 23

Amendment, transfer, extension and surrender of in-principle approvals

div 2A.5 hdg (prev div 2A.4 hdg) ins [A2012-42](#) s 23
renum as div 2A.5 hdg R20 LA

Conversion of in-principle approval to licence or amendment—application

s 38T ins [A2012-42](#) s 23

Conversion of in-principle approval to licence—decision

s 38U ins [A2012-42](#) s 23

Conversion of in-principle approval into venue relocation amendment—decision

s 38V ins [A2012-42](#) s 23

Conversion of in-principle approval into new venue amendment—decision

s 38W ins [A2012-42](#) s 23

Conversion—other in-principle approvals for the land or premises expire

s 38X ins [A2012-42](#) s 23
am [A2013-19](#) amdt 3.174

Compliance with requirements for issue of licence

s 39A ins [A2005-26](#) s 4

Licensee to use gaming machines

s 51 am [A2012-42](#) s 24

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Conditions about inequitable benefits

s 53 am [A2011-24](#) s 7, s 8

Condition about club's constitution—consistency with gaming laws

s 53A ins [A2011-24](#) s 9

Condition about club's constitution—amendment if inconsistent with gaming laws

s 53B ins [A2011-24](#) s 9

Annual report of clubs

s 54 am [A2011-24](#) s 10, s 11; pars renum R19 LA

Other conditions of club licences

s 55 am [A2005-26](#) s 5; [A2011-24](#) s 12; pars renum R16 (RI) LA

Definitions for pt 4

s 56 def *licence* am [A2012-42](#) s 25; pars renum R20 LA

def *licensee* sub [A2012-42](#) s 26

Grounds for disciplinary action

s 57 am [A2005-17](#) s 12; ss renum [A2005-17](#) s 13; [A2006-2](#)
amds 1.13-1.15; pars renum [A2006-2](#) amdt 1.16; [A2012-42](#)
s 27; ss renum R20 LA

Suspension of licences because of suspension of general and on licences

s 63 sub [A2010-43](#) amdt 1.15

Cancellation of licences because of cancellation etc of general and on licences

s 64 sub [A2010-43](#) amdt 1.16

Meaning of *centralised monitoring system*

s 66 am [A2011-3](#) amdt 3.211; [A2013-19](#) amdt 3.175

Approval of gaming machines and peripheral equipment

s 69 am [A2007-40](#) s 11; [A2011-3](#) amdt 3.212; [A2013-9](#) s 4, s 5;
ss renum R21 LA

Cancellation or suspension of gaming machine and peripheral equipment approval

s 70 am [A2011-3](#) amdt 3.213

Application and approval as supplier

s 72 am [A2007-40](#) s 12

Cancellation etc of supplier's approval

s 73A ins [A2007-40](#) s 13

Approval of technicians

s 75 am [A2007-40](#) s 14

Cancellation etc of technician's approval

s 79 am [A2005-17](#) s 14; ss renum [A2005-17](#) s 15

Approval of attendantss 86 am [A2007-40](#) s 15**Cancellation etc of attendant's approval**s 91 am [A2005-17](#) s 16; ss renum [A2005-17](#) s 17**Decision on application for approval to acquire gaming machines**s 100 am [A2014-5](#) s 4**Application and approval of financial arrangements**s 101 om [A2014-5](#) s 5**Decision on application for approval of financial arrangements**s 102 om [A2014-5](#) s 5**Position for percentage payout of gaming machines display**s 126 am [A2011-3](#) amdt 3.214**Undisbursed jackpots**s 144 am [A2014-5](#) ss 6-8**Definitions—pt 9**s 144A ins [A2011-24](#) s 13def **associated organisation declaration** ins [A2011-24](#) s 13def **warning notice** ins [A2011-24](#) s 13**Eligible objects**s 145 am [A2011-3](#) amdt 3.215**Eligible clubs**s 146 am [A2005-26](#) s 6**Associated organisations—declaration**s 147 hdg sub [A2011-24](#) s 14s 147 am [A2005-17](#) s 18, s 19; [A2011-24](#) ss 15-17; pars renum R16 (RI) LA**Associated organisation declaration—condition**s 147A ins [A2011-24](#) s 18**Associated organisation—warning notice**s 147B ins [A2011-24](#) s 18**Associated organisation declaration—suspension or repeal**s 147C ins [A2011-24](#) s 18**Club elections—election of board directors**s 147D ins [A2011-24](#) s 18**Club elections—record-keeping**s 148 hdg sub [A2011-24](#) s 19**Club directors—acting in good faith**s 148A ins [A2011-24](#) s 20

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Club constitution—consistency with gaming laws

s 148B ins [A2011-24](#) s 21

Promoting responsible practices at licensed premises

pt 10 hdg sub [A2012-42](#) s 28

Warning notices

s 151 am [A2011-3](#) amdt 3.216

External signs

s 152 sub [A2007-40](#) s 16
am [A2012-2](#) amdt 2.5

External visibility of gaming machines

s 152A ins [A2007-40](#) s 17

Offence—ATM allowing withdrawals exceeding \$250

s 153A ins [A2012-42](#) s 29
am [A2012-50](#) s 5

Audit of financial statements etc

s 158 sub [A2009-49](#) amdt 1.14
am [A2013-19](#) amdt 3.176

Gaming machine tax

s 159 am [A2005-26](#) s 7, s 8

Tax adjustment in relation to GST for clubs

s 160 am [A2005-26](#) s 9
exp 1 February 2006 (s 160 (6))

Gaming machine tax returns

s 162 am [A2011-3](#) amdt 3.217

Problem gambling assistance fund

div 11.2 hdg ins [A2010-52](#) s 4

Required payment to problem gambling assistance fund

s 163A ins [A2010-52](#) s 4

Problem gambling assistance fund

s 163B ins [A2010-52](#) s 4

Annual reporting about problem gambling assistance fund

s 163C ins [A2010-52](#) s 4

Approval of community contributions

s 164 am [A2007-40](#) s 18; [A2011-24](#) s 22; [A2013-19](#) amdt 3.177

Required community contributions

s 169 am [A2011-3](#) amdt 3.218; [A2011-24](#) s 23

Problem gambling community contributions

s 171A ins [A2007-40](#) s 19

am [A2011-24](#) s 24; ss renum R16 (RI) LA

Notification and review of decisions

pt 13 hdg sub [A2008-37](#) amdt 1.212

Meaning of *reviewable decision*—pt 13

s 173 sub [A2008-37](#) amdt 1.212

Reviewable decision notices

s 173A ins [A2008-37](#) amdt 1.212

Applications for review

s 173B ins [A2008-37](#) amdt 1.212

Miscellaneous

pt 14 hdg exp 1 November 2005 (s 189)
ins [A2008-37](#) amdt 1.212

Determination of fees

s 177 am [A2011-3](#) amdt 3.219

Legislation amended or repealed

s 179 om LA s 89 (3)

Definitions for pt 14

s 180 exp 1 November 2005 (s 189)

Licences

s 181 exp 1 November 2005 (s 189)

Clubs

s 182 exp 1 November 2005 (s 189)

Rules and control procedures

s 183 exp 1 November 2005 (s 189)

Disciplinary proceedings under former gaming Act

s 184 exp 1 November 2005 (s 189)

Approvals under former gaming Act

s 185 exp 1 November 2005 (s 189)

Linked-jackpot arrangements

s 186 exp 1 November 2005 (s 189)

Clubs not required to be corporations for s 146

s 187 exp 1 November 2005 (s 189)

Clubs with too many life members for s 146

s 188 exp 1 November 2005 (s 189)

Expiry of pt 14

s 189 exp 1 November 2005 (s 189)

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4 Amendment history

Reviewable decisions

sch 1 am [A2007-40](#) s 20; items renum R9 LA
sub [A2008-37](#) amdt 1.213
am [A2011-24](#) s 25; items renum R16 (RI) LA; [A2011-24](#) s 26;
items renum R19 LA; [A2012-42](#) s 30, s 31; items renum
R20 LA; [A2014-5](#) s 9; items renum R25 LA

Gambling and Racing Control Act 1999

sch 2 om LA s 89 (3)

Dictionary

dict am [A2008-37](#) amdt 1.214; amdt 1.215
def **acquisition approval application** om [A2013-19](#)
amdt 3.178
def **approval-holder** ins [A2012-42](#) s 32
def **approved gaming machine** om [A2013-19](#) amdt 3.179
def **associated entity** om [A2013-19](#) amdt 3.180
def **associated organisation declaration** ins [A2011-24](#) s 27
def **charitable organisation** om [A2013-19](#) amdt 3.181
def **commission** sub [A2005-26](#) s 10
def **decrease machines amendment** ins [A2012-42](#) s 33
def **disciplinary action** sub [A2013-19](#) amdt 3.182
def **disciplinary notice** sub [A2013-19](#) amdt 3.182
def **financial arrangement** am [A2013-19](#) amdt 3.183
om [A2014-5](#) s 10
def **gaming area** sub [A2012-42](#) s 34
def **gaming law** ins [A2011-24](#) s 27
def **gaming machine** pars renum R13 LA
def **general licence** sub [A2010-43](#) amdt 1.17
def **ground for disciplinary action** sub [A2013-19](#) amdt 3.184
def **initial licence application** sub [A2013-19](#) amdt 3.185
def **in-principle approval** ins [A2012-42](#) s 35
def **inquiry** om [A2013-19](#) amdt 3.186
def **large-scale machine relocation amendment** ins
[A2012-42](#) s 35
def **licence** am [A2013-19](#) amdt 3.187; pars renum R22 LA
def **licence amendment application** sub [A2013-19](#)
amdt 3.188
def **net revenue** am [A2005-26](#) s 11
def **new venue amendment** ins [A2012-42](#) s 35
def **on licence** sub [A2010-43](#) amdt 1.18
def **operator** om [A2013-19](#) amdt 3.189
def **pool of available gaming machines** (or **pool**) ins
[A2012-42](#) s 35
def **problem gambling assistance fund** ins [A2010-52](#) s 5
def **proposed gaming area** am [A2012-42](#) s 36
def **qualified accountant** am [A2011-27](#) amdt 1.10
om [A2013-19](#) amdt 3.190

def **relevant premises** om [A2013-19](#) amdt 3.191
def **reviewable decision** ins [A2008-37](#) amdt 1.216
def **small-scale machine relocation amendment** ins
[A2012-42](#) s 35
def **structural change amendment** ins [A2012-42](#) s 35
def **technical amendment** ins [A2012-42](#) s 35
def **temporary storage amendment** ins [A2012-42](#) s 35
def **venue relocation amendment** ins [A2012-42](#) s 35
def **warning notice** ins [A2011-24](#) s 27
sub [A2013-19](#) amdt 3.192

Endnotes

5 Earlier republications

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. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Nov 2004	1 Nov 2004– 13 Apr 2005	not amended	new Act
R2 14 Apr 2005	14 Apr 2005– 30 June 2005	A2005-17	amendments by A2005-17
R3 1 July 2005	1 July 2005– 1 Nov 2005	A2005-26	amendments by A2005-26
R4 2 Nov 2005	2 Nov 2005– 1 Feb 2006	A2005-26	commenced expiry
R5 2 Feb 2006	2 Feb 2006– 30 Apr 2006	A2005-26	commenced expiry
R6 1 May 2006	1 May 2006– 31 May 2007	A2006-2	amendments by A2006-2
R7 1 June 2007	1 June 2007– 30 June 2007	A2007-14	amendments by A2007-14
R8 1 July 2007	1 July 2007– 4 Dec 2007	A2007-14	amendments by A2005-26
R9 5 Dec 2007	5 Dec 2007– 3 June 2008	A2007-40	amendments by A2007-40
R10 4 June 2008	4 June 2008– 25 Aug 2008	A2007-40	amendments by A2007-40
R11 26 Aug 2008	26 Aug 2008– 1 Feb 2009	A2008-28	amendments by A2008-28
R12 2 Feb 2009	2 Feb 2009– 16 Dec 2009	A2008-37	amendments by A2008-37

Republication No and date	Effective	Last amendment made by	Republication for
R13 17 Dec 2009	17 Dec 2009– 30 Nov 2010	A2009-49	amendments by A2009-49
R14 1 Dec 2010	1 Dec 2010– 28 Feb 2011	A2010-43	amendments by A2010-43
R15 1 Mar 2011	1 Mar 2011– 30 June 2011	A2011-3	amendments by A2011-3
R16 1 July 2011	1 July 2011– 12 Sept 2011	A2011-3	amendments by A2010-52
R16 (RI) 7 July 2011	1 July 2011– 12 Sept 2011	A2011-3	reissued for retrospective amendments by A2011-24
R17 13 Sept 2011	13 Sept 2011– 27 May 2012	A2011-27	amendments by A2011-27
R18 28 May 2012	28 May 2012– 30 June 2012	A2012-2	amendments by A2012-2
R19 1 July 2012	1 July 2012– 31 Dec 2012	A2012-2	amendments by A2011-24
R20 1 Jan 2013	1 Jan 2013– 27 Mar 2013	A2012-50	amendments by A2012-42 and A2012-50
R21 28 Mar 2013	28 Mar 2013– 13 June 2013	A2013-9	amendment by A2013-9
R22 14 June 2013	14 June 2013– 21 Aug 2013	A2013-19	amendments by A2013-19
R23 22 Aug 2013	22 Aug 2013– 31 Jan 2014	A2013-29	republication for updated endnotes as amended by A2013-29
R24 1 Feb 2014	1 Feb 2014– 27 March 2014	A2013-29	amendments by A2012-42 (as amended by A2013-29 s 4) and A2012-50

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