



Australian Capital Territory

Gaming Machine Act 2004

A2004-34

Republication No 36

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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 1 July 2017. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2017.

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

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, 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 \$150 for an individual and \$750 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

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page 1

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 Important concepts

6 Eligibility of individuals

- (1) For this Act, an individual is an *eligible person* if—
 - (a) the individual is an adult; and
 - (b) there is not a disqualifying ground in relation to the individual.
- (2) Each of the following is a *disqualifying ground* for an individual:
 - (a) the individual has been convicted, or found guilty, in the last 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 for the corporation;

- (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—

- (a) approval to operate a linked-jackpot arrangement;
and
 - (b) in-principle authorisation certificate; and
 - (c) multi-user permit.
- (ii) an authorisation cancelled under section 64 (Cancellation of authorisation certificate 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).
- (3) Despite subsection (2), the commission may decide that the individual is an **eligible person** even though there is a disqualifying ground in relation to the individual if 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.

7 Eligibility of corporations

- (1) For this Act, a corporation is an *eligible person* if—
 - (a) each influential person of the corporation is an eligible person; and
 - (b) if the corporation is a club—it is an eligible club; and
 - (c) 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
 - (d) a controller or administrator has not been appointed for the corporation in the last 3 years; and
 - (e) 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
 - (f) 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 if 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.

- (3) 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 The standard is accessible at www.comlaw.gov.au.

8 **Meaning of influential person**

- (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](#).

9 Proper completion—applications under Act

- (1) An application under a provision of this Act is *properly completed* only if the following requirements are met:
- (a) if a form is approved under the [Control Act](#), section 53D for the application—the form is used;
 - (b) the application includes all information and documents required under the provision to be included;
 - (c) a document required to be included with the application includes all information required under the provision to be included in the document and is substantially complete;
 - (d) the application, and any document or information included in the application, is verified in the way required by the provision;
 - (e) if a fee is determined under section 177 for the application—the fee is paid.

Note 1 Under the [Legislation Act](#), s 255 (5), if a form requires any of the following, substantial compliance with the form is not sufficient and the form is properly completed only if the requirement is complied with:

- (a) the form to be signed;
- (b) the form to be prepared in a particular way (for example, on paper of a particular size or quality or in a particular electronic form);
- (c) the form to be completed in a particular way;
- (d) particular information to be included in the form, or a particular document to be attached to or given with the form;
- (e) the form, information in the form, or a document attached to or given with the form, to be verified in a particular way (for example, by statutory declaration).

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (2) If an application under this Act is not properly completed—
- (a) the commission may refuse to consider the application; and
 - (b) if the commission refuses to consider the application—the application lapses.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (3) The commission may, in writing, require an applicant to give the commission additional information, within the time stated by the commission, that the commission reasonably needs to decide the application.
- (4) If the applicant does not comply with a requirement under subsection (3) within the time stated by the commission—
- (a) the commission may refuse to consider the application; and
 - (b) if the commission refuses to consider the application—the application lapses.

Part 2A Gaming machine authorisation numbers

10 Maximum number of authorisations for gaming machines allowed in ACT

- (1) The maximum number of authorisations for gaming machines for all authorised premises in the ACT is worked out as follows:

$$SN - (NS + NC + NF)$$

NC means the total number of authorisations cancelled after the relevant day.

NF means the total number of authorisations forfeited to the Territory after the relevant day.

NS means the total number of authorisations surrendered after the relevant day.

SN means the number notified by the commission on the relevant day.

- (2) The total number of authorisations for gaming machines allowed under all authorisation schedules issued under this Act must not exceed the maximum number worked out under subsection (1).

Note An authorisation schedule is included in an authorisation certificate (see s 27 (1) (h) and s 30 (3) (j)).

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

- (4) Each of the following is a notifiable instrument:
- (a) a notification under subsection (1), definition of *SN*;
 - (b) a notice under subsection (3).

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

- (5) In this section:

cancelled—an authorisation for a gaming machine is ***cancelled*** if—

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

final—a cancellation of an authorisation becomes ***final*** when—

- (a) the time for any appeal or review in relation to the decision has ended; or
- (b) any appeal or review in relation to the decision has been decided or withdrawn.

relevant day means the day the [Gaming Machine \(Reform\) Amendment Act 2015](#), section 4 commences.

surrendered—an authorisation for a gaming machine is ***surrendered*** if the licensee, under section 37F (1) (c) (Surrender of licences, authorisation certificates and authorisations), surrenders the authorisation and the surrender takes effect under section 173E (Notifiable actions—date of effect).

Note 1 The surrender of an authorisation is a notifiable action (see pt 13A and sch 2).

Note 2 A notifiable action takes place—

- (a) the prescribed number of days after the day the commission receives the notification (see s 173E (a)); or
- (b) if the commission allows the notifiable action to take place on an earlier day—that day (see s 173E (b)); or
- (c) if the commission asks for additional information under s 173E (c)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 173E (c)).

Part 2B Licences and authorisations

Division 2B.1 Definitions and important concepts

11 Definitions—pt 2B

In this part:

authorisation certificate amendment application—see section 33 (1).

authorisation certificate application, for class C gaming machines—see section 21 (1).

class B licence means a licence to operate class B gaming machines.

class B licence and authorisation certificate application—see section 28 (1).

class C licence means a licence to operate class C gaming machines.

Note An applicant who the commission is satisfied on reasonable grounds is an eligible person must be issued with a class C licence (see s 17 (3)).

class C licence application—see section 15.

gaming area amendment—see section 33 (1) (a).

increase maximum amendment—see section 33 (1) (c).

minor licence amendment application—see section 31 (1).

premises relocation amendment—see section 33 (1) (b).

12 Meaning of social impact assessment

(1) For this Act, 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 authorisation certificate application—under the proposed authorisation certificate; or

- (b) for an authorisation certificate amendment application—under the authorisation certificate as proposed to be amended; or
- (c) for an application for an in-principle authorisation certificate—under the proposed in-principle authorisation certificate.

Note A social impact assessment is required for—

- (a) an authorisation certificate application (see s 22 (2) (a)); and
 - (b) some authorisation certificate amendment applications (see s 34 (f) (ii) (A) and s 37 (4) (a)); and
 - (c) an application for an in-principle authorisation certificate (see s 38C, which requires applications to comply with s 22 (1)).
- (2) A regulation may make provision in relation to social impact assessments, including the following:
- (a) the requirements that must be satisfied by a social impact assessment;
 - (b) the matters to be addressed by a social impact assessment;
 - (c) the information to be given in a social impact assessment.

13 Social impact assessment—publication

- (1) This section applies if an applicant for any of the following is required to provide a social impact assessment with the application:
- (a) an authorisation certificate;
 - (b) an amendment of an authorisation certificate;
 - (c) an in-principle authorisation certificate.
- (2) The applicant must give public notice of the application, stating 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 public notice (the *comment period*); and

- (b) any written submissions about the social impact assessment may be made to the commission within the comment period.

Note 1 **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

Note 2 If a form is approved under the [Control Act](#), s 53D for a public notice, the form must be used.

- (3) Before the comment period begins, the applicant must give the commission—
 - (a) the social impact assessment for the application; and
 - (b) a copy of the public notice.
- (4) The applicant must—
 - (a) on or before the day the public notice is given, place a sign (the **information sign**) containing information about the application in a prominent position—
 - (i) for an authorisation certificate application or authorisation certificate amendment application—outside each public entrance to the premises to which the application relates; or
 - (ii) for an application for an in-principle authorisation certificate—on the land at the address to which the approval applies; and
 - (b) ensure that the sign stays there for the comment period.

- (5) However, an applicant for an in-principle authorisation certificate need not comply with subsection (4) 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).

- (6) The information sign 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 comment period;
 - (d) when the comment period ends;
 - (e) details of where to get more information about the application.
- (7) 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 comment period.
- (8) The commission must not decide the application until the comment period has ended.

14 Applications to be dealt with in order of receipt etc

- (1) A person may make an authorisation certificate application when the person makes a licence application for a class B or class C licence.

- (2) The commission must deal with properly completed licence applications and properly completed authorisation certificate applications in the order in which the commission receives the applications.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

Note 3 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Division 2B.2 Class C licences—application and issue

15 Licence for class C gaming machines—application

A club may apply to the commission for a licence for class C gaming machines (a *class C licence 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 an application.

16 Class C licence application—contents

A class C licence application must—

- (a) be in writing and signed by the applicant; and
- (b) state the name of the applicant's legal entity and the applicant's address; and
- (c) state the applicant's ABN; and

- (d) state the applicant's—
 - (i) ACN; or
 - (ii) if the applicant is an incorporated association—
association number; and

Note **Association number**—see the dictionary.

- (e) state that the application is for a class C licence; and
- (f) state the name and address of each director of the applicant;
and
- (g) state the name of each influential person for the applicant and
the person's relationship with the applicant; and
- (h) include the following:

- (i) a copy of the applicant's constitution;
- (ii) an alphabetical list of names and addresses of all current
members of the applicant, certified correct by the
applicant's secretary;

Note **Member**, of a club, does not include a temporary member
(see dict).

- (iii) a statement, signed by the applicant's secretary, stating
the grounds on which the applicant claims to be an
eligible club;

Note A **club** is a corporation (see dict, def **corporation**).

- (iv) evidence that a majority of the applicant's voting
members who voted in a ballot conducted under a
regulation voted for the applicant having gaming
machines; and

- (i) include anything else prescribed by regulation.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

17 Class C licence—decision on application

- (1) This section applies if the commission receives a licence application under section 15 (Licence for class C gaming machines—application).
- (2) In deciding whether to issue a class C licence, the commission may consider any matter prescribed by regulation.
- (3) The commission must issue a class C licence to the applicant if satisfied on reasonable grounds that—
- (a) the applicant is an eligible person; and
 - (b) a majority of the applicant’s voting members who voted in a ballot conducted under a regulation voted for the applicant having gaming machines.

Note 1 If a corporation is a club, the corporation is an eligible person if it is an eligible club (see s 7 (1) (b)).

Note 2 The commission may refuse to issue a class C licence to a club if a ground for refusing the licence exists (see s 18).

18 Class C licence application—grounds for refusal

- (1) The commission may refuse to issue a class C licence to a club if satisfied that—
- (a) 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
 - (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; or
 - (c) each voting member of the club does not have an equal right to elect people, or to nominate or otherwise choose people for election, to the club’s management committee or board; or
 - (d) 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
 - (e) an executive officer or employee of the club is a creditor, or an associate of a creditor, of the club; or
 - (f) 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
 - (g) 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 class C licence under subsection (1) (a), (b) or (c) 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, or 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.

Note **Associated organisation**, for a club—see the dictionary.

19 Class C licence—conditions

A class C licence is subject to—

- (a) a condition mentioned in part 3 (Licences and authorisation certificates—conditions) that applies to a licence; and
- (b) any other condition imposed by the commission.

20 Class C licence—form

- (1) A class C licence must—
- (a) be in writing; and
 - (b) include the following:
 - (i) the licensee's name;

Note **Licensee's name**—see the dictionary.

- (ii) if the licensee carries on business under a name other than the licensee's name—the name under which the licensee carries on business;
 - (iii) the licensee's ABN;
 - (iv) the licensee's—
 - (A) ACN; or
 - (B) if the licensee is an incorporated association—association number;
- Note Association number*—see the dictionary.
- (v) the date the licence comes into force;
 - (vi) a unique identifying number (a *licence number*);
 - (vii) a statement that the licensee is entitled to operate class C gaming machines;
 - (viii) the conditions on the licence.
- (2) A regulation may prescribe other requirements in relation to the form of a licence.

Division 2B.3 Authorisation certificates for class C gaming machines—application and issue

21 Authorisation certificate for class C gaming machines—application

- (1) A club may apply to the commission for an authorisation certificate (an *authorisation certificate application*) to have the maximum number of authorisations for class C gaming machines at the premises stated in the 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 an application.

Note 3 For the issue of authorisations in relation to a class B licence, see div 2B.4.

- (2) However, a club may make an authorisation certificate application only if the club—
 - (a) holds a current licence for class C gaming machines; or
 - (b) has made a class C licence application.

22 Authorisation certificate for class C gaming machines—contents of application

- (1) An authorisation certificate application for class C gaming machines must—
 - (a) be in writing signed by the applicant; and
 - (b) include the following:
 - (i) the name of the applicant's legal entity (the *applicant's name*);

- (ii) if the applicant carries on business under a name other than the applicant's name—the name under which the applicant carries on business;
- (iii) the applicant's ABN;
- (iv) the applicant's—
 - (A) ACN; or
 - (B) if the applicant is an incorporated association—association number; and

Note Association number—see the dictionary.

- (c) state the address, and block and section number, of the premises for which the authorisation certificate is sought; and
 - (d) state the maximum number of authorisations for gaming machines for which the authorisation certificate is sought; and
 - (e) be accompanied by each of the required documents for the application.
- (2) For subsection (1) (e), the ***required documents*** are the following:
- (a) a social impact assessment for the application;
 - (b) a plan of the premises that—
 - (i) is drawn to scale; and
 - (ii) clearly shows the location, boundaries and dimensions of the area in the premises where gaming machines are to be installed (the ***proposed gaming area***);

- (c) a copy of the current gaming rules the applicant has adopted in relation to the premises for which the authorisation certificate is sought;

Examples—what gaming rules may cover

- 1 how long a gaming machine may be reserved for
- 2 who may play the gaming machines
- 3 banning of extension of credit to players
- 4 cash payment limits

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 current control procedures the applicant has adopted to control the operation of gaming machines on the premises for which the authorisation certificate is sought;

Note Section 97 sets out the requirements for control procedures.

- (e) any other documents required by regulation.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

23 Authorisation certificate for class C gaming machines— decision on application

- (1) This section applies if the commission receives an authorisation certificate application for class C gaming machines.
- (2) The commission must issue an authorisation certificate to the applicant if satisfied on reasonable grounds—
 - (a) that the applicant holds a class C licence; and

- (b) the gaming rules and control procedures the applicant has adopted for the purpose of controlling the operation of gaming machines are adequate for that purpose; and
 - (c) taking into consideration the social impact assessment for the application and any submission made on the assessment within the comment period under section 13 (Social impact assessment—publication), the issue of the authorisation certificate is appropriate.
- (3) The commission must issue the authorisation certificate for the number of authorisations for gaming machines stated in the application if satisfied on reasonable grounds that the size and layout of the proposed gaming area are suitable for the installation of the number of gaming machines for which the authorisation certificate is sought.
- (4) The commission may issue the authorisation certificate for a lower number of authorisations for gaming machines than the number stated in the application if satisfied that the size and layout of the proposed gaming area are suitable for the installation of the lower number of gaming machines.

Note The commission may refuse to issue an authorisation certificate to a club if a ground for refusing to issue the certificate exists (see s 24).

- (5) In deciding the maximum number of authorisations for gaming machines under an authorisation certificate, 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) the number of club members worked out under a regulation;
- Note* **Member**, of a club, does not include a temporary member (see dict).
- (d) the ratio of club members to the maximum number of authorisations for gaming machines sought by the licensee;

- (e) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community;
- (f) the social impact assessment for the application for the authorisation certificate and any submission made on the assessment within the comment period under section 13.

Note **Maximum number**, of authorisations—see the dictionary.

- (6) In deciding whether a proposed gaming area is suitable for the installation of the number of gaming machines the licensee may have under an authorisation certificate, the commission must consider harm minimisation strategies for patrons.
- (7) The commission may consider anything else prescribed by regulation.

24 Authorisation certificate application for class C gaming machines—grounds for refusal

The commission may refuse to issue an authorisation certificate to a club if satisfied that—

- (a) payments for goods and services supplied to the 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.

25 Issue of authorisation certificate for class C gaming machines—number of gaming machines to be operated

To remove any doubt, a licensee issued with an authorisation certificate for a maximum number of authorisations for class C gaming machines at the premises stated in the certificate may, at any time, operate the maximum number, or less than the maximum number, of gaming machines allowed under the authorisation certificate.

Note 1 The licensee must not acquire a gaming machine for premises authorised under an authorisation certificate if the licensee does not hold an authorisation for the gaming machine (see s 98 (4)).

Note 2 The licensee must not operate a gaming machine if the operation of the gaming machine is not allowed under an authorisation certificate (see s 104).

26 Authorisation certificate for class C gaming machines—conditions

An authorisation certificate for a maximum number of authorisations for class C gaming machines is subject to—

- (a) a condition mentioned in part 3 (Licences and authorisation certificates—conditions) that applies to an authorisation certificate; and
- (b) any other condition imposed by the commission.

27 Authorisation certificate for class C gaming machines—form

- (1) An authorisation certificate for a class C licence must—
 - (a) include the following:
 - (i) the licensee’s name;

Note **Licensee’s name**—see the dictionary.

- (ii) if the licensee carries on business under a name other than the licensee's name—the name under which the licensee carries on business;
- (iii) the licensee's ABN;
- (iv) the licensee's—
 - (A) ACN; or
 - (B) if the licensee is an incorporated association—association number; and

Note **Association number**—see the dictionary.

- (b) state the licensee's licence number; and
- (c) include a unique identifying number (an **authorisation certificate number**); and
- (d) state that class C gaming machines only are allowed under the authorisation certificate; and
- (e) state the details of the premises where the licensee is authorised to have the gaming machines; and
- (f) state the details of the part of the premises (the **gaming areas**) where the licensee is allowed to operate the gaming machines; and
- (g) state the maximum number of authorisations for gaming machines under the authorisation certificate; and

Note **Maximum number**, of authorisations—see the dictionary.

- (h) include a schedule (an **authorisation schedule**) that contains—
 - (i) the serial number of each gaming machine the licensee has under the authorisation certificate; and

- (ii) a unique identifying number for each authorisation (an *authorisation number*) under the authorisation certificate.

Note A licensee may also store gaming machines the licensee has under an authorisation (see div 6A.7).

- (2) A regulation may prescribe other requirements in relation to the form of an authorisation certificate or authorisation schedule.

Division 2B.4 Licences and authorisation certificates—class B gaming machines

28 Licence and authorisation certificate for class B gaming machines—restricted application

- (1) A person may apply to the commission for a licence and authorisation certificate for class B gaming machines (a *class B licence and authorisation certificate application*) only if—
 - (a) the application relates to a business being purchased from the holder of a class B licence; and
 - (b) the business is operated under a general licence or on 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) A class B licence and authorisation certificate application must—
 - (a) be in writing signed by the applicant; and
 - (b) include the following:
 - (i) if the applicant is an individual—the applicant’s full name;
 - (ii) the name of the applicant’s legal entity;

- (iii) if the applicant carries on business under a name other than the name of the applicant's legal entity—the name under which the applicant carries on business;
- (iv) the applicant's ABN and ACN (if any); and
- (c) state that the application is for a class B licence and authorisation certificate; and
- (d) state the address, and block and section number, of the premises where the business is operated; and
- (e) state the number of gaming machines at the premises; and
- (f) state the serial number for each gaming machine at the premises; and
- (g) if the applicant is a corporation—
 - (i) state the name and address of each director of the corporation; and
 - (ii) state the name of each influential person for the corporation and the person's relationship with the corporation; and
- (h) include anything else prescribed by regulation.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

29 Class B licence and authorisation certificate—decision on application

- (1) This section applies if the commission receives a class B licence and authorisation certificate application as a consequence of the sale of a business to the applicant.
- (2) In deciding whether to issue a class B licence and authorisation certificate, the commission may consider any matter prescribed by regulation.
- (3) The commission must issue a class B licence and authorisation certificate to the applicant if satisfied on reasonable grounds that the applicant is an eligible person.

Note 1 For eligibility of individuals, see s 6.

Note 2 For eligibility of corporations, see s 7.

- (4) The commission must issue an authorisation certificate for each premises of the business for the number of authorisations for class B gaming machines the licensee who sold the business was authorised to have at the time of the sale, if satisfied on reasonable grounds—
 - (a) the size and layout of the proposed gaming area are suitable for the installation of the number of gaming machines for which the authorisation certificate is sought; and
 - (b) that the applicant holds the appropriate licence under the *Liquor Act 2010* for the premises for which the authorisation is to be issued; and
 - (c) if an on licence applies to the premises to which the application relates—the premises are used by people mainly for drinking alcohol; and
 - (d) the gaming rules and control procedures the applicant has adopted for the purpose of controlling the operation of gaming machines are adequate for that purpose.

30 Class B licence and authorisation certificate—conditions and form

- (1) A class B licence is subject to—
- (a) a condition mentioned in part 3 (Licences and authorisation certificates—conditions) that applies to a licence; and
 - (b) any other condition imposed by the commission.
- (2) A class B licence must—
- (a) be in writing; and
 - (b) include the following:
 - (i) if the licensee is an individual—the individual’s full name;
 - (ii) if the licensee is not an individual—the licensee’s name;
Note Licensee’s name—see the dictionary.
 - (iii) if the licensee carries on business under a name other than the licensee’s name—the name under which the licensee carries on business;
 - (iv) the licensee’s ABN (if any);
 - (v) if the licensee is a corporation—the corporation’s ACN;
 - (vi) the date the licence comes into force;
 - (vii) a unique identifying number (a *licence number*);
 - (viii) a statement that the licensee is entitled to operate class B gaming machines;
 - (ix) the conditions on the licence.

- (3) An authorisation certificate for a class B licence must—
- (a) state the licensee’s name, address, ABN and ACN (if any); and
 - (b) if the licensee is not an individual—state the name of the licensee’s legal entity; and
 - (c) if the licensee carries on business under a name other than the licensee’s name—state the name under which the licensee carries on business; and
 - (d) state the licensee’s licence number; and
 - (e) include a unique identifying number (an *authorisation certificate number*); and
 - (f) state that class B gaming machines only are allowed under the authorisation certificate; and
 - (g) include details of the premises where the licensee is authorised to have the gaming machines; and
 - (h) include details of the part of the premises (the *gaming areas*) where the licensee is allowed to operate the gaming machines; and
 - (i) state the number of authorisations for gaming machines under the authorisation certificate; and
 - (j) include a schedule (an *authorisation schedule*) that contains—
 - (i) the serial number of each gaming machine the licensee has under the authorisation certificate; and
 - (ii) a unique identifying number for each authorisation (an *authorisation number*) under the authorisation certificate.

Note A licensee may also store gaming machines the licensee has under an authorisation certificate (see div 6A.7).

- (4) A regulation may prescribe other requirements in relation to the form of a class B licence or authorisation certificate for a class B licence.

Division 2B.5 Licences and authorisation certificates—amendments

31 Licence amendment—application

- (1) A licensee may apply, in writing, to the commission for an amendment of a licence only to change a minor detail in the licence (a *minor licence amendment application*).

Example

to change the licensee's trading name

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.

Note 3 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) The 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) include anything else required by regulation.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (3) A regulation may require a minor licence amendment application to—
- (a) include stated information; or
 - (b) be accompanied by stated documents.

32 Licence amendment decision—minor amendment

- (1) This section applies if a licensee makes a minor licence amendment application.
- (2) The commission may—
- (a) amend the licence in accordance with the application; or
 - (b) refuse to amend the licence.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

- (3) The commission must—
- (a) tell the licensee, in writing, of a decision under subsection (2); and
 - (b) if the commission refuses to amend the licence—give the reasons for the decision.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

33 Authorisation certificate amendment—application

(1) A licensee may apply, in writing, to the commission for an amendment of an authorisation certificate (an *authorisation certificate amendment application*) only to—

(a) do any of the following at the authorised premises (a *gaming area amendment*):

(i) change the size or shape of a gaming area, or part of a gaming area;

(ii) change the location of a gaming area;

(iii) add another gaming area; or

Note **Gaming area**—see s 27 (1) (f) and s 30 (3) (h).

(b) enable the licensee to relocate all gaming machine operations allowed under the authorisation certificate to new premises (a *premises relocation amendment*); or

(c) increase the maximum number of authorisations for class C gaming machines under the authorisation certificate (an *increase maximum amendment*).

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.

Note 3 Section 34 sets out what must be included in an authorisation certificate amendment application.

Note 4 An authorisation certificate may also be amended under the following sections:

- s 37A (a one-off increase maximum amendment)
- s 37B (a technical amendment)
- s 37C (an amendment of a licence, authorisation certificate or authorisation schedule on the commission's own initiative).

- (2) To remove any doubt, a licensee does not need to apply for a gaming area amendment, or any other authorisation amendment, to move a gaming machine from one part of a gaming area to another part of the gaming area.

34 Authorisation certificate amendment—contents of application

An authorisation certificate amendment application must—

- (a) be in writing signed by the applicant; and
- (b) set out the proposed amendment of the authorisation certificate; and
- (c) explain why the applicant is seeking the amendment; and
- (d) for a gaming area amendment—be accompanied by a plan of the premises, drawn to scale, that clearly shows the proposed changes to the gaming area; and
- (e) for a premises relocation amendment in relation to relocating all gaming machine operations to new premises within the same suburb—
 - (i) state the address, and block and section number, of the new premises; and
 - (ii) be accompanied by a plan of the new premises, drawn to scale, that clearly shows the location, boundaries and dimensions of the proposed gaming area; and
- (f) for a premises relocation amendment in relation to relocating all gaming machine operations to new premises in another suburb—
 - (i) state the address, and block and section number, of the new premises; and

- (ii) be accompanied by—
 - (A) a social impact assessment; and
 - (B) a plan of the new premises, drawn to scale, that clearly shows the location, boundaries and dimensions of 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 a regulation voted for the club relocating to the new premises.

35 Authorisation certificate amendment decision—gaming area amendment

- (1) This section applies if a licensee applies for a gaming area amendment of an authorisation certificate.

Note **Gaming area amendment**—see s 33 (1) (a).

- (2) The commission may—
 - (a) amend the authorisation certificate; or
 - (b) refuse to amend the authorisation certificate.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

- (3) If the commission refuses to amend the authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (4) The commission must amend the authorisation certificate in accordance with the application if it is satisfied that the gaming area proposed to be changed will be suitable for the operation of the number of gaming machines the licensee may have under the authorisation certificate.
- (5) In deciding whether a gaming area will be suitable for the operation of the number of gaming machines the licensee may have under the authorisation certificate, the commission must consider harm minimisation strategies for patrons.

36 Authorisation certificate amendment decision—premises relocation amendment

- (1) This section applies if a licensee applies for a premises relocation amendment of an authorisation certificate.

Note **Premises relocation amendment**—see s 33 (1) (b).

- (2) The commission may—
 - (a) amend the authorisation certificate; or
 - (b) refuse to amend the authorisation certificate.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

- (3) If the commission refuses to amend the authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (4) In deciding whether to amend the authorisation certificate, the commission must consider the following:
- (a) the application for the amendment;
 - (b) if the new premises are in another suburb—
 - (i) the social impact assessment for the application; and
 - (ii) each submission made about the social impact assessment within the comment period mentioned in section 13 (2) (Social impact assessment—publication).
- (5) If the application is for a premises relocation amendment in relation to premises in another suburb, the commission must amend the authorisation certificate in accordance with the application if satisfied that—
- (a) the size and layout of the new premises and the proposed gaming area are suitable for the operation of the number of gaming machines that would be allowed under the authorisation certificate; and
 - (b) a majority of the voting members of the applicant who voted in a ballot conducted under a regulation voted for the club relocating to the new premises; and
 - (c) taking into consideration the social impact assessment for the application and any submission made on the assessment within the comment period under section 13 (2), the amendment of the authorisation certificate is appropriate.
- (6) However, if the commission is not satisfied under subsection (5) in relation to the maximum number of authorisations for gaming machines stated in the application, but would be satisfied under subsection (5) (a) or (c) in relation to a lower maximum, the commission may amend the authorisation certificate to allow a lower maximum number of authorisations for gaming machines at the new premises.

- (7) If the application is for a premises relocation amendment in relation to premises in the same suburb, the commission must amend the authorisation certificate in accordance with the application if satisfied that the size and layout of the new premises and the proposed gaming area are suitable for the operation of the number of gaming machines that would be allowed under the authorisation certificate.
- (8) However, if the commission is not satisfied under subsection (7) in relation to the maximum number of authorisations for gaming machines stated in the application, but would be satisfied in relation to a lower maximum, the commission may amend the authorisation certificate to allow a lower maximum number of authorisations for gaming machines at the new premises.

37 Authorisation certificate amendment decision—increase maximum amendment

- (1) This section applies if a licensee applies for an increase maximum amendment of an authorisation certificate.

Note **Increase maximum amendment**—see s 33 (1) (c).

- (2) The commission may—
- (a) amend the authorisation certificate; or
 - (b) refuse to amend the authorisation certificate.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

- (3) If the commission refuses to amend the authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (4) The commission must amend the authorisation in accordance with the application if satisfied that—

- (a) the application is accompanied by a social impact assessment that supports an increase in the maximum number of authorisations for gaming machines allowed at the authorised premises; and
- (b) the size and layout of the premises mentioned in the authorisation certificate is suitable for the operation of the number of gaming machines that would be allowed under the authorisation certificate.

- (5) In deciding the maximum number of authorisations for gaming machines under the amended authorisation certificate, the commission must consider the following:

- (a) the number of club members worked out under a regulation;

Note **Member**, of a club, does not include a temporary member (see dict).

- (b) the ratio of club members to the maximum number of authorisations for gaming machines sought by the licensee;
- (c) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community.

37A Authorisation certificate amendment—increase maximum to not more than relevant number

- (1) This section applies if, during the trading period, a licensee wants to increase the maximum number of authorisations for class C gaming machines the licensee may have under an authorisation certificate (a *one-off increase maximum amendment*).

Note **Trading period**—see s (4).

- (2) The licensee must notify the commission about the proposed one-off increase maximum amendment.

Note 1 Making a one-off increase maximum amendment of an authorisation certificate during the trading period is a notifiable action (see pt 13A and sch 2).

Note 2 A notifiable action takes place—

- (a) the prescribed number of days after the day the commission receives the notification (see s 173E (a)); or
 - (b) if the commission allows the notifiable action to take place on an earlier day—that day (see s 173E (b)); or
 - (c) if the commission asks for additional information under s 173E (c)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 173E (c)).
- (3) The commission must amend the authorisation certificate in accordance with the notification if satisfied that—
- (a) the number of authorisations by which the licensee proposes to increase the maximum number the licensee may have under the authorisation certificate is not more than the relevant number; and

Note **Relevant number**—see s (4).

- (b) the size and layout of the premises mentioned in the authorisation certificate are suitable for the operation of the number of gaming machines the licensee may have under the authorisation certificate, as amended; and

- (c) the applicant has not previously notified the commission about a one-off increase maximum amendment during the trading period.

Note **Trading period**—see s (4).

- (4) In this section:

relevant number, for a one-off increase maximum amendment of an authorisation certificate, means—

- (a) if the licensee's authorisation certificate is for less than 120 authorisations when the application is made—12; or
- (b) in any other case—10% of the total number of authorisations allowed under the authorisation certificate, up to a maximum of 20.

trading period means the period commencing on the commencement of the [Gaming Machine \(Reform\) Amendment Act 2015](#), section 4 and ending on the commencement of that Act, schedule 1 (Other amendments—compulsory surrender).

- (5) This section expires on the commencement of the [Gaming Machine \(Reform\) Amendment Act 2015](#), schedule 1 (Other amendments—compulsory surrender).

37B Authorisation certificate amendment—technical amendment

- (1) This section applies if a licensee wants to make 1 or more of the following changes to a gaming machine operated under an authorisation certificate (a **technical amendment**):
- (a) change the percentage payout of the gaming machine;
- (b) change the basic stake denomination of the gaming machine;
- (c) change the game installed on the gaming machine;

(d) change any other technical detail mentioned in the authorisation schedule.

(2) The licensee must notify the commission about the proposed technical amendment.

Note 1 Making a technical amendment to a gaming machine is a notifiable action (see pt 13A and sch 2).

Note 2 A notifiable action takes place—

- (a) the prescribed number of days after the day the commission receives the notification (see s 173E (a)); or
- (b) if the commission allows the notifiable action to take place on an earlier day—that day (see s 173E (b)); or
- (c) if the commission asks for additional information under s 173E (c)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 173E (c)).

37C Amendment of licence, authorisation certificate etc—commission’s own initiative

(1) The commission may amend a licence, authorisation certificate or authorisation schedule on its own initiative to correct a mistake, error or omission on the licence or authorisation certificate or authorisation schedule.

(2) If the maximum number of authorisations for gaming machines allowed under an authorisation certificate has changed, the commission may amend the authorisation certificate to record the correct maximum number.

(3) If a licensee notifies the commission about the acquisition or disposal of an authorisation under division 6A.6 (Trading of authorisations and gaming machines), the commission must amend the licensee’s authorisation schedule to—

(a) for an acquisition—include the authorisation number of the acquired authorisation; or

- (b) for a disposal—remove the authorisation number of the disposed authorisation.

37D Re-issue of amended licence, authorisation certificate etc

- (1) If the commission amends a licence under this Act, the commission must issue the licensee with a licence that includes the amendment (a *replacement licence*).
- (2) The replacement licence must state—
 - (a) that the licence is a replacement licence; and
 - (b) the date the replacement licence was issued; and
 - (c) the date the amendment commences.

Example—commencement of amendment

the day a new trading name for the licensee is registered

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 the commission amends an authorisation certificate (other than the schedule to the certificate) under this Act, the commission must issue the licensee with an authorisation certificate that includes the amendment (a *replacement authorisation certificate*).
- (4) The replacement authorisation certificate must state—
 - (a) that the certificate is a replacement authorisation certificate; and
 - (b) the date the replacement authorisation certificate was issued; and
 - (c) the date the amendment commences.

- (5) If an authorisation schedule to an authorisation certificate is amended under this Act, the commission must issue the licensee with an authorisation schedule that includes the amendment (a ***replacement authorisation schedule***).
- (6) The replacement authorisation schedule must state—
- (a) that the authorisation schedule is a replacement authorisation schedule; and
 - (b) the date the replacement authorisation schedule was issued; and
 - (c) the date the amendment commences.

Example—commencement of amendment

the day the commission receives an installation certificate for a new gaming machine

Division 2B.6 Transfer and surrender of licences and authorisation certificates

37E Transferring an authorisation certificate

- (1) If a licensee (the ***outgoing licensee***) transfers an authorisation certificate to another licensee (the ***incoming licensee***), the incoming licensee must tell the commission about the transfer.

Note 1 The transfer of an authorisation certificate is a notifiable action (see pt 13A and sch 2).

Note 2 A notifiable action takes place—

- (a) the prescribed number of days after the day the commission receives the notification (see s 173E (a)); or
- (b) if the commission allows the notifiable action to take place on an earlier day—that day (see s 173E (b)); or
- (c) if the commission asks for additional information under s 173E (c)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 173E (c)).

- (2) If an authorisation certificate is transferred under subsection (1), the outgoing licensee must give the commission the following:
- (a) the outgoing licensee's computer cabinet access register;
 - (b) the accounts kept by the outgoing licensee under section 52 (Accounts relating to gaming machines) that relate to amounts taken during the month when the transfer is made;
 - (c) any other accounts kept in connection with the licence under section 52 that the commission requires;
 - (d) any outstanding amount payable by the outgoing licensee under this Act.

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

37F Surrender of licences, authorisation certificates and authorisations

- (1) A licensee may surrender—
- (a) the licensee's licence; or
 - (b) 1 or more authorisation certificates under the licence; or
 - (c) an authorisation.

Note If a licensee surrenders a licence, all authorisation certificates under the licence are cancelled (see s 3 (a)).

(2) A licensee may surrender a licence, authorisation certificate or authorisation by—

(a) notifying the commission that the licensee surrenders the licence, authorisation certificate or authorisation; and

Note 1 The surrender of a licence, authorisation certificate or authorisation is a notifiable action (see pt 13A and sch 2).

Note 2 A notifiable action takes place—

- (a) the prescribed number of days after the day the commission receives the notification (see s 173E (a)); or
- (b) if the commission allows the notifiable action to take place on an earlier day—that day (see s 173E (b)); or
- (c) if the commission asks for additional information under s 173E (c)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 173E (c)).

(b) if the licensee surrendering an authorisation certificate or authorisation 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 a regulation voted for the club surrendering the authorisation certificate or authorisation; or

(ii) that a vote under subparagraph (i) would not be practical; and

(c) returning the licence, certificate or authorisation to the commission.

Example—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) If a licensee notifies the commission about the surrender of the licensee's licence, the commission must—
- (a) cancel all authorisation certificates held by the licensee; and
 - (b) give the licensee a storage permit for an interim purpose for each gaming machine under the cancelled authorisation certificates.
- (4) If a licensee surrenders an authorisation certificate or an authorisation under this section, the commission must give the licensee a storage permit for an interim purpose for each gaming machine under the surrendered certificate or authorisation.
- (5) If an authorisation certificate or authorisation is surrendered or cancelled under this section, the licensee must—
- (a) take meter readings from each gaming machine under the certificate or authorisation; and
 - (b) render the gaming machine inoperable; and
 - (c) within the prescribed number of days after the day the certificate or authorisation is surrendered or cancelled, give the commission—
 - (i) details of the meter readings taken under paragraph (a); and
 - (ii) any outstanding amount payable by the licensee in relation to the operation of the gaming machine under the surrendered or cancelled authorisation certificate.

Note **Prescribed number of days**—see s 173D (5).

37G Offence—failure to dispose of gaming machines

A person commits an offence if—

- (a) an authorisation held by the person was surrendered or cancelled under section 37F; and

- (b) the commission gave the person a storage permit for a gaming machine to which the authorisation related; and
- (c) the person fails to dispose of the gaming machine mentioned in the permit—
 - (i) in the way the commission directs; or
 - (ii) within the period stated in the storage permit.

Maximum penalty: 50 penalty units.

Note Div 6A.3 deals with disposal of gaming machines.

Division 2B.7 Licences, authorisation certificates and authorisations—register and replacement copies

37H Licences and authorisation certificates—register

- (1) The commission must keep a register of licences, authorisation certificates and authorisations.
- (2) The register must include the following details:
 - (a) the date of the issue, amendment or transfer of a licence or authorisation certificate;
 - (b) the date of the suspension or cancellation of a licence or authorisation certificate;
 - (c) for each authorisation certificate included in the register—
 - (i) the maximum number of authorisations for gaming machines the licensee may have under the authorisation certificate; and
 - (ii) the authorisation number for each authorisation; and
 - (iii) details of any gaming machine under each authorisation;

Note **Maximum number** of authorisations—see the dictionary.

- (d) if a licensee holds a permit—
 - (i) whether the permit is—
 - (A) a storage permit for a general purpose; or
 - (B) a storage permit for an interim purpose; or
 - (C) a quarantine permit; and
 - (ii) for a storage permit for a general purpose—
 - (A) the serial number of each gaming machine to be stored under the permit; and
 - (B) the authorisation number for each machine's associated authorisation; and
 - (iii) for a storage permit for an interim purpose—the serial number of each gaming machine to be stored under the permit; and
 - (iv) for a quarantine permit—
 - (A) the authorisation number for each authorisation to be stored under the permit; and
 - (B) for each authorisation stored with its associated gaming machine—the serial number of the associated gaming machine;
 - (e) anything else prescribed by regulation.
- (3) The register may be kept in any form, including electronically, that the commission decides.
 - (4) The commission may correct a mistake, error or omission in the register.
 - (5) A licensee may ask the commission, in writing, to correct a mistake, error or omission in the register.

- (6) The commission may change a detail included in the register to keep the register up-to-date.

Example

A detail in the register may be changed as a consequence of receiving notification under s 173D about a notifiable action.

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).

371 Licences, authorisation certificates and authorisation schedules—replacement copies

- (1) This section applies if a licensee's licence, authorisation certificate or authorisation schedule is lost, stolen or destroyed.
- (2) The licensee must give the commission a statement verifying the loss, theft or destruction of the licence, authorisation certificate or authorisation schedule as soon as practicable after becoming aware of the loss, theft or destruction.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (3) If the commission receives a statement under subsection (2), the commission must give the licensee a replacement licence, replacement authorisation certificate or replacement authorisation schedule.

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

Part 2C **In-principle authorisation certificates**

Division 2C.1 **Preliminary**

38 **Object—pt 2C**

The object of this part is to allow a person to obtain in-principle approval to have a maximum number of authorisations for gaming machines under an authorisation certificate 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.

Note **Maximum number**, of authorisations—see the dictionary.

38A **Definitions for Act**

In this Act:

approval-holder means a person who holds an in-principle approval for an authorisation certificate under this part.

in-principle authorisation certificate means an in-principle approval for an authorisation certificate.

Division 2C.2 In-principle authorisation certificate—application

38B In-principle authorisation certificate—application

- (1) A person may apply for an in-principle approval for an authorisation certificate only if—
- (a) the person—
 - (i) holds a class C licence; or
 - (ii) has applied for a class C licence; and
 - (b) the land at the address for which the in-principle authorisation certificate is sought is suitable land.

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:

suitable land means land that is—

- (a) unleased land; and
- (b) to be leased with a purpose clause permitting use of the land for a club.

38C In-principle authorisation certificate application—contents

An application for in-principle approval for an authorisation certificate—

- (a) must comply with the requirements for an authorisation certificate application under section 22 (1) (Authorisation certificate for class C gaming machines—contents of application); but
- (b) need not comply with section 22 (2) (b) to (d).

Division 2C.3 In-principle authorisation certificate— issue

38D In-principle authorisation certificate—decision on application

- (1) This section applies if the commission receives an application for an in-principle authorisation certificate under section 38B (1) (In-principle authorisation certificate—application).
- (2) The commission may—
 - (a) issue the in-principle authorisation certificate; or
 - (b) refuse to issue the in-principle authorisation certificate.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

- (3) If the commission refuses to issue the in-principle authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (4) The commission must issue the in-principle authorisation certificate if satisfied that, taking into consideration the social impact assessment for the application and any submission made on the assessment within the comment period under section 13 (2) (Social impact assessment—publication), issuing the in-principle authorisation certificate is appropriate.

38E In-principle authorisation certificate—form

- (1) An in-principle authorisation certificate must—
 - (a) be in writing; and
 - (b) state the following:
 - (i) the name of the approval-holder’s legal entity (the *approval-holder’s name*);
 - (ii) if the approval-holder carries on business under a name other than the approval-holder’s name—the name under which the approval-holder carries on business;
 - (iii) the approval-holder’s ABN;
 - (iv) the approval-holder’s—
 - (A) ACN; or
 - (B) if the approval-holder is an incorporated association—association number;
Note Association number—see the dictionary.
 - (v) the address, and block and section number, to which the in-principle authorisation certificate applies;
 - (vi) the maximum number of authorisations allowed under the in-principle authorisation certificate;
 - (vii) the class of gaming machines;
 - (viii) the conditions (if any) of the in-principle authorisation certificate.
- (2) A regulation may prescribe other requirements about the form of an in-principle authorisation certificate.

38F In-principle authorisation certificate—conditions

An in-principle authorisation certificate is subject to any condition—

- (a) prescribed by regulation; or
- (b) imposed by the commission when the in-principle authorisation certificate is issued or extended.

38G In-principle authorisation certificate—term

An in-principle authorisation certificate—

- (a) commences on the day it is issued; and
- (b) expires—
 - (i) 3 years after the day it is issued; or
 - (ii) if the term of the in-principle authorisation certificate is extended under section 38K (In-principle authorisation certificate—extension decision)—on the date to which the in-principle authorisation certificate is extended.

Division 2C.4 In-principle authorisation certificate—transfer

38H In-principle authorisation certificate—application to transfer

- (1) An approval-holder may apply to the commission to transfer the in-principle authorisation certificate to someone else (the *proposed new approval-holder*).

Note An approval-holder must hold a class C licence or must have applied for a class C licence (see s 38B (1) (a)).

- (2) The application must—
 - (a) be in writing, signed by the approval-holder and the proposed new approval-holder; and

- (b) state the full name and address of—
 - (i) the proposed new approval-holder; and
 - (ii) each director of the proposed new approval-holder; and
 - (c) state the name of each influential person for the applicant and the person's relationship with the applicant.
- (3) A regulation may require an application to—
- (a) include stated information; or
 - (b) be accompanied by stated documents.

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.

38I In-principle authorisation certificate—transfer decision

- (1) This section applies if the commission receives an application to transfer an in-principle authorisation certificate under section 38H.

Note An approval-holder who makes an application under s 38H must hold a class C licence or must have applied for a class C licence (see s 38B (1) (a)).

- (2) The commission may—
- (a) transfer the in-principle authorisation certificate to the proposed new approval-holder; or
 - (b) refuse to transfer the in-principle authorisation certificate to the proposed new approval-holder.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

- (3) If the commission refuses to transfer the in-principle authorisation certificate to the proposed new approval-holder, the commission must tell the applicant, in writing, the reasons for the decision.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (4) The commission must transfer the in-principle authorisation certificate to the proposed new approval-holder if satisfied that the proposed new approval-holder—
- (a) holds a licence; or
 - (b) has applied for a licence.

38J In-principle authorisation certificate—application for extension

- (1) An approval-holder may apply to the commission to extend the term of an in-principle authorisation certificate.

Note Section 38G sets out the term of an in-principle authorisation certificate.

- (2) The application must—
- (a) be in writing signed by the approval-holder; and
 - (b) state 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 the term of an in-principle authorisation certificate, the in-principle authorisation certificate remains in force until the application is decided.

38K In-principle authorisation certificate—extension decision

- (1) This section applies if the commission receives an application under section 38J to extend the term of an in-principle authorisation certificate.

- (2) The commission may—
- (a) extend the term of the in-principle authorisation certificate; or
 - (b) refuse to extend the term of the in-principle authorisation certificate.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

- (3) If the commission refuses to extend the term of the in-principle authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (4) The commission may extend the term of the in-principle authorisation certificate for a period not longer than 12 months.

38L In-principle authorisation certificate—surrender

An approval-holder may surrender an in-principle authorisation certificate by giving the commission—

- (a) written notice of the surrender; and
- (b) the in-principle authorisation certificate.

Division 2C.5 In-principle authorisation certificates—conversion

38M Conversion of in-principle authorisation certificate to authorisation certificate—application

- (1) An approval-holder may apply to the commission to have an in-principle authorisation certificate converted to an authorisation certificate.
- (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 authorisation certificate applies; and
 - (c) include the following:
 - (i) the name of the applicant's legal entity (the *applicant's name*);
 - (ii) if the applicant carries on business under a name other than the applicant's name—the name under which the applicant carries on business;
 - (iii) the applicant's ABN;
 - (iv) the applicant's—
 - (A) ACN; or
 - (B) if the applicant is an incorporated association—association number; and

Note *Association number*—see the dictionary.
 - (d) state the address, and block and section number, of the premises for which the authorisation certificate is sought; and

- (e) state the maximum number of authorisations for gaming machines for which the authorisation certificate is sought; and
 - (f) be accompanied by each of the required documents for the application.
- (3) For subsection (2) (f), the **required documents** are the following:
- (a) a plan of the premises that—
 - (i) is drawn to scale; and
 - (ii) clearly shows the location, boundaries and dimensions of the area in the premises where gaming machines are to be installed (the **proposed gaming area**);
 - (b) a copy of the current gaming rules the applicant has adopted in relation to the premises for which the authorisation certificate is sought;

Examples—what gaming rules may cover

- 1 how long a gaming machine may be reserved for
- 2 who may play the gaming machines
- 3 banning of extension of credit to players
- 4 cash payment limits

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).

- (c) a copy of the current control procedures the applicant has adopted to control the operation of gaming machines on the premises for which the authorisation certificate is sought;

Note Section 97 sets out the requirements for control procedures.

(d) any other documents required 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 an application.

Note 3 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 4 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

38N Conversion of in-principle authorisation certificate to authorisation certificate—decision

- (1) This section applies if the commission receives an application under section 38M to convert an in-principle authorisation certificate to an authorisation certificate.
- (2) The commission may—
 - (a) convert the in-principle authorisation certificate to an authorisation certificate; or
 - (b) refuse to convert the in-principle authorisation certificate to an authorisation certificate.

Note 1 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 2 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

- (3) If the commission refuses to convert the in-principle authorisation certificate to an authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (4) The commission must convert the in-principle authorisation certificate to an authorisation certificate for the number of authorisations stated in the in-principle certificate if satisfied that—
- (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle authorisation certificate applies; and
 - (b) were the application an application for an authorisation certificate under section 21 (Authorisation certificate for class C gaming machines—application), the commission would issue the authorisation certificate under section 23 (Authorisation certificate for class C gaming machines—decision on application).
- (5) The commission may convert the in-principle authorisation certificate to an authorisation certificate for a lower number of authorisations for gaming machines than the number stated in the in-principle certificate if satisfied that the size and layout of the proposed gaming area are suitable for the installation of the lower number of gaming machines.

Note The commission may refuse to issue an authorisation certificate to a club if a ground for refusing to issue the certificate exists (see s 24).

- (6) If the commission converts an in-principle authorisation certificate to an authorisation certificate, the commission must issue an authorisation certificate to the applicant in the same terms, and subject to the same conditions, as the in-principle authorisation certificate.

380 Consequences of conversion—other in-principle authorisation certificates for the land or premises expire

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

Part 3 Licences and authorisation certificates—conditions

Division 3.1 Compliance with licence conditions

39 Offence—failure to comply with condition

- (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) A licensee commits an offence if—
- (a) an authorisation certificate held by the licensee is subject to a condition; and
 - (b) the licensee fails to comply with a requirement of the condition.

Maximum penalty: 100 penalty units.

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

Note Conditions on licences and authorisation certificates are imposed by the commission and by other parts of the Act, as well as by this part.

- (4) Subsections (1) and (2) do not apply if the licensee took all reasonable steps to comply with a requirement of the condition.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see Criminal Code, s 58).

Division 3.2 General licence and authorisation certificate conditions

39A Compliance with requirements for issue of licence and authorisation certificate

- (1) It is a condition of a licence that the licensee—
- (a) continually meets each requirement for the issue of a licence;
and

Note For the requirements for the issue of a licence, see s 17, in relation to class C gaming machines, and s 29 in relation to class B gaming machines.

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

Note For the grounds for refusing to issue a class C licence, see s 18.

- (2) It is a condition of an authorisation certificate that the licensee—
- (a) continually meets each requirement for the issue of an authorisation certificate; and

Note For the requirements for the issue of an authorisation certificate, see s 23, in relation to class C gaming machines, and s 29, in relation to class B gaming machines.

- (b) continues not to do anything that would, if the licensee were applying for an authorisation certificate, cause the licensee to be refused the authorisation certificate.

Note For the grounds for refusing to issue an authorisation certificate for a class C licence, see s 24.

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 Licence and authorisation certificate to be kept at premises

- (1) It is a condition of a licence that the licensee keeps a copy of the licence and authorisation certificate (including the authorisation schedule) at the authorised premises to which the certificate relates.
- (2) However, subsection (1) does not apply if—
 - (a) the licence or authorisation certificate is lost, stolen or destroyed; and
 - (b) the licensee has given the commission a statement under section 37I (Licences, authorisation certificates and authorisation schedules—replacement copies); and
 - (c) the commission has not given the licensee a replacement.

42 Licence and authorisation certificate to be available on request

- (1) It is a condition of a licence that the licensee allows a person, on request, to view a copy of the licence and authorisation certificate at the authorised premises to which the certificate relates.
- (2) However, the licensee need not allow a person to view the authorisation schedule for the authorisation certificate if the person is not an authorised officer exercising a function under the [Control Act](#).
- (3) Subsection (1) does not apply if—
 - (a) the licence or authorisation certificate is lost, stolen or destroyed; and
 - (b) the licensee has given the commission a statement under section 37I (Licences, authorisation certificates and authorisation schedules—replacement copies); and
 - (c) the commission has not given the licensee a replacement.

42A Assistance with reviews

It is a condition of a licence that the licensee gives reasonable assistance to the commission in the conduct of any review the commission undertakes.

Note A failure to comply with this section is a ground for disciplinary action (see s 57 (1) (c)).

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 authorised 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 licensee's authorised premises otherwise than in accordance with this Act.

45 Installation certificate

- (1) It is a condition of a licence that the licensee gives the commission an installation certificate for a gaming machine if—
- (a) a gaming machine is installed on authorised premises; or
 - (b) a technical amendment is made to a gaming machine operated under an authorisation.

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

- (2) An installation certificate must—
- (a) be in writing; and
 - (b) state the licensee's name and licence number; and

- (c) if a gaming machine is installed—identify the authorised premises where the gaming machine is installed; and
- (d) if the commission has given the licensee a notice under section 124 (Commission may require information) about the installation—include the details required by the notice; and
- (e) be given to the commission not more than 3 days after—
 - (i) the day the gaming machine is installed or the technical amendment made; or
 - (ii) if the commission has given the licensee a notice under section 124 about the installation—the day the commission gave the notice.

46 Operation after installation

- (1) This section applies if a gaming machine is operated on authorised premises.
- (2) It is a condition of the licence that the licensee not allow the gaming machine to be operated on the authorised 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 authorised premises if the percentage payout on the gaming machine is not the percentage payout under the authorisation schedule for the gaming machine.
- (2) Subsection (1) does not prevent the operation of the gaming machine to correct the percentage payout.

48 Approved statement to be displayed

It is a condition of a licence that, if the Minister approves a statement under section 126, the statement is clearly displayed on each gaming machine at authorised premises.

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](#).

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 licensee's authorised 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 that, if the commission directs the club, under section 148B (Club constitution—consistency with gaming laws), to amend its constitution to remove an inconsistency with a gaming law, the club must amend its constitution, with or without an election of its voting members.
- (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.

54A Conditions about guests and temporary membership

- (1) It is a condition of a licence for a club that—
 - (a) a local guest may attend the club only if—
 - (i) a club member signs in the guest; and
 - (ii) the guest is accompanied by the member who signed the guest in (a *signed-in guest*); and
 - (b) an interstate guest may attend the club only if the guest—
 - (i) signs in to the club; and
 - (ii) is issued with temporary membership by the club (a *temporary member*).
- (2) It is a condition of a licence for a club that the club must not—
 - (a) require an interstate guest to pay a fee for temporary membership of the club; or
 - (b) allow a temporary member to be a voting member of the club.
- (3) In this section:
 - interstate guest*, for a club, means a person who—
 - (a) is not a member of the club; and
 - (b) is not a resident of the ACT.
 - local guest*, for a club, means a person who—
 - (a) is not a member of the club; but
 - (b) is a resident of the ACT.

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) only members, temporary members and signed-in guests can play gaming machines in the club.

Note **Signed-in guest**—see s 54A.
Temporary member—see s 54A.

Part 4 Disciplinary action

56 Definitions—pt 4

In this part:

cancelled—a licence, and each authorisation certificate under the licence, is **cancelled** under this part if—

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

disciplinary action—see section 58.

disciplinary notice—see section 61.

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

- (a) the time for any appeal or review in relation to the decision has ended; or
- (b) any appeal or review in relation to the decision has been decided or withdrawn.

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

licence includes an in-principle authorisation certificate.

Note 1 **In-principle authorisation certificate**—see s 38A.

Note 2 **Licence**—see the dictionary.

Note 3 **Licensee** has a meaning corresponding to the meaning of **licence** (see [Legislation Act](#), s 157).

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) Subsection (1) (f) (ii) does not apply to an approval-holder.
- (4) 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 or authorisation certificate;
 - (c) ordering the person to pay to the Territory a financial penalty of not more than \$100 000;
 - (d) suspending the person's licence or authorisation certificate for a stated period or until a stated thing happens;
 - (e) cancelling the person's licence;

- (f) suspending the person's authorisation certificate in relation to stated premises;
- (g) if the person is operating more gaming machines at authorised premises than is allowed under the person's authorisation certificate for the premises—
 - (i) ordering the person to forfeit to the Territory 100% of the gross revenue from the operation of each gaming machine that exceeds the number allowed under the authorisation certificate; and
 - (ii) directing the person about how to dispose of the excess gaming machines.
- (2) For subsection (1) (d) and (e), if a licence is suspended or cancelled, all authorisation certificates under the licence are suspended or cancelled.
- (3) 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.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

Note 2 The power to make an instrument includes the power to amend or repeal the instrument. The power to amend or repeal the instrument is exercisable in the same way, and subject to the same conditions, as the power to make the instrument (see [Legislation Act](#), s 46).

- (4) 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) If the disciplinary action consists of an action mentioned in section 58 (1) (g) (i), the commission must include in the written notice of the action the amount to be forfeited under that section.
- (6) Disciplinary action takes effect when the licensee receives written notice of the action, or on a later stated date.

62A Disciplinary action in relation to trading authorisations and gaming machines—directions

- (1) This section applies if the commission takes disciplinary action against a licensee in relation to acquiring or disposing of an authorisation or gaming machine under division 6A.6 (Trading of authorisations and gaming machines).

- (2) The commission may give the licensee written directions about how the licensee is to conduct the acquisition or disposal.

Note 1 The power to make an instrument includes the power to amend or repeal the instrument. The power to amend or repeal the instrument is exercisable in the same way, and subject to the same conditions, as the power to make the instrument (see [Legislation Act](#), s 46).

Note 2 See div 6A.3 about the disposal of gaming machines.

- (3) The directions must not be inconsistent with—
- (a) this Act or any other territory law; or
 - (b) a condition of the licensee's licence.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (4) The licensee must comply with the directions.

63 Suspension of licence and authorisation certificate 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 licence, and each authorisation certificate under the 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 authorisation certificate because of cancellation etc of general and on licences

- (1) This section applies if—
 - (a) an authorisation certificate 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 authorisation certificate is cancelled.
- (3) If the general licence or on licence is cancelled, the authorisation certificate is also cancelled.

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

- (4) However, an authorisation certificate 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 and authorisation certificate on cancellation

- (1) This section applies if—
 - (a) the commission cancels a person's licence or authorisation certificate under this part; and
 - (b) the person is given notice of the cancellation.
- (2) This section also applies if—
 - (a) a person's authorisation certificate is cancelled under section 64 (2); or
 - (b) a person's authorisation certificate is cancelled under section 64 (3) and the person has notice of the cancellation of the person's general or on licence.

- (3) The person must return the licence or authorisation certificate (including the authorisation schedule) 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.

65A Cancellation of licences and authorisation certificates— disposal of gaming machines

- (1) This section applies if a person's licence, and each authorisation certificate under the licence, is cancelled under this part.
- (2) The number of authorisations for gaming machines under the cancelled authorisation certificate is forfeited to the Territory.
- (3) The person must dispose of a gaming machine operated under the cancelled authorisation certificate as the commission directs.

Maximum penalty: 50 penalty units.

Note The [Control Act](#), s 23 provides that an authorised officer may enter and inspect any premises at any reasonable time to do the things mentioned in that section, including inspecting and removing any gaming equipment the officer believes on reasonable grounds to be connected with an offence against a gaming law.

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 gaming machines must be connected to the CMS.

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

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 gaming machine no longer operates as designed; or
- (b) the gaming machine no longer operates as intended.

- (2) To remove any doubt, if the approval of a gaming machine is cancelled or suspended under this section, it applies to all gaming machines of that kind, whether or not a particular gaming 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 Computer cabinet access register

- (1) A licensee must keep a register for gaming machines on authorised premises (the *computer cabinet access register*).

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

- (2) If an approved supplier, approved technician or authorised officer opens or replaces the computer cabinet in a gaming machine on the licensed premises, the person must enter the following details in the computer cabinet access register:
- (a) information that clearly identifies the gaming machine, including the machine's serial number;
 - (b) the date when the computer cabinet was opened or replaced;
 - (c) a description of why the computer cabinet was opened or replaced;
 - (d) the new computer cabinet seal number that was applied;

- (e) if the person who opens the computer cabinet is an approved supplier or approved technician—the person’s name and signature;
- (f) if the person who opens the computer cabinet is an authorised officer—the person’s name and signature;
- (g) the licensee’s name and signature;
- (h) any other information prescribed by regulation.

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 3 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.

Part 6A Gaming machine dealings

Division 6A.1 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 and peripheral equipment—general

- (1) A person commits an offence if—
- (a) the person intentionally acquires a gaming machine; and
 - (b) the person does not have a licence and an authorisation certificate allowing the operation of the gaming machine at the person's premises.

Note **Acquire**—see the dictionary.

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

- (2) However, a person does not commit an offence against subsection (1) if—
- (a) the person has been appointed as an external administrator for a licensee; and
 - (b) the commission has received written notice of the person's appointment, and any additional information requested by the commission, under section 110A (Appointment of external administrator).
- (3) A licensee commits an offence if—
- (a) the licensee intentionally acquires a gaming machine or peripheral equipment for a gaming machine; and
 - (b) the gaming machine or peripheral equipment is not approved under section 69 (Approval of gaming machines and peripheral equipment).

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

- (4) A licensee commits an offence if the licensee—
- (a) intentionally acquires a gaming machine for authorised premises; and
 - (b) does not hold an authorisation for the gaming machine.

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

- (5) In this section:
external administrator—see section 105A.

99 Acquisition of authorisations and gaming machines—notification

- (1) This section applies if a licensee intends to acquire—
- (a) an authorisation for a gaming machine for authorised premises; or
 - (b) a gaming machine for authorised premises.
- (2) The licensee must notify the commission about the proposed acquisition.

Note 1 The acquisition of an authorisation or gaming machine is a notifiable action (see pt 13A and sch 2).

Note 2 It is a condition of a licence that the licensee give the commission written notice of the details of a gaming machine installed on authorised premises within 3 days after the day the gaming machine is installed or the commission gives the licensee a notice under s 124 (see s 45).

It is also a condition of a licence that the licensee not allow the gaming machine to be operated on the authorised premises until the notice under s 45 has been given to the commission (see s 46).

100 Acquisition of gaming machines—amendment of authorisation schedule etc

- (1) This section applies if a licensee notifies the commission under section 99 about the proposed acquisition of a gaming machine for authorised premises.
- (2) The commission must amend the licensee's authorisation schedule for the authorised premises to record the gaming machine's serial number and anything else required by this Act to be included.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

Note 2 The licensee must not acquire a gaming machine for premises authorised under an authorisation certificate if the licensee does not hold an authorisation for the gaming machine (see s 98 (4)).

- (3) However, if the licensee acquires the gaming machine under division 6A.6 (Trading of authorisations and gaming machines), the commission must amend the licensee's authorisation schedule to remove 1 authorisation for a gaming machine for every 4 authorisations for gaming machines the licensee acquires.

Note 1 On receiving a notice under this section, the commission must also amend the register of licences and authorisations to include details about the maximum number of authorisations for gaming machines to be held by the licensee after acquiring the gaming machines mentioned in the notice (see s 37H (2)).

Note 2 **Maximum number** of authorisations—see the dictionary.

- (4) The commission may amend any other record the commission holds to include the information contained in the notice.
- (5) Subsection (3) and this subsection expire on the commencement of the [Gaming Machine \(Reform\) Amendment Act 2015](#), schedule 1 (Other amendments—compulsory surrender).

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 external administrator and the licensee is authorised under this Act to possess or operate the gaming machine; or
 - (b) the gaming machine is used only for training purposes; or
 - (c) the gaming machine is being stored; or
 - (d) the gaming machine is being displayed for sale or as a promotion; or
 - (e) the gaming machine is being repaired, tested or evaluated.
- (3) In this section:
- external administrator***, for a licensee—see section 105A.

104 Offence—operating unauthorised, stored or quarantined gaming machines

- (1) A person commits an offence if—
- (a) the person operates a gaming machine; and
 - (b) operation of the gaming machine is not allowed under an authorisation certificate; and
 - (c) the person is reckless about whether the operation of the gaming machine is allowed under an authorisation certificate.

Maximum penalty: 100 penalty units.

- (2) A person commits an offence if—
- (a) the person operates a gaming machine; and
 - (b) a permit applies to the gaming machine; and
 - (c) the person is reckless about whether a permit applies to the gaming machine.

Maximum penalty: 100 penalty units.

105 Operation of gaming machines other than in accordance with authorisations

- (1) A person commits an offence if—
- (a) the person owns, occupies or manages authorised 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 authorisation certificate; and

- (c) someone uses the gaming machine otherwise than in accordance with the authorisation certificate.

Maximum penalty: 100 penalty units.

- (2) A person commits an offence if—
 - (a) the person owns, occupies or manages premises other than authorised 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 6A.2 Repossession of gaming machines

105A Definitions—div 6A.2

In this division:

approval means an approval under section 108 to repossess a gaming machine.

external administrator, for a licensee, means any of the following appointed to manage the licensee's affairs:

- (a) an administrator of the licensee;
- (b) a liquidator of the licensee;
- (c) a receiver of the licensee;
- (d) a receiver and manager of the licensee.

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 Approval for repossession—application

- (1) A person enforcing a financial agreement or a supplier may apply 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 an application.

- (2) The application must be accompanied by information identifying—
- (a) the person from whom the gaming machine is to be repossessed; and
 - (b) the premises where the gaming machine is currently held; and
 - (c) the details of the gaming 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 gaming machine; and
 - (b) seal the computer cabinet on the gaming machine; and
 - (c) render the gaming 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 gaming machine before its disposal that the commission considers appropriate.

109A Repossessed gaming machines—amendment of authorisation schedule

- (1) This section applies if a person enforcing a financial agreement or a supplier repossesses a gaming machine from a licensee under this division.
- (2) The person who repossesses the gaming machine must give the commission written notice that the gaming machine has been repossessed.
- (3) On receiving a notice under subsection (2), the commission must—
 - (a) amend the authorisation schedule for the gaming machine to remove the gaming machine’s details; and
 - (b) give the licensee a replacement authorisation schedule that includes the amendment.

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.

110A Appointment of external administrator

- (1) If an external administrator is appointed to manage a licensee's affairs, the external administrator must give the commission written notice of the appointment.

Note **External administrator**—see s 105A.

- (2) The commission may, in writing, ask the external administrator for additional information about the appointment.

Division 6A.3 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) Subsection (1) does not apply if the person disposes of the gaming machine under a notification under section 113A (Disposal of gaming machines—notifiable action).

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) 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 gaming machine; and
 - (b) the premises where the gaming machine is currently held; and
 - (c) the details of the gaming machine.
- (3) However, this section does not apply to a person who disposes of a gaming machine under a notification under section 113A (Disposal of gaming machines—notifiable action).

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 gaming machine is authorised—
 - (i) to operate the gaming machine under an authorisation certificate; or
 - (ii) if the gaming machine is to be sold or operated in a local jurisdiction—under a law of the local jurisdiction; or
 - (iii) to destroy the gaming machine; and
 - (b) for an applicant who has repossessed the gaming 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.

113A Disposal of gaming machines—notifiable action

- (1) This section applies if a licensee authorised to operate a gaming machine proposes to dispose of the gaming machine for any of the following reasons:
- (a) the authorisation for the gaming machine under division 6A.6 (Trading of authorisations and gaming machines) is to be traded without the gaming machine;

Note The licensee must apply for a storage permit for the gaming machines that are not being traded with the authorisation (see div 6A.7).
 - (b) the gaming machine is to be sold to another licensee in the ACT or a local jurisdiction;
 - (c) the gaming machine is to be replaced with a new gaming machine;
 - (d) the gaming machine is to be returned to the approved supplier who sold the gaming machine;
 - (e) the gaming machine is to be sold to an approved supplier;
 - (f) the authorisation for the gaming machine is to be surrendered under section 37F (Surrender of licences, authorisation certificates and authorisations);
 - (g) the licensee's licence is to be cancelled under section 58 (Disciplinary action).

- (2) The licensee must notify the commission about the proposed disposal of the gaming machine.

Note 1 The disposal of a gaming machine is a notifiable action (see pt 13A and sch 2).

Note 2 A notifiable action takes place—

- (a) the prescribed number of days after the day the commission receives the notification (see s 173E (a)); or
 - (b) if the commission allows the notifiable action to take place on an earlier day—that day (see s 173E (b)); or
 - (c) if the commission asks for additional information under s 173E (c)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 173E (c)).
- (3) The commission may approve a means of disposing of a gaming machine under this section.

- (4) An approval is a notifiable instrument.

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

113B Destruction of gaming machines—commission’s attendance

- (1) This section applies if a licensee proposes to dispose of a gaming machine by destroying it under—
- (a) an approval under section 113 (Approval of disposal of gaming machines); or
 - (b) section 113A.
- (2) The commission may, but need not, attend the gaming machine’s destruction.
- (3) If the commission decides to attend the gaming machine’s destruction, the commission must give the licensee written notice to that effect.

- (4) The notice must be given to the licensee within a reasonable time before the gaming machine is destroyed.

Note For how documents may be served, see the [Legislation Act](#), pt 19.5.

113C Disposal of gaming machines—direction about manner of disposal

- (1) The commission may, in writing, direct a licensee to dispose of a gaming machine under this Act in the manner stated in the direction.
- (2) The licensee must comply with the direction within the reasonable time stated in the direction.

113D Offence—failure to dispose of gaming machine within required time

- (1) This section applies if—
 - (a) the commission issues a storage permit for an interim purpose to a licensee; and
 - (b) the licensee fails to dispose of a gaming machine to which the permit applies within the time stated in the permit.
- (2) The commission must, in writing, direct the licensee to destroy the gaming machine in the way, and within the time, stated in the direction.
- (3) A licensee commits an offence if the licensee fails to comply with a direction under subsection (2).

Maximum penalty: 100 penalty units.

- (4) Subsection (3) does not apply if the licensee has a reasonable excuse.

Division 6A.4 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 6A.5 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 authorised 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 authorised 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 authorised 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 or operation of a gaming machine on the authorised 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 authorised 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 on authorised premises 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 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 Approval of statement for display on gaming machines

- (1) The Minister may approve a statement for display on each gaming machine at authorised premises.
- (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.

Division 6A.6 Trading of authorisations and gaming machines

Subdivision 6A.6.1 Preliminary

127A Objects—div 6A.6

The objects of this division are to facilitate—

- (a) the trading of class C authorisations, with or without the related gaming machines, between class C licensees; and
- (b) the reduction of the number of class B authorisations in the Territory by—
 - (i) allowing the trading of class B authorisations, without the related gaming machines, to class C licensees; and
 - (ii) the conversion of traded class B authorisations to class C authorisations.

Note 1 The acquisition of an authorisation or gaming machine under this division is a notifiable action (see s 99).

Note 2 If a class C licensee acquires a class B authorisation, on receiving notification of the trade, the commission will amend the class C licensee's authorisation schedule to record the authorisation as a class C authorisation.

127B Definitions—div 6A.6

In this division:

class B licensee means a licensee who is licensed to operate class B gaming machines in the ACT.

class C licensee means a licensee who is licensed to operate class C gaming machines in the ACT.

Subdivision 6A.6.2 Trading class B authorisations

127C Selling class B authorisations

- (1) A class B licensee (the *disposing licensee*) may dispose of 1 or more authorisations for class B gaming machines (a *class B authorisation*) to—
 - (a) a class C licensee; or
 - (b) a class B licensee, or an applicant for a class B licence, who is purchasing the disposing licensee's business.
- (2) The disposing licensee must notify the commission about the disposal of a class B authorisation to a class C licensee.

Note 1 The disposal of a class B authorisation is a notifiable action (see pt 13A and sch 2).

Note 2 A notifiable action takes place—

- (a) the prescribed number of days after the day the commission receives the notification (see s 173E (a)); or
- (b) if the commission allows the notifiable action to take place on an earlier day—that day (see s 173E (b)); or
- (c) if the commission asks for additional information under s 173E (c)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 173E (c)).

- (3) The disposing licensee commits an offence if—
- (a) the disposing licensee sells a business to another person (the *purchaser*); and
 - (b) the purchaser is not—
 - (i) a class B licensee; or
 - (ii) an applicant for a class B licence and authorisation certificate under section 28 (Licence and authorisation certificate for class B gaming machines—restricted application).

Maximum penalty: 100 penalty units.

- (4) An offence against subsection (3) is a strict liability offence.
- (5) Subsection (3) does not apply if the class B licensee took all reasonable steps to ascertain whether the purchaser was a person mentioned in subsection (3) (b).

Note 1 The defendant has an evidential burden in relation to the matters mentioned in s (5) (see [Criminal Code](#), s 58).

Note 2 A licensee who intends to acquire an authorisation from a class B licensee under this subdivision must tell the commission about the acquisition (see s 99).

- (6) In this section:
- disposing licensee's business* means a business operated by the disposing licensee at authorised premises under a general or on licence.
- (7) This section is subject to section 127F (Trading authorisations— forfeiture requirements).
- (8) Subsection (7) and this subsection expire on the commencement of the [Gaming Machine \(Reform\) Amendment Act 2015](#), schedule 1 (Other amendments—compulsory surrender).

127D Offence—selling class B gaming machines

- (1) A class B licensee commits an offence if—
 - (a) the class B licensee sells a class B gaming machine to another person; and
 - (b) the sale of the class B gaming machine is not—
 - (i) part of the sale of a business operated by the class B licensee at authorised premises under a general or on licence; or
 - (ii) approved by the commission under section 113 (Approval of disposal of gaming machines); or
 - (iii) part of a method of disposal approved by the commission under section 113A (Disposal of gaming machines—notifiable action).

Maximum penalty: 100 penalty units.

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

Subdivision 6A.6.3 Trading class C authorisations and gaming machines

127E Trading class C authorisations and gaming machines

- (1) This section applies if a class C licensee (an *acquiring licensee*)—
 - (a) is allowed to operate class C gaming machines at authorised premises under an authorisation certificate; and
 - (b) has less than the maximum number of authorisations for class C gaming machines allowed under the authorisation certificate.

Note **Maximum number**, of authorisations—see the dictionary.

- (2) The acquiring licensee may acquire authorisations for the authorised premises (with or without the related gaming machines) from 1 or more class B or class C licensees (a *disposing licensee*).

Note 1 A class C licensee who intends to acquire an authorisation under this subdivision must tell the commission about the acquisition (see s 99). The acquisition is a notifiable action (see s 99, s 173D and sch 2).

Note 2 If the class C licensee notifies the commission about the acquisition of a gaming machine for authorised premises, the class C licensee's authorisation schedule for the authorised premises will be amended to record the gaming machine's serial number (see s 100 (2)).

- (3) The disposing licensee may dispose of 1 or more authorisations to the acquiring licensee.
- (4) This section is subject to section 127F.
- (5) Subsection (4) and this subsection expire on the commencement of the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1 (Other amendments—compulsory surrender).

127F Trading authorisations—**forfeiture requirement**

- (1) This section applies to the acquisition, by a licensee (the *acquiring licensee*), of an authorisation from another licensee (the *disposing licensee*), with or without the related gaming machine.
- (2) The acquiring licensee—
- (a) must acquire the authorisations in groups of 4 authorisations;
and

- (b) may acquire the 4 authorisations from more than 1 class B or class C licensee.

Example—par (b)

Lili (an acquiring licensee) wants to acquire authorisations. Lili must acquire the authorisations in groups of 4. Brigitta (a class C licensee) has 2 class C authorisations to sell. Antoni (also a class C licensee) also has 2 class C authorisations to sell. Lili may acquire the 4 authorisations from Brigitta and Antoni. Under s (4), Lili must forfeit 1 of the acquired authorisations to the Territory.

Note 1 A failure to comply with s (2) (a) is a ground for disciplinary action (see s 57 (1) (c)).

Note 2 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) However, the acquiring licensee may acquire less than 4 authorisations if the acquiring licensee acquires the authorisations from a disposing licensee who—
- (a) intends to surrender an authorisation certificate under section 37F (Surrender of licences, authorisation certificates and authorisations); and
 - (b) has less than 4 authorisations to dispose of under the authorisation certificate.
- (4) The acquiring licensee must forfeit 1 authorisation to the Territory for every 4 authorisations the licensee acquires under this section.
- (5) The acquiring licensee is not entitled to claim compensation from the Territory for an authorisation forfeited to the Territory under subsection (4).
- (6) This section expires on the commencement of the [Gaming Machine \(Reform\) Amendment Act 2015](#), schedule 1 (Other amendments—compulsory surrender).

127G Offence—acquiring authorisations and gaming machines

- (1) A licensee commits an offence if—
 - (a) the licensee acquires an authorisation or gaming machine for authorised premises; and
 - (b) the acquisition is not in accordance with this Act.

Maximum penalty: 100 penalty units.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

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

127H Selling class C gaming machines

- (1) A class C licensee commits an offence if—
 - (a) the class C licensee sells a class C gaming machine to another person (the *purchaser*); and
 - (b) the sale of the class C gaming machine is not—
 - (i) to another class C licensee; or
 - (ii) approved by the commission under section 113 (Approval of disposal of gaming machines); or
 - (iii) part of a method of disposal approved by the commission under section 113A (Disposal of gaming machines—*notifiable action*).

Maximum penalty: 100 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if the class C licensee took all reasonable steps to ascertain whether the purchaser was a class C licensee.

127I Selling class C authorisations

- (1) A class C licensee commits an offence if—
 - (a) the class C licensee sells an authorisation for a class C gaming machine to another person (the *purchaser*); and
 - (b) the purchaser is not a class C licensee.Maximum penalty: 100 penalty units.
- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if the class C licensee took all reasonable steps to ascertain that the purchaser was a class C licensee.

Subdivision 6A.6.4 Trading authorisations and gaming machines—miscellaneous

127J Trading authorisations—disposal of gaming machines

- (1) This section applies if a licensee (a *disposing licensee*)—
 - (a) disposes of an authorisation under this division; but
 - (b) does not dispose of the related gaming machine.
- (2) The disposing licensee must—
 - (a) apply for a storage permit for an interim purpose under section 127O (Storage permit—application) for the gaming machine; and
 - (b) dispose of the gaming machine in accordance with section 113A (Disposal of gaming machines—notifiable action).

**127K Trading authorisations and gaming machines—
regulations**

- (1) A regulation may prescribe—
 - (a) conditions relating to the trading of authorisations and gaming machines under this division, including restricting or suspending the trading of authorisations or gaming machines—
 - (i) in a stated location; or
 - (ii) for a stated period, or until a stated event occurs; and
 - (b) any other requirements in relation to the trading of authorisations (with or without gaming machines) under this division, including in relation to arrangements for acquiring or disposing of gaming machines.
- (2) The commission may make recommendations to the Minister for appropriate regulations under subsection (1), including in relation to the following:
 - (a) whether the increase of trading in authorisations (with or without gaming machines) in a particular location will have an adverse effect on problem gamblers;
 - (b) whether it is in the public interest to restrict or suspend the trading of authorisations (with or without gaming machines) under this division, either generally or in relation to a stated location.
- (3) If the commission makes recommendations to the Minister under subsection (2), the Minister must consider the recommendations.

Division 6A.7 Storage of authorisations and gaming machines

Subdivision 6A.7.1 Interpretation

127L Meaning of *storage permit*—Act

In this Act:

storage permit means a permit that authorises a licensee to store 1 or more gaming machines, with or without the authorisations for the gaming machines—

- (a) for the purpose stated in the permit; and
- (b) at the place stated in the permit; and
- (c) for the period stated in the permit.

127M Definitions—div 6A.7

In this division:

general purpose, for a storage permit—see section 127N (a).

inspection notice—see section 127ZE (1).

interim purpose, for a storage permit—see section 127N (b).

permit means a quarantine permit or a storage permit.

quarantined authorisation means an authorisation stored under a quarantine permit.

quarantined gaming machine means a gaming machine stored under a quarantine permit.

quarantine period, for a gaming machine and authorisation to which a quarantine permit applies, means the period for which the gaming machine and authorisation are to be stored under the permit.

quarantine permit—see section 127Q.

storage period, for a gaming machine or authorisation to which a storage permit applies, means the period for which the gaming machine or authorisation is to be stored under the permit.

storage rules means the rules determined by the commission under section 127ZF.

stored authorisation means an authorisation stored under a storage permit.

stored gaming machine means a gaming machine stored under a storage permit.

Subdivision 6A.7.2 Storage permits—application and decision

127N Storage permits—purpose

The commission may issue a licensee with a storage permit for 1 of the following purposes:

- (a) to store 1 or more gaming machines, and the authorisations for the gaming machines, for a stated period of not longer than 12 months (a *general purpose*);
- (b) to store 1 or more gaming machines to be disposed of or destroyed for a period of not longer than 3 months (an *interim purpose*).

Note The commission can, on application, extend the term of a storage permit for a general purpose (see s 127W).

127O Storage permit—application

- (1) A licensee may apply to the commission for a storage permit to store 1 or more gaming machines and the authorisations for the gaming machines (if any).
- (2) The application must—
 - (a) be in writing; and

- (b) state the purpose and the period for which the storage permit is required; and
- (c) if the application is by a class B licensee for a storage permit for a general purpose—state why the storage permit is needed; and

Note A class B licensee will not be issued with a storage permit for a general purpose unless the commission is satisfied that the storage permit is needed for a good reason (see s 127P (2) (c)).

- (d) state the class of gaming machine to be stored under the storage permit; and
- (e) state the place where each gaming machine to be stored is located; and
- (f) state the type of premises where each gaming machine is to be stored; and
- (g) state whether the premises will be used to store gaming machines for 2 or more licensees; and
- (h) state the serial number for each gaming machine to be stored under the storage permit;
- (i) state the authorisation number for each authorisation to be stored under the storage permit.

Note 1 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 2 If a form is approved under the [Control Act](#), s 53D for an application, the form must be used.

Note 3 A fee may be determined under s 177 for an application.

127P Storage permit—decision on application

- (1) This section applies if the commission receives an application for a storage permit under section 127O.

- (2) The commission must issue the storage permit to the licensee if satisfied—
- (a) that the gaming machine and authorisation (if any) to be stored under the permit are from the same authorised premises; and
 - (b) that the type of premises where the gaming machines are to be stored are suitable for the storage of gaming machines; and
 - (c) if the application is by a class B licensee for a storage permit for a general purpose—that the storage permit is needed for a good reason; and

Examples

- 1 renovations are being carried out at the authorised premises where the gaming machines to be stored under the permit are located
- 2 the authorised premises where the gaming machines to be stored under the permit are located have been damaged

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 2 or more licensees are to store gaming machines at the premises—
 - (i) that the premises where the gaming machines are to be stored are suitable for the storage of gaming machines by that number of licensees; and
 - (ii) that each licensee has applied for a storage permit under section 127O.

Note 1 The commission must include in the register the serial number of, and authorisation number for, a gaming machine stored under a storage permit for a general purpose (see s 37H (2) (d)).

Note 2 The commission may refuse to consider an application that is not properly completed. If the commission refuses to consider the application, it lapses (see s 9 (2)).

Note 3 If additional information in relation to an application is not given to the commission within the time required by the commission, the commission may refuse to consider the application. If the commission refuses to consider the application, it lapses (see s 9 (4)).

Subdivision 6A.7.3 Quarantine permits

127Q Quarantine permits—notification and issue

- (1) This section applies if a licensee wants to—
 - (a) remove 1 or more gaming machines, and the authorisations for the gaming machines, from the authorised premises where the gaming machines are operated and store the gaming machines and authorisations for a period to be agreed with the commission; or
 - (b) store 1 or more authorisations for a period to be agreed with the commission.
- (2) The licensee must notify the commission that the licensee needs a permit (a *quarantine permit*) for storing—
 - (a) the gaming machines and authorisations; or
 - (b) the authorisations.

Note 1 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 2 If a form is approved under the [Control Act](#), s 53D for this provision, the form must be used.

Note 3 A fee may be determined under s 177 for this provision.

- (3) On receiving a notification under subsection (2), the commission must issue a quarantine permit to the licensee for the period agreed between the commission and the licensee.

Note The commission must include in the register the serial number of, and authorisation number for, a gaming machine stored under a quarantine permit (see s 37H (2) (d)).

- (4) The period of the quarantine permit that is agreed between the commission and the licensee must be at least 1 year and not more than 3 years.

127R Quarantine permits—extension

- (1) A licensee who wants to extend the period of a quarantine permit issued to the licensee under section 127Q must notify the commission, stating the period of the extension sought (the *extended period*).
- (2) On receiving a notification under subsection (1), the commission must issue a new quarantine permit to the licensee for the extended period.
- (3) However, the commission must not issue a new quarantine permit under subsection (2) if, when the notification is made, the quarantine permit has been in force for 3 years.

Subdivision 6A.7.4 Permits—form

127S Permit—form

A permit must—

- (a) be in writing; and
- (b) state the following:
- (i) the name of the licensee;
 - (ii) whether the permit is—
 - (A) a storage permit for a general purpose; or
 - (B) a storage permit for an interim purpose; or
 - (C) a quarantine permit;
 - (iii) the day the permit comes into force and the day it expires;
 - (iv) the authorised premises—

- (A) for a storage permit for a general purpose—for each gaming machine with its associated authorisation to be stored under the permit; or
 - (B) for a storage permit for an interim purpose—where each gaming machine to be stored under the permit was operated; or
 - (C) for a quarantine permit—for each authorisation, and gaming machine with its associated authorisation, to be stored under the permit;
- (v) the number of each of the following to be stored under the permit:
- (A) for a storage permit for a general purpose—gaming machines with their associated authorisations;
 - (B) for a storage permit for an interim purpose—gaming machines;
 - (C) for a quarantine permit—authorisations, and gaming machines with their associated authorisations;
- (vi) the conditions on the permit; and
- (c) include a statement that—
- (i) a breach of a condition of the permit may be a ground for disciplinary action; and
 - (ii) it is an offence under section 104 (Offence—operating unauthorised, stored or quarantined gaming machines) to operate a stored or quarantined gaming machine during the period of the permit; and
- (d) include a schedule of the following information:
- (i) for a storage permit for a general purpose—
 - (A) the serial number of each gaming machine to be stored under the permit; and

- (B) the authorisation number for each machine's associated authorisation;
- (ii) for a storage permit for an interim purpose—the serial number of each gaming machine to be stored under the permit;
- (iii) for a quarantine permit—
 - (A) the authorisation number for each authorisation to be stored under the permit; and
 - (B) for each authorisation stored with its associated gaming machine—the serial number of the associated gaming machine; and
- (e) include anything else prescribed by regulation.

Subdivision 6A.7.5 Permits—conditions

127T Permit—conditions

- (1) A permit is subject to the following conditions:
 - (a) the licensee must comply with this Act;
 - (b) the licensee must not exchange a stored or quarantined gaming machine with another gaming machine that the licensee may operate under an authorisation certificate;

Note The licensee must apply for—

- (a) an amendment of the permit to remove the details of the stored or quarantined gaming machine; and
 - (b) if a new gaming machine is to be stored in place of the stored or quarantined gaming machine—a new permit for the new gaming machine.
- (c) the licensee must—
 - (i) take meter readings from each gaming machine to be stored or quarantined under the permit; and

- (ii) immediately after taking the meter readings, render the gaming machine inoperable; and
 - (iii) give the commission details of the meter readings taken under subparagraph (i);
- (d) the licensee may dispose of a stored or quarantined gaming machine if—
 - (i) the disposal is in accordance with division 6A.6 (Trading of authorisations and gaming machines), an approval under section 113 (Approval of disposal of gaming machines) or section 113A (Disposal of gaming machines—notifiable action); and
 - (ii) the licensee gives the commission a notification under section 127X (Permit amendment—notification) to amend the permit;
- (e) a stored or quarantined gaming machine must not be operated during the period of the permit;
- (f) the licensee must not operate another gaming machine under the authorisation for a stored or quarantined gaming machine;
- (g) the licensee may trade a stored or quarantined authorisation with another licensee if—
 - (i) the trade is in accordance with division 6A.6 (Trading of authorisations and gaming machines); and
 - (ii) the licensee applies for an amendment of the permit under section 127ZB (Trading authorisations under permits—procedure);
- (h) if the licensee receives an inspection notice, the licensee must allow an authorised officer to inspect the stored or quarantined gaming machines and the premises where the gaming machines are stored;

- (i) for a storage permit issued for an interim purpose—the licensee must dispose of the gaming machine stored under the storage permit before the storage permit ends;
 - (j) for a quarantine permit for an authorisation with no associated gaming machine—the licensee must not acquire a gaming machine under the quarantined authorisation during the period of the permit.
- (2) A permit is subject to any other condition—
- (a) determined by the commission under the storage rules; or
 - (b) imposed by the commission when the permit is issued, renewed or amended, if it is necessary to ensure the safeguarding of gaming machines generally; or
 - (c) prescribed by regulation.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

Note 2 A permit may be amended under s 127Y or s 127Z.

127U Permit—term

- (1) A permit comes into force on the day stated in the permit.
- (2) The commission must not issue—
 - (a) a storage permit for a general purpose for longer than 1 year; or
 - (b) a storage permit for an interim purpose for longer than 3 months.

Note 1 See s 127Q for the period for which a quarantine permit may be issued.

Note 2 The commission may extend the period of a quarantine permit (see s 127R).

Note 3 The commission may extend the period of a storage permit for a general purpose (see s 127W).

- (3) A permit expires on the day stated in the permit.

127V Storage permit—application for extension

- (1) A licensee who holds a storage permit for a general purpose may apply to the commission to extend the term of the storage permit.
- (2) The application must—
- (a) be in writing signed by the licensee; and
 - (b) state why the licensee 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 a licensee applies to extend the term of a storage permit, the storage permit remains in force until the application is decided.

127W Storage permit—extension decision

- (1) This section applies if the commission receives an application under section 127V to extend the term of a storage permit for a general purpose.
- (2) The commission may—
- (a) extend the term of the storage permit; or
 - (b) refuse to extend the term of the storage permit.
- (3) The commission must refuse to extend the term of the storage permit if, when the application is made, the storage permit has been in force for 3 years.

- (4) If the commission refuses to extend the term of the permit, the commission must tell the applicant, in writing, the reasons for the decision.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (5) The commission may extend the term of the storage permit for a period not longer than 12 months.

Subdivision 6A.7.6 Permits—amendment

127X Permit amendment—notification

- (1) This section applies if a licensee who holds a permit proposes to—
- (a) dispose of a stored or quarantined gaming machine under division 6A.6 (Trading of authorisations and gaming machines) or an approval under section 113 (Approval of disposal of gaming machines) (a *proposed disposal*); or
- (b) remove a stored gaming machine from storage under the permit (a *proposed removal*) so that it may be operated at the authorised premises.
- (2) The licensee must notify the commission about the proposed disposal or proposed removal.

Note 1 A proposed disposal or proposed removal is a notifiable action (see pt 13A and sch 2).

Note 2 The licensee is not required to provide a social impact assessment for the proposed removal.

Note 3 A failure to comply with s (2) is a ground for disciplinary action (see s 57 (1) (c)).

127Y Permit amendment—decision

The commission may amend a permit if the commission receives, within the time required under section 173D (Notifiable actions)—

- (a) notification about a proposed disposal or proposed removal of a gaming machine under—
 - (i) section 113A (Disposal of gaming machines—notifiable action); or
 - (ii) section 127X; and
- (b) any further information requested under section 173D.

127Z Permit amendment—commission’s own initiative

The commission may amend a permit on its own initiative to correct a mistake, error or omission on the permit.

127ZA Permit amendment—reissue of permit

If the commission amends a permit under this division, the commission must give the licensee a new permit.

Subdivision 6A.7.7 Permits—trading authorisations under permits

127ZB Trading authorisations under permits—procedure

- (1) This section applies if a disposing licensee who holds a permit trades a stored or quarantined authorisation to an acquiring licensee under division 6A.6 (Trading of authorisations and gaming machines).
- (2) The disposing licensee must give the commission—
 - (a) details of the acquiring licensee; and

- (b) written notice to amend the disposing licensee's permit to remove references to the stored or quarantined authorisation; and
- (c) for a storage permit for a general purpose, or a quarantine permit for an authorisation and its associated gaming machine—written notice to—
 - (i) amend the disposing licensee's permit to remove references to the gaming machine associated with the authorisation; and
 - (ii) if the gaming machine is not being sold to the acquiring licensee—issue to the disposing licensee a storage permit for an interim purpose for the gaming machine.

Note 1 The trading of a stored or quarantined authorisation is a notifiable action (see pt 13A and sch 2).

Note 2 If a form is approved under the [Control Act](#), s 53D for this provision, the form must be used.

Note 3 A fee may be determined under s 177 for this provision.

Note 4 A failure to comply with this section is a ground for disciplinary action (see s 57 (1) (c)).

127ZC Trading authorisations under permits—decision on application by disposing licensee

- (1) This section applies if the commission receives written notice from a disposing licensee under section 127ZB (2) for a storage permit for an interim purpose for a gaming machine to be disposed of under the trade mentioned in that section.
- (2) The commission must issue the storage permit to the disposing licensee.

- (3) The storage permit must be—
 - (a) in the form mentioned in section 127S (Permit—form); and
 - (b) subject to the conditions mentioned in section 127T (Permit—conditions); and
 - (c) for a period not longer than 3 months.

127ZD Trading authorisations under permits—issue of quarantine permit to acquiring licensee

- (1) This section applies if the commission receives written notice under section 127ZB (2) about a disposing licensee trading a quarantined authorisation.
- (2) The commission must issue to the acquiring licensee a quarantine permit for—
 - (a) the authorisation; and
 - (b) if a gaming machine associated with the authorisation is also being traded—the gaming machine.
- (3) The term of the quarantine permit must be equal to the time remaining on the disposing licensee’s quarantine permit for the authorisation.

Subdivision 6A.7.8 Permits—miscellaneous

127ZE Gaming machines and authorisations under permits—inspection

- (1) The commission may, by written notice (an *inspection notice*) given to a licensee who holds a permit, require the licensee to, within a stated reasonable time, allow an authorised officer to inspect—
 - (a) the permit; and
 - (b) any gaming machine under the permit; and

- (c) the premises where any gaming machine is stored under the permit.

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

- (2) The inspection notice must include a statement that—
 - (a) a failure to comply with the notice may be a ground for disciplinary action; and
 - (b) the commission may exercise its powers under the [Control Act](#) to undertake an inspection.

Note The commission's powers of inspection under this section are in addition to the commission's powers of inspection under the [Control Act](#) (see [Control Act](#), pt 4).

127ZF Storage of gaming machines and authorisations—rules

- (1) The commission may determine rules about the following in relation to the storage of gaming machines and authorisations under a permit:
 - (a) the class of gaming machine to which the rules apply;
 - (b) the type of premises where gaming machines must be stored;
 - (c) the circumstances in which premises may be used for storing gaming machines for 2 or more licensees;
 - (d) the minimum standard for security arrangements and safeguards for storing gaming machines under a permit;
 - (e) who may have access to a gaming machine stored under a permit;
 - (f) who is to be responsible for the storage of gaming machines under a permit;

- (g) the records that must be kept for gaming machines and authorisations under a permit;
 - (h) the procedures for enabling the commission to inspect premises where gaming machines are stored.
- (2) A determination is a disallowable instrument.

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

Part 7 Regulation of gaming machines generally

128 Machine access generally

- (1) A person commits an offence if—
 - (a) the person maintains an authorised gaming machine on authorised 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.

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 authorisation ceasing to be in force

If an authorisation certificate for authorised premises ceases to be in force, the commission must ensure that each gaming machine on the authorised premises is inoperable—

- (a) if the authorisation certificate ceased to be in force under section 64 (2) (Cancellation of authorisation certificate because of cancellation etc of general and on licences) or because the certificate expired—until the gaming machines are removed from the authorised premises; or

Note Section 64 (2) provides that a person's authorisation certificate for premises is cancelled if the person's general or on licence for the premises is not renewed.

- (b) if the authorisation certificate for the premises is suspended—during the suspension; or
- (c) if the authorisation certificate for the premises has been cancelled—until the first of the following happens:
 - (i) the gaming machines are removed from the authorised premises;
 - (ii) the decision of the commission to cancel the authorisation certificate is set aside on an application for review of the decision; or
- (d) if the authorisation certificate for the premises ceased to be in force under section 64 (3)—until the first of the following happens:
 - (i) the gaming machines are removed from the premises;
 - (ii) the authorisation certificate is taken to be in force again under section 64 (4).

Note Section 64 (3) provides that a person's authorisation certificate for premises is cancelled if the person's general or on licence for the premises is cancelled.

132 Removal of gaming machines from premises

- (1) This section applies to a person who held a licence or authorisation certificate that has ceased to be in force, other than a person whose licence or authorisation certificate is suspended.
- (2) The person commits an offence if, at the end of the required period, a gaming machine that was allowed to be operated under the authorisation certificate is on the premises for which the certificate was issued.

Maximum penalty: 50 penalty units.

(3) In this section:

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

required period means—

- (a) 2 weeks after the day—
 - (i) the licence or authorisation certificate 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 approved under section 134 or by a multi-user permit.

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

134 Single-user approval for linked-jackpot arrangements

- (1) A licensee may apply in writing to the commission for approval to operate a linked-jackpot arrangement between gaming machines operated under an authorisation certificate held by the 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 include details of each event by reference to which linked jackpots are to be payable under the proposed arrangement.
- (3) The commission must approve the linked-jackpot arrangement if—
 - (a) each gaming machine proposed to be linked under the proposed arrangement—
 - (i) is operated under a single authorisation certificate held by the applicant; and
 - (ii) is the same class; and

- (iii) offers the same chance of winning linked jackpots as each other gaming 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 approval under this section that—
 - (a) each gaming machine in the linked-jackpot arrangement displays at all times a sign stating clearly—
 - (i) that the gaming machine is part of a linked-jackpot arrangement with other gaming machines on the authorised premises; and
 - (ii) the percentage of the turnover of the gaming machine set aside for the payment of linked jackpots; and
 - (b) linked jackpots be payable for the approved arrangement by reference to the event or events set out in the application for approval 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 authorisation certificates.

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 gaming 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 gaming 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 authorised 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 gaming machine is part of a linked-jackpot arrangement with gaming machines on different authorised premises; and
 - (ii) the percentage of the turnover of the gaming 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 gaming 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 gaming 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 authorised premises in a linked-jackpot arrangement; or
 - (e) amend a condition on the permit.

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

- (2) The commission must amend the multi-user permit, or refuse to amend the permit.

- (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 gaming machines in the arrangement; and
 - (ii) offers the same chance of winning linked jackpots as each other gaming 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 gaming machine in the arrangement, if played with the same stakes; and
 - (c) if gaming machines on other authorised 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 gaming 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 gaming 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 approved under section 134 for a licensee or permitted 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 approved under section 134 or a multi-user permit has not been won, and cannot be won because the approval 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 approval 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 approval under section 134 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 and authorisation certificate 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 for which 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 for which 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 for which 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 authorised 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 authorised premises; and
 - (b) at or near each entrance to each gaming area within the authorised 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 licensee's authorised premises.

Maximum penalty: 50 penalty units.

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

advertising, a gaming machine, includes having an image of, or text mentioning, a gaming machine on a sign advertising or promoting an activity, whether or not the activity is related to a gambling activity.

external sign, for authorised premises, means a sign that can be seen from outside the authorised 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—

- (a) means an activity that requires approval under a gaming law; but
- (b) does not include an exempt lottery under the [Lotteries Act 1964](#), section 6 or a lottery approved under that Act, section 7.

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 licensee's authorised 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 licensee's authorised 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 authorised 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 licensee's authorised 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 authorised 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) authorised premises if the licence authorises the operation of 20 or less gaming machines on the premises; or
 - (c) authorised 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 licensee's authorised premises includes in or on an exterior wall of the authorised premises.

gaming day means—

- (a) the period from when the authorised premises opens to the public on a day until it next closes; but

- (b) if the authorised 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 licensee’s authorised 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 authorised 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 authorised 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 1 **Member**, of a club, does not include a temporary member (see dict).

Note 2 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 \$25 000 or less—nil; and
 - (ii) for the part of the gross revenue of the club for the month that is more than \$25 000 but less than \$50 000—17%; and
 - (iii) for the part of the gross revenue of the club for the month that is \$50 000 or more but less than \$625 000—21%; and
 - (iv) for the part of the gross revenue of the club for the month that is \$625 000 or more—23%; 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 gaming machine operated lawfully—the licensee; or
 - (b) in relation to a gaming machine operated unlawfully—
 - (i) the person receiving the gross revenue; or
 - (ii) the occupier of the premises where the gaming 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 all authorisation certificates held by the licensee.
- (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) 0.75%; 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).

- (6) Subsection (5) is subject to section 163AA.

163AA Problem gambling assistance fund—annual payment option

- (1) Before 1 May each year, the commission must assess each licensee's liability to pay the required percentage under section 163A (the *licensee's liability*) for the period beginning on 1 July in the previous year and ending on 31 March in the year the assessment is made (the *assessment period*).
- (2) If the commission assesses that a licensee's liability is an average of less than \$300 for each month of the assessment period, the commission may give the licensee written notice that the licensee is eligible to pay the licensee's liability in the following financial year (the *next financial year*) as an annual payment payable at the end of the next financial year.

- (3) A licensee (a *participating licensee*) may elect, as an alternative to making monthly payments under section 163A (5), to make an annual payment to the problem gambling assistance fund for the next financial year.
- (4) The election must be made by giving the commission written notice before the commencement of the next financial year.
- (5) If a participating licensee makes an election under subsection (3) for a financial year, the licensee may not make a payment under section 163A (5) for any month during that financial year.
- (6) At the end of each financial year, the commission must give each participating licensee written notice of a reconciliation of the licensee's liability for the financial year.
- (7) The participating licensee must pay the licensee's liability for the financial year within 7 days after receiving notice of the reconciliation.

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.

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 authorised 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 gaming machines at multiple clubs

- (1) This section applies if a corporation—
 - (a) is a class C licensee; and
 - (b) operates multiple clubs; and
 - (c) holds authorisation certificates for gaming machines at multiple clubs.

- (2) In working out the community contributions for each club, common expenditure on behalf of the multiple clubs must be allocated between the clubs in proportion to the number of gaming machines operated at 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 13A Notifiable actions

173C **Meaning of *notifiable action***

In this Act:

notifiable action means an action mentioned in schedule 2, column 3 under a provision of this Act mentioned in column 2 in relation to the action.

173D **Notifiable actions**

- (1) This section applies if a licensee notifies the commission about a notifiable action.
- (2) The notification must—
 - (a) be in writing; and
 - (b) be given to the commission at least the prescribed number of days before the day the licensee undertakes the notifiable action; and

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

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- (c) include anything else required by regulation.

Note 1 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 2 If a form is approved under the [Control Act](#), s 53D for this provision, the form must be used.

Note 3 A fee may be determined under s 177 for this provision.

Note 4 It is a condition of a licence that the licensee give the commission written notice of the details of a gaming machine installed on authorised premises within 3 days after the day the gaming machine is installed or the commission gives the licensee a notice under s 124 (see s 45).

It is also a condition of a licence that the licensee not allow the gaming machine to be operated on the authorised premises until the notice under s 45 has been given to the commission (see s 46).

- (3) On receiving a notification, the commission may, by notice, ask the following people for additional information about the notifiable action:
- (a) the person giving the notification;
 - (b) if the notifiable action relates to the trading of a gaming machine under division 6A.6 (Trading of authorisations and gaming machines)—
 - (i) the disposing licensee; and
 - (ii) the acquiring licensee.

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (4) If the commission gives a notice under subsection (3), the notice must state a reasonable time within which the information must be given.

Note A failure to comply with this section is a ground for disciplinary action (see s 57 (1) (c)).

- (5) In this Act:

prescribed number of days means—

- (a) 10 business days; or
- (b) if a regulation prescribes a different number of days—that number of days.

173E Notifiable actions—date of effect

A notifiable action takes effect—

- (a) the prescribed number of days after the day the commission receives a notification about the notifiable action; or

Note **Prescribed number of days**—see s 173D (5).

- (b) if the commission allows the notifiable action to take place on an earlier day—that day; or
- (c) if the commission gives a notice under section 173D (3) requesting additional information in relation to the notification—when the commission has notified the licensee that it is satisfied in relation to the additional information.

Note For working out periods of time generally, see the [Legislation Act](#), s 151.

173F Notifiable actions—amendment or cancellation

- (1) This section applies if a licensee—
 - (a) gives the commission a notification about a notifiable action; and
 - (b) wants to amend or cancel the notification.
- (2) The licensee must give the commission written notice of the amendment or cancellation before the notifiable action takes effect.

Note 1 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 2 For how documents may be given, see the [Legislation Act](#), pt 19.5.

Note 3 If a form is approved under the [Control Act](#), s 53D for this provision, the form must be used.

Note 4 A fee may be determined under s 177 for this provision.

- (3) An amendment takes effect 10 business days after the day the commission receives written notice of the amendment.
- (4) A cancellation takes effect when the commission receives written notice of the cancellation.

173G Notifiable actions under s 37F

- (1) This section applies to a notifiable action under section 37F (Surrender of licences, authorisation certificates and authorisations).
- (2) The notification for the notifiable action must also include the following information in relation to a gaming machine to be stored under a storage permit:
 - (a) the place where the gaming machine is to be stored;
 - (b) the gaming machine's serial number.

Note For the issue of a storage permit, see s 127P.

- (3) On the date the notifiable action takes effect under section 173E (Notifiable actions—date of effect), the licensee must—
 - (a) take meter readings from the gaming machine; and
 - (b) render the gaming machine inoperable; and
 - (c) give the commission the details of the meter readings.

173H Notifiable actions under div 6A.6—disposal of gaming machines

- (1) This section applies to a notifiable action that includes the disposal of a gaming machine under division 6A.6 (Trading of authorisations and gaming machines).
- (2) The notification for the notifiable action must also include the following information:
 - (a) the name of the licensee disposing of the gaming machine (the *disposing licensee*);

- (b) the date and licence number of the disposing licensee's licence;
- (c) the authorisation number of the disposing licensee's authorisation for the gaming machine;
- (d) the date the disposal is intended to happen;
- (e) the following details of the gaming machine:
 - (i) the class of gaming machine;
 - (ii) the serial number;
 - (iii) the game installed on the gaming machine;
- (f) if a class B gaming machine is to be disposed of by sale to another person—
 - (i) information identifying the person who is to acquire the gaming machine; and
 - (ii) if the gaming machine is to be sold or operated in a local jurisdiction—evidence that the person who is to acquire the gaming machine is authorised to have the gaming machine under a law of the local jurisdiction;
- (g) if a class B gaming machine is to be disposed of by returning it to an approved supplier—information identifying the supplier;
- (h) if a gaming machine is to be disposed of by destroying it—
 - (i) information about how the gaming machine is to be destroyed; and
 - (ii) information identifying who is to destroy the gaming machine; and
 - (iii) the date and time the gaming machine is proposed to be destroyed; and
 - (iv) information identifying who will represent the disposing licensee at the gaming machine's destruction.

- (3) If the disposal of the gaming machine does not happen on the date mentioned in subsection (2) (d), the notifiable action is taken to have occurred on a date agreed between the commission and the disposing licensee.
- (4) On the date the notifiable action takes effect under section 173E (Notifiable actions—date of effect), the disposing licensee must—
 - (a) take meter readings from the gaming machine; and
 - (b) render the gaming machine inoperable; and
 - (c) give the commission the details of the meter readings.

173I Notifiable actions under div 6A.6—trading of class B authorisations

- (1) This section applies if a class B licensee gives the commission notice of a notifiable action that includes the disposal of a class B authorisation to a class C licensee under division 6A.6 (Trading of authorisations and gaming machines).
- (2) On receiving notice of the notifiable action, the commission must—
 - (a) if the class B authorisations are acquired by a class C licensee—amend the class C licensee’s authorisation schedule to include the details of the acquired authorisations; and
 - (b) either—
 - (i) if all class B authorisations under the class B licensee’s authorisation certificate are disposed of—cancel the licence and authorisation certificate; or
 - (ii) in any other case—amend the authorisation schedule to remove the authorisations.

Note For the acquisition of class B authorisations as part of the purchase of a disposing licensee’s business, see div 2B.4.

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).

174A Licences and authorisations not personal property—PPS Act

- (1) For the [PPS Act](#), section 10, definition of *personal property*, paragraph (b), a licence or authorisation certificate is not personal property.
- (2) In this section:
PPS Act means the [Personal Property Securities Act 2009](#) (Cwlth).

175 Canberra Airport

- (1) A licence must not be issued in relation to premises at Canberra Airport.
- (2) An authorisation certificate must not be given for the operation of a gaming machine at the 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 or authorisation certificate 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.

**179 Review of amendments made by Gaming Machine
(Reform) Amendment Act 2015**

- (1) The Minister must, before the commencement of the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1 (Other amendments—compulsory surrender)—
 - (a) review the operation of section 127F (Trading authorisations— forfeiture requirement) and subdivision 6A.7.3 (Quarantine permits); and
 - (b) present a report of the review to the Legislative Assembly.
- (2) This section expires 5 years after the day it commences.

Part 20 Transitional—Gaming Machine (Reform) Amendment Act 2015

300 Definitions—pt 20

In this part:

commencement day means the day the *Gaming Machine (Reform) Amendment Act 2015*, section 4 commences.

old licence means a licence—

- (a) issued under section 12 (Issue of licences) as in force before the commencement day; and
- (b) in force immediately before the commencement day.

old licence application means an application for a licence made under section 10A (Initial licence applications—eligibility) as in force before the commencement day.

301 Old licences—class B gaming machines

- (1) This section applies to an old licence that allows the operation of a class B gaming machine.
- (2) The old licence is, on the commencement day, taken to be a licence issued under section 29 (Class B licence and authorisation certificate—decision on application)—
 - (a) in the same terms as the old licence; and
 - (b) subject to the same conditions as the old licence.
- (3) As soon as practicable after the commencement day—
 - (a) the licensee for the old licence must return it to the commission; and

- (b) the commission must issue the licensee with—
 - (i) a licence for class B gaming machines; and
 - (ii) an authorisation certificate for each premises for which the licensee held the old licence; and
 - (iii) an authorisation schedule including details of gaming machines held under the old licence.
- (4) The number of authorisations for gaming machines stated in the authorisation certificate issued for premises under subsection (3) (b) (ii) must be the number of gaming machines allowed under the old licence for the premises.

302 Old licences—class C gaming machines

- (1) This section applies to an old licence that allows the operation of a class C gaming machine.
- (2) The old licence is, on the commencement day, taken to be a licence issued under section 17 (Class C licence—decision on application)—
 - (a) in the same terms as the old licence; and
 - (b) subject to the same conditions as the old licence.
- (3) As soon as practicable after the commencement day—
 - (a) the licensee for the old licence must return it to the commission; and
 - (b) the commission must issue the licensee with—
 - (i) a licence for class C gaming machines; and
 - (ii) an authorisation certificate for each premises for which the licensee held the old licence; and
 - (iii) an authorisation schedule including details of gaming machines held under the old licence.

- (4) The maximum number of authorisations for gaming machines stated in the authorisation certificate issued for premises under subsection (3) (b) (ii) must be the number of gaming machines allowed under the old licence for the premises.

303 Class B gaming machines—application

- (1) This section applies if—
- (a) before the commencement day—
 - (i) a person applied for a licence for class B gaming machines under section 10A (Initial licence applications—eligibility) as in force before the commencement day; and
 - (ii) the application related to a business being purchased from the holder of a class B licence; and
 - (iii) the business was operated under a general licence or on licence; and
 - (b) immediately before the commencement day, the commission had not finally decided the application.
- (2) The application is, on the commencement day, taken to be a class B licence and authorisation certificate application under section 28 (Licences and authorisation certificate for class B gaming machines—restricted application).

304 Class C gaming machines—application

- (1) This section applies if—
- (a) before the commencement day a person applied for a licence for class C gaming machines under section 10A (Initial licence applications—eligibility) as in force before the commencement day; and

- (b) immediately before the commencement day, the commission had not finally decided the application.
- (2) The application is, on the commencement day, taken to be a class C licence application under section 15 (Licence for class C gaming machines—application) and an authorisation certificate application under section 21 (Authorisation certificate for class C gaming machines—application).

305 Large-scale machine relocation amendment application

- (1) This section applies if—
 - (a) before the commencement day, a licensee applied for a large-scale machine relocation amendment of an old licence under section 22 (1) (f) (Licence amendment—applications); and
 - (b) immediately before the commencement day, the commission had not finally decided the application.
- (2) The application is, on the commencement day, taken to be an application under section 33 (1) (c) (Authorisation certificate amendment—application).

306 In-principle approval application

- (1) This section applies if—
 - (a) before the commencement day, a licensee applied for an in-principle approval for a licence under section 38D (1) (In-principle approval—applications); and
 - (b) immediately before the commencement day, the commission had not finally decided the application.
- (2) The application is, on the commencement day, taken to be an application under section 38B (1) (In-principle authorisation certificate—application) for an in-principle authorisation certificate.

307 Application to transfer in-principle approval

- (1) This section applies if—
 - (a) before the commencement day, a licensee applied to transfer an in-principle approval for a licence to someone else under section 38O (1) (In-principle approval—application to transfer); and
 - (b) immediately before the commencement day, the commission had not finally decided the application.
- (2) The application is, on the commencement day, taken to be an application under section 38H (1) (In-principle authorisation certificate—application to transfer).

308 Application for extension of in-principle approval

- (1) This section applies if—
 - (a) before the commencement day, a licensee applied to extend an in-principle approval under section 38Q (1) (In-principle approval—application for extension); and
 - (b) immediately before the commencement day, the commission had not finally decided the application.
- (2) The application is, on the commencement day, taken to be an application under section 38J (1) (In-principle authorisation certificate—application for extension).

309 Application to convert in-principle approval to licence

- (1) This section applies if—
 - (a) before the commencement day, a licensee applied to have an in-principle approval for a licence converted into a licence under section 38T (1) (Conversion of in-principle approval to licence or amendment—application for extension); and

- (b) immediately before the commencement day, the commission had not finally decided the application.
- (2) The application is, on the commencement day, taken to be an application under section 38M (1) (Conversion of in-principle authorisation certificate to authorisation certificate—application) to have an in-principle authorisation certificate converted to an authorisation certificate.

309A Application to convert in-principle approval to new venue amendment

- (1) This section applies if—
 - (a) before the commencement day, a licensee held an in-principle approval for a new venue amendment under section 38I (In-principle approval decision—new venue amendment); and
 - (b) immediately before the commencement day, the licensee had not applied to have the in-principle approval converted into a new venue amendment.
- (2) The in-principle approval is, on the commencement day, taken to be an in-principle authorisation certificate and the maximum number of authorisations stated in the in-principle authorisation certificate is taken to be the same as the number of gaming machines stated in the in-principle approval.
- (3) If, on application by the licensee under section 38M (Conversion of in-principle authorisation certificate to authorisation certificate—application), the commission converts the in-principle authorisation certificate to an authorisation certificate (the *converted authorisation certificate*), the commission must reduce the maximum number of authorisations the licensee holds under other authorisation certificates by the number allowed under the converted authorisation certificate.

309B Temporary storage amendment application

- (1) This section applies if—
 - (a) before the commencement day, the commission amended a licence under section 26 (Licence amendment decision—temporary storage amendment) for a stated period; and
 - (b) immediately before the commencement day, the period of the amendment had not ended.
- (2) The commission must, as soon as practicable after the commencement day, issue the licensee with a storage permit for a general purpose for the period that remains on the amendment up to a maximum of 12 months.

310 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Gaming Machine (Reform) Amendment Act 2015*.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

311 Expiry—pt 20

This part expires 4 years after the commencement day.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Schedule 1 Reviewable decisions

(see pt 13)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	9 (2)	refuse to consider application not properly completed	applicant
2	9 (4)	refuse to consider application if additional information not given within stated time	applicant
3	18	refuse to issue licence	applicant for licence
4	23 (4)	issue authorisation certificate for maximum number of authorisations for gaming machines different from that applied for	applicant for authorisation certificate
5	24	refuse to issue authorisation certificate	applicant for authorisation certificate
6	29 (3)	refuse to issue class B licence	applicant for licence
7	29 (3)	refuse to issue authorisation certificate for class B licensee	applicant for authorisation certificate
8	32 (2) (b)	refuse to amend licence to allow minor licence amendment	licensee
9	35 (2) (b)	refuse to amend authorisation certificate to allow licensee to change part of a gaming area	licensee
10	36 (2) (b)	refuse to amend authorisation certificate to allow relocation of gaming machine operations to new premises	licensee

column 1 item	column 2 section	column 3 decision	column 4 entity
11	36 (6)	amend authorisation certificate to allow lower maximum number of authorisations for gaming machines than the number applied for—premises in another suburb	licensee
12	36 (8)	amend authorisation certificate to allow lower maximum number of authorisations for gaming machines than the number applied for—premises in same suburb	licensee
13	37 (2) (b)	refuse to amend authorisation certificate to increase maximum number of authorisations for class C gaming machines under the certificate	licensee
14	38D (2) (b)	refuse to issue in-principle authorisation certificate	applicant for in-principle authorisation certificate
15	38I (2) (b)	refuse to transfer in-principle authorisation certificate	approval-holder
16	38K (2) (b)	refuse to extend in-principle authorisation certificate	approval-holder
17	38N (2) (b)	refuse to convert in-principle authorisation certificate to authorisation certificate	approval-holder
18	40	give licensee direction	licensee directed
19	62	take disciplinary action	licensee
20	62A (2)	give licensee direction	licensee directed
21	72	refuse to approve supplier	applicant for approval
22	73A (3) (a)	cancel supplier's approval	supplier
23	73A (3) (b)	suspend supplier's approval	supplier

Schedule 1

Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
24	73A (3) (c)	reprimand supplier	supplier
25	75	refuse to approve technician	applicant for approval
26	78	refuse to approve transfer of technician's approval	applicant for transfer
27	79 (3) (a)	cancel technician's approval	technician
28	79 (3) (b)	suspend technician's approval	technician
29	79 (3) (c)	reprimand technician	technician
30	84	refuse to renew approved technician's approval	applicant for renewal
31	108	refuse to approve repossession of gaming machine	applicant for approval
32	109 (2)	approve repossession of gaming machine subject to condition	applicant for approval
33	113C (1)	give licensee direction about manner of disposal of gaming machine	licensee directed
34	127P (2)	refuse to issue storage permit	licensee
35	127W (2) (b)	refuse to extend storage permit	licensee
36	127ZE (1)	require licensee to allow authorised officer to inspect stored gaming machine and storage premises	licensee
37	134	refuse to approve linked-jackpot arrangement	applicant for approval
38	135	refuse to issue multi-user permit	applicant for permit
39	135	issue multi-user permit subject to condition, other than condition imposed by Act	applicant for permit
40	138	amend multi-user permit	entity that has permit amended

column 1 item	column 2 section	column 3 decision	column 4 entity
41	139	refuse to amend multi-user permit	applicant for amendment
42	140	refuse to approve amendment of financial and operational aspects of linked-jackpot arrangement	applicant for amendment
43	141	refuse to transfer multi-user permit	applicant for transfer
44	147	refuse to approve entity	applicant for approval
45	147C (2) (a)	suspend declaration of associated organisation	entity given warning notice
46	147C (2) (b)	repeal declaration of associated organisation	entity given warning notice
47	148B (2)	give direction to amend club's constitution	club given direction
48	153 (2)	give direction about separate parts of authorised premises	licensee given direction
49	164	refuse to approve contributions as community contributions	applicant for approval

Schedule 2 Notifiable actions

(see s 173C)

column 1 item	column 2 section	column 3 notifiable action
1	37A	amendment of authorisation certificate to increase the maximum number of authorisations for gaming machines under the certificate during trading period
2	37B	amendment of authorisation certificate to include reference to a technical change to a gaming machine
3	37E	transfer of authorisation certificate to another licensee
4	37F	surrender of licence, authorisation certificate or authorisation
5	99	acquisition of authorisation or gaming machine
6	113A	disposal of gaming machine
7	127C (2)	disposal of class B authorisation to class C licensee
8	127X	proposed disposal or proposed removal of gaming machine in storage
9	127ZB (2)	trading of authorisation in storage

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
- business day
- child
- contravene
- Corporations Act
- Criminal Code
- daily newspaper
- disallowable instrument (see s 9)
- 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 133)
- prescribed
- public notice
- regulation
- reviewable decision notice
- State
- the Territory

- under.

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

approval, for division 6A.2 (Repossession of gaming machines)—see section 105A.

approval certificate, for an approved technician—see section 80 (2) (a).

approval-holder—see section 38A.

approved supplier means a person approved under section 72 as a supplier.

approved technician means an individual approved under section 75 or section 76 as a technician.

associated organisation, for a club, means an entity declared to be an associated organisation under section 147 (1).

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

association number, for a licensee that is an associated incorporation, means the association number on the licensee's certificate of incorporation under the [Associations Incorporation Act 1991](#).

authorisation means an authorisation under an authorisation certificate to operate a gaming machine at the premises stated in the authorisation certificate.

authorisation certificate amendment application, for part 2B (Licences and authorisations)—see section 33 (1).

authorisation certificate application, for class C gaming machines, for part 2B (Licences and authorisations)—see section 21 (1).

authorisation certificate number—

- (a) for an authorisation certificate under a class B licence—see section 30 (3) (e); and
- (b) for an authorisation certificate under a class C licence—see section 27 (1) (c).

authorisation number—

- (a) for an authorisation under a class B licence—see section 30 (3) (j) (ii); and
- (b) for an authorisation under a class C licence—see section 27 (1) (h) (ii).

authorisation schedule—

- (a) for an authorisation certificate under a class B licence—see section 30 (3) (j); and
- (b) for an authorisation certificate under a class C licence—see section 27 (1) (h).

authorised officer means an authorised officer under the Control Act, section 20.

authorised premises means premises for which an authorisation certificate is in force.

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

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

class B gaming machine—

- (a) 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; but
- (b) does not include a gaming machine prescribed by regulation.

class B licence, for part 2B (Licences and authorisations)—see section 11.

class B licence and authorisation certificate application, for part 2B (Licences and authorisations)—see section 28 (1).

class B licensee, for division 6A.6 (Trading of authorisations and gaming machines)—see section 127B.

class C gaming machine—

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

- (i) roulette;
- (ii) blackjack;
- (iii) sic bo;
- (iv) craps;
- (v) pai gow;
- (vi) baccarat;
- (vii) two-up;
- (viii) money wheel;
- (ix) draw poker; but

(b) does not include a gaming machine prescribed by regulation.

class C licence, for part 2B (Licences and authorisations)—see section 11.

class C licence application, for part 2B (Licences and authorisations)—see section 15.

class C licensee, for division 6A.6 (Trading of authorisations and gaming machines)—see section 127B.

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

CMS—see *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.

computer cabinet access register—see section 71 (1).

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.

Note **Corporation**—see the [Legislation Act](#), dictionary, pt 1.

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 gaming machine to a person;
- (b) destroy the gaming machine;
- (c) make the gaming machine inoperable.

eligible club—see section 146.

eligible object—see section 145.

eligible person—

- (a) for an individual—see section 6; and
- (b) for a corporation—see section 7.

employ includes engage.

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

external administrator, for a licensee, for division 6A.2 (Repossession of gaming machines)—see section 105A.

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

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 gaming machine.

gaming area—

- (a) for an authorisation certificate under a class B licence—see section 30 (3) (h); and
- (b) for an authorisation certificate under a class C licence—see section 27 (1) (f).

gaming area amendment, for part 2B (Licences and authorisations)—see section 33 (1) (a).

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) 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.

gaming rules, for an entity, means the rules mentioned in section 22 (2) (c).

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

general purpose, for a storage permit, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127N (a).

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 gaming machines paid or payable under the gaming 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.

incoming licensee, for division 2B.6 (Transfer and surrender of licences and authorisation certificates)—see section 37E (1).

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

increase maximum amendment, for part 2B (Licences and authorisations)—see section 33 (1) (c).

influential person, for a corporation—see section 8.

in-principle authorisation certificate—see section 38A.

inspection notice, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127ZE (1).

interim purpose, for a storage permit, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127N (b).

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

licence—

- (a) means a licence issued under—
 - (i) section 29 for class B gaming machines; or
 - (ii) section 17 for class C gaming machines; and
- (b) for part 4 (Disciplinary action)—see section 56; and
- (c) in relation to a person approved to operate a linked-jackpot arrangement under section 134—means the approval; and

(d) in relation to a permit-holder under part 8 (Linked-jackpot arrangements)—means a multi-user permit.

Note **Licensee** has a meaning corresponding to the meaning of **licence** (see [Legislation Act](#), s 157).

licence number—

(a) of a class B licence—see section 30 (2) (b) (vii); and

(b) of a class C licence—see section 20 (1) (b) (vi).

licensee's name, in relation to a class C licensee, means the name of the licensee's legal entity.

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 under an approval or permit under part 8.

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

(a) from time to time, records the amount payable as winnings under the arrangement; and

(b) for the purpose of recording the amount mentioned in paragraph (a), receives messages from each gaming machine to which it is linked; and

(c) cannot affect the percentage payout of, or transmit a message to, a gaming machine to which it is linked.

local jurisdiction means a State or New Zealand.

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

maximum number, of authorisations, means the maximum number of authorisations for gaming machines that a licensee may have under an authorisation certificate.

member, of a club—

- (a) means—
 - (i) a member who, under the rules of the club, is required to pay fees; or
 - (ii) a life member; but
- (b) does not include a temporary member.

minor licence amendment application, for part 2B (Licences and authorisations)—see section 31 (1).

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.

notifiable action—see section 173C.

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 The *Liquor Act 2010*, div 2.2 deals with subclasses of on licences.

outgoing licensee, for division 2B.6 (Transfer and surrender of licences and authorisation certificates)—see section 37E (1).

percentage payout, for a gaming machine, means the percentage payout allowed for the gaming machine under the authorisation.

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

permit, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127M.

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

premises relocation amendment, for part 2B (Licences and authorisations)—see section 33 (1) (b).

prescribed number of days, in relation to a notifiable action—see section 173D (5).

problem gambling assistance fund—see section 163B.

properly completed, for an application—see section 9 (1).

proposed gaming area, in relation to an authorisation certificate application for a class C licence—see section 22 (2) (b) (ii).

quarantined authorisation, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127M.

quarantined gaming machine, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127M.

quarantine period, for a gaming machine and authorisation to which a quarantine permit applies, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127M.

quarantine permit, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127Q.

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

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

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

required documents, for an authorisation certificate application for class C gaming machines—see section 22 (2).

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

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

short-term approval, for a technician—see section 76 (3).

signed-in guest, for a club—see section 54A.

social impact assessment, for an authorisation certificate application, authorisation certificate amendment application, or application for an in-principle certificate of approval—see section 12 (1).

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.

storage period, for a gaming machine or authorisation to which a storage permit applies, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127M.

storage permit—see section 127L.

storage rules, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127M.

stored authorisation, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127M.

stored gaming machine, for division 6A.7 (Storage of authorisations and gaming machines)—see section 127M.

tax law—see the [Taxation Administration Act 1999](#), section 4.

technical amendment—see section 37B (1).

technical evaluation means a technical evaluation under section 69.

temporary member, of a club—see section 54A.

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

Endnotes

1 About the endnotes

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

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)

Endnotes

3 Legislation history

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))

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](#).

Endnotes

3 Legislation history

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)

Red Tape Reduction Legislation Amendment Act 2014 A2014-47 pt 4

notified LR 6 November 2014
s 1, s 2 commenced 6 November 2014 (LA s 75 (1))
pt 4 commenced 7 November 2014 (s 2)

Gaming Machine (Red Tape Reduction) Amendment Act 2014 (No 2) A2014-56

notified LR 4 December 2014
s 1, s 2 commenced 4 December 2014 (LA s 75 (1))
s 18, s 19 commenced 1 March 2015 (s 2 (2))
remainder commenced 5 December 2014 (s 2)

Annual Reports (Government Agencies) Amendment Act 2015 A2015-16 sch 1 pt 1.13

notified LR 27 May 2015
s 1, s 2 commenced 27 May 2015 (LA s 75 (1))
sch 1 pt 1.13 commenced 3 June 2015 (s 2)

Gaming Machine (Reform) Amendment Act 2015 A2015-21

notified LR 15 June 2015
s 1, s 2 commenced 15 June 2015 (LA s 75 (1))
s 3 commenced 1 July 2015 (LA s 75AA)
s 81 commenced 1 July 2015 (s 2 and [CN2015-10](#))
ss 4-80 and ss 82-93 commenced 31 August 2015 (s 2 and
[CN2015-18](#))
sch 1 awaiting commencement (s 2)

Note default commencement of schedule 1 under s 2 (4):
31 August 2018

as modified by

Gaming Machine Regulation 2004 SL2004-30 (as am by SL2015-27 s 29, s 30)

notified LR 30 July 2004

s 1, s 2 commenced 30 July 2004 (LA s 75 (1))

remainder commenced 1 November 2004 (s 2 and see [Gaming Machine Act 2004 A2004-34](#), s 2 and [CN2004-14](#))

Gaming Legislation Amendment Regulation 2015 (No 1) SL2015-27 s 29, s 30

notified LR 24 August 2015

s 1, s 2 commenced 24 August 2015 (LA s 75 (1))

s 29, s 30 commenced 31 August 2015 (s 2 and see [Gaming Machine \(Reform\) Amendment Act 2015 A2015-21](#), s 2 and [CN2015-18](#))

Note This regulation only amends the [Gaming Machine Regulation 2004 SL2004-30](#).

as amended by

Red Tape Reduction Legislation Amendment Act 2015 A2015-33 sch 1 pt 1.30

notified LR 30 September 2015

s 1, s 2 commenced 30 September 2015 (LA s 75 (1))

sch 1 pt 1.30 commenced 14 October 2015 (s 2)

Statute Law Amendment Act 2015 (No 2) A2015-50 sch 3 pt 3.19

notified LR 25 November 2015

s 1, s 2 commenced 25 November 2015 (LA s 75 (1))

sch 3 pt 3.19 commenced 9 December 2015 (s 2)

Red Tape Reduction Legislation Amendment Act 2016 A2016-18 sch 3 pt 3.25, sch 4 pt 4.5

notified LR 13 April 2016

s 1, s 2 commenced 13 April 2016 (LA s 75 (1))

sch 3 pt 3.25, sch 4 pt 4.5 commenced 27 April 2016 (s 2)

Endnotes

3 Legislation history

Gaming and Racing (Red Tape Reduction) Legislation Amendment Act 2016 A2016-45 pt 2, sch 1

notified LR 19 August 2016

s 1, s 2 commenced 19 August 2016 (LA s 75 (1))

sch 1 commences immediately after the commencement of [Gaming Machine \(Reform\) Amendment Act 2015 A2015-21, sch 1 \(s 2 \(2\)\)](#)

pt 2 commenced 1 September 2016 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2017 (No 2) A2017-14 pt 8

notified LR 17 May 2017

s 1, s 2 commenced 17 May 2017 (LA s 75 (1))

pt 8 commenced 1 July 2017 (s 2 (4))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Dictionary

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

Important concepts

pt 2 hdg sub [A2015-21](#) s 4

Definitions and important concepts

div 2.1 hdg om [A2015-21](#) s 4

Issue of licences

div 2.2 hdg om [A2015-21](#) s 4

Social impact assessments

div 2.3 hdg om [A2015-21](#) s 4

Eligible people

div 2.4 hdg om [A2015-21](#) s 4

Licence amendments

div 2.5 hdg om [A2015-21](#) s 4

Transfer and surrender of licences

div 2.6 hdg om [A2015-21](#) s 4

Restriction on gaming machine numbers

div 2.7 hdg om [A2015-21](#) s 4

Gaming machine licences

div 2.8 hdg om [A2015-21](#) s 4

Eligibility of individuals

s 6 sub [A2015-21](#) s 4

Eligibility of corporations

s 7 sub [A2015-21](#) s 4

Meaning of *influential person*

s 8 sub [A2015-21](#) s 4

Proper completion—applications under Act

s 9 sub [A2015-21](#) s 4

Gaming machine authorisation numbers

pt 2A hdg ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

Endnotes

4 Amendment history

Preliminary

div 2A.1 hdg ins [A2012-42](#) s 23
om [A2015-21](#) s 4
also ins [A2012-42](#) s 23
renum as div 2A.2 hdg

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
om [A2015-21](#) s 4
also ins [A2012-42](#) s 23
renum as div 2A.3 hdg

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
om [A2015-21](#) s 4
also ins [A2012-42](#) s 23
renum as div 2A.4 hdg

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
om [A2015-21](#) s 4
also ins [A2012-42](#) s 23
renum as div 2A.5 hdg

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
om [A2015-21](#) s 4

Maximum number of authorisations for gaming machines allowed in ACT

s 10 am [A2007-40](#) s 4; [A2012-42](#) s 4
sub [A2015-21](#) s 4

Initial licence applications—eligibility

s 10A ins [A2012-42](#) s 5
om [A2015-21](#) s 4

Licences and authorisations

pt 2B hdg ins [A2015-21](#) s 4

Definitions and important concepts

div 2B.1 hdg ins [A2015-21](#) s 4

Definitions—pt 2B

- s 11 hdg sub [A2012-42](#) s 6
s 11 am [A2014-56](#) s 4
sub [A2015-21](#) s 4
def **authorisation certificate amendment application** ins [A2015-21](#) s 4
def **authorisation certificate application** ins [A2015-21](#) s 4
def **class B licence** ins [A2015-21](#) s 4
def **class B licence and authorisation certificate application** ins [A2015-21](#) s 4
def **class C licence** ins [A2015-21](#) s 4
def **class C licence application** ins [A2015-21](#) s 4
def **gaming area amendment** ins [A2015-21](#) s 4
def **increase maximum amendment** ins [A2015-21](#) s 4
def **minor licence amendment application** ins [A2015-21](#) s 4
def **premises relocation amendment** ins [A2015-21](#) s 4

Meaning of social impact assessment

- s 12 am [A2012-42](#) s 7, s 8
sub [A2015-21](#) s 4

Social impact assessment—publication

- s 13 am [A2014-56](#) s 5
sub [A2015-21](#) s 4
am [A2015-33](#) amdts 1.92-1.96

Applications to be dealt with in order of receipt etc

- s 14 am [A2005-17](#) s 4, s 5; [A2011-24](#) s 4
sub [A2015-21](#) s 4

Class C licences—application and issue

- div 2B.2 hdg ins [A2015-21](#) s 4

Licence for class C gaming machines—application

- s 15 am [A2005-17](#) s 6
sub [A2015-21](#) s 4

Class C licence application—contents

- s 16 sub [A2015-21](#) s 4
am [A2016-45](#) s 4

Class C licence—decision on application

- s 17 am [A2007-40](#) s 5; [A2012-42](#) ss 9-13
sub [A2015-21](#) s 4

Class C licence application—grounds for refusal

- s 18 am [A2012-42](#) s 14
sub [A2015-21](#) s 4

Endnotes

4 Amendment history

Class C licence—conditions

s 19 am [A2012-42](#) s 15, s 16; ss renum R20 LA
sub [A2015-21](#) s 4

Class C licence—form

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; [A2014-56](#) s 6
sub [A2015-21](#) s 4

Authorisation certificates for class C gaming machines—application and issue

div 2B.3 hdg ins [A2015-21](#) s 4

Authorisation certificate for class C gaming machines—application

s 21 am [A2007-14](#) s 5; [A2007-40](#) s 7; [A2011-24](#) s 5, s 6
sub [A2015-21](#) s 4

Authorisation certificate for class C gaming machines—contents of application

s 22 am [A2005-17](#) s 7; [A2012-50](#) s 4
sub [A2012-42](#) s 18
am [A2014-56](#) s 7; ss renum R27 LA
sub [A2015-21](#) s 4

Authorisation certificate for class C gaming machines—decision on application

s 23 sub [A2012-42](#) s 18; [A2015-21](#) s 4
am [A2016-45](#) s 5

Authorisation certificate application for class C gaming machines—grounds for refusal

s 24 am [A2007-40](#) s 8, s 9
sub [A2012-42](#) s 18; [A2015-21](#) s 4

Issue of authorisation certificate for class C gaming machines—number of gaming machines to be operated

s 25 sub [A2012-42](#) s 18
am [A2014-56](#) s 8
sub [A2015-21](#) s 4

Authorisation certificate for class C gaming machines—conditions

s 26 sub [A2012-42](#) s 18; [A2015-21](#) s 4

Licence amendment decision—venue relocation amendment

s 26A ins [A2012-42](#) s 18
om [A2015-21](#) s 4

Licence amendment decision—small-scale machine relocation amendment

s 26B ins [A2012-42](#) s 18
om [A2015-21](#) s 4

Licence amendment decision—large-scale machine relocation amendment

s 26C ins [A2012-42](#) s 18
om [A2015-21](#) s 4

Licence amendment decision—new venue amendment

s 26D ins [A2012-42](#) s 18
om [A2015-21](#) s 4

Licence amendment decision—technical amendment

s 26E ins [A2012-42](#) s 18
om [A2015-21](#) s 4

Authorisation certificate for class C gaming machines—form

s 27 sub [A2015-21](#) s 4

Licences and authorisation certificates—class B gaming machines

div 2B.4 hdg ins [A2015-21](#) s 4

Licence and authorisation certificate for class B gaming machines—restricted application

s 28 am [A2012-42](#) s 19
sub [A2015-21](#) s 4

Class B licence and authorisation certificate—decision on application

s 29 am [A2012-42](#) s 20
sub [A2015-21](#) s 4

Class B licence and authorisation certificate—conditions and form

s 30 sub [A2015-21](#) s 4

Licences and authorisation certificates—amendments

div 2B.5 hdg ins [A2015-21](#) s 4

Licence amendment—application

s 31 sub [A2015-21](#) s 4

Licence amendment decision—minor amendment

s 32 am [A2005-17](#) ss 8-10; ss renum [A2005-17](#) s 11; [A2007-40](#)
s 10; [A2012-42](#) s 21; [A2014-56](#) s 9
sub [A2015-21](#) s 4

Authorisation certificate amendment—application

s 33 am [A2014-56](#) s 10
sub [A2015-21](#) s 4

Authorisation certificate amendment—contents of application

s 34 sub [A2015-21](#) s 4

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

s 34A ins [A2012-42](#) s 22
om [A2015-21](#) s 4

Endnotes

4 Amendment history

Authorisation certificate amendment decision—gaming area amendment

s 35 am [A2011-3](#) amdt 3.210
sub [A2012-42](#) s 22; [A2015-21](#) s 4

Authorisation certificate amendment decision—premises relocation amendment

s 36 sub [A2012-42](#) s 22; [A2015-21](#) s 4

Meaning of *pool of available gaming machines*

s 36A ins [A2012-42](#) s 22
om [A2015-21](#) s 4

Authorisation certificate amendment decision—increase maximum amendment

s 37 sub [A2015-21](#) s 4
am [A2016-45](#) s 6

Authorisation certificate amendment—increase maximum to not more than relevant number

s 37A ins [A2015-21](#) s 4
exp on the commencement of [Gaming Machine \(Reform\) Amendment Act 2015](#) A2015-21, sch 1 (s 37A (5))

Authorisation certificate amendment—technical amendment

s 37B ins [A2015-21](#) s 4

Amendment of licence, authorisation certificate etc—commission's own initiative

s 37C ins [A2015-21](#) s 4

Re-issue of amended licence, authorisation certificate etc

s 37D ins [A2015-21](#) s 4

Transfer and surrender of licences and authorisation certificates

div 2B.6 hdg ins [A2015-21](#) s 4

Transferring an authorisation certificate

s 37E ins [A2015-21](#) s 4

Surrender of licences, authorisation certificates and authorisations

s 37F ins [A2015-21](#) s 4

Offence—failure to dispose of gaming machines

s 37G ins [A2015-21](#) s 4

Licences, authorisation certificates and authorisations—register and replacement copies

div 2B.7 hdg ins [A2015-21](#) s 4

Licences and authorisation certificates—register

s 37H ins [A2015-21](#) s 4
am [A2016-45](#) s 7

**Licences, authorisation certificates and authorisation schedules—
replacement copies**

s 37I ins [A2015-21](#) s 4
am [A2016-18](#) amdts 3.109-3.111

In-principle authorisation certificates

pt 2C hdg ins [A2015-21](#) s 4

Preliminary

div 2C.1 hdg ins [A2015-21](#) s 4

Object—pt 2C

s 38 sub [A2015-21](#) s 4

Definitions for Act

s 38A ins [A2012-42](#) s 23
sub [A2015-21](#) s 4
def **approval-holder** ins [A2015-21](#) s 4
def **in-principle authorisation certificate** ins [A2015-21](#) s 4

In-principle authorisation certificate—application

div 2C.2 hdg ins [A2015-21](#) s 4

In-principle authorisation certificate—application

s 38B ins [A2012-42](#) s 23
sub [A2015-21](#) s 4
def **approval-holder** ins [A2012-42](#) s 23
om [A2015-21](#) s 4
def **in-principle approval** ins [A2012-42](#) s 23
om [A2015-21](#) s 4

In-principle authorisation certificate application—contents

s 38C ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

In-principle authorisation certificate—issue

div 2C.3 hdg ins [A2015-21](#) s 4

In-principle authorisation certificate—decision on application

s 38D ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

In-principle authorisation certificate—form

s 38E ins [A2012-42](#) s 23
am [A2013-19](#) amdt 3.172
sub [A2015-21](#) s 4

In-principle authorisation certificate—conditions

s 38F ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

Endnotes

4 Amendment history

In-principle authorisation certificate—term

s 38G ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

In-principle authorisation certificate—transfer

div 2C.4 hdg ins [A2015-21](#) s 4

In-principle authorisation certificate—application to transfer

s 38H ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

In-principle authorisation certificate—transfer decision

s 38I ins [A2012-42](#) s 23
am [A2013-19](#) amdt 3.173
sub [A2015-21](#) s 4

In-principle authorisation certificate—application for extension

s 38J ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

In-principle authorisation certificate—extension decision

s 38K ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

In-principle authorisation certificate—surrender

s 38L ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

In-principle authorisation certificates—conversion

div 2C.5 hdg ins [A2015-21](#) s 4

Conversion of in-principle authorisation certificate to authorisation certificate—application

s 38M ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

Conversion of in-principle authorisation certificate to authorisation certificate—decision

s 38N ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

Consequences of conversion—other in-principle authorisation certificates for the land or premises expire

s 38O ins [A2012-42](#) s 23
sub [A2015-21](#) s 4

In-principle approval—transfer decision

s 38P ins [A2012-42](#) s 23
om [A2015-21](#) s 4

In-principle approval—application for extension

s 38Q ins [A2012-42](#) s 23
om [A2015-21](#) s 4

In-principle approval—extension decision

s 38R ins [A2012-42](#) s 23
om [A2015-21](#) s 4

In-principle approval—surrender

s 38S ins [A2012-42](#) s 23
om [A2015-21](#) s 4

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

s 38T ins [A2012-42](#) s 23
om [A2015-21](#) s 4

Conversion of in-principle approval to licence—decision

s 38U ins [A2012-42](#) s 23
om [A2015-21](#) s 4

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

s 38V ins [A2012-42](#) s 23
om [A2015-21](#) s 4

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

s 38W ins [A2012-42](#) s 23
om [A2015-21](#) s 4

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

s 38X ins [A2012-42](#) s 23
am [A2013-19](#) amdt 3.174
om [A2015-21](#) s 4

Licences and authorisation certificates—conditions

pt 3 hdg sub [A2015-21](#) s 5

Offence—failure to comply with condition

s 39 hdg sub [A2015-21](#) s 6
s 39 am [A2015-21](#) ss 7-9; ss renum R31 LA

General licence and authorisation certificate conditions

div 3.2 hdg sub [A2015-21](#) s 10

Compliance with requirements for issue of licence and authorisation certificate

s 39A ins [A2005-26](#) s 4
sub [A2015-21](#) s 11

Endnotes

4 Amendment history

Licence and authorisation certificate to be kept at premises

s 41 am [A2014-47](#) s 7
sub [A2015-21](#) s 12
am [A2016-18](#) amdt 3.112
sub [A2016-45](#) s 8

Licence and authorisation certificate to be available on request

s 42 sub [A2015-21](#) s 12; [A2016-45](#) s 8

Assistance with reviews

s 42A ins [A2015-21](#) s 12

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

s 43 am [A2015-21](#) s 92

Installation in accordance with Act

s 44 am [A2015-21](#) s 92

Installation certificate

s 45 am [A2015-21](#) s 92, s 93
sub [A2016-45](#) s 9

Operation after installation

s 46 am [A2015-21](#) s 92

Operation subject to correct percentage payout

s 47 am [A2015-21](#) s 13

Approved statement to be displayed

s 48 am [A2015-21](#) s 14
sub [A2016-45](#) s 10

Licensee to use gaming machines

s 51 am [A2012-42](#) s 24
om [A2015-21](#) s 15

Accounts relating to gaming machines

s 52 am [A2015-21](#) s 92

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
am [A2014-56](#) s 11

Annual report of clubs

s 54 am [A2011-24](#) s 10, s 11; pars renum R19 LA

Conditions about guests and temporary memberships 54A ins [A2016-45](#) s 11**Other conditions of club licences**s 55 am [A2005-26](#) s 5; [A2011-24](#) s 12; pars renum R16 (RI) LA;
[A2016-45](#) s 12**Definitions for pt 4**s 56 hdg sub [A2015-21](#) s 16s 56 def **cancelled** ins [A2015-21](#) s 17def **final** ins [A2015-21](#) s 17def **licence** am [A2012-42](#) s 25; pars renum R20 LAsub [A2015-21](#) s 18def **licensee** sub [A2012-42](#) s 26om [A2015-21](#) s 18**Grounds for disciplinary action**s 57 am [A2005-17](#) s 12; ss renum [A2005-17](#) s 13; [A2006-2](#)
amdts 1.13-1.15; pars renum [A2006-2](#) amdt 1.16; [A2012-42](#)
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s 70 am [A2011-3](#) amdt 3.213; [A2015-21](#) s 93

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s 71 sub [A2014-56](#) s 13
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s 72 am [A2007-40](#) s 12

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s 75 am [A2007-40](#) s 14; [A2014-56](#) s 14

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Possession and operation of gaming machines

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s 105 hdg sub [A2015-21](#) s 42
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s 108 am [A2015-21](#) s 93

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s 109A ins [A2015-21](#) s 46

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div 6A.3 hdg (prev div 6.7 hdg) renum as div 6A.3 hdg [A2015-21](#) s 56

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s 123 am [A2014-56](#) s 16; [A2015-21](#) s 92

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s 124 am [A2015-21](#) s 92

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s 125 am [A2015-21](#) s 53, s 54

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s 126 am [A2011-3](#) amdt 3.214
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div 6A.6 hdg (prev div 6.10 hdg) ins [A2015-21](#) s 55
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s 127E ins [A2015-21](#) s 55
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s 127F ins [A2015-21](#) s 55
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s 127ZE ins [A2015-21](#) s 55
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s 138 am [A2015-21](#) s 93

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s 139 am [A2015-21](#) s 92, s 93

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s 140 am [A2015-21](#) s 93

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s 144 am [A2014-5](#) ss 6-8; [A2015-21](#) ss 72-74

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s 145 am [A2011-3](#) amdt 3.215

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s 146 am [A2005-26](#) s 6; [A2015-21](#) s 75

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s 147 am [A2005-17](#) s 18, s 19; [A2011-24](#) ss 15-17; pars renum
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s 148 am [A2015-21](#) s 76
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s 151 am [A2011-3](#) amdt 3.216; [A2015-21](#) s 92
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s 159 am [A2005-26](#) s 7, s 8; [A2015-21](#) s 81; [A2015-50](#) amdt 3.111

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s 160 am [A2005-26](#) s 9
exp 1 February 2006 (s 160 (6))

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s 161 am [A2015-21](#) s 93

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s 162 am [A2011-3](#) amdt 3.217; [A2015-21](#) s 82

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div 11.2 hdg ins [A2010-52](#) s 4

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s 163A ins [A2010-52](#) s 4
am [A2014-56](#) s 18; [A2017-14](#) s 24

Problem gambling assistance fund—annual payment option

s 163AA ins [A2014-56](#) s 19

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s 163B ins [A2010-52](#) s 4

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s 163C ins [A2010-52](#) s 4
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om [A2015-16](#) amdt 1.17

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s 164 am [A2007-40](#) s 18; [A2011-24](#) s 22; [A2013-19](#) amdt 3.177

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s 165 am [A2015-21](#) s 92

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s 169 am [A2011-3](#) amdt 3.218; [A2011-24](#) s 23

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s 170 sub [A2016-45](#) s 26

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s 171A ins [A2007-40](#) s 19
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s 176 am [A2015-21](#) s 86

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s 177 am [A2011-3](#) amdt 3.219

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s 185 exp 1 November 2005 (s 189)

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s 186 exp 1 November 2005 (s 189)

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s 187 exp 1 November 2005 (s 189)

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s 188 exp 1 November 2005 (s 189)

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s 189 exp 1 November 2005 (s 189)

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pt 20 hdg ins [A2015-21](#) s 88
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s 300 ins [A2015-21](#) s 88
exp 31 August 2019 (s 311)
def **commencement day** ins [A2015-21](#) s 55
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exp 31 August 2019 (s 311)
def **old licence application** ins [A2015-21](#) s 55
exp 31 August 2019 (s 311)

Old licences—class B gaming machines

s 301 ins [A2015-21](#) s 88
exp 31 August 2019 (s 311)

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s 302 ins [A2015-21](#) s 88
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Class B gaming machines—application

s 303 ins [A2015-21](#) s 88
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s 306 ins [A2015-21](#) s 88
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s 307 ins [A2015-21](#) s 88
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s 308 ins [A2015-21](#) s 88
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s 309 ins [A2015-21](#) s 88
exp 31 August 2019 (s 311)

Application to convert in-principle approval to new venue amendment

s 309A ins as mod [SL2004-30](#) mod 1.1 (as ins by [SL2015-27](#) s 30)
mod lapsed 1 September 2016 ([SL2004-30](#) mod 1.1 om by
[A2016-45](#) s 33)
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exp 31 August 2019 (s 311)

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s 309B ins as mod [SL2004-30](#) mod 1.1 (as ins by [SL2015-27](#) s 30)
mod lapsed 1 September 2016 ([SL2004-30](#) mod 1.1 om by
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items renum R19 LA; [A2012-42](#) s 30, s 31; items renum
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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

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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

Republication No and date	Effective	Last amendment made by	Republication for
R25 28 Mar 2014	28 Mar 2014– 6 Nov 2014	A2014-5	amendments by A2014-5
R26 7 Nov 2014	7 Nov 2014– 4 Dec 2014	A2014-47	amendments by A2014-47
R27 5 Dec 2014	5 Dec 2014– 28 Feb 2015	A2014-56	amendments by A2014-56
R28 1 Mar 2015	1 Mar 2015– 2 June 2015	A2014-56	amendments by A2014-56
R29 3 June 2015	3 June 2015– 30 June 2015	A2015-16	amendments by A2015-16
R30 1 July 2015	1 July 2015– 30 Aug 2015	A2015-21	amendments by A2015-21
R31 31 Aug 2015	31 Aug 2015– 13 Oct 2015	A2015-21	amendments by A2015-21 and modifications by SL2004-30 as amended by SL2015-27
R32 14 Oct 2015	14 Oct 2015– 8 Dec 2015	A2015-33	amendments by A2015-33
R33 9 Dec 2015	9 Dec 2015– 26 Apr 2016	A2015-50	amendments by A2015-50
R34 27 April 2016	27 April 2016– 31 Aug 2016	A2016-18	amendments by A2016-18
R35 1 Sept 2016	1 Sept 2016– 30 June 2017	A2016-45	amendments by A2016-45

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