



Australian Capital Territory

Gaming Machine Act 2004

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(republication for amendments by [A2020-9](#)
and [A2020-11](#))

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 8 April 2020. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 8 April 2020.

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

Kinds of republications

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

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

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

Editorial changes

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

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

Uncommenced provisions and amendments

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

Modifications

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

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



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Australian Capital Territory

Gaming Machine Act 2004

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

Part 1 Preliminary

1 Name of Act

This Act is the *Gaming Machine Act 2004*.

3 Dictionary

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

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

For example, the signpost definition ‘*general licence*—see the [Liquor Act 2010](#), section 17.’ means that the term ‘general licence’ is defined in that section and the definition applies to this Act.

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

4 Notes

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

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

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

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

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

Note 2 Penalty units

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

Part 2 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 Reducing cap on authorisations in ACT to 4 000 or fewer

Division 2A.1 Preliminary

10 Definitions—pt 2A

In this part:

census day means 23 August 2018.

compulsory surrender day means each of the following:

- (a) the first compulsory surrender day;
- (b) the second compulsory surrender day.

first compulsory surrender day means 1 April 2019.

second compulsory surrender day means 30 April 2020.

Division 2A.2 Voluntary surrenders

10A Definitions—div 2A.2

In this division:

surrendered authorisation means an authorisation surrendered under section 10D and includes an authorisation under an authorisation certificate surrendered under that section.

voluntary surrender agreement—see section 10C.

voluntary surrender day, for a licensee, means—

- (a) 14 February 2019; or
- (b) if an earlier day is agreed between the licensee and the Territory—the earlier day.

voluntary surrender notice—see section 10B.

**10B Notifying authorisations for surrender during voluntary
 surrender period**

- (1) During the voluntary surrender period, a licensee may give written notice (a *voluntary surrender notice*) to the Minister of the number of authorisations or authorisation certificates to be surrendered by the licensee under section 10D.
- (2) A notice under subsection (1) must include the following information about each authorisation to be surrendered:
 - (a) the authorised premises the authorisation is associated with;
 - (b) the authorisation number;
 - (c) the serial number of any gaming machine associated with the authorisation.
- (3) A notice under subsection (1) may include a nomination of a licensee's authorised premises in relation to which a surrendered authorisation will be taken into account under section 10J (3) (e).
- (4) If a licensee makes a nomination under subsection (3), the number of authorisations counted for the nominated premises—
 - (a) must not be used to reduce the number of authorisations to be surrendered at another authorised premises; and
 - (b) if the authorisations relate to the surrender of an authorisation certificate—must be reduced to take account of any surrender obligation in relation to the authorised premises of the authorisation certificate that would have been determined under section 10J had the authorisation certificate not been surrendered.
- (5) In this section:

voluntary surrender period means the period beginning on the census day and ending on 31 January 2019.

10C Voluntary surrender agreement

- (1) The Territory may enter into an agreement (a *voluntary surrender agreement*) with a licensee in relation to the surrender of authorisations or authorisation certificates under section 10D if—
 - (a) the licensee has given a voluntary surrender notice to the Minister; and
 - (b) the agreement is entered into on or before the earlier of—
 - (i) 8 February 2019; and
 - (ii) the voluntary surrender day for the licensee.
- (2) A voluntary surrender agreement may provide for—
 - (a) an entitlement to the deemed payment or partial payment of an offset amount for the licensee; and
 - (b) the process by which the entitlement is to be claimed by the licensee; and
 - (c) any other matters agreed by the parties.
- (3) A voluntary surrender agreement must be entered into for the Territory by the Treasurer or the Minister.
- (4) In this section:
offset amount—see section 10H (4).

10D Surrender of authorisations and authorisation certificates on voluntary surrender day

- (1) This section applies if a licensee has entered into a voluntary surrender agreement.
- (2) On the voluntary surrender day for the licensee, each authorisation and authorisation certificate in the licensee's voluntary surrender notice is surrendered.

- (3) If a licensee has a gaming machine associated with a surrendered authorisation, the licensee must—
- (a) take meter readings from the gaming machine; and
 - (b) render the machine inoperable; and
 - (c) within 3 working days, give the commission—
 - (i) a written statement of the meter readings mentioned in paragraph (a) and confirmation that the machine is inoperable; and
 - (ii) if the surrendered authorisation results from the surrender of an authorisation certificate—any outstanding amount payable by the licensee in relation to the operation of the gaming machine under the surrendered authorisation certificate.

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 A contravention of this Act is a ground for disciplinary action (see s 57 (1) (c)).

Note 3 If a licensee changes the size, shape or location of a gaming area as a consequence of the surrender of gaming machine authorisations, the licensee may need to apply for a gaming area amendment of the authorising certificate (see s 33 (1) (a)).

- (4) For section 103 (1), a licensee is authorised to possess a gaming machine associated with a surrendered authorisation for 3 months after the voluntary surrender day for the licensee.
- (5) Section 37F (other than subsection (2) (b)) does not apply in relation to the surrender of an authorisation or authorisation certificate under this section.

10E Trading of authorisations to replace surrendered authorisations

- (1) This section applies if—
 - (a) a licensee surrenders an authorisation associated with a gaming machine under section 10C on the voluntary surrender day; and
 - (b) on the voluntary surrender day, the licensee acquires an authorisation under division 6A.6 (Trading of authorisations and gaming machines) to replace the surrendered authorisation for the gaming machine.
- (2) Despite section 173E, the notifiable action in relation to the licensee's acquisition of the authorisation takes effect on the voluntary surrender day.
- (3) Section 10D (3) does not apply to the licensee in relation to the gaming machine.

10F Offence—operating gaming machine if authorisation surrendered

A person commits an offence if—

- (a) the person owns, occupies or manages authorised premises; and
- (b) an authorisation, or authorisation certificate, associated with the premises is surrendered under section 10D; and
- (c) the person fails to take all reasonable steps to stop the gaming machine associated with the surrendered authorisation being used on the premises; and

Note A surrendered authorisation includes an authorisation under a surrendered authorisation certificate (see s 10A, def **surrendered authorisation**).

- (d) someone uses the gaming machine.

Maximum penalty: 100 penalty units.

10G No applications for, or transfers of, authorisation certificates etc for certain licensees

- (1) This section applies if a licensee has surrendered an authorisation certificate under section 10D.
- (2) The licensee is not entitled to—
 - (a) apply for an authorisation certificate under section 21 (Authorisation certificate for class C gaming machines—application); or
 - (b) acquire an authorisation certificate from an outgoing licensee under section 37E (Transferring an authorisation certificate); or
 - (c) apply for an in-principle approval for an authorisation certificate under section 38B.

10H Offsets

- (1) This section applies to a person if the person—
 - (a) becomes liable to pay an offset amount to the Territory before 1 April 2026; and
 - (b) is entitled, under a voluntary surrender agreement, to the deemed payment or partial payment of an offset amount; and
 - (c) claims the entitlement under any process set out in the voluntary surrender agreement before 1 April 2026.
- (2) The person's offset amount is taken to be paid to the Territory as provided in the voluntary surrender agreement.
- (3) The total of the amounts taken to be paid to the Territory under subsection (2) for the person must not exceed the person's entitlement under the voluntary surrender agreement.

(4) In this section:

offset amount means a fee, charge or other amount that is—

- (a) prescribed by regulation for the purposes of this subsection; and
- (b) payable under any of the following Acts:
 - (i) *Building Act 2004*;
 - (ii) *Community Title Act 2001*;
 - (iii) *Electricity Safety Act 1971*;
 - (iv) *Gas Safety Act 2000*;
 - (v) *Planning and Development Act 2007*;
 - (vi) *Unit Titles Act 2001*;
 - (vii) *Water and Sewerage Act 2000*;
 - (viii) an Act prescribed by regulation for the purposes of this paragraph.

Division 2A.3 Compulsory surrenders

10I Definitions—div 2A.3

In this division:

cap on authorisations means the number of authorisations for electronic gaming for all authorised premises in the ACT, worked out under the [Control Act](#), section 50.

licensee does not include a licensee that held 19 or fewer authorisations for gaming machines on the census day.

surrender obligation, of a licensee, means the number of authorisations for gaming machines to be surrendered by the licensee in relation to each authorised premises determined under section 10J.

10J Determination for surrenders

- (1) The Minister must determine the surrender obligation of each licensee for each compulsory surrender day.
- (2) The total of the surrender obligations for a licensee for both compulsory surrender days must not exceed 20% of the authorisations held by the licensee in relation to the authorised premises on the census day.

Note If an authorisation certificate has been transferred under s 37E after the census day, s 10P applies to the calculation of the surrender obligation for the incoming licensee.

- (3) In determining a surrender obligation, the Minister must, as far as practicable—
 - (a) ensure that the cap on authorisations in the ACT will reach the target of 4 000 authorisations by the second compulsory surrender day; and
 - (b) subject to subsection (6), determine the surrender obligation of a licensee in proportion to the number of authorisations held by the licensee under the authorisation certificate for the authorised premises on the census day; and
 - (c) reduce a licensee's surrender obligation by taking into account the number of authorisations surrendered by the licensee in relation to the authorised premises under section 37F during the period beginning on the census day and ending on the day before a determination is made; and
 - (d) if the surrender obligation is for a licensee that is a disposing licensee under section 127F (1)—reduce the licensee's surrender obligation by taking into account the number of authorisations from the authorised premises that were forfeited by the acquiring licensee under section 127F (4) during the period beginning on the census day and ending on the day before the determination; and

- (e) reduce a licensee's surrender obligation by taking into account the number of the licensee's surrendered authorisations under section 10D—
 - (i) for the authorised premises; or
 - (ii) if the licensee nominates other authorised premises of the licensee under section 10B (3)—for the nominated premises; and
- (f) apply any guidelines made under section 10K.
- (4) Any authorisations taken into account under subsections (3) (c) and (d) in a determination for the first compulsory surrender day must not be taken into account to reduce a surrender obligation in a determination for the second compulsory surrender day.
- (5) Any authorisations taken into account in relation to subsection (3) (e) must, as far as practicable, be evenly distributed between the determinations for the first compulsory surrender day and the second compulsory surrender day.
- (6) The Minister must—
 - (a) round a surrender obligation to the nearest whole number; and
 - (b) starting with the licensee that holds the greatest number of authorisations and working down to the licensee that holds the fewest authorisations, adjust the surrender obligations of the licensees to add additional surrenders of authorisations that are necessary to ensure the cap on authorisations reaches the target of 4 000 authorisations under subsection (3) (a).
- (7) A determination must commence on or before—
 - (a) for a determination that relates to the first compulsory surrender day—4 March 2019; and
 - (b) for a determination that relates to the second compulsory surrender day—3 April 2020.

- (8) A determination is a notifiable instrument.

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

- (9) Despite subsection (1), a determination must not be made if, at the beginning of the day when the determination is made, the cap on authorisations in the ACT is 4 000 or fewer.
- (10) The Minister may, at any time after making a determination and before the compulsory surrender day to which the determination relates, revoke the determination if the cap on authorisations in the ACT reaches, or the Minister believes the ACT authorisations are likely to reach, 4 000 or fewer before the surrender day.

10K Guidelines for determination

- (1) The Minister may make guidelines for the determination of surrender obligations under section 10J.
- (2) A guideline is a disallowable instrument.

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

10L Licensee must give notice of gaming machines to be surrendered

- (1) A licensee must give the commission a written statement about the authorisations to be surrendered by the licensee to meet the licensee's surrender obligation.
- (2) The statement must be given on or before—
- (a) for a determination in relation to the first compulsory surrender day—18 March 2019; or
 - (b) for a determination in relation to the second compulsory surrender day—17 April 2020.

- (3) A statement under subsection (1) must include the following information about each authorisation:

- (a) the authorised premises the authorisation is associated with;
- (b) the authorisation number;
- (c) the serial number of any gaming machine associated with the authorisation.

Note 1 If a licensee needs a storage permit for the gaming machine under an authorisation to be surrendered, the licensee must apply to the commission for a storage permit for an interim purpose (see s 127N (b)).

Note 2 A licensee must apply to the commission if a new approval for any single-user linked-jackpot arrangement is required (see s 134) or if an amendment is required of a multi-user permit to operate a linked-jackpot arrangement (see s 139).

- (4) If the licensee has not given the commission the statement by the day required under subsection (2), the commission must give the licensee written notice that—
- (a) not later than 3 days after the licensee receives the notice, the licensee must give the commission the statement mentioned in subsection (1); and
 - (b) failure to comply with the notice may be a ground for disciplinary action under section 57.
- (5) If a licensee has not given the commission the statement by the day required under the notice in subsection (4), the commission may determine the authorisations that are to be surrendered by the licensee to meet the licensee's surrender obligation.
- (6) If, under subsection (5), the commission determines the authorisations to be surrendered by a licensee on a compulsory surrender day, the commission must notify the licensee before the compulsory surrender day.

10M Surrender of authorisations for gaming machines

- (1) On a compulsory surrender day, the authorisations identified under section 10L to meet a licensee's surrender obligation for the day are surrendered.
- (2) If a licensee has a gaming machine associated with an authorisation surrendered under this section, the licensee must—
 - (a) take meter readings from the machine; and
 - (b) render the machine inoperable.

Note If a licensee changes the size, shape or location of a gaming area as a consequence of the surrender of gaming machine authorisations, the licensee may need to apply for a gaming area amendment of the authorisation certificate (see s 33 (1) (a)).

- (3) On the day after a compulsory surrender day, the commission must amend the authorisation certificate for each authorised premises to reduce the maximum number of authorisations a licensee may have under the authorisation certificate by the number surrendered for the premises—
 - (a) on the compulsory surrender day under this section; and
 - (b) if the number has not previously been counted to reduce the maximum number under the authorisation certificate—during the period beginning on 1 February 2019 and ending on the day before the determination for the compulsory surrender day under section 37F.
- (4) If a licensee surrenders an authorisation under this section, the commission must give the licensee a storage permit for an interim purpose under section 127N (b) for the gaming machine under the authorisation.

Note A storage permit for an interim purpose is issued for up to 3 months and may be extended (see s 10N).

- (5) Section 37F does not apply to a licensee for the surrender of an authorisation under this section.

10N Extension of term for storage permit for interim purpose

- (1) A licensee who holds a storage permit for an interim purpose given under section 10M (4) may apply to the commission to extend the term of the storage permit.
- (2) If a licensee applies to extend the term of a storage permit, the storage permit remains in force until the application is decided.
- (3) The commission must—
 - (a) extend the term of the storage permit for up to 3 months; or
 - (b) refuse to extend the term of the storage permit.
- (4) The commission must refuse to extend the term of the storage permit if the term of the permit has previously been extended under this section.
- (5) If the commission refuses to extend the term of the storage permit, the commission must tell the applicant, in writing, the reasons for the decision.
- (6) For part 13 (Notification and review of decisions)—
 - (a) a decision to refuse to extend the term of a storage permit for a licensee under this section is a reviewable decision; and
 - (b) the licensee is an entity for section 173A.

100 Offence—failure to dispose of gaming machines where authorisation surrendered under s 10M

A person commits an offence if—

- (a) an authorisation held by the person is surrendered under section 10M; and
- (b) the commission gives the person a storage permit for a gaming machine associated with the authorisation; 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.

10P Application to transfers of authorisation certificates under s 37E

(1) This section applies to a licensee (the *incoming licensee*) if an authorisation certificate is transferred to the licensee for an authorised premises by an outgoing licensee under section 37E during the transfer period.

(2) The surrender obligation for the incoming licensee for the authorised premises is to be worked out in relation to the authorised premises as if—

(a) the incoming licensee were the outgoing licensee; and

(b) the outgoing licensee continued to hold an authorisation certificate for the authorised premises.

(3) In this section:

transfer period means the period beginning on the census day and ending on the second compulsory surrender day.

Division 2A.4 Miscellaneous

10Q Meaning of *compulsory surrender period*—div 2A.4

In this division:

compulsory surrender period means the period beginning on the day a determination under section 10J is made and ending on the day after the compulsory surrender day that relates to the determination.

10R No transfer of authorisation certificates under s 37E

A licensee must not transfer or acquire an authorisation certificate under section 37E if the acquisition or transfer is to take place during a compulsory surrender period.

**10S Disposal of gaming machine to be surrendered—
notifiable action for s 113A**

- (1) The surrender of an authorisation for a gaming machine under this part is a reason for disposing of the gaming machine for section 113A (1).
- (2) In this section:

surrender of an authorisation includes surrender of an authorisation under an authorisation certificate surrendered under division 2A.2.

**10T Suspension of trading during compulsory surrender
period**

Trading of authorisations and gaming machines under division 6A.6 is suspended during a compulsory surrender period.

Division 2A.5 Expiry—pt 2A

10U Expiry—pt 2A

- (1) This part (other than section 10G and divisions 2A.3 and 2A.4) expires on 1 April 2026.
- (2) Section 10G expires on 1 April 2024.
- (3) Divisions 2A.3 and 2A.4 expire on 31 December 2020.

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 for 6 weeks after a day stated in the public notice (the *comment period*)—
 - (i) at a place in the ACT named on the commission’s website during ordinary business hours; and
 - (ii) on the commission’s website; 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

- (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 during the comment period—
 - (a) at a place in the ACT named on the commission’s website during ordinary business hours; and
 - (b) by publishing the assessment on the commission’s website.
- (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

- (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

- (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.

- (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 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.

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

- (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 172B.

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 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
- (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

(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.

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
 - (d) state the address, and block and section number, of the premises for which the authorisation certificate is sought; and

Note *Association number*—see the dictionary.

- (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
- (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.

**38O 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 the [Control Act](#), section 53 (2) (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) 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 the [Control Act](#), section 53 (2) (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

52A Application of Casino (Electronic Gaming) Act 2017 to gaming machines operated near casino

- (1) It is a condition of a licence for a club that, if the licensee is related to the casino licensee and operates a gaming machine within 200m of the boundary of the casino, the gaming machine must be operated in accordance with the [Casino \(Electronic Gaming\) Act 2017](#), section 26 (Acquiring casino gaming machine under authorisation) and part 7 (Casino gaming machines—pre-commitment system).

- (2) For subsection (1), the *Casino (Electronic Gaming) Act 2017*, section 26 and part 7 apply to the operation of the gaming machine as if a reference to—
- (a) a casino gaming machine included a reference to a gaming machine; and
 - (b) a casino gaming machine authorisation included a reference to an authorisation; and
 - (c) a casino licensee included a reference to a class C licensee.
- (3) For this section, a licensee is ***related*** to the casino licensee if 1 or more of the following apply:
- (a) the licensee and the casino licensee are related bodies corporate under the *Corporations Act*, section 50;
 - (b) the licensee and the casino licensee are associated entities under the *Corporations Act*, section 50AAA;
 - (c) the same person is an influential person for the licensee and the casino licensee;
 - (d) the licensee and the casino licensee have the same registered office;
 - (e) the licensee and the casino licensee have an arrangement or agreement with each other to share employees, resources, facilities or services;
 - (f) there is a financial interdependency between the licensee and the casino licensee;
 - (g) the licensee and the casino licensee have an arrangement or agreement with each other that gives members of each licensee access to reciprocal benefits from the other licensee;
 - (h) the licensee and the casino licensee use common branding or advertise publicly as related clubs;
 - (i) any other circumstance prescribed by regulation.

- (4) In this section:

casino means the casino under the *Casino Control Act 2006*.

casino licensee—see the *Casino Control Act 2006*, dictionary.

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

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

- (1) It is a condition of a licence for a club that the licensee's annual report for a financial year of the licensee 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 relation to the licensee; 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.

- (d) if any benefits have been taken by a person during the financial year—
 - (i) the person's position in relation to the licensee; 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;
 - (e) the total value of any contributions made to registered parties and associated entities;
- Note* A licensee that is a club must also include information about community contributions made by the club in their annual report (see s 172).
- (f) anything else prescribed by regulation.
- (2) Not later than 10 working days after giving the commission a copy of the licensee's audited financial statements or certified income and expenditure statement under section 158, the licensee must—
- (a) give the commission an electronic copy of the licensee's annual report; and

- (b) publish the annual report on a website of the licensee that can be accessed by the public free of charge.

Note The commission must also publish information about community contributions made by the club (see s 172).

- (3) For subsection (2), the licensee may remove confidential information or, with the written approval of the commission, other sensitive information from the annual report if the licensee sets out in the published annual report—

- (a) that information was removed because it was confidential or sensitive; and
- (b) the nature of the information that was removed.

- (4) In this section:

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

confidential information, in relation to an annual report, means information—

- (a) that is not publicly available when the annual report is published; and
- (b) that is about the personal or business affairs of a person other than the licensee; and
- (c) where 1 or more of the following apply:
 - (i) the information was given to the licensee in confidence;
 - (ii) publishing the information would reveal a trade secret;
 - (iii) the information was provided in compliance with a duty imposed under an Act other than this Act;
 - (iv) the licensee would breach a law by providing the information.

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.

- (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 3A Enforceable undertakings

55A Meaning of *GM undertaking*—pt 3A

In this part:

GM undertaking—see section 55B.

55B Commission may accept undertakings

- (1) The commission may accept a written undertaking (a *GM undertaking*) given by a person relating to the person's contravention or alleged contravention of this Act or the [Control Act](#).
- (2) A GM undertaking may provide for any matters agreed between the commission and the person including the following:
 - (a) a statement that the person recognises the commission's concerns in relation to the person's contravention or alleged contravention of this Act or the [Control Act](#);
 - (b) that details of the undertaking are published on the register under the [Control Act](#), section 37B or are included in any material published by the commission.
- (3) A GM undertaking does not constitute an admission of guilt by the person giving the undertaking in relation to the person's contravention or alleged contravention of this Act or the [Control Act](#).
- (4) The commission or a person may suggest draft undertakings before a GM undertaking is given by a person under subsection (1).

55C Notice of decision and reasons for decision

The commission must give a person seeking to give a GM undertaking written notice of the commission's decision to accept or reject the GM undertaking and of the reasons for the decision.

55D When a GM undertaking is enforceable

A GM undertaking takes effect and becomes enforceable when the commission's decision to accept the undertaking is given to the person who gave the undertaking or at any later date stated by the commission.

55E Compliance with GM undertaking

- (1) A person commits an offence if—
- (a) the person gives a GM undertaking; and
 - (b) the GM undertaking is in effect; and
 - (c) the person contravenes the GM undertaking.

Maximum penalty: 100 penalty units.

- (2) Subsection (1) does not apply to a person if an application has been made under section 55F in relation to the person's contravention of the GM undertaking.

55F Contravention of GM undertaking

- (1) The commission may apply to the Magistrates Court for an order if—
- (a) a person contravenes a GM undertaking; and
 - (b) no proceedings against the person for an offence under section 55E have been taken in relation to the contravention.
- (2) If the court is satisfied that the person who gave the GM undertaking has contravened the undertaking, the court may make 1 or both of the following orders:
- (a) an order directing the person to comply with the undertaking;
 - (b) an order discharging the undertaking.

- (3) In addition to the orders referred to in subsection (2), the court may make any other order that the court considers appropriate in the circumstances, including orders directing the person to pay to the Territory—
- (a) the costs of the proceeding; and
 - (b) the reasonable costs of the commission in monitoring compliance with the GM undertaking in the future.

55G Withdrawal or variation of GM undertaking

- (1) A person who has given a GM undertaking may at any time, with the written agreement of the commission—
- (a) withdraw the undertaking; or
 - (b) vary the undertaking.
- (2) However, the provisions of the undertaking cannot be varied to provide for a different contravention or alleged contravention of this Act or the [Control Act](#).

55H Proceeding for contravention or alleged contravention

- (1) Subject to this section, no proceeding may be brought, or no disciplinary action may be taken, against a person for a contravention, or alleged contravention, of this Act or the [Control Act](#) if a GM undertaking is in effect in relation to that contravention.
- (2) No proceeding may be brought, or no disciplinary action may be taken, for a contravention, or alleged contravention, of this Act or the [Control Act](#) against a person who has given a GM undertaking in relation to the contravention and who has completely discharged the GM undertaking.
- (3) The commission may accept a GM undertaking in relation to a contravention, or alleged contravention, before a proceeding or disciplinary action in relation to the contravention has been finalised.

- (4) If the commission accepts a GM undertaking before the proceeding or disciplinary action is finalised, the commission must take all reasonable steps to have the proceeding or action discontinued.

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 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.

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 the greater of the following amounts:
 - (i) \$1 000 000;
 - (ii) 3 times the total value of any benefits that the commission can determine have been obtained by 1 or more people and that are reasonably attributable to the ground for disciplinary action;

- (iii) 10% of the person's gross revenue during the 12 months ending at the end of the month in which the applicable ground for disciplinary action arose or began;
- (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 operates a gaming machine at premises without an authorisation under an authorisation certificate to operate the gaming machine at the premises—
 - (i) ordering the person to forfeit to the Territory 100% of the gross revenue from the operation of the gaming machine; and
 - (ii) directing the person about how to dispose of the gaming machine.
- (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 Relevant matters for decisions on disciplinary action and penalties

- (1) In deciding what disciplinary action to take, and the amount of any penalty to be imposed, the commission must consider the following:
 - (a) whether disciplinary action has been taken against the person 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 duration or repetition of the person's conduct that contributed to the disciplinary ground;
 - (e) any statement given by an individual in relation to the disciplinary ground's harmful impacts on the individual;
 - (f) the person's capacity to pay any financial penalty;
 - (g) for disciplinary action against a club—the impact of a financial penalty on the club.

- (2) The commission may also consider any other relevant matter.

Note Disciplinary action must be entered on the public register by the commission (see [Control Act](#), s 37B).

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

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.

- (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 authorised 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 On receiving a notice under this section, the commission must also amend the register of licences and authorisations to include details about the number of authorisations for gaming machines to be held by the licensee after acquiring the gaming machines mentioned in the notice (see [Control Act](#), s 52 (2)).

- (4) The commission may amend any other record the commission holds to include the information contained in the notice.

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 or stored 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 storage permit applies to the gaming machine; and
 - (c) the person is reckless about whether a storage 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 condition that the person given the approval allows 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 to any person.
- (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 or given 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 sold or returned to an approved supplier;
 - (e) the authorisation for the gaming machine is to be surrendered under section 37F (Surrender of licences, authorisation certificates and authorisations);
 - (f) 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 Adjudgment 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; or
 - (c) the casino licensee.

- (2) The disposing licensee must notify the commission about the disposal of a class B authorisation to a class C licensee or the casino 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).

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.

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

- (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).

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 or the casino 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 or the casino licensee took all reasonable steps to ascertain that the purchaser was a class C licensee or the casino 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).

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
- (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 [Control Act](#), s 52 (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.7.4 Storage permits—form

127S Storage permit—form

A storage permit must—

- (a) be in writing; and
- (b) state the following:
 - (i) the name of the licensee;
 - (ii) whether the permit is for a general purpose or an interim purpose;
 - (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 storage permit was operated;
 - (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;
 - (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 or stored gaming machines) to operate a stored gaming machine during the period of the storage permit; and
- (d) include a schedule of the following information:
 - (i) the serial number of each gaming machine to be stored under the permit;
 - (ii) for a storage permit for a general purpose—the authorisation number for each gaming machine’s associated authorisation; and
- (e) include anything else prescribed by regulation.

Subdivision 6A.7.5 Storage permits—conditions

127T Storage permit—conditions

- (1) A storage permit is subject to the following conditions:
 - (a) the licensee must comply with this Act;
 - (b) the licensee must not exchange a stored 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 gaming machine; and
 - (b) if a new gaming machine is to be stored in place of the stored 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 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 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 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 gaming machine;
- (g) the licensee may trade a stored 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 gaming machines and the premises where the gaming machines are stored;
- (i) for a permit issued for an interim purpose—the licensee must dispose of the gaming machine stored under the permit before the permit ends.

- (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 Storage permit—term

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

- (3) A storage 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 Storage permits—amendment

127X Storage permit amendment—notification

- (1) This section applies if a licensee who holds a storage permit proposes to—

- (a) dispose of a stored 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

Note Proposed disposal under s 113A must also be notified to the commission (see s 113A (2)).

- (b) remove a stored gaming machine from storage under the storage 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 Storage permit amendment—decision

The commission may amend a storage 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 Storage permit amendment—commission’s own initiative

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

127ZA Storage permit amendment—reissue of storage permit

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

Subdivision 6A.7.7 Storage permits—trading authorisations under permits

127ZB Trading authorisations under storage permits—procedure

- (1) This section applies if a disposing licensee who holds a storage permit trades a stored 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—
 - (i) amend the disposing licensee’s storage permit to remove references to the stored authorisation and its associated gaming machine; 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 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 storage 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 (Storage permit—form); and
 - (b) subject to the conditions mentioned in section 127T (Storage permit—conditions); and
 - (c) for a period not longer than 3 months.

Subdivision 6A.7.8 Storage permits—miscellaneous

127ZE Gaming machines and authorisations under storage permits—inspection

- (1) The commission may, by written notice (an *inspection notice*) given to a licensee who holds a storage permit, require the licensee to, within a stated reasonable time, allow an authorised officer to inspect—
 - (a) the storage permit; and
 - (b) any gaming machine under the storage permit; and
 - (c) the premises where any gaming machine is stored under the storage 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 storage 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 storage permit;
 - (e) who may have access to a gaming machine stored under a storage permit;
 - (f) who is to be responsible for the storage of gaming machines under a storage permit;
 - (g) the records that must be kept for gaming machines and authorisations under a storage 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 certificate 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) information about the linked-jackpot arrangement is available, on request, from the licensee; and
 - (b) the licensee makes available, on request, information about the linked-jackpot arrangement to anyone requesting it; and

Examples—information about linked-jackpot arrangement

- 1 the percentage of the turnover of each gaming machine set aside for the payment of linked jackpots
 - 2 the authorisation certificate for the authorised premises
- (c) 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) that information about the linked-jackpot arrangement is available, on request, from the permit-holder;
 - (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; and
- (c) as far as practicable, in a way that reduces gambling harm.

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
- (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 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

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

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

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 authorisation certificate for the premises authorises the operation of not more than 20 gaming machines at the premises.
- (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

157A Definitions—pt 11

In this part:

GMT rebate—see section 162A.

small or medium club, for a financial year, means a licensee that is a club if the gross revenue in relation to the operation of gaming machines under all authorisation certificates held by the licensee—

- (a) is not more than \$4 000 000 for the financial year; or
- (b) was not more than \$4 000 000 in the financial year beginning on 1 July 2017.

small or medium club group, for a financial year, means all the licensees within a club group if the gross revenue in relation to the operation of gaming machines under all authorisation certificates held by all licensees of the group—

- (a) is not more than \$4 000 000 for the financial year; or
- (b) was not more than \$4 000 000 in the financial year beginning on 1 July 2017.

tax period means—

- (a) for a licensee that makes an election under section 161A—a quarter; or
- (b) in any other case—a month.

157B Meaning of *club group* etc—pt 11

- (1) In this part:
- club group*—
- (a) means 2 or more licensees that are clubs related to each other because each licensee is related to at least 1 other licensee in the group; but
 - (b) does not include a licensee that the commission determines under section 157C is not part of a club group.
- (2) For this section, a licensee is ***related*** to another licensee if 1 or more of the following apply:
- (a) the licensees are related bodies corporate under the [Corporations Act](#), section 50;
 - (b) the licensees are associated entities under the [Corporations Act](#), section 50AAA;
 - (c) the same person is an influential person for each licensee;
 - (d) the licensees have the same registered office;
 - (e) the licensees have an arrangement or agreement with each other to share employees, resources, facilities or services;
 - (f) there is a financial interdependency between the licensees;
 - (g) the licensees have an arrangement or agreement with each other that gives members of each licensee access to reciprocal benefits from the other licensee;
 - (h) the licensees use common branding or advertise publicly as related clubs;
 - (i) any other circumstance prescribed by regulation.

157C Determination that licensee not part of club group

- (1) This section applies if a licensee is related to another licensee under section 157B (2), other than because the licensees are related bodies corporate under the [Corporations Act](#), section 50 or associated entities under that [Act](#), section 50AAA.
- (2) The commission may, on the written request of the licensee, determine that the licensee is not part of a club group.
- (3) However, the commission must not make a determination unless satisfied that the relationship between the licensee and the other licensee is casual, coincidental or otherwise insignificant.

Examples—casual, coincidental or otherwise insignificant

- 1 The licensees each sponsor a community event for which the promotional material includes co-branding of the licensees.
 - 2 The registered office of 2 licensees is the same, however the office is that of an ASIC registered agent.
- (4) The commission may revoke a determination that applies to a licensee if satisfied that the circumstances in which the determination was made do not apply to the licensee.
 - (5) A determination may provide for its commencement on or before the determination's notification day.

Note This subsection provides express authority for a determination to commence on or before its notification day (see [Legislation Act](#), s 73 (2) (d)).
 - (6) A determination is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the [Legislation Act](#).

Note 2 Power to make a statutory instrument includes power to amend or repeal the instrument (see [Legislation Act](#), s 46).

157D Notice of change to club group status

- (1) This section applies if, during a financial year, a licensee's relationship to another club changes so that the licensee—
 - (a) becomes part of a club group; or
 - (b) ceases to be part of a club group.
- (2) The licensee must give the commission written notice of the change within 7 days after the day the change occurs.

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 of the licensee—
 - (a) if the licensee's gross revenue for all authorised premises 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 for all authorised premises during the year; and
 - (b) if the licensee's gross revenue for all authorised premises 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 for all authorised premises 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 **Member**, of a club, does not include a temporary member (see dict).

- (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 tax period, whether or not the operation is lawful.
- (2) However, for a licensee that is a club, gaming machine tax is payable in relation to the gross revenue from the operation of gaming machines at each authorised premises of the licensee.
- (3) The rate at which gaming machine tax is payable in relation to a tax period is worked out for each month within the tax period at the prescribed percentage for the month.

(4) 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 each authorised premises of the licensee for the month that is \$25 000 or less—nil; and
 - (ii) for the part of the gross revenue of each authorised premises of the licensee 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 each authorised premises of the licensee 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 each authorised premises of the licensee 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 tax period is payable on the 7th day after the end of the tax period.

161A Payment of gaming machine tax or payment to diversification and sustainability support fund—quarterly election

- (1) A licensee that is entitled to a GMT rebate may elect to pay the gaming machine tax or required amount to the diversification and sustainability support fund for each quarter of the financial year.
- (2) The election is made by giving the commission written notice of the election.
- (3) An election begins on the first day of the next quarter after the election is made and continues to apply until the licensee withdraws the election in writing.
- (4) In this section:

required amount means the amount payable by the licensee under section 163H.

162 Gaming machine tax returns

- (1) Within 7 days after the end of a tax period, a licensee must give the commission a written return in relation to each authorised premises of the licensee.
- (2) The return must state the gross revenue from the operation of gaming machines at the authorised premises of the licensee during the tax period.

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

162A Gaming machine tax rebate—financial year

- (1) A licensee is entitled to a rebate of gaming machine tax (a ***GMT rebate***) for a financial year if the licensee is a small or medium club, or is part of a small or medium club group, for the year.
- (2) The amount of the GMT rebate for the licensee is 50% of the licensee's GMT liability for the financial year.
- (3) The GMT rebate applies to reduce the amount of the licensee's gaming machine tax liability for the financial year.
- (4) In this section:

GMT liability, for a licensee, means the licensee's gaming machine tax liability worked out under section 159 on the licensee's gross revenue that is not more than \$4 000 000 from the operation of gaming machines under all of the licensee's authorisation certificates.

162B Gaming machine tax rebate—part financial year

- (1) This section applies to a licensee if the licensee was part of a club group (other than a small or medium club group) for part of a financial year only.
- (2) The licensee is only entitled to a GMT rebate for the part of the financial year that the licensee was not part of the club group.

- (3) The amount of the GMT rebate for the licensee is 50% of the licensee's GMT liability for the part of the financial year (the *entitled part of the year*) for which the licensee is entitled to the rebate.
- (4) The GMT rebate applies to reduce the amount of the licensee's gaming machine tax liability worked out under section 159 for the entitled part of the year.
- (5) In this section:

adjusted amount, for a licensee, means \$4 000 000, adjusted on a pro-rata basis for the part of the financial year the licensee was entitled to the GMT rebate.

Example—adjusted amount

If the licensee is entitled to the rebate for 6 months in a financial year, the amount is adjusted to \$2 000 000.

GMT liability, for a licensee, means the licensee's gaming machine tax liability worked out under section 159 on the licensee's gross revenue that is not more than the adjusted amount from the operation of gaming machines under all of the licensee's authorisation certificates.

162C Gaming machine tax rebate—claim

- (1) A licensee that expects to be a small or medium club or part of a small or medium club group for a financial year may claim a GMT rebate during the year.
- (2) The claim must—
 - (a) be in writing signed by the licensee; and
 - (b) include particulars showing the licensee's expected gross revenue for the financial year.

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

- (3) If the commission is not satisfied on reasonable grounds that the licensee is or will be a small or medium club, or is or will be part of a small or medium club group, for the year, the commission must give the licensee written notice that the licensee's claim is not accepted.

162D Annual adjustment of gaming machine tax—GMT rebate

- (1) At the end of each financial year for a licensee that is a club, the commission must assess the licensee's liability for gaming machine tax for the financial year, adjusted for—
- (a) any GMT rebate the licensee is entitled to for the financial year or part of the year; and
 - (b) any amount of GMT rebate that the licensee has claimed during the financial year.
- (2) The commission must give the licensee written notice of the assessment, setting out—
- (a) the amount of the licensee's liability (including any adjustments); and
 - (b) the day by which any unpaid gaming machine tax is payable.

Note 1 For how documents may be given, see the [Legislation Act](#), pt 19.5.

Note 2 Under the [Control Act](#), s 48 the provisions of the [Taxation Administration Act 1999](#) (other than pt 9) apply, with modifications, to gaming laws (including this Act). For the provisions relating to refunds of tax, see the [Taxation Administration Act 1999](#), pt 4. For the provisions relating to penalties that may be applied following a tax default, see the [Taxation Administration Act 1999](#), pt 5.

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 Gambling harm prevention and mitigation fund

163A Required payment to gambling harm prevention and mitigation fund

- (1) A licensee is liable to pay the required percentage of the licensee's gross revenue for each authorised premises for each tax period to the gambling harm prevention and mitigation 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 tax period is payable on the 7th day after the end of the tax period.

Note A licensee must give the commission a return for each tax period in relation to the gross revenue of the licensee's authorised premises.

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

163AA Gambling harm prevention and mitigation 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 or quarterly payments under section 163A (5), to make an annual payment to the gambling harm prevention and mitigation 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 or quarter 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 Gambling harm prevention and mitigation fund

- (1) The commission must open and maintain a banking account (the *gambling harm prevention and mitigation fund*).
- (2) In this section:

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

163C Payment from gambling harm prevention and mitigation fund—required payments and community purpose contributions

- (1) This section applies to an amount paid into the gambling harm prevention and mitigation fund under—
- (a) section 163A (Required payment to gambling harm prevention and mitigation fund); or
 - (b) part 12 as a community purpose contribution.
- (2) The commission may make a payment of the amount out of the fund only for a purpose the commission is satisfied will assist in—
- (a) alleviating gambling harm; or
 - (b) alleviating the disadvantages that arise from gambling harm; or
 - (c) providing or ascertaining information about gambling harm.

Examples

- 1 counselling for those experiencing gambling harm or their family
- 2 education and awareness about harms caused by excessive gambling
- 3 assisting those experiencing gambling harm to exclude themselves from gambling venues
- 4 supporting the family of those experiencing gambling harm

5 self-help information about gambling harm

6 research about gambling harm

163D Payment from gambling harm prevention and mitigation fund—minimum community contributions

- (1) This section applies to an amount paid into the gambling harm prevention and mitigation fund under—
 - (a) section 167 (2) (b) (Minimum community contribution—clubs); or
 - (b) section 168 (1) (b) (Minimum community contribution—licensees other than clubs).
- (2) The commission may make a payment of the amount out of the fund only—
 - (a) for a purpose set out in the guidelines under subsection (3); and
 - (b) with the written approval of the Minister.
- (3) The Minister may make guidelines about gambling harm prevention and mitigation.
- (4) A guideline is a disallowable instrument.

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

Division 11.3 Diversification and sustainability support fund

Subdivision 11.3.1 Preliminary

163E Definitions—div 11.3

In this division:

advisory board means the board established under section 163K.

diversification and sustainability support fund—see section 163F.

163F Diversification and sustainability support fund

- (1) The director-general must open and maintain a banking account (the *diversification and sustainability support fund*).
- (2) The diversification and sustainability support fund is to provide funding for the following purposes:
 - (a) assisting clubs to diversify their income to sources other than gaming machines;
 - (b) supporting the sustainability of clubs;
 - (c) contributing to projects that help reduce regulatory costs or improve efficiency in administration and compliance for clubs;
 - (d) training and skills development for club workers, executives and members of club management committees and boards.
- (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.

163G Reporting

- (1) Each report prepared by the director-general under the *Annual Reports (Government Agencies) Act 2004* for a reporting year must include the following information about the operation of the diversification and sustainability support fund for the reporting year:
 - (a) payments into, and out of, the fund during the year;
 - (b) the name of each person (other than an individual) who made a payment into the fund or who received a payment out of the fund;
 - (c) the purposes for which payments were made out of the fund.

- (2) In this section:

reporting year—see the *Annual Reports (Government Agencies) Act 2004*, dictionary.

Subdivision 11.3.2 Payments to and from diversification and sustainability support fund

163H Payments to diversification and sustainability support fund

- (1) For each tax period, a licensee that is a club is liable to pay the required amount to the commission for each of the licensee's authorised premises.
- (2) The commission must pay the amounts received under subsection (1) to the diversification and sustainability support fund.
- (3) The *required amount*, for a tax period for an authorised premises of the licensee, means the amount worked out under the following formula:

$$((A \times \$20) + (B \times \$10)) \times M$$

A means the number of authorisations for gaming machines held under an authorisation certificate for the authorised premises at the beginning of the first day of the tax period.

B means—

- (a) if *A* is 100 or more—the number of the authorisations that exceed 99; or
- (b) if *A* is less than 100—nil.

M means the number of months in the tax period.

- (4) An amount required to be paid for a tax period is payable on the 7th day after the end of the tax period.

(5) Despite subsection (3), the required amount for a tax period that begins after 23 March 2020 and ends before 8 April 2021 is \$0.

(6) This subsection and subsection (5) expire 2 years after the day this subsection commences.

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).

(7) In this section:

authorised premises, of a licensee for a tax period, means an authorised premises of a licensee at the beginning of the first day of the tax period.

163I Payments out of diversification and sustainability support fund

(1) A payment out of the diversification and sustainability support fund may only be made in accordance with this section.

(2) The director-general must make a payment out of the diversification and sustainability support fund if—

- (a) an application for the payment has been made in accordance with any guidelines made under section 163J; and
- (b) the payment is for a purpose mentioned in section 163F (2); and
- (c) the Minister directs the director-general to make the payment after the Minister has consulted with the advisory board in relation to the payment.

163J Guidelines for applications for payments out of diversification and sustainability support fund

- (1) The Minister may make guidelines for applications from entities seeking payments out of the diversification and sustainability support fund.
- (2) The guidelines may include guidelines about the kinds of applications, or applicants, to be considered for payments out of the fund for a particular year or period.
- (3) A guideline is a notifiable instrument.

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

Subdivision 11.3.3 Advisory board for diversification and sustainability support fund

163K Establishment of advisory board

The advisory board for the diversification and sustainability support fund is established.

163L Functions of advisory board

- (1) The main functions of the advisory board are to—
 - (a) advise the Minister on matters concerning the diversification and sustainability support fund; and
 - (b) make recommendations about payments to be made from the fund.
- (2) The advisory board also has any other function given to the board under this Act.

163M Membership of advisory board

- (1) The advisory board consists of up to 4 members, appointed by the Minister, who the Minister considers have qualifications or experience in appropriate areas to assist the advisory board to exercise its functions.

Examples—appropriate areas for qualifications or experience

- business strategy or financial management
- club operations
- urban design, planning or property development

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](#), div 19.3.3).

- (2) A person must be appointed to the advisory board for not longer than 2 years.
- (3) The Minister must appoint a chair of the advisory board from the members appointed under subsection (1).
- (4) The conditions of appointment of a member appointed under subsection (1), or the chair appointed under subsection (3), are the conditions agreed between the Minister and the member or chair, subject to any determination under the [Remuneration Tribunal Act 1995](#).

163N Advisory board—making and ending appointments

- (1) The Minister must not appoint a person, or must end an appointment of a person, to the advisory board if—
- (a) the person, or the person's domestic partner, is an influential person for a licensee that is a club; or
 - (b) the person is an employee, representative or board member of an industry association for clubs; or

- (c) the person has been convicted, or found guilty, of an offence against a gaming law; or
 - (d) within the last 5 years, the person has been convicted, or found guilty, of—
 - (i) an offence in Australia punishable by imprisonment for at least 1 year; or
 - (ii) an offence outside Australia that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year; or
 - (e) the Minister considers that the person is unlikely to be able to exercise the functions of a member of the board because of the person's business association, financial association or close personal association with another person.
- (2) The Minister may end an appointment of a person to the advisory board if the person—
- (a) contravenes a territory law; or
 - (b) fails to take all reasonable steps to avoid being placed in a position where a conflict of interest may arise during the exercise of the person's functions as a member of the board; or
 - (c) is bankrupt or personally insolvent; or
 - (d) is absent from 3 consecutive meetings of the board, otherwise than on approved leave; or
 - (e) is affected by physical or mental incapacity that substantially affects the person's ability to exercise the functions of a member of the board.
- (3) In this section:
- association***, of a person with another person, does not include the person's membership of a club unless the person is involved in managing or running the club.

163O Agenda to require disclosure of interest item

- (1) The agenda for each meeting of the advisory board must include an item requiring any material interest in an issue to be considered at the meeting to be disclosed to the meeting.
- (2) In this section:
material interest—see section 163P (4).

163P Disclosure of interests by members of advisory board

- (1) If a member of the advisory board has a material interest in an issue being considered, or about to be considered, by the board, the member must disclose the nature of the interest at a board meeting as soon as practicable after the relevant facts come to the member's knowledge.
- (2) The disclosure must be recorded in the board's minutes and, unless the board otherwise decides, the member must not—
 - (a) be present when the board considers the issue; or
 - (b) take part in a decision of the board on the issue.

Example

Albert, Boris and Chloe are members of the board. They have an interest in an issue being considered at a board meeting and they disclose the interest as soon as they become aware of it. Albert's and Boris's interests are minor but Chloe has a direct financial interest in the issue.

The board considers the disclosures and decides that because of the nature of the interests—

- (a) Albert may be present when the board considers the issue but not take part in the decision; and
- (b) Boris may be present for the consideration and take part in the decision.

The board does not make a decision allowing Chloe to be present or take part in the board's decision. Accordingly, since Chloe has a material interest she cannot be present for the consideration of the issue or take part in the decision.

- (3) Any other board member who also has a material interest in the issue must not be present when the board is considering its decision under subsection (2).

(4) In this section:

associate, of a person, means—

- (a) the person's business partner; or
- (b) a close friend of the person; or
- (c) a family member of the person.

indirect interest—without limiting the kinds of indirect interests a person may have, a person has an ***indirect interest*** in an issue if any of the following has an interest in the issue:

- (a) an associate of the person;
- (b) a corporation, if the corporation has not more than 100 members and the person, or an associate of the person, is a member of the corporation;
- (c) a subsidiary of a corporation mentioned in paragraph (b);
- (d) a corporation if the person, or an associate of the person, is an executive officer of the corporation;
- (e) the trustee of a trust if the person, or an associate of the person, is a beneficiary of the trust;
- (f) a member of a firm or partnership if the person, or an associate of the person, is a member of the firm or partnership;
- (g) someone else carrying on a business if the person, or an associate of the person, has a direct or indirect right to participate in the profits of the business.

material interest—a board member has a ***material interest*** in an issue if the member has a direct or indirect—

- (a) financial interest in the issue; or
- (b) interest of any other kind if the interest could conflict with the proper exercise of the member's functions in relation to the board's consideration of the issue.

163Q Proceedings of advisory board

- (1) The Minister may make guidelines for the proceedings of the advisory board, including meeting and voting requirements of the board.
- (2) Unless any guidelines made by the Minister under subsection (1) provide otherwise, the advisory board may conduct its proceedings as it considers appropriate.
- (3) A guideline is a notifiable instrument.

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

163R Protection of members of advisory board from liability

- (1) A member of the advisory board is not civilly liable for anything done or omitted to be done honestly and without recklessness—
 - (a) in the exercise of a function under a territory law; or
 - (b) in the reasonable belief that the act or omission was in the exercise of a function under a territory law.
- (2) Any liability that would, apart from this section, attach to a member of the board attaches instead to the Territory.

Part 12 Community contributions

164 Definitions—pt 12

In this part:

Chief Minister's Charitable Fund means the Chief Minister's Charitable Fund Ltd ACN 627 111 700.

community—see section 165.

community purpose—see section 166.

community purpose contribution—see section 166.

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

contribution information, for a community purpose contribution—see section 171.

emergency declaration means a declaration under—

- (a) the [Emergencies Act 2004](#), section 156 (Declaration of state of emergency); or
- (b) the [Public Health Act 1997](#), section 119 (Emergency declarations).

minimum community contribution, for a licensee for a financial year, means the amount applying to the licensee under section 167 or section 168.

recipient, of a community purpose contribution—

- (a) means the entity to which the contribution is made; and
- (b) if a group within the entity receives a discrete portion of the contribution—includes the group; and

- (c) if an office or individual who is a member of the entity receives a discrete portion of the contribution—includes the office or individual.

reporting year, for a licensee, means the period for which the licensee prepares a financial statement or income and expenditure statement under section 158 (Audit of financial statements etc).

tax period—see section 157A.

165 Meaning of *community* etc—pt 12

- (1) In this part:

community—

- (a) means the people living in—
 - (i) the ACT or surrounding region; or
 - (ii) if the Minister declares an area—the declared area; and
 - (b) includes people living somewhere else in Australia who need relief or assistance because of a natural disaster.
- (2) The ***community*** is comprised of individuals and groups—
 - (a) from diverse cultural, language and religious backgrounds; and
 - (b) of different gender identity; and
 - (c) of different sexual orientation; and
 - (d) with disability; and
 - (e) of all ages, including children and young people; and
 - (f) in different social, economic and cultural circumstances.
 - (3) A declaration is a notifiable instrument.

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

- (4) In this section:

groups includes community groups, associations and not-for-profit organisations.

166 Meaning of *community purpose* etc—pt 12

- (1) In this part:

community purpose means—

- (a) assisting the community, or a part of the community, in 1 or more of the following ways:
 - (i) supporting a charitable cause;
 - (ii) providing recreation opportunities;
 - (iii) providing education opportunities;
 - (iv) improving social inclusion, equality or cultural diversity;
 - (v) benefitting or increasing participation in community sport;
 - (vi) preventing or mitigating harm caused by drug or alcohol misuse or dependence; or
- (b) benefitting or increasing participation in women's sport conducted in the ACT, or with participants mainly based in the ACT; or
- (c) providing relief or assistance to people living in Australia following a natural disaster; or
- (d) providing relief or assistance to the community in relation to an emergency to which an emergency declaration applies; or
- (e) a purpose prescribed by regulation.

community purpose contribution—

- (a) means a contribution made by a licensee that is a club—
 - (i) to a stated recipient for a community purpose; or

- (ii) to the gambling harm prevention and mitigation fund (other than by a payment required under section 167 (2) (b)); or
 - (iii) to the commission and transferred to the Chief Minister's Charitable Fund (other than by a payment required under section 167 (2) (a)); and
- (b) includes—
 - (i) a contribution prescribed by regulation to be a community purpose contribution; and
 - (ii) an emergency community purpose contribution.
- (2) However, a ***community purpose contribution*** (other than an emergency community purpose contribution) does not include any of the following:
 - (a) expenditure in relation to gambling (for example, the purchase of gaming machines);
 - (b) payment, by the licensee or the recipient, of a tax, fee, charge or levy, other than for water consumption;
 - (c) expenditure on the licensee's business activities prescribed by regulation;
 - (d) expenditure on the recipient's ordinary expenses prescribed by regulation;
 - (e) capital payments or depreciation by the licensee or recipient prescribed by regulation;
 - (f) if a contribution is made on a condition—the value to the licensee of the condition being fulfilled;
 - (g) if a contribution is an asset—the value of any income earned from the asset (for example, entry or hiring fees);
 - (h) a contribution made to another licensee under a reciprocal arrangement;

- (i) the cost of the licensee or recipient borrowing funds to acquire an asset;
 - (j) any other contribution prescribed by regulation not to be a community purpose contribution.
- (3) A regulation may prescribe matters in relation to a community purpose or a community purpose contribution, including matters that are included or not included in a community purpose or a community purpose contribution.
- (4) In this section:

emergency community purpose contribution means a contribution declared under section 166A to be a community purpose contribution.

Example

a contribution to people employed by a club for remuneration, allowances or other entitlements mentioned in an emergency community purpose contribution declaration under s 166A

166A Emergency community purpose contribution declaration

- (1) Despite anything else in this Act, if an emergency declaration is in force or was in force at any time in the previous 12 months, the Minister may declare (an ***emergency community purpose contribution declaration***) that a contribution by a licensee that is a club is a community purpose contribution.

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 emergency community purpose contribution declaration may apply to anything that happens at any time during the reporting year for the licensee in which that declaration is made.
- (3) An emergency community purpose contribution declaration—
 - (a) has effect for the period stated in the declaration; and
 - (b) may be subject to any conditions declared by the Minister.

- (4) An emergency community purpose contribution declaration is a disallowable instrument.

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

167 Minimum community contribution—clubs

- (1) This section applies to a licensee that is a club.
- (2) The minimum community contribution that the licensee must make, as a percentage of the licensee's net revenue is—
- (a) 0.4% of the licensee's net revenue for each authorised premises for a tax period, paid to the commission and transferred to the Chief Minister's Charitable Fund; and
 - (b) 0.4% of the licensee's net revenue for each authorised premises for a tax period, paid to the gambling harm prevention and mitigation fund; and
 - (c) 8% of the licensee's net revenue for all authorised premises for a reporting year for the licensee, made as a community purpose contribution.
- (3) For a community purpose contribution of a licensee, other than a licensee that is a small or medium club or a club in a small or medium club group, at least 6% of the licensee's net revenue must be a contribution of money.
- (4) However, part of the amount mentioned in subsection (3) may be a contribution in kind rather than of money if the contribution—
- (a) is made under a written arrangement or agreement that has a stated term prescribed by regulation; and
 - (b) meets any other requirements prescribed by regulation.

- (5) The Minister may, on application by the licensee, determine a lower minimum community contribution for the licensee if satisfied that making the minimum community contribution would seriously affect the viability of the licensee's authorised premises.

- (6) A determination under subsection (5) is a disallowable instrument.

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

- (7) A regulation may prescribe matters in relation to a contribution under this section including—

- (a) how the value of a community purpose contribution for this section is worked out; and
- (b) when a community purpose contribution is made.

- (8) Despite subsection (3), for each reporting year for the licensee that ends after 30 June 2019 and before 1 July 2021, for a community purpose contribution of the licensee, at least 5% of the licensee's net revenue for all authorised premises for a reporting year must be a contribution of money.

- (9) Subsection (8) and this subsection expire 2 years after the day they commence.

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).

- (10) In this section:

small or medium club, for a financial year—see section 157A.

small or medium club group, for a financial year—see section 157A.

168 Minimum community contribution—licensees other than clubs

- (1) The minimum community contribution that a licensee that is not a club must make in a financial year, as a percentage of the licensee's community contribution revenue, for a tax period is—
 - (a) 0.4% paid to the commission and transferred to the Chief Minister's Charitable Fund; and
 - (b) 0.4% paid to the gambling harm prevention and mitigation fund.
- (2) In this section:

community contribution revenue, for a licensee, means a licensee's gross revenue less the licensee's gaming machine tax.

169 Payment of community contributions for a tax period

- (1) This section applies to a minimum community contribution paid by a licensee for a tax period under section 167 (2) (a) or (b) or section 168.
- (2) The minimum community contribution required to be paid for the tax period must be paid by the 7th day after the end of the tax period.

170 Licensee must engage with community—clubs

- (1) A licensee that is a club must engage with the community by—
 - (a) making the community aware that the licensee must make community purpose contributions; and
 - (b) considering community needs in relation to making community purpose contributions.
- (2) A regulation may prescribe requirements for the engagement of clubs with the community in relation to community purpose contributions.

171 Community purpose contributions—record keeping by clubs

- (1) A licensee that is a club commits an offence if the licensee—
- (a) makes a community purpose contribution; and
 - (b) does not keep a written record of the following information (the *contribution information*) for the contribution:
 - (i) the name of the recipient;
 - (ii) the community purpose for which the contribution was made;
 - (iii) the way in which the contribution is intended to be used by the recipient;
 - (iv) the nature of the benefit the recipient will receive by using the contribution in the way recorded for subparagraph (iii);
 - (v) for a contribution of money—
 - (A) the amount of the contribution; and
 - (B) when the contribution was paid;
 - (vi) for a contribution of any other kind—
 - (A) the kind of contribution; and
 - (B) the value of the contribution; and
 - (C) when the contribution was made;

- (vii) the authorised premises in relation to which the licensee made the contribution.

Maximum penalty: 20 penalty units.

Examples—par (b) (ii) and (iii)

- 1 A contribution of money was used by a community culture group to hold a fundraising market stall. The group used the profit from their market stall to buy traditional dance costumes.
- 2 A contribution of money was used by a community sports club to book a training venue and buy uniforms.
- 3 A contribution of room hire was used by a women's sports team to hold an end of year awards night.

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

172 Community purpose contributions—reporting by clubs

- (1) The annual report of a licensee that is a club must include—
 - (a) the gross revenue of the licensee for all authorised premises for the reporting year; and
 - (b) the net revenue of the licensee for all authorised premises for the reporting year; and
 - (c) the total value of community purpose contributions made by the licensee during the reporting year; and
 - (d) the percentage of the licensee's net revenue for all authorised premises for the reporting year that was paid as a community purpose contribution; and
 - (e) the contribution information (other than the name of an individual who is a recipient) for each community purpose contribution made by the licensee during the reporting year; and
 - (f) an account of how the licensee engaged with the community under section 170; and

(g) an account of—

- (i) how the licensee monitors the way in which the community purpose contributions were used; and
- (ii) the steps, if any, the licensee takes to prevent the misuse of community purpose contributions.

Note The annual report of a licensee that is a club must be published on the club's website (see s 54).

(2) For subsection (1) (d), the annual report must set out the percentage of the licensee's net revenue for all authorised premises for the reporting year that was made for each of the following:

- (a) supporting a charitable cause;
- (b) providing recreation opportunities;
- (c) providing education opportunities;
- (d) improving social inclusion, equality or cultural diversity;
- (e) benefitting or increasing participation in community sport;
- (f) preventing or mitigating harm caused by drug or alcohol misuse or dependence;
- (g) benefitting or increasing participation in women's sport conducted in the ACT, or with participants mainly based in the ACT;
- (h) providing relief or assistance to people living in Australia following a natural disaster;
- (i) a purpose prescribed by regulation for section 166 (1), definition of *community purpose*, paragraph (d).

- (3) However, if a licensee is a club with gross revenue for all authorised premises for a reporting year of less than \$200 000, and does not prepare an annual report, the information mentioned in subsection (1) must be—
- (a) set out in a written statement; and
 - (b) annexed to the licensee's certified income and expenditure statement that is given to the commission under section 158 (Audit of financial statements etc).

172A Community contributions—commission must publish summary

- (1) The commission must publish on the commission's website details of the following in relation to each licensee:
- (a) the minimum community contribution received from each licensee under section 167 (2) (a) or (b) or section 168 (1) (a) or (b);
 - (b) for a licensee that is a club—
 - (i) the amount of any community purpose contribution mentioned in section 166 (1), definition of *community purpose contribution*, paragraph (a) (ii) and (iii); and
 - (ii) the percentage of the licensee's net revenue for all authorised premises for the reporting year that was made for each of the matters mentioned in section 172 (2); and
 - (iii) either—
 - (A) an annual report received under section 54 (2) (a); or
 - (B) a written statement annexed to the licensee's certified income and expenditure statement under section 172 (3) and given to the commission under section 158.

- (2) The commission may ask a licensee to give the commission, within a stated reasonable time, information that the commission reasonably needs to prepare the summary under subsection (1).

172B 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 150% for a reporting year.
- (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 (Tax administration).
- (4) If an amount of community contribution shortfall tax is paid, the commission must transfer the amount to the gambling harm prevention and mitigation fund or, if another fund is prescribed by regulation, that fund.
- (5) Despite subsection (1), the community contribution shortfall tax is 100% for each reporting year that ends after 30 June 2019 and before 1 July 2021.
- (6) Subsection (5) and this subsection expire 2 years after the day they commence.

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).

- (7) In this section:

community contribution shortfall, for a licensee that is a club in relation to a reporting year, means the amount (if any) by which the licensee's contribution towards its minimum community contribution falls short.

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.

-
- (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 etc are not personal property—PPS Act

- (1) For the [PPS Act](#), section 10, definition of *personal property*, paragraph (b), a licence, authorisation certificate or authorisation 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;
- (c) the operation (including the restriction of the operation) of a cash facility at authorised premises.

- (3) A regulation may create offences for contraventions of the regulations and fix maximum penalties of not more than 30 penalty units for the offences.

179 Review of trading scheme

- (1) Before 1 May 2025, the Minister must—

- (a) review the operation of division 6A.6 (Trading of authorisations and gaming machines); and
- (b) present a report of the review to the Legislative Assembly.

- (2) This section expires on 1 May 2026.

179A Review of gaming machine tax rebate

- (1) The Minister must, before 30 November 2022—
 - (a) review the operation of section 162A (Gaming machine tax rebate—financial year); and
 - (b) present a report of the review to the Legislative Assembly.
- (2) This section expires 3 years after the day it commences.

Part 22

Transitional—Gaming Legislation Amendment Act 2018

314 Community contributions—clubs with reporting year beginning before and ending after 1 July 2019

- (1) This section applies to a licensee that is a club and has a reporting year that begins before, and ends after, 1 July 2019.
- (2) For that reporting year, the licensee must contribute—
 - (a) 8% of the licensee's net revenue for the part of the reporting year ending on 30 June 2019 as community contributions in accordance with part 12 as in force immediately before 1 July 2019; and
 - (b) 8% of the licensee's net revenue for the part of the reporting year beginning on 1 July 2019 as community purpose contributions.
- (3) For the community contributions mentioned in subsection (2) (a), part 12 as in force immediately before 1 July continues to apply in relation to the contributions.
- (4) Despite section 167 (2) (c), the contribution mentioned in subsection (2) (b) is taken to be the minimum community purpose contribution that the licensee is required to make for the reporting year.
- (5) Despite section 167 (3), for the part of the reporting year beginning on 1 July 2019, for the community purpose contribution of a licensee, other than a licensee that is a small or medium club or a club in a small or medium club group, at least 5% of the licensee's net revenue for all authorised premises must be a contribution of money.
- (6) In this section:
reporting year, for a licensee—see section 164.

314A Community contributions—clubs with reporting year beginning before 1 July 2019

- (1) This section applies in relation to a licensee that has a reporting year that begins before 1 July 2019.
- (2) The following provisions, as in force immediately before 1 July 2019, continue to apply for that part of the reporting year that ends before 1 July 2019:
 - (a) section 166 (Report about records and finances);
 - (b) section 167 (Commission must report to Minister);
 - (c) section 168 (Minister must present commission's report).
- (3) In this section:
reporting year, for a licensee—see section 164.

315 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Gaming Legislation Amendment Act 2018*.
- (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.

316 Expiry—pt 22

This part expires on 1 July 2020.

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

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

Schedule 1

Reviewable decisions

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	157C (2)	refuse to determine that licensee not part of club group	licensee who seeks determination
50	157C (4)	revoke determination that licensee is not part of club group	licensee who has determination revoked
51	162C (3)	claim for GMT rebate not accepted	licensee who claims GMT rebate

Schedule 2 Notifiable actions

(see s 173C)

column 1 item	column 2 section	column 3 notifiable action
1	37B	amendment of authorisation certificate to include reference to a technical change to a gaming machine
2	37E	transfer of authorisation certificate to another licensee
3	37F	surrender of licence, authorisation certificate or authorisation
4	99	acquisition of authorisation or gaming machine
5	113A	disposal of gaming machine
6	127C (2)	disposal of class B authorisation to class C licensee
7	127X	proposed disposal or proposed removal of gaming machine in storage
8	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
- authorised deposit-taking institution
- business day
- Chief Minister
- child
- contravene
- Corporations Act
- Criminal Code
- daily newspaper
- disallowable instrument (see s 9)
- entity
- Executive
- fail
- financial year
- found guilty
- gambling and racing commission
- individual
- law, of the Territory
- Legislation Act
- Legislative Assembly
- may (see s 146)
- Minister (see s 162)
- must (see s 146)
- penalty unit (see s 133)

- prescribed
- public notice
- regulation
- reviewable decision notice
- State
- the Territory
- Treasurer
- under.

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

advisory board, for division 11.3 (Diversification and sustainability support fund)—see section 163E.

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 means—

- (a) for class B gaming machines—an authorisation certificate issued under section 29; and
- (b) for class C gaming machines—an authorisation certificate issued under section 23.

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.

cap on authorisations, for division 2A.3 (Compulsory surrenders)—see section 10I.

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.

casino licensee—see the [Casino Control Act 2006](#), dictionary.

census day, for part 2A (Reducing cap on authorisations in ACT to 4 000 or fewer)—see section 10.

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

Chief Minister's Charitable Fund, for part 12 (Community contributions)—see section 164.

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 incorporated association established for the benefit of members to achieve eligible objects.

club group, for part 11 (Finance)—see section 157B.

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

commission means the gambling and racing commission.

community, for part 12 (Community contributions)—see section 165.

community purpose, for part 12 (Community contributions)—see section 166.

community purpose contribution, for part 12 (Community contributions)—see section 166.

compulsory surrender day, for part 2A (Reducing cap on authorisations in ACT to 4 000 or fewer)—see section 10.

compulsory surrender period, for division 2A.4 (Miscellaneous)—see section 10Q.

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, for part 12 (Community contributions)—see section 164.

contribution information, for a community purpose contribution, for part 12 (Community contributions)—see section 171.

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—see section 58.

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

dispose of, a gaming machine, includes the following:

- (a) to sell or give the gaming machine to a person in the ACT or a local jurisdiction;
- (b) to sell or return the gaming machine to an approved supplier;
- (c) to destroy the gaming machine;
- (d) to lease or hire the gaming machine to a person.

diversification and sustainability support fund, for division 11.3 (Diversification and sustainability support fund)—see section 163F.

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.

emergency declaration, for part 12 (Community contributions)—see section 164.

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.

first compulsory surrender day, for part 2A (Reducing cap on authorisations in ACT to 4 000 or fewer)—see section 10.

gambling harm prevention and mitigation fund—see section 163B.

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).

GMT rebate, for part 11 (Finance)—see section 162A.

GM undertaking, for part 3A (Enforceable undertakings)—see section 55B.

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—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.

inoperable, in relation to a gaming machine, means to switch off and to secure the gaming machine so it cannot be played.

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, for division 2A.3 (Compulsory surrenders)—see section 10I.

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.

minimum community contribution, for a licensee for a financial year, for part 12 (Community contributions)—see section 164.

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-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).

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).

recipient, of a community purpose contribution, for part 12 (Community contributions)—see section 164.

registered party—see the [Electoral Act 1992](#), dictionary.

reporting year, for a licensee, for part 12 (Community contributions)—see section 164.

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

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.

second compulsory surrender day, for part 2A (Reducing cap on authorisations in ACT to 4 000 or fewer)—see section 10.

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.

small or medium club, for a financial year, for part 11 (Finance)—see section 157A.

small or medium club group, for a financial year, for part 11 (Finance)—see section 157A.

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.

surrendered authorisation, for division 2A.2 (Voluntary surrenders)—see section 10A.

surrender obligation, of a licensee, for division 2A.3 (Compulsory surrenders)—see section 10I.

tax period, for part 11 (Finance) and part 12 (Community contributions)—see section 157A.

technical amendment—see section 37B (1).

technical evaluation means a technical evaluation under section 69.

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

undertaking, for part 3A (Enforceable undertakings)—see section 55A.

voluntary surrender agreement, for division 2A.2 (Voluntary surrenders)—see section 10C.

voluntary surrender day, for a licensee, for division 2A.2 (Voluntary surrenders)—see section 10A.

voluntary surrender notice, for division 2A.2 (Voluntary surrenders)—see section 10B.

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

Endnotes

1 About the endnotes

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

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

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

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

The endnotes also include a table of earlier republications.

2 Abbreviation key

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

Endnotes

3 Legislation history

3 Legislation history

Gaming Machine Act 2004 A2004-34

notified LR 9 July 2004

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

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

as amended by

Gaming Machine Amendment Act 2005 A2005-17

notified LR 13 April 2005

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

remainder commenced 14 April 2005 (s 2)

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

notified LR 28 June 2005

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

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

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

Casino Control Act 2006 A2006-2 sch 1 pt 1.3

notified LR 22 February 2006

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

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

Gaming Machine Amendment Act 2007 A2007-14

notified LR 31 May 2007

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

remainder commenced 1 June 2007 (s 2)

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

notified LR 4 December 2007

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

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

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

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

notified LR 12 August 2008

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Endnotes

Business Names Registration (Transition to Commonwealth)

Act 2012 A2012-2 sch 2 pt 2.3

notified LR 28 February 2012

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

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

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

notified LR 6 September 2012

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

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

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

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

notified LR 5 December 2012

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

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

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

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

Gaming Machine Amendment Act 2013 A2013-9

notified LR 27 March 2013

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

remainder commenced 28 March 2013 (s 2)

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

notified LR 24 May 2013

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

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

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

notified LR 21 August 2013

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

remainder commenced 22 August 2013 (s 2)

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

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

notified LR 27 March 2014
s 1, s 2 commenced 27 March 2014 (LA s 75 (1))
remainder commenced 28 March 2014 (s 2)

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 (as am by
A2018-45 sch 1 pt 1.3)**

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 om before commenced (see [A2018-45](#) amdt 1.3)

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](#))

Endnotes

**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)

**Gaming and Racing (Red Tape Reduction) Legislation Amendment
Act 2016 A2016-45 pt 2, sch 1 (as am by A2018-45 sch 1 pt 1.2)**

notified LR 19 August 2016

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

sch 1 om before commenced (see [A2018-45](#) amdt 1.2)

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))

Gaming Machine Amendment Act 2017 A2017-24

notified LR 31 August 2017
 s 1, s 2 commenced 31 August 2017 (LA s 75 (1))
 remainder commenced 1 September 2017 (s 2)

Gaming Machine (Cash Facilities) Amendment Act 2017 A2017-25 pt 2

notified LR 31 August 2017
 s 1, s 2 commenced 31 August 2017 (LA s 75 (1))
 pt 2 commenced 1 September 2017 (s 2)

Casino (Electronic Gaming) Act 2017 A2017-42 sch 3 pt 3.3, sch 4 pt 4.2 (as am by A2018-45 sch 1 pt 1.1)

notified LR 13 November 2017
 s 1, s 2 commenced 13 November 2017 (LA s 75 (1))
 sch 3 pt 3.3 commenced 13 May 2018 (s 2 (1) and LA s 79)
 sch 4 pt 4.2 om before commenced (see [A2018-45](#) amdt 1.1)

Casino and Other Gaming Legislation Amendment Act 2018 A2018-21 pt 5

notified LR 14 June 2018
 s 1, s 2 commenced 14 June 2018 (LA s 75 (1))
 pt 5 commenced 15 June 2018 (s 2)

Gaming Legislation Amendment Act 2018 A2018-45 pt 3, sch 1

notified LR 4 December 2018
 pt 1 taken to have commenced 15 June 2015 (s 2 (1))
 s 23, s 26, s 28, ss 66 to 72, s 79, s 81, s 83 to 86, s 88, s 89, s 92, s 96, s 98, s 100, s 101 and s 103 commenced 1 July 2019 (s 2 (4))
 pt 3 remainder commenced 11 December 2018 (s 2 (6))
 sch 1 pt 1.1 taken to have commenced 13 November 2017 (s 2 (3))
 sch 1 pt 1.2 taken to have commenced 19 August 2016 (s 2 (2))
 sch 1 pt 1.3 taken to have commenced 15 June 2015 (s 2 (1))

Note This Act also amends the Gaming Machine (Reform) Amendment Act 2015 [A2015-21](#), the Gaming and Racing (Red Tape Reduction) Legislation Amendment Act 2016 [A2016-45](#) and the Casino (Electronic Gaming) Act 2017 [A2017-42](#).

Endnotes

3 Legislation history

Gaming Legislation Amendment Act 2019 A2019-14 pt 3

notified LR 23 May 2019

s 1, s 2 commenced 23 May 2019 (LA s 75 (1))

pt 3 commenced 1 July 2019 (s 2 and see [Gaming Legislation Amendment Act 2018 A2018-45 s 2 \(4\)](#))

Statute Law Amendment Act 2019 A2019-42 sch 3 pt 3.11

notified LR 31 October 2019

s 1, s 2 commenced 31 October 2019 (LA s 75 (1))

sch 3 pt 3.11 commenced 14 November 2019 (s 2 (1))

Gaming Machine Amendment Act 2020 A2020-9 pt 2

notified LR 7 April 2020

s 1, s 2 commenced 7 April 2020 (LA s 75 (1))

s 8, s 12, s 13 awaiting commencement

pt 2 remainder commenced 8 April 2020 (s 2 (1))

COVID-19 Emergency Response Act 2020 A2020-11 sch 1 pt 1.9

notified LR 7 April 2020

s 1, s 2 commenced 7 April 2020 (LA s 75 (1))

amdt 1.35 commenced 8 April 2020 (s 2 (2))

sch 1 pt 1.9 remainder commenced 8 April 2020 (s 2 (1))

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

Reducing cap on authorisations in ACT to 4 000 or fewer

pt 2A hdg ins [A2012-42](#) s 23
sub [A2015-21](#) s 4
om R38 LA
ins [A2018-45](#) s 20

Endnotes

4 Amendment history

Preliminary

div 2A.1 hdg

orig 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

pres div 2A.1 hdg

ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

Definitions—pt 2A

s 10

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

sub [A2015-21](#) s 4

om [A2017-42](#) amdt 3.13

ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

def **census day** ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

def **compulsory surrender day** ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

def **first compulsory surrender day** ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

def **second compulsory surrender day** ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

Applications for in-principle approvals

div 2A.2 hdg

orig 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

pres div 2A.2 hdg

ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

Definitions—div 2A.2

s 10A

ins [A2012-42](#) s 5

om [A2015-21](#) s 4

ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

def **surrendered authorisation** ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

def **voluntary surrender agreement** ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

def **voluntary surrender day** ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

def **voluntary surrender notice** ins [A2018-45](#) s 20

exp 1 April 2026 (s 10U (1))

Notifying authorisations for surrender during voluntary surrender period

s 10B ins [A2018-45](#) s 20
exp 1 April 2026 (s 10U (1))

Voluntary surrender agreement

s 10C ins [A2018-45](#) s 20
exp 1 April 2026 (s 10U (1))

Surrender of authorisations and authorisation certificates on voluntary surrender day

s 10D ins [A2018-45](#) s 20
exp 1 April 2026 (s 10U (1))

Trading of authorisations to replace surrendered authorisations

s 10E ins [A2018-45](#) s 20

Offence—operating gaming machine if authorisation surrendered

s 10F hdg sub [A2019-14](#) s 13
 s 10F ins [A2018-45](#) s 20
exp 1 April 2026 (s 10U (1))

No applications for, or transfers of, authorisation certificates etc for certain licensees

s 10G ins [A2018-45](#) s 20
exp 1 April 2024 (s 10U (2))

Offsets

s 10H ins [A2018-45](#) s 20
exp 1 April 2026 (s 10U (1))

Compulsory surrenders

div 2A.3 hdg **orig 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
pres div 2A.3 hdg
 ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))

Definitions—div 2A.3

s 10I ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))
 def **cap on authorisations** ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))
 def **licensee** ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))
 def **surrender obligation** ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))

Endnotes

4 Amendment history

Determination for surrenders

s 10J ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))

Guidelines for determination

s 10K ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))

Licensee must give notice of gaming machines to be surrendered

s 10L ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))

Surrender of authorisations for gaming machines

s 10M ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))

Extension of term for storage permit for interim purpose

s 10N ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))

Offence—failure to dispose of gaming machines where authorisation surrendered under s 10M

s 10O ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))

Application to transfers of authorisation certificates under s 37E

s 10P ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))

Miscellaneous

div 2A.4 hdg **orig 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
pres div 2A.4 hdg
ins [A2018-45](#) s 20
exp 31 December 2020 (s 10U (3))

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s 10R ins [A2018-45](#) s 20
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s 10S ins [A2018-45](#) s 20
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s 10T ins [A2018-45](#) s 20
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ins [A2018-45](#) s 20
exp 1 April 2026 (s 10U (1))

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s 10U ins [A2018-45](#) s 20
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s 12 am [A2012-42](#) s 7, s 8
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am [A2015-33](#) amds 1.92-1.96; [A2017-24](#) s 4, s 5

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Licence for class C gaming machines—application

s 15 am [A2005-17](#) s 6
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s 17 am [A2007-40](#) s 5; [A2012-42](#) ss 9-13
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s 18 am [A2012-42](#) s 14
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s 19 am [A2012-42](#) s 15, s 16; ss renum R20 LA
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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
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Authorisation certificates for class C gaming machines—application and issue

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s 21 am [A2007-14](#) s 5; [A2007-40](#) s 7; [A2011-24](#) s 5, s 6
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s 22 am [A2005-17](#) s 7; [A2012-50](#) s 4
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Authorisation certificate application for class C gaming machines—grounds for refusal

s 24 am [A2007-40](#) s 8, s 9
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s 25 sub [A2012-42](#) s 18
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s 26 sub [A2012-42](#) s 18; [A2015-21](#) s 4

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s 26C ins [A2012-42](#) s 18
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s 26E ins [A2012-42](#) s 18
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s 28 am [A2012-42](#) s 19
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s 10; [A2012-42](#) s 21; [A2014-56](#) s 9
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s 33 am [A2014-56](#) s 10
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s 34A ins [A2012-42](#) s 22
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s 35 am [A2011-3](#) amdt 3.210
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s 36 sub [A2012-42](#) s 22; [A2015-21](#) s 4

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s 36A ins [A2012-42](#) s 22
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s 37 sub [A2015-21](#) s 4
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s 37A ins [A2015-21](#) s 4
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s 38B ins [A2012-42](#) s 23
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div 2C.3 hdg ins [A2015-21](#) s 4

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s 38D ins [A2012-42](#) s 23
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s 38E ins [A2012-42](#) s 23
am [A2013-19](#) amdt 3.172
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s 38F ins [A2012-42](#) s 23
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s 38G ins [A2012-42](#) s 23
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div 2C.4 hdg ins [A2015-21](#) s 4

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s 38H ins [A2012-42](#) s 23
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s 38J ins [A2012-42](#) s 23
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s 38K ins [A2012-42](#) s 23
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s 38L ins [A2012-42](#) s 23
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s 38M ins [A2012-42](#) s 23
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s 38O ins [A2012-42](#) s 23
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s 38Q ins [A2012-42](#) s 23
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s 38S ins [A2012-42](#) s 23
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Conversion of in-principle approval to licence or amendment—application

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s 38W ins [A2012-42](#) s 23
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s 39A ins [A2005-26](#) s 4
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s 58 am [A2015-21](#) ss 20-23; ss renum R31 LA; [A2018-45](#) s 31,
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s 113B ins [A2015-21](#) s 52
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s 122 am [A2015-21](#) s 92

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s 123 am [A2014-56](#) s 16; [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 127B ins [A2015-21](#) s 55
def **class B licensee** ins [A2015-21](#) s 55
def **class C licensee** ins [A2015-21](#) s 55

Trading class B authorisations

sdiv 6A.6.2 hdg (prev sdiv 6.10.2 hdg) ins [A2015-21](#) s 55
renum as sdiv 6A.6.2 hdg [A2015-21](#) s 56

Selling class B authorisations

s 127C ins [A2015-21](#) s 55
am [A2017-42](#) amdt 3.14, amdt 3.15; [A2018-45](#) s 41

Offence—selling class B gaming machines

s 127D ins [A2015-21](#) s 55

Trading class C authorisations and gaming machines

sdiv 6A.6.3 hdg (prev sdiv 6.10.3 hdg) ins [A2015-21](#) s 55
renum as sdiv 6A.6.3 hdg [A2015-21](#) s 56

Trading class C authorisations and gaming machines

s 127E ins [A2015-21](#) s 55
am [A2018-45](#) s 42

Trading authorisations—forfeiture requirement

s 127F ins [A2015-21](#) s 55
am [A2018-45](#) s 43

Offence—acquiring authorisations and gaming machines

s 127G ins [A2015-21](#) s 55

Selling class C gaming machines

s 127H ins [A2015-21](#) s 55

Selling class C authorisations

s 127I ins [A2015-21](#) s 55
am [A2017-42](#) amdt 3.16

Trading authorisations and gaming machines—miscellaneous

sdiv 6A.6.4 hdg (prev sdiv 6.10.4 hdg) ins [A2015-21](#) s 55
renum as sdiv 6A.6.4 hdg [A2015-21](#) s 56

Trading authorisations—disposal of gaming machines

s 127J ins [A2015-21](#) s 55

Trading authorisations and gaming machines—regulations

127K ins [A2015-21](#) s 55

Storage of authorisations and gaming machines

div 6A.7 hdg (prev div 6.11 hdg) ins [A2015-21](#) s 55
renum as div 6A.7 hdg [A2015-21](#) s 56

Interpretation

sdiv 6A.7.1 hdg (prev sdiv 6.11.1 hdg) ins [A2015-21](#) s 55
 renum as sdiv 6A.7.1 hdg [A2015-21](#) s 56

Meaning of *storage permit*—Act

s 127L ins [A2015-21](#) s 55

Definitions—div 6A.7

s 127M ins [A2015-21](#) s 55
 def ***general purpose*** ins [A2015-21](#) s 55
 def ***inspection notice*** ins [A2015-21](#) s 55
 def ***interim purpose*** ins [A2015-21](#) s 55
 def ***permit*** ins [A2015-21](#) s 55
 om [A2018-45](#) s 44
 def ***quarantined authorisation*** ins [A2015-21](#) s 55
 om [A2018-45](#) s 44
 def ***quarantined gaming machine*** ins [A2015-21](#) s 55
 om [A2018-45](#) s 44
 def ***quarantine period*** ins [A2015-21](#) s 55
 om [A2018-45](#) s 44
 def ***quarantine permit*** ins [A2015-21](#) s 55
 om [A2018-45](#) s 44
 def ***storage period*** ins [A2015-21](#) s 55
 def ***storage rules*** ins [A2015-21](#) s 55
 def ***stored authorisation*** ins [A2015-21](#) s 55
 def ***stored gaming machine*** ins [A2015-21](#) s 55

Storage permits—application and decision

sdiv 6A.7.2 hdg (prev sdiv 6.11.2 hdg) ins [A2015-21](#) s 55
 renum as sdiv 6A.7.2 hdg [A2015-21](#) s 56

Storage permits—purpose

s 127N ins [A2015-21](#) s 55

Storage permit—application

s 127O ins [A2015-21](#) s 55

Storage permit—decision on application

s 127P ins [A2015-21](#) s 55
 am [A2018-21](#) s 31

Quarantine permits

sdiv 6A.7.3 hdg (prev sdiv 6.11.3 hdg) ins [A2015-21](#) s 55
 renum as sdiv 6A.7.3 hdg [A2015-21](#) s 56
 om [A2018-45](#) s 45

Quarantine permits—notification and issue

s 127Q ins [A2015-21](#) s 55
 am [A2016-45](#) s 17
 am [A2018-21](#) s 32
 om [A2018-45](#) s 45

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Quarantine permits—extension

s 127R ins [A2015-21](#) s 55
om [A2018-45](#) s 45

Storage permits—form

sdiv 6A.7.4 hdg (prev sdiv 6.11.4 hdg) ins [A2015-21](#) s 55
renum as sdiv 6A.7.4 hdg [A2015-21](#) s 56
am [A2018-45](#) s 106

Storage permit—form

s 127S ins [A2015-21](#) s 55
am [A2015-50](#) amdt 3.110
sub [A2016-45](#) s 18; [A2018-45](#) s 46

Storage permits—conditions

sdiv 6A.7.5 hdg (prev sdiv 6.11.5 hdg) ins [A2015-21](#) s 55
renum as sdiv 6A.7.5 hdg [A2015-21](#) s 56
am [A2018-45](#) s 106

Storage permit—conditions

s 127T hdg sub [A2019-14](#) s15
s 127T ins [A2015-21](#) s 55
am [A2016-45](#) s 19; [A2018-45](#) ss 47-49

Storage permit—term

s 127U hdg sub [A2019-14](#) s16
s 127U ins [A2015-21](#) s 55
am [A2018-45](#) s 50; [A2019-14](#) s17

Storage permit—application for extension

s 127V ins [A2015-21](#) s 55

Storage permit—extension decision

s 127W ins [A2015-21](#) s 55

Storage permits—amendment

sdiv 6A.7.6 hdg (prev sdiv 6.11.6 hdg) ins [A2015-21](#) s 55
renum as sdiv 6A.7.6 hdg [A2015-21](#) s 56
am [A2018-45](#) s 106

Storage permit amendment—notification

s 127X hdg am [A2018-45](#) s 105
s 127X ins [A2015-21](#) s 55
am [A2016-45](#) s 20; [A2018-45](#) s 51, s 105

Storage permit amendment—decision

s 127Y hdg am [A2018-45](#) s 105
s 127Y ins [A2015-21](#) s 55
sub [A2016-45](#) s 21
am [A2018-45](#) s 105

Storage permit amendment—commission's own initiative

s 127Z hdg am [A2018-45](#) s 105
 s 127Z ins [A2015-21](#) s 55
 am [A2018-45](#) s 105

Storage permit amendment—reissue of permit

s 127ZA hdg am [A2018-45](#) s 105
 s 127ZA ins [A2015-21](#) s 55
 am [A2018-45](#) s 105

Storage permits—trading authorisations under permits

sdiv 6A.7.7 hdg (prev sdiv 6.11.7 hdg) ins [A2015-21](#) s 55
 renum as sdiv 6A.7.7 hdg [A2015-21](#) s 56
 am [A2018-45](#) s 106

Trading authorisations under storage permits—procedure

s 127ZB hdg am [A2018-45](#) s 106
 s 127ZB ins [A2015-21](#) s 55
 am [A2016-45](#) s 22; [A2018-45](#) s 52, s 53, s 105

Trading authorisations under storage permits—decision on application by disposing licensee

s 127ZC hdg am [A2018-45](#) s 106
 s 127ZC ins [A2015-21](#) s 55
 am [A2018-45](#) s 105

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

s 127ZD ins [A2015-21](#) s 55
 sub [A2016-45](#) s 23
 om [A2018-45](#) s 54

Storage permits—miscellaneous

sdiv 6A.7.8 hdg (prev sdiv 6.11.8 hdg) ins [A2015-21](#) s 55
 renum as sdiv 6A.7.8 hdg [A2015-21](#) s 56
 am [A2018-45](#) s 106

Gaming machines and authorisations under storage permits—inspection

s 127ZE hdg am [A2018-45](#) s 106
 s 127ZE ins [A2015-21](#) s 55
 am [A2016-45](#) s 24; [A2018-45](#) s 105

Storage of gaming machines and authorisations—rules

s 127ZF ins [A2015-21](#) s 55
 am [A2018-45](#) s 105

Machine access generally

s 128 am [A2014-56](#) s 17; ss renum R27 LA; [A2015-21](#) s 92

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Rendering gaming machines inoperable on authorisation certificate ceasing to be in force

s 131 hdg sub [A2018-45](#) s 55
s 131 sub [A2015-21](#) s 57

Removal of gaming machines from premises

s 132 am [A2015-21](#) ss 58-61

Operation of linked-jackpot arrangements

s 133 am [A2015-21](#) s 62

Single-user approval for linked-jackpot arrangements

s 134 hdg sub [A2015-21](#) s 63
s 134 am [A2015-21](#) ss 64-68, s 92, s 93; [A2018-45](#) s 56, s 57; pars
renum R41 LA

Issue of multi-user permits

s 135 am [A2015-21](#) s 69, s 92, s 93

Conditions on multi-user permits

s 136 am [A2015-21](#) s 92, s 93; [A2018-45](#) s 58, s 59; pars renum
R41 LA

Amendment of multi-user permits in interest of users

s 138 am [A2015-21](#) s 93

Amendment of multi-user permit on request

s 139 am [A2015-21](#) s 92, s 93

Amendment of financial and operational aspects of multi-user permits

s 140 am [A2015-21](#) s 93

Unclaimed jackpots

s 143 am [A2015-21](#) s 70, s 71

Undisbursed jackpots

s 144 am [A2014-5](#) ss 6-8; [A2015-21](#) ss 72-74

Definitions—pt 9

s 144A ins [A2011-24](#) s 13
def ***associated organisation declaration*** ins [A2011-24](#) s 13
def ***warning notice*** ins [A2011-24](#) s 13

Eligible objects

s 145 am [A2011-3](#) amdt 3.215

Eligible clubs

s 146 am [A2005-26](#) s 6; [A2015-21](#) s 75

Associated organisations—declaration

s 147 hdg sub [A2011-24](#) s 14
s 147 am [A2005-17](#) s 18, s 19; [A2011-24](#) ss 15-17; pars renum
R16 (RI) LA

Associated organisation declaration—conditions 147A ins [A2011-24](#) s 18**Associated organisation—warning notice**s 147B ins [A2011-24](#) s 18**Associated organisation declaration—suspension or repeal**s 147C ins [A2011-24](#) s 18**Club elections—election of board directors**s 147D ins [A2011-24](#) s 18**Club elections—record-keeping**s 148 hdg sub [A2011-24](#) s 19s 148 am [A2015-21](#) s 76**Club directors—acting in good faith**s 148A ins [A2011-24](#) s 20am [A2018-45](#) s 60**Club constitution—consistency with gaming laws**s 148B ins [A2011-24](#) s 21am [A2015-21](#) s 77**Power to require information about status of eligible clubs**s 149 am [A2015-21](#) s 78**Promoting responsible practices at authorised premises**pt 10 hdg sub [A2012-42](#) s 28am [A2015-21](#) s 92**Warning notices**s 151 am [A2011-3](#) amdt 3.216; [A2015-21](#) s 92; [A2018-45](#) s 61**External signs**s 152 sub [A2007-40](#) s 16am [A2012-2](#) amdt 2.5; [A2015-21](#) s 92; [A2016-18](#) amdt 4.6,
amdt 4.7**External visibility of gaming machines**s 152A ins [A2007-40](#) s 17am [A2015-21](#) s 92**Cash facilities**s 153 am [A2015-21](#) s 92; [A2017-25](#) s 4**Offence—ATM allowing withdrawals exceeding \$250**s 153A ins [A2012-42](#) s 29am [A2012-50](#) s 5; [A2015-21](#) s 79, s 80, s 92; [A2017-25](#) s 5**Lending or extending credit**s 154 am [A2015-21](#) s 92

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Using false identification

s 157 am [A2015-21](#) s 92

Definitions—pt 11

s 157A ins [A2017-24](#) s 6
def **GMT rebate** ins [A2017-24](#) s 6
def **small or medium club** ins [A2017-24](#) s 6
sub [A2018-45](#) s 62
def **small or medium club group** ins [A2017-24](#) s 6
sub [A2018-45](#) s 62
def **tax period** ins [A2017-24](#) s 6

Meaning of club group etc—pt 11

s 157B ins [A2017-24](#) s 6

Determination that licensee not part of club group

s 157C ins [A2017-24](#) s 6

Notice of change to club group status

s 157D ins [A2017-24](#) s 6

Audit of financial statements etc

s 158 sub [A2009-49](#) amdt 1.14
am [A2013-19](#) amdt 3.176; [A2016-45](#) s 25; [A2019-14](#) s 18;
[A2020-9](#) s 9

Gaming machine tax

s 159 am [A2005-26](#) s 7, s 8; [A2015-21](#) s 81; [A2015-50](#) amdt 3.111;
[A2017-24](#) ss 7-9; ss renum R37 LA

Tax adjustment in relation to GST for clubs

s 160 am [A2005-26](#) s 9
exp 1 February 2006 (s 160 (6))

Payment of gaming machine tax

s 161 am [A2015-21](#) s 93; [A2017-24](#) s 10

Payment of gaming machine tax or payment to diversification and sustainability support fund—quarterly election

s 161A ins [A2017-24](#) s 11
sub [A2019-14](#) s 19
am [A2020-9](#) s 10, s 11; [A2020-11](#) amdt 1.35

Gaming machine tax returns

s 162 am [A2011-3](#) amdt 3.217; [A2015-21](#) s 82
sub [A2017-24](#) s 12

Gaming machine tax rebate—financial year

s 162A ins [A2017-24](#) s 13
am [A2018-45](#) s 63, s 64

Gaming machine tax rebate—part financial year

s 162B ins [A2017-24](#) s 13
am [A2018-45](#) s 65

Gaming machine tax rebate—claim

s 162C ins [A2017-24](#) s 13

Annual adjustment of gaming machine tax—GMT rebate

s 162D ins [A2017-24](#) s 13

Gambling harm prevention and mitigation fund

div 11.2 hdg ins [A2010-52](#) s 4
sub [A2018-45](#) s 66

Required payment to problem gambling assistance fund

s 163A hdg sub [A2018-45](#) s 67
s 163A ins [A2010-52](#) s 4
am [A2014-56](#) s 18; [A2017-14](#) s 24; [A2017-24](#) s 14, s 15;
[A2018-45](#) s 68; [A2020-9](#) s 14

Problem gambling assistance fund—annual payment option

s 163AA hdg sub [A2018-45](#) s 69
s 163AA ins [A2014-56](#) s 19
am [A2017-24](#) s 16, s 17; [A2018-45](#) s 70

Gambling harm prevention and mitigation fund

s 163B ins [A2010-52](#) s 4
sub [A2018-45](#) s 71

Payment from gambling harm prevention and mitigation fund—required payments and community purpose contributions

s 163C hdg sub [A2019-14](#) s 20
s 163C ins [A2010-52](#) s 4
am [A2014-56](#) s 20; pars renum R27 LA
om [A2015-16](#) amdt 1.17
ins [A2018-45](#) s 71

Payment from gambling harm prevention and mitigation fund—minimum community contributions

s 163D hdg sub [A2019-14](#) s 21
s 163D ins [A2018-45](#) s 71
am [A2020-9](#) s 15

Diversification and sustainability support fund

div 11.3 hdg ins [A2019-14](#) s 22

Preliminary

sdiv 11.3.1 hdg ins [A2019-14](#) s 22

Definitions—div 11.3

s 163E ins [A2019-14](#) s 22
def **advisory board** ins [A2019-14](#) s 22

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def ***diversification and sustainability support fund*** ins
[A2019-14](#) s 22

Diversification and sustainability support fund

s 163F ins [A2019-14](#) s 22

Reporting

s 163G ins [A2019-14](#) s 22

Payments to and from diversification and sustainability support fund

sdiv 11.3.2 hdg ins [A2019-14](#) s 22

Payments to diversification and sustainability support fund

s 163H ins [A2019-14](#) s 22
am [A2020-11](#) amdt 1.36; ss renum R44 LA
(5), (6) exp 8 April 2022 (s 163H (6))

Payments out of diversification and sustainability support fund

s 163I ins [A2019-14](#) s 22

Guidelines for applications for payments out of diversification and sustainability support fund

s 163J ins [A2019-14](#) s 22

Advisory board for diversification and sustainability support fund

sdiv 11.3.3 hdg ins [A2019-14](#) s 22

Establishment of advisory board

s 163K ins [A2019-14](#) s 22

Functions of advisory board

s 163L ins [A2019-14](#) s 22

Membership of advisory board

s 163M ins [A2019-14](#) s 22

Advisory board—making and ending appointments

s 163N ins [A2019-14](#) s 22

Agenda to require disclosure of interest item

s 163O ins [A2019-14](#) s 22

Disclosure of interests by members of advisory board

s 163P ins [A2019-14](#) s 22

Proceedings of advisory board

s 163Q ins [A2019-14](#) s 22

Protection of members of advisory board from liability

s 163R ins [A2019-14](#) s 22

Community contributions

pt 12 hdg sub [A2018-45](#) s 72

Definitions—pt 12

- s 164 am [A2007-40](#) s 18; [A2011-24](#) s 22; [A2013-19](#) amdt 3.177
sub [A2018-45](#) s 72
def **Chief Minister's Charitable Fund** ins [A2018-45](#) s 72
def **community** ins [A2018-45](#) s 72
def **community purpose** ins [A2018-45](#) s 72
def **community purpose contribution** ins [A2018-45](#) s 72
def **contribution** ins [A2018-45](#) s 72
def **contribution information** ins [A2018-45](#) s 72
def **emergency declaration** ins [A2020-11](#) amdt 1.37
def **minimum community contribution** ins [A2018-45](#) s 72
def **recipient** ins [A2018-45](#) s 72
om [A2019-14](#) s 23
def **reporting year** ins [A2018-45](#) s 72
def **tax period** ins [A2018-45](#) s 72

Meaning of community etc—pt 12

- s 165 am [A2015-21](#) s 92
sub [A2018-45](#) s 72

Meaning of community purpose etc—pt 12

- s 166 sub [A2018-45](#) s 72
am [A2019-14](#) s 24; [A2020-9](#) s 16, s 17; [A2020-11](#) amdts 1.38-1.41; pars renum R44 LA

Emergency community purpose contribution declaration

- s 166A ins [A2020-11](#) amdt 1.42

Minimum community contribution—clubs

- s 167 sub [A2018-45](#) s 72
am [A2019-14](#) s 25; ss renum R42 LA
sub [A2020-9](#) s 18
(8), (9) exp 8 April 2022 (s 167 (9))

Minimum community contribution—licensees other than clubs

- s 168 sub [A2018-45](#) s 72

Payment of community contributions for a tax period

- s 169 am [A2011-3](#) amdt 3.218; [A2011-24](#) s 23
sub [A2018-45](#) s 72
am [A2020-9](#) s 19

Licensee must engage with community—clubs

- s 170 sub [A2016-45](#) s 26; [A2018-45](#) s 72

Community purpose contributions—record keeping by clubs

- s 171 sub [A2018-45](#) s 72

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Problem gambling community contributions

s 171A ins [A2007-40](#) s 19
am [A2011-24](#) s 24; ss renum R16 (RI) LA
om [A2018-45](#) s 72

Community purpose contributions—reporting by clubs

s 172 sub [A2018-45](#) s 72
am [A2019-14](#) s 26; [A2020-9](#) ss 20-24

Community contributions—commission must publish summary

s 172A ins [A2018-45](#) s 72
am [A2019-14](#) s 27, s 28; [A2020-9](#) s 25, s 26

Community contribution shortfall tax

s 172B ins [A2018-45](#) s 72
am [A2019-14](#) s 29, s 30; [A2020-9](#) s 27, s 28; ss renum R44
LA
(5), (6) exp 8 April 2022 (s 172B (6))

Notification and review of decisions

pt 13 hdg sub [A2008-37](#) amdt 1.212

Meaning of *reviewable decision*—pt 13

s 173 sub [A2008-37](#) amdt 1.212

Reviewable decision notices

s 173A ins [A2008-37](#) amdt 1.212

Applications for review

s 173B ins [A2008-37](#) amdt 1.212

Notifiable actions

pt 13A hdg ins [A2015-21](#) s 83

Meaning of *notifiable action*

s 173C ins [A2015-21](#) s 83

Notifiable actions

s 173D ins [A2015-21](#) s 83

Notifiable actions—date of effect

s 173E ins [A2015-21](#) s 83

Notifiable actions—amendment or cancellation

s 173F ins [A2015-21](#) s 83

Notifiable actions under s 37F

s 173G ins [A2015-21](#) s 83

Notifiable actions under div 6.10—disposal of gaming machines

s 173H ins [A2015-21](#) s 83

Notifiable actions under div 6.10—trading of class B authorisations

s 173I ins [A2015-21](#) s 83

Miscellaneous

pt 14 hdg exp 1 November 2005 (s 189)
ins [A2008-37](#) amdt 1.212

Licences and authorisations etc are not personal property—PPS Act

s 174A hdg sub [A2018-45](#) s 73
s 174A ins [A2015-21](#) s 84
am [A2018-45](#) s 74

Canberra Airport

s 175 am [A2015-21](#) s 85

Evidentiary certificates

s 176 am [A2015-21](#) s 86

Determination of fees

s 177 am [A2011-3](#) amdt 3.219

Regulation-making power

s 178 am [A2017-25](#) s 6; [A2018-45](#) s 75

Review of trading scheme

s 179 om LA s 89 (3)
ins [A2015-21](#) s 87
am [A2018-45](#) s 76
exp 1 May 2026 (s 179 (2))

Review of gaming machine tax rebate

s 179A ins [A2017-24](#) s 18
sub [A2020-9](#) s 29
exp 8 April 2023 (s 179A (2))

Definitions for pt 14

s 180 exp 1 November 2005 (s 189)

Licences

s 181 exp 1 November 2005 (s 189)

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s 182 exp 1 November 2005 (s 189)

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s 183 exp 1 November 2005 (s 189)

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s 184 exp 1 November 2005 (s 189)

Approvals under former gaming Act

s 185 exp 1 November 2005 (s 189)

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s 186 exp 1 November 2005 (s 189)

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Clubs not required to be corporations for s 146

s 187 exp 1 November 2005 (s 189)

Clubs with too many life members for s 146

s 188 exp 1 November 2005 (s 189)

Expiry of pt 14

s 189 exp 1 November 2005 (s 189)

Transitional—Gaming Machine (Reform) Amendment Act 2015

pt 20 hdg ins [A2015-21](#) s 88
om [A2018-45](#) s 77

Definitions—pt 20

s 300 ins [A2015-21](#) s 88
om [A2018-45](#) s 77
def **commencement day** ins [A2015-21](#) s 55
om [A2018-45](#) s 77
def **old licence** ins [A2015-21](#) s 55
om [A2018-45](#) s 77
def **old licence application** ins [A2015-21](#) s 55
om [A2018-45](#) s 77

Old licences—class B gaming machines

s 301 ins [A2015-21](#) s 88
om [A2018-45](#) s 77

Old licences—class C gaming machines

s 302 ins [A2015-21](#) s 88
om [A2018-45](#) s 77

Class B gaming machines—application

s 303 ins [A2015-21](#) s 88
om [A2018-45](#) s 77

Class C gaming machines—application

s 304 ins [A2015-21](#) s 88
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Large-scale machine relocation amendment application

s 305 ins [A2015-21](#) s 88
om [A2018-45](#) s 77

In-principle approval application

s 306 ins [A2015-21](#) s 88
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Application to transfer in-principle approval

s 307 ins [A2015-21](#) s 88
om [A2018-45](#) s 77

Application for extension of in-principle approval

s 308 ins [A2015-21](#) s 88
om [A2018-45](#) s 77

Application to convert in-principle approval to licence

s 309 ins [A2015-21](#) s 88
om [A2018-45](#) s 77

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)
ins [A2016-45](#) s 27
om [A2018-45](#) s 77

Temporary storage amendment application

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
[A2016-45](#) s 33)
ins [A2016-45](#) s 27
om [A2018-45](#) s 77

Transitional regulations

s 310 ins [A2015-21](#) s 88
om [A2018-45](#) s 77

Expiry—pt 20

s 311 ins [A2015-21](#) s 88
om [A2018-45](#) s 77

Transitional—Gaming Machine Amendment Act 2017

pt 21 hdg ins [A2017-24](#) s 19
exp 1 July 2018 (s 313)

Application of GMT rebate

s 312 ins [A2017-24](#) s 19
exp 1 July 2018 (s 313)

Expiry—pt 21

s 313 ins [A2017-24](#) s 19
exp 1 July 2018 (s 313)

Transitional—Gaming Legislation Amendment Act 2018

pt 22 hdg ins [A2018-45](#) s 78
sub [A2019-42](#) amdt 3.15
exp 1 July 2020 (s 316)

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Community contributions—clubs with reporting year beginning before and ending after 1 July 2019

s 314 ins [A2018-45](#) s 78
sub [A2019-14](#) s 31
am [A2020-9](#) s 30, s 31; ss renum R44 LA
exp 1 July 2020 (s 316)

Community contributions—clubs with reporting year beginning before 1 July 2019

s 314A ins [A2019-14](#) s 31
exp 1 July 2020 (s 316)

Transitional regulations

s 315 ins [A2018-45](#) s 78
am [A2019-42](#) amdt 3.16
exp 1 July 2020 (s 316)

Expiry—pt 22

s 316 ins [A2018-45](#) s 78
exp 1 July 2020 (s 316)

Reviewable decisions

sch 1 am [A2007-40](#) s 20; items renum R9 LA
sub [A2008-37](#) amdt 1.213
am [A2011-24](#) s 25; items renum R16 (RI) LA; [A2011-24](#) s 26;
items renum R19 LA; [A2012-42](#) s 30, s 31; items renum
R20 LA; [A2014-5](#) s 9; items renum R25 LA; [A2014-56](#) s 21;
items renum R27 LA
sub [A2015-21](#) s 89
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om [A2015-21](#) s 91
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5 Earlier republishings

5 Earlier republishings

Some earlier republishings 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 republishings have also been published in printed format. These republishings are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Nov 2004	1 Nov 2004– 13 Apr 2005	not amended	new Act
R2 14 Apr 2005	14 Apr 2005– 30 June 2005	A2005-17	amendments by A2005-17
R3 1 July 2005	1 July 2005– 1 Nov 2005	A2005-26	amendments by A2005-26
R4 2 Nov 2005	2 Nov 2005– 1 Feb 2006	A2005-26	commenced expiry
R5 2 Feb 2006	2 Feb 2006– 30 Apr 2006	A2005-26	commenced expiry
R6 1 May 2006	1 May 2006– 31 May 2007	A2006-2	amendments by A2006-2
R7 1 June 2007	1 June 2007– 30 June 2007	A2007-14	amendments by A2007-14
R8 1 July 2007	1 July 2007– 4 Dec 2007	A2007-14	amendments by A2005-26
R9 5 Dec 2007	5 Dec 2007– 3 June 2008	A2007-40	amendments by A2007-40
R10 4 June 2008	4 June 2008– 25 Aug 2008	A2007-40	amendments by A2007-40
R11 26 Aug 2008	26 Aug 2008– 1 Feb 2009	A2008-28	amendments by A2008-28
R12 2 Feb 2009	2 Feb 2009– 16 Dec 2009	A2008-37	amendments by A2008-37

Republication No and date	Effective	Last amendment made by	Republication for
R13 17 Dec 2009	17 Dec 2009– 30 Nov 2010	A2009-49	amendments by A2009-49
R14 1 Dec 2010	1 Dec 2010– 28 Feb 2011	A2010-43	amendments by A2010-43
R15 1 Mar 2011	1 Mar 2011– 30 June 2011	A2011-3	amendments by A2011-3
R16 1 July 2011	1 July 2011– 12 Sept 2011	A2011-3	amendments by A2010-52
R16 (RI) 7 July 2011	1 July 2011– 12 Sept 2011	A2011-3	reissued for retrospective amendments by A2011-24
R17 13 Sept 2011	13 Sept 2011– 27 May 2012	A2011-27	amendments by A2011-27
R18 28 May 2012	28 May 2012– 30 June 2012	A2012-2	amendments by A2012-2
R19 1 July 2012	1 July 2012– 31 Dec 2012	A2012-2	amendments by A2011-24
R20 1 Jan 2013	1 Jan 2013– 27 Mar 2013	A2012-50	amendments by A2012-42 and A2012-50
R21 28 Mar 2013	28 Mar 2013– 13 June 2013	A2013-9	amendment by A2013-9
R22 14 June 2013	14 June 2013– 21 Aug 2013	A2013-19	amendments by A2013-19
R23 22 Aug 2013	22 Aug 2013– 31 Jan 2014	A2013-29	republication for updated endnotes as amended by A2013-29
R24 1 Feb 2014	1 Feb 2014– 27 March 2014	A2013-29	amendments by A2012-42 (as amended by A2013-29 s 4) and A2012-50

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5 Earlier republications

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
R36 1 July 2017	1 July 2017– 31 Aug 2017	A2017-14	amendments by A2017-14
R37 1 Sept 2017	1 Sept 2017– 12 May 2018	A2017-25	amendments by A2017-24 and A2017-25
R38 13 May 2018	13 May 2018– 14 June 2018	A2017-42	amendments by A2017-42
R39 15 June 2018	15 June 2018– 1 July 2018	A2018-21	amendments by A2018-21

Republication No and date	Effective	Last amendment made by	Republication for
R40 2 July 2018	2 July 2018– 10 Dec 2018	A2018-21	expiry of transitional provisions (pt 21)
R41 11 Dec 2018	11 Dec 2018– 30 June 2019	A2018-45	amendments by A2018-45
R42 1 July 2019	1 July 2019– 13 Nov 2019	A2019-14	amendments by A2018-45 and A2019-14
R43 14 Nov 2019	14 Nov 2019– 7 Apr 2020	A2019-42	amendments by A2019-42