



Australian Capital Territory

Gaming Machine (Reform) Amendment Act 2015

A2015-21

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Parts 2 and 2A	3
5 Part 3 heading	63
6 Section 39 heading	64
7 New section 39 (1A)	64
8 Section 39 (2) note	64
9 New section 39 (3)	64
10 Division 3.2 heading	65
11 Section 39A	65

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Contents

	Page	
12	Sections 41 and 42	66
13	Operation subject to correct percentage payout Section 47 (1)	67
14	Percentage payout of gaming machines to be displayed Section 48	67
15	Licensee to use gaming machines Section 51	67
16	Section 56 heading	68
17	Section 56, new definitions	68
18	Section 56, definitions of <i>licence</i> and <i>licensee</i>	68
19	Grounds for disciplinary action Section 57 (3)	69
20	Disciplinary action Section 58 (1) (b) and (d)	69
21	New section 58 (1) (f) and (g)	69
22	New section 58 (1A)	69
23	Section 58 (2), new notes	70
24	Commission may take disciplinary action against licensee New section 62 (4A)	70
25	New section 62A	70
26	Section 63 heading	71
27	Section 63 (2)	71
28	Section 64 heading	72
29	Section 64	72
30	Section 64	72
31	Section 65 heading	72
32	Section 65 (1) (a)	72
33	Section 65 (2)	73
34	Section 65 (3)	73
35	New section 65A	73
36	Computer cabinet access register Section 71 (1)	74
37	New part 6A heading	74
38	Sections 98 to 100	74

Contents

	Page
39 Possession and operation of gaming machines	
Section 103 (2) (a)	77
40 New section 103 (3)	78
41 Section 104	78
42 Section 105 heading	79
43 Section 105 (1) (b) and (c)	79
44 New section 105A	79
45 Section 107	80
46 New section 109A	80
47 New section 110A	81
48 Unapproved disposal of gaming machines	
Section 111 (2)	81
49 Application for approval for disposal of gaming machines	
Section 112 (2) (c)	81
50 New section 112 (3)	82
51 Approval of disposal of gaming machines	
Section 113 (2) (a) (i)	82
52 New sections 113A to 113D	82
53 Operation to be subject to correct percentage payout	
Section 125 (1) (b)	85
54 Section 125 (1) (c)	85
55 New divisions 6.10 and 6.11	85
56 Divisions 6.5 to 6.11 (as amended)	110
57 Section 131	110
58 Removal of gaming machines from premises	
Section 132 (1)	111
59 Section 132 (2)	111
60 Section 132 (3), definition of <i>relevant decision</i>	112
61 Section 132 (3), definition of <i>required period</i> , paragraph (a) (i)	112
62 Operation of linked-jackpot arrangements	
Section 133 (b)	112
63 Section 134 heading	112
64 Section 134 (1), except notes	113
65 Section 134 (3)	113
66 Section 134 (3) (a) (i)	113

Contents

	Page
67	Section 134 (4) 113
68	Section 134 (4) 114
69	Issue of multi-user permits Section 135 (1) 114
70	Unclaimed jackpots Section 143 (1) 114
71	Section 143 (1) 114
72	Undisbursed jackpots Section 144 (1) 115
73	Section 144 (1) and (3) (a) 115
74	Section 144 (3) (b) 115
75	Eligible clubs Section 146 (d) (ii) 115
76	Club elections—record-keeping Section 148 (3), definition of <i>club</i> 116
77	Club constitution—consistency with gaming laws Section 148B (4), definition of <i>club</i> 116
78	Power to require information about status of eligible clubs Section 149 (4), definition of <i>club</i> 116
79	Offence—ATM allowing withdrawals exceeding \$250 Section 153A (4), definition of <i>at the licensed premises</i> 116
80	Section 153A (4), new definition of <i>at the licensee's authorised premises</i> 116
81	Gaming machine tax Section 159 (3), definition of <i>prescribed percentage</i> , paragraph (a) 117
82	Gaming machine tax returns Section 162 (1) 117
83	New part 13A 118
84	New section 174A 124
85	Canberra Airport Section 175 (2) 124
86	Evidentiary certificates Section 176 125
87	New section 179 125
88	New part 20 126
89	Schedule 1 132

Contents

	Page	
90	New schedule 2	136
91	Dictionary	137
92	Further amendments, mentions of <i>licensed</i> etc	149
93	Further amendments, mentions of <i>machine</i> etc	150
Schedule 1	Other amendments—compulsory surrender	153



Australian Capital Territory

Gaming Machine (Reform) Amendment Act 2015

A2015-21

An Act to amend the *Gaming Machine Act 2004* to establish a trading scheme for gaming machines, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Gaming Machine (Reform) Amendment Act 2015*.

2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

- (2) If this Act (other than schedule 1 (Other amendments—compulsory surrender)) has not commenced within 1 year beginning on its notification day, it automatically commences on the first day after that period.
- (3) The Minister must notify the commencement of schedule 1 at least 6 months before the day fixed for its commencement.
- (4) If schedule 1 has not commenced within 3 years beginning on the commencement of section 53, it automatically commences on the first day after that period.
- (5) The [Legislation Act](#), section 79 (Automatic commencement of postponed law) does not apply to this Act.

3 Legislation amended

This Act amends the *Gaming Machine Act 2004*.

4 **Parts 2 and 2A***substitute***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).

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

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

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

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

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

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

- (4) Each of the following is a notifiable instrument:

- (a) a notification under subsection (1), definition of *SN*;
- (b) a notice under subsection (3).

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

- (5) In this section:

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

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

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

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

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

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

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

Note 2 A notifiable action takes place—

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

Part 2B Licences and authorisations

Division 2B.1 Definitions and important concepts

11 Definitions—pt 2B

In this part:

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

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

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

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

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

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

class C licence application—see section 15.

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

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

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

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

12 Meaning of *social impact assessment*

- (1) For this Act, a *social impact assessment* for an application is a written assessment of the likely economic and social impact of the operation of gaming machines—
 - (a) for an authorisation certificate application—under the proposed authorisation certificate; or

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

Note A social impact assessment is required for—

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

13 Social impact assessment—publication

- (1) This section applies if an applicant for any of the following is required to provide a social impact assessment with the application:
- (a) an authorisation certificate;
 - (b) an amendment of an authorisation certificate;
 - (c) an in-principle authorisation certificate.
- (2) The applicant must publish an advertisement about the application in a daily newspaper, stating that—
- (a) the social impact assessment for the application will be available for inspection by members of the public at the commission’s office during ordinary business hours for 6 weeks after a day stated in the advertisement (the *comment period*); and

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

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

Note 2 If a form is approved under the [Control Act](#), s 53D for an advertisement, 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 advertisement.
- (4) The applicant must—
- (a) on or before the day the advertisement is published, place a sign (the **information sign**) containing information about the application in a prominent position—
 - (i) for an authorisation certificate application or authorisation certificate amendment application—outside each public entrance to the premises to which the application relates; or
 - (ii) for an application for an in-principle authorisation certificate—on the land at the address to which the approval applies; and
 - (b) ensure that the sign stays there for the comment period.
- (5) However, an applicant for an in-principle authorisation certificate need not comply with subsection (4) if it would be impractical to do so.

Examples—impractical to place sign at address

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

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

- (6) The information sign must include the following:
 - (a) a description of the application;
 - (b) a statement of when and where the social impact assessment for the application will be available;
 - (c) an invitation to make written submissions to the commission about the social impact assessment within the comment period;
 - (d) when the comment period ends;
 - (e) details of where to get more information about the application.
- (7) The commission must make the social impact assessment available for inspection by members of the public at the commission's office during ordinary business hours during the comment period.
- (8) The commission must not decide the application until the comment period has ended.

14 Applications to be dealt with in order of receipt etc

- (1) A person may make an authorisation certificate application when the person makes a licence application for a class B or class C licence.
- (2) The commission must deal with properly completed licence applications and properly completed authorisation certificate applications in the order in which the commission receives the applications.

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

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

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

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

15 **Licence for class C gaming machines—application**

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

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

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

16 **Class C licence application—contents**

A class C licence application must—

- (a) be in writing and signed by the applicant; and
- (b) state the name of the applicant's legal entity and the applicant's address; and
- (c) state the applicant's ABN; and
- (d) state the applicant's—
 - (i) ACN; or
 - (ii) if the applicant is an incorporated association—association number; and

Note *Association number*—see the dictionary.

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

- (ii) an alphabetical list of names and addresses of all current members of the applicant, certified correct by the applicant's secretary;
- (iii) a statement, signed by the applicant's secretary, stating the grounds on which the applicant claims to be an eligible club;

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

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

- (i) include anything else prescribed by regulation.

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

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

17 Class C licence—decision on application

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

- (b) a majority of the applicant's voting members who voted in a ballot conducted under a regulation voted for the applicant having gaming machines.

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

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

18 Class C licence application—grounds for refusal

- (1) The commission may refuse to issue a class C licence to a club if satisfied that—
 - (a) the election of a member of the club's management committee or board has been decided, controlled or influenced in a significant way, or to a significant degree, by—
 - (i) people who are not voting members of the club; or
 - (ii) only some voting members of the club; or
 - (b) the voting members of the club, taken as a group, do not have complete control over the election of all members of the club's management committee or board; or
 - (c) each voting member of the club does not have an equal right to elect people, or to nominate or otherwise choose people for election, to the club's management committee or board; or
 - (d) if the club does not own its premises—an executive officer or employee of the club is also the club's lessor, or an associate of the club's lessor; or
 - (e) an executive officer or employee of the club is a creditor, or an associate of a creditor, of the club; or

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

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

19 Class C licence—conditions

A class C licence is subject to—

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

20 Class C licence—form

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

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

21 Authorisation certificate for class C gaming machines—application

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

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

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

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

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

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

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

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

Note *Association number*—see the dictionary.

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

Examples—what gaming rules may cover

- 1 how long a gaming machine may be reserved for
- 2 who may play the gaming machines

3 banning of extension of credit to players

4 cash payment limits

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

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

Note Section 97 sets out the requirements for control procedures.

(e) any other documents required by regulation.

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

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

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

- (1) This section applies if the commission receives an authorisation certificate application for class C gaming machines.
- (2) The commission must issue an authorisation certificate to the applicant if satisfied on reasonable grounds—
 - (a) that the applicant holds a class C licence; and
 - (b) the gaming rules and control procedures the applicant has adopted for the purpose of controlling the operation of gaming machines are adequate for that purpose; and

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

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

- (5) In deciding the maximum number of authorisations for gaming machines under an authorisation certificate, the commission must consider the following:
- (a) the size and layout of the premises the application relates to;
 - (b) the size and layout of the proposed gaming area;
 - (c) the number of club members worked out under a regulation;
 - (d) the ratio of club members to the maximum number of authorisations for gaming machines sought by the licensee;
 - (e) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community;

- (f) the social impact assessment for the application for the authorisation certificate and any submission made on the assessment within the comment period under section 13.

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

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

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

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

- (a) payments for goods and services supplied to the club, including the rental or lease payments for the club’s premises, are related to the level of gaming machine performance; or

Examples—goods and services

- food and beverages
- cleaning services
- gaming machines

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

- (b) someone, other than the lessor or leasing agent, will receive a payment or benefit during or at the end of a lease, agreement or arrangement entered into by the club for its premises.

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

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

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

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

26 Authorisation certificate for class C gaming machines—conditions

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

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

27 Authorisation certificate for class C gaming machines—form

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

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

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

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

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

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

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

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

Note A licensee may also store gaming machines the licensee has under an authorisation (see div 6.11).

- (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 6.11).

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

Division 2B.5 Licences and authorisation certificates—amendments

31 Licence amendment—application

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

Example

to change the licensee’s trading name

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

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

Note 3 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) The application must—
- (a) be in writing signed by the applicant; and
 - (b) set out the proposed amendment of the licence; and
 - (c) explain why the applicant is seeking the amendment; and
 - (d) include anything else required by regulation.

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

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

32 Licence amendment decision—minor amendment

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

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

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

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

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

33 Authorisation certificate amendment—application

- (1) A licensee may apply, in writing, to the commission for an amendment of an authorisation certificate (an *authorisation certificate amendment application*) only to—
 - (a) do any of the following at the authorised premises (a *gaming area amendment*):
 - (i) change the size or shape of a gaming area, or part of a gaming area;
 - (ii) change the location of a gaming area;

(iii) add another gaming area; or

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

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

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

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

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

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

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

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

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

34 Authorisation certificate amendment—contents of application

An authorisation certificate amendment application must—

- (a) be in writing signed by the applicant; and
- (b) set out the proposed amendment of the authorisation certificate; and

- (c) explain why the applicant is seeking the amendment; and
- (d) for a gaming area amendment—be accompanied by a plan of the premises, drawn to scale, that clearly shows the proposed changes to the gaming area; and
- (e) for a premises relocation amendment in relation to relocating all gaming machine operations to new premises within the same suburb—
 - (i) state the address, and block and section number, of the new premises; and
 - (ii) be accompanied by a plan of the new premises, drawn to scale, that clearly shows the location, boundaries and dimensions of the proposed gaming area; and
- (f) for a premises relocation amendment in relation to relocating all gaming machine operations to new premises in another suburb—
 - (i) state the address, and block and section number, of the new premises; and
 - (ii) be accompanied by—
 - (A) a social impact assessment; and
 - (B) a plan of the new premises, drawn to scale, that clearly shows the location, boundaries and dimensions of the proposed gaming area; and
 - (C) if the applicant is a club—evidence that a majority of the voting members of the club who voted in a ballot conducted under a regulation voted for the club relocating to the new premises.

35 Authorisation certificate amendment decision—gaming area amendment

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

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

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

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

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

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

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

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

36 Authorisation certificate amendment decision—premises relocation amendment

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

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

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

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

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

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

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

- (4) In deciding whether to amend the authorisation certificate, the commission must consider the following:
- (a) the application for the amendment;
 - (b) if the new premises are in another suburb—
 - (i) the social impact assessment for the application; and
 - (ii) each submission made about the social impact assessment within the comment period mentioned in section 13 (2) (Social impact assessment—publication).

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

- (8) However, if the commission is not satisfied under subsection (7) in relation to the maximum number of authorisations for gaming machines stated in the application, but would be satisfied in relation to a lower maximum, the commission may amend the authorisation certificate to allow a lower maximum number of authorisations for gaming machines at the new premises.

37 Authorisation certificate amendment decision—increase maximum amendment

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

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

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

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

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

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

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

- (4) The commission must amend the authorisation in accordance with the application if satisfied that—
 - (a) the application is accompanied by a social impact assessment that supports an increase in the maximum number of authorisations for gaming machines allowed at the authorised premises; and
 - (b) the size and layout of the premises mentioned in the authorisation certificate is suitable for the operation of the number of gaming machines that would be allowed under the authorisation certificate.
- (5) In deciding the maximum number of authorisations for gaming machines under the amended authorisation certificate, the commission must consider the following:
 - (a) the number of club members worked out under a regulation;
 - (b) the ratio of club members to the maximum number of authorisations for gaming machines sought by the licensee;
 - (c) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community.

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

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

Note **Trading period**—see s (4).

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

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

Note 2 A notifiable action takes place—

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

- (3) The commission must amend the authorisation certificate in accordance with the notification if satisfied that—

- (a) the number of authorisations by which the licensee proposes to increase the maximum number the licensee may have under the authorisation certificate is not more than the relevant number; and

Note **Relevant number**—see s (4).

- (b) the size and layout of the premises mentioned in the authorisation certificate are suitable for the operation of the number of gaming machines the licensee may have under the authorisation certificate, as amended; and
- (c) the applicant has not previously notified the commission about a one-off increase maximum amendment during the trading period.

Note **Trading period**—see s (4).

- (4) In this section:

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

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

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

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

37B Authorisation certificate amendment—technical amendment

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

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

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

Note 2 A notifiable action takes place—

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

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

- (1) The commission may amend a licence, authorisation certificate or authorisation schedule on its own initiative to correct a mistake, error or omission on the licence or authorisation certificate or authorisation schedule.
- (2) If the maximum number of authorisations for gaming machines allowed under an authorisation certificate has changed, the commission may amend the authorisation certificate to record the correct maximum number.
- (3) If a licensee notifies the commission about the acquisition or disposal of an authorisation under division 6.10 (Trading of authorisations and gaming machines), the commission must amend the licensee’s authorisation schedule to—
 - (a) for an acquisition—include the authorisation number of the acquired authorisation; or
 - (b) for a disposal—remove the authorisation number of the disposed authorisation.

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

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

Example—commencement of amendment

the day a new trading name for the licensee is registered

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

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

- (6) The replacement authorisation schedule must state—
- (a) that the authorisation schedule is a replacement authorisation schedule; and
 - (b) the date the replacement authorisation schedule was issued; and
 - (c) the date the amendment commences.

Example—commencement of amendment

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

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

37E Transferring an authorisation certificate

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

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

Note 2 A notifiable action takes place—

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

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

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

37F Surrender of licences, authorisation certificates and authorisations

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

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

- (2) A licensee may surrender a licence, authorisation certificate or authorisation by—
- (a) notifying the commission that the licensee surrenders the licence, authorisation certificate or authorisation; and

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

Note 2 A notifiable action takes place—

- (a) the prescribed number of days after the day the commission receives the notification (see s 173E (a)); or
 - (b) if the commission allows the notifiable action to take place on an earlier day—that day (see s 173E (b)); or
 - (c) if the commission asks for additional information under s 173E (c)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 173E (c)).
- (b) if the licensee surrendering an authorisation certificate or authorisation is a club—giving the commission evidence—
- (i) that a majority of the voting members of the club who voted in a ballot conducted under a regulation voted for the club surrendering the authorisation certificate or authorisation; or
 - (ii) that a vote under subparagraph (i) would not be practical; and
- (c) returning the licence, certificate or authorisation to the commission.

Example—par (b) (ii)

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

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

- (3) If a licensee notifies the commission about the surrender of the licensee's licence, the commission must—
- (a) cancel all authorisation certificates held by the licensee; and
 - (b) give the licensee a storage permit for an interim purpose for each gaming machine under the cancelled authorisation certificates.

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

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

37G Offence—failure to dispose of gaming machines

A person commits an offence if—

- (a) an authorisation held by the person was surrendered or cancelled under section 37F; and
- (b) the commission gave the person a storage permit for a gaming machine to which the authorisation related; and

- (c) the person fails to dispose of the gaming machine mentioned in the permit—
 - (i) in the way the commission directs; or
 - (ii) within the period stated in the storage permit.

Maximum penalty: 50 penalty units.

Note Div 6.7 deals with disposal of gaming machines.

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

37H Licences and authorisation certificates—register

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

(d) if a licensee has a gaming machine stored under a permit—

(i) the kind of permit; and

Examples

- 1 storage permit for an interim purpose
- 2 quarantine permit

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

(ii) the serial number of the gaming machine; and

(iii) if the licensee holds the authorisation for the gaming machine—the authorisation number for the gaming machine;

(e) anything else prescribed by regulation.

- (3) The register may be kept in any form, including electronically, that the commission decides.
- (4) The commission may correct a mistake, error or omission in the register.
- (5) A licensee may ask the commission, in writing, to correct a mistake, error or omission in the register.
- (6) The commission may change a detail included in the register to keep the register up-to-date.

Example

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

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

371 Licences, authorisation certificates and authorisation schedules—replacement copies

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

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

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).

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

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

Part 2C In-principle authorisation certificates

Division 2C.1 Preliminary

38 Object—pt 2C

The object of this part is to allow a person to obtain in-principle approval to have a maximum number of authorisations for gaming machines under an authorisation certificate at an address at unleased land before—

- (a) the person acquires an interest in the land or premises at the address; or

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

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

38A Definitions for Act

In this Act:

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

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

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

38B In-principle authorisation certificate—application

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

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

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

(2) In this section:

suitable land means land that is—

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

38C In-principle authorisation certificate application—contents

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

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

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

38D In-principle authorisation certificate—decision on application

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

(b) refuse to issue the in-principle authorisation certificate.

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

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

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

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

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

38E In-principle authorisation certificate—form

(1) An in-principle authorisation certificate must—

(a) be in writing; and

(b) state the following:

(i) the name of the approval-holder's legal entity (the *approval-holder's name*);

(ii) if the approval-holder carries on business under a name other than the approval-holder's name—the name under which the approval-holder carries on business;

(iii) the approval-holder's ABN;

- (iv) the approval-holder's—
 - (A) ACN; or
 - (B) if the approval-holder is an incorporated association—association number;

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

- (v) the address, and block and section number, to which the in-principle authorisation certificate applies;
 - (vi) the maximum number of authorisations allowed under the in-principle authorisation certificate;
 - (vii) the class of gaming machines;
 - (viii) the conditions (if any) of the in-principle authorisation certificate.
- (2) A regulation may prescribe other requirements about the form of an in-principle authorisation certificate.

38F In-principle authorisation certificate—conditions

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

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

38G In-principle authorisation certificate—term

An in-principle authorisation certificate—

- (a) commences on the day it is issued; and
- (b) expires—
 - (i) 3 years after the day it is issued; or

- (ii) if the term of the in-principle authorisation certificate is extended under section 38K (In-principle authorisation certificate—extension decision)—on the date to which the in-principle authorisation certificate is extended.

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

38H In-principle authorisation certificate—application to transfer

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

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

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

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

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

38I In-principle authorisation certificate—transfer decision

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

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

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

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

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

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

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

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

38J In-principle authorisation certificate—application for extension

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

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

- (2) The application must—

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

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

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

- (3) If an approval-holder applies to extend the term of an in-principle authorisation certificate, the in-principle authorisation certificate remains in force until the application is decided.

38K In-principle authorisation certificate—extension decision

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

- (2) The commission may—

- (a) extend the term of the in-principle authorisation certificate; or
(b) refuse to extend the term of the in-principle authorisation certificate.

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

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

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

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

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

38L In-principle authorisation certificate—surrender

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

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

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

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

- (1) An approval-holder may apply to the commission to have an in-principle authorisation certificate converted to an authorisation certificate.
- (2) The application must—
- (a) be in writing signed by the applicant; and
 - (b) be accompanied by evidence that the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle authorisation certificate applies; and
 - (c) include the following:
 - (i) the name of the applicant's legal entity (the *applicant's name*);

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

Note *Association number*—see the dictionary.

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

Examples—what gaming rules may cover

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

4 cash payment limits

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

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

Note Section 97 sets out the requirements for control procedures.

- (d) any other documents required by regulation.

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

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

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

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

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

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

- (b) refuse to convert the in-principle authorisation certificate to an authorisation certificate.

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

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

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

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

- (4) The commission must convert the in-principle authorisation certificate to an authorisation certificate for the number of authorisations stated in the in-principle certificate if satisfied that—

- (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle authorisation certificate applies; and

- (b) were the application an application for an authorisation certificate under section 21 (Authorisation certificate for class C gaming machines—application), the commission would issue the authorisation certificate under section 23 (Authorisation certificate for class C gaming machines—decision on application).

- (5) The commission may convert the in-principle authorisation certificate to an authorisation certificate for a lower number of authorisations for gaming machines than the number stated in the in-principle certificate if satisfied that the size and layout of the proposed gaming area are suitable for the installation of the lower number of gaming machines.

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

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

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.

5 Part 3 heading

substitute

Part 3 Licences and authorisation certificates—conditions

6 Section 39 heading

substitute

39 Offence—failure to comply with condition

7 New section 39 (1A)

insert

(1A) 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.

8 Section 39 (2) note

substitute

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.

9 New section 39 (3)

insert

(3) Subsections (1) and (1A) 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 (3) (see Criminal Code, s 58).

10 Division 3.2 heading

substitute

**Division 3.2 General licence and authorisation
certificate conditions**

11 Section 39A

substitute

**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.

12 Sections 41 and 42

substitute

41 Display of licence and authorisation certificate at authorised premises

- (1) It is a condition of a licence that the licensee displays the licence, or a copy of the licence, and the authorisation certificate, or a copy of the authorisation certificate, in a prominent position at the main entrance to each gaming area of the authorised premises.
- (2) However, the licensee need not display the schedule to the authorisation certificate.
- (3) Subsection (1) does not apply if—
- (a) the licence or authorisation certificate has been lost, stolen or destroyed; and
 - (b) the licensee gave the commission a statutory declaration under section 37I (Licences, authorisation certificates and authorisation schedules—replacement copies) about the loss, theft or destruction as soon as practicable after becoming aware of the loss, theft or destruction.

42 Authorisation certificate and authorisation schedule to be kept at premises

It is a condition of a licence that the licensee keeps a copy of the authorisation certificate, including the authorisation schedule, at the authorised premises to which the certificate relates.

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)).

**13 Operation subject to correct percentage payout
Section 47 (1)**

substitute

- (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.

**14 Percentage payout of gaming machines to be displayed
Section 48**

omit

each licensed gaming machine has the percentage payout under the licence

substitute

each gaming machine at authorised premises has the percentage payout under the authorisation schedule

**15 Licensee to use gaming machines
Section 51**

omit

16 Section 56 heading

substitute

56 Definitions—pt 4

17 Section 56, new definitions

insert

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.

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.

18 Section 56, definitions of *licence* and *licensee*

substitute

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).

**19 Grounds for disciplinary action
Section 57 (3)**

omit

**20 Disciplinary action
Section 58 (1) (b) and (d)**

after

licence

insert

or authorisation certificate

21 New section 58 (1) (f) and (g)

insert

- (f) suspending the person's authorisation certificate in relation to stated premises;
- (g) if the person is operating more gaming machines at authorised premises than is allowed under the person's authorisation certificate for the premises—
 - (i) ordering the person to forfeit to the Territory 100% of the gross revenue from the operation of each gaming machine that exceeds the number allowed under the authorisation certificate; and
 - (ii) directing the person about how to dispose of the excess gaming machines.

22 New section 58 (1A)

insert

- (1A) For subsection (1) (d) and (e), if a licence is suspended or cancelled, all authorisation certificates under the licence are suspended or cancelled.

23 Section 58 (2), new notes

insert

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).

**24 Commission may take disciplinary action against licensee
New section 62 (4A)**

insert

(4A) 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.

25 New section 62A

insert

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 6.10 (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 6.7 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.

26 Section 63 heading

substitute

63 Suspension of licence and authorisation certificate because of suspension of general and on licences

27 Section 63 (2)

omit

gaming machine licence

substitute

licence, and each authorisation certificate under the licence,

28 Section 64 heading

substitute

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

29 Section 64

omit

a gaming machine licence

substitute

an authorisation certificate

30 Section 64

omit

the gaming machine licence

substitute

the authorisation certificate

31 Section 65 heading

substitute

65 Return of licence and authorisation certificate on cancellation

32 Section 65 (1) (a)

after

licence

insert

or authorisation certificate

33 Section 65 (2)

substitute

- (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.

34 Section 65 (3)

after

licence

insert

or authorisation certificate (including the authorisation schedule)

35 New section 65A

in part 4, insert

**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.

**36 Computer cabinet access register
Section 71 (1)**

omit

licensed gaming machines

substitute

gaming machines

37 New part 6A heading

before division 6.5, insert

Part 6A Gaming machine dealings

38 Sections 98 to 100

substitute

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

Note **Acquire**—see the dictionary.

- (b) the person does not have a licence and an authorisation certificate allowing the operation of the gaming machine at the person's premises.

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 6.10 (Trading of authorisations and gaming machines), the commission must amend the licensee's authorisation schedule to remove 1 authorisation for a gaming machine for every 4 authorisations for gaming machines the licensee acquires.

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

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

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

39 Possession and operation of gaming machines Section 103 (2) (a)

omit

administrator, receiver, manager or liquidator

substitute

external administrator

40 New section 103 (3)

insert

- (3) In this section:

external administrator, for a licensee—see section 105A.

41 Section 104

substitute

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.

42 Section 105 heading

substitute

105 Operation of gaming machines other than in accordance with authorisations

43 Section 105 (1) (b) and (c)

omit

licence

substitute

authorisation certificate

44 New section 105A

in division 6.6, insert

105A Definitions—div 6.6

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.

45 Section 107

substitute

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.

46 New section 109A

insert

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.

47 New section 110A

in division 6.6, insert

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.

**48 Unapproved disposal of gaming machines
Section 111 (2)**

substitute

- (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.

**49 Application for approval for disposal of gaming machines
Section 112 (2) (c)**

substitute

- (c) the details of the gaming machine.

50 New section 112 (3)

insert

- (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).

**51 Approval of disposal of gaming machines
Section 113 (2) (a) (i)**

omit

a licence

substitute

an authorisation certificate

52 New sections 113A to 113D

in division 6.7, insert

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 6.10 (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 6.11).
 - (b) the gaming machine is to be sold to another licensee in the ACT or a local jurisdiction;
 - (c) the gaming machine is to be replaced with a new gaming machine;

- (d) the gaming machine is to be returned to the approved supplier who sold the gaming machine;
 - (e) the gaming machine is to be sold to an approved supplier;
 - (f) the authorisation for the gaming machine is to be surrendered under section 37F (Surrender of licences, authorisation certificates and authorisations);
 - (g) the licensee's licence is to be cancelled under section 58 (Disciplinary action).
- (2) The licensee must notify the commission about the proposed disposal of the gaming machine.

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

Note 2 A notifiable action takes place—

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

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

113B Destruction of gaming machines—commission’s attendance

- (1) If a licensee proposed to dispose of a gaming machine under section 113A by destroying it, the commission may, but need not, attend the gaming machine’s destruction.

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

- (2) If the commission decides to attend the gaming machine’s destruction, the commission must give the licensee written notice to that effect.
- (3) 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.

**53 Operation to be subject to correct percentage payout
Section 125 (1) (b)**

after

gaming machine

insert

on authorised premises

54 Section 125 (1) (c)

omit

on the licensed premises

55 New divisions 6.10 and 6.11

insert

Division 6.10 Trading of authorisations and gaming machines

Subdivision 6.10.1 Preliminary

127A Objects—div 6.10

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 6.10

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 6.10.2 Trading class B authorisations

127C Selling class B authorisations

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

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

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

Note 2 A notifiable action takes place—

- (a) the prescribed number of days after the day the commission receives the notification (see s 173E (a)); or
 - (b) if the commission allows the notifiable action to take place on an earlier day—that day (see s 173E (b)); or
 - (c) if the commission asks for additional information under s 173E (c)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 173E (c)).
- (3) The disposing licensee commits an offence if—
- (a) the disposing licensee sells a business to another person (the ***purchaser***); and
 - (b) the purchaser is not—
 - (i) a class B licensee; or
 - (ii) an applicant for a class B licence and authorisation certificate under section 28 (Licence and authorisation certificate for class B gaming machines—restricted application).

Maximum penalty: 100 penalty units.

- (4) An offence against subsection (3) is a strict liability offence.

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

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

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

- (6) In this section:

disposing licensee's business means a business operated by the disposing licensee at authorised premises under a general or on licence.

- (7) This section is subject to section 127F (Trading authorisations— forfeiture requirements).
- (8) Subsection (7) and this subsection expire on the commencement of the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1 (Other amendments—compulsory surrender).

127D Offence—selling class B gaming machines

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

- (iii) part of a method of disposal approved by the commission under section 113A (Disposal of gaming machines— notifiable action).

Maximum penalty: 100 penalty units.

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

Subdivision 6.10.3 Trading class C authorisations and gaming machines

127E Trading class C authorisations and gaming machines

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

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

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

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

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

- (3) The disposing licensee may dispose of 1 or more authorisations to the acquiring licensee.
- (4) This section is subject to section 127F.

- (5) Subsection (4) and this subsection expire on the commencement of the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1 (Other amendments—compulsory surrender).

127F Trading authorisations— forfeiture requirement

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

Example—par (b)

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

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

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) However, the acquiring licensee may acquire less than 4 authorisations if the acquiring licensee acquires the authorisations from a disposing licensee who—
- (a) intends to surrender an authorisation certificate under section 37F (Surrender of licences, authorisation certificates and authorisations); and

- (b) has less than 4 authorisations to dispose of under the authorisation certificate.
- (4) The acquiring licensee must forfeit 1 authorisation to the Territory for every 4 authorisations the licensee acquires under this section.
- (5) The acquiring licensee is not entitled to claim compensation from the Territory for an authorisation forfeited to the Territory under subsection (4).
- (6) This section expires on the commencement of the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1 (Other amendments—compulsory surrender).

127G Offence—acquiring authorisations and gaming machines

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

Maximum penalty: 100 penalty units.

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

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

127H Selling class C gaming machines

- (1) A class C licensee commits an offence if—
 - (a) the class C licensee sells a class C gaming machine to another person (the *purchaser*); and
 - (b) the sale of the class C gaming machine is not—
 - (i) to another class C licensee; or

- (ii) approved by the commission under section 113 (Approval of disposal of gaming machines); or
- (iii) part of a method of disposal approved by the commission under section 113A (Disposal of gaming machines— notifiable action).

Maximum penalty: 100 penalty units.

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

127I Selling class C authorisations

- (1) A class C licensee commits an offence if—
 - (a) the class C licensee sells an authorisation for a class C gaming machine to another person (the *purchaser*); and
 - (b) the purchaser is not a class C licensee.

Maximum penalty: 100 penalty units.

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

Subdivision 6.10.4 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 6.11 Storage of authorisations and gaming machines

Subdivision 6.11.1 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 6.11

In this division:

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

inspection notice—see section 127ZE (1).

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

permit means a quarantine permit or a storage permit.

quarantined authorisation means an authorisation stored under a quarantine permit.

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

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

quarantine permit—see section 127Q.

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

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

stored authorisation means an authorisation stored under a storage permit.

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

Subdivision 6.11.2 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).

1270 Storage permit—application

- (1) A licensee may apply to the commission for a storage permit to store 1 or more gaming machines and the authorisations for the gaming machines (if any).
- (2) The application must—
 - (a) be in writing; and
 - (b) state the purpose and the period for which the storage permit is required; and
 - (c) if the application is by a class B licensee for a storage permit for a general purpose—state why the storage permit is needed; and

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

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

- (i) state the authorisation number for each authorisation to be stored under the storage permit.

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

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

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

127P Storage permit—decision on application

- (1) This section applies if the commission receives an application for a storage permit under section 127O.
- (2) The commission must issue the storage permit to the licensee if satisfied—
 - (a) that the gaming machine and authorisation (if any) to be stored under the permit are from the same authorised premises; and
 - (b) that the type of premises where the gaming machines are to be stored are suitable for the storage of gaming machines; and
 - (c) if the application is by a class B licensee for a storage permit for a general purpose—that the storage permit is needed for a good reason; and

Examples

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

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

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

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

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

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

Subdivision 6.11.3 Quarantine permits

127Q Quarantine permits—notification and issue

- (1) This section applies if a licensee wants to—
 - (a) remove 1 or more gaming machines, and the authorisations for the gaming machines, from the authorised premises where the gaming machines are operated; and
 - (b) store the gaming machines and authorisations for a period to be agreed with the commission.

-
- (2) The licensee must notify the commission that the licensee needs a permit (a *quarantine permit*) for storing the gaming machines and authorisations.

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

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

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

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

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

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

127R Quarantine permits—extension

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

Subdivision 6.11.4 Permits—form

127S Permit—form

- (1) A permit must be—
 - (a) in writing; and
 - (b) include the following information:
 - (i) the name of the licensee;
 - (ii) the kind of permit;

Examples

- quarantine permit
- storage permit for an interim purpose

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

- (iii) the day the permit comes into force and the day it expires;
- (iv) the authorised premises where each gaming machine and authorisation (if any) to be stored under the permit was operated;
- (v) the number of gaming machines and authorisations (if any) to be stored under the permit;
- (vi) the conditions on the permit;
- (vii) a statement that a breach of a condition of the permit may be a ground for disciplinary action;
- (viii) a statement that it is an offence under section 104 (Operating unauthorised or stored gaming machines) to operate a stored or quarantined gaming machine during the period of the permit;

- (ix) a schedule containing the information mentioned in subsection (2);
 - (x) anything else prescribed by regulation.
- (2) For subsection (1) (b) (ix), the schedule must state the serial number of, and authorisation number for, each gaming machine to be stored under the permit.

Subdivision 6.11.5 Permits—conditions

127T Permit—conditions

- (1) A permit is subject to the following conditions:
- (a) the licensee must comply with this Act;
 - (b) the licensee must not exchange a stored or quarantined gaming machine with another gaming machine that the licensee may operate under an authorisation certificate;
- Note* The licensee must apply for—
- (a) an amendment of the permit to remove the details of the stored or quarantined gaming machine; and
 - (b) if a new gaming machine is to be stored in place of the stored or quarantined gaming machine—a new permit for the new gaming machine.
- (c) the licensee must—
- (i) take meter readings from each gaming machine to be stored or quarantined under the permit; and
 - (ii) immediately after taking the meter readings, render the gaming machine inoperable; and
 - (iii) give the commission details of the meter readings taken under subparagraph (i);

- (d) the licensee may dispose of a stored or quarantined gaming machine if—
 - (i) the disposal is in accordance with division 6.10 (Trading of authorisations and gaming machines), an approval under section 113 (Approval of disposal of gaming machines) or section 113A (Disposal of gaming machines—notifiable action); and
 - (ii) the licensee gives the commission a notification under section 127X (Permit amendment—notification) to amend the permit;
 - (e) a stored or quarantined gaming machine must not be operated during the period of the permit;
 - (f) the licensee must not operate another gaming machine under the authorisation for a stored or quarantined gaming machine;
 - (g) the licensee may trade a stored or quarantined authorisation with another licensee if—
 - (i) the trade is in accordance with division 6.10 (Trading of authorisations and gaming machines); and
 - (ii) the licensee applies for an amendment of the permit under section 127ZB (Trading authorisations under permits—procedure);
 - (h) if the licensee receives an inspection notice, the licensee must allow an authorised officer to inspect the stored or quarantined gaming machines and the premises where the gaming machines are stored;
 - (i) for a storage permit issued for an interim purpose—the licensee must dispose of the gaming machine stored under the storage permit before the storage permit ends.
- (2) A permit is subject to any other condition—
- (a) determined by the commission under the storage rules; or

- (b) imposed by the commission when the permit is issued, renewed or amended, if it is necessary to ensure the safeguarding of gaming machines generally; or
- (c) prescribed by regulation.

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

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

127U Permit—term

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

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

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

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

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

127V Storage permit—application for extension

- (1) A licensee who holds a storage permit for a general purpose may apply to the commission to extend the term of the storage permit.
- (2) The application must—
 - (a) be in writing signed by the licensee; and

(b) state why the licensee is seeking the extension.

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

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

- (3) If a licensee applies to extend the term of a storage permit, the storage permit remains in force until the application is decided.

127W Storage permit—extension decision

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

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

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

Subdivision 6.11.6 Permits—amendment

127X Permit amendment—notification

- (1) This section applies if a licensee who holds a permit proposes to—
 - (a) dispose of a stored or quarantined gaming machine under division 6.10 (Trading of authorisations and gaming machines) or an approval under section 113 (Approval of disposal of gaming machines) (a *proposed disposal*); or
 - (b) remove a stored gaming machine from storage under the permit (a *proposed removal*) so that it may be operated at the authorised premises.
- (2) The licensee must notify the commission about the proposed disposal or proposed removal.

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

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

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

127Y Permit amendment—decision

The commission may amend a permit if the commission receives notification about a proposed disposal or proposed removal under section 127X, and any further information requested under section 173D (Notifiable actions), within the time required under section 173D.

127Z Permit amendment—commission’s own initiative

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

127ZA Permit amendment—reissue of permit

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

Subdivision 6.11.7 Permits—trading authorisations under permits

127ZB Trading authorisations under permits—procedure

- (1) This section applies if a disposing licensee who holds a permit trades a stored or quarantined authorisation to an acquiring licensee under division 6.10 (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 permit to remove references to the stored or quarantined authorisation and the gaming machine allowed under the authorisation; and

- (ii) if the gaming machine is not being sold to the acquiring licensee—give the disposing licensee a storage permit for an interim purpose for the gaming machine.

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

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

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

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

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

- (1) This section applies if the commission receives written notice from a disposing licensee under section 127ZB (2) for a storage permit for an interim purpose for a gaming machine to be disposed of under the trade mentioned in that section.
- (2) The commission must issue the storage permit to the disposing licensee.
- (3) The storage permit must be—
 - (a) in the form mentioned in section 127S (Permit—form); and
 - (b) subject to the conditions mentioned in section 127T (Permit—conditions); and
 - (c) for a period not longer than 3 months.

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

- (1) This section applies if—
 - (a) the commission receives written notice from a disposing licensee under section 127ZB (2) (Trading authorisations under permits—procedure) in relation to the trade of an authorisation to an acquiring licensee; and
 - (b) the disposing licensee also trades the gaming machine allowed under the authorisation to the acquiring licensee.
- (2) If the disposing licensee holds a quarantine permit in relation to the gaming machine and authorisation, the commission must issue a quarantine permit to the acquiring licensee.
- (3) The term of the quarantine permit issued to the acquiring licensee must be equal to the time remaining on the quarantine permit under which the authorisation was previously stored.

Subdivision 6.11.8 Permits—miscellaneous

127ZE Gaming machines and authorisations under permits—inspection

- (1) The commission may, by written notice given to a licensee who holds a permit (an *inspection notice*), require the licensee to allow an authorised officer to inspect the gaming machines and authorisations (if any) under the permit, and the premises where the gaming machines and authorisations are stored, within a stated reasonable time.

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

- (2) The inspection notice must include a statement that—
 - (a) a failure to comply with the notice may be a ground for disciplinary action; and

- (b) the commission may exercise its powers under the [Control Act](#) to undertake an inspection.

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

127ZF Storage of gaming machines and authorisations—rules

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

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

56 Divisions 6.5 to 6.11 (as amended)

renumber as divisions 6A.1 to 6A.7

57 Section 131

substitute

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

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

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

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

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

(d) if the authorisation certificate for the premises ceased to be in force under section 64 (3)—until the first of the following happens:

- (i) the gaming machines are removed from the premises;
- (ii) the authorisation certificate is taken to be in force again under section 64 (4).

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

58 **Removal of gaming machines from premises**
Section 132 (1)

after

licence

insert

or authorisation certificate

59 **Section 132 (2)**

substitute

- (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.

60 Section 132 (3), definition of *relevant decision*

after

licence

insert

or authorisation certificate

61 Section 132 (3), definition of *required period*, paragraph (a) (i)

after

licence

insert

or authorisation certificate

**62 Operation of linked-jackpot arrangements
Section 133 (b)**

omit

authorised

substitute

approved

63 Section 134 heading

substitute

134 Single-user approval for linked-jackpot arrangements

64 Section 134 (1), except notes

substitute

- (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.

65 Section 134 (3)

omit

authorise

substitute

approve

66 Section 134 (3) (a) (i)

omit

licence

substitute

authorisation certificate

67 Section 134 (4)

omit

authorisation

substitute

approval

68 Section 134 (4)

omit

authorised

substitute

approved

**69 Issue of multi-user permits
Section 135 (1)**

omit

licences

substitute

authorisation certificates

**70 Unclaimed jackpots
Section 143 (1)**

omit

authorised

substitute

approved

71 Section 143 (1)

omit

approved under section 135

substitute

permitted under section 135

**72 Undisbursed jackpots
Section 144 (1)**

omit

authorised

substitute

approved

73 Section 144 (1) and (3) (a)

omit

authorisation

substitute

approval

74 Section 144 (3) (b)

omit

authorisation

substitute

approval under section 134

**75 Eligible clubs
Section 146 (d) (ii)**

after

licence

insert

and authorisation certificate

**76 Club elections—record-keeping
Section 148 (3), definition of *club***

substitute

club means a club for which a licence is in force.

**77 Club constitution—consistency with gaming laws
Section 148B (4), definition of *club***

substitute

club means a club for which a licence is in force.

**78 Power to require information about status of eligible clubs
Section 149 (4), definition of *club***

substitute

club means a club for which a licence is in force.

**79 Offence—ATM allowing withdrawals exceeding \$250
Section 153A (4), definition of *at the licensed premises***

omit

80 Section 153A (4), new definition of *at the licensee's authorised premises*

insert

at the licensee's authorised premises includes in or on an exterior wall of the authorised premises.

**81 Gaming machine tax
Section 159 (3), definition of *prescribed percentage*,
paragraph (a)**

substitute

- (a) in relation to a licensee that is a club—
- (i) for the part of the gross revenue of the club for the month that is \$25 000 or less—nil; and
 - (ii) for the part of the gross revenue of the club for the month that is more than \$25 000 but less than \$50 000—17%; and
 - (iii) for the part of the gross revenue of the club for the month that is more than \$50 000 but less than \$625 000—21%; and
 - (iv) for the part of the gross revenue of the club for the month that is \$625 000 or more—23%; or

**82 Gaming machine tax returns
Section 162 (1)**

omit

the licence

substitute

all authorisation certificates held by the licensee

83 **New part 13A**

insert

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 6.10 (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 150.

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 6.10—disposal of gaming machines

- (1) This section applies to a notifiable action that includes the disposal of a gaming machine under division 6.10 (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 6.10—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 6.10 (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.

84 New section 174A

insert

174A Licences and authorisations not personal property—PPS Act

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

PPS Act means the [Personal Property Securities Act 2009](#) (Cwlth).

85 Canberra Airport Section 175 (2)

substitute

- (2) An authorisation certificate must not be given for the operation of a gaming machine at the Canberra Airport.

**86 Evidentiary certificates
Section 176**

after

licence

insert

or authorisation certificate

87 New section 179

insert

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

- (1) The Minister must, before the commencement of the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1 (Other amendments—compulsory surrender)—
 - (a) review the operation of section 127F (Trading authorisations— forfeiture requirement) and subdivision 6.11.3 (Quarantine permits); and
 - (b) present a report of the review to the Legislative Assembly.
- (2) This section expires 5 years after the day it commences.

88 **New part 20**

insert

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

300 **Definitions—pt 20**

In this part:

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

old licence means a licence—

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

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

301 **Old licences—class B gaming machines**

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

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

302 Old licences—class C gaming machines

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

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

303 Class B gaming machines—application

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

304 Class C gaming machines—application

- (1) This section applies if—
 - (a) before the commencement day a person applied for a licence for class C gaming machines under section 10A (Initial licence applications—eligibility) as in force before the commencement day; and
 - (b) immediately before the commencement day, the commission had not finally decided the application.
- (2) The application is, on the commencement day, taken to be a class C licence application under section 15 (Licence for class C gaming machines—application) and an authorisation certificate application under section 21 (Authorisation certificate for class C gaming machines—application).

305 Large-scale machine relocation amendment application

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

306 In-principle approval application

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

307 Application to transfer in-principle approval

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

308 Application for extension of in-principle approval

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

- (2) The application is, on the commencement day, taken to be an application under section 38J (1) (In-principle authorisation certificate—application for extension).

309 Application to convert in-principle approval to licence

- (1) This section applies if—
- (a) before the commencement day, a licensee applied to have an in-principle approval for a licence converted into a licence under section 38T (1) (Conversion of in-principle approval to licence or amendment—application for extension); and
 - (b) immediately before the commencement day, the commission had not finally decided the application.
- (2) The application is, on the commencement day, taken to be an application under section 38M (1) (Conversion of in-principle authorisation certificate to authorisation certificate—application) to have an in-principle authorisation certificate converted to an authorisation certificate.

310 Transitional regulations

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

311 Expiry—pt 20

This part expires 4 years after the commencement day.

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

89 Schedule 1

substitute

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

column 1 item	column 2 section	column 3 decision	column 4 entity
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
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

column 1 item	column 2 section	column 3 decision	column 4 entity
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
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

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

90 New schedule 2*insert***Schedule 2 Notifiable actions**

(see s 173C)

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

91 Dictionary*substitute***Dictionary**

(see s 3)

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

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

- ACAT
- ACT
- adult
- appoint
- business day
- child
- contravene
- Corporations Act
- Criminal Code
- daily newspaper
- disallowable instrument (see s 9)
- Executive
- fail
- found guilty
- gambling and racing commission
- individual
- law, of the Territory
- Legislation Act
- may (see s 146)
- must (see s 146)
- penalty unit (see s 133)
- prescribed
- regulation

- reviewable decision notice
- State
- the Territory
- under.

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

approval, for division 6.6 (Repossession of gaming machines)—see section 105A.

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

approval-holder—see section 38A.

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

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

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

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

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

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

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

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

authorisation certificate number—

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

authorisation number—

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

authorisation schedule—

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

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

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

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

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

class B gaming machine—

- (a) means a gaming machine consisting of the game of draw poker, or a game derived from draw poker, that requires player interaction or intervention as part of the fundamental game operation; but

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

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

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

class B licensee, for division 6.10 (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 6.10 (Trading of authorisations and gaming machines)—see section 127B.

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

CMS—see *centralised monitoring system*.

commission means the gambling and racing commission.

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

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

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

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

constitution means—

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

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

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

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

corporation includes a club.

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

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

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

dispose of a gaming machine includes the following:

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

eligible club—see section 146.

eligible object—see section 145.

eligible person—

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

employ includes engage.

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

external administrator, for a licensee, for division 6.6 (Repossession of gaming machines)—see section 105A.

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

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

gaming area—

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

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

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

gaming machine—

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

gaming machine tax means the tax imposed by section 159.

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

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

general purpose, for a storage permit, for division 6.11 (Storage of authorisations and gaming machines)—see section 127N (a).

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

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

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

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

incorporated association means an association incorporated under the [Associations Incorporation Act 1991](#).

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

influential person, for a corporation—see section 8.

in-principle authorisation certificate—see section 38A.

inspection notice, for division 6.11 (Storage of authorisations and gaming machines)—see section 127ZE (1).

interim purpose, for a storage permit, for division 6.11 (Storage of authorisations and gaming machines)—see section 127N (b).

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

licence—

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

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

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

licence number—

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

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

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

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

linked jackpot means winnings under a linked-jackpot arrangement operated under an approval or permit under part 8.

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

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

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

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

local jurisdiction means a State or New Zealand.

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

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

member, of a club, means—

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

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

multi-user permit—see section 135.

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

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

notifiable action—see section 173C.

officer of a club—

- (a) means—
 - (i) any office-holder of the club (however described), including the secretary, treasurer, executive officer or public officer; or
 - (ii) anyone else concerned in or who takes part in the management of the club's affairs; but
- (b) does not include a patron or the holder of another honorary office of the club if the office does not give its holder a right to take part in the management of the club's affairs.

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

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

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

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

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

permit, for division 6.11 (Storage of authorisations and gaming machines)—see section 127M.

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

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

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

problem gambling assistance fund—see section 163B.

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

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

quarantined authorisation, for division 6.11 (Storage of authorisations and gaming machines)—see section 127M.

quarantined gaming machine, for division 6.11 (Storage of authorisations and gaming machines)—see section 127M.

quarantine period, for a gaming machine and authorisation to which a quarantine permit applies, for division 6.11 (Storage of authorisations and gaming machines)—see section 127M.

quarantine permit, for division 6.11 (Storage of authorisations and gaming machines)—see section 127Q.

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

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

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

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

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

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

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

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 6.11 (Storage of authorisations and gaming machines)—see section 127M.

storage permit—see section 127L.

storage rules, for division 6.11 (Storage of authorisations and gaming machines)—see section 127M.

stored authorisation, for division 6.11 (Storage of authorisations and gaming machines)—see section 127M.

stored gaming machine, for division 6.11 (Storage of authorisations and gaming machines)—see section 127M.

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

technical amendment—see section 37B (1).

technical evaluation means a technical evaluation under section 69.

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

92 Further amendments, mentions of *licensed* etc

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 43	licensed	authorised
2	section 44	the licensed	the licensee's authorised
3	section 45 (1) (a)	licensed	authorised
4	section 46 (1) and (2)	licensed	authorised
5	section 52 (a)	the licensed	the licensee's authorised
6	section 71 (1)	licensed	authorised
7	section 105 (1) and (2)	licensed	authorised
8	section 120 (1) (a)	licensed	authorised
9	section 121 (1) (a)	licensed	authorised
10	section 122 (1) (a)	licensed	authorised
11	section 123 (1) (a)	licensed	authorised
12	section 124 (1)	licensed	authorised
13	section 128 (1) (a)	licensed	authorised
14	section 134 (4) (a) (i)	licensed	authorised
15	section 135 (4) (b)	licensed	authorised
16	section 136 (1) (a) (i)	licensed	authorised
17	section 139 (1) (d) and (3) (c)	licensed	authorised
18	part 10 heading	licensed	authorised

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
19	section 151 (2)	licensed	authorised
20	section 152 (1)	the licensed	the licensee's authorised
21	section 152 (3), definition of <i>external sign</i>	licensed	authorised
22	section 152A (1)	the licensed	the licensee's authorised
23	section 153 (1)	the licensed	the licensee's authorised
24	section 153 (2)	licensed	authorised
25	section 153A (1) (a)	the licensed	the licensee's authorised
26	section 153A (1) (b) and (2)	licensed	authorised
27	section 153A (4), definition of <i>gaming day</i>	licensed	authorised
28	section 154 (1) (b) (i)	the licensed	the licensee's authorised
29	section 154 (1) (b) (ii)	licensed	authorised
30	section 157 (1) (a)	licensed	authorised
31	section 165 (2)	licensed	authorised

93 Further amendments, mentions of *machine* etc

column 1 item	column 2 provision	column 3 <i>before</i>	column 4 <i>insert</i>
1	section 45 (2) (a)	machine	gaming
2	section 67 (2)	machines	gaming
3	section 70 (1) (a) and (b)	machine	gaming
4	section 70 (2)	machine	gaming

column 1 item	column 2 provision	column 3 <i>before</i>	column 4 <i>insert</i>
5	section 70 (2), except example	machines	gaming
6	section 71 (2) (a)	machine	gaming
7	section 103 (2) (b) to (e)	machine	gaming
8	section 107 (2)	machine	gaming
9	section 108 (3) (a) to (c)	machine	gaming
10	section 109 (2)	machine	gaming
11	section 112 (2)	machine	gaming
12	section 113 (2)	machine	gaming
13	section 134 (3) (a) (iii)	machine	gaming
14	section 134 (4) (a) (i) and (ii)	machine	gaming
15	section 134 (4) (a) (i)	machines	gaming
16	section 135 (3) (c) (ii)	machine	gaming
17	section 135 (3) (e)	machines	gaming
18	section 136 (1) (a) (i)	machine	gaming
19	section 136 (1) (a) (i)	machines	gaming
20	section 136 (1) (a) (ii)	machine	gaming
21	section 136 (2)	machines	gaming
22	section 138 (1)	machines	gaming
23	section 139 (3) (a) (i)	machines	gaming
24	section 139 (3) (a) (ii)	machine	gaming
25	section 139 (3) (b) (ii)	machine	gaming
26	section 139 (3) (d)	machines	gaming
27	section 140 (3) (b)	machines	gaming

Section 93

column 1 item	column 2 provision	column 3 <i>before</i>	column 4 <i>insert</i>
28	section 161 (1) (a) and (b)	machine	gaming

Schedule 1 Other amendments— compulsory surrender

(see s 4)

[1.1] Part 2A

substitute

Part 2A Gaming machine authorisation numbers

10 Maximum number of authorisations for gaming machines allowed in ACT

The maximum number of authorisations for gaming machines for all authorised premises in the ACT must not exceed 15 authorisations for every 1 000 adults living in the ACT.

10A Gaming machine numbers—2-yearly analysis

- (1) The Minister must, at least once every 2 years—
 - (a) undertake an analysis to establish the maximum number of authorisations for gaming machines for all authorised premises in the ACT; and
 - (b) table a report of the analysis in the Legislative Assembly within 3 months after it is undertaken.
- (2) The Minister must undertake the first analysis on the commencement of this section.
- (3) Subsection (2) and this subsection expire 1 year after the day this section commences.

10B Gaming machine numbers—compulsory surrender if maximum exceeded

- (1) This section applies if, on the commencement day, the number of authorisations for gaming machines for all authorised premises in the ACT exceeds the number allowed under section 10 (Maximum number of authorisations for gaming machines allowed in ACT).
- (2) A licensee allowed to have 20 or more authorisations for gaming machines on the premises to which an authorisation certificate relates (an *affected licensee*) must surrender the number of authorisations for gaming machines prescribed by regulation.
- (3) If an authorisation for a gaming machine is to be surrendered under subsection (2) and the affected licensee has a gaming machine under the authorisation, the affected licensee must, at the time of surrender—
 - (a) take meter readings from the gaming machine; and
 - (b) render the gaming machine inoperable.
- (4) An affected licensee must, not later than the required time, give the commission written notice of the following:
 - (a) each authorisation for a gaming machine to be surrendered under each authorisation certificate held by the licensee, including—
 - (i) the serial number of the gaming machine under the authorisation; and
 - (ii) the gaming machine's authorisation number;
 - (b) that the licensee needs a storage permit for the gaming machine under an authorisation to be surrendered under subsection (2).

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

- (5) At the end of the required time, the commission must—
- (a) amend each authorisation certificate and the authorisation schedule held by the affected licensee to reduce the maximum number of authorisations for gaming machines the licensee may have under the authorisation certificate by the number prescribed by regulation; and
 - (b) if the affected licensee has not given the commission the information mentioned in subsection (4), give the affected licensee written notice that—
 - (i) not later than 14 days after the licensee receives the notice, the licensee must tell the commission about the authorisations that are to be surrendered under each authorisation certificate; and
 - (ii) a failure to comply with the notice may be a ground for disciplinary action or an offence.

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

- (6) The commission must give the affected licensee a storage permit for an interim purpose for each gaming machine under an authorisation to be surrendered under the licensee's authorisation certificate.

Note 1 For provisions about storage permits, see div 6.11.

Note 2 A gaming machine stored under a storage permit is to be disposed of before the permit ends—see s 127T (1) (i).

- (7) In this section:

commencement day means the day the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1 (Other amendments—compulsory surrender) commences.

required time means 28 days after the commencement day.

- (8) This section expires 1 year after the commencement day.

10C Maximum gaming machine authorisation numbers exceeded—compulsory surrender

- (1) This section applies if an analysis under section 10A (Gaming machine numbers—2-yearly analysis) shows that the number of authorisations for gaming machines for all authorised premises in the ACT is more than the maximum number allowed under section 10 (Maximum number of authorisations for gaming machines allowed in ACT).
- (2) The Minister must undertake an analysis of the population growth of the ACT for the period prescribed by regulation.
- (3) If, 18 months after the analysis under section 10A is undertaken, the number of authorisations for gaming machines for all authorised premises in the ACT continues to be more than the maximum number allowed under section 10, each licensee must surrender the number of authorisations prescribed by regulation.
- (4) If a licensee must surrender an authorisation under subsection (3) and the licensee has a gaming machine under the authorisation, the licensee must—
 - (a) take meter readings from the gaming machine; and
 - (b) render the gaming machine inoperable.
- (5) The licensee must, not later than the required time, give the commission written notice of the following:
 - (a) each authorisation certificate held by the licensee, including the maximum number of authorisations for gaming machines the licensee may have under the authorisation certificate;

Note An authorisation certificate includes an authorisation schedule (see s 27 (1) (h) for class C licences and s 30 (3) (j) for class B licences).

- (b) any gaming machine under each authorisation to be surrendered, including—
 - (i) the serial number of, and authorisation number for, the gaming machine; and
 - (ii) the meter readings recorded under subsection (4) (a);
- (c) that the licensee needs a storage permit for each gaming machine under an authorisation to be surrendered under subsection (3).

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

- (6) At the end of the required time, the commission must—
 - (a) amend each authorisation schedule held by the licensee to reduce the maximum number of authorisations for gaming machines the licensee may have under the authorisation certificate by the number prescribed by regulation; and

Note An authorisation schedule is included in each authorisation certificate issued to a licensee (see s 27 (1) (h) for class C licences and s 30 (3) (j) for class B licences).

- (b) if the licensee has not given the commission the information mentioned in subsection (5)—give the licensee written notice that—
 - (i) not later than 14 days after the day the licensee receives the notice, the licensee must tell the commission about the authorisations, and any gaming machines under the authorisations, that are to be surrendered under each authorisation certificate; and
 - (ii) a failure to comply with the notice may be a ground for disciplinary action or an offence.

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

- (7) The commission must give the licensee a storage permit for an interim purpose for each gaming machine under an authorisation to be surrendered under the licensee's authorisation certificate.

Note 1 For provisions about storage permits, see div 6.11.

Note 2 A gaming machine stored under a storage permit for an interim purpose is to be disposed of before the permit ends (see s 127T (1) (j)).

- (8) In this section:

required time means 28 days after the day the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1 (Other amendments—compulsory surrender) commences.

10D Maximum gaming machine authorisation numbers not exceeded—authorised tender

- (1) This section applies if an analysis under section 10A (Gaming machine numbers—2-yearly analysis) shows that the number of authorisations for gaming machines on all authorised premises in the ACT is less than the maximum number allowed under section 10 (Maximum number of authorisations for gaming machines allowed in ACT).
- (2) The Minister may declare that—
- (a) additional authorisations may be acquired by licensees by tender (an ***authorisation tender***); and
 - (b) the trading of authorisations under division 6.10 (Trading of authorisations and gaming machines) must cease during the period of the authorisation tender.
- (3) A declaration is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (4) A regulation may prescribe the following:
- (a) the frequency of, and the conditions for holding, authorisation tenders;

- (b) the conditions under which an authorisation tender is to be conducted, including how a licensee may apply to participate in the tender;
- (c) how a reserve or maximum price for an authorisation is to be determined, including the formula to be applied for calculating the reserve or maximum price for an authorisation;
- (d) who is to conduct an authorisation tender;
- (e) that a licensee may nominate a maximum amount for which the licensee will sell or buy an authorisation;
- (f) whether a licensee will need a social impact assessment for acquiring an authorisation by tender.

10E Acquisition of authorisations by tender

If a licensee acquires an authorisation by an authorisation tender, the licensee must tell the commission about a gaming machine acquired under the authorisation.

Note The acquisition of a gaming machine under this section is a notifiable action (see pt 13A and sch 2).

[1.2] Section 127M, definitions

omit the definitions of

permit

quarantined authorisation

quarantined gaming machine

quarantine period

quarantine permit

[1.3] Subdivision 6.11.3

omit

[1.4] Section 127S (1) (b) (ii), examples

substitute

Example

storage permit for an interim purpose

[1.5] Section 127S (1) (b) (viii)

omit

or quarantined

[1.6] Section 127T (1)

omit

or quarantined

[1.7] Section 127U (2), notes 1 and 2

omit

[1.8] Section 127X (1)

omit

or quarantined

[1.9] Section 127ZB

omit

or quarantined

[1.10] Section 127ZD

omit

[1.11] New section 173FA*insert***173FA Notifiable actions under s 10E**

- (1) This section applies to a notifiable action under section 10E (Acquisition of authorisations by tender).
- (2) The notification for the notifiable action must also include the following information in relation to a gaming machine acquired under the authorisation:
 - (a) the gaming machine's serial number;
 - (b) the gaming machine's meter reading at the time of the acquisition;
 - (c) the gaming machine's authorisation number.

[1.12] Schedule 2, new item 1A*before item 1, insert*

1A	10E	acquisition of a gaming machine as a consequence of an authorisation acquired under an authorisation tender
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[1.13] Dictionary*omit the definitions of**permit**quarantined authorisation**quarantined gaming machine**quarantine period**quarantine permit*

[1.14] Further amendments, mentions of *permit*

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	subdivision 6.11.4 heading	Permit	Storage permit
2	section 127S heading	Permit	Storage permit
3	section 127S	permit	storage permit
4	subdivision 6.11.5 heading	Permits	Storage permits
5	section 127T heading	Permit	Storage permit
6	section 127T	permit	storage permit
7	section 127U heading	Permit	Storage permit
8	section 127U	permit	storage permit
9	subdivision 6.11.6 heading	Permits	Storage permits
10	section 127X heading	Permit	Storage permit
11	section 127X	permit	storage permit
12	section 127Y heading	Permit	Storage permit
13	section 127Y	permit	storage permit
14	section 127Z heading	Permit	Storage permit
15	section 127Z	permit	storage permit
16	section 127ZA heading	Permit	Storage permit
17	section 127ZA heading	permit	storage permit
18	section 127ZA	permit	storage permit
19	subdivision 6.11.7 heading	Permits	Storage permits
20	subdivision 6.11.7 heading	permits	storage permits

column 1 item	column 2 provision	column 3 omit	column 4 substitute
21	section 127ZB heading	permits	storage permits
22	section 127ZB	permit	storage permit
23	section 127ZC heading	permits	storage permits
24	section 127ZC (3) (a) and (b)	Permit	Storage permit
25	subdivision 6.11.8 heading	Permits	Storage permits
26	section 127ZE heading	permits	storage permits
27	section 127ZE (1)	permit	storage permit
28	section 127ZF (1)	permit	storage permit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 14 May 2015.

2 Notification

Notified under the [Legislation Act](#) on 15 June 2015.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Gaming Machine (Reform) Amendment Bill 2015, which was passed by the Legislative Assembly on 4 June 2015.

Clerk of the Legislative Assembly

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