



Australian Capital Territory

Casino (Electronic Gaming) Act 2017

A2017-42

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Australian Capital Territory

Casino (Electronic Gaming) Act 2017

A2017-42

An Act to regulate electronic gaming in the casino, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Casino (Electronic Gaming) Act 2017*.

2 Commencement

- (1) This Act (other than schedule 4) 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)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

- (2) Schedule 4 commences on the commencement of the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1.

3 Dictionary

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

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

For example, the signpost definition ‘*casino licensee*—see the *Casino Control Act 2006*, dictionary.’ means that the term ‘casino licensee’ is defined in that dictionary and the definition applies to this Act.

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

4 Notes

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

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

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

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

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

Note 2 *Penalty units*

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

Part 2 Important concepts

6 Casino gaming machine authorisation certificate—*maximum possible number of authorisations*

The *maximum possible number* of casino gaming machine authorisations allowed under a casino gaming machine authorisation certificate is 200.

7 Casino FATG authorisation certificate—*maximum possible number of authorisations*

The *maximum possible number* of casino FATG terminal authorisations allowed under a casino FATG authorisation certificate is 60.

8 Meaning of *social impact assessment*

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

Note A social impact assessment is required for—

- (a) an application for a casino gaming machine authorisation certificate (see s 10); and
 - (b) an application for a casino FATG authorisation certificate (see s 13).
- (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.

9 Social impact assessment—publication

- (1) This section applies if the casino licensee applies for either of the following and is required to provide a social impact assessment with the application:
 - (a) a casino gaming machine authorisation certificate;
 - (b) a casino FATG authorisation certificate.
 - (2) The casino licensee must give public notice of the application, stating that—
 - (a) the social impact assessment for the application will be available for inspection by members of the public for 8 weeks after a day stated in the public notice (the *comment period*)—
 - (i) at a place in the ACT named on the commission’s website during ordinary business hours; and
 - (ii) on the commission’s website; and
 - (b) any written submissions about the social impact assessment may be made to the commission within the comment period.
- Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).
- Note 2* If a form is approved under the [Control Act](#), s 53D for a public notice, the form must be used.
- (3) Before the comment period begins, the casino licensee must give the commission—
 - (a) the social impact assessment for the application; and
 - (b) a copy of the public notice.

- (4) The casino licensee must—
- (a) on or before the day the public notice is given, place a sign (the *information sign*) containing information about the application in a prominent position outside each public entrance to the premises to which the application relates; and
 - (b) ensure that the sign stays there for the comment period.
- (5) However, the casino licensee 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 during the comment period—
- (a) at a place in the ACT named on the commission’s website during ordinary business hours; and
 - (b) by publishing the assessment on the commission’s website.
- (8) The commission must not decide the application until the comment period has ended.

Part 3 Authorisations for electronic gaming

Division 3.1 Casino gaming machine authorisation certificate

10 Casino gaming machine authorisation certificate—application

- (1) The casino licensee may apply to the commission for an authorisation certificate to have up to the maximum possible number of authorisations for casino gaming machines at the casino.

Note 1 **Maximum possible number**, of authorisations for casino gaming machines—see s 6.

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 53 for this provision.

- (2) The application must—
- (a) be in writing signed by the casino licensee; and
 - (b) state the maximum number of authorisations for casino gaming machines for which the authorisation certificate is sought; and
 - (c) be accompanied by—
 - (i) a social impact assessment for the application; and
 - (ii) any other documents prescribed by regulation.
- (3) The commission may, in writing, require the casino licensee to give the commission additional information, within the time stated by the commission, that the commission reasonably needs to decide the application.

- (4) If the casino licensee does not comply with a requirement under subsection (3) within the time stated by the commission—
- (a) the commission may refuse to consider the application; and
 - (b) if the commission refuses to consider the application—the application lapses.

**11 Casino gaming machine authorisation certificate—
decision on application**

- (1) This section applies if the commission receives an application under section 10 for an authorisation certificate.
- (2) The commission must issue an authorisation certificate (a *casino gaming machine authorisation certificate*) to the casino licensee for the maximum number of authorisations for casino gaming machines stated in the application if the commission—
- (a) has taken into consideration the social impact assessment for the application and any submission made on the assessment within the comment period under section 9 (Social impact assessment—publication); and
 - (b) is satisfied the issue of the authorisation certificate is appropriate.

Note An authorisation acquired by the casino licensee under s 16 is a restricted authorisation until certain conditions are met (see s 21 and s 22). Casino gaming machines are not to be operated under restricted authorisations (see s 18 (2)).

12 Casino gaming machine authorisation certificate—form

- (1) A casino gaming machine authorisation certificate must—
- (a) include the casino licensee's name; and
 - (b) include a unique identifying number (a *casino gaming machine authorisation certificate number*); and

- (c) state the maximum number of authorisations for casino gaming machines allowed under the authorisation certificate; and
 - (d) state that—
 - (i) an authorisation under the authorisation certificate is a restricted authorisation; and
 - (ii) a restricted authorisation may be converted to a casino gaming machine authorisation under section 22 (Conversion of restricted authorisations—decision); and
 - (iii) a casino gaming machine may only be operated under a casino gaming machine authorisation; and
 - (e) include a schedule (an *authorisation schedule*) that contains a unique identifying number for each authorisation (an *authorisation number*) under the authorisation certificate.
- (2) A regulation may prescribe other requirements in relation to the form of the authorisation certificate or authorisation schedule.

Division 3.2 Casino FATG authorisation certificate

13 Casino FATG authorisation certificate—application

- (1) The casino licensee may apply to the commission for an authorisation certificate to have up to the maximum possible number of authorisations for casino FATG terminals at the casino.

Note 1 **Maximum possible number**, of authorisations for casino FATG terminals—see s 7.

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 53 for this provision.

- (2) The application must—
- (a) be in writing signed by the casino licensee; and

- (b) state the maximum number of authorisations for casino FATG terminals for which the authorisation certificate is sought; and
- (c) be accompanied by—
 - (i) a social impact assessment for the application; and
 - (ii) any other documents prescribed by regulation.
- (3) The commission may, in writing, require the casino licensee to give the commission additional information, within the time stated by the commission, that the commission reasonably needs to decide the application.
- (4) If the casino licensee does not comply with a requirement under subsection (3) within the time stated by the commission—
 - (a) the commission may refuse to consider the application; and
 - (b) if the commission refuses to consider the application—the application lapses.

14 Casino FATG authorisation certificate—decision on application

- (1) This section applies if the commission receives an application under section 13 for an authorisation certificate.
- (2) The commission must issue an authorisation certificate (a *casino FATG authorisation certificate*) to the casino licensee for the maximum number of authorisations for casino FATG terminals stated in the application if the commission—
 - (a) has taken into consideration the social impact assessment for the application and any submission made on the assessment within the comment period under section 9 (Social impact assessment—publication); and

- (b) is satisfied the issue of the authorisation certificate is appropriate.

Note An authorisation acquired by the casino licensee under s 16 is a restricted authorisation until certain conditions are met (see s 21 and s 22). Casino gaming machines are not to be operated under restricted authorisations (see s 18 (2)).

15 Casino FATG authorisation certificate—form

- (1) A casino FATG authorisation certificate must—
- (a) include the casino licensee’s name; and
 - (b) include a unique identifying number (a *casino FATG authorisation certificate number*); and
 - (c) state the maximum number of authorisations for casino FATG terminals allowed under the authorisation certificate; and
 - (d) state that—
 - (i) an authorisation under the authorisation certificate is a restricted authorisation; and
 - (ii) a restricted authorisation may be converted to a casino FATG terminal authorisation under section 22 (Conversion of restricted authorisations—decision); and
 - (iii) only 1 casino FATG terminal may be operated under each casino FATG terminal authorisation; and
 - (e) include a schedule (an *authorisation schedule*) that contains a unique identifying number for each authorisation (an *authorisation number*) under the authorisation certificate.
- (2) A regulation may prescribe other requirements in relation to the form of the authorisation certificate or authorisation schedule.

Part 4 Acquiring authorisations

16 Acquiring authorisations for casino gaming machines and casino FATG terminals

- (1) This section applies if the casino licensee—
 - (a) is issued a casino gaming machine authorisation certificate or a casino FATG authorisation certificate; and
 - (b) has less than the maximum number of authorisations allowed under the authorisation certificate.
- (2) If the casino licensee intends to acquire a gaming machine authorisation for conversion to a casino gaming machine authorisation or a casino FATG terminal authorisation, the casino licensee must notify the commission about the proposed acquisition.

Note 1 The acquisition of an authorisation is a notifiable action (see pt 10 and sch 2).

Note 2 A notifiable action takes effect—

- (a) the prescribed number of days after the day the commission receives the notification (see s 50 (a)); or
 - (b) if the commission allows the notifiable action to take effect on an earlier day—that day (see s 50 (b)); or
 - (c) if the commission asks for additional information under s 49 (3)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 50 (c)).
- (3) The casino licensee—
 - (a) may acquire authorisations from 1 or more class B or class C licensees (a *disposing licensee*); and
 - (b) must acquire at least 50% of the maximum number of authorisations allowed under the authorisation certificate from the following:
 - (i) 1 or more small or medium clubs;

- (ii) 1 or more small or medium club groups;
 - (iii) 1 or more class B licensees.
- (4) However, an authorisation acquired under subsection (3) must be acquired without the gaming machine operated under the authorisation.
- (5) The disposing licensee may dispose of 1 or more authorisations to the casino licensee.

Note The disposing licensee must apply to the commission for a storage permit for an interim purpose for each related gaming machine of an authorisation disposed of under this section (see s 19).

17 Acquiring authorisations—forfeiture requirement

- (1) If the casino licensee acquires an authorisation from a class B or class C licensee (the *disposing licensee*) under section 16, the casino licensee—
- (a) must acquire the authorisations in groups of 3; and
 - (b) may acquire the 3 authorisations from more than 1 class B or class C licensee.
- (2) However, the casino licensee may acquire less than 3 authorisations if the casino licensee acquires the authorisations from a disposing licensee who—
- (a) intends to surrender an authorisation certificate under the *Gaming Machine Act 2004*, section 37F (Surrender of licences, authorisation certificates and authorisations); and
 - (b) has less than 3 authorisations to dispose of under the authorisation certificate.
- (3) The casino licensee must forfeit 1 authorisation to the Territory for every 3 authorisations the licensee acquires under this section.

- (4) The casino licensee is not entitled to claim compensation from the Territory for an authorisation forfeited to the Territory under subsection (3).

18 Offence—acquiring authorisations

- (1) The casino licensee commits an offence if—
- (a) the casino licensee acquires an authorisation; 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.

19 Disposal of gaming machines—application for storage permit

If a class B or class C licensee (the *disposing licensee*) disposes of an authorisation under section 16, the disposing licensee must—

- (a) apply for a storage permit for an interim purpose under the [Gaming Machine Act 2004](#), section 127O (Storage permit—application) for the related gaming machine (if any); and
- (b) dispose of the gaming machine in accordance with that [Act](#), section 113A (Disposal of gaming machines—notifiable action).

20 Restricted status of acquired authorisations

An authorisation acquired by the casino licensee from a class B or class C licensee becomes a *restricted authorisation* when it is acquired.

Note 1 The casino licensee must not operate a casino gaming machine or casino FATG terminal under a restricted authorisation. The casino licensee may only operate a casino gaming machine under a casino gaming machine authorisation and a casino FATG terminal under a casino FATG terminal authorisation (see s 25).

Note 2 The casino licensee may apply to the commission under s 21 to have a restricted authorisation converted to a casino gaming machine authorisation or casino FATG terminal authorisation.

Part 5 Conversion of restricted authorisations

21 Conversion of restricted authorisations—application

- (1) The casino licensee may apply to the commission to have a restricted authorisation converted to an authorisation to operate a casino gaming machine (a *casino gaming machine authorisation*) or a casino FATG terminal (a *casino FATG terminal authorisation*).
- (2) The application must—
 - (a) be in writing signed by the casino licensee; and
 - (b) state the number of restricted authorisations to be converted and the kind of authorisation to which the restricted authorisations are to be converted; and
 - (c) be accompanied by the required documents for 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 53 for this provision.

- (3) For subsection (2) (c), the *required documents* are the following:
 - (a) written evidence that the planning and land authority has—
 - (i) approved a development proposal by the casino licensee in relation to the redevelopment of the casino and the casino precinct; and

- (ii) certified that the casino licensee has completed the stage of development prescribed by regulation for the maximum number of restricted authorisations to be converted;

Examples—written evidence

- 1 a certificate of conformance
- 2 a developer deed

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) a plan of the development where casino gaming machines or casino FATG terminals are to be installed (the *proposed gaming area*) that—
 - (i) is drawn to scale; and
 - (ii) clearly shows the location, boundaries and dimensions of the proposed gaming area;
- (c) a copy of the current rules for gaming (the *gaming rules*) the casino licensee has adopted in relation to operation of casino gaming machines or casino FATG terminals;

Examples—what gaming rules may cover

- 1 how long a casino gaming machine or casino FATG terminal may be reserved for
 - 2 who may play the casino gaming machines or casino FATGs
 - 3 banning of extension of credit to players
 - 4 cash payment limits
- (d) a copy of the current procedures the casino licensee has adopted to control the operation of casino gaming machines or casino FATGs at the casino (the *control procedures*);
 - (e) any other documents required by regulation.

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

22 Conversion of restricted authorisations—decision

- (1) If the commission receives an application from the casino licensee under section 21 to convert a restricted authorisation to a casino gaming machine authorisation or casino FATG terminal authorisation, the commission may—
 - (a) convert the restricted authorisation to a casino gaming machine authorisation or casino FATG terminal authorisation; or
 - (b) refuse to convert the restricted authorisation to a casino gaming machine authorisation or casino FATG terminal authorisation.

Note If additional information in relation to the 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 21 (5) (b)).

- (2) The commission must convert the number of restricted authorisations stated in the application to casino gaming machine authorisations or casino FATG terminal authorisations in accordance with the application if satisfied—
 - (a) that the planning and land authority has—
 - (i) approved a development proposal by the casino licensee in relation to redevelopment of the casino and the casino precinct; and

- (ii) certified in writing that the casino licensee has completed the stage of development prescribed by regulation for the maximum number of restricted authorisations sought to be converted; and
- (b) that—
 - (i) the location, boundaries and dimensions of the proposed gaming area are suitable for the installation of the number of casino gaming machines or casino FATG terminals stated in the application; and
 - (ii) the control procedures mentioned in section 21 (3) (d) and the gaming rules the casino licensee has adopted for the purpose of controlling the operation of casino gaming machines are adequate for that purpose; and
 - (iii) the casino has sufficient harm minimisation strategies in place for patrons.
- (3) The commission may convert a lower number of restricted authorisations to casino gaming machine authorisations or casino FATG terminal authorisations than the number stated in the application if satisfied that the size and layout of the proposed gaming area are only suitable for the installation of the lower number of casino gaming machines or casino FATG terminals.
- (4) If the commission refuses to convert a restricted authorisation to a casino gaming machine authorisation or casino FATG terminal authorisation, the commission must tell the casino licensee, in writing, the reasons for the decision.

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

23 Status of restricted authorisations if development approval ends under Planning and Development Act 2007, s 184 or because no approval given

- (1) This section applies if—
- (a) the casino licensee has a restricted authorisation under a casino gaming machine authorisation certificate or casino FATG authorisation certificate; and
 - (b) either—
 - (i) the development approval for the redevelopment of the casino and casino precinct ends under the *Planning and Development Act 2007*, section 184 (End of development approvals other than lease variations); or
 - (ii) no development approval for the redevelopment of the casino and casino precinct is given within 5 years after the commencement of this section.

Examples—par (b) (ii)

- 1 No development approval is given because no development application is made within 5 years after the commencement of this section.
- 2 No development approval is given because a development application that is made is later withdrawn.

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

- (2) The restricted authorisation is forfeited to the Territory.
- (3) The casino licensee is not entitled to claim compensation from the Territory for an authorisation forfeited to the Territory under subsection (2).

24 Status of restricted authorisations if development approval ends in other circumstances

- (1) This section applies if—
- (a) the casino licensee has a restricted authorisation under a casino gaming machine authorisation certificate or casino FATG authorisation certificate; and
 - (b) the development approval for the redevelopment of the casino and casino precinct ends otherwise than—
 - (i) under the *Planning and Development Act 2007*, section 184 (End of development approvals other than lease variations); or
 - (ii) because the redevelopment of the casino and casino precinct is completed in accordance with the approval.
- (2) The casino licensee may dispose of 1 or more authorisations to a class C licensee.

Note 1 The disposal of an authorisation is a notifiable action (see pt 10 and sch 2).

Note 2 A notifiable action takes effect—

- (a) the prescribed number of days after the day the commission receives the notification (see s 50 (a)); or
- (b) if the commission allows the notifiable action to take effect on an earlier day—that day (see s 50 (b)); or
- (c) if the commission asks for additional information under s 49 (3)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 50 (c)).

Note 3 A class C licensee may only acquire an authorisation if the class C licensee has less than the maximum number of authorisations for class C gaming machines allowed under the licensee's authorisation certificate (see *Gaming Machine Act 2004*, s 127E and s 127G).

- (3) The casino licensee must dispose of the authorisations not later than 3 months after the date the development approval ends.

- (4) An authorisation not disposed of within the 3 months is forfeited to the Territory.
- (5) The casino licensee is not entitled to claim compensation from the Territory for an authorisation forfeited to the Territory under subsection (4).

25 Status of converted authorisations if development approval ends

- (1) This section applies if—
 - (a) the casino licensee has a casino gaming machine authorisation or casino FATG terminal authorisation; and
 - (b) the development approval for the redevelopment of the casino ends for a reason other than because the redevelopment is completed in accordance with the approval.
- (2) To remove any doubt—
 - (a) the authorisation remains in force; and
 - (b) a casino gaming machine or casino FATG terminal operated under the authorisation may continue to be operated.

Part 6

Acquiring casino gaming machines and casino FATG terminals

26 Acquiring casino gaming machine under authorisation

- (1) The casino licensee may acquire a casino gaming machine under an authorisation only if, when the gaming machine is acquired, the authorisation is a casino gaming machine authorisation.

Note 1 The acquisition of a casino gaming machine is a notifiable action (see pt 10 and sch 2).

Note 2 A notifiable action takes effect—

- (a) the prescribed number of days after the day the commission receives the notification (see s 50 (a)); or
 - (b) if the commission allows the notifiable action to take effect on an earlier day—that day (see s 50 (b)); or
 - (c) if the commission asks for additional information under s 49 (3)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 50 (c)).
- (2) A casino gaming machine acquired under a casino gaming machine authorisation must—
- (a) have a stake amount that is not more than—
 - (i) \$2; or
 - (ii) if a regulation prescribes a lower amount—the lower amount; and
 - (b) be able to be connected to a system (a *centralised monitoring system*) approved by the commission that—
 - (i) monitors the operation and performance of casino gaming machines; and
 - (ii) can perform other related functions; and

- (c) satisfy any other harm minimisation requirements prescribed by regulation.
- (3) An approval under subsection (2) (b) is a notifiable instrument.
Note A notifiable instrument must be notified under the [Legislation Act](#).
- (4) A regulation may provide for the approval and operation of a centralised monitoring system.
- (5) The casino licensee commits an offence if—
 - (a) the casino licensee allows a person to use a casino gaming machine in the casino; and
 - (b) the gaming machine has a stake amount that is more than—
 - (i) \$2; or
 - (ii) if a regulation prescribes a lower amount—the lower amount.

Maximum penalty: 100 penalty units.

- (6) An offence against subsection (5) is a strict liability offence.
- (7) Subsection (5) does not apply if the casino licensee took all reasonable steps to ensure the casino gaming machine had a stake amount that was not more than the amount mentioned in subsection (5) (b).

Note The defendant has an evidential burden in relation to the matters mentioned in s (7) (see [Criminal Code](#), s 58).

27 Offence—operating etc casino gaming machines without casino gaming machine authorisation

- (1) The casino licensee commits an offence if the licensee—
 - (a) does any of the following:
 - (i) possesses a casino gaming machine;
 - (ii) permits the installation of a casino gaming machine;

- (iii) installs a casino gaming machine;
 - (iv) permits the use of a casino gaming machine;
 - (v) uses a casino gaming machine; and
- (b) does not have a casino gaming machine authorisation for the casino gaming machine.

Maximum penalty: 100 penalty units.

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

28 Acquiring casino FATG terminal under authorisation

- (1) The casino licensee may acquire a casino FATG terminal under an authorisation only if, when the FATG terminal is acquired, the authorisation is a casino FATG terminal authorisation.

Note 1 The acquisition of a casino FATG terminal authorisation is a notifiable action (see pt 10 and sch 2).

Note 2 A notifiable action takes effect—

- (a) the prescribed number of days after the day the commission receives the notification (see s 50 (a)); or
 - (b) if the commission allows the notifiable action to take effect on an earlier day—that day (see s 50 (b)); or
 - (c) if the commission asks for additional information under s 49 (3)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 50 (c)).
- (2) A casino FATG terminal acquired under a casino FATG terminal authorisation must—
- (a) be able to be connected to a system (a ***centralised monitoring system***) approved by the commission that—
 - (i) monitors the operation and performance of casino FATG terminals; and
 - (ii) can perform other related functions; and

(b) satisfy any other harm minimisation requirements prescribed by regulation.

(3) An approval under subsection (2) (a) is a notifiable instrument.

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

(4) A regulation may provide for the approval and operation of a centralised monitoring system.

29 Offence—operating etc casino FATG terminals without casino FATG terminal authorisation

(1) The casino licensee commits an offence if the licensee—

(a) does any of the following:

(i) possesses a casino FATG terminal;

(ii) permits the installation of a casino FATG terminal;

(iii) installs a casino FATG terminal;

(iv) permits the use of a casino FATG terminal;

(v) uses a casino FATG terminal; and

(b) does not have an authorisation for the casino FATG terminal.

Maximum penalty: 100 penalty units.

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

Part 7 Casino gaming machines— pre-commitment system

30 Definitions—pt 7

In this part:

net loss, in relation to a person playing casino gaming machines, means the total amount the person loses when playing the gaming machines, less the amount of winnings paid for playing the gaming machines.

net loss limit, in relation to the playing of 1 or more casino gaming machines, means the amount a person playing the machines is prepared to lose during a playing period.

playing period means—

- (a) 24 hours; or
- (b) if another period is prescribed by regulation—the prescribed period; or
- (c) if the player nominates a period longer than 24 hours or the prescribed period—the period nominated.

pre-commitment information means information obtained from the pre-commitment system operated by the casino licensee about a person using the system.

pre-commitment system—see section 31.

31 Meaning of *pre-commitment system*—pt 7

(1) In this part:

pre-commitment system (or *PCS*), for a casino gaming machine, means an electronic, computer or communications system approved by the commission that, by interfacing with equipment or devices that identify a person intending to play the machine—

- (a) requires the person to set a net loss limit in relation to playing casino gaming machines; and
- (b) allows the person to set a limit on the period the person can play casino gaming machines in a single visit to the casino; and
- (c) prevents the person playing a casino gaming machine if the net loss limit is reached or the period ends.

(2) An approval is a notifiable instrument.

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

32 Casino licensee must provide PCS for casino gaming machines

(1) The casino licensee must—

- (a) provide, operate and maintain a PCS in connection with casino gaming machines operated in the casino; and
- (b) provide any services associated with the PCS.

(2) The casino licensee must ensure the PCS meets the following requirements:

- (a) the PCS prevents a person (a *player*) playing a casino gaming machine until the person has set a net loss limit;
- (b) the PCS allows a player to set the amount of a net loss limit as nil;
- (c) the net loss limit set by a player applies for a playing period;

- (d) if the player has set a net loss limit for a playing period, the PCS prevents the player setting a higher net loss limit for that playing period;
- (e) the PCS allows a player to nominate a maximum period during which the player can play casino gaming machines (the *voluntary maximum period*);
- (f) the PCS prevents a player from continuing to play casino gaming machines after whichever of the following happens first:
 - (i) the player's net loss limit is reached;
 - (ii) if the player nominates a voluntary maximum period—the voluntary maximum period ends.

33 PCS—offences

- (1) The casino licensee commits an offence if—
 - (a) a casino gaming machine is operated in the casino; and
 - (b) the gaming machine is not connected to a PCS.Maximum penalty: 100 penalty units.
- (2) Subsection (1) does not apply if the casino licensee took all reasonable steps to ensure the casino gaming machine was connected to a PCS.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).
- (3) The casino licensee commits an offence if—
 - (a) a casino gaming machine is operated in the casino; and
 - (b) the gaming machine is connected to a PCS; and

- (c) the PCS is not functioning in the manner in which it is approved by the commission to function.

Maximum penalty: 100 penalty units.

- (4) Subsection (3) does not apply if the casino licensee took all reasonable steps to ensure the PCS was functioning in the manner in which it was approved by the commission to function.

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

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

34 PCS—use or disclosure of pre-commitment information

- (1) A person may use or disclose pre-commitment information only in the following circumstances:
 - (a) if the person has the consent of the person to whom the information relates;
 - (b) if the use or disclosure of the information is required or authorised by or under an Australian law or a court or tribunal order;
 - (c) if the person discloses the information to a member of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence;
 - (d) if the person uses or discloses the information in relation to the performance of a function under this Act or another gaming law;
 - (e) if the information the person uses or discloses has lawfully been made publicly available;
 - (f) if the person discloses the information to the Minister or the administrative unit responsible for this Act and the information is de-identified;

- (g) if the person discloses the information to a person who conducts research and the information is de-identified;
- (h) if both of the following apply:
 - (i) it is unreasonable or impracticable to obtain consent to the use or disclosure from the individual to whom the pre-commitment information relates;
 - (ii) the person reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual, or to public health or safety.

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) A person commits an offence if—
 - (a) the person discloses or uses pre-commitment information; and
 - (b) the disclosure or use is not in accordance with subsection (1).

Maximum penalty: 50 penalty units.

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

law enforcement agency—

- (a) see the [Spent Convictions Act 2000](#), dictionary; and
- (b) includes an entity prescribed by regulation.

35 Regulations about PCS

- (1) A regulation may provide for the approval and operation of a PCS.
- (2) In particular, a regulation may make provision in relation to the following:
 - (a) the period for which a pre-commitment is in force;
 - (b) the collection of pre-commitment information;
 - (c) the secure storage of pre-commitment information.

Part 8 Amendment, surrender and cancellation of authorisation certificates and authorisation schedules

36 Authorisation certificate amendment—application

- (1) The casino licensee may apply, in writing, to the commission (an *authorisation certificate amendment application*) for an amendment of an authorisation certificate (a *gaming area amendment*) only to do any of the following at the casino:
 - (a) change the size or shape of the proposed gaming area, or part of the proposed gaming area;
 - (b) change the location of proposed gaming area;
 - (c) add another gaming area.

Note 1 **Proposed gaming area**—see s 21 (3) (b).

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 53 for an application.

- (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 1 part of a gaming area to another part of the gaming area.

37 Authorisation certificate amendment—contents of application

- (1) An authorisation certificate amendment application must—
 - (a) be in writing signed by the casino licensee; and
 - (b) set out the proposed amendment of the authorisation certificate; and

- (c) explain why the casino licensee is seeking the amendment; and
 - (d) be accompanied by a plan of the premises, drawn to scale, that clearly shows the proposed changes to the gaming area.
- (2) The commission may, in writing, require the casino licensee to give the commission additional information, within the time stated by the commission, that the commission reasonably needs to decide the application.
- (3) If the casino licensee does not comply with a requirement under subsection (2) within the time stated by the commission—
- (a) the commission may refuse to consider the application; and
 - (b) if the commission refuses to consider the application—the application lapses.

38 Authorisation certificate amendment decision—gaming area amendment

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

Note **Gaming area amendment**—see s 36 (1).

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

Note 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 37 (3) (b)).

- (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 casino gaming machines or casino FATG terminals the casino licensee may have under the authorisation certificate.
- (5) In deciding whether a gaming area will be suitable for the operation of the number of casino gaming machines or casino FATG terminals the casino licensee may have under the authorisation certificate, the commission must consider harm minimisation strategies for patrons.

39 Amendment of authorisation certificate and authorisation schedule

- (1) The commission may amend an authorisation certificate or authorisation schedule on its own initiative to correct a mistake, error or omission on the authorisation certificate or authorisation schedule.
- (2) The commission must amend an authorisation certificate—
 - (a) if a restricted authorisation is converted to a casino gaming machine authorisation or casino FATG terminal authorisation under section 22 (Conversion of restricted authorisations—decision)—to include a statement to that effect; or
 - (b) if a restricted authorisation is forfeited to the Territory under section 23 (Status of restricted authorisations if development approval ends under Planning and Development Act 2007, s 184 or because no approval given) or section 24 (Status of restricted authorisations if development approval ends in other circumstances)—to record the correct maximum number of authorisations for casino gaming machines or casino FATG terminals allowed under the authorisation certificate.

- (3) If the casino licensee notifies the commission about the acquisition of an authorisation under section 16 (Acquiring authorisations for casino gaming machines and casino FATG terminals), the commission must amend the appropriate authorisation schedule to include the number of the acquired authorisation.
- (4) If the casino licensee notifies the commission about the disposal of a restricted authorisation under section 24 (Status of restricted authorisations if development approval ends in other circumstances), the commission must amend the appropriate authorisation schedule to remove the number of the disposed authorisation.
- (5) If the casino licensee notifies the commission about the acquisition of a casino gaming machine under section 26 (Acquiring casino gaming machine under authorisation), the commission must amend the casino gaming machine authorisation schedule to include the serial number of the casino gaming machine.
- (6) If the casino licensee notifies the commission about the acquisition of a casino FATG terminal under section 28 (Acquiring casino FATG terminal under authorisation), the commission must amend the casino FATG terminal authorisation schedule to include the serial number of the casino FATG terminal.

40 Re-issue of amended authorisation certificate and authorisation schedule

- (1) If the commission amends an authorisation certificate (other than the schedule to the certificate) under this Act, the commission must issue the casino licensee with an authorisation certificate that includes the amendment (a *replacement authorisation certificate*).
- (2) 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.
- (3) If an authorisation schedule to an authorisation certificate is amended under this Act, the commission must issue the casino licensee with an authorisation schedule that includes the amendment (a *replacement authorisation schedule*).
- (4) 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.

41 Cancellation of authorisation certificates and authorisations on surrender of casino licence

- (1) This section applies if the casino licensee surrenders the casino licence under the *Casino Control Act 2006*, section 31 (Surrender of casino licence).
- (2) The casino licensee must notify the commission that the licensee has given the Minister written notice under the *Casino Control Act 2006*, section 31 (2) that the licensee surrenders the casino licence.

Note 1 The surrender of the casino licence is a notifiable action (see pt 10 and sch 2).

Note 2 A notifiable action takes effect—

- (a) the prescribed number of days after the day the commission receives the notification (see s 50 (a)); or
 - (b) if the commission allows the notifiable action to take effect on an earlier day—that day (see s 50 (b)); or
 - (c) if the commission asks for additional information under s 49 (3)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 50 (c)).
- (3) If the casino licensee notifies the commission about the surrender of the casino 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 casino gaming machine and casino FATG terminal under the cancelled authorisation certificates.
- (4) If an authorisation certificate or authorisation is cancelled under this section, the casino licensee must—
- (a) take meter readings from each casino gaming machine and casino FATG terminal under the certificate or authorisation; and
 - (b) render the machine or terminal inoperable; and
 - (c) within the prescribed number of days after the day the certificate or authorisation is 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 casino gaming machine or casino FATG terminal under the cancelled authorisation certificate.

Note **Prescribed number of days**—see s 48.

42 Cancellation of authorisation certificates and authorisations—forfeiture

- (1) This section applies if each authorisation certificate under the casino licence is cancelled under section 41.
- (2) The number of authorisations for casino gaming machines and casino FATG terminals under the cancelled authorisation certificates is forfeited to the Territory.
- (3) The casino licensee is not entitled to claim compensation from the Territory for an authorisation forfeited to the Territory under subsection (2).

43 Surrender of authorisation certificates and authorisations

- (1) The casino licensee may surrender—
 - (a) 1 or both authorisation certificates under the casino licence; or
 - (b) an authorisation.

Note If the casino licensee surrenders the casino licence, all authorisation certificates under the licence are cancelled (see s 41 (3) (a)).

- (2) The casino licensee may surrender an authorisation certificate or authorisation by notifying the commission that the licensee surrenders the authorisation certificate or authorisation.

Note 1 The surrender of the casino licence is a notifiable action (see pt 10 and sch 2).

Note 2 A notifiable action takes effect—

- (a) the prescribed number of days after the day the commission receives the notification (see s 50 (a)); or
- (b) if the commission allows the notifiable action to take effect on an earlier day—that day (see s 50 (b)); or
- (c) if the commission asks for additional information under s 49 (3)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 50 (c)).

- (3) If an authorisation certificate or an authorisation is surrendered under this section, the commission must issue the licensee a storage permit for an interim purpose for each casino gaming machine or casino FATG terminal under the surrendered certificate or authorisation if satisfied that the type of premises where the machine or terminal is to be stored is suitable for the storage of casino gaming machines or casino FATG terminals.

44 Offence—failure to dispose of casino gaming machines and casino FATG terminals

- (1) The casino licensee commits an offence if—
- (a) an authorisation held by the licensee was—
 - (i) cancelled under section 41 (Cancellation of authorisation certificates and authorisations on surrender of casino licence); or
 - (ii) surrendered under section 43 (Surrender of authorisation certificates and authorisations); and
 - (b) the commission gave the licensee a storage permit for a casino gaming machine or casino FATG terminal to which the authorisation related; and
 - (c) the licensee fails to dispose of the machine or terminal mentioned in the storage permit—
 - (i) in the way the commission directs; or
 - (ii) within the time stated in the permit.

Maximum penalty: 100 penalty units.

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

Part 8 Amendment, surrender and cancellation of authorisation certificates and authorisation schedules

Section 44

- (2) Subsection (1) does not apply if the casino licensee has taken all reasonable steps to comply with subsection (1) (c).

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

Part 9 Notification and review of decisions

45 Meaning of *reviewable decision*—pt 9

In this part:

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

46 Reviewable decision notices

If the commission makes a reviewable decision, the commission must give a reviewable decision notice to the casino licensee.

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

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

47 Applications for review

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

- (a) the casino licensee;
- (b) any other person whose interests are affected by the decision.

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

Part 10 Notifiable actions

48 Definitions—Act

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.

prescribed number of days means—

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

49 Notifiable actions

- (1) This section applies if the casino 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 casino licensee undertakes the notifiable action; and
 - (c) include anything else required by regulation.

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

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).

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 53 for this provision.

(3) On receiving a notification, the commission may, by notice, ask the following people for additional information about the notifiable action:

- (a) the casino licensee;
- (b) the disposing 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 [Casino Control Act 2006](#), s 33 (1) (c)).

50 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 48.

- (b) if the commission allows the notifiable action to take effect on an earlier day—that day; or

- (c) if the commission gives a notice under section 49 (3) requesting additional information in relation to the notification—when the commission has notified the licensee that it is satisfied in relation to the additional information.

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

51 Notifiable action—amendment or cancellation

- (1) This section applies if the casino licensee—
 - (a) gives the commission a notification about a notifiable action; and
 - (b) wants to amend or cancel the notification.
- (2) The casino 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 53 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.

52 Notifiable actions—s 43

- (1) This section applies to a notifiable action under section 43 (Surrender of authorisation certificates and authorisations).
- (2) The notification for the notifiable action must also include the following information in relation to a casino gaming machine or casino FATG terminal to be stored under a storage permit:
 - (a) the place where the casino gaming machine or casino FATG terminal is to be stored;

- (b) the serial number of the casino gaming machine or casino FATG terminal.

Note For the issue of a storage permit, see s 43 (3).

- (3) On the date the notifiable action takes effect under section 50 (Notifiable actions—date of effect), the casino licensee must—
 - (a) take meter readings from the casino gaming machine or casino FATG terminal; and
 - (b) render the casino gaming machine or casino FATG terminal inoperable; and
 - (c) give the commission the details of the meter readings.

Part 11 Miscellaneous

53 Determination of fees

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

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

- (2) A determination is a disallowable instrument.

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

54 Regulation-making power

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

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

- (2) A regulation may make provision in relation to the following:

- (a) the operation (including the restriction of the operation) of peripheral equipment for casino gaming machines and casino FATG terminals;
- (b) the minimum payout for casino gaming machines;
- (c) harm minimisation requirements for casino gaming machines and casino FATG terminals.

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

Part 12 **Consequential amendments**

55 **Legislation amended—schs 3 and 4**

This Act amends the legislation mentioned in schedules 3 and 4.

Schedule 1 Reviewable decisions

(see s 45)

column 1 item	column 2 section	column 3 decision
1	10 (4)	refuse to consider application for casino gaming machine authorisation certificate if additional information not given within stated time
2	11 (2)	refuse to issue casino gaming machine authorisation certificate
3	13 (4)	refuse to consider application for casino FATG authorisation certificate if additional information not given within stated time
4	14 (2)	refuse to issue casino FATG authorisation certificate
5	21 (5)	refuse to consider application for conversion of restricted authorisations if additional information not given within stated time
6	22 (3)	convert a lower number of restricted authorisations than the number applied for
7	22 (4)	refuse to convert restricted authorisation to casino gaming machine authorisation or casino FATG terminal authorisation
8	37 (3)	refuse to consider authorisation certificate amendment application
9	38 (2) (b)	refuse to amend authorisation certificate

Schedule 2 Notifiable actions

(see s 48)

column 1 item	column 2 section	column 3 notifiable action
1	16	acquisition of authorisation
2	24	disposal of authorisation
3	26	acquisition of casino gaming machine
4	28	acquisition of casino FATG terminal
5	41	surrender of casino licence

Schedule 3 Consequential amendments

(see s 55)

Part 3.1 Casino Control Act 2006

[3.1] Section 6 (1)

after

this Act

insert

and the *Casino (Electronic Gaming) Act 2017*

[3.2] Section 33 (1) (b)

omit

or the [Control Act](#)

substitute

, the [Control Act](#) or the *Casino (Electronic Gaming) Act 2017*

[3.3] Section 33 (1) (c)

after

this Act

insert

or the *Casino (Electronic Gaming) Act 2017*

[3.4] Section 33 (2)

after

this Act

insert

or the *Casino (Electronic Gaming) Act 2017*

[3.5] Section 34 (1) (b)

after

casino licence

insert

, casino gaming machine authorisation certificate or casino FATG authorisation certificate

[3.6] New section 34 (1) (f) to (h)

insert

- (f) suspending the casino licensee's casino gaming machine authorisation certificate or casino FATG authorisation certificate;
- (g) cancelling the casino licensee's casino gaming machine authorisation certificate or casino FATG authorisation certificate;

- (h) if the casino licensee is operating more casino gaming machines or casino FATG terminals at the casino than is allowed under the casino gaming machine authorisation certificate or casino FATG authorisation certificate—
 - (i) ordering the casino licensee to forfeit to the Territory 100% of the gross revenue from the operation of each casino gaming machine or FATG terminal that exceeds the number allowed under the authorisation certificate; and
 - (ii) directing the casino licensee about how to dispose of the excess casino gaming machines or casino FATG terminals.

[3.7] New section 34 (1A)

insert

- (1A) For subsection (1) (d) and (e), if the casino licence is suspended or cancelled, the casino gaming machine authorisation certificate and casino FATG authorisation certificate under the licence are suspended or cancelled.

[3.8] New sections 38A and 38B

insert

38A Disciplinary action in relation to trading authorisations, casino gaming machines and casino FATG terminals—directions

- (1) This section applies if the commission takes disciplinary action against the casino licensee in relation to the following actions under the *Casino (Electronic Gaming) Act 2017*:
 - (a) acquiring an authorisation under section 16 (Acquiring authorisations for casino gaming machines and casino FATG terminals);

- (b) disposing of a restricted authorisation under section 24 (Status of restricted authorisations if development approval ends in other circumstances);
 - (c) acquiring a casino gaming machine under section 26 (Acquiring casino gaming machine under authorisation);
 - (d) acquiring a casino FATG terminal under section 28 (Acquiring casino FATG terminal under authorisation).
- (2) The commission may give the casino licensee written directions about how the casino licensee is to conduct the acquisition or disposal.

Note 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).

- (3) The directions must not be inconsistent with—
- (a) this Act, the *Casino (Electronic Gaming) Act 2017* or any other territory law; or
 - (b) a condition of the casino 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 casino licensee must comply with the directions.

38B Cancellation of casino licence and authorisation certificates—disposal of casino gaming machines and casino FATG terminals

- (1) This section applies if the casino licence, and each authorisation certificate under the licence, is cancelled under this part.
- (2) The number of authorisations for casino gaming machines and casino FATG terminals under each cancelled authorisation certificate is forfeited to the Territory.

- (3) The casino licensee must dispose of a casino gaming machine or casino FATG terminal operated under a cancelled authorisation certificate as the commission directs.

Maximum penalty: 100 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.

- (4) Subsection (3) does not apply if the casino licensee has a reasonable excuse for not complying with the commission's direction.

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

[3.9] Dictionary, new definitions

insert

casino FATG authorisation certificate—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

casino FATG terminal—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

casino gaming machine—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

casino gaming machine authorisation certificate—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

restricted authorisation—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

Part 3.2 Gambling and Racing Control Act 1999

[3.10] New section 4 (ba)

insert

(ba) the *Casino (Electronic Gaming) Act 2017*;

[3.11] New part 6A

insert

Part 6A Authorisation numbers for electronic gaming

50 Maximum number of authorisations for electronic gaming allowed in ACT

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

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

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

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

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

SN means the number notified by the commission under subsection (3).

- (2) The total number of authorisations for electronic gaming under all authorisation schedules issued under a gaming law must not exceed the maximum number worked out under subsection (1).

Note An authorisation schedule is included in an authorisation certificate (see *Casino (Electronic Gaming) Act 2017*, s 12 (1) (e) and s 15 (1) (e) and *Gaming Machine Act 2004*, s 27 (1) (h) and s 30 (3) (j)).

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

- (4) A notice under subsection (3) is a notifiable instrument.

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

- (5) In this section:

authorisation, for electronic gaming, means—

- (a) an authorisation for a gaming machine under the [Gaming Machine Act 2004](#); and
(b) an authorisation for a casino gaming machine or casino FATG terminal under the *Casino (Electronic Gaming) Act 2017*.

authorised premises—

- (a) see the [Gaming Machine Act 2004](#), dictionary; and
(b) includes the casino.

cancelled—

- (a) an authorisation for a gaming machine is **cancelled** if—
(i) the authorisation is cancelled under either of the following sections of the [Gaming Machine Act 2004](#):
(A) section 62 (Commission may take disciplinary action against licensee);

- (B) section 64 (Cancellation of authorisation certificate because of cancellation etc of general and on licences); and
- (ii) the cancellation has become final; and
- (b) an authorisation for a casino gaming machine or casino FATG terminal is *cancelled* if—
 - (i) the authorisation is cancelled under—
 - (A) the *Casino Control Act 2006*, section 34 (Disciplinary action against casino licensee); or
 - (B) the *Casino (Electronic Gaming) Act 2017*, section 41 (Cancellation of authorisation certificates and authorisations on surrender of casino licence); and
 - (ii) the cancellation has become final.

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

casino FATG terminal—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

casino gaming machine—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

electronic gaming means gaming machines, casino gaming machines, casino FATG terminals and fully-automated table game machines.

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.

forfeited—an authorisation is **forfeited** if the authorisation is forfeited under—

- (a) the *Gaming Machine Act 2004*, section 127F (Trading authorisations—forfeiture requirement); or
- (b) the following sections of the *Casino (Electronic Gaming) Act 2017*:
 - (i) section 17 (Acquiring authorisations—forfeiture requirement);
 - (ii) section 23 (Status of restricted authorisations if development approval ends under Planning and Development Act 2007, s 184 or because no approval given);
 - (iii) section 24 (Status of restricted authorisations if development approval ends in other circumstances);
 - (iv) section 42 (Cancellation of authorisation certificates and authorisations—forfeiture).

gaming machine means a gaming machine under the *Gaming Machine Act 2004*, dictionary.

relevant day means the date of the change stated in the notice prepared by the commission under subsection (3).

surrendered—

- (a) an authorisation for a gaming machine is **surrendered** if the licensee, under the *Gaming Machine Act 2004*, section 37F (1) (c) (Surrender of licences, authorisation certificates and authorisations), surrenders the authorisation and the surrender takes effect under that [Act](#), section 173E (Notifiable actions—date of effect); and

- (b) an authorisation for a casino gaming machine or casino FATG terminal is *surrendered* if the casino licensee, under the *Casino (Electronic Gaming) Act 2017*, section 43 (Surrender of authorisation certificates and authorisations), surrenders the authorisation and the surrender takes effect under that Act, section 50 (Notifiable actions—date of effect).

[3.12] New part 20

insert

Part 20 **Transitional—Casino (Electronic Gaming) Act 2017**

100 **Transitional—Gaming Machine Act 2004, s 10 (3) instruments**

- (1) A notice made under the *Gaming Machine Act 2004*, section 10 (3), that is in force immediately before the commencement day, is taken to be a notice made under this Act, section 50 (3).
- (2) In this section:

commencement day means the day the *Casino (Electronic Gaming) Act 2017*, section 55 commences.

101 **Expiry—pt 20**

This part expires on the commencement of the *Casino (Electronic Gaming) Act 2017*, schedule 4.

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).

Part 3.3 Gaming Machine Act 2004

[3.13] Section 10

omit

[3.14] New section 127C (1) (c)

insert

(c) the casino licensee.

[3.15] Section 127C (2)

after

class C licensee

insert

or the casino licensee

[3.16] Section 127I (1) (b) and (3)

after

a class C licensee

insert

or the casino licensee

[3.17] Dictionary, new definition of *casino licensee*

insert

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

Schedule 4 **Other amendments—maximum authorisation numbers**

(see s 55)

Part 4.1 **Gambling and Racing Control Act 1999**

[4.1] Part 6A

substitute

Part 6A **Electronic gaming authorisation numbers**

50 **Maximum number of authorisations for electronic gaming allowed in ACT**

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

- (2) In this section:

authorisation, for electronic gaming, means—

- (a) an authorisation for a gaming machine under the *Gaming Machine Act 2004*; and
- (b) an authorisation for a casino gaming machine or casino FATG terminal under the *Casino (Electronic Gaming) Act 2017*.

authorised premises—

- (a) see the *Gaming Machine Act 2004*, dictionary; and
- (b) includes the casino.

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

casino FATG terminal—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

casino gaming machine—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

electronic gaming means gaming machines, casino gaming machines, casino FATG terminals and fully-automated table game machines.

fully-automated table game machine—see the *Casino (Electronic Gaming) Act 2017*, dictionary.

gaming machine means a gaming machine under the [Gaming Machine Act 2004](#), dictionary.

Part 4.2 Gaming Machine Act 2004

[4.2] Part 2A heading, new note

insert

Note See the [Control Act](#), s 50 for the maximum number of authorisations for electronic gaming on authorised premises allowed in the ACT.

[4.3] Section 10

omit

Dictionary

(see s 3)

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

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

- ACAT
- ACT
- Criminal Code
- Executive
- gambling and racing commission
- Legislation Act
- may (see s 146)
- must (see s 146)
- notifiable instrument (see s 10)
- penalty unit (see s 133)
- planning and land authority
- prescribed
- public notice
- regulation
- the Territory
- under.

authorisation means an authorisation under—

- (a) a casino gaming machine authorisation certificate to operate a casino gaming machine at the premises stated in the certificate; or
- (b) a casino FATG authorisation certificate to operate a casino FATG terminal at the premises stated in the certificate.

authorisation certificate means a casino gaming machine authorisation certificate or a casino FATG authorisation certificate.

authorisation certificate amendment application—see section 36 (1).

authorisation number—

- (a) for an authorisation under a casino gaming machine authorisation certificate—see section 12 (1) (e); and
- (b) for an authorisation under a casino FATG authorisation certificate—see section 15 (1) (e).

authorisation schedule—

- (a) for a casino gaming machine authorisation certificate—see section 12 (1) (e); and
- (b) for a casino FATG authorisation certificate—see section 15 (1) (e).

casino FATG authorisation certificate means an authorisation certificate issued to the casino licensee under section 14 for authorisations to operate casino FATG terminals.

casino FATG authorisation certificate number—see section 15 (1) (b).

casino FATG terminal means a terminal connected to a fully-automated table game machine.

casino FATG terminal authorisation, in relation to a casino FATG authorisation certificate—see section 21 (1).

casino 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.

casino gaming machine authorisation, in relation to a casino gaming machine authorisation certificate—see section 21 (1).

casino gaming machine authorisation certificate means an authorisation certificate issued to the casino licensee under section 11 for authorisations to operate casino gaming machines.

casino gaming machine authorisation certificate number—see section 12.

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

class B licensee—see the [Gaming Machine Act 2004](#), dictionary.

class C licensee—see the [Gaming Machine Act 2004](#), dictionary.

commission means the gambling and racing commission.

Control Act means the [Gambling and Racing Control Act 1999](#).

FATG—see *fully-automated table game machine*.

FATG terminal means a terminal connected to a FATG for the purpose of participating in a game on the FATG.

fully-automated table game machine (or **FATG**) means an electronic gaming system or equipment that allows more than 1 person to play a game that—

- (a) imitates a type of game played at a table; and
- (b) can be played—
 - (i) from different terminals; and
 - (ii) without a casino employee conducting the game.

gaming area amendment—see section 36 (1).

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

gaming rules—see section 21 (3) (c).

maximum possible number, of authorisations—

(a) for casino gaming machines—see section 6; and

(b) for casino FATG terminals—see section 7.

net loss, for part 7 (Casino gaming machines—pre-commitment system)—see section 30.

net loss limit, for part 7 (Casino gaming machines—pre-commitment system)—see section 30.

notifiable action—see section 48.

PCS—see *pre-commitment system*.

playing period, for part 7 (Casino gaming machines—pre-commitment system)—see section 30.

pre-commitment information, for part 7 (Casino gaming machines—pre-commitment system)—see section 30.

pre-commitment system (or ***PCS***), for part 7 (Casino gaming machines—pre-commitment system)—see section 31.

prescribed number of days—see section 48.

proposed gaming area—see section 21 (3) (b).

restricted authorisation, in relation to a casino gaming machine authorisation certificate—see section 20.

small or medium club—see the [Gaming Machine Act 2004](#), dictionary.

small or medium club group—see the [Gaming Machine Act 2004](#), dictionary.

social impact statement—see section 8.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 August 2017.

2 Notification

Notified under the [Legislation Act](#) on 13 November 2017.

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 Casino (Electronic Gaming) Bill 2017, which was passed by the Legislative Assembly on 2 November 2017.

Acting Clerk of the Legislative Assembly

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