

2015

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Racing and Gaming)

# Gaming Machine (Reform) Amendment Bill 2015

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2015

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FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Racing and Gaming)

## **Gaming Machine (Reform) Amendment Bill 2015**

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### **A Bill for**

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

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

1 **1 Name of Act**

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

3 **2 Commencement**

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

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

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

11 (2) If this Act (other than schedule 1 (Other amendments—compulsory  
12 surrender)) has not commenced within 1 year beginning on its  
13 notification day, it automatically commences on the first day after  
14 that period.

15 (3) If schedule 1 has not commenced within 3 years beginning on the  
16 commencement of section 53, it automatically commences on the  
17 first day after that period.

18 (4) The [Legislation Act](#), section 79 (Automatic commencement of  
19 postponed law) does not apply to this Act.

20 **3 Legislation amended**

21 This Act amends the *Gaming Machine Act 2004*.



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**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;

- 1 (d) at any time in the last 12 months the individual had—
- 2 (i) a licence cancelled under section 58 (Disciplinary  
3 action); or
- 4 *Note* **Licence** is defined in s 56 and includes—
- 5 (a) approval to operate a linked-jackpot arrangement;  
6 and
- 7 (b) in-principle authorisation certificate; and
- 8 (c) multi-user permit.
- 9 (ii) an authorisation cancelled under section 64 (Cancellation  
10 of authorisation certificate because of cancellation etc of  
11 general and on licences); or
- 12 (iii) an application for approval as a supplier refused, on the  
13 basis that the person provided false or misleading  
14 information, under section 72 (Application and approval  
15 as supplier); or
- 16 (iv) approval as a supplier cancelled under section 73A  
17 (Cancellation etc of supplier’s approval); or
- 18 (v) an application for approval as a technician refused, on the  
19 basis that the person provided false or misleading  
20 information, under section 75 (Approval of technicians);  
21 or
- 22 (vi) approval as a technician cancelled under  
23 section 79 (1) (a) or (c) (Cancellation etc of technician’s  
24 approval).
- 25 (3) Despite subsection (2), the commission may decide that the  
26 individual is an **eligible person** even though there is a disqualifying  
27 ground in relation to the individual if satisfied that—
- 28 (a) if the individual is an applicant for a licence—the operation of  
29 gaming machines by the individual would not adversely affect  
30 the public; and

1 (b) it is otherwise in the public interest that the individual be  
2 treated as an eligible person.

3 **7 Eligibility of corporations**

4 (1) For this Act, a corporation is an *eligible person* if—

5 (a) each influential person of the corporation is an eligible person;  
6 and

7 (b) if the corporation is a club—it is an eligible club; and

8 (c) the corporation is not the subject of a winding-up order, and  
9 has not been the subject of a winding-up order in the last  
10 3 years; and

11 (d) a controller or administrator has not been appointed for the  
12 corporation in the last 3 years; and

13 (e) the corporation is not the subject of an auditor's opinion that it  
14 is not able to pay all of its debts as and when they become due  
15 and payable; and

16 (f) the corporation is not the subject of an auditor's adverse  
17 opinion or disclaimer of opinion, within the meaning of  
18 Auditing Standard ASA 705.

19 (2) Despite subsection (1), the commission may decide that the  
20 corporation is an eligible person even though a provision of that  
21 subsection does not apply in relation to the corporation if satisfied  
22 that—

23 (a) the operation of gaming machines by the corporation would  
24 not adversely affect the public; and

25 (b) it is otherwise in the public interest that the corporation be  
26 treated as an eligible person.

1 (3) In this section:

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

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

9 *Note* The standard is accessible at [www.comlaw.gov.au](http://www.comlaw.gov.au).

## 10 **8 Meaning of influential person**

11 (1) In this Act:

12 **influential person**, for a corporation—

13 (a) means any of the following:

14 (i) an executive officer of the corporation;

15 (ii) a related corporation;

16 (iii) an executive officer of a related corporation;

17 (iv) an influential owner; and

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

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

22 (2) In this section:

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

25 (a) can control 5% of the votes at an annual general meeting of the  
26 corporation; or

1 (b) can control the appointment of a director of the corporation.

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

## 4 **9 Proper completion—applications under Act**

5 (1) An application under a provision of this Act is *properly completed*  
6 only if the following requirements are met:

7 (a) if a form is approved under the [Control Act](#), section 53D for  
8 the application—the form is used;

9 (b) the application includes all information and documents  
10 required under the provision to be included;

11 (c) a document required to be included with the application  
12 includes all information required under the provision to be  
13 included in the document and is substantially complete;

14 (d) the application, and any document or information included in  
15 the application, is verified in the way required by the  
16 provision;

17 (e) if a fee is determined under section 177 for the application—  
18 the fee is paid.

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

22 (a) the form to be signed;

23 (b) the form to be prepared in a particular way (for example, on paper  
24 of a particular size or quality or in a particular electronic form);

25 (c) the form to be completed in a particular way;

26 (d) particular information to be included in the form, or a particular  
27 document to be attached to or given with the form;

1 (e) the form, information in the form, or a document attached to or  
2 given with the form, to be verified in a particular way (for  
3 example, by statutory declaration).

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

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

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

14 (3) The commission may, in writing, require an applicant to give the  
15 commission additional information, within the time stated by the  
16 commission, that the commission reasonably needs to decide the  
17 application.

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

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1 **Part 2A** **Gaming machine authorisation**  
2 **numbers**

3 **10** **Maximum number of authorisations for gaming machines**  
4 **allowed in ACT**

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

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

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

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

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

13 *SN* means the number notified by the commission on the relevant  
14 day.

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

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

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

- 1           (4) Each of the following is a notifiable instrument:
- 2                 (a) a notification under subsection (1), definition of *SN*;
- 3                 (b) a notice under subsection (3).
- 4           *Note*     A notifiable instrument must be notified under the [Legislation Act](#).
- 5           (5) In this section:
- 6                 ***cancelled***—an authorisation for a gaming machine is ***cancelled*** if—
- 7                 (a) the authorisation is cancelled under—
- 8                         (i) section 62 (Commission may take disciplinary action
- 9                                 against licensee); or
- 10                         (ii) section 64 (Cancellation of authorisation certificate
- 11                                 because of cancellation etc of general and on licences);
- 12                                 and
- 13                 (b) the cancellation has become final.
- 14                 ***final***—a cancellation of an authorisation becomes ***final*** when—
- 15                 (a) the time for any appeal or review in relation to the decision has
- 16                                 ended; or
- 17                 (b) any appeal or review in relation to the decision has been
- 18                                 decided or withdrawn.
- 19                 ***relevant day*** means the day the *Gaming Machine (Reform)*
- 20                 *Amendment Act 2015*, section 4 commences.





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

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

4            *class C licence application*—see section 15.

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

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

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

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

9            **12            Meaning of *social impact assessment***

10           (1) For this Act, a *social impact assessment* for an application is a  
11                written assessment of the likely economic and social impact of the  
12                operation of gaming machines—

13                (a) for an authorisation certificate application—under the proposed  
14                    authorisation certificate; or

15                (b) for an authorisation certificate amendment application—under  
16                    the authorisation certificate as proposed to be amended; or

17                (c) for an application for an in-principle authorisation certificate—  
18                    under the proposed in-principle authorisation certificate.

19            *Note*     A social impact assessment is required for—

20                    (a) an authorisation certificate application (see s 22 (2) (a)); and

21                    (b) some authorisation certificate amendment applications (see  
22                            s 34 (f) (ii) (A) and s 37 (4) (a)); and

23                    (c) an application for an in-principle authorisation certificate (see  
24                            s 38C, which requires applications to comply with s 22 (1)).

- 1 (2) A regulation may make provision in relation to social impact  
2 assessments, including the following:
- 3 (a) the requirements that must be satisfied by a social impact  
4 assessment;
- 5 (b) the matters to be addressed by a social impact assessment;
- 6 (c) the information to be given in a social impact assessment.

7 **13 Social impact assessment—publication**

- 8 (1) This section applies if an applicant for any of the following is  
9 required to provide a social impact assessment with the application:
- 10 (a) an authorisation certificate;
- 11 (b) an amendment of an authorisation certificate;
- 12 (c) an in-principle authorisation certificate.
- 13 (2) The applicant must publish an advertisement about the application  
14 in a daily newspaper, stating that—
- 15 (a) the social impact assessment for the application will be  
16 available for inspection by members of the public at the  
17 commission's office during ordinary business hours for  
18 6 weeks after a day stated in the advertisement (the *comment*  
19 *period*); and
- 20 (b) any written submissions about the social impact assessment  
21 may be made to the commission within the comment period.

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

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

- 1 (3) Before the comment period begins, the applicant must give the  
2 commission—
- 3 (a) the social impact assessment for the application; and  
4 (b) a copy of the advertisement.
- 5 (4) The applicant must—
- 6 (a) on or before the day the advertisement is published, place a  
7 sign (the *information sign*) containing information about the  
8 application in a prominent position—
- 9 (i) for an authorisation certificate application or  
10 authorisation certificate amendment application—outside  
11 each public entrance to the premises to which the  
12 application relates; or
- 13 (ii) for an application for an in-principle authorisation  
14 certificate—on the land at the address to which the  
15 approval applies; and
- 16 (b) ensure that the sign stays there for the comment period.
- 17 (5) However, an applicant for an in-principle authorisation certificate  
18 need not comply with subsection (4) if it would be impractical to do  
19 so.
- 20 **Examples—impractical to place sign at address**
- 21 1 there is no road access to the address  
22 2 building work is being carried out at the address
- 23 *Note* An example is part of the Act, is not exhaustive and may extend, but  
24 does not limit, the meaning of the provision in which it appears (see  
25 [Legislation Act](#), s 126 and s 132).
- 26 (6) The information sign must include the following:
- 27 (a) a description of the application;  
28 (b) a statement of when and where the social impact assessment  
29 for the application will be available;

- 1 (c) an invitation to make written submissions to the commission  
2 about the social impact assessment within the comment period;  
3 (d) when the comment period ends;  
4 (e) details of where to get more information about the application.  
5 (7) The commission must make the social impact assessment available  
6 for inspection by members of the public at the commission's office  
7 during ordinary business hours during the comment period.  
8 (8) The commission must not decide the application until the comment  
9 period has ended.

10 **14 Applications to be dealt with in order of receipt etc**

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

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

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

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

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

3 **15 Licence for class C gaming machines—application**

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

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

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

9 **16 Class C licence application—contents**

10 A class C licence application must—

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

19 *Note Association number*—see the dictionary.

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

- 1 (ii) an alphabetical list of names and addresses of all current  
2 members of the applicant, certified correct by the  
3 applicant's secretary;
- 4 (iii) a statement, signed by the applicant's secretary, stating  
5 the grounds on which the applicant claims to be an  
6 eligible club;
- 7 *Note* A **club** is a corporation (see dict, def *corporation*).
- 8 (iv) evidence that a majority of the applicant's voting  
9 members who voted in a ballot conducted under a  
10 regulation voted for the applicant having gaming  
11 machines; and
- 12 (i) include anything else prescribed by regulation.

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

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

## 20 **17 Class C licence—decision on application**

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

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

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

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

8 **18 Class C licence application—grounds for refusal**

9 (1) The commission may refuse to issue a class C licence to a club if  
10 satisfied that—

11 (a) the election of a member of the club's management committee  
12 or board has been decided, controlled or influenced in a  
13 significant way, or to a significant degree, by—

14 (i) people who are not voting members of the club; or

15 (ii) only some voting members of the club; or

16 (b) the voting members of the club, taken as a group, do not have  
17 complete control over the election of all members of the club's  
18 management committee or board; or

19 (c) each voting member of the club does not have an equal right to  
20 elect people, or to nominate or otherwise choose people for  
21 election, to the club's management committee or board; or

22 (d) if the club does not own its premises—an executive officer or  
23 employee of the club is also the club's lessor, or an associate of  
24 the club's lessor; or

25 (e) an executive officer or employee of the club is a creditor, or an  
26 associate of a creditor, of the club; or



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

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

## 23 **19 Class C licence—conditions**

24 A class C licence is subject to—

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

- 1     **20           Class C licence—form**
- 2           (1) A class C licence must—
- 3               (a) be in writing; and
- 4               (b) include the following:
- 5                   (i) the licensee’s name;
- 6                         *Note    Licensee’s name*—see the dictionary.
- 7                   (ii) if the licensee carries on business under a name other
- 8                         than the licensee’s name—the name under which the
- 9                         licensee carries on business;
- 10                  (iii) the licensee’s ABN;
- 11                  (iv) the licensee’s—
- 12                        (A) ACN; or
- 13                        (B) if the licensee is an incorporated association—
- 14                            association number;
- 15                         *Note    Association number*—see the dictionary.
- 16                  (v) the date the licence comes into force;
- 17                  (vi) a unique identifying number (a *licence number*);
- 18                  (vii) a statement that the licensee is entitled to operate class C
- 19                         gaming machines;
- 20                  (viii) the conditions on the licence.
- 21           (2) A regulation may prescribe other requirements in relation to the
- 22               form of a licence.

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

4     **21            Authorisation certificate for class C gaming machines—**  
5                                **application**

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

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

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

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

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

19     **22            Authorisation certificate for class C gaming machines—**  
20                                **contents of application**

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

- 1 (ii) if the applicant carries on business under a name other  
2 than the applicant's name—the name under which the  
3 applicant carries on business;
- 4 (iii) the applicant's ABN;
- 5 (iv) the applicant's—
- 6 (A) ACN; or
- 7 (B) if the applicant is an incorporated association—  
8 association number; and
- 9 *Note Association number*—see the dictionary.
- 10 (c) state the address, and block and section number, of the  
11 premises for which the authorisation certificate is sought; and
- 12 (d) state the maximum number of authorisations for gaming  
13 machines for which the authorisation certificate is sought; and
- 14 (e) be accompanied by each of the required documents for the  
15 application.
- 16 (2) For subsection (1) (e), the *required documents* are the following:
- 17 (a) a social impact assessment for the application;
- 18 (b) a plan of the premises that—
- 19 (i) is drawn to scale; and
- 20 (ii) clearly shows the location, boundaries and dimensions of  
21 the area in the premises where gaming machines are to be  
22 installed (the *proposed gaming area*);
- 23 (c) a copy of the current gaming rules the applicant has adopted in  
24 relation to the premises for which the authorisation certificate  
25 is sought;
- 26 **Examples—what gaming rules may cover**
- 27 1 how long a gaming machine may be reserved for
- 28 2 who may play the gaming machines

1                                   3   banning of extension of credit to players

2                                   4   cash payment limits

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

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

9                                   *Note*   Section 97 sets out the requirements for control procedures.

10                                  (e) any other documents required by regulation.

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

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

18   **23                                  Authorisation certificate for class C gaming machines—**  
19   **decision on application**

20                                  (1) This section applies if the commission receives an authorisation  
21   certificate application for class C gaming machines.

22                                  (2) The commission must issue an authorisation certificate to the  
23   applicant if satisfied on reasonable grounds—

24   (a) that the applicant holds a class C licence; and

25   (b) the gaming rules and control procedures the applicant has  
26   adopted for the purpose of controlling the operation of gaming  
27   machines are adequate for that purpose; and

- 1 (c) taking into consideration the social impact assessment for the  
2 application and any submission made on the assessment within  
3 the comment period under section 13 (Social impact  
4 assessment—publication), the issue of the authorisation  
5 certificate is appropriate.
- 6 (3) The commission must issue the authorisation certificate for the  
7 number of authorisations for gaming machines stated in the  
8 application if satisfied on reasonable grounds that the size and  
9 layout of the proposed gaming area are suitable for the installation  
10 of the number of gaming machines for which the authorisation  
11 certificate is sought.
- 12 (4) The commission may issue the authorisation certificate for a lower  
13 number of authorisations for gaming machines than the number  
14 stated in the application if satisfied that the size and layout of the  
15 proposed gaming area are suitable for the installation of the lower  
16 number of gaming machines.
- 17 *Note* The commission may refuse to issue an authorisation certificate to a  
18 club if a ground for refusing to issue the certificate exists (see s 24).
- 19 (5) In deciding the maximum number of authorisations for gaming  
20 machines under an authorisation certificate, the commission must  
21 consider the following:
- 22 (a) the size and layout of the premises the application relates to;  
23 (b) the size and layout of the proposed gaming area;  
24 (c) the number of club members worked out under a regulation;  
25 (d) the ratio of club members to the maximum number of  
26 authorisations for gaming machines sought by the licensee;  
27 (e) the extent to which the club has contributed to, or is likely to  
28 contribute to, the community and supported and benefited the  
29 community;

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

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

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

11 **24 Authorisation certificate application for class C gaming**  
12 **machines—grounds for refusal**

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

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

18 **Examples—goods and services**

- 19 • food and beverages  
20 • cleaning services  
21 • gaming machines

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

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

1    **25**            **Issue of authorisation certificate for class C gaming**  
2                    **machines—number of gaming machines to be operated**

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

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

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

15    **26**            **Authorisation certificate for class C gaming machines—**  
16                    **conditions**

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

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



- 1     **27**           **Authorisation certificate for class C gaming machines—**  
2                   **form**
- 3           (1) An authorisation certificate for a class C licence must—
- 4               (a) include the following:
- 5                   (i) the licensee’s name;
- 6                         *Note*     **Licensee’s name**—see the dictionary.
- 7                   (ii) if the licensee carries on business under a name other  
8                         than the licensee’s name—the name under which the  
9                         licensee carries on business;
- 10                  (iii) the licensee’s ABN;
- 11                  (iv) the licensee’s—
- 12                         (A) ACN; or
- 13                         (B) if the licensee is an incorporated association—  
14                                 association number; and
- 15                         *Note*     **Association number**—see the dictionary.
- 16               (b) state the licensee’s licence number; and
- 17               (c) include a unique identifying number (an **authorisation**  
18                         **certificate number**); and
- 19               (d) state that class C gaming machines only are allowed under the  
20                         authorisation certificate; and
- 21               (e) state the details of the premises where the licensee is  
22                         authorised to have the gaming machines; and
- 23               (f) state the details of the part of the premises (the **gaming areas**)  
24                         where the licensee is allowed to operate the gaming machines;  
25                         and

- 1 (g) state the maximum number of authorisations for gaming  
2 machines under the authorisation certificate; and
- 3 *Note* **Maximum number**, of authorisations—see the dictionary.
- 4 (h) include a schedule (an **authorisation schedule**) that contains—
- 5 (i) the serial number of each gaming machine the licensee  
6 has under the authorisation certificate; and
- 7 (ii) a unique identifying number for each authorisation (an  
8 **authorisation number**) under the authorisation  
9 certificate.
- 10 *Note* A licensee may also store gaming machines the licensee has  
11 under an authorisation (see div 6.11).
- 12 (2) A regulation may prescribe other requirements in relation to the  
13 form of an authorisation certificate or authorisation schedule.

14 **Division 2B.4 Licences and authorisation**  
15 **certificates—class B gaming**  
16 **machines**

17 **28 Licence and authorisation certificate for class B gaming**  
18 **machines—restricted application**

- 19 (1) A person may apply to the commission for a licence and  
20 authorisation certificate for class B gaming machines (a **class B**  
21 **licence and authorisation certificate application**) only if—
- 22 (a) the application relates to a business being purchased from the  
23 holder of a class B licence; and
- 24 (b) the business is operated under a general licence or on licence.
- 25 *Note 1* If a form is approved under the [Control Act](#), s 53D for an application,  
26 the form must be used.
- 27 *Note 2* A fee may be determined under s 177 for an application.

- 1           (2) A class B licence and authorisation certificate application must—
- 2           (a) be in writing signed by the applicant; and
- 3           (b) include the following:
- 4               (i) if the applicant is an individual—the applicant’s full
- 5               name;
- 6               (ii) the name of the applicant’s legal entity;
- 7               (iii) if the applicant carries on business under a name other
- 8               than the name of the applicant’s legal entity—the name
- 9               under which the applicant carries on business;
- 10           (iv) the applicant’s ABN and ACN (if any); and
- 11           (c) state that the application is for a class B licence and
- 12           authorisation certificate; and
- 13           (d) state the address, and block and section number, of the
- 14           premises where the business is operated; and
- 15           (e) state the number of gaming machines at the premises; and
- 16           (f) state the serial number for each gaming machine at the
- 17           premises; and
- 18           (g) if the applicant is a corporation—
- 19               (i) state the name and address of each director of the
- 20               corporation; and
- 21               (ii) state the name of each influential person for the
- 22               corporation and the person’s relationship with the
- 23               corporation; and

1 (h) include anything else prescribed by regulation.

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

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

9 **29 Class B licence and authorisation certificate—decision**  
10 **on application**

11 (1) This section applies if the commission receives a class B licence and  
12 authorisation certificate application as a consequence of the sale of a  
13 business to the applicant.

14 (2) In deciding whether to issue a class B licence and authorisation  
15 certificate, the commission may consider any matter prescribed by  
16 regulation.

17 (3) The commission must issue a class B licence and authorisation  
18 certificate to the applicant if satisfied on reasonable grounds that the  
19 applicant is an eligible person.

20 *Note 1* For eligibility of individuals, see s 6.

21 *Note 2* For eligibility of corporations, see s 7.

22 (4) The commission must issue an authorisation certificate for each  
23 premises of the business for the number of authorisations for class B  
24 gaming machines the licensee who sold the business was authorised  
25 to have at the time of the sale, if satisfied on reasonable grounds—

26 (a) the size and layout of the proposed gaming area are suitable for  
27 the installation of the number of gaming machines for which  
28 the authorisation certificate is sought; and

29 (b) that the applicant holds the appropriate licence under the  
30 *Liquor Act 2010* for the premises for which the authorisation is  
31 to be issued; and

- 1 (c) if an on licence applies to the premises to which the application  
2 relates—the premises are used by people mainly for drinking  
3 alcohol; and
- 4 (d) the gaming rules and control procedures the applicant has  
5 adopted for the purpose of controlling the operation of gaming  
6 machines are adequate for that purpose.

7 **30 Class B licence and authorisation certificate—conditions**  
8 **and form**

- 9 (1) A class B licence is subject to—
- 10 (a) a condition mentioned in part 3 (Licences and authorisation  
11 certificates—conditions) that applies to a licence; and
- 12 (b) any other condition imposed by the commission.
- 13 (2) A class B licence must—
- 14 (a) be in writing; and
- 15 (b) include the following:
- 16 (i) if the licensee is an individual—the individual’s full  
17 name;
- 18 (ii) if the licensee is not an individual—the licensee’s name;
- 19 *Note Licensee’s name—see the dictionary.*
- 20 (iii) if the licensee carries on business under a name other  
21 than the licensee’s name—the name under which the  
22 licensee carries on business;
- 23 (iv) the licensee’s ABN (if any);
- 24 (v) if the licensee is a corporation—the corporation’s ACN;
- 25 (vi) the date the licence comes into force;
- 26 (vii) a unique identifying number (a *licence number*);

- 1                   (viii) a statement that the licensee is entitled to operate class B  
2                                   gaming machines;
- 3                   (ix) the conditions on the licence.
- 4           (3) An authorisation certificate for a class B licence must—
- 5                   (a) state the licensee’s name, address, ABN and ACN (if any); and
- 6                   (b) if the licensee is not an individual—state the name of the  
7                                   licensee’s legal entity; and
- 8                   (c) if the licensee carries on business under a name other than the  
9                                   licensee’s name—state the name under which the licensee  
10                                  carries on business; and
- 11                  (d) state the licensee’s licence number; and
- 12                  (e) include a unique identifying number (an *authorisation*  
13                                  *certificate number*); and
- 14                  (f) state that class B gaming machines only are allowed under the  
15                                  authorisation certificate; and
- 16                  (g) include details of the premises where the licensee is authorised  
17                                  to have the gaming machines; and
- 18                  (h) include details of the part of the premises (the *gaming areas*)  
19                                  where the licensee is allowed to operate the gaming machines;  
20                                  and
- 21                  (i) state the number of authorisations for gaming machines under  
22                                  the authorisation certificate; and
- 23                  (j) include a schedule (an *authorisation schedule*) that contains—
- 24                                  (i) the serial number of each gaming machine the licensee  
25    has under the authorisation certificate; and

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

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

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

## 9 **Division 2B.5 Licences and authorisation** 10 **certificates—amendments**

### 11 **31 Licence amendment—application**

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

#### 15 **Example**

16 to change the licensee's trading name

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

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

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

- 23 (2) The application must—  
24 (a) be in writing signed by the applicant; and  
25 (b) set out the proposed amendment of the licence; and  
26 (c) explain why the applicant is seeking the amendment; and

1 (d) include anything else required by regulation.

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

5 (3) A regulation may require a minor licence amendment application  
6 to—

7 (a) include stated information; or

8 (b) be accompanied by stated documents.

9 **32 Licence amendment decision—minor amendment**

10 (1) This section applies if a licensee makes a minor licence amendment  
11 application.

12 (2) The commission may—

13 (a) amend the licence in accordance with the application; or

14 (b) refuse to amend the licence.

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

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

22 (3) The commission must—

23 (a) tell the licensee, in writing, of a decision under subsection (2);  
24 and

25 (b) if the commission refuses to amend the licence—give the  
26 reasons for the decision.

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



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1     **33           Authorisation certificate amendment—application**

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

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

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

9                   (ii) change the location of a gaming area;

10                  (iii) add another gaming area; or

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

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

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

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

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

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

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

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

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

5       **34           Authorisation certificate amendment—contents of**  
6           **application**

7           An authorisation certificate amendment application must—

- 8           (a) be in writing signed by the applicant; and  
9           (b) set out the proposed amendment of the authorisation  
10           certificate; and  
11           (c) explain why the applicant is seeking the amendment; and  
12           (d) for a gaming area amendment—be accompanied by a plan of  
13           the premises, drawn to scale, that clearly shows the proposed  
14           changes to the gaming area; and  
15           (e) for a premises relocation amendment in relation to relocating  
16           all gaming machine operations to new premises within the  
17           same suburb—  
18               (i) state the address, and block and section number, of the  
19               new premises; and  
20               (ii) be accompanied by a plan of the new premises, drawn to  
21               scale, that clearly shows the location, boundaries and  
22               dimensions of the proposed gaming area; and  
23           (f) for a premises relocation amendment in relation to relocating  
24           all gaming machine operations to new premises in another  
25           suburb—  
26               (i) state the address, and block and section number, of the  
27               new premises; and

- 1 (ii) be accompanied by—
- 2 (A) a social impact assessment; and
- 3 (B) a plan of the new premises, drawn to scale, that
- 4 clearly shows the location, boundaries and
- 5 dimensions of the proposed gaming area; and
- 6 (C) if the applicant is a club—evidence that a majority
- 7 of the voting members of the club who voted in a
- 8 ballot conducted under a regulation voted for the
- 9 club relocating to the new premises.

10 **35 Authorisation certificate amendment decision—gaming**

11 **area amendment**

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

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

- 15 (2) The commission may—

16 (a) amend the authorisation certificate; or

17 (b) refuse to amend the authorisation certificate.

18 *Note 1* The commission may refuse to consider an application that is not

19 properly completed. If the commission refuses to consider the

20 application, it lapses (see s 9 (2)).

21 *Note 2* If additional information in relation to an application is not given to the

22 commission within the time required by the commission, the

23 commission may refuse to consider the application. If the commission

24 refuses to consider the application, it lapses (see s 9 (4)).

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

28 *Note* For what must be included in a statement of reasons, see the [Legislation](#)

29 [Act](#), s 179.

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

10 **36 Authorisation certificate amendment decision—premises**  
11 **relocation amendment**

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

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

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

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

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

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

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

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

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

14 **37 Authorisation certificate amendment decision—increase**  
15 **maximum amendment**

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

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

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

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

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

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

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

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

8 (a) the application is accompanied by a social impact assessment  
9 that supports an increase in the maximum number of  
10 authorisations for gaming machines allowed at the authorised  
11 premises; and

12 (b) the size and layout of the premises mentioned in the  
13 authorisation certificate is suitable for the operation of the  
14 number of gaming machines that would be allowed under the  
15 authorisation certificate.

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

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

20 (b) the ratio of club members to the maximum number of  
21 authorisations for gaming machines sought by the licensee;

22 (c) the extent to which the club has contributed to, or is likely to  
23 contribute to, the community and supported and benefited the  
24 community.

- 1     **37A     Authorisation certificate amendment—increase maximum**  
2     **to not more than relevant number**
- 3     (1) This section applies if, during the trading period, a licensee wants to  
4     increase the maximum number of authorisations for class C gaming  
5     machines the licensee may have under an authorisation certificate (a  
6     *one-off increase maximum amendment*).
- 7     *Note     Trading period*—see s (4).
- 8     (2) The licensee must notify the commission about the proposed one-off  
9     increase maximum amendment.
- 10     *Note 1*   Making a one-off increase maximum amendment of an authorisation  
11     certificate during the trading period is a notifiable action (see pt 13A  
12     and sch 2).
- 13     *Note 2*   A notifiable action takes place—
- 14     (a) the prescribed number of days after the day the commission  
15     receives the notification (see s 173E (a)); or
- 16     (b) if the commission allows the notifiable action to take place on an  
17     earlier day—that day (see s 173E (b)); or
- 18     (c) if the commission asks for additional information under  
19     s 173E (c)—when the commission has notified the licensee that it  
20     is satisfied in relation to the additional information (see  
21     s 173E (c)).
- 22     (3) The commission must amend the authorisation certificate in  
23     accordance with the notification if satisfied that—
- 24     (a) the number of authorisations by which the licensee proposes to  
25     increase the maximum number the licensee may have under the  
26     authorisation certificate is not more than the relevant number;  
27     and
- 28     *Note     Relevant number*—see s (4).
- 29     (b) the size and layout of the premises mentioned in the  
30     authorisation certificate are suitable for the operation of the  
31     number of gaming machines the licensee may have under the  
32     authorisation certificate, as amended; and



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

4 *Note* **Trading period**—see s (4).

- 5 (4) In this section:

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

- 8 (a) if the licensee's authorisation certificate is for less than  
9 120 authorisations when the application is made—12; or  
10 (b) in any other case—10% of the total number of authorisations  
11 allowed under the authorisation certificate, up to a maximum  
12 of 20.

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

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

20 **37B Authorisation certificate amendment—technical**  
21 **amendment**

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

- 1 (d) change any other technical detail mentioned in the  
2 authorisation schedule.
- 3 (2) The licensee must notify the commission about the proposed  
4 technical amendment.
- 5 *Note 1* Making a technical amendment to a gaming machine is a notifiable  
6 action (see pt 13A and sch 2).
- 7 *Note 2* A notifiable action takes place—
- 8 (a) the prescribed number of days after the day the commission  
9 receives the notification (see s 173E (a)); or
- 10 (b) if the commission allows the notifiable action to take place on an  
11 earlier day—that day (see s 173E (b)); or
- 12 (c) if the commission asks for additional information under  
13 s 173E (c)—when the commission has notified the licensee that it  
14 is satisfied in relation to the additional information (see  
15 s 173E (c)).

16 **37C Amendment of licence, authorisation certificate etc—**  
17 **commission’s own initiative**

- 18 (1) The commission may amend a licence, authorisation certificate or  
19 authorisation schedule on its own initiative to correct a mistake,  
20 error or omission on the licence or authorisation certificate or  
21 authorisation schedule.
- 22 (2) If the maximum number of authorisations for gaming machines  
23 allowed under an authorisation certificate has changed, the  
24 commission may amend the authorisation certificate to record the  
25 correct maximum number.
- 26 (3) If a licensee notifies the commission about the acquisition or  
27 disposal of an authorisation under division 6.10 (Trading of  
28 authorisations and gaming machines), the commission must amend  
29 the licensee’s authorisation schedule to—
- 30 (a) for an acquisition—include the authorisation number of the  
31 acquired authorisation; or

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

3 **37D Re-issue of amended licence, authorisation certificate etc**

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

11 **Example—commencement of amendment**

12 the day a new trading name for the licensee is registered

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

- 16 (3) If the commission amends an authorisation certificate (other than the  
17 schedule to the certificate) under this Act, the commission must  
18 issue the licensee with an authorisation certificate that includes the  
19 amendment (a *replacement authorisation certificate*).
- 20 (4) The replacement authorisation certificate must state—
- 21 (a) that the certificate is a replacement authorisation certificate;  
22 and  
23 (b) the date the replacement authorisation certificate was issued;  
24 and  
25 (c) the date the amendment commences.

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

11 **Example—commencement of amendment**

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

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

16 **37E Transferring an authorisation certificate**

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

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

22 *Note 2* A notifiable action takes place—

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

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

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

13       **37F           Surrender of licences, authorisation certificates and**  
14       **authorisations**

- 15          (1) A licensee may surrender—
- 16          (a) the licensee's licence; or
- 17          (b) 1 or more authorisation certificates under the licence; or
- 18          (c) an authorisation.
- 19          *Note*     If a licensee surrenders a licence, all authorisation certificates under the  
20                   licence are cancelled (see s 3 (a)).

- 1           (2) A licensee may surrender a licence, authorisation certificate or  
2           authorisation by—
- 3           (a) notifying the commission that the licensee surrenders the  
4           licence, authorisation certificate or authorisation; and
- 5           *Note 1* The surrender of a licence, authorisation certificate or  
6           authorisation is a notifiable action (see pt 13A and sch 2).
- 7           *Note 2* A notifiable action takes place—
- 8           (a) the prescribed number of days after the day the  
9           commission receives the notification (see s 173E (a)); or
- 10          (b) if the commission allows the notifiable action to take place  
11          on an earlier day—that day (see s 173E (b)); or
- 12          (c) if the commission asks for additional information under  
13          s 173E (c)—when the commission has notified the  
14          licensee that it is satisfied in relation to the additional  
15          information (see s 173E (c)).
- 16          (b) if the licensee surrendering an authorisation certificate or  
17          authorisation is a club—giving the commission evidence—
- 18               (i) that a majority of the voting members of the club who  
19               voted in a ballot conducted under a regulation voted for  
20               the club surrendering the authorisation certificate or  
21               authorisation; or
- 22               (ii) that a vote under subparagraph (i) would not be practical;  
23               and
- 24          (c) returning the licence, certificate or authorisation to the  
25          commission.
- 26          **Example—par (b) (ii)**  
27          all memberships have expired and the club does not propose to continue operating
- 28          *Note* An example is part of the Act, is not exhaustive and may extend, but  
29          does not limit, the meaning of the provision in which it appears (see  
30          [Legislation Act](#), s 126 and s 132).

- 1           (3) If a licensee notifies the commission about the surrender of the  
2           licensee's licence, the commission must—
- 3               (a) cancel all authorisation certificates held by the licensee; and  
4               (b) give the licensee a storage permit for an interim purpose for  
5               each gaming machine under the cancelled authorisation  
6               certificates.
- 7           (4) If a licensee surrenders an authorisation certificate or an  
8           authorisation under this section, the commission must give the  
9           licensee a storage permit for an interim purpose for each gaming  
10          machine under the surrendered certificate or authorisation.
- 11          (5) If an authorisation certificate or authorisation is surrendered or  
12          cancelled under this section, the licensee must—
- 13               (a) take meter readings from each gaming machine under the  
14               certificate or authorisation; and  
15               (b) render the gaming machine inoperable; and  
16               (c) within the prescribed number of days after the day the  
17               certificate or authorisation is surrendered or cancelled, give the  
18               commission—
- 19                   (i) details of the meter readings taken under paragraph (a);  
20                   and  
21                   (ii) any outstanding amount payable by the licensee in  
22                   relation to the operation of the gaming machine under the  
23                   surrendered or cancelled authorisation certificate.

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

- 1    **37G       Offence—failure to dispose of gaming machines**
- 2       A person commits an offence if—
- 3       (a) an authorisation held by the person was surrendered or
- 4       cancelled under section 37F; and
- 5       (b) the commission gave the person a storage permit for a gaming
- 6       machine to which the authorisation related; and
- 7       (c) the person fails to dispose of the gaming machine mentioned in
- 8       the permit—
- 9           (i) in the way the commission directs; or
- 10          (ii) within the period stated in the storage permit.
- 11       Maximum penalty: 50 penalty units.
- 12       *Note*     Div 6.7 deals with disposal of gaming machines.

13    **Division 2B.7       Licences, authorisation certificates**

14                           **and authorisations—register and**

15                           **replacement copies**

- 16    **37H       Licences and authorisation certificates—register**
- 17       (1) The commission must keep a register of licences, authorisation
- 18       certificates and authorisations.
- 19       (2) The register must include the following details:
- 20           (a) the date of the issue, amendment or transfer of a licence or
- 21           authorisation certificate;
- 22           (b) the date of the suspension or cancellation of a licence or
- 23           authorisation certificate;



- 1 (c) for each authorisation certificate included in the register—
- 2 (i) the maximum number of authorisations for gaming  
3 machines the licensee may have under the authorisation  
4 certificate; and
- 5 *Note* **Maximum number** of authorisations—see the dictionary.
- 6 (ii) the authorisation number for each authorisation; and
- 7 (iii) details of any gaming machine under each authorisation;
- 8 (d) if a licensee has a gaming machine stored under a permit—
- 9 (i) the kind of permit; and
- 10 **Examples**
- 11 1 storage permit for an interim purpose
- 12 2 quarantine permit
- 13 *Note* An example is part of the Act, is not exhaustive and may  
14 extend, but does not limit, the meaning of the provision in  
15 which it appears (see [Legislation Act](#), s 126 and s 132).
- 16 (ii) the serial number of the gaming machine; and
- 17 (iii) if the licensee holds the authorisation for the gaming  
18 machine—the authorisation number for the gaming  
19 machine;
- 20 (e) anything else prescribed by regulation.
- 21 (3) The register may be kept in any form, including electronically, that  
22 the commission decides.
- 23 (4) The commission may correct a mistake, error or omission in the  
24 register.
- 25 (5) A licensee may ask the commission, in writing, to correct a mistake,  
26 error or omission in the register.

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

3 **Example**

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

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

9 **371 Licences, authorisation certificates and authorisation**  
10 **schedules—replacement copies**

- 11 (1) This section applies if a licensee's licence, authorisation certificate  
12 or authorisation schedule is lost, stolen or destroyed.

- 13 (2) The licensee must give the commission a statutory declaration about  
14 the loss, theft or destruction of the licence, authorisation certificate  
15 or authorisation schedule as soon as practicable after becoming  
16 aware of the loss, theft or destruction.

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

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

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

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

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

3 **Division 2C.1** **Preliminary**

4 **38** **Object—pt 2C**

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

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

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

17 **38A** **Definitions for Act**

18 In this Act:

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

21 ***in-principle authorisation certificate*** means an in-principle  
22 approval for an authorisation certificate.

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

3     **38B            In-principle authorisation certificate—application**

4            (1) A person may apply for an in-principle approval for an authorisation  
5            certificate only if—

6                    (a) the person—

7                            (i) holds a class C licence; or

8                            (ii) has applied for a class C licence; and

9                    (b) the land at the address for which the in-principle authorisation  
10            certificate is sought is suitable land.

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

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

14            (2) In this section:

15            *suitable land* means land that is—

16                    (a) unleased land; and

17                    (b) to be leased with a purpose clause permitting use of the land  
18            for a club.

19     **38C            In-principle authorisation certificate application—**  
20                                    **contents**

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

23                    (a) must comply with the requirements for an authorisation  
24            certificate application under section 22 (1) (Authorisation  
25            certificate for class C gaming machines—contents of  
26            application); but

27                    (b) need not comply with section 22 (2) (b) to (d).

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

3 **38D In-principle authorisation certificate—decision on**  
4 **application**

5 (1) This section applies if the commission receives an application for an  
6 in-principle authorisation certificate under section 38B (1)  
7 (In-principle authorisation certificate—application).

8 (2) The commission may—

9 (a) issue the in-principle authorisation certificate; or

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

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

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

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

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

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

- 1     **38E       In-principle authorisation certificate—form**
- 2             (1) An in-principle authorisation certificate must—
- 3                 (a) be in writing; and
- 4                 (b) state the following:
- 5                     (i) the name of the approval-holder’s legal entity (the
- 6                         *approval-holder’s name*);
- 7                     (ii) if the approval-holder carries on business under a name
- 8                         other than the approval-holder’s name—the name under
- 9                         which the approval-holder carries on business;
- 10                    (iii) the approval-holder’s ABN;
- 11                    (iv) the approval-holder’s—
- 12                         (A) ACN; or
- 13                         (B) if the approval-holder is an incorporated
- 14                         association—association number;
- 15                         *Note       Association number*—see the dictionary.
- 16                    (v) the address, and block and section number, to which the
- 17                         in-principle authorisation certificate applies;
- 18                    (vi) the maximum number of authorisations allowed under the
- 19                         in-principle authorisation certificate;
- 20                    (vii) the class of gaming machines;
- 21                    (viii) the conditions (if any) of the in-principle authorisation
- 22                         certificate.
- 23             (2) A regulation may prescribe other requirements about the form of an
- 24                 in-principle authorisation certificate.

- 1 **38F In-principle authorisation certificate—conditions**  
2 An in-principle authorisation certificate is subject to any  
3 condition—  
4 (a) prescribed by regulation; or  
5 (b) imposed by the commission when the in-principle  
6 authorisation certificate is issued or extended.

- 7 **38G In-principle authorisation certificate—term**  
8 An in-principle authorisation certificate—  
9 (a) commences on the day it is issued; and  
10 (b) expires—  
11 (i) 3 years after the day it is issued; or  
12 (ii) if the term of the in-principle authorisation certificate is  
13 extended under section 38K (In-principle authorisation  
14 certificate—extension decision)—on the date to which  
15 the in-principle authorisation certificate is extended.

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

- 18 **38H In-principle authorisation certificate—application to**  
19 **transfer**  
20 (1) An approval-holder may apply to the commission to transfer the  
21 in-principle authorisation certificate to someone else (the *proposed*  
22 *new approval-holder*).  
23 *Note* An approval-holder must hold a class C licence or must have applied for  
24 a class C licence (see s 38B (1) (a)).  
25 (2) The application must—  
26 (a) be in writing, signed by the approval-holder and the proposed  
27 new approval-holder; and

- 1 (b) state the full name and address of—  
2 (i) the proposed new approval-holder; and  
3 (ii) each director of the proposed new approval-holder; and  
4 (c) state the name of each influential person for the applicant and  
5 the person's relationship with the applicant.

6 (3) A regulation may require an application to—

- 7 (a) include stated information; or  
8 (b) be accompanied by stated documents.

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

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

## 12 **38I In-principle authorisation certificate—transfer decision**

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

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

18 (2) The commission may—

- 19 (a) transfer the in-principle authorisation certificate to the  
20 proposed new approval-holder; or  
21 (b) refuse to transfer the in-principle authorisation certificate to the  
22 proposed new approval-holder.

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

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



- 1 (3) If the commission refuses to transfer the in-principle authorisation  
2 certificate to the proposed new approval-holder, the commission  
3 must tell the applicant, in writing, the reasons for the decision.
- 4 *Note* For what must be included in a statement of reasons, see the [Legislation](#)  
5 [Act](#), s 179.
- 6 (4) The commission must transfer the in-principle authorisation  
7 certificate to the proposed new approval-holder if satisfied that the  
8 proposed new approval-holder—
- 9 (a) holds a licence; or  
10 (b) has applied for a licence.

11 **38J In-principle authorisation certificate—application for**  
12 **extension**

- 13 (1) An approval-holder may apply to the commission to extend the term  
14 of an in-principle authorisation certificate.
- 15 *Note* Section 38G sets out the term of an in-principle authorisation certificate.
- 16 (2) The application must—
- 17 (a) be in writing signed by the approval-holder; and  
18 (b) state why the approval-holder is seeking the extension.
- 19 *Note 1* If a form is approved under the [Control Act](#), s 53D for an application,  
20 the form must be used.
- 21 *Note 2* A fee may be determined under s 177 for an application.
- 22 (3) If an approval-holder applies to extend the term of an in-principle  
23 authorisation certificate, the in-principle authorisation certificate  
24 remains in force until the application is decided.

1     **38K       In-principle authorisation certificate—extension decision**

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

5             (2) The commission may—

6                 (a) extend the term of the in-principle authorisation certificate; or

7                 (b) refuse to extend the term of the in-principle authorisation  
8             certificate.

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

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

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

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

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

23     **38L       In-principle authorisation certificate—surrender**

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

26                 (a) written notice of the surrender; and

27                 (b) the in-principle authorisation certificate.

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

3     **38M            Conversion of in-principle authorisation certificate to**  
4                                    **authorisation certificate—application**

- 5            (1) An approval-holder may apply to the commission to have an  
6            in-principle authorisation certificate converted to an authorisation  
7            certificate.
- 8            (2) The application must—
- 9                    (a) be in writing signed by the applicant; and
- 10                   (b) be accompanied by evidence that the approval-holder has  
11                   acquired an interest in the land, or premises, at the address to  
12                   which the in-principle authorisation certificate applies; and
- 13                   (c) include the following:
- 14                            (i) the name of the applicant's legal entity (the *applicant's*  
15                                    *name*);
- 16                            (ii) if the applicant carries on business under a name other  
17                                    than the applicant's name—the name under which the  
18                                    applicant carries on business;
- 19                            (iii) the applicant's ABN;
- 20                            (iv) the applicant's—
- 21                                    (A) ACN; or
- 22                                    (B) if the applicant is an incorporated association—  
23                                    association number; and
- 24                                    *Note    Association number*—see the dictionary.
- 25            (d) state the address, and block and section number, of the  
26            premises for which the authorisation certificate is sought; and

- 1 (e) state the maximum number of authorisations for gaming  
2 machines for which the authorisation certificate is sought; and
- 3 (f) be accompanied by each of the required documents for the  
4 application.
- 5 (3) For subsection (2) (f), the *required documents* are the following:
- 6 (a) a plan of the premises that—
- 7 (i) is drawn to scale; and
- 8 (ii) clearly shows the location, boundaries and dimensions of  
9 the area in the premises where gaming machines are to be  
10 installed (the *proposed gaming area*);
- 11 (b) a copy of the current gaming rules the applicant has adopted in  
12 relation to the premises for which the authorisation certificate  
13 is sought;
- 14 **Examples—what gaming rules may cover**
- 15 1 how long a gaming machine may be reserved for
- 16 2 who may play the gaming machines
- 17 3 banning of extension of credit to players
- 18 4 cash payment limits
- 19 *Note* An example is part of the Act, is not exhaustive and may extend,  
20 but does not limit, the meaning of the provision in which it  
21 appears (see [Legislation Act](#), s 126 and s 132).
- 22 (c) a copy of the current control procedures the applicant has  
23 adopted to control the operation of gaming machines on the  
24 premises for which the authorisation certificate is sought;
- 25 *Note* Section 97 sets out the requirements for control procedures.

- 1 (d) any other documents required by regulation.
- 2 *Note 1* If a form is approved under the [Control Act](#), s 53D for an application,  
3 the form must be used.
- 4 *Note 2* A fee may be determined under s 177 for an application.
- 5 *Note 3* The commission may refuse to consider an application that is not  
6 properly completed. If the commission refuses to consider the  
7 application, it lapses (see s 9 (2)).
- 8 *Note 4* If additional information in relation to an application is not given to the  
9 commission within the time required by the commission, the  
10 commission may refuse to consider the application. If the commission  
11 refuses to consider the application, it lapses (see s 9 (4)).

12 **38N Conversion of in-principle authorisation certificate to**  
13 **authorisation certificate—decision**

- 14 (1) This section applies if the commission receives an application under  
15 section 38M to convert an in-principle authorisation certificate to an  
16 authorisation certificate.
- 17 (2) The commission may—
- 18 (a) convert the in-principle authorisation certificate to an  
19 authorisation certificate; or
- 20 (b) refuse to convert the in-principle authorisation certificate to an  
21 authorisation certificate.
- 22 *Note 1* The commission may refuse to consider an application that is not  
23 properly completed. If the commission refuses to consider the  
24 application, it lapses (see s 9 (2)).
- 25 *Note 2* If additional information in relation to an application is not given to the  
26 commission within the time required by the commission, the  
27 commission may refuse to consider the application. If the commission  
28 refuses to consider the application, it lapses (see s 9 (4)).

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

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

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

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

12                   (b) were the application an application for an authorisation  
13                   certificate under section 21 (Authorisation certificate for class  
14                   C gaming machines—application), the commission would  
15                   issue the authorisation certificate under section 23  
16                   (Authorisation certificate for class C gaming machines—  
17                   decision on application).

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

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

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

1 **38O Consequences of conversion—other in-principle**  
2 **authorisation certificates for the land or premises expire**

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

11 **5 Part 3 heading**

12 *substitute*

13 **Part 3 Licences and authorisation**  
14 **certificates—conditions**

15 **6 Section 39 heading**

16 *substitute*

17 **39 Offence—failure to comply with condition**

18 **7 New section 39 (1A)**

19 *insert*

- 20 (1A) A licensee commits an offence if—
- 21 (a) an authorisation certificate held by the licensee is subject to a  
22 condition; and
- 23 (b) the licensee fails to comply with a requirement of the  
24 condition.

25 Maximum penalty: 100 penalty units.

1 **8 Division 3.2 heading**

2 *substitute*

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

5 **9 Section 39A**

6 *substitute*

7 **39A Compliance with requirements for issue of licence and**  
8 **authorisation certificate**

9 (1) It is a condition of a licence that the licensee—

- 10 (a) continually meets each requirement for the issue of a licence;  
11 and

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

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

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

19 (2) It is a condition of an authorisation certificate that the licensee—

- 20 (a) continually meets each requirement for the issue of an  
21 authorisation certificate; and

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



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

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

## 6 **10 Sections 41 and 42**

7 *substitute*

### 8 **41 Display of licence and authorisation certificate at** 9 **authorised premises**

- 10 (1) It is a condition of a licence that the licensee displays the licence, or  
11 a copy of the licence, and the authorisation certificate, or a copy of  
12 the authorisation certificate, in a prominent position at the  
13 main entrance to each gaming area of the authorised premises.
- 14 (2) However, the licensee need not display the schedule to the  
15 authorisation certificate.
- 16 (3) Subsection (1) does not apply if—
- 17 (a) the licence or authorisation certificate has been lost, stolen or  
18 destroyed; and
- 19 (b) the licensee gave the commission a statutory declaration under  
20 section 371I (Licences, authorisation certificates and  
21 authorisation schedules—replacement copies) about the loss,  
22 theft or destruction as soon as practicable after becoming  
23 aware of the loss, theft or destruction.

### 24 **42 Authorisation certificate and authorisation schedule to be** 25 **kept at premises**

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

1     **42A     Assistance with reviews**

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

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

7     **11     Operation subject to correct percentage payout**  
8     **Section 47 (1)**

9             *substitute*

10            (1) It is a condition of a licence that the licensee not operate a gaming  
11            machine on authorised premises if the percentage payout on the  
12            gaming machine is not the percentage payout under the  
13            authorisation schedule for the gaming machine.

14     **12     Percentage payout of gaming machines to be displayed**  
15     **Section 48**

16            *omit*

17            each licensed gaming machine has the percentage payout under the  
18            licence

19            *substitute*

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

22     **13     Licensee to use gaming machines**  
23     **Section 51**

24            *omit*

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1 **14 Section 56 heading**

2 *substitute*

3 **56 Definitions—pt 4**

4 **15 Section 56, new definitions**

5 *insert*

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

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

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

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

20 **16 Section 56, definitions of *licence* and *licensee***

21 *substitute*

22 ***licence*** includes an in-principle authorisation certificate.

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

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

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

1 **17** **Grounds for disciplinary action**  
2 **Section 57 (3)**

3 *omit*

4 **18** **Disciplinary action**  
5 **Section 58 (1) (b) and (d)**

6 *after*

7 licence

8 *insert*

9 or authorisation certificate

10 **19** **New section 58 (1) (f) and (g)**

11 *insert*

12 (f) suspending the person's authorisation certificate in relation to  
13 stated premises;

14 (g) if the person is operating more gaming machines at authorised  
15 premises than is allowed under the person's authorisation  
16 certificate for the premises—

17 (i) ordering the person to forfeit to the Territory 100% of the  
18 gross revenue from the operation of each gaming  
19 machine that exceeds the number allowed under the  
20 authorisation certificate; and

21 (ii) directing the person about how to dispose of the excess  
22 gaming machines.

23 **20** **New section 58 (1A)**

24 *insert*

25 (1A) For subsection (1) (d) and (e), if a licence is suspended or cancelled,  
26 all authorisation certificates under the licence are suspended or  
27 cancelled.

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**21 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).

**22 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.

**23 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).

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

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

7 *Note 2* See div 6.7 about the disposal of gaming machines.

8 (3) The directions must not be inconsistent with—

9 (a) this Act or any other territory law; or

10 (b) a condition of the licensee's licence.

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

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

15 **24 Section 63 heading**

16 *substitute*

17 **63 Suspension of licence and authorisation certificate**  
18 **because of suspension of general and on licences**

19 **25 Section 63 (2)**

20 *omit*

21 gaming machine licence

22 *substitute*

23 licence, and each authorisation certificate under the licence,

1	<b>26</b>	<b>Section 64 heading</b>
2		<i>substitute</i>
3	<b>64</b>	<b>Cancellation of authorisation certificate because of</b>
4		<b>cancellation etc of general and on licences</b>
5	<b>27</b>	<b>Section 64</b>
6		<i>omit</i>
7		a gaming machine licence
8		<i>substitute</i>
9		an authorisation certificate
10	<b>28</b>	<b>Section 64</b>
11		<i>omit</i>
12		the gaming machine licence
13		<i>substitute</i>
14		the authorisation certificate
15	<b>29</b>	<b>Section 65 heading</b>
16		<i>substitute</i>
17	<b>65</b>	<b>Return of licence and authorisation certificate on</b>
18		<b>cancellation</b>
19	<b>30</b>	<b>Section 65 (1) (a)</b>
20		<i>after</i>
21		licence
22		<i>insert</i>
23		or authorisation certificate

1 **31 Section 65 (2)**

2 *substitute*

3 (2) This section also applies if—

4 (a) a person's authorisation certificate is cancelled under  
5 section 64 (2); or

6 (b) a person's authorisation certificate is cancelled under  
7 section 64 (3) and the person has notice of the cancellation of  
8 the person's general or on licence.

9 **32 Section 65 (3)**

10 *after*

11 licence

12 *insert*

13 or authorisation certificate (including the authorisation schedule)

14 **33 New section 65A**

15 *in part 4, insert*

16 **65A Cancellation of licences and authorisation certificates—**  
17 **disposal of gaming machines**

18 (1) This section applies if a person's licence, and each authorisation  
19 certificate under the licence, is cancelled under this part.

20 (2) The number of authorisations for gaming machines under the  
21 cancelled authorisation certificate is forfeited to the Territory.



1 (3) The person must dispose of a gaming machine operated under the  
2 cancelled authorisation certificate as the commission directs.

3 Maximum penalty: 50 penalty units.

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

9 **34 Computer cabinet access register**  
10 **Section 71 (1)**

11 *omit*

12 licensed gaming machines

13 *substitute*

14 gaming machines

15 **35 New part 6A heading**

16 *before division 6.5, insert*

17 **Part 6A Gaming machine dealings**

1 **36 Sections 98 to 100**

2 *substitute*

3 **98 Acquisition of gaming machines and peripheral**  
4 **equipment—general**

5 (1) A person commits an offence if—

6 (a) the person intentionally acquires a gaming machine; and

7 *Note Acquire*—see the dictionary.

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

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

13 (2) However, a person does not commit an offence against  
14 subsection (1) if—

15 (a) the person has been appointed as an external administrator for  
16 a licensee; and

17 (b) the commission has received written notice of the person's  
18 appointment, and any additional information requested by the  
19 commission, under section 110A (Appointment of external  
20 administrator).

21 (3) A licensee commits an offence if—

22 (a) the licensee intentionally acquires a gaming machine or  
23 peripheral equipment for a gaming machine; and

24 (b) the gaming machine or peripheral equipment is not approved  
25 under section 69 (Approval of gaming machines and peripheral  
26 equipment).

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

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

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

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

9 **99 Acquisition of authorisations and gaming machines—**  
10 **notification**

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

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

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

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

- 1     **100     Acquisition of gaming machines—amendment of**  
2     **authorisation schedule etc**
- 3           (1) This section applies if a licensee notifies the commission under  
4           section 99 about the proposed acquisition of a gaming machine for  
5           authorised premises.
- 6           (2) The commission must amend the licensee’s authorisation schedule  
7           for the authorised premises to record the gaming machine’s serial  
8           number and anything else required by this Act to be included.
- 9           *Note 1*   A reference to an Act includes a reference to the statutory instruments  
10           made or in force under the Act, including any regulation (see  
11           [Legislation Act](#), s 104).
- 12           *Note 2*   The licensee must not acquire a gaming machine for premises  
13           authorised under an authorisation certificate if the licensee does not  
14           hold an authorisation for the gaming machine (see s 98 (4)).
- 15           (3) However, if the licensee acquires the gaming machine under  
16           division 6.10 (Trading of authorisations and gaming machines), the  
17           commission must amend the licensee’s authorisation schedule to  
18           remove 1 authorisation for a gaming machine for every  
19           4 authorisations for gaming machines the licensee acquires.
- 20           *Note 1*   On receiving a notice under this section, the commission must also  
21           amend the register of licences and authorisations to include details  
22           about the maximum number of authorisations for gaming machines to  
23           be held by the licensee after acquiring the gaming machines mentioned  
24           in the notice (see s 37H (2)).
- 25           *Note 2*   *Maximum number* of authorisations—see the dictionary.
- 26           (4) The commission may amend any other record the commission holds  
27           to include the information contained in the notice.
- 28           (5) Subsection (3) and this subsection expire on the commencement of  
29           the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1  
30           (Other amendments—compulsory surrender).

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1 **37 Possession and operation of gaming machines**  
2 **Section 103 (2) (a)**

3 *omit*

4 administrator, receiver, manager or liquidator

5 *substitute*

6 external administrator

7 **38 New section 103 (3)**

8 *insert*

9 (3) In this section:

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

11 **39 Section 104**

12 *substitute*

13 **104 Offence—operating unauthorised or stored gaming**  
14 **machines**

15 (1) A person commits an offence if—

16 (a) the person operates a gaming machine; and

17 (b) operation of the gaming machine is not allowed under an  
18 authorisation certificate; and

19 (c) the person is reckless about whether the operation of the  
20 gaming machine is allowed under an authorisation certificate.

21 Maximum penalty: 100 penalty units.

- 1 (2) A person commits an offence if—  
2 (a) the person operates a gaming machine; and  
3 (b) a storage permit applies to the gaming machine; and  
4 (c) the person is reckless about whether a storage permit applies to  
5 the gaming machine.  
6 Maximum penalty: 100 penalty units.

7 **40 Section 105 heading**

8 *substitute*

9 **105 Operation of gaming machines other than in accordance**  
10 **with authorisations**

11 **41 Section 105 (1) (b) and (c)**

12 *omit*

13 licence

14 *substitute*

15 authorisation certificate

16 **42 New section 105A**

17 *in division 6.6, insert*

18 **105A Definitions—div 6.6**

19 In this division:

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

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

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

7 **43 Section 107**

8 *substitute*

9 **107 Approval for repossession—application**

- 10 (1) A person enforcing a financial agreement or a supplier may apply to  
11 the commission for approval to repossess a gaming machine.

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

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

- 15 (2) The application must be accompanied by information identifying—  
16 (a) the person from whom the gaming machine is to be  
17 repossessed; and  
18 (b) the premises where the gaming machine is currently held; and  
19 (c) the details of the gaming machine.

1 **44 New section 109A**

2 *insert*

3 **109A Repossessed gaming machines—amendment of**  
4 **authorisation schedule**

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

16 **45 New section 110A**

17 *in division 6.6, insert*

18 **110A Appointment of external administrator**

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

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

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



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1 **46 Unapproved disposal of gaming machines**  
2 **Section 111 (2)**

3 *substitute*

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

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

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

10 **47 Application for approval for disposal of gaming machines**  
11 **Section 112 (2) (c)**

12 *substitute*

- 13 (c) the details of the gaming machine.

14 **48 New section 112 (3)**

15 *insert*

- 16 (3) However, this section does not apply to a person who disposes of a  
17 gaming machine under a notification under section 113A (Disposal  
18 of gaming machines—notifiable action).

19 **49 Approval of disposal of gaming machines**  
20 **Section 113 (2) (a) (i)**

21 *omit*

22 a licence

23 *substitute*

24 an authorisation certificate

1 **50 New sections 113A to 113D**

2 *in division 6.7, insert*

3 **113A Disposal of gaming machines—notifiable action**

4 (1) This section applies if a licensee authorised to operate a gaming  
5 machine proposes to dispose of the gaming machine for any of the  
6 following reasons:

7 (a) the authorisation for the gaming machine under division 6.10  
8 (Trading of authorisations and gaming machines) is to be  
9 traded without the gaming machine;

10 *Note* The licensee must apply for a storage permit for the gaming  
11 machines that are not being traded with the authorisation (see  
12 div 6.11).

13 (b) the gaming machine is to be sold to another licensee in the  
14 ACT or a local jurisdiction;

15 (c) the gaming machine is to be replaced with a new gaming  
16 machine;

17 (d) the gaming machine is to be returned to the approved supplier  
18 who sold the gaming machine;

19 (e) the gaming machine is to be sold to an approved supplier;

20 (f) the authorisation for the gaming machine is to be surrendered  
21 under section 37F (Surrender of licences, authorisation  
22 certificates and authorisations);

23 (g) the licensee's licence is to be cancelled under section 58  
24 (Disciplinary action).

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

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

5 *Note 2* A notifiable action takes place—

6 (a) the prescribed number of days after the day the commission  
7 receives the notification (see s 173E (a)); or

8 (b) if the commission allows the notifiable action to take place on an  
9 earlier day—that day (see s 173E (b)); or

10 (c) if the commission asks for additional information under  
11 s 173E (c)—when the commission has notified the licensee that it  
12 is satisfied in relation to the additional information (see  
13 s 173E (c)).

14 (3) The commission may approve a means of disposing of a gaming  
15 machine under this section.

16 (4) An approval is a notifiable instrument.

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

18 **113B Destruction of gaming machines—commission’s**  
19 **attendance**

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

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

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

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

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

1 **113C Disposal of gaming machines—direction about manner of**  
2 **disposal**

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

7 **113D Offence—failure to dispose of gaming machine within**  
8 **required time**

- 9 (1) This section applies if—  
10 (a) the commission issues a storage permit for an interim purpose  
11 to a licensee; and  
12 (b) the licensee fails to dispose of a gaming machine to which the  
13 permit applies within the time stated in the permit.  
14 (2) The commission must, in writing, direct the licensee to destroy the  
15 gaming machine in the way, and within the time, stated in the  
16 direction.  
17 (3) A licensee commits an offence if the licensee fails to comply with a  
18 direction under subsection (2).  
19 Maximum penalty: 100 penalty units.  
20 (4) Subsection (3) does not apply if the licensee has a reasonable  
21 excuse.

22 **51 Operation to be subject to correct percentage payout**  
23 **Section 125 (1) (b)**

24 *after*  
25 gaming machine  
26 *insert*  
27 on authorised premises

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**52 Section 125 (1) (c)**

*omit*

on the licensed premises

**53 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.

1 **127B Definitions—div 6.10**

2 In this division:

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

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

7 **Subdivision 6.10.2 Trading class B authorisations**

8 **127C Selling class B authorisations**

9 (1) A class B licensee (the *disposing licensee*) may dispose of 1 or  
10 more authorisations for class B gaming machines (a *class B*  
11 *authorisation*) to—

12 (a) a class C licensee; or

13 (b) a class B licensee, or an applicant for a class B licence, who is  
14 purchasing the disposing licensee's business.

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

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

19 *Note 2* A notifiable action takes place—

20 (a) the prescribed number of days after the day the commission  
21 receives the notification (see s 173E (a)); or

22 (b) if the commission allows the notifiable action to take place on an  
23 earlier day—that day (see s 173E (b)); or

24 (c) if the commission asks for additional information under  
25 s 173E (c)—when the commission has notified the licensee that it  
26 is satisfied in relation to the additional information (see  
27 s 173E (c)).

- 1 (3) The disposing licensee commits an offence if—  
2 (a) the disposing licensee sells a business to another person (the  
3 ***purchaser***); and  
4 (b) the purchaser is not—  
5 (i) a class B licensee; or  
6 (ii) an applicant for a class B licence and authorisation  
7 certificate under section 28 (Licence and authorisation  
8 certificate for class B gaming machines—restricted  
9 application).
- 10 Maximum penalty: 100 penalty units.
- 11 (4) An offence against subsection (3) is a strict liability offence.
- 12 (5) Subsection (3) does not apply if the class B licensee took all  
13 reasonable steps to ascertain whether the purchaser was a person  
14 mentioned in subsection (3) (b).
- 15 *Note 1* The defendant has an evidential burden in relation to the matters  
16 mentioned in s (5) (see [Criminal Code](#), s 58).
- 17 *Note 2* A licensee who intends to acquire an authorisation from a class B  
18 licensee under this subdivision must tell the commission about the  
19 acquisition (see s 99).
- 20 (6) In this section:  
21 ***disposing licensee's business*** means a business operated by the  
22 disposing licensee at authorised premises under a general or on  
23 licence.
- 24 (7) This section is subject to section 127F (Trading authorisations—  
25 forfeiture requirements).
- 26 (8) Subsection (7) and this subsection expire on the commencement of  
27 the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1  
28 (Other amendments—compulsory surrender).

1     **127D     Offence—selling class B gaming machines**

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

14                     Maximum penalty: 100 penalty units.

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

16     **Subdivision 6.10.3   Trading class C authorisations and**

17                             **gaming machines**

18     **127E     Trading class C authorisations and gaming machines**

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

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



- 1 (2) The acquiring licensee may acquire authorisations for the authorised  
2 premises (with or without the related gaming machines) from 1 or  
3 more class B or class C licensees (a *disposing licensee*).
- 4 *Note 1* A class C licensee who intends to acquire an authorisation under this  
5 subdivision must tell the commission about the acquisition (see s 99).  
6 The acquisition is a notifiable action (see s 99, s 173D and sch 2).
- 7 *Note 2* If the class C licensee notifies the commission about the acquisition of a  
8 gaming machine for authorised premises, the class C licensee's  
9 authorisation schedule for the authorised premises will be amended to  
10 record the gaming machine's serial number (see s 100 (2)).
- 11 (3) The disposing licensee may dispose of 1 or more authorisations to  
12 the acquiring licensee.
- 13 (4) This section is subject to section 127F.
- 14 (5) Subsection (4) and this subsection expire on the commencement of  
15 the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1  
16 (Other amendments—compulsory surrender).

17 **127F Trading authorisations— forfeiture requirement**

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

- 1 (b) may acquire the 4 authorisations from more than 1 class B or  
2 class C licensee.
- 3 **Example—par (b)**
- 4 Lili (an acquiring licensee) wants to acquire authorisations. Lili must  
5 acquire the authorisations in groups of 4. Brigitta (a class C licensee) has  
6 2 class C authorisations to sell. Antoni (also a class C licensee) also has  
7 2 class C authorisations to sell. Lili may acquire the 4 authorisations from  
8 Brigitta and Antoni. Under s (4), Lili must forfeit 1 of the acquired  
9 authorisations to the Territory.
- 10 *Note 1* A failure to comply with s (2) (a) is a ground for disciplinary  
11 action (see s 57 (1) (c)).
- 12 *Note 2* An example is part of the Act, is not exhaustive and may extend,  
13 but does not limit, the meaning of the provision in which it  
14 appears (see [Legislation Act](#), s 126 and s 132).
- 15 (3) However, the acquiring licensee may acquire less than  
16 4 authorisations if the acquiring licensee acquires the authorisations  
17 from a disposing licensee who—
- 18 (a) intends to surrender an authorisation certificate under  
19 section 37F (Surrender of licences, authorisation certificates  
20 and authorisations); and
- 21 (b) has less than 4 authorisations to dispose of under the  
22 authorisation certificate.
- 23 (4) The acquiring licensee must forfeit 1 authorisation to the Territory  
24 for every 4 authorisations the licensee acquires under this section.
- 25 (5) The acquiring licensee is not entitled to claim compensation from  
26 the Territory for an authorisation forfeited to the Territory under  
27 subsection (4).
- 28 (6) This section expires on the commencement of the *Gaming Machine*  
29 *(Reform) Amendment Act 2015*, schedule 1 (Other amendments—  
30 compulsory surrender).

- 1 **127G Offence—acquiring authorisations and gaming machines**
- 2 (1) A licensee commits an offence if—
- 3 (a) the licensee acquires an authorisation or gaming machine for
- 4 authorised premises; and
- 5 (b) the acquisition is not in accordance with this Act.
- 6 Maximum penalty: 100 penalty units.
- 7 *Note* A reference to an Act includes a reference to the statutory instruments
- 8 made or in force under the Act, including any regulation (see
- 9 [Legislation Act](#), s 104).
- 10 (2) An offence against this section is a strict liability offence.
- 11 **127H Selling class C gaming machines**
- 12 (1) A class C licensee commits an offence if—
- 13 (a) the class C licensee sells a class C gaming machine to another
- 14 person (the *purchaser*); and
- 15 (b) the sale of the class C gaming machine is not—
- 16 (i) to another class C licensee; or
- 17 (ii) approved by the commission under section 113
- 18 (Approval of disposal of gaming machines); or
- 19 (iii) part of a method of disposal approved by the commission
- 20 under section 113A (Disposal of gaming machines—
- 21 notifiable action).
- 22 Maximum penalty: 100 penalty units.
- 23 (2) An offence against this section is a strict liability offence.
- 24 (3) Subsection (1) does not apply if the class C licensee took all
- 25 reasonable steps to ascertain whether the purchaser was a
- 26 class C licensee.

- 1     **127I     Selling class C authorisations**
- 2             (1) A class C licensee commits an offence if—
- 3                     (a) the class C licensee sells an authorisation for a class C gaming
- 4                             machine to another person (the *purchaser*); and
- 5                     (b) the purchaser is not a class C licensee.
- 6             Maximum penalty: 100 penalty units.
- 7             (2) An offence against this section is a strict liability offence.
- 8             (3) Subsection (1) does not apply if the class C licensee took all
- 9                     reasonable steps to ascertain that the purchaser was a
- 10                     class C licensee.

11     **Subdivision 6.10.4   Trading authorisations and gaming**

12                             **machines—miscellaneous**

- 13     **127J     Trading authorisations—disposal of gaming machines**
- 14             (1) This section applies if a licensee (a *disposing licensee*)—
- 15                     (a) disposes of an authorisation under this division; but
- 16                     (b) does not dispose of the related gaming machine.
- 17             (2) The disposing licensee must—
- 18                     (a) apply for a storage permit for an interim purpose under
- 19                             section 127O (Storage permit—application) for the gaming
- 20                             machine; and
- 21                     (b) dispose of the gaming machine in accordance with
- 22                             section 113A (Disposal of gaming machines—notifiable
- 23                             action).

- 
- 1     **127K     Trading authorisations and gaming machines—**  
2     **regulations**
- 3           (1) A regulation may prescribe—
- 4               (a) conditions relating to the trading of authorisations and gaming  
5               machines under this division, including restricting or  
6               suspending the trading of authorisations or gaming machines—
- 7                     (i) in a stated location; or
- 8                     (ii) for a stated period, or until a stated event occurs; and
- 9               (b) any other requirements in relation to the trading of  
10               authorisations (with or without gaming machines) under this  
11               division, including in relation to arrangements for acquiring or  
12               disposing of gaming machines.
- 13          (2) The commission may make recommendations to the Minister for  
14          appropriate regulations under subsection (1), including in relation to  
15          the following:
- 16               (a) whether the increase of trading in authorisations (with or  
17               without gaming machines) in a particular location will have an  
18               adverse effect on problem gamblers;
- 19               (b) whether it is in the public interest to restrict or suspend the  
20               trading of authorisations (with or without gaming machines)  
21               under this division, either generally or in relation to a stated  
22               location.
- 23          (3) If the commission makes recommendations to the Minister under  
24          subsection (2), the Minister must consider the recommendations.

1 **Division 6.11**                    **Storage of authorisations and gaming**  
2    **machines**

3 **Subdivision 6.11.1 Interpretation**

4 **127L**            **Meaning of *storage permit*—Act**

5                    In this Act:

6                    *storage permit* means a permit that authorises a licensee to store  
7                    1 or more gaming machines, with or without the authorisations for  
8                    the gaming machines—

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

12 **127M**            **Definitions—div 6.11**

13                    In this division:

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

15                    *inspection notice*—see section 127ZE (1).

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

17                    *permit* means a quarantine permit or a storage permit.

18                    *quarantined authorisation* means an authorisation stored under a  
19                    quarantine permit.

20                    *quarantined gaming machine* means a gaming machine stored  
21                    under a quarantine permit.

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

25                    *quarantine permit*—see section 127Q.

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

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

6            *stored authorisation* means an authorisation stored under a storage  
7            permit.

8            *stored gaming machine* means a gaming machine stored under a  
9            storage permit.

10           **Subdivision 6.11.2    Storage            permits—application            and**  
11     **decision**

12           **127N            Storage permits—purpose**

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

15            (a) to store 1 or more gaming machines, and the authorisations for  
16            the gaming machines, for a stated period of not longer than  
17            12 months (a *general purpose*);

18            (b) to store 1 or more gaming machines to be disposed of or  
19            destroyed for a period of not longer than 3 months (an *interim*  
20            *purpose*).

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

23           **127O            Storage permit—application**

24            (1) A licensee may apply to the commission for a storage permit to  
25            store 1 or more gaming machines and the authorisations for the  
26            gaming machines (if any).

- 1           (2) The application must—
- 2           (a) be in writing; and
- 3           (b) state the purpose and the period for which the storage permit is
- 4                 required; and
- 5           (c) if the application is by a class B licensee for a storage permit
- 6                 for a general purpose—state why the storage permit is needed;
- 7                 and
- 8                 *Note*     A class B licensee will not be issued with a storage permit for a
- 9                         general purpose unless the commission is satisfied that the storage
- 10                        permit is needed for a good reason (see s 127P (2) (c)).
- 11           (d) state the class of gaming machine to be stored under the
- 12                 storage permit; and
- 13           (e) state the place where each gaming machine to be stored is
- 14                 located; and
- 15           (f) state the type of premises where each gaming machine is to be
- 16                 stored; and
- 17           (g) state whether the premises will be used to store gaming
- 18                 machines for 2 or more licensees; and
- 19           (h) state the serial number for each gaming machine to be stored
- 20                 under the storage permit;
- 21           (i) state the authorisation number for each authorisation to be
- 22                 stored under the storage permit.
- 23           *Note 1*    It is an offence to make a false or misleading statement, give false or
- 24                         misleading information or produce a false or misleading document (see
- 25                         [Criminal Code](#), pt 3.4).
- 26           *Note 2*    If a form is approved under the [Control Act](#), s 53D for an application,
- 27                         the form must be used.
- 28           *Note 3*    A fee may be determined under s 177 for an application.



1 **127P Storage permit—decision on application**

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

4 (2) The commission must issue the storage permit to the licensee if  
5 satisfied—

6 (a) that the gaming machine and authorisation (if any) to be stored  
7 under the permit are from the same authorised premises; and

8 (b) that the type of premises where the gaming machines are to be  
9 stored are suitable for the storage of gaming machines; and

10 (c) if the application is by a class B licensee for a storage permit  
11 for a general purpose—that the storage permit is needed for a  
12 good reason; and

13 **Examples**

14 1 renovations are being carried out at the authorised premises where the  
15 gaming machines to be stored under the permit are located

16 2 the authorised premises where the gaming machines to be stored under  
17 the permit are located have been damaged

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

21 (d) if 2 or more licensees are to store gaming machines at the  
22 premises—

23 (i) that the premises where the gaming machines are to be  
24 stored are suitable for the storage of gaming machines by  
25 that number of licensees; and

1 (ii) that each licensee has applied for a storage permit under  
2 section 127O.

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

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

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

### 13 **Subdivision 6.11.3 Quarantine permits**

#### 14 **127Q Quarantine permits—notification and issue**

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

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

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

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

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

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

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

#### 10 **127R Quarantine permits—extension**

11 (1) A licensee who wants to extend the period of a quarantine permit  
12 issued to the licensee under section 127Q must notify the  
13 commission, stating the period of the extension sought (the  
14 *extended period*).

15 (2) On receiving a notification under subsection (1), the commission  
16 must issue a new quarantine permit to the licensee for the extended  
17 period.

18 (3) However, the commission must not issue a new quarantine permit  
19 under subsection (2) if, when the notification is made, the  
20 quarantine permit has been in force for 3 years.

#### 21 **Subdivision 6.11.4 Permits—form**

##### 22 **127S Permit—form**

23 (1) A permit must be—

24 (a) in writing; and

25 (b) include the following information:

26 (i) the name of the licensee;

- 1 (ii) the kind of permit;
- 2 **Examples**
- 3 • quarantine permit
- 4 • storage permit for an interim purpose
- 5 *Note* An example is part of the Act, is not exhaustive and may
- 6 extend, but does not limit, the meaning of the provision in
- 7 which it appears (see [Legislation Act](#), s 126 and s 132).
- 8 (iii) the day the permit comes into force and the day it
- 9 expires;
- 10 (iv) the authorised premises where each gaming machine and
- 11 authorisation (if any) to be stored under the permit was
- 12 operated;
- 13 (v) the number of gaming machines and authorisations (if
- 14 any) to be stored under the permit;
- 15 (vi) the conditions on the permit;
- 16 (vii) a statement that a breach of a condition of the permit may
- 17 be a ground for disciplinary action;
- 18 (viii) a statement that it is an offence under section 104
- 19 (Operating unauthorised or stored gaming machines) to
- 20 operate a stored or quarantined gaming machine during
- 21 the period of the permit;
- 22 (ix) a schedule containing the information mentioned in
- 23 subsection (2);
- 24 (x) anything else prescribed by regulation.
- 25 (2) For subsection (1) (b) (ix), the schedule must state the serial number
- 26 of, and authorisation number for, each gaming machine to be stored
- 27 under the permit.

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**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

- 1                   (ii) the licensee gives the commission a notification under  
2                   section 127X (Permit amendment—notification) to  
3                   amend the permit;
- 4           (e) a stored or quarantined gaming machine must not be operated  
5           during the period of the permit;
- 6           (f) the licensee must not operate another gaming machine under  
7           the authorisation for a stored or quarantined gaming machine;
- 8           (g) the licensee may trade a stored or quarantined authorisation  
9           with another licensee if—
- 10                   (i) the trade is in accordance with division 6.10 (Trading of  
11                   authorisations and gaming machines); and
- 12                   (ii) the licensee applies for an amendment of the permit  
13                   under section 127ZB (Trading authorisations under  
14                   permits—procedure);
- 15           (h) if the licensee receives an inspection notice, the licensee must  
16           allow an authorised officer to inspect the stored or quarantined  
17           gaming machines and the premises where the gaming machines  
18           are stored;
- 19           (i) for a storage permit issued for an interim purpose—the  
20           licensee must dispose of the gaming machine stored under the  
21           storage permit before the storage permit ends.
- 22   (2) A permit is subject to any other condition—
- 23           (a) determined by the commission under the storage rules; or
- 24           (b) imposed by the commission when the permit is issued,  
25           renewed or amended, if it is necessary to ensure the  
26           safeguarding of gaming machines generally; or

1 (c) prescribed by regulation.

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

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

6 **127U Permit—term**

7 (1) A permit comes into force on the day stated in the permit.

8 (2) The commission must not issue—

9 (a) a storage permit for a general purpose for longer than 1 year; or

10 (b) a storage permit for an interim purpose for longer than  
11 3 months.

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

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

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

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

18 **127V Storage permit—application for extension**

19 (1) A licensee who holds a storage permit for a general purpose may  
20 apply to the commission to extend the term of the storage permit.

21 (2) The application must—

22 (a) be in writing signed by the licensee; and

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

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

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

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

3       **127W     Storage permit—extension decision**

- 4           (1) This section applies if the commission receives an application under  
5           section 127V to extend the term of a storage permit for a general  
6           purpose.
- 7           (2) The commission may—
- 8                 (a) extend the term of the storage permit; or
- 9                 (b) refuse to extend the term of the storage permit.
- 10          (3) The commission must refuse to extend the term of the storage  
11          permit if, when the application is made, the storage permit has been  
12          in force for 3 years.
- 13          (4) If the commission refuses to extend the term of the permit, the  
14          commission must tell the applicant, in writing, the reasons for the  
15          decision.
- 16               *Note*     For what must be included in a statement of reasons, see the  
17                [Legislation Act](#), s 179.
- 18          (5) The commission may extend the term of the storage permit for a  
19          period not longer than 12 months.

20       **Subdivision 6.11.6   Permits—amendment**

21       **127X     Permit amendment—notification**

- 22          (1) This section applies if a licensee who holds a permit proposes to—
- 23                 (a) dispose of a stored or quarantined gaming machine under  
24                 division 6.10 (Trading of authorisations and gaming machines)  
25                 or an approval under section 113 (Approval of disposal of  
26                 gaming machines) (a *proposed disposal*); or



- 1 (b) remove a stored gaming machine from storage under the  
2 permit (a *proposed removal*) so that it may be operated at the  
3 authorised premises.
- 4 (2) The licensee must notify the commission about the proposed  
5 disposal or proposed removal.
- 6 *Note 1* A proposed disposal or proposed removal is a notifiable action (see  
7 pt 13A and sch 2).
- 8 *Note 2* The licensee is not required to provide a social impact assessment for  
9 the proposed removal.
- 10 *Note 3* A failure to comply with s (2) is a ground for disciplinary action (see  
11 s 57 (1) (c)).

12 **127Y Permit amendment—decision**

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

18 **127Z Permit amendment—commission’s own initiative**

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

21 **127ZA Permit amendment—reissue of permit**

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

1 **Subdivision 6.11.7 Permits—trading authorisations under**  
2 **permits**

3 **127ZB Trading authorisations under permits—procedure**

4 (1) This section applies if a disposing licensee who holds a permit  
5 trades a stored or quarantined authorisation to an acquiring licensee  
6 under division 6.10 (Trading of authorisations and gaming  
7 machines).

8 (2) The disposing licensee must give the commission—

9 (a) details of the acquiring licensee; and

10 (b) written notice to—

11 (i) amend the disposing licensee's permit to remove  
12 references to the stored or quarantined authorisation and  
13 the gaming machine allowed under the authorisation; and

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

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

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

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

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

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1 **127ZC Trading authorisations under permits—decision on**  
2 **application by disposing licensee**

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

14 **127ZD Trading authorisations under permits—issue of permit to**  
15 **acquiring licensee**

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

1 **Subdivision 6.11.8 Permits—miscellaneous**

2 **127ZE Gaming machines and authorisations under permits—**  
3 **inspection**

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

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

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

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

19 **127ZF Storage of gaming machines and authorisations—rules**

- 20 (1) The commission may determine rules about the following in relation  
21 to the storage of gaming machines and authorisations under a  
22 permit:  
23 (a) the class of gaming machine to which the rules apply;  
24 (b) the type of premises where gaming machines must be stored;  
25 (c) the circumstances in which premises may be used for storing  
26 gaming machines for 2 or more licensees;  
27 (d) the minimum standard for security arrangements and  
28 safeguards for storing gaming machines under a permit;

- 1 (e) who may have access to a gaming machine stored under a  
2 permit;
- 3 (f) who is to be responsible for the storage of gaming machines  
4 under a permit;
- 5 (g) the records that must be kept for gaming machines and  
6 authorisations under a permit;
- 7 (h) the procedures for enabling the commission to inspect premises  
8 where gaming machines are stored.
- 9 (2) A determination is a disallowable instrument.
- 10 *Note* A disallowable instrument must be notified, and presented to the  
11 Legislative Assembly, under the [Legislation Act](#).

12 **54 Divisions 6.5 to 6.11 (as amended)**

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

14 **55 Section 131**

15 *substitute*

16 **131 Rendering gaming machines inoperable on authorisation**  
17 **ceasing to be in force**

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

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

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

- 1 (b) if the authorisation certificate for the premises is suspended—  
2 during the suspension; or
- 3 (c) if the authorisation certificate for the premises has been  
4 cancelled—until the first of the following happens:
- 5 (i) the gaming machines are removed from the authorised  
6 premises;
- 7 (ii) the decision of the commission to cancel the  
8 authorisation certificate is set aside on an application for  
9 review of the decision; or
- 10 (d) if the authorisation certificate for the premises ceased to be in  
11 force under section 64 (3)—until the first of the following  
12 happens:
- 13 (i) the gaming machines are removed from the premises;
- 14 (ii) the authorisation certificate is taken to be in force again  
15 under section 64 (4).
- 16 *Note* Section 64 (3) provides that a person's authorisation certificate  
17 for premises is cancelled if the person's general or on licence for  
18 the premises is cancelled.

19 **56 Removal of gaming machines from premises**  
20 **Section 132 (1)**

21 *after*  
22 licence  
23 *insert*  
24 or authorisation certificate

1 **57 Section 132 (2)**

2 *substitute*

3 (2) The person commits an offence if, at the end of the required period,  
4 a gaming machine that was allowed to be operated under the  
5 authorisation certificate is on the premises for which the certificate  
6 was issued.

7 Maximum penalty: 50 penalty units.

8 **58 Section 132 (3), definition of *relevant decision***

9 *after*

10 licence

11 *insert*

12 or authorisation certificate

13 **59 Section 132 (3), definition of *required period*,  
14 paragraph (a) (i)**

15 *after*

16 licence

17 *insert*

18 or authorisation certificate

19 **60 Operation of linked-jackpot arrangements  
20 Section 133 (b)**

21 *omit*

22 authorised

23 *substitute*

24 approved

- 1 **61 Section 134 heading**
- 2 *substitute*
- 3 **134 Single-user approval for linked-jackpot arrangements**
- 4 **62 Section 134 (1), except notes**
- 5 *substitute*
- 6 (1) A licensee may apply in writing to the commission for approval to
- 7 operate a linked-jackpot arrangement between gaming machines
- 8 operated under an authorisation certificate held by the licensee.
- 9 **63 Section 134 (3)**
- 10 *omit*
- 11 authorise
- 12 *substitute*
- 13 approve
- 14 **64 Section 134 (3) (a) (i)**
- 15 *omit*
- 16 licence
- 17 *substitute*
- 18 authorisation certificate
- 19 **65 Section 134 (4)**
- 20 *omit*
- 21 authorisation
- 22 *substitute*
- 23 approval



1 **66 Section 134 (4)**

2 *omit*

3 authorised

4 *substitute*

5 approved

6 **67 Issue of multi-user permits**  
7 **Section 135 (1)**

8 *omit*

9 licences

10 *substitute*

11 authorisation certificates

12 **68 Unclaimed jackpots**  
13 **Section 143 (1)**

14 *omit*

15 authorised

16 *substitute*

17 approved

18 **69 Section 143 (1)**

19 *omit*

20 approved under section 135

21 *substitute*

22 permitted under section 135

1 **70 Undisbursed jackpots**  
2 **Section 144 (1)**

3 *omit*

4 authorised

5 *substitute*

6 approved

7 **71 Section 144 (1) and (3) (a)**

8 *omit*

9 authorisation

10 *substitute*

11 approval

12 **72 Section 144 (3) (b)**

13 *omit*

14 authorisation

15 *substitute*

16 approval under section 134

17 **73 Eligible clubs**  
18 **Section 146 (d) (ii)**

19 *after*

20 licence

21 *insert*

22 and authorisation certificate

- 1 **74 Club elections—record-keeping**  
2 **Section 148 (3), definition of *club***
- 3 *substitute*
- 4 *club* means a club for which a licence is in force.
- 5 **75 Club constitution—consistency with gaming laws**  
6 **Section 148B (4), definition of *club***
- 7 *substitute*
- 8 *club* means a club for which a licence is in force.
- 9 **76 Power to require information about status of eligible**  
10 **clubs**  
11 **Section 149 (4), definition of *club***
- 12 *substitute*
- 13 *club* means a club for which a licence is in force.
- 14 **77 Offence—ATM allowing withdrawals exceeding \$250**  
15 **Section 153A (4), definition of *at the licensed premises***
- 16 *omit*
- 17 **78 Section 153A (4), new definition of *at the licensee’s***  
18 ***authorised premises***
- 19 *insert*
- 20 *at the licensee’s authorised premises* includes in or on an exterior  
21 wall of the authorised premises.

1 **79 Gaming machine tax**  
2 **Section 159 (3), definition of *prescribed percentage*,**  
3 **paragraph (a)**

4 *substitute*

5 (a) in relation to a licensee that is a club—

6 (i) for the part of the gross revenue of the club for the month  
7 that is \$25 000 or less—nil; and

8 (ii) for the part of the gross revenue of the club for the month  
9 that is more than \$25 000 but less than \$50 000—17%;  
10 and

11 (iii) for the part of the gross revenue of the club for the month  
12 that is more than \$50 000 but less than \$625 000—21%;  
13 and

14 (iv) for the part of the gross revenue of the club for the month  
15 that is \$625 000 or more—23%; or

16 **80 Gaming machine tax returns**  
17 **Section 162 (1)**

18 *omit*

19 the licence

20 *substitute*

21 all authorisation certificates held by the licensee

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**81** **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.

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

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

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

- 11                                 (a) the person giving the notification;
- 12                                 (b) if the notifiable action relates to the trading of a gaming  
13                                   machine under division 6.10 (Trading of authorisations and  
14                                   gaming machines)—
- 15                                   (i) the disposing licensee; and
- 16                                   (ii) the acquiring licensee.

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

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

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

23                     (5) In this Act:

24                                 *prescribed number of days* means—

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

1 **173E Notifiable actions—date of effect**

2 A notifiable action takes effect—

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

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

6 (b) if the commission allows the notifiable action to take place on  
7 an earlier day—that day; or

8 (c) if the commission gives a notice under section 173D (3)  
9 requesting additional information in relation to the  
10 notification—when the commission has notified the licensee  
11 that it is satisfied in relation to the additional information.

12 *Note* For working out periods of time generally, see the [Legislation Act](#),  
13 s 150.

14 **173F Notifiable actions—amendment or cancellation**

15 (1) This section applies if a licensee—

16 (a) gives the commission a notification about a notifiable action;  
17 and

18 (b) wants to amend or cancel the notification.

19 (2) The licensee must give the commission written notice of the  
20 amendment or cancellation before the notifiable action takes effect.

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

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

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

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

1 (3) An amendment takes effect 10 business days after the day the  
2 commission receives written notice of the amendment.

3 (4) A cancellation takes effect when the commission receives written  
4 notice of the cancellation.

5 **173G Notifiable actions under s 37F**

6 (1) This section applies to a notifiable action under section 37F  
7 (Surrender of licences, authorisation certificates and authorisations).

8 (2) The notification for the notifiable action must also include the  
9 following information in relation to a gaming machine to be stored  
10 under a storage permit:

11 (a) the place where the gaming machine is to be stored;

12 (b) the gaming machine's serial number.

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

14 (3) On the date the notifiable action takes effect under section 173E  
15 (Notifiable actions—date of effect), the licensee must—

16 (a) take meter readings from the gaming machine; and

17 (b) render the gaming machine inoperable; and

18 (c) give the commission the details of the meter readings.

19 **173H Notifiable actions under div 6.10—disposal of gaming  
20 machines**

21 (1) This section applies to a notifiable action that includes the disposal  
22 of a gaming machine under division 6.10 (Trading of authorisations  
23 and gaming machines).

24 (2) The notification for the notifiable action must also include the  
25 following information:

26 (a) the name of the licensee disposing of the gaming machine (the  
27 *disposing licensee*);



- 
- 1 (b) the date and licence number of the disposing licensee's licence;
- 2 (c) the authorisation number of the disposing licensee's  
3 authorisation for the gaming machine;
- 4 (d) the date the disposal is intended to happen;
- 5 (e) the following details of the gaming machine:
- 6 (i) the class of gaming machine;
- 7 (ii) the serial number;
- 8 (iii) the game installed on the gaming machine;
- 9 (f) if a class B gaming machine is to be disposed of by sale to  
10 another person—
- 11 (i) information identifying the person who is to acquire the  
12 gaming machine; and
- 13 (ii) if the gaming machine is to be sold or operated in a local  
14 jurisdiction—evidence that the person who is to acquire  
15 the gaming machine is authorised to have the gaming  
16 machine under a law of the local jurisdiction;
- 17 (g) if a class B gaming machine is to be disposed of by returning it  
18 to an approved supplier—information identifying the supplier;
- 19 (h) if a gaming machine is to be disposed of by destroying it—
- 20 (i) information about how the gaming machine is to be  
21 destroyed; and
- 22 (ii) information identifying who is to destroy the gaming  
23 machine; and
- 24 (iii) the date and time the gaming machine is proposed to be  
25 destroyed; and
- 26 (iv) information identifying who will represent the disposing  
27 licensee at the gaming machine's destruction.

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

10 **173I Notifiable actions under div 6.10—trading of class B**  
11 **authorisations**

- 12 (1) This section applies if a class B licensee gives the commission  
13 notice of a notifiable action that includes the disposal of a class B  
14 authorisation to a class C licensee under division 6.10 (Trading of  
15 authorisations and gaming machines).
- 16 (2) On receiving notice of the notifiable action, the commission must—
- 17 (a) if the class B authorisations are acquired by a class C  
18 licensee—amend the class C licensee’s authorisation schedule  
19 to include the details of the acquired authorisations; and
- 20 (b) either—
- 21 (i) if all class B authorisations under the class B licensee’s  
22 authorisation certificate are disposed of—cancel the  
23 licence and authorisation certificate; or
- 24 (ii) in any other case—amend the authorisation schedule to  
25 remove the authorisations.

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

- 1 **82** **New section 174A**
- 2 *insert*
- 3 **174A** **Licences and authorisations not personal property—PPS**  
4 **Act**
- 5 (1) For the [PPS Act](#), section 10, definition of *personal property*,  
6 paragraph (b), a licence or authorisation certificate is not personal  
7 property.
- 8 (2) In this section:  
9 *PPS Act* means the [Personal Property Securities Act 2009](#) (Cwlth).
- 10 **83** **Canberra Airport**  
11 **Section 175 (2)**
- 12 *substitute*
- 13 (2) An authorisation certificate must not be given for the operation of a  
14 gaming machine at the Canberra Airport.
- 15 **84** **Evidentiary certificates**  
16 **Section 176**
- 17 *after*  
18 licence  
19 *insert*  
20 or authorisation certificate

1 **85 New part 20**

2 *insert*

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

5 **300 Definitions—pt 20**

6 In this part:

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

9 *old licence* means a licence—

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

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

16 **301 Old licences—class B gaming machines**

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

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

14 **302 Old licences—class C gaming machines**

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

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

9   **303        Class B gaming machines—application**

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

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1    **304       Class C gaming machines—application**

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

14    **305       Large-scale machine relocation amendment application**

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

- 1     **306       In-principle approval application**
- 2             (1) This section applies if—
- 3                 (a) before the commencement day, a licensee applied for an
- 4                     in-principle approval for a licence under section 38D (1)
- 5                     (In-principle approval—applications); and
- 6                 (b) immediately before the commencement day, the commission
- 7                     had not finally decided the application.
- 8             (2) The application is, on the commencement day, taken to be an
- 9                     application under section 38B (1) (In-principle authorisation
- 10                    certificate—application) for an in-principle authorisation certificate.
- 11    **307       Application to transfer in-principle approval**
- 12             (1) This section applies if—
- 13                 (a) before the commencement day, a licensee applied to transfer an
- 14                     in-principle approval for a licence to someone else under
- 15                     section 38O (1) (In-principle approval—application to
- 16                     transfer); and
- 17                 (b) immediately before the commencement day, the commission
- 18                     had not finally decided the application.
- 19             (2) The application is, on the commencement day, taken to be an
- 20                     application under section 38H (1) (In-principle authorisation
- 21                     certificate—application to transfer).
- 22    **308       Application for extension of in-principle approval**
- 23             (1) This section applies if—
- 24                 (a) before the commencement day, a licensee applied to extend an
- 25                     in-principle approval under section 38Q (1) (In-principle
- 26                     approval—application for extension); and
- 27                 (b) immediately before the commencement day, the commission
- 28                     had not finally decided the application.



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

4 **309 Application to convert in-principle approval to licence**

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

17 **310 Transitional regulations**

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

1 **311 Expiry—pt 20**

2 This part expires 4 years after the commencement day.

3 *Note* Transitional provisions are kept in the Act for a limited time. A  
4 transitional provision is repealed on its expiry but continues to have  
5 effect after its repeal (see [Legislation Act](#), s 88).6 **86 Schedule 1**7 *substitute*8 **Schedule 1 Reviewable decisions**

9 (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

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
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

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
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

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
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

1 **87 New schedule 2**

2 *insert*

3 **Schedule 2 Notifiable actions**

4 (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

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**88 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

- 1                                   • reviewable decision notice  
2                                   • State  
3                                   • the Territory  
4                                   • under.

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

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

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

11                  **approval-holder**—see section 38A.

12                  **approved supplier** means a person approved under section 72 as a  
13                  supplier.

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

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

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

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

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

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



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

3            **authorisation certificate number**—

4            (a) for an authorisation certificate under a class B licence—see  
5            section 30 (3) (e); and

6            (b) for an authorisation certificate under a class C licence—see  
7            section 27 (1) (c).

8            **authorisation number**—

9            (a) for an authorisation under a class B licence—see  
10           section 30 (3) (j) (ii); and

11           (b) for an authorisation under a class C licence—see  
12           section 27 (1) (h) (ii).

13           **authorisation schedule**—

14           (a) for an authorisation certificate under a class B licence—see  
15           section 30 (3) (j); and

16           (b) for an authorisation certificate under a class C licence—see  
17           section 27 (1) (h).

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

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

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

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

24           **class B gaming machine**—

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

- 1 (b) does not include a gaming machine prescribed by regulation.
- 2 **class B licence**, for part 2B (Licences and authorisations)—see  
3 section 11.
- 4 **class B licence and authorisation certificate application**, for  
5 part 2B (Licences and authorisations)—see section 28 (1).
- 6 **class B licensee**, for division 6.10 (Trading of authorisations and  
7 gaming machines)—see section 127B.
- 8 **class C gaming machine**—
- 9 (a) means a gaming machine that consists of a game other than the  
10 following games or games derived from them:
- 11 (i) roulette;
- 12 (ii) blackjack;
- 13 (iii) sic bo;
- 14 (iv) craps;
- 15 (v) pai gow;
- 16 (vi) baccarat;
- 17 (vii) two-up;
- 18 (viii) money wheel;
- 19 (ix) draw poker; but
- 20 (b) does not include a gaming machine prescribed by regulation.
- 21 **class C licence**, for part 2B (Licences and authorisations)—see  
22 section 11.
- 23 **class C licence application**, for part 2B (Licences and  
24 authorisations)—see section 15.

- 1            *class C licensee*, for division 6.10 (Trading of authorisations and  
2 gaming machines)—see section 127B.
- 3            *club* means a corporation or associated incorporation established for  
4 the benefit of members to achieve eligible objects.
- 5            *CMS*—see *centralised monitoring system*.
- 6            *commission* means the gambling and racing commission.
- 7            *community contribution* means a contribution made by a licensee  
8 that is approved as a community contribution under section 164.
- 9            *community contribution shortfall tax*—see section 172 (1).
- 10           *computer cabinet* means the sealable part of a gaming machine that  
11 contains the game storage medium and the random access memory.
- 12           *computer cabinet access register*—see section 71 (1).
- 13           *constitution* means—
- 14            (a) for a club that is a company—the memorandum, and any  
15 articles of association, of the company; or
- 16            (b) for a club that is an incorporated association—the statement of  
17 objects and the rules of the association.
- 18           *contribution* means any money, benefit, valuable consideration or  
19 security.
- 20           *Control Act* means the *Gambling and Racing Control Act 1999*.
- 21           *control procedures*, for an entity, means the procedures under  
22 section 97.
- 23           *corporation* includes a club.
- 24           *Note*     *Corporation*—see the [Legislation Act](#), dictionary, pt 1.
- 25           *disciplinary action*, for part 4 (Disciplinary action)—see section 58.
- 26           *disciplinary notice*, for part 4 (Disciplinary action)—see section 61.

- 1           **dispose of** a gaming machine includes the following:
- 2           (a) lease or hire the gaming machine to a person;
- 3           (b) destroy the gaming machine;
- 4           (c) make the gaming machine inoperable.
- 5           **eligible club**—see section 146.
- 6           **eligible object**—see section 145.
- 7           **eligible person**—
- 8           (a) for an individual—see section 6; and
- 9           (b) for a corporation—see section 7.
- 10          **employ** includes engage.
- 11          **executive officer**, of a corporation, means a person, however
- 12          described and whether or not the person is a director of the
- 13          corporation, who is concerned with, or takes part in, the
- 14          corporation’s management.
- 15          **external administrator**, for a licensee, for division 6.6
- 16          (Repossession of gaming machines)—see section 105A.
- 17          **final**, for part 4 (Disciplinary action)—see section 56.
- 18          **game**, in relation to a gaming machine, means a play, or a series of
- 19          plays, initiated by the application of a single stake registered on the
- 20          gaming machine.
- 21          **gaming area**—
- 22          (a) for an authorisation certificate under a class B licence—see
- 23          section 30 (3) (h); and
- 24          (b) for an authorisation certificate under a class C licence—see
- 25          section 27 (1) (f).
- 26          **gaming area amendment**, for part 2B (Licences and
- 27          authorisations)—see section 33 (1) (a).

- 1            ***gaming law***—see the [Control Act](#), dictionary.
- 2            ***gaming machine***—
- 3            (a) means a machine—
- 4                    (i) designed for playing a game of chance, or of mixed
- 5                    chance and skill; and
- 6                    (ii) designed to be played completely or partly by—
- 7                            (A) the insertion of 1 or more coins, notes or tokens; or
- 8                            (B) the application of a monetary credit registered on
- 9                            the machine or elsewhere; and
- 10                    (iii) that offers, or that appears to offer, people a chance to
- 11                    win monetary or other valuable consideration by playing
- 12                    the machine; but
- 13            (b) does not include a device prescribed by regulation.
- 14            ***gaming machine tax*** means the tax imposed by section 159.
- 15            ***gaming rules***, for an entity, means the rules mentioned in
- 16            section 22 (2) (c).
- 17            ***general licence***—see the [Liquor Act 2010](#), section 17.
- 18            ***general purpose***, for a storage permit, for division 6.11 (Storage of
- 19            authorisations and gaming machines)—see section 127N (a).
- 20            ***gross revenue***, of a licensee or person, means all revenue derived by
- 21            the licensee or person from the operation of gaming machines, other
- 22            than—
- 23                    (a) the amount of winnings for playing the gaming machines paid
- 24                    or payable under the gaming machines’ indicated prize scales
- 25                    (excluding linked jackpots); and
- 26                    (b) any amount set aside under a linked-jackpot arrangement for
- 27                    the payment of linked jackpots.

- 1            **ground for disciplinary action** against a licensee, for part 4  
2            (Disciplinary action)—see section 57.
- 3            **incoming licensee**, for division 2B.6 (Transfer and surrender of  
4            licences and authorisation certificates)—see section 37E (1).
- 5            **incorporated association** means an association incorporated under  
6            the *Associations Incorporation Act 1991*.
- 7            **increase maximum amendment**, for part 2B (Licences and  
8            authorisations)—see section 33 (1) (c).
- 9            **influential person**, for a corporation—see section 8.
- 10           **in-principle authorisation certificate**—see section 38A.
- 11           **inspection notice**, for division 6.11 (Storage of authorisations and  
12           gaming machines)—see section 127ZE (1).
- 13           **interim purpose**, for a storage permit, for division 6.11 (Storage of  
14           authorisations and gaming machines)—see section 127N (b).
- 15           **jackpot**, in relation to a gaming machine, means the combination of  
16           letters, numbers, symbols or representations as part of a game on the  
17           gaming machine that pays the maximum winnings payable on the  
18           gaming machine for any 1 combination.
- 19           **licence**—
- 20           (a) means a licence issued under—
- 21                  (i) section 29 for class B gaming machines; or
- 22                  (ii) section 17 for class C gaming machines; and
- 23           (b) for part 4 (Disciplinary action)—see section 56; and
- 24           (c) in relation to a person approved to operate a linked-jackpot  
25           arrangement under section 134—means the approval; and

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

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

5 **licence number**—

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

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

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

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

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

14 **linked-jackpot arrangement** means an arrangement under which  
15 2 or more gaming machines are linked to a device that—

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

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

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

23 **local jurisdiction** means a State or New Zealand.

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

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

1           **member**, of a club, means—

2           (a) a member who, under the rules of the club, is required to pay  
3           fees; or

4           (b) a life member.

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

7           **multi-user permit**—see section 135.

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

10          (a) any amount of gaming machine tax payable on that revenue;  
11          and

12          (b) 24% of the gross revenue.

13          **notifiable action**—see section 173C.

14          **officer** of a club—

15          (a) means—

16               (i) any office-holder of the club (however described),  
17               including the secretary, treasurer, executive officer or  
18               public officer; or

19               (ii) anyone else concerned in or who takes part in the  
20               management of the club's affairs; but

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

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

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

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



- 1            **percentage payout**, for a gaming machine, means the percentage  
2            payout allowed for the gaming machine under the authorisation.
- 3            **peripheral equipment**, for a gaming machine—see section 68.
- 4            **permit**, for division 6.11 (Storage of authorisations and gaming  
5            machines)—see section 127M.
- 6            **permit-holder** means the holder of a multi-user permit.
- 7            **premises relocation amendment**, for part 2B (Licences and  
8            authorisations)—see section 33 (1) (b).
- 9            **prescribed number of days**, in relation to a notifiable action—see  
10           section 173D (5).
- 11           **problem gambling assistance fund**—see section 163B.
- 12           **properly completed**, for an application—see section 9 (1).
- 13           **proposed gaming area**, in relation to an authorisation certificate  
14           application for a class C licence—see section 22 (2) (b) (ii).
- 15           **quarantined authorisation**, for division 6.11 (Storage of  
16           authorisations and gaming machines)—see section 127M.
- 17           **quarantined gaming machine**, for division 6.11 (Storage of  
18           authorisations and gaming machines)—see section 127M.
- 19           **quarantine period**, for a gaming machine and authorisation to  
20           which a quarantine permit applies, for division 6.11 (Storage of  
21           authorisations and gaming machines)—see section 127M.
- 22           **quarantine permit**, for division 6.11 (Storage of authorisations and  
23           gaming machines)—see section 127Q.
- 24           **registered party**—see the *Electoral Act 1992*, dictionary.
- 25           **repossession**, of a gaming machine, includes taking possession of  
26           the gaming machine under a default provision in a financial  
27           agreement.

- 1            **required community contribution**, for a licensee that is a club—see  
2            section 169 (1).
- 3            **required documents**, for an authorisation certificate application for  
4            class C gaming machines—see section 22 (2).
- 5            **reviewable decision**, for part 13 (Notification and review of  
6            decisions)—see section 173.
- 7            **secretary**, in relation to a club, includes a person concerned in the  
8            management of the club.
- 9            **short-term approval**, for a technician—see section 76 (3).
- 10           **social impact assessment**, for an authorisation certificate  
11           application, authorisation certificate amendment application, or  
12           application for an in-principle certificate of approval—see  
13           section 12 (1).
- 14           **statement of objects** of a club, means—
- 15           (a) for a company—the memorandum of the company; or
- 16           (b) for an incorporated association—the statement of objects of the  
17           association.
- 18           **storage period**, for a gaming machine or authorisation to which a  
19           storage permit applies, for division 6.11 (Storage of authorisations  
20           and gaming machines)—see section 127M.
- 21           **storage permit**—see section 127L.
- 22           **storage rules**, for division 6.11 (Storage of authorisations and  
23           gaming machines)—see section 127M.
- 24           **stored authorisation**, for division 6.11 (Storage of authorisations  
25           and gaming machines)—see section 127M.
- 26           **stored gaming machine**, for division 6.11 (Storage of authorisations  
27           and gaming machines)—see section 127M.
- 28           **tax law**—see the [Taxation Administration Act 1999](#), section 4.

1            *technical amendment*—see section 37B (1).

2            *technical evaluation* means a technical evaluation under section 69.

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

5            **89 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	<b>licensed</b>	<b>authorised</b>

<b>column 1 item</b>	<b>column 2 provision</b>	<b>column 3 <i>omit</i></b>	<b>column 4 <i>substitute</i></b>
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

## **90 Further amendments, mentions of *machine* etc**

<b>column 1 item</b>	<b>column 2 provision</b>	<b>column 3 <i>before</i></b>	<b>column 4 <i>insert</i></b>
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

<b>column 1 item</b>	<b>column 2 provision</b>	<b>column 3 <i>before</i></b>	<b>column 4 <i>insert</i></b>
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

<b>column 1 item</b>	<b>column 2 provision</b>	<b>column 3 <i>before</i></b>	<b>column 4 <i>insert</i></b>
27	section 140 (3) (b)	machines	gaming
28	section 161 (1) (a) and (b)	machine	gaming

1 **Schedule 1**            **Other amendments—**  
2                                    **compulsory surrender**

3 (see s 4)

4 **[1.1] Part 2A**

5 *substitute*

6 **Part 2A**                    **Gaming machine authorisation**  
7                                    **numbers**

8 **10**                    **Maximum number of authorisations for gaming machines**  
9                                    **allowed in ACT**

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

13 **10A**                    **Gaming machine numbers—2-yearly analysis**

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

- 1     **10B     Gaming machine numbers—compulsory surrender if**  
2     **maximum exceeded**
- 3           (1) This section applies if, on the commencement day, the number of  
4           authorisations for gaming machines for all authorised premises in  
5           the ACT exceeds the number allowed under section 10 (Maximum  
6           number of authorisations for gaming machines allowed in ACT).
- 7           (2) A licensee allowed to have 20 or more authorisations for gaming  
8           machines on the premises to which an authorisation certificate  
9           relates (an *affected licensee*) must surrender the number of  
10          authorisations for gaming machines prescribed by regulation.
- 11          (3) If an authorisation for a gaming machine is to be surrendered under  
12          subsection (2) and the affected licensee has a gaming machine under  
13          the authorisation, the affected licensee must, at the time of  
14          surrender—
- 15               (a) take meter readings from the gaming machine; and  
16               (b) render the gaming machine inoperable.
- 17          (4) An affected licensee must, not later than the required time, give the  
18          commission written notice of the following:
- 19               (a) each authorisation for a gaming machine to be surrendered  
20               under each authorisation certificate held by the licensee,  
21               including—
- 22                       (i) the serial number of the gaming machine under the  
23                       authorisation; and
- 24                       (ii) the gaming machine’s authorisation number;
- 25               (b) that the licensee needs a storage permit for the gaming machine  
26               under an authorisation to be surrendered under subsection (2).
- 27          *Note*     If a form is approved under the [Control Act](#), s 53D for this provision,  
28          the form must be used.



- 
- 1 (5) At the end of the required time, the commission must—
- 2 (a) amend each authorisation certificate and the authorisation
- 3 schedule held by the affected licensee to reduce the maximum
- 4 number of authorisations for gaming machines the licensee
- 5 may have under the authorisation certificate by the number
- 6 prescribed by regulation; and
- 7 (b) if the affected licensee has not given the commission the
- 8 information mentioned in subsection (4), give the affected
- 9 licensee written notice that—
- 10 (i) not later than 14 days after the licensee receives the
- 11 notice, the licensee must tell the commission about the
- 12 authorisations that are to be surrendered under each
- 13 authorisation certificate; and
- 14 (ii) a failure to comply with the notice may be a ground for
- 15 disciplinary action or an offence.
- 16 *Note* A fee may be determined under s 177 for this provision.
- 17 (6) The commission must give the affected licensee a storage permit for
- 18 an interim purpose for each gaming machine under an authorisation
- 19 to be surrendered under the licensee’s authorisation certificate.
- 20 *Note 1* For provisions about storage permits, see div 6.11.
- 21 *Note 2* A gaming machine stored under a storage permit is to be disposed of
- 22 before the permit ends—see s 127T (1) (i).
- 23 (7) In this section:
- 24 **commencement day** means the day the *Gaming Machine (Reform)*
- 25 *Amendment Act 2015*, schedule 1 (Other amendments—compulsory
- 26 surrender) commences.
- 27 **required time** means 28 days after the commencement day.
- 28 (8) This section expires 1 year after the commencement day.

- 1     **10C     Maximum gaming machine authorisation numbers**  
2     **exceeded—compulsory surrender**
- 3     (1) This section applies if an analysis under section 10A (Gaming  
4     machine numbers—2-yearly analysis) shows that the number of  
5     authorisations for gaming machines for all authorised premises in  
6     the ACT is more than the maximum number allowed under  
7     section 10 (Maximum number of authorisations for gaming  
8     machines allowed in ACT).
- 9     (2) The Minister must undertake an analysis of the population growth of  
10    the ACT for the period prescribed by regulation.
- 11    (3) If, 18 months after the analysis under section 10A is undertaken, the  
12    number of authorisations for gaming machines for all authorised  
13    premises in the ACT continues to be more than the maximum  
14    number allowed under section 10, each licensee must surrender the  
15    number of authorisations prescribed by regulation.
- 16    (4) If a licensee must surrender an authorisation under subsection (3)  
17    and the licensee has a gaming machine under the authorisation, the  
18    licensee must—
- 19       (a) take meter readings from the gaming machine; and  
20       (b) render the gaming machine inoperable.
- 21    (5) The licensee must, not later than the required time, give the  
22    commission written notice of the following:
- 23       (a) each authorisation certificate held by the licensee, including  
24       the maximum number of authorisations for gaming machines  
25       the licensee may have under the authorisation certificate;
- 26       *Note*     An authorisation certificate includes an authorisation schedule  
27                 (see s 27 (1) (h) for class C licences and s 30 (3) (j) for class B  
28                 licences).

- 1 (b) any gaming machine under each authorisation to be  
2 surrendered, including—
- 3 (i) the serial number of, and authorisation number for, the  
4 gaming machine; and
- 5 (ii) the meter readings recorded under subsection (4) (a);
- 6 (c) that the licensee needs a storage permit for each gaming  
7 machine under an authorisation to be surrendered under  
8 subsection (3).
- 9 *Note* If a form is approved under the [Control Act](#), s 53D for this provision,  
10 the form must be used.
- 11 (6) At the end of the required time, the commission must—
- 12 (a) amend each authorisation schedule held by the licensee to  
13 reduce the maximum number of authorisations for gaming  
14 machines the licensee may have under the authorisation  
15 certificate by the number prescribed by regulation; and
- 16 *Note* An authorisation schedule is included in each authorisation  
17 certificate issued to a licensee (see s 27 (1) (h) for class C licences  
18 and s 30 (3) (j) for class B licences).
- 19 (b) if the licensee has not given the commission the information  
20 mentioned in subsection (5)—give the licensee written notice  
21 that—
- 22 (i) not later than 14 days after the day the licensee receives  
23 the notice, the licensee must tell the commission about  
24 the authorisations, and any gaming machines under the  
25 authorisations, that are to be surrendered under each  
26 authorisation certificate; and
- 27 (ii) a failure to comply with the notice may be a ground for  
28 disciplinary action or an offence.
- 29 *Note* A fee may be determined under s 177 for this provision.

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

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

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

7 (8) In this section:

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

11 **10D Maximum gaming machine authorisation numbers not**  
12 **exceeded—authorised tender**

13 (1) This section applies if an analysis under section 10A (Gaming  
14 machine numbers—2-yearly analysis) shows that the number of  
15 authorisations for gaming machines on all authorised premises in the  
16 ACT is less than the maximum number allowed under section 10  
17 (Maximum number of authorisations for gaming machines allowed  
18 in ACT).

19 (2) The Minister may declare that—

20 (a) additional authorisations may be acquired by licensees by  
21 tender (an *authorisation tender*); and

22 (b) the trading of authorisations under division 6.10 (Trading of  
23 authorisations and gaming machines) must cease during the  
24 period of the authorisation tender.

25 (3) A declaration is a notifiable instrument.

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

- 1 (4) A regulation may prescribe the following:
- 2 (a) the frequency of, and the conditions for holding, authorisation  
3 tenders;
- 4 (b) the conditions under which an authorisation tender is to be  
5 conducted, including how a licensee may apply to participate  
6 in the tender;
- 7 (c) how a reserve or maximum price for an authorisation is to be  
8 determined, including the formula to be applied for calculating  
9 the reserve or maximum price for an authorisation;
- 10 (d) who is to conduct an authorisation tender;
- 11 (e) that a licensee may nominate a maximum amount for which the  
12 licensee will sell or buy an authorisation;
- 13 (f) whether a licensee will need a social impact assessment for  
14 acquiring an authorisation by tender.

15 **10E Acquisition of authorisations by tender**

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

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

21 **[1.2] Section 127M, definitions**

22 *omit the definitions of*

23 *permit*

24 *quarantined authorisation*

25 *quarantined gaming machine*

26 *quarantine period*

27 *quarantine permit*

1 **[1.3] Subdivision 6.11.3**

2 *omit*

3 **[1.4] Section 127S (1) (b) (ii), examples**

4 *substitute*

5 **Example**  
6 storage permit for an interim purpose

7 **[1.5] Section 127S (1) (b) (viii)**

8 *omit*

9 or quarantined

10 **[1.6] Section 127T (1)**

11 *omit*

12 or quarantined

13 **[1.7] Section 127U (2), notes 1 and 2**

14 *omit*

15 **[1.8] Section 127X (1)**

16 *omit*

17 or quarantined

18 **[1.9] Section 127ZB**

19 *omit*

20 or quarantined

21 **[1.10] Section 127ZD**

22 *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***

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



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

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

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

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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