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**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

**GAMING MACHINE (HARM PREVENTION AND REDUCTION) AMENDMENT
BILL 2026**

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004*, s 37)**

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GAMING MACHINE (HARM PREVENTION AND REDUCTION) AMENDMENT BILL 2026

The Bill is a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

The Bill makes a number of amendments to strengthen responses to gambling harm in venues operating electronic gaming machines (EGMs).

The purpose of this Bill is to amend the *Gaming Machine Act 2004* and *Gaming Machine Regulation 2004* to establish the legislative framework for account-based gaming with additional harm minimisation features including pre-commitment controls for gambling losses and playing periods. The framework will establish that a person must first apply for a player account and have their identity positively verified before a player card can be issued. A person will be required to set a gambling loss limit using the pre-commitment controls when setting up an account and will be subject to a mandatory 15-minute break following an hour of play.

The Bill will also make amendments to reduce the number of EGMs in the Territory to 1,000 by 2045, through a mandated reduction of 500 EGMs every four years. The intent is to reduce the harm caused by use of gaming machines by reducing access to and availability of gaming machine venues in the ACT.

Other amendments include:

- banning ATMs at all venues with gaming machines; and
- establishing the necessary legislative architecture to enable additional requirements for gaming venues who transition to an updated network communications protocol.

Gambling harm extends beyond financial harm, to psychological, emotional, and social harm, both for consumers of gambling products, the people around them, and the broader community. Major harms caused by gambling products may include relationship and family breakdown, financial stress and emotional and psychological suffering. The Productivity Commission estimates that for every person experiencing gambling related harm, there are five to ten other people who are also affected.¹

The 2024 ACT Gambling Survey reveals that approximately one in six ACT adults (15.8%), that is over 58,000 people, reported experiencing at least one type of gambling harm. This includes, for example, harm from their own gambling, harm from someone else's gambling or legacy harm from gambling prior to the last 12 months.

¹ Productivity Commission. 'Australia's gambling industries'. (Inquiry Report, Canberra: Productivity Commission, 1999).

The 2024 ACT Gambling Survey also found that gambling on EGMs is among the more harmful forms of gambling in the Territory with EGMs accounting for one-third of the total burden of gambling harm.²

The 2024 ACT Gambling Survey further identified that frequency of gambling is an important factor that increases one's risk of experiencing problem gambling. It was found that people who gamble on EGMs at-least monthly were 2-4 more times likely to report moderate-risk or problem gambling.

Limiting the availability and convenience of EGMs through these reforms is therefore expected to reduce harm. Recent research has found that gambling harm in Western Australia – where EGMs are restricted to a single casino – is approximately one-third lower than in other jurisdictions, largely due to reduced EGM accessibility.³

The Bill seeks to balance minimising harm from gambling whilst supporting a financially viable club industry into the future. The Bill outlines that the first compulsory surrender reduction will not occur until 2029 and that the provisions relating to account-based gaming and the banning of ATMS will not commence until written notice is given by the Minister. These are important mechanisms which seek to acknowledge that gaming machine venues will need sufficient time following the notification of this Bill to adapt their business operations, make any upgrades to venue management technology and implement an account-based system.

The Bill applies to licensees who are predominantly corporations or incorporated associations. Under section 28 of the *Gaming Machine Act 2004* it is technically possible for a person (i.e. sole trader) to apply for a class B licence and authorisation certificate. However, in practice, there are currently no sole traders operating under a gaming machine license in the ACT.

CONSULTATION ON THE PROPOSED APPROACH

Extensive consultation has occurred on the account-based gaming reforms through the Cashless Gaming Working Group. The stakeholders represented on the Working Group included:

- a. ClubsACT, including several ACT club representatives
- b. Relationships Australia
- c. Care Financial Counselling
- d. Canberra Gambling Reform Alliance
- e. ACTCOSS

² Rockloff, M et al. (2025). 2024 ACT Gambling Survey. Experimental Gambling Research Laboratory, CQUniversity Australia.

³ Russell, A. M. T et al. 'Electronic gaming machine accessibility and gambling problems: A natural policy experiment' (2023), 12, 3, Journal of Behavioural Addictions.

- f. Youth Coalition
- g. ANU
- h. Canberra Multicultural Community Forum
- i. Gaming Technologies Association.

CLIMATE IMPACT

This Bill does not have a climate impact.

CONSISTENCY WITH HUMAN RIGHTS

Rights engaged

The Bill engages the following sections of the *Human Rights Act 2004 (HRA)*:

- Section 11 – right to protection of the family and children (*promoted*)
- Section 12 – right to privacy and reputation (*limited*)
- Section 22 – rights in criminal proceedings (right to presumption of innocence) (*limited*)

The ways in which the Bill does this are set out below.

While many of the provisions in the Bill only apply to licensees and would not, in most cases, engage the HRA, this assessment considers the potential limitation of rights where a licensee operates as a sole trader. In those circumstances, the HRA is engaged and the rights analysis is therefore required.

Rights Promoted

Under section 11 of the HRA, the right to protection of the family and children recognises the importance of the family unit in making up society and the benefits that come from preserving family relations. The right also protects the special human rights of children, considering their particular vulnerabilities.

The amendments relating to account-based gaming will promote the right to protection of the family and children by including specific offence provisions relating to children. The Bill introduces mandatory identity verification at the point of player account creation and following a period of exclusion. Section 67J(1) of the Bill creates an offence for the licensee to issue a player card to a child. The rights of a child right are supported by mitigating the risks of a player account being set up by a minor.

Additionally, the mandated use of cashless player cards for gaming machines also supports the right to protection of children by ensuring that gaming machines will no longer be accessible to minors who might have been left unattended at a premises. Section 67J(2) makes it an offence for the licensee to allow a child to use the account-based gaming system on the licensee's authorised premises.

Research shows that early childhood exposure to gambling increases the risk of a person experiencing serious gambling harm in adulthood.⁴ It also indicates that the earlier the exposure to gambling, the greater the risk of gambling harm.⁵ A study conducted by the Australian Institute of Family Studies in 2018 found that despite strict laws and regulations surrounding entry into gaming venues, about 2 per cent of 16-17 year-olds – some 9000 minors – had reported having spent money on poker machines, casino table games and Keno.⁶

Rights Limited

The preamble to the HRA notes that few rights are absolute and that they may be subject to reasonable limits in law that can be demonstrably justified in a free and democratic society.

Section 28 (2) of the HRA contains the framework that is used to determine the acceptable limitations that may be placed on human rights.

Section 28 of the HRA requires that any limitation on a human right be authorised by a Territory law, be based on evidence, and be reasonable to achieve a legitimate aim. Whether a limitation is reasonable depends on whether it is proportionate.

Section 12 – right to privacy and reputation

1. Nature of the right and the limitation (s28(2)(a) and (c))

Under section 12 of the HRA, everyone has the right to not have their privacy, family, home or correspondence interfered with unlawfully or arbitrarily and not to have their reputation unlawfully attacked.

This right is engaged and limited by the account-based gaming amendments that involve capturing and storing customers' identification data and using their player information to strengthen responses to gambling harm in venues.

The framework involves the introduction of an account-based gaming system that is made up of gaming components (as defined under new section 68 of the Bill), an individual's player account and an individual's player card, that prevents a person from playing a gaming machine without using a player card and monitors, records and controls a person's use of the gaming machine and system.

⁴ Ó Ceallaigh, D., Timmons, S., Robertson, D. A., & Lunn, P. D. (2026). Childhood gambling experiences and adult problem gambling. *International Gambling Studies*, 26(1), 91–108. <https://doi.org/10.1080/14459795.2025.2591411>

⁵ Pérez, L. Too Young to Gamble: Long-term Risks from Underage Gambling. *J Gambl Stud* 40, 1575–1584 (2024). <https://doi.org/10.1007/s10899-024-10319-1>

⁶ <https://aifs.gov.au/media/gambling-activity-among-australian-teenagers>

The below amendments involve the collection, use and storage of personal information which limit the right to privacy.

Section	Nature of the limitation
Section 67E and 67P Licensees must verify identity of account holders People excluded from gaming machines	This section requires gaming machine licensees to verify the identity of a person immediately before establishing a player account for that person. The right to privacy is limited by this section because it requires the disclosure and collection of personal information, and there is a possibility that personal information may be shared with a venue's gambling contact officer and the ACT Gambling and Racing Commission (the Commission). A GCO may be the licensee or a person appointed by the licensee. A gambling contact officer (GCO) has functions under the Gambling and Racing Control (Code of Practice) Regulation 2002. These include but are not limited to, helping help people to obtain information and counselling about gambling harm and keeping a register of reported gambling harm. While section 67E has been drafted broadly to require licensees to comply with identity verification in accordance with a procedure approved by the commission, it is anticipated that at the very minimum, the information necessary to be collected may include the person's name, email address, and mobile number. Depending on the account-based gaming system that each licensee implements, other personal information that may be collected could include an identification document for identity verification, such as a driver's licence or passport. Under section 67P a licensee must carry out an identification check for a person following a period of self-exclusion who wishes to set up an account.
Section 67S and Section 28 Licensees must apply pre-commitment controls for gaming machines Pre-commitment controls	Section 67S requires a licensee's account-based gaming system to apply pre-commitment controls and for those controls to function in a way approved by the commission. Section 28 prescribes a number of requirements for a gaming machine connected to the system (referred to as 'pre-commitment controls'). This includes that the system must identify a person (i.e. the player) proposing to play the gaming machine. The information attached to the player includes a net loss limit the person has set or playing period.

Section 67T Use or disclosure of account information	Section 67T provides for the use <i>and</i> disclosure of account information in a range of circumstances, including: (a) If the person has the consent of the person to whom the information relates, (b) If the use or disclosure of the information is required or authorised by or under an Australian law or a court or tribunal order, (c) If the person discloses the information to a member of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence, (d) If the person uses or discloses the information in relation to the performance of a function under the Act or another gaming law, (e) If the information the person uses or discloses has lawfully been made publicly available, (f) If the person discloses the information to the Minister or the administrative unit responsible for the Act or the Control Act and the information is de-identified, (g) If the person discloses the information to a person who conducts research and the information is de-identified, and (h) If both of the following apply: a. it is unreasonable or impracticable to obtain consent to the use or disclosure from the person to whom the pre-commitment information relates, b. the person reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual, or to public health or safety. ‘Account information’ is defined in the Bill to mean “information about a person obtained by a licensee as a result of the person doing any of the following: (a) holding, and using, a player account for the licensee’s account-based system; (b) having, and using, a player card issued by the licensee; (c) operating a gaming machine on the licensee’s authorised premises.”
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Section 67U of the Act and section 29 of the Regulation Record keeping requirements	This section requires that a licensee must keep a record of matters prescribed by regulation. New section 29 of the Regulation includes player cards issued and cancelled, player accounts opened and closed, system transactions, value of player credits held/expired and information identifying each player (worked out from the other information recorded). The amendments provide that a copy of the above records be provided to the commission if asked within the stated period (section 67V(2)).
Section 67V of the Act and section 30 of the Regulation Reports to commission	Section 67V of the Act requires a licensee to prepare a written report each month about each person who holds a player account, however this must only contain <i>de-identified information</i> (section 67V(2)). A copy of these reports must be given to the commission not later than 1 month after the end of a financial year (section 67V(5)). The information to be included in the report is prescribed by regulation (refer section 30) and includes demographic characteristics (age and gender (if available)), overall gambling losses, loss limits and session lengths. 67V(2) provides that the information only be provided in a de-identified form. It should not be linked with identifying details of players such as name or address. These reports are required to be kept by licensees for at least 2 years after the report is prepared (section 67V(4)).

Section 67W and section 31 Monthly activity statements	Section 67W of the Act requires licensees to give each person who holds a player account a document each month which sets out transactions relating to their account. Information to be included in the statement is prescribed by regulation (and is set out in section 31) and includes credit added, credits redeemed, losses, winnings, number of bets placed and the opening and closing balance. Activity statements must be provided as soon as practicable, but not later than 7 days, after the end of the month to which the statement applies and in the way chosen by the account holder (section 67W(2)). Depending on the account-based system that each licensee implements, these activity statements may be held by the licensee's system. A licensee will be committing an offence under the Bill if they are not able to provide an activity statement to an account holder that has been prepared within the last 7 years (section 67W(4)).
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2. *Legitimate purpose (s28(2)(b))*

The range of provisions in the Bill that limit the right to privacy are categorised into the following three broad related areas:

- Identity verification: s 67E, s 67P
- Pre-commitment controls: s 67S and s 28
- Record-keeping and reporting: s 67T, s 67U, s 29, s 67V, s 30, s 67W and s 31.

The limitation on the right to privacy pursues the legitimate purpose of facilitating an account-based gaming system in the ACT which supports gambling harm minimisation objectives. This includes supporting individuals who directly experience gambling harm and also assisting licensees to better identify who is experiencing gambling harm. Overall, the measures support the legitimate purpose of the scheme to promote community safety and reduce gambling related harms.

Section	Legitimate purpose
Identity verification Section 67E and 67P	To ensure that gaming machines can only be accessed by adults aged 18 and over and those who are not currently subject to an exclusion deed. Self-exclusion provides an opt-in safety mechanism for people who may be aware that they are experiencing, or at risk of experiencing, gambling harm. The identity verification process ensures that a person who has been self-excluded cannot use their account or set up a new account during the period of exclusion. Verification will also ensure a licensee complies with their obligations to ensure a person does not hold multiple player accounts and cards (section 67H).
Pre-commitment controls Section 67S and 28	To enable compliance monitoring of licensees and achieve the regulatory goal of reducing harm from gambling on gaming machines by providing controls for gambling losses to reduce impulsive over-spending.
Record keeping and reporting Section 67T, 67U, 29, 67V, 30, 67W and 31	Recording and regular reporting supports further harm minimisation research by providing a strong evidence base of gambling behaviours and patterns in the ACT environment. The recording of demographic information in commission reports will help to better understand specific trends related to gambling and can help provide better, more targeted, support services both in venues and across the Territory. Activity statements help people to track their spending and positively impact gambling behaviours by encouraging awareness and reflection.

3. *Rational connection between the limitation and the purpose (s28(2)(d))*

Section	Rational connection
Identity verification Section 67E and 67P	The collection of identification information is required to ensure that a player account cannot be created by a child or someone subject to self-exclusion. The commission will settle what information is to be provided in an approved procedure, which is to be a notifiable instrument (section 67E). It is anticipated that the information necessary to be collected will include the person's name, email address, and mobile phone number, to enable checks to be conducted. This will likely be facilitated by identity documents, such as a driver's licence or passport. If this personal information is not collected, it would be impossible to ensure that the individual is who they claim to be and: • know who is at risk of gambling harm, and for licensees to identify and take responsive action to prevent harm or further harm. This would compromise licensees' ability to effectively respond to risk of harm over time, • know who is subject to an exclusion deed, and therefore, must be excluded from the gambling activity in order to comply with the law, • identify who is under the age of 18 years.

Pre-commitment controls Section 67S and 28	To effectively implement pre-commitment controls, the system must identify the person playing, which includes their net loss limits set. Evidence from a review of pre-commitment features indicates that daily monetary limits assist all individuals who gamble to control impulsive over-spending.⁷ Whilst the primary purpose of pre-commitment controls is harm minimisation, data obtained through the controls can be used to also improve compliance outcomes. For example, the regulator can ensure compliance is maintained and investigate any incidents, such as non-compliance with the requirement to set gambling loss limits and timeframes for raising limits.
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⁷ Thomas et al, 'Review of electronic gaming machine pre-commitment features: Limit-setting' (Research Report, Australian Gambling Research Centre, 2016).

Record keeping and reporting Section 67T, 67U, 29, 67V, 30, 67W and 31	The specific information to be included in reports to the commission related to de-identified player behaviours will ensure research can be undertaken for harm minimisation purposes. This includes for example the use of information for the development of the ACT Gambling Survey. The Gambling and Racing Commission conducts a gambling prevalence survey approximately every 5 years which has typically relied on survey data from a cross-section of the ACT population (i.e., self-reported data). The collection of data from the account-based system records may provide more objective data source for future surveys. A study conducted on the accuracy of self-reported data with actual online gambling wins and losses, found that between 34% and 40% of people underestimated their losses and overestimated their wins.⁸ It is therefore expected that record keeping and reporting will allow trends to be more easily identified and mapped, to target gambling issues and understand where to direct harm minimisation activities. In March 2025, a study was published which looked at the use and impact of the National Consumer Protection Framework (NCPF) activity statements on gambling behaviour. It found that more than half of the study participants opened their statements at least 'sometimes' (57.2%).⁹ In terms of assisting participants to track their spending, almost two-thirds (63.9%) of participants reported that the statements were at least 'slightly important'.¹⁰ In terms of impacting gambling behaviour, almost one-fifth (17.6%) of customers self-reported that the statements decreased their gambling and less than one percent self-reported an increase in their gambling.¹¹ Whilst engagement with activity statements was lower for participants who had self-reported problem gambling severity, this cohort reported they were more likely to benefit from activity statements. Self-reported data indicated that this classification of participants was more likely to see a decrease in gambling behaviour due to reading statements.¹² This was the case for those with moderate- and high-risk gambling severity scores as well as those who recorded a greater number of bets.¹³ Under these amendments, licensees would be required to produce activity statements containing
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	information similar to that in the NCPF activity statements to help people track their spending. This provides an opportunity for reflection by gambling participants, and may assist with the overall intent of the framework to reduce gambling harm.
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4. **Proportionality (s28(2)(e))**

The limitations on the right to privacy are considered proportionate to the legitimate purposes. The amendments requiring the collection, storage, use and sharing of personal information are no more expansive than necessary to facilitate effective implementation of an account-based gaming system.

The amendments may subject a player to having some personal data collected and stored by a gaming machine licensee. The amount and type of personal information is limited only to what is required for identification, compliance and reporting purposes which is proportionate to the level of risk associated with the gambling activity and the responsibility of licensees to observe and act appropriately to prevent the risk of harm and for harm minimisation purposes.

Licensees will be required to notify prospective players about where personal information will be collected and used, including for the purpose of activity statements, at the time of account creation. This will be standard practice.

Identity verification is an important component of the account-based framework to ensure that children and excluded persons cannot use gaming machines. In particular, section 67P provides for an additional layer of oversight for circumstances where a person who was excluded and held a player account, must have their identity verified following the exclusion period before play can recommence.

Section 67T of the Bill sets out the circumstances where account information can be used or disclosed. This is an important safeguard included in the Bill, as it provides confined circumstances where use and disclosure of information obtained by a licensee is permitted. Any use or disclosure of the information outside the scope of section 67T is an offence, with a maximum penalty of 50

⁸ Braverman J, Tom MA, Shaffer HJ. Accuracy of self-reported versus actual online gambling wins and losses. *Psychol Assess*. 2014 Sep;26(3):865-77. doi: 10.1037/a0036428. Epub 2014 Apr 7. PMID: 24708074.

⁹ Sally M Gainsbury, Dilushi Chandrakumar and Robert M Heirene, 'Use and impact of government-mandated activity statements for online gambling in Australia', *Harm Reduction Journal* 22, 44 (2025), 10.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

penalty units. This provision is designed to ensure the protection of account information.

A further safeguard included in the Bill is set out in section 67C which provides that the commission may approve requirements for operating an account-based gaming system, including requirements about the security of information collected by or held in the system and technical or operational requirements for the system. The commission may cancel or suspend the approval of an account-based system if it does not operate as designed or intended or is not in compliance with the Act (section 70). Additionally, minor amendments will be made to section 97(1) that require a person's control procedures for gaming components or an account-based system to include operational details about record keeping and security. This provides an additional safeguard.

Under section 67U(2) of the Bill the commission may ask for a copy of a licensee's records related to their account-based system. The role of the commission is to monitor and regulate gambling activities in the Territory, including gaming machines. These amendments are necessary to allow the commission to carry out their regulatory duties and provide oversight over the activities of a licensee. It is an offence under the Bill for a licensee to fail to give a copy of the records requested within the period stated in the request. The offence is strict liability and attracts a maximum penalty of 10 penalty units.

In relation to record keeping for account-based gaming systems, it is necessary that information identifying each player the licensee holds player credits for is collected and recorded. This is necessary to track who opens an account for the purpose of identifying who is at risk of experiencing gambling harm. It is also necessary to collect information related to transaction information so licensees can take responsive actions to prevent harm or further harm and provide people with information about their spending behaviours. There is a requirement that a written report of the records for each person who holds a player account for the licensee's account-based accounting system must be prepared within 1 week of the end of each month and that these written reports only contain de-identified information. Section 30 provides that the reports include the person's age and the person's gender (if provided). This is designed to support further harm minimisation research by providing a strong evidence base of gambling behaviours and patterns in the ACT environment. The reports are required to be kept for at least 2 years after the report was prepared. These reports will help support the commission fulfil its role of monitoring and regulating gambling activities in the Territory and provides an additional layer of oversight.

The recording of information in relation to activity statements under section 31 has been drafted to maintain consistency with information already required under the *Gaming Machine Regulation 2004* and the *Gambling and Racing Control (Code of Practice) Regulation 2002*. This will facilitate compliance with and

enforcement of the scheme. It is also to ensure that recording requirements are not more burdensome for gaming machine licensees when compared to other licensee types (i.e., activity statements for online betting accounts). Regulations may make further provision in relation to account-based systems, including record keeping by licensees and information to be provided by licensees to the commission (section 67X).

The amendments are balanced with various safeguards that already exist, including safeguards in privacy laws. Entities with an annual turnover of more than \$3 million (subject to some exceptions) that handle personal information have responsibilities under the *Privacy Act 1988* (Cth) (Privacy Act) in relation to the collection, use, disclosure and storage of personal information. The Privacy Act gives individuals a complaints mechanism pathway in the event of mishandling of their personal information as well as a private action in tort if an entity commits a serious invasion of their privacy involving their private information.

These entities, as well as smaller businesses which are related to a larger bodies corporate that are subject to the Privacy Act or have voluntarily opted into the Privacy Act, must comply with the Australian Privacy Principles set out in Schedule 1 of the Privacy Act. This includes limitations on the use and disclosure of personal information and regulation of the use of personal information for direct marketing purposes. Reasonable steps must be taken to protect personal information from misuse, interference, loss, and unauthorised access.

The Office of the Australian Information Commissioner (OAIC) provides detailed information on how the principles should be interpreted and implemented.

These amendments represent a reasonable and justifiable limitation on the right to privacy and reputation, which is balanced with the importance of improving community safety and reducing gambling harms.

Section 22 – Rights in criminal proceedings

1. Nature of the right and the limitation (s28(2)(a) and (c))

Under section 22(1) of the HRA, everyone charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

The Bill includes provisions which limit the right to be presumed innocent. Many offences in the Bill provide for strict liability offences.

Four offences (sections 67S(1), 67S(3), 67W(1) and 67W(2) provide exemptions that allow a defence to prosecution.

Two offences contain a reasonable steps defence (section 151B(2) and 151B(3)).

In these circumstances the evidential or legal burden falls on the accused, albeit to a lower standard of proof (see *Criminal Code 2002*, section 58). The reverse burden offences shift the onus of proof to the accused to prove that the defence or excuse applies.

The use of strict liability elements engages and limits the right to be presumed innocent until proven guilty under section 22 of the HRA. The presumption of innocence means that the prosecution has the burden of proving 'beyond reasonable doubt' that the accused committed the charged offence, including all physical and mental elements. The scheme limits this right because it allows for the imposition of criminal liability without the need to prove fault for some elements of these offences.

All but two of the strict liability offence provisions apply to licensees and would not, in most cases, engage the HRA. However, this assessment considers the potential limitation of rights in criminal proceedings where a licensee operates as a sole trader.

The offence under section 67I(1) applies if a person seeks to redeem credit held on another person's player account. It would cover circumstances where a person takes active steps to redeem another person's credit, but the offence would not apply where a person simply made an inquiry at a venue about whether they could redeem credit on behalf of another person.

The offence under 67I(2) applies to a person if the person uses another person's player card that is linked to another person's player account.

The following table lists the offences in the Bill which engage section 22(1) and the nature of the limitation each creates on rights in criminal proceedings.

Section	Nature of the limitation
Section 67B Licensees must have approved account-based gaming system	Sub-section (1) Provides for an offence for a licensee if a gaming machine is operated on the licensee's authorised premises and the gaming machine is not connected to an account-based gaming system approved by the commission under 69. This offence is a strict liability offence.

	Sub-section (2) Provides for an offence for a licensee if a gaming machine is operated on the licensee's authorised premises and the gaming machine is connected to an account-based gaming system approved by the commission under 69 but is not operating as per that approval. This offence is a strict liability offence.
Section 67E(1) Licensees must verify identity of account holders	Provides for an offence for a licensee if a licensee establishes a player account for a person and did not verify the identity of said person in a way approved by the commission. This offence is a strict liability offence.
Section 67F(1) Player account must be used	Provides for an offence for a licensee if a person operates a gaming machine and that person does not hold a player account with the licensee. This offence is a strict liability offence.
Section 67G Players cards must be used to play machines	Sub-section (1) Provides for an offence for a licensee if a person operates a gaming machine and the person does not use a player card. This offence is a strict liability offence.
	Sub-section (2) Provides for an offence for a licensee if a person operates a gaming machine using a player card and the card is not linked to the person's player account. This offence is a strict liability offence.

	Sub-section (3) Provides for an offence for a licensee if a person operates a gaming machine using a player card and the card was not issued by the licensee at the authorised premises or at other authorised premises operated by the licensee. This offence is a strict liability offence.
Section 67H Multiple player accounts and cards prohibited	Sub-section (1) Provides for an offence if a licensee opens more than one player account for the same account-based system.
	Sub-section (2) Provides for an offence if a licensee issues a player card, and the person already holds a card for the same system. This offence is a strict liability offence.
Section 67I Using another person's player account or card prohibited	Sub-section (1) Provides for an offence if a person seeks to redeem credit held on another person's player account. This offence is a strict liability offence.
	Sub-section (2) Provides for an offence for a person if a <i>person</i> plays a gaming machine on a licensee's authorised premises using a player card and the card is linked to another person's player account. This offence is a strict liability offence.
Section 67J Children prohibited from using account-based systems	Sub-section (1) Provides for an offence for a licensee if a licensee issues a player card to a child. This offence is a strict liability offence.

	Sub-section (2) Provides for an offence for a licensee if a licensee allows a child to use the account-based gaming system. This offence is a strict liability offence.
Section 67K(1) Purchasing player credit	Provides for an offence for a licensee if a licensee allows a person to make a payment to the licensee for player credits and the person does not make the payment by transferring funds in a way approved in the regulation. This offence is a strict liability offence.
Section 67N(1) People excluded from gaming machines – new player accounts	Provides for an offence for a licensee if a licensee opens an account for a person who has been excluded from gaming machines. This offence is a strict liability offence.
Section 67O(1) People excluded from gaming machines – existing player cards	Provides for an offence for a licensee if a licensee fails to ensure that the player card of a person excluded from gaming machines is unable to be used to play gaming machines at the premises. This offence is a strict liability offence.
Section 67P(2) People excluded from gaming machines – existing player accounts	Provides for an offence for a licensee if a person who has been excluded and held an account prior to being excluded does not have their ID checked most recently after they stop being excluded. This offence is a strict liability offence.

Section 67S Licensees must apply pre-commitment controls for gaming machines	Sub-section (1) Provides for an offence for a licensee if a licensee operates a gaming machine at their authorised premises that is not connected to an account-based gaming system that gives effect to the pre-commitment controls. The offence does not apply if the licensee took all reasonable steps to ensure the gaming machine was connected to an account-based gaming system that gives effect to the pre-commitment controls. The defendant has the evidential burden of proof in these circumstances. Sub-section (3) Provides for an offence for a licensee if a licensee operates a gaming machine at their authorised premises that is not connected to an account-based gaming system that gives effect to the pre-commitment controls and the controls are not functioning in the way in which it was approved by the commission. The offence does not apply if the licensee took all reasonable steps to ensure the pre-commitment controls were functioning in the way in which the controls were approved to function. The defendant has the evidential burden of proof in these circumstances.
Section 67T(2) Use or disclosure of account information	Provides for an offence for a licensee that the disclosure or use of account information is prohibited unless it is in accordance with the section.
Section 67U Record keeping requirements	Sub-section (1) Provides for an offence if a licensee does not keep a record of the matters prescribed by regulation. This offence is a strict liability offence.

	Sub-section (2) Provides for an offence if the licensees fail to give a copy of the records to the commission if requested by the commission. This offence is a strict liability offence.
Section 67V Reports to commission	Sub-section (1) Provides for an offence for failing to prepare a written report of the records kept for the month containing only de-identified information. This offence is a strict liability offence.
	Sub-section (2) Provides for an offence if the report is not prepared within 1 week after the end of each month. This offence is a strict liability offence.
	Sub-section (3) Provides for an offence if the licensee does not keep each report for at least 2 years. This offence is a strict liability offence.
	Sub-section (4) Provides for an offence if the licensee does not give a copy of all reports for a financial year to the commission not later than 1 month after the end of that financial year. This offence is a strict liability offence.

Section 67W Monthly activity statements	Sub-section (1) Provides for an offence if a licensee does not prepare a document each month containing the information prescribed by regulation for each person who holds a player account. This offence is a strict liability offence. The offence does not apply in relation to an account-holder during a non-gaming period. The defendant has the evidential burden of proof in these circumstances.
	Sub-section (2) Provides for an offence if the licensee fails to give an activity statement to an account holder as soon as practicable, but not later than 7 days after the end of the month to which the statement applies and in a way chosen by the account holder. This offence is a strict liability offence. The offence does not apply in relation to an account-holder during a non-gaming period. The defendant has the evidential burden of proof in these circumstances.
	Sub-section (4) Provides for an offence for a licensee if an account holder asks to be given an activity statement prepared within the last 7 years; and the licensee fails to give the activity statement to the account holder as soon as practicable, but not later than 7 days, after the day the account holder asks for the statement; and in the way chosen by the account holder. This offence is a strict liability offence.
	Sub-section (5) Provides for an offence if the licensee gives an activity statements to an account-holder during a non-gaming period and the account holder had not asked to be given the activity statements. This offence is a strict liability offence.

	Sub-section (7) Provides for an offence if a licensee charges a fee for giving an activity statements. This offence is a strict liability offence.
Section 151A(3) Gaming machine harm reduction guidance	Provides for an offence of a licensee if the licensee fails to comply with a determination regarding the display of text, images or symbols at authorised premises explaining how a person can access guidance published by the commission about gaming machine harm reduction.
Section 151B Breaks in play	Sub-section (2) Provides for an offence for a licensee if a licensee fails to stop a person from playing a gaming machine for a period longer than 1 hour. This offence is not strict liability, so it has fault elements. As the fault elements are not stipulated in the section, the default fault elements under section 22 of the <i>Criminal Code 2002</i> apply. The default fault element for conduct is intention. In this offence, the conduct is the licensee's failure to stop a person from playing a gaming machine. Therefore, the licensee must intend to not stop a person from playing a gaming machine. The default element for a circumstance or result is recklessness. In this offence the result is the person had played the gaming machine for at least an hour. Therefore, in addition to intending not to stop the person from playing a gaming machine, the licensee must be reckless as to whether a person had played the gaming machine for 1 hour or more, as applicable in the situation. It is a defence to a prosecution if the licensee took all reasonable steps to stop the person from playing the gaming machines. The defendant has the legal burden of proof in these circumstances.

	Sub-section (3) Provides for an offence if a licensee fails to stop a person from resuming gaming machine play of less than 15 minutes after stopping. This offence is not strict liability, so it has fault elements. As the fault elements are not stipulated in the section, the default fault elements under section 22 of the <i>Criminal Code 2002</i> apply. The default fault element for conduct is intention. In this offence, the conduct is the licensee's failure to stop a person from playing a gaming machine. Therefore, the licensee must intend to not stop a person from playing a gaming machine. The default element for a circumstance or result is recklessness. In this offences, the results are: • the person had played the gaming machine for at least an hour, and • the person had not taken a break of 15 minutes or longer. Therefore, in addition to intending not to stop the person from playing a gaming machine, the licensee must be reckless as to whether a person had played the gaming machine for 1 hour or more and/or had not taken a break of 15 minutes or more, as applicable in the situation. It is a defence to a prosecution if the licensee proves they took all reasonable steps to stop the person from playing the gaming machines. The defendant has the legal burden of proof in these circumstances.
Section 153A(1) Automatic teller machines prohibited	Provides for an offence for a licensee if a licensee fails to ensure an automatic teller machine is not located on any part of the licensee's authorised premises or related premises if the ATM is within 500m of a premises operating EGMs. This offence is a strict liability offence.

Section 154A(1) Giving promotional material	Provides for an offence if a licensee gives advertising or promotional material relating to gambling activities at any of the licensee's authorised premises to a person; and the material is given to the person by mail, email, telephone, SMS, social media or using an application on a mobile telephone, tablet or other device. This offence is a strict liability offence.
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2. *Legitimate purpose (s28(2)(b))*

Each of the offence provisions will play an important role in ensuring effective administration of an account-based player system in the ACT and ensuring licensees' compliance with their obligations. These contribute to the scheme's overall intent to prevent and reduce gambling harm and the risk of this harm.

Section	Legitimate purpose
Section 67B Licensees must have approved account-based gaming system	Sub-section (1) To ensure that licensees ensure that every gaming machine is connected to an account-based gaming system approved by the commission.
	Sub-section (2) To ensure that licensees ensure that a gaming machine is connected to an account-based gaming system approved by the commission and is operating in the way that is approved.
Section 67E(1) Licensees must verify identity of account holders	To ensure a licensee verifies the identity of a person immediately prior to establishing a player account for a person. This ensures player accounts are linked to an individual person that is not under 18 years of age or subject to self-exclusion.
Section 67F(1) Player account must be used	To ensure that a licensee does not allow a person to operate a gaming machine anonymously and that a player account must be used. This enables consumer accountability through the tracking of gambling spending and allows an opportunity for the licensee to monitor the risk of gambling harm.

Section 67G Players cards must be used to play machines	Sub-section (1) To ensure that a licensee enforces mandatory carded play. This enables consumer accountability through the tracking of gambling spending and allows an opportunity for the licensee to monitor the risk of gambling harm.
	Sub-section (2) To ensure that a licensee enforces mandatory account-based play. This enables consumer accountability through the tracking of gambling spending and allows an opportunity for the licensee to monitor the risk of gambling harm.
	Sub-section (3) To ensure a licensee does not allow player cards from other licensees to be operable with their system, as a way of circumventing venue limits. The licensee is uniquely placed to track gaming machine play in venues through business-as-usual 'Know Your Customer' procedures as well as enhanced account-sign up measures.
Section 67H Multiple player accounts and cards prohibited	Sub-section (1) To ensure a licensee does not allow a person to create duplicate accounts which makes it difficult to track gambling behaviours and does not have the effect of consumer accountability.
	Sub-section (2) To ensure a licensee does not allow a person to have duplicate cards which makes it difficult to track gambling behaviours and does not have the effect of consumer accountability.
Section 67I Using another person's player account or card prohibited	Sub-section (1) To ensure a person does not redeem credit which does not belong to them and obtain funds that they have no entitlement to.

	Sub-section (2) To ensure a person cannot circumvent the account-based system by in effect playing ‘anonymously’ under another person’s account. Playing under an identified account helps a person to keep track of their gambling and provide a licensee with more information about potentially harmful gambling behaviours.
Section 67J Children prohibited from using account-based systems	Sub-section (1) To ensure that a licensee does not issue a player card to a person under 18 years of age.
	Sub-section (2) To ensure a licensee does not allow a child to use the account-based gaming system on the licensee’s authorised premises.
Section 67K(1) Purchasing player credit	To ensure a licensee does not allow a person to make a payment in exchange for player credits in a way not approved by the regulation. This provides consistency with current safeguards in the <i>Gambling and Racing Control (Code of Practice) Regulation 2002</i> schedule 1, section 1.23 relating to how winnings may be paid out and up to what amount. This is intended to address money laundering risks by enabling the source of funds to be more easily identified.
Section 67N(1) People excluded from gaming machines – new player accounts	To ensure a licensee does not allow a person to play gaming machines prior to the expiration of their exclusion period.

Section 67O(1) People excluded from gaming machines – existing player cards	To ensure a licensee does not allow a person to play gaming machines prior to the expiration of their exclusion period.
Section 67P(2) People excluded from gaming machines – existing player accounts	To ensure a licensee does not allow someone who is not the holder of an account and card to reinstate a person's account following a period of exclusion.
Section 67S Licensees must apply pre-commitment controls for gaming machines	Sub-section (1) To ensure that licensees only operate gaming machines connected to a pre-commitment system to minimise the risk of harm arising from impulsive over-spending. Sub-section (2) provides a general defence of 'taking reasonable steps'. This defence imposes an evidential burden on the licensee as the defendant.
	Sub-section (3) To ensure that licensees ensure that the pre-commitment controls function in the way in which the controls were approved by the commission to function. Sub-section (4) provides a general defence of 'taking reasonable steps'. This defence imposes an evidential burden on the licensee as the defendant.
Section 67T(2) Use or disclosure of pre-commitment information	To ensure licensees do not use data captured for compliance purposes improperly beyond the scope of circumstances listed. This aims to protect the information obtained by licensees, including personal information, about individuals, and acts as an important safeguard.

Section 67U Record keeping requirements	Sub-section (1) To facilitate licensee's effective administration of an account-based player system scheme by ensuring record keeping. These records are provided to the commission to allow them to monitor compliance and also assist further research be undertaken for harm minimisation purposes.
	Sub-section (2) To ensure licensees provide these records if requested to the commission to allow them to monitor compliance and also assist further research be undertaken for harm minimisation purposes.
Section 67V Reports to commission	To ensure licensees provide reports to the commission to allow them to monitor compliance and also assist further research be undertaken for harm minimisation purposes.
Section 67W Monthly activity statements	To require licensees to provide activity statements to facilitate effective administration of an account-based player system scheme. This ensures people can track their spending, and it can positively impact gambling behaviours by encouraging awareness and reflection. Sub-section (3) provides for defences during a non-gaming period. These defences impose an evidential burden on the licensee as the defendant.
Section 151A(3) Gaming machine harm reduction guidance	To require that licensees display any text, images or symbols at their authorised premises which explains how a person can access guidance published by the commission about gaming machine harm reduction.

Section 151B Breaks in play	Sub-section (2) To ensure licensees stop a person from playing a gaming machine for a period longer than 1 hour. Sub-section (4) provides a defence to a prosecution if the licensee took all reasonable steps to stop the person from playing the gaming machines. The defendant has the legal burden of proof in these circumstances.
	Sub-section (3) To ensure licensees stop a person from resuming gaming machine play for at least 15 minutes after stopping. Sub-section (4) provides a defence to a prosecution if the licensee took all reasonable steps to stop the person from playing the gaming machines. The defendant has the legal burden of proof in these circumstances.
Section 153A(1) Automatic teller machines prohibited	To ensure licensees do not allow an ATM to be located in or on any part of a licensee's premises or related premises that are within 500m of a premises operating electronic gaming machines.
Section 154A(1) Giving promotional material	To ensure licensee do not give advertising or promotional material of gambling activities to a person as not to encourage gambling to people experiencing, or at risk of experiencing, gambling harm.

3. *Rational connection between the limitation and the purpose (s28(2)(d))*

To ensure that the harm minimisation benefits of account-based gaming are achieved, it is necessary to provide adequate regulatory powers to support enforcement. Effective implementation and administration of account-based gaming systems require that suitable sanctions exist to encourage compliance by gaming licensees.

Strict liability provisions have been included in the Bill where the significance for compliance is critical. They have been determined as critical for compliance due

to their nature and ability to impede the efforts and intent of the scheme to protect consumers from gambling harms arising from gaming machines.

Where strict liability offences are applied to the account-based gaming framework, they are necessary to deter licensee non-compliance with these requirements and protections.

Strict liability offences typically arise in a regulatory context where, for reasons such as public safety and ensuring that regulatory schemes are complied with, strict compliance must be demanded. They are also typically used in cases where a defendant can reasonably be expected, because of their involvement with the regulated activity, to know what the requirements of the law are, and as such the mental, or fault, element can justifiably be excluded.

Strict liability applies in the Bill apply only to licensees who should have a high degree of understanding of the regulatory framework. They also relate to action or inaction which is administrative or procedural in nature, where strict compliance must be demanded to ensure the scheme fulfills its purpose. Strict liability ensures that the ongoing administration of the scheme is not compromised by simple administrative oversights or failures. Section 67I provides for two offences which apply to an individual. The first applies if a person seeks to redeem credit held on another person's player account and the second applies if a person plays a gaming machines using a player card linked to another person's player account. These offences are strict liability offences to promote efficiency and allow immediate action to be taken by the commission, as the regulator, to prevent gambling harm at the earliest identified opportunity.

Sections 67S(1), 67S(3), 67W(1) and 67W(2) provide exemptions to offences that impose an evidential burden on the defendant. Section 151B(2) and 151B(3)) provide a defence of 'reasonable steps' that imposes a legal burden on the defendant. Guidelines or other written documentation will be provided to licensees prior to the commencement date, which set out expectations for how a licensee is expected to comply section 151B.

To this extent, the offences limit the right to be presumed innocent in criminal proceedings. This limitation exists to ensure that the relevant offences are not rendered futile. Requiring the prosecution to disprove matters that are uniquely within the defendant's knowledge could undermine the effective operation of the offence. Should the prosecution be required to disprove all possible defences, even those that are irrelevant or fanciful, then prosecution of the offences would inevitably be impossible to pursue or rarely, if ever, succeed. Placing the evidential or legal burden on the accused seeking to rely on the defence reinforces the regulatory expectation that licensees are responsible for the administration and implementation of the account-based gaming system to monitor for the risk of gambling harm.

4. Proportionality (s28(2)(e))

Part 5A of the Bill, which provides a number of offences for gaming machine licensees, includes a number of strict liability offences which are necessary for the effective enforcement of the regulatory regime.

The limitations on rights in criminal proceedings are considered proportionate to the legitimate purpose, given the need to regulate licensees implementing and administering the account-based gaming framework.

All but two strict liability offence in the Bill apply only to licensees who should have a high degree of understanding of the regulatory framework. Licensees are expected to have a high degree of awareness and understanding of the regulatory framework and their obligations for account-based gaming. The risk of inadvertent breaches of these offences is considered to be low. In any case, the defence of reasonable mistake of fact inherently applies through section 36 of the *Criminal Code 2002* to all strict liability offences.

The two strict liability offences which apply to a person, section 671(1) and 671(2) are proportionate because a person using another person's player account or card is reasonably expected to understand that the account and card do not belong to them. It is expected that licensees will publicly inform patrons of the changes to gaming laws in relation to the need to hold an identity verified account to use gaming machines.

A less restrictive approach (namely, making the offences not strict liability) would still enable enforcement, but would not be as effective a deterrent as strict liability offences, and the effect the prohibited conduct would have on the enforceability of the account-based gaming framework. A less restrictive approach would compromise the ability to protect the community efficiently and quickly from gambling harms arising from gaming machines.

Four offences in the Bill provide exceptions that operate as a defence. As an orthodox legal principle, an accused person has an evidential burden of proof when seeking to rely on a defence to a standard of 'reasonable possibility'. This is the case because to do otherwise would require the prosecution to disprove all possible defences, even if the defence is irrelevant or fanciful.

Where the Bill provides exceptions to offences which supply a defence, the accused person is uniquely or better placed to produce evidence to explain why they should be excused.

Moreover, placing the evidential burden on the accused seeking to rely on the defence reinforces the regulatory expectation that gaming machine licensees have in place systems to ensure that gaming machines are indeed connected to the necessary systems and functioning as intended and approved by the commission.

Gaming Machine (Harm Prevention and Reduction) Amendment Bill 2026

Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Gaming Machine (Harm Prevention and Reduction) Amendment Bill 2026**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly **is** consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

Clause 1 Name of Act

This clause names the short title of this Act as the *Gaming Machine (Harm Prevention and Reduction) Amendment Act 2026*.

Clause 2 Commencement

This clause provides that the following provisions commence on the day after the Act's notification day: sections 3, 4-10, 13-14, 37, 39-41, 43, 45, 49, 51, 54, 56-57, 59, 66 and schedule 1, amendments [1.1] – [1.4].

Sections 30, 32, 42 and 64 will commence 12 months after the Act's notification day.

The remaining provisions of this Act commences by written Ministerial notice.

If a Ministerial notice has not been made within 18 months of the Act being notified on the ACT Legislation Register, the remaining provisions not mentioned above will automatically commence on the first day after that period.

Clause 3 Legislation amended

This clause lists the legislation amended by the Act, which are:

- *Gaming Machine Act 2004*
- *Gaming Machine Regulation 2004*
- *Gambling and Racing Control Act 1999*
- *Gambling and Racing Control (Code of Practice) Regulation 2002*
- *Unclaimed Money Act 1950*

Part 2 Gaming Machine Act 2004

Clause 4 Part 2A and division 2A.2 headings

This clause substitutes the Part2A and division 2A.2 headings to provide for the compulsory surrender scheme reducing the cap on authorisations to 1000 or fewer by 2045 and existing voluntary surrender agreements.

Clause 5 Sections 10A to 10F

This clause omits sections 10A to 10F from the Act, which relate to a previous voluntary surrender scheme.

Clause 6 Offsets New section 10H (1) (aa)

This clause inserts a new section 10H (1) (aa) which provides for offsets in relation to a voluntary surrender agreement entered into by a licensee with the Territory on or before 8 February 2019 under the repealed provision.

Clause 7 Section 10H (1) (b)

This clause omits ‘a voluntary’ and substitutes it with ‘the voluntary’.

Clause 8 Section 10H (4), new definition of *repealed provision*

This clause inserts a new definition of ‘repealed provision’ which provides for section 10C as in force immediately before the day the *Gaming Machine (Harm Prevention and Reduction) Amendment Act 2026*, section 5 commences.

Clause 9 New division 2A.3

This clause inserts a new division 2A.3 which sets out definitions of compulsory surrender in 10I, including *authorisations target*, *cap on authorisations*, *final determination*, *final surrender obligation*, *provisional determination*, *provisional surrender obligation and reduction year*.

Table 10J provides the target cap on authorisations each reduction year with column 2 showing the authorisations target and column 3 showing the reduction year.

Section 10K sets out the determination of provisional surrender obligations of all licensees which is made by the Minister in a reduction year, in accordance with the requirements provided in section 10K (1) – (5).

Section 10L sets out the determination of final surrender obligations of all licensees which is made by the Minister in a reduction year, in accordance with the requirements provided in section 10L (1) – (5).

Section 10M provides that the cap on authorisations must not exceed the authorisations target, in accordance with section 10M (1) – (4). Section 10M (4) sets out that sections 10O – 10Q do not apply in relation to a reduction year if the Minister revokes the final determination for the year.

Section 10N sets out that the Minister must make guidelines about how the surrender obligations for licensees are to be worked out for a provisional determination and final determination and that a guideline is a disallowable instrument.

Section 10O sets out that a licensee must give notice to the Commission in the form of a written statement each reduction year about authorisations to be surrendered by the licensee to meet the licensee’s final surrender obligation for that year and that the statement must be given before 1 April in the reduction year. Section 10O (3) sets out information which must be included in the written statement. Section 10O (4) provides that if the licensee has not given the commission the statement under subsection (1) by 1 April in the reduction year, the commission must give the licensee written notice that— (a) not later than 3 days after the day the licensee receives the notice, the licensee must give the commission the statement; and (b) failure to comply with the notice may

be a ground for disciplinary action under section 57. Section 10O (5) provides for if the number of authorisations identified in the statement is less than the number required to meet the licensee's final surrender obligation, the Commission must give the licensee written notice and the timeframe the licensee must abide by to provide the Commission with a written statement and that failure to comply with the notice may be a ground for a disciplinary action under section 57. Section 10O (6) sets out actions the Commission may take if a licensee has not complied with subsection (4) or (5) by the required day.

Section 10P provides for requirements regarding surrender of authorisations for gaming machines in relation to licensees, including that the Commission, as soon as practicable after 30 June in a reduction year, amend the licensee's authorisation schedule to remove the authorisation number for each surrendered authorisation.

Section 10Q provides for requirements regarding storage permit for interim purpose for each gaming machine association with an authorisation surrendered under section 10P and also sets out that the Commission must give the licensee a storage permit for an interim purpose under section 127N (b).

Section 10R sets out certain actions which are prohibited, 10R(1) sets out that the section does not apply to a reduction year if the Minister does not make a provisional determination for that year. Prohibited actions include that a licensee must not transfer or acquire an authorisation certificate under section 37E during a prohibited period, as per section 10R(2), trading of authorisations and gaming machines under division 6A.6 is also suspended during a prohibited period, as per section 10R(3) and section 10R(4) sets out the meaning of 'prohibited period.'

Clause 10 Section 10T

This clause sets out that Division 2A.2 expires on 1 April 2028 and that (other than division 2A.2), the following dictionary definitions expire on 31 December 2045 *authorisations target, cap on authorisations, final determination, final surrender obligation, provisional determination, provisional surrender obligation and reduction year*.

Clause 11 Authorisation certificate for class C gaming machines— contents of application Section 22 (2) (c), example 4

This clause omits section 22 (2) (c), example 4 'cash payment limits.'

Clause 12 Transferring an authorisation certificate Section 37E (2) (b)

This clause omits 'amounts taken during' from section 37E (2) (b).

Clause 13 Surrender of licences, authorisation certificates and authorisations Section 37F (2) (c)

This clause inserts 'schedule' after 'authorisation' in section 37F (2) (c).

Clause 14 Section 37F (4)

This clause sets out actions the Commission must do if a licensee surrenders an authorisation certificate or an authorisation under section 37F.

Clause 15 Section 43

This clause substitutes section 43 of the Gaming Act to replace previous language relating to ‘gaming machines and peripheral equipment’ with ‘gaming components’ and ‘account-based systems’.

Clause 16 Accounts relating to gaming machines

Section 52 (a)

This clause substitutes language in section 52 of the Gaming Act to replace an outdated term which infers physical amounts are to be ‘taken’ from a machine, which is now incorrect with the transition to cashless interactions with gaming machines.

Clause 17 Annual report of clubs

New section 54 (1) (ea) and (eb)

This clause inserts a new section that provides that the annual reports of clubs must now report on the value of any expired credit the club held in each month of the year and the amount of any money the club paid in each month of the year, to either the public trustee and guardian or the gambling harm prevention and mitigation fund.

Clause 18 Other conditions of club licences

Section 55 (f)

This clause inserts that only members, temporary members and signed in guests who hold a player account for the licensee’s account-based system used in the club can play gaming machines in the club.

Clause 19 Meaning of *centralised monitoring system*

Section 66 (1), definition of *centralised monitoring system*, paragraph (a)

This clause updates language related to gaming machines to the broader definition of ‘gaming components’.

Clause 20 New part 5A

This clause creates new part 5A, which introduces new definitions for:

- *account-based system* means a system made up of gaming components, player accounts and player cards that—
 - (a) prevents a person from playing a gaming machine without using a player card;

- (b) monitors, records and controls a person's—
 - i. use of the gaming machine; and
 - ii. use of the system.
- *expired credit* - see section 67L (2).
- *player account*, of a person for a licensee's account-based system, means the person's account that enables the person to—
 - (a) hold player credit for gaming machines on 1 or more of the licensee's authorised premises using the same system; and
 - (b) otherwise use the system.
- *player card* means a device issued to a person by a licensee to enable the person to use player credit held in the person's player account to play gaming machines on 1 or more of the licensee's authorised premises using the same account-based system.
- *player credit* means the credit held in a person's player account for gaming machine play or redemption.
- *purchased credit* - see section 67K (1) (a).
- *redeems* – player credit held in a person's player account is *redeemed* if a licensee gives the person an amount of money, corresponding to the value of the credit, in exchange for the credit.

This clause also creates new divisions 5A.2, 5A.3, 5A.4, 5A.5 and 5A.6 which establishes a legislative framework for account-based gaming. As part of the new account-based gaming framework, this Act introduces the sections discussed in the next paragraphs.

New division 5A.2

New section 67B introduces an obligation for gaming machine licensees to have an approved account-based system. New section 67B contains two offences in relation to having an approved account-based system, making it an offence for a licensee:

- if a licensee operates a gaming machine and the gaming machine is not connected to an account-based system for which an approval under section 69 of the Act is in force; and
- if a licensee operates a gaming machine and the gaming machine is connected to an account-based system for which an approval under section 69 of the Act is in force but the system is not operating in accordance with that approval.

These offences are strict liability offences, carrying a maximum penalty of 100 penalty units. The purpose of these offences is ensure that licensees ensure that every gaming machine is connected to an account-based gaming system approved by the commission.

New section 67C introduces that the ACT Gambling and Racing Commission may approve requirements for operating account-based systems. An approval under section 67C is a notifiable instrument.

New section 67D introduces commission-initiated changes to account-based systems. Section 67D notes that the commission may notify a licensee, in writing, that the licensee must make a change to the licensee's account-based system (a *required change*) because of an additional requirement, or a change to an existing requirement, under either section 67C or an approved standard. Section 67D sets out what the notice must include and that the commission may, on application by the licensee, approve a later day by which the licensee must make the required

change. Section 67D also provides that a licensee's account-based system stops being approved under section 69 if the licensee does not make the required change by the day stated in the notice or a later day approved by the commission.

New division 5A.3

New section 67E makes it an offence if a licensee fails to verify the identity of a person immediately before opening an account in accordance with a procedure approved by the commission. This offence carries a maximum penalty unit of 50 penalty units and is a strict liability offence. The purpose of this offence is to ensure player accounts are linked to an individual person that is not under 18 years of age or subject to self-exclusion.

New section 67F makes it an offence if a licensee allows a person to play a gaming machine on the licensee's authorised premises and the person does not hold a player account for the licensee's account-based system used at that premises. This offence carries a maximum penalty unit of 50 penalty units and is a strict liability offence. The purpose of this offence is to ensure that a licensee does not allow a person to operate a gaming machine anonymously and that a player account must be used. This enables consumer accountability through the tracking of gambling spending and allows an opportunity for the licensee to monitor the risk of gambling harm.

New section 67G contains three offences in relation to player cards being used to play machines, making it an offence for a licensee if a person operates a gaming machine:

- and the person does not use a player card;
- using a player card and the card is not linked to the person's player account; and
- using a player card and the card was not issued by the licensee at the authorised premises or at other authorised premises operated by the licensee.

These offences are strict liability offences, carrying a maximum penalty of 50 penalty units. The purpose of these offences is to ensure that a licensee enforces mandatory carded play. This enables consumer accountability through the tracking of gambling spending and allows an opportunity for the licensee to monitor the risk of gambling harm. It is also to ensure a licensee does not allow player cards from other licensees to be operable with their system, as a way of circumventing venue limits.

New section 67H contains two offences in relation to the prohibition of multiple player accounts and cards, making it an offence if a licensee:

- opens more than one player account for the same account-based system; and
- issues a player card, and the person already holds a card for the same system.

These offences are strict liability offences, carrying a maximum penalty of 50 penalty units. The purpose of these offences is to ensure a licensee does not allow a person to have duplicate cards or accounts which makes it difficult to track gambling behaviours and does not promote consumer accountability.

New section 67I contains two offences in relation to a person using another person's player account or card, making it an offence for a person to:

- seek to redeem credit held on another person's player account; and
- play a gaming machine on a licensee's authorised premises using a player card and the card is linked to another person's player account.

These offences are strict liability offences for a person, carrying a maximum penalty of 10 penalty units. The purpose of these offence is to firstly ensure a person does not redeem credit which does not belong to them and obtain funds that they have no entitlement to and secondly to ensure a person cannot circumvent the account-based system by in effect playing 'anonymously' under another person's account. Playing under an identified account helps a person to keep track of their gambling and provide a licensee with more information about potentially harmful gambling behaviours.

New section 67J contains two offences in relation to children being prohibited from using account-based systems, making it an offence for a licensee:

- if a licensee issues a player card to a child; and
- if a licensee allows a child to use the account-based gaming system.

These offences are strict liability offences, carrying a maximum penalty of 50 penalty units. The purpose of these offences is to ensure that a licensee does not issue a player card to a person under 18 years of age and ensure a licensee does not allow a child to use the account-based gaming system on the licensee's authorised premises. These offences are aimed at reducing youth exposure to gambling in venues.

New section 67K makes it an offence for a licensee if a licensee allows a person to make a payment to the licensee for player credits and the person does not make the payment by transferring funds in a way approved in the regulation. This offence is a strict liability offence, carrying a maximum penalty of 50 penalty units. The purpose of this offence is to address money laundering risks by enabling the source of funds to be more easily identified.

New section 67L introduces obligation on licensees for dealing with expired player credit. New section 67L provides that if a person takes no account action in relation to their player account for 6 years and their credit remains in the account at the end of the 6-year period, then the credit expires and can no longer be redeemed. Not later than 1 month after the day a person's player credit becomes expired, the licensee must make the following payments:

- (a) to the public trustee and guardian—an amount of money corresponding to the value of the expired credit;
- (b) to the gambling harm prevention and mitigation fund—an amount of money corresponding to the interest earned by the licensee on any player credit held in the person's player account during the 6-year period.

New section 67L also provides that a licensee must give written notice to a person if there is player credit in the person's player account 5 years after the day the person last takes an

account action. The written notice must include details of what will happen to the credits if they are not redeemed at the end of the 6-year period. This section introduces new definition:

- *account action* – in relation to a player account, means any of the following:
 - (a) a player card linked to the account is used to play a gaming machine;
 - (b) player credit is redeemed from the account;
 - (c) purchased credit is added to the account.

New division 5A.4

New section 67M introduces new definition:

- *person excluded from gaming machines*, in relation to authorised premises, means a person to whom the following applies:
 - (a) a gambling exclusion notice or gambling exclusion determination under the Control Act is in force in relation to the person;
 - (b) the notice or determination excludes the person from playing gaming machines at the premises.
 - (c)

New section 67N makes it an offence for a licensee to open a player account for a person excluded from gaming machines at the licensee's authorised premises. This offence is a strict liability offence, carrying a maximum penalty of 50 penalty units. The purpose of this offence is to ensure a licensee does not allow a person to play gaming machines prior to the expiration of their exclusion period and potentially expose the person to gambling harm.

New section 67O makes it an offence if a licensee fails to ensure that the player card of a person excluded from gaming machines at the licensee's authorised premises is unable to be used to play a gaming machine at the premises. This offence is a strict liability offence, carrying a maximum penalty of 50 penalty units. The purpose of this offence is to ensure a person who has chosen to self-exclude is not able to circumvent their exclusion and be exposed to further gambling harm prior to the expiration of their exclusion.

New section 67P makes it an offence for a licensee if a person who has been excluded and held an account prior to being excluded does not have their ID checked most recently after they stop being excluded. This offence is a strict liability offence, carrying a maximum penalty of 50 penalty units. The purpose of this offence is to ensure a licensee does not allow someone who is not the holder of an account and card to reinstate a person's account following a period of exclusion.

New section 67Q introduces obligations on a licensee for dealing with unredeemed player credit. The section provides that a licensee must take reasonable steps to redeem player credit for an excluded person, not later than 14 days after the day the person becomes excluded from gaming machines at the premises.

New division 5A.5

New section 67R introduces new definitions:

- *net loss*, for a person playing 1 or more gaming machines, means the total amount the person loses when playing the gaming machines, less the amount of winnings paid for playing the gaming machines.
- *net loss limit*, for a playing period, means the maximum net loss a person playing gaming machines is prepared to lose during the playing period.
- *playing period* means—
 - (a) the period prescribed by regulation; or
 - (b) if no period is prescribed—24 hours.
- *pre-commitment controls*, for an account-based system, means the following:
 - (a) the system must identify a person (a **player**) proposing to play a gaming machine connected to the system;
 - (b) the system must prevent the player from playing the gaming machine in a circumstance prescribed by regulation;
 - (c) any other controls prescribed by regulation.

New section 67S contains two offences in relation to applying pre-commitment controls for gaming machines, making it an offence for a licensee:

- if a licensee operates a gaming machine at their authorised premises that is not connected to an account-based gaming system that gives effect to the pre-commitment controls; and
- if a licensee operates a gaming machine at their authorised premises that is not connected to an account-based gaming system that gives effect to the pre-commitment controls and the controls are not functioning in the way in which it was approved by the commission.

These offences carry a maximum penalty of 100 penalty units. These offences do not apply if the licensee took all reasonable steps to ensure the pre-commitment controls were connected and working as approved. The defendant has the evidential burden of proof in these circumstances. The purpose of these offences is to minimise the risk of harm arising from impulsive over-spending.

New division 5A.6

New section 67T provides for the circumstances in which a person may use or disclose account information. New section 67T makes it an offence to disclose or use account information in a way that is not in accordance with this section. The offence carries a maximum penalty of 50 penalty units. The purpose of this offence is to ensure licensees do not use data captured for compliance purposes improperly beyond the scope of circumstances listed. This aims to protect the information obtained by licensees, including personal information, about individuals, and acts as an important safeguard.

New section 67T also introduces new definitions:

- *account information* means information about a person obtained by a licensee as a result of the person doing any of the following:
 - (a) holding, and using, a player account for the licensee's account-based system;
 - (b) having, and using, a player card issued by the licensee;
 - (c) operating a gaming machine on the licensee's authorised premises.
- *law enforcement agency*—

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

New section 67U contains two offences in relation to record keeping requirements for licensees, making it an offence for a licensee:

- if a licensee does not keep a record of the matters prescribed by regulation; and
- if the licensees fail to give a copy of the records to the commission if requested by the commission.

These offences are strict liability offences, carrying a maximum penalty of 10 penalty units. The purpose of these offences is to facilitate licensee's effective administration of an account-based player system scheme by ensuring record keeping. These records are provided to the commission to allow them to monitor compliance and also assist further research be undertaken for harm minimisation purposes.

New section 67V contains four offences in relation to reporting to the commission, making it an offence for a licensee:

- for failing to prepare a written report of the records kept for the month containing only de-identified information;
- if the report is not prepared within 1 week after the end of each month;
- if the licensee does not keep each report for at least 2 years; and
- if the licensee does not give a copy of all reports for a financial year to the commission not later than 1 month after the end of that financial year.

These offences are strict liability offences, carrying a maximum penalty of 10 penalty units. The purpose of these offences is to ensure licensees provide reports to the commission to allow them to monitor compliance and also assist further research be undertaken for harm minimisation purposes.

New section 67W contains five offences in relation to monthly activity statements, making it an offence for a licensee:

- if a licensee does not prepare a document each month containing the information prescribed by regulation for each person who holds a player account;
- if the licensee fails to give an activity statement to an account holder as soon as practicable, but not later than 7 days after the end of the month to which the statement applies and in a way chosen by the account holder;
- if an account holder asks to be given an activity statement prepared within the last 7 years; and the licensee fails to give the activity statement to the account holder as soon as practicable, but not later than 7 days, after the day the account holder asks for the statement; and in the way chosen by the account holder;
- if the licensee gives an activity statements to an account-holder during a non-gaming period and the account holder had not asked to be given the activity statements; and
- if a licensee charges a fee for giving an activity statements.

These offences are strict liability offences, carrying a maximum penalty of 10 penalty units. The first two offences in the above list do not apply in relation to an account-holder during a non-

gaming period. The defendant has the evidential burden of proof in these circumstances. The purpose of these offences is to require licensee's to provide activity statements to facilitate effective administration of an account-based player system scheme. This ensures people can track their spending, and it can positively impact gambling behaviours by encouraging awareness and reflection.

New section 67W also introduces new definitions:

- *account action*—see section 67L (6).
- *non-gaming period*, for an account holder, means the period—
 - (a) beginning 12 months after the day the holder last takes an account action in relation to their player account; and
 - (b) ending when the holder next takes an account action in relation to their player account.

New section 67X inserts that a regulation may make further provision in relation to account-bases systems.

Clause 21 Part 6 and division 6.1 headings

This clause substitutes new headings for Part 6 and division 6.1 to align with terminology and concepts used as part of the account-based gaming framework.

Clause 22 Section 68

This clause inserts a definition of *gaming component*. A gaming component includes gaming machines and peripheral equipment, the hardware or software, communication equipment or protocols and other technology used in connection with gaming machines and peripheral equipment.

This clause also omits note acceptors and ticket readers from the examples in the definition of peripheral equipment in section 68. Given gaming machines will only be playable with a player card, note acceptors and ticket readers will longer be peripheral equipment following the introduction of account-based gaming.

Clause 23 Sections 69 and 70

This clause substitutes new sections 68A, 69 and 70 to replace the existing sections 69 and 70.

Section 68A – Approved standards for gaming components and account-based systems

This section enables the commission to approve standards in relation to a gaming component and an account-based system. An approved standard is a notifiable instrument, and it may apply, adopt or incorporate (with or without change) a technical standard such as the Australian/New Zealand Gaming Machine National Standard.

Section 69 – Approval of gaming components and account-based systems

This section enables the commission to approve gaming components and account-based systems on written application from licensees.

This section provides that the commission must not approve a component or system unless:

- they are satisfied that it complies with all relevant laws,
- they have considered the results of a technical evaluation of the component or system and any available research on the consumer protection and harm reduction implications of the component or system,
- for a gaming component using an audio device (such as an earphone, headphone etc), this device is designed to primarily assist a person with a hearing impairment, and
- the commission is satisfied that an account-based system can apply pre-commitment controls and other harm reduction measures as required,
- each gaming component of the system is also approved.

The section also enables the commission to provide approval on conditions considered appropriate.

Section 70 – Cancellation or suspension of gaming components or systems

This section enables the commission to cancel or suspend the approval of a gaming component or system if it is not operating as intended or no longer complies with a relevant law. A cancellation or suspension of a gaming component applies to all components of that kind, whether or not the other components of the same kind would also meet the threshold for cancellation or suspension (i.e. irrespective of if they are still operating as intended or complying with relevant laws).

Clause 24 Sections 71A (a) (i) to (iii) and 72 (2) (a) (i) to (iii)

This clause substitutes new terminology and concepts used a part of the account-based gaming framework into:

- the list of the things that it is an offence to supply if the supplier is not an approved supplier, and
- the list of things a supplier must intend to supply, install, or maintain in order for the commission to approve them as a supplier.

Clause 25 Control procedures

Section 97 (1)

This clause aligns the terminology and concepts in section 97 (1), which prescribes the content of control procedures, with those used as part of the account-based gaming framework.

Clause 26 Section 98 heading

This clause updates the heading of section 98 to align with the terminology and concepts used as part of the account-based gaming framework.

Clause 27 Section 98 (3) (a) and (b)

This clause updates the terminology and concepts in section 98 (3) (a) and (b) to align with those used as part of the account-based gaming framework. Section 98 (3) provides an offence if a licensee

intentionally acquires unapproved equipment. The description of that equipment will be updated to align with the account-based gaming framework.

Clause 28 Sections 121 (1) (a) (i) to (iii) and 128 (1) (a) (i) to (iii)

This clause updates the terminology and concepts in sections 121 (1) (a) (i) to (iii) and 128 (1) (a) (i) to (iii) to align with those used as part of the account-based gaming framework. Sections 121 (1) and 128 (1) provide offences for someone who is not an approved technician installing gaming machine equipment and maintaining gaming machine equipment respectively. The description of that equipment will be updated to align with the account-based gaming framework.

Clause 29 Interference with gaming machines

Section 129 (2)

This clause removes reference to coin, notes, or gaming machine tokens and replaces this with player cards, in alignment with the account-based gaming framework, from this section. The section currently provides an offence for inserting into a gaming machine anything other than a coin, note, or token of the kind stated on the gaming machine. This clause therefore provides an offence for inserting into a gaming machine anything other than a player card of the kind used at the authorised premises.

Clause 30 Part 10 heading

This clause substitutes the current heading of part 10 – promoting responsible practices at authorised premises – with a new heading – measures to reduce gambling harm. This brings the heading for this part in line with the focus of the Act and regulatory framework to prevent and reduce systemic harm, rather than a focus on personal responsibility.

Clause 31 New sections 151A and 151B

This clause inserts new sections 151A and 151B.

New section 151A enables the commission to determine – via notifiable instrument – requirements for displaying information about how to access the commission’s resources about gaming machine harm reduction.

It also provides an offence if a licensee fails to comply with this determination. This offence has a maximum penalty of 5 penalty units and is a strict liability offence, so fault elements are not required.

New section 151B requires licensees to monitor the time a person spends playing gaming machines. The section contains two offences for licensees:

- if a licensee fails to stop a person from playing a gaming machine for a period longer than 1 hour; and
- if a person plays a gaming machine for at least 1 hour and a licensee fails to stop a person from resuming gaming machine play of less than 15 minutes after stopping.

These offences carry a maximum penalty of 50 penalty units. Licensees will have a defence to the prosecution of these offences if the licensee proves they took all reasonable steps to stop the person from playing the gaming machine. In doing so, the licensee must not use more force, or subject anyone to greater indignity, than is necessary and reasonably to stop the person from playing the gaming machine. This provision itself does not authorise the use of force. The licensee will have a legal burden in relation to this defence so they must prove they took all reasonable steps to stop the person from playing the gaming machine on the balance of probabilities.

These offences are not strict liability, so they have fault elements. As the fault elements are not stipulated in the section, the default fault elements under section 22 of the *Criminal Code 2002* apply.

The default fault element for conduct is intention. In these offences, the conduct is the licensee's failure to stop a person from playing a gaming machine. Therefore, the licensee must intend to not stop a person from playing a gaming machine.

The default element for a circumstance or result is recklessness. In these offences, the results are:

- the person had played the gaming machine for at least an hour, and
- in relation to subsection (3), the person had not taken a break of 15 minutes or longer.

Therefore, in addition to intending not to stop the person from playing a gaming machine, the licensee must be reckless as to whether a person had played the gaming machine for 1 hour or more and/or had not taken a break of 15 minutes or more, as applicable in the situation.

Clause 32 Section 153A

This clause replaces the current section 153A with a revised section 153A. Currently, section 153A provides an offence for an ATM allowing withdrawals exceeding \$250 in a gaming day at the licensee's authorised premises. Revised section 153A prohibits ATMs from being located on any part of the licensee's premises. ATMs are also banned on a licensee's related premises if the ATM is within 500m of a premises operating electronic gaming machines. Related premises means any premises located on land for which the licensee, or an influential person in relation to the licensee, is the land's lessee or occupier.

This offence has a maximum penalty of 50 penalty units and is strict liability so does not require fault elements. The prosecution has the evidential burden of proving the elements of the offence.

Clause 33 New section 154A

This clause inserts new section 154A – giving promotional material – into the Act. This section provides an offence if a licensee gives advertising or promotional material about gambling activities to a person directly by mail, email, telephone, SMS, local media or using a mobile (including tablet or other device) app.

This offence has a maximum penalty of 50 penalty units and strict liability, so does not have fault elements.

Under the mandatory account-based gaming framework, all individuals will be required to provide their contact information to licensees to use gaming machines, so preventing this information from being used to send direct, targeted, or personalised marketing to patrons is an important safeguard. The most effective way to implement this intent is to prohibit all direct marketing in relation to gaming machines, given that all gaming machine patrons will have an account once the account-based framework is fully implemented.

Clause 34 Using false identification

Section 157 (1) (b)

This clause adds using false identification to open a player account to the conduct included in the offence under section 157, which currently prohibits use of false identification to enter a gaming area or play a gaming machine.

Clause 35 Evidentiary certificates

Section 176

This clause updates the terminology and concepts in section 176 to align with those used as part of the account-based gaming framework.

Clause 36 Regulation-making power

Section 178 (2) (a)

This clause updates the terminology and concepts in section 178 (2) (a) to align with those used as part of the account-based gaming framework.

Clause 37 New part 24

This clause is technical and inserts new transitional provisions to ensure continuity of the gaming machine regulatory scheme while the account-based gaming framework is implemented.

Section 321 provides continuity in existing approvals of gaming machines and peripheral equipment as gaming machine components under the revised framework. However, it provides that the commission must not approve an account-based (which may include an approved machine or equipment) unless satisfied that the system as a whole meets the new requirements under section 69 as amended.

Section 322 enables the Executive to make regulations dealing with transitional matters.

The section contains 2 different regulation making powers.

Section 322(1) enables the making of a regulation to deal with any transitional matter that arises as a result of the enactment of the Bill. However, the scope of the regulation must be confined to the same sphere of operation as the amended Act, be strictly ancillary to the operation of the Act and not widen the Act's purpose.

Section 322(2) enables the making of a regulation that modifies the Act. A regulation under this section may only modify part 24 of the Act, and only if the Executive is of the opinion that the part does not adequately or appropriately deal with a transitional issue. A provision of this kind is an important mechanism for achieving the proper objectives, managing the effective operation, and eliminating transitional flaws in the application of the Act in unforeseen circumstances by allowing for flexible and responsive (but limited) modification by regulation.

Section 322(3) gives a regulation under section 322(2) full effect according to its terms. A provision of part 24 of the Act modified by regulation will operate in the same way (in relation to another provision of the Act or any other territory law) as if it were amended by an Act, and in accordance with established principles of statutory interpretation. The section is not expressed, and does not intend, to authorise the making of a regulation limiting future enactments of the Legislative Assembly. Also, any modification by regulation of part 24 of the Act has no ongoing effect after the expiry of that chapter/part.

Section 323 provides that these transitional provisions expire 3 years after the section commences.

The clause is necessary to ensure any unforeseen issues arising from the implementation of the technical solutions acquired by the Clubs to meet new legislative requirements can be addressed within the legislation.

Clauses 38-59

These clauses are technical amendments to the dictionary, to update terminology and concepts to align with those used as part of the account-based gaming framework.

Clause 60 Reviewable decisions

Schedule 1, new items 16A to 16E

This clause adds new reviewable decisions created as part of the account-based gaming framework, to the table of reviewable decisions at schedule 1. Review of these decisions by the ACAT may be sought by the entities listed in column 4, or any other person whose interests are affected by the decision.

Clause 61 Notifiable actions

Schedule 2, new items 3A and 3B

This clause adds new notifiable actions created as part of the account-based gaming framework, to the table of notifiable actions at schedule 2. Notifiable actions are notified to the commission, and a range of additional processes apply under Part 13A.

Part 3 Gaming Machine Regulation 2004

Clause 62 Approval of CMS—Act, s 67 (1)

Section 24 (2), definition of *approved entity*

This clause is a technical amendment to substitute the section reference for the definition of *approved entity*.

Clause 63 Part 6

This clause is to substitute part 6 of the *Gaming Machine Regulation 2004*.

New section 27 provides that purchasing player credit is allowed by cashier or at a cash redemption terminal.

New section 28 sets out the pre-commitment controls to support the account-based system framework in this Act. It provides the following controls:

- (a) the system must apply a net loss limit set by a player to any later playing period unless the player changes their net loss limit in accordance with paragraph (b);
- (b) if the player wants to change their existing net loss limit—the system must—
 - i. not allow the player to set a net loss limit that is higher than the existing loss limit for 48 hours after the existing loss limit is set; but
 - ii. allow the player to set a net loss limit that is lower than the first loss limit at any time.

New section 29 prescribes matters in which licensees are required to keep records under new section 67U(1) in this Act.

New section 30 prescribes the information in which licensee are required to report to the commission under new section 67V(1) in this Act.

New section 31 prescribes the information for each account holder in which the licensee must provide them in a monthly activity statement under new section 67W(1) in this Act.

New section 32 provides that the commission may exempt a licensee from a requirement relating to record keeping, reporting and monthly activity statements if considered appropriate. In doing so, the commission must consider the likely effect of the exemption on the risk of gambling harm to people.

Clause 64 Restrictions on cash facilities—Act, s 178 (2) (c) Part 8A heading, note

This clause removes language relating to other cash facilities, as a consequence of amendments made by this Act.

Clause 65 Offence to operate high-denomination note acceptor—

Act, s 178 (2) (a)

Section 75

This clause omits an offence relating to the operation of high denomination note acceptors. This offence is no longer relevant due to the transition to fully cashless interactions with gaming machines (i.e., a gaming machine must not accept cash of any denomination).

Clause 66 Not gaming machines—Act, dict, def *gaming machine*

Section 77 (c) (i)

This clause expands the definition of what is not a gaming machine to align with current devices that are found in arcades or shopping centres.

Clause 67 Dictionary

This clause removes definitions for *cashless gaming card*, *cashless gaming system*, *expired gaming credits* and *gaming credits*.

Clause 68 Dictionary, new definition of *net loss limit*

This clause provides new definition for *net loss limit* to support the account-based gaming framework.

Clause 69 Dictionary, definitions of *player account card* and *redeems*

This clause removes definition for *player account card* and *redeems*.

Schedule 1 Consequential amendments

Part 1.1 Gambling and Racing Control Act 1999 –

Clause 1.1 Section 23 (1) (ba)

This clause gives power to Access Canberra to inspect an EFTPOS machine as evidence if they reasonably believe it has been used in the commissioning of an offence.

Clause 1.2 Section 23 (1) (c)

This clause gives effect to the above amendment and expand the scope of Access Canberra's powers to inspect any thing, including gaming equipment.

Clause 1.3 Section 37 (d) (iii)

This clause substitutes language relating to the previous surrender scheme with language relating to the new surrender scheme.

Clause 1.4 Section 50 (5), definition of *surrendered*, paragraph (a)

This clause substitutes the definition of *surrendered*, as a consequence of amendments made by this Act.

Clause 1.5 Section 51A

This clause provides that the commission must keep a register of approvals of gaming components and account-based systems. This clause includes definitions for *account-based system*, *approval*, and *gaming component*.

Part 1.2 Gambling and Racing Control (Code of Practice) Regulation 2002

Clause 1.6 Section 23 (1)

This clause is a technical amendment to reference new section 1.22A.

Clause 1.7 Schedule 1, new section 1.22A

This clause inserts new section 1.22A into the *Gambling and Racing Control (Code of Practice) Regulation 2002* in relation to cash payment limits for gaming machine licensees. New section 1.22A provides that a licensee must pay a gambling patron's winnings from a gaming machine into the patron's player account immediately after the patron stops playing the gaming machine. A licensee must allow a gambling patron to redeem winnings from the patron's player account only in cash, electronic funds transfer or by cheque. A licensee must not allow a gambling patron to redeem more than \$1,500 in cash from their player account in a gaming day.

New section 1.22A also provides that a licensee must not cash a cheque of any kind for a gambling patron. This amendment closes a loophole which would have seen patrons still able to access additional cash in venues via cheques, despite ATMs being prohibited.

This clause provides definitions for *gaming day*, *player account* and *redeem*.

Clause 1.8 Schedule 1, table 1.23, item 6

This clause removes reference to maximum winning limits for gaming machines, as a consequence of amendments made by this Act.

Clause 1.9 Schedule 1, new section 1.23 (3)

This clause provides that the section does not apply to a gaming machine licensee, as a consequence of amendments made by new section 1.22A.

Clause 1.10 Schedule 1, new section 1.23AA (3)

This clause ensures that patrons who have self-excluded from gaming machines are able to redeem credits under new section 67Q in this Act.

Clause 1.11 section 1.23A (2)

This clause provides that the section does not apply to gaming machine licensees, as a consequence of amendments made by new section 1.22A.

Clause 1.12 section 1.24

This clause is a consequence of amendments made to disallow cheques to be cashed by gaming machine licensees.

Clause 1.13 section 1.25 (3) (c)

This clause is a consequence of amendments made by new section 1.22A.

Clause 1.14 Schedule 1, section 1.30B heading

This clause updates the heading of personally-addressed promotional material to casino licensees only, and not gaming machine licensees. This amendment is a consequence of new section 154A in this Act which provides that gaming machine licensees cannot give advertising or promotional material relating to gambling activities to a person at an authorised premises.

Clause 1.15 Schedule 1, section 1.30B (1)

This clause removes reference to a gaming machine licensee, as a consequence of new section 154A in this Act.

Clause 1.16 Schedule 1, section 1.30B (2)

This clause substitutes language to refer only to the casino, as a consequence of new section 154A in this Act.

Part 1.3 Unclaimed Money Act 1950**Clause 1.17 Section 26, definition of *unclaimed money*, new paragraph (da)**

This clause is a consequence of new section 67L in this Act which provides that expired credit must be paid to the public trustee and guardian.

Clause 1.18 Section 33A (1) (b) and (c)

This clause inserts reference to the Gaming Act, as a consequence of new section 67L in this Act.