



Australian Capital Territory

Gaming Machine Regulation 2004

SL2004-30

made under the

Gaming Machine Act 2004

Republication No 15

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About this republication

The republished law

This is a republication of the *Gaming Machine Regulation 2004*, made under the *Gaming Machine Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 September 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 September 2016.

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

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

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

Editorial changes

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

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

Uncommenced provisions and amendments

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

Modifications

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

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

Gaming Machine Regulation 2004

made under the

Gaming Machine Act 2004

Part 1 Preliminary

1 Name of regulation

This regulation is the *Gaming Machine Regulation 2004*.

3 Dictionary

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

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

For example, the signpost definition '*single-user approval*, for part 8 (Linked-jackpot arrangements)—see section 40.' means that the term 'single-user approval' is defined in that section.

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

4 Notes

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

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

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

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

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

Note 2 Penalty units

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

Part 2 Licences and authorisations

6 Required documents for applications or notifications— Act, s 16 (i), s 22 (2) (e), s 28 (2) (h), s 38H (3) (b) and s 173D (2) (c)

- (1) This section applies to the following:
- (a) a class C licence application;
 - (b) an authorisation certificate application for class C gaming machines;
 - (c) a class B licence and authorisation certificate application;
 - (d) a notification under the [Act](#), section 173D (2) about a notifiable action under the [Act](#), section 37E (1) to transfer an authorisation certificate to another licensee;
 - (e) an application under the [Act](#), section 38H (3) (b) to transfer an in-principle authorisation certificate to someone else.

Note This section will also apply to applications for in-principle approvals for authorisation certificates under the [Act](#), s 38B (1) because those applications need to comply with the requirements of the [Act](#), s 22 (1) (see [Act](#), s 38C).

- (2) The application or notification must be accompanied by any contractual arrangement, or proposed contractual arrangement, relating to the use of the premises to which the application or notification relates.

Example

a lease of the premises

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

- (3) A class C licence application or a class B licence and authorisation certificate application must be accompanied by—
- (a) audited financial statements for the applicant for the 3 financial years before the day the application is made; or
 - (b) if the applicant has not been operating for the 3 financial years before the day the application is made—audited financial statements for the applicant for each of the financial years (if any) during which the applicant has operated.

7 Working out club members—Act, s 23 (5) (c) and s 37 (5) (a)

- (1) The number of club members for a stand-alone club is the number of fully-paid members of the club (including life members).

Note 1 **Stand-alone club**—see s (3).

Note 2 **Member**, of a club, does not include a temporary member (see [Act](#), dict).

- (2) The number of club members for a club with a membership agreement is the number worked out in accordance with the following formula:

$$\frac{GM \times TM}{TGM}$$

- (3) In this section:

GM, for a club, means—

- (a) for an authorisation certificate application for class C gaming machines—the maximum number of authorisations for class C gaming machines the club has applied for; or

- (b) for an authorisation certificate amendment application for an increase maximum amendment of an authorisation certificate—the maximum number of authorisations for gaming machines that would be allowed at the premises to which the authorisation certificate relates, if the application were approved.

membership agreement means an agreement between clubs under which—

- (a) a member of a club is a member of another club; or
(b) a member of a club may become a member of another club without charge.

stand-alone club means a club that does not have a membership agreement with any other club.

TGM, for a club, means—

- (a) for an authorisation certificate application for class C gaming machines for particular premises—the total of—
- (i) the maximum number of authorisations for class C gaming machines applied for in relation to the premises; and
 - (ii) the maximum number of authorisations for class C gaming machines that the club holds in relation to any other premises; and
 - (iii) the maximum number of authorisations for class C gaming machines that each club with which the club has a membership agreement (the **associated club**) has under authorisation certificates held by the associated club; or

- (b) for an authorisation certificate amendment application for an increase maximum amendment of an authorisation certificate—the total of—
- (i) the maximum number of authorisations for class C gaming machines that the club would be allowed to hold under the authorisation certificate if the application were approved; and
 - (ii) the maximum number of authorisations for class C gaming machines that the club holds under all other authorisation certificates held by the club; and
 - (iii) the maximum number of authorisations for class C gaming machines that each club with which the club has a membership agreement (the *associated club*) holds under all authorisation certificates held by the associated club.

TM, for a club, means the total membership of the club and each other club with which it has a membership agreement.

Note This section will also apply to applications to convert an in-principle authorisation certificate to an authorisation certificate under the [Act](#), s 38N, because the commission needs to consider whether it would issue an authorisation certificate under s 23 (see [Act](#), s 38N (4) (b)).

8 Other requirements for form of authorisation schedule for class C gaming machines—[Act](#), s 27 (2)

An authorisation schedule must contain, in addition to the serial number for each gaming machine under the authorisation certificate, the following information for each gaming machine:

- (a) the name of the game installed in the gaming machine;
- (b) its basic stake denomination;
- (c) the percentage payout for the gaming machine;

- (d) whether the gaming machine is part of a linked-jackpot arrangement;
- (e) if the gaming machine is part of a linked-jackpot arrangement—the percentage contribution from the gaming machine to the linked jackpot.

Part 3 Social impact assessments

9 Definitions—pt 3

In this part:

gaming machine proposal, for a social impact assessment—see section 10 (2).

local community, for a social impact assessment, means the community within 3km of the relevant premises.

relevant gaming machine application means any of the following:

- (a) an authorisation certificate application;
- (b) an authorisation certificate amendment application for a premises relocation amendment in relation to relocating all gaming machine operations to new premises in another suburb;
- (c) an authorisation certificate amendment application for an increase maximum amendment;
- (d) an application for an in-principle authorisation certificate.

relevant premises, for a social impact assessment, means—

- (a) for an authorisation certificate application or an authorisation certificate amendment application for an increase maximum amendment—the premises to which the application relates; or
- (b) for an authorisation certificate amendment application for a premises relocation amendment in relation to relocating all gaming machine operations to new premises in another suburb—the new premises; or
- (c) for an application for an in-principle authorisation certificate—the land at the address for which the in-principle authorisation certificate is sought.

10 Requirements for social impact assessment—Act, s 12 (2) (a)

- (1) A social impact assessment for a relevant gaming machine application must satisfy the requirements of this section.
- (2) The assessment must provide an objective analysis of the likely economic and social impact of the operation of gaming machines under the proposed authorisation certificate, the authorisation certificate as proposed to be amended or the in-principle authorisation certificate (the *gaming machine proposal*).
- (3) The assessment must identify, and provide an analysis of, the positive aspects or benefits of the gaming machine proposal as well as the negative aspects or detriments of the proposal.
- (4) All statements or material included in the assessment must be—
 - (a) objective rather than subjective or speculative; and
 - (b) based on identifiable factual information.
- (5) The sources of the information must be clearly and specifically identified.

Examples

- 1 an Australian Bureau of Statistics publication
- 2 a commission report

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

- (6) The assessment must identify—
 - (a) the entities and institutions (*affected entities and institutions*) in both the local community and the broader Canberra community that may be affected by the gaming machine proposal; and

- (b) on a map of the local community included in the assessment, the location of affected entities and institutions in the local community; and
- (c) the likely impact (both positive and negative) on affected entities and institutions in both the local community and the broader Canberra community.

Examples—affected entities and institutions

- 1 nearby residences, shops and other business
- 2 other gambling venues
- 3 schools
- 4 sporting and community facilities
- 5 places of worship

**11 Matters to be addressed by social impact assessment—
Act, s 12 (2) (b)**

- (1) A social impact assessment for a relevant gaming machine application must address the following matters:
 - (a) the existing level of gaming activity currently being conducted in the local community;
 - (b) the population profile of people living in the local community, including an analysis of—
 - (i) age and average income; and
 - (ii) projected population, and projected growth rate, of the local community;

- (c) available relevant information about patrons in relation to the relevant premises;

Examples—relevant information

- 1 where patrons live
- 2 spending patterns of patrons
- 3 time spent at the premises by patrons

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

- (d) the positive aspects or benefits of the gaming machine proposal for—
- (i) the local community; and
 - (ii) the broader Canberra community;
- (e) the negative aspects or detriments of the gaming machine proposal for—
- (i) the local community; and
 - (ii) the broader Canberra community;
- (f) the gambling harm minimisation measures proposed to be taken in relation to the gaming machine proposal;
- (g) the likely overall net economic and social impact of the gaming machine proposal.
- (2) This section does not limit the matters that may be addressed.

**12 Information to be given in social impact assessment—
Act, s 12 (2) (c)**

- (1) To the extent that the information is available to the applicant, the following information must be given in a social impact assessment for a relevant gaming machine application:
 - (a) the number and location of existing gambling outlets in the local community;
 - (b) details of the population of the local community, including the number of adults and average incomes;
 - (c) expected gaming machine revenue of the applicant for the next 3 years if the application is approved;
 - (d) expected community contributions of the applicant for the next 3 years.
- (2) This section does not limit the information that may be given in a social impact assessment.

Part 4 Ballots

13 Definitions—pt 4

In this part:

club secretary means the secretary of the club holding the ballot.

conducted electronically—a ballot is *conducted electronically* if voting in the ballot is conducted, and the votes are counted, using an electronic process.

independent ballot service provider means a person or organisation that—

- (a) conducts, or assists in the conduct of, ballots and elections for clubs or other organisations; and
- (b) is independent of the club or organisation for which the ballot is conducted.

person conducting a ballot, for a ballot held by a club, means—

- (a) the club secretary; or
- (b) if the club secretary appoints an independent ballot service provider to conduct the ballot—the independent ballot service provider.

Note If an independent ballot service provider is appointed to conduct a ballot, the club secretary must ensure the ballot is conducted in accordance with this part (see s 22C (2)).

voting close date—see section 16 (1).

voting document means—

- (a) if a ballot is not conducted electronically—a document to record a member’s vote in the ballot; and
- (b) if a ballot is conducted electronically—a link and password to a computer program where a vote in the ballot may be recorded.

14 Conduct of ballots

- (1) If the Act requires a ballot to be held under this regulation, the ballot must be held in accordance with this part.

Note The following sections of the Act mention ballots:

- s 16 (h) (iv)
- s 17 (3) (b)
- s 34 (f) (ii) (C)
- s 36 (5) (b)
- s 37F (2) (b) (i)
- s 38 (c).

- (2) A ballot held by a club may be conducted electronically.

15 Offence to disclose someone else’s vote

- (1) A person commits an offence if the person tells someone else how another person voted in a ballot conducted for the Act.

Maximum penalty: 2 penalty units.

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

16 Choosing voting close date

- (1) The club secretary must fix a date (the *voting close date*) when voting in the ballot will close.
- (2) However, the club secretary must not fix a voting close date unless it is at least 6 weeks after the day the secretary fixes the date.

17 Telling commission about ballot

- (1) At the appropriate time, the club secretary must tell the commission, in writing—
- (a) that the club is holding a ballot; and
 - (b) the reason for holding the ballot; and
 - (c) how the ballot will be conducted; and
 - (d) if the ballot will be conducted electronically—details of the electronic ballot; and
 - (e) if the ballot will be conducted by an independent ballot service provider—
 - (i) the name of the provider; and
 - (ii) that the ballot will be conducted by that provider; and
 - (f) the voting close date for the ballot.

Examples—par (c)

- 1 electronically
- 2 by mail

Example—par (d)

the electronic process to be used including the way the votes will be counted

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

- (2) The club secretary must, at the same time, give the commission a copy of the following:
- (a) the information about the ballot proposed to be published and displayed under section 18 (1);
 - (b) the documents mentioned in section 20 (1).

(3) In this section:

appropriate time means—

- (a) at least 5 weeks before the voting close date for the ballot; and
- (b) at least 2 weeks before the day—
 - (i) information about the ballot is published on the club's website under section 18 (1) (a); and
 - (ii) the material required to be given under section 20 (Voting members must be given ballot documents) is given.

18 Information about ballot

(1) At least 3 weeks before the voting close date for a ballot for a club, the club secretary must—

- (a) publish information about the ballot on the club's website; and
- (b) display the information in each premises to which the ballot relates.

(2) In this section:

information, about a ballot, means—

- (a) a description of the question to be decided by the ballot; and
- (b) the voting close date for the ballot; and
- (c) where further information about the ballot may be obtained.

Examples—par (c)

- 1 on the club's website
- 2 from the front desk of the club

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

19 Commission may inspect ballot documents

- (1) The commission may inspect a club's ballot documents.
- (2) The commission may, in writing, require the club to amend a ballot document if satisfied that the amendment is necessary to ensure that—
 - (a) the ballot is fair and transparent; or
 - (b) the ballot is held in accordance with this part.
- (3) In this section:

ballot document means a document mentioned in section 17 (2).

20 Voting members must be given ballot documents

- (1) At least 3 weeks before the voting close date for a ballot, the person conducting the ballot must give each voting member the following:
 - (a) a voting document;

Note If a form is approved under the [Control Act](#), s 53D for this provision, the form must be used.
 - (b) if the ballot is not to be conducted electronically—
 - (i) a reply paid envelope addressed to the person conducting the ballot for the return of the voting document; or
 - (ii) the address to which the voting document is to be returned;
 - (c) a notice containing the following information:
 - (i) in relation to the question to be decided by the voting members—
 - (A) a fair description of the question; and
 - (B) a balanced outline of arguments for and against the question; and

(C) a balanced appraisal of the consequences of any possible decision;

(ii) the voting close date;

(iii) when and where the results of the ballot may be obtained.

Note 1 The person conducting the ballot may post, fax or email the material to club members (see [Legislation Act](#), s 247 (Service of documents on individuals) and pt 19.5 (Service of documents) generally).

Note 2 Notice may be given electronically in certain circumstances (see [Electronic Transactions Act 2001](#), s 8).

(2) For subsection (1) (c) (i), the notice may include a recommendation that members vote in a particular way on the question.

(3) A document mentioned in subsection (1) (a), (b) (ii) or (c) may be sent to a member in electronic form.

Example—electronic form

attached to an email

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

21 Checking votes

The person conducting a ballot for a club must ensure that a voting member has not voted more than once.

Examples

1 checking each voting document returned by mail

2 using a computer program designed to prevent a person from being able to vote more than once

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

22 Counting votes for ballot

- (1) The result of a ballot for a club must be worked out by the person conducting the ballot.
- (2) A vote must not be counted in the ballot if—
 - (a) the person conducting the ballot receives the vote after the voting close date; or
 - (b) the member voting has already voted in the ballot.
- (3) If the result of the ballot is worked out by an independent ballot service provider, the provider must give the club secretary written notice of the result of the ballot—
 - (a) within 7 days after the voting close date for the ballot; or
 - (b) if the provider and the secretary agree that the provider should give the secretary notice sooner than 7 days after the voting close date—by the agreed date.
- (4) As soon as practicable after working out the result of the ballot, or receiving written notice of the result, the club secretary must—
 - (a) display the result—
 - (i) at each premises to which the ballot relates; and
 - (ii) on the club's website; and
 - (b) give the commission written notice of the result.

22A Alternative person

- (1) This section applies if the person conducting a ballot for a club is the club secretary.
- (2) The club secretary—
 - (a) may decide that a person other than the secretary (the *alternative person*) may exercise a function under section 21 or section 22 for the club; and

- (b) if the secretary decides that an alternative person may exercise a function under section 21 or section 22—must tell the commission, in writing, that the alternative person will be exercising the function for the club.
- (3) If the alternative person exercises a function under section 21 or section 22 for a club, the club secretary must ensure the alternative person exercises the function in accordance with the relevant section.

22B Supervisory role of commission

- (1) The commission may attend when functions are exercised under section 21 or section 22 or may check that the functions have been properly exercised.
- (2) If the commission considers that a function has not been properly exercised, the commission may direct that the function be properly exercised.

22C Supervisory role of club secretary

- (1) This section applies if the person conducting a ballot for a club is an independent ballot service provider.
- (2) The club secretary must ensure that the ballot is conducted in accordance with this part.
- (3) If the club secretary is not satisfied that the ballot is conducted in accordance with this part, the secretary must tell the commission.
- (4) If the commission is not satisfied that the ballot is conducted in accordance with this part, the commission may direct that the ballot be conducted in accordance with this part.

23 Keeping completed ballot documents

- (1) This section applies if a ballot is held by a club.
- (2) The club secretary must keep the following for at least 12 months after the day the secretary gives the commission written notice of the result of the ballot:
 - (a) if the ballot was not conducted electronically—the voting documents, completed by members and returned to the person conducting the ballot, whether or not the person counted the votes in the ballot;
 - (b) if the ballot was conducted electronically—information about how the result of the ballot was worked out;
 - (c) a list stating the name of each voting member who was given a voting document.

Note 1 For par (a), voting documents are given to voting members under s 20 (1) (a).

Note 2 Under the *Electronic Transactions Act 2001*, s 11 (Retention of information and documents), if a person is required to retain a document for a particular period, the requirement is taken to be met if the person retains an electronic form of the document.

- (3) If the ballot is conducted by an independent ballot service provider, the provider must give the documents mentioned in subsection (2) to the club secretary—
 - (a) within 7 days after the voting close date for the ballot; or
 - (b) if the provider and the secretary agree that the provider should give the secretary the documents sooner than 7 days after the voting close date—by the agreed date.

Part 5 Centralised monitoring system

24 Approval of CMS—Act, s 67 (1)

- (1) The commission must not approve a CMS unless—
 - (a) the commission has considered the results of a technical evaluation of the system by an approved entity; and
 - (b) the system (as approved) does not include the gaming machines connected to it.

Example—system

the system may include the ‘black box’ relay station connected to gaming machines

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

- (2) In this section:
approved entity—see the [Act](#), section 69 (4).

25 Gaming machines to be on CMS

- (1) A licensee commits an offence if—
 - (a) the licensee operates a gaming machine; and
 - (b) the gaming machine is required to be connected to the CMS; and
 - (c) the gaming machine is not connected to the CMS.

Maximum penalty: 5 penalty units.

- (2) For subsection (1) (b), a gaming machine is *required to be connected* to the CMS if connection is required—
 - (a) under this regulation; or
 - (b) under the licence for the gaming machine.

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

26 CMS Access

- (1) A person commits an offence if the person does any of the following in relation to the CMS on authorised premises:
- (a) opens the CMS;
 - (b) repairs the CMS;
 - (c) adjusts the CMS;
 - (d) modifies the CMS.

Maximum penalty: 10 penalty units.

Note The CMS does not include a gaming machine connected to it (see s 24 (1) (b)).

- (2) Subsection (1) does not apply to the following people:
- (a) an approved supplier;
 - (b) an approved technician;
 - (c) someone authorised in writing by the commission.
- (3) An offence against this section is a strict liability offence.

Part 6 Cashless gaming systems

27 Definitions—pt 6

(1) In this part:

cashless gaming card means a device issued by a licensee that—

- (a) is used with a licensee’s gaming machine instead of, or as well as, money; and
- (b) records, or enables recording of, gaming credits available to a player of the licensee’s gaming machine.

Examples

- 1 magnetic swipe card
- 2 gaming machine ticket
- 3 plastic token
- 4 smartcard
- 5 ticket-in or ticket-out
- 6 radio-frequency identification (RFID) tag

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

cashless gaming system means peripheral equipment connected to a gaming machine that provides for—

- (a) the recording of gaming credits held by a player with the licensee of a gaming machine for use with the gaming machine; and
- (b) the transfer of gaming credits held by a player to and from a gaming machine through the use of a cashless gaming card.

Examples

- 1 ticket-in ticket-out system
- 2 system that provides for gaming using a player account
- 3 system that provides for non-account cashless gaming

expired gaming credits means gaming credits that have expired under section 34 (2).

gaming credits means the funds available through a cashless gaming card for gaming machine play or redemption.

player account card, in relation to an individual's player account, means a cashless gaming card issued by the licensee allowing the individual to use gaming credits in the individual's player account with a gaming machine on the licensee's authorised premises.

redeems—a licensee *redeems* gaming credits on a cashless gaming card if the licensee gives the holder an equivalent amount of money in exchange for the credits.

(2) In this section:

player account means an account held by an individual with a licensee that allows the individual to hold gaming credits with the licensee for use with a gaming machine on the licensee's authorised premises.

ticket-in ticket-out system means an electronic system or device designed to be used for, or adapted to enable, the transfer of credits to or from a gaming machine using a ticket or similar thing.

28 Operating unapproved cashless gaming system

- (1) A licensee commits an offence if—
- the licensee operates a cashless gaming system on the licensee's authorised premises; and
 - the cashless gaming system is not approved by the commission under the [Act](#), section 69 (Approval of gaming machines and peripheral equipment).

Maximum penalty: 10 penalty units.

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

29 Cashless gaming system operational requirements

- (1) The commission may approve requirements for operating a cashless gaming system, including requirements about the following:
 - (a) security systems and information the security systems hold and collect;
 - (b) activity relating to gaming machines connected to the system;
 - (c) activity relating to people using the system;
 - (d) harm minimisation and other protection measures for players using the system;
 - (e) how gaming machine tax relating to gaming machines connected to the system is calculated;
 - (f) how the licensee keeps and deals with funds relating to gaming credits held on behalf of players;
 - (g) technical or operational requirements for the system;
 - (h) recording the redemption, crediting and debiting of gaming credits;
 - (i) the maximum amount of gaming credits a gaming machine may accept through the use of a cashless gaming card.
- (2) An approval is a notifiable instrument.

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

30 Failure to comply with cashless gaming system operational requirement

- (1) A licensee commits an offence if—
- (a) the licensee operates a cashless gaming system; and
 - (b) the licensee fails to comply with a requirement approved under section 29.

Maximum penalty: 10 penalty units.

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

31 Cashless gaming system—offences relating to children

- (1) A licensee commits an offence if the licensee gives a cashless gaming card to a child.

Maximum penalty: 10 penalty units.

- (2) A licensee commits an offence if the licensee—
- (a) operates a cashless gaming system on the licensee's authorised premises; and
 - (b) allows a child to use the cashless gaming system.

Maximum penalty: 10 penalty units.

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

Note A licensee must not allow a child to play a gaming machine—see the [Act](#), s 156.

32 Cashless gaming systems—control procedures

- (1) A licensee's control procedures must require the licensee to—
- (a) keep a record of—
 - (i) cashless gaming cards issued; and

- (ii) cashless gaming system transactions and the information contained in each transaction; and
- (iii) the value of unredeemed and expired gaming credits held by the licensee; and
- (iv) information identifying each player the licensee holds gaming credits for; and

Examples—cashless gaming system transactions

- 1 credit added to a cashless gaming card
- 2 credit debited from a cashless gaming card
- 3 credit redeemed from a cashless gaming card

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

- (b) give a copy of the records to the commission if asked; and
 - (c) prepare a written report of the records kept for each month within 1 week after the end of the month to which the information relates; and
 - (d) keep the report for at least 2 years after the report was prepared; and
 - (e) give the report to the commission if asked.
- (2) A licensee's control procedures must also state how often the licensee will distribute expired gaming credits to patrons.

Examples

- 1 monthly
- 2 when the amount of credits reach a stated value

Note A licensee must apply to the commission for approval to distribute gaming credits within 1 year after the credits expire (see s 34 (4)).

33 Unredeemed gaming credits—excluded people

- (1) This section applies if—
- (a) a person has gaming credits on a cashless gaming card for use at a licensee’s authorised premises; and
 - (b) the person is excluded from gambling at the premises under the *Gambling and Racing Control (Code of Practice) Regulation 2002*, schedule 1, division 1.2.3 (Exclusion from gambling generally).
- (2) The licensee must take reasonable steps to redeem the gaming credits not later than 14 days after the person is excluded from gambling at the premises.

Examples—redeeming credits

- 1 posting a cheque to the person
- 2 transferring funds to the person by electronic fund transfer
- 3 giving cash to the person at an agreed place outside the authorised premises

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

34 Unredeemed gaming credits—expiry after 1 year

- (1) This section applies if there are gaming credits on a player’s cashless gaming card 1 year after the day the player last used the card.
- (2) The gaming credits expire and can no longer be redeemed.
- (3) The licensee that holds the gaming credits must distribute funds equivalent to the expired credits to patrons of the licensee’s authorised premises in a way approved in writing by the commission.

- (4) The licensee must apply to the commission for the approval within 1 year after the day the credits expire.

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

35 Expired gaming credits—annual report by licensee

A licensee that operates a cashless gaming system must, within 1 month after the end of each financial year, give the commission a written report stating—

- (a) the value of expired gaming credits (if any) the licensee held in each month of that year; and
- (b) the amount of funds (if any) the licensee distributed to patrons in each month of that year.

36 Restricted use of player account cards

- (1) A licensee commits an offence if—
- (a) the licensee allows a player account card to be used in a cashless gaming system on authorised premises operated by the licensee; and
 - (b) the card was not issued by the licensee—
 - (i) at the authorised premises; or
 - (ii) at other authorised premises operated by the licensee.

Maximum penalty: 10 penalty units.

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

37 Restricted use of cashless gaming cards other than player account cards

- (1) A licensee commits an offence if—
- (a) the licensee allows a cashless gaming card (other than a player account card) to be used in a cashless gaming system on authorised premises operated by the licensee; and
 - (b) the card was not issued by the licensee at the licensee's premises.

Maximum penalty: 10 penalty units.

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

Part 8 **Linked-jackpot arrangements**

Division 8.1 **Linked-jackpot arrangements generally**

39 **Application—div 8.1**

This division applies in relation to a linked-jackpot arrangement under a single-user approval or multi-user permit.

40 **Definitions—pt 8**

In this part:

link equipment—equipment is *link equipment* if the equipment allows a gaming machine to access a linked-jackpot arrangement.

single-user approval means an approval under the [Act](#), section 134.

41 **Arrangement to operate under pt 8—Act, s 134 (3) (b) and s 135 (3) (d)**

A linked-jackpot arrangement must operate in accordance with this part.

42 **Percentage of turnover set aside and reset value**

- (1) The application for approval to operate a linked-jackpot arrangement must contain a statement of—
 - (a) the percentage of the turnover of each gaming machine in the arrangement to be set aside for payment of linked jackpots under the arrangement; and
 - (b) the reset value for each gaming machine.
- (2) If the approval is given by the commission, each gaming machine that is part of the linked-jackpot arrangement must set aside the stated percentage of the stake for the payment of linked jackpots.

43 Linked-jackpot contributions

- (1) The linked-jackpot contribution for a linked gaming machine is the amount that the linked jackpot for the gaming machine must increase after each game played on the gaming machine in accordance with the following formula:

$$\textit{stake} \times \textit{percentage of turnover}$$

- (2) This section does not apply if the linked jackpot must be reset under this part.
- (3) In this section:

percentage of turnover means—

- (a) for a gaming machine operated under a multi-user permit—the percentage of the gaming machine’s turnover required to be set aside for payment of linked jackpots under the contract between the permit-holder and the licensee; or
- (b) for a gaming machine operated under a single-user approval—the percentage of the gaming machine’s turnover required to be set aside for payment of linked jackpots under the licence for the gaming machine.

stake means the amount staked in the game.

44 Electronic polling

Each linked gaming machine must be polled electronically at least once between games played on the gaming machine.

45 Display of linked-jackpot amount

The amount of the linked jackpot must be displayed so that it can be easily read from each linked gaming machine at all times while the linked-jackpot arrangement is operating.

46 Winning linked jackpots

- (1) This section applies if a person claims to have won a linked jackpot on a linked gaming machine on authorised premises.
- (2) The licensee of the premises where the linked gaming machine is located must—
 - (a) make the gaming machine inoperable until the licensee has worked out the matters to be worked out under paragraphs (b) and (c); and
 - (b) work out whether the person has won a linked jackpot; and
 - (c) if the person has won—work out the amount of the linked jackpot the person has won by referring to the electronic poll of the gaming machine on which the jackpot was won.

47 Resetting linked gaming machines

- (1) This section applies if a licensee has worked out the linked jackpot won by a person on a linked gaming machine under section 46.
- (2) As soon as practicable after the licensee works out the linked jackpot, the jackpot must be reset in accordance with the approval for the linked-jackpot arrangement under which the jackpot was won.

48 Multiple winners

If the electronic poll of linked gaming machines indicates that there is more than 1 winner of a linked jackpot, the linked jackpot must be divided equally between the winners.

49 Payment of linked jackpots

A licensee must pay a linked jackpot to a person if—

- (a) the person claims to have won the jackpot; and

- (b) the licensee is satisfied, on reasonable grounds, that the person has won the linked jackpot on the licensee's gaming machine.

50 Meter readings

The licensee of authorised premises must ensure that meter readings from a linked gaming machine on the premises are recorded—

- (a) immediately before the gaming machine is linked; and
- (b) if a linked jackpot is won on the gaming machine—immediately after the jackpot is won; and
- (c) if the gaming machine is to stop being part of the linked-jackpot arrangement—immediately before the gaming machine stops being part of the arrangement.

Examples—gaming machine stopping being part of linked-jackpot arrangement

- 1 The licensee intends to stop using the gaming machine under the arrangement.
- 2 The linked-jackpot arrangement is to end.

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

51 Link equipment in single-user approvals

- (1) This section applies only to link equipment on authorised premises that is being used under a single-user approval.
- (2) If the link equipment malfunctions, the licensee of the premises must take reasonable steps to arrange for the repair of the malfunction by an authorised person as soon as practicable after it happens.
- (3) In this section:

authorised person means—

- (a) an authorised officer; or

- (b) an approved supplier; or
- (c) an approved technician.

52 Records on ending arrangement

Immediately before a linked-jackpot arrangement operating at authorised premises ends, the licensee of the premises must record—

- (a) the meter readings of each linked gaming machine; and
- (b) the amount of the potential linked jackpot available.

53 Uncollected linked jackpots

- (1) This section applies if—
 - (a) a person wins a linked jackpot; and
 - (b) the person is not paid the jackpot before the end of the linked-jackpot arrangement under which the jackpot is won.
- (2) The licensee must pay the amount to the person as soon as practicable as if the linked-jackpot arrangement had not ended.

Division 8.2 Multi-user permits

54 Application—div 8.2

This division applies only in relation to multi-user permits.

55 Definitions—div 8.2

In this division:

jackpot trust account—see section 56 (1).

link service fee—see section 57 (1).

linked-jackpot contract means the agreement between a permit-holder and a linked licensee for the use of a linked-jackpot arrangement.

linked-jackpot contribution, for a linked gaming machine, means the amount worked out for the gaming machine under section 43.

linked licensee, for a linked-jackpot arrangement, means a licensee authorised to operate gaming machines that are linked to the arrangement.

56 **Jackpot trust accounts**

- (1) The permit-holder must keep a trust account (the *jackpot trust account*) for the payment of linked jackpots.
- (2) Payments from the jackpot trust account must be by cheque signed by 2 people authorised in writing by the permit-holder.

57 **Link service fee**

- (1) The linked-jackpot contract may provide for the licensee to pay a fee to the permit-holder for use of the linked-jackpot arrangement (the *link service fee*).
- (2) A link service fee must be worked out at the same rate for each linked licensee under the linked-jackpot arrangement.
- (3) A link service fee for a linked-jackpot arrangement must be fair and reasonable, having regard to the following considerations:
 - (a) the amount spent by the permit-holder to set up the arrangement;
 - (b) the amount spent by the permit-holder to operate the arrangement;
 - (c) the best interests of each linked licensee and the people who play the gaming machines in the linked-jackpot arrangement;

- (d) anything else relevant to the costs and returns of the arrangement for both the permit-holder and the linked licensee.
- (4) A link service fee is not part of, or related to, the linked licensee's linked-jackpot contributions.

58 Access to funds to cover linked-jackpot winnings

The permit-holder must have access at all times to sufficient funds for the payment of any linked jackpot that may be won on the linked gaming machines.

59 Stating maximum potential linked jackpot

The linked-jackpot contract may provide for a maximum potential linked jackpot for a linked gaming machine—

- (a) by stating a particular amount; or
- (b) by stating a method by which the maximum can be worked out at any time.

60 Collection of linked-jackpot contributions

- (1) The permit-holder must, on each day the linked-jackpot arrangement is operating—
 - (a) work out the amount of the linked-jackpot contribution by licensees to the permit-holder of each linked gaming machine—
 - (i) for the period since the linked-jackpot contribution of the gaming machine was last worked out; or
 - (ii) if no linked-jackpot contribution has been worked out for the gaming machine—for the period since the gaming machine was linked; and
 - (b) give each linked licensee written notice of the licensee's total linked-jackpot contribution.

(2) A linked licensee must deposit the licensee's total linked-jackpot contribution into the jackpot trust account within 24 hours after receiving notice of the total under subsection (1) (b).

(3) In this section:

total linked-jackpot contribution for a licensee, means the total of all linked-jackpot contributions for all linked gaming machines operated by the licensee.

61 Link equipment

(1) All link equipment must be the property of the permit-holder.

(2) If link equipment on authorised premises malfunctions, the permit-holder must take reasonable steps to arrange for the repair of the equipment by an authorised person as soon as practicable after it happens.

(3) A licensee must ensure that no-one interferes with link equipment on the authorised premises without the permission of the permit-holder.

(4) In this section:

authorised person means—

- (a) an authorised officer; or
- (b) an approved supplier; or
- (c) an approved technician; or
- (d) someone else authorised in writing by the commission.

62 Division of jackpot trust account on ending arrangement

- (1) As soon as practicable after the linked-jackpot arrangement ends, the person who was the permit-holder (the *former permit-holder*) must try to reach a written agreement with each person who was a linked licensee (the *former linked licensees*) about the distribution of the remaining balance of the jackpot trust account.
- (2) If agreement is not reached within 4 weeks after the day the linked-jackpot arrangement ends, the former permit-holder must give the commission a written recommendation about the distribution of the remaining balance of the jackpot trust account between the former linked licensees.
- (3) If the commission is given a recommendation under subsection (2), the commission must—
 - (a) consider the recommendation; and
 - (b) decide the distribution of the remaining balance of the jackpot trust account; and
 - (c) tell the former permit-holder about the decision.
- (4) As soon as practicable after a distribution is agreed or decided, the former permit-holder must give each of the former linked licensees the amount to be distributed to the licensee from the jackpot trust account.
- (5) In this section:
remaining balance of the jackpot trust account does not include any amount won under the linked-jackpot arrangement or uncollected from the linked jackpot.

Part 9 Community contributions

63 Guidelines for approving contributions generally—Act, s 164 (2) (a)

- (1) The commission must not approve an amount spent on the following as a contribution:
 - (a) professional entertainment provided for patrons or used for the purpose of directly promoting activities associated with the operation of the licensee and, if the licensee is a club, with the operation of an associated organisation;
 - (b) the provision of alcoholic beverages either directly or indirectly through the provision of gifts, donations or prizes;
 - (c) the provision of expenditure, funds, subsidies or discounts relating in any way to a gambling activity;
 - (d) subsidised or free meals, snacks, other food or beverages provided to a licensee's patrons.

Note See the [Act](#), s 164 (3), def *contribution*, par (b) (i) (iii).

- (2) Subsection (1) (c) does not prevent the commission from approving an amount spent on the provision of prizes for raffles conducted by an entity that is not the licensee or an associated organisation if the amount is otherwise an eligible contribution.

64 Guidelines for approving contributions as charitable and social welfare community contributions—Act, s 164 (2) (a)

The commission may approve a contribution as a charitable and social welfare community contribution only if—

- (a) the contribution is made to a charitable organisation; or

- (b) the contribution—
- (i) is made to another entity for charitable and welfare purposes; and
 - (ii) in the commission's opinion, supports the development of a community or helps to raise the standard of living of a community.

Note **Community**—see the [Act](#), s 164 (3).

Examples—par (a)

- 1 the Salvation Army
- 2 St Vincent de Paul
- 3 the Smith Family

Examples—contributions that may support the development of a community or help to raise the standard of living of a community

- 1 child protection and family support
- 2 drug and alcohol support
- 3 hospital equipment for use in retirement villages or facilities for use by residents of the villages or facilities.

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

64A Guidelines for approving contributions as problem gambling community contributions—Act, s 164 (2) (a)

The commission may approve a contribution as a problem gambling community contribution only if the contribution is made for—

- (a) counselling or support services for problem gamblers that are not provided by the licensee; or
- (b) training or education programs on the recognition and avoidance of problem gambling; or
- (c) public awareness campaigns for problem gambling; or

(d) programs to research and collect data on problem gambling.

Example—par (a)

counselling or support services provided by Lifeline Canberra Inc, the Salvation Army or Anglicare

Examples—par (b)

- 1 the development and delivery of an education program that assists in recognising and avoiding problem gambling
- 2 the development and delivery of an education program that trains staff in effectively providing services to address problem gambling

Example—par (d)

research by a national research centre on the implications of problem gambling for the community

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

65 **Guidelines for approving contributions as sport and recreation community contributions—Act, s164 (2) (a)**

- (1) The commission may approve a contribution as a sport and recreation community contribution only if the contribution is made to promote, develop or encourage sport or sporting or recreational activities.

Examples—promoting or developing sport or sporting activities

- 1 junior coaching sessions for a sport
- 2 sports skills seminars
- 3 workshops to increase sports skills

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

- (2) For this section, the following contributions promote, develop or encourage sport or sporting activities:
 - (a) payment of a sportsperson's wages or expenses;
 - (b) payment for sports uniforms and equipment;

- (c) payment for sporting coaches and umpires (however described);
- (d) maintenance of sporting facilities that are available to the public, whether generally available or only for limited periods;
- (e) payments to an entity that promotes or develops sport or sporting activities, whether or not the entity is part of the licensee or, if the licensee is a club, an associated organisation.

Examples—entities for par (e)

- 1 soccer club
 - 2 darts club
 - 3 snooker club
- (3) Without limiting subsections (1) and (2), the following contributions promote, develop or encourage women's sport:
 - (a) payment for women's sporting teams;
 - (b) payment for women's sporting events or programs;
 - (c) payment for coaching, equipment, training or insurance for women's sporting activities.
 - (4) Subsections (2) and (3) do not limit the kinds of contributions that promote, develop or encourage sport and sporting activities.
 - (5) For this section, the following contributions promote, develop or encourage recreational activities:
 - (a) maintenance of recreational facilities that are available to the public, whether generally available or only for limited periods;
 - (b) support for recreational activities or events that are available to the public, for example, bushwalking or orienteering;

- (c) payments to an entity that promotes or develops recreational activities, whether or not the entity is part of the licensee or, if the licensee is a club, an associated organisation.

Examples—entities for par (c)

- 1 bridge club
- 2 fishing club
- 3 film club
- 4 fitness club

- (6) Subsection (5) does not limit the kinds of contributions that promote, develop or encourage recreational activities.

66 Guidelines for approving contributions as non-profit activities community contributions—Act s 164 (2) (a)

The commission may approve a contribution as a non-profit activities community contribution only if the contribution—

- (a) is made for a non-profit, non-political activity that benefits the community; or

Note **Community**—see the [Act](#), s 164 (3).

- (b) is made to an entity for an activity that is non-political and, in the commission’s opinion, is intended to develop a community, raise the standard of living of a community or help develop community spirit.

Examples—eligible contributions

- 1 contributions to schools or other educational institutions or programs
- 2 scholarships that are otherwise eligible contributions
- 3 contributions to ethnic organisations for multicultural activities
- 4 support for events to develop community spirit or participation
- 5 special services or celebrations, such as ANZAC Day, Canberra Day and Australia Day

6 significant ACT public events

7 contributions to volunteer organisations that provide benevolent or community related services

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

67 Guidelines for approving contributions as community infrastructure community contributions—Act, s 164 (2) (a)

The commission may approve a contribution as a community infrastructure community contribution only if the contribution—

(a) is made for the construction or development of infrastructure for, or for use by, a community; and

Note **Community**—see the [Act](#), s 164 (3).

(b) is intended to result in the development of an asset.

Example of eligible contributions

expenses to design, build or upgrade sporting ovals, grandstands, oval lighting, museums, art galleries, playgrounds, public car parks, parklands or gymnasiums

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

68 Claiming contributions if income related to contribution—Act, s 164 (2)

- (1) This section applies to any community contribution by a licensee.
- (2) If the licensee or, if the licensee is a club, an associated organisation receives an amount that is charged in relation to the activity or facility contributed to, the licensee may only claim the contribution if—
 - (a) the licensee has records that clearly identify the amount charged; and

(b) the amount charged is subtracted from the amount of the contribution.

(3) In this section:

charged, in relation to an activity or facility, includes an amount otherwise earned by the licensee in relation to the activity or facility.

Examples—charges or other amounts earned

- 1 a charge for use of a facility
- 2 an entry fee

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

69 Timing of claiming contributions—Act, s 164 (2)

- (1) This section applies to a community contribution other than an in-kind contribution.
- (2) To remove any doubt, a contribution that is an amount is made when the amount is given, not when the thing for which the amount is given is provided or agreed to.

Examples

- 1 If an agreement to sponsor a team is made in June 2005 but the 1st payment is not made until July 2005, the community contribution cannot be claimed until the 2005-06 financial year.
- 2 If an item is paid for in June 2005 but is not delivered or conducted until July 2005, the community contribution must be claimed in the 2004-05 financial year.

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

70 Claiming in-kind contributions—Act, s 164 (2)

A licensee may claim a contribution other than a monetary contribution as a community contribution only if the licensee has records that—

- (a) set out how the value of the contribution was worked out; and
- (b) provides evidence that the value worked out is based on the cost of providing the contribution or the market value of the contribution.

Examples—contributions

- 1 discounts on the usual selling or supply price of goods or services provided by licensee
- 2 free or subsidised use of licensee's facilities or equipment if the value of the contribution is worked out in relation to the usual hire fee

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

Part 9A **Storage of authorisations and gaming machines—permits**

70A **Form of permit—Act, s 127S (e)**

The following information is prescribed:

- (a) the location of each stored gaming machine;
- (b) in the schedule to the permit, details about each gaming machine stored under the permit, including the following information:
 - (i) the name of the game installed in the gaming machine;
 - (ii) the date the game was installed or last amended;
 - (iii) the basic stake denomination;
 - (iv) the percentage payout.

Part 9B Notifiable actions

70B Prescribed number of days—Act, s 173D (5)

For the [Act](#), section 173E (a) (Notifiable actions—date of effect), the prescribed number of days for a notifiable action under the following sections is 20 business days:

- (a) the [Act](#), section 37B (Authorisation certificate amendment—technical amendment);
- (b) the [Act](#), section 113A (1) (c) (Disposal of gaming machines— notifiable action).

Part 10 Miscellaneous

72 Maximum stake amount—Act, s 49

The maximum stake amount is \$10.

73 Contractual arrangements and consultancies in annual report of clubs—Act, s 54 (b)

The prescribed amount for contractual arrangements or consultancies is—

- (a) \$99 999; or
- (b) if the club has entered into 2 or more contractual arrangements or consultancies with an entity and the total payments for the arrangements or consultancies with the entity for the year are more than \$99 999—any arrangement or consultancy with the entity worth more than \$1.

74 Remuneration in annual report of clubs—Act, s 54 (c)

The prescribed remuneration is \$150 000.

75 Offence to operate high-denomination note acceptor—Act, s 178 (2) (a)

- (1) A licensee commits an offence if the licensee operates a note acceptor that accepts bank notes in denominations of \$50 or \$100.

Maximum penalty: 5 penalty units.

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

76 Minimum payout of gaming machine—Act, s 178 (2) (b)

- (1) The minimum percentage payout of a gaming machine is 87%.
- (2) If a gaming machine is connected to a linked-jackpot arrangement, the minimum percentage payout is the total of the percentage payout for the gaming machine and the percentage of turnover for the gaming machine.

Example

If the gaming machine pays out 85% directly on its prize schedule and makes a 3% contribution to a link, the total percentage payout of the gaming machine is 88% which is above the minimum requirement of 87%.

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

- (3) In this section:

percentage of turnover—see section 43 (3).

77 Not gaming machines—Act, dict, def *gaming machine*

Each of the following devices is not a gaming machine:

- (a) a device for playing a game of skill only;
- (b) an amusement device that usually involves an element of skill and is played for entertainment only;

Example

a pinball machine

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

- (c) a device that—
- (i) is ordinarily found at fairs, fetes or shows; and
 - (ii) usually involves an element of skill; and
 - (iii) is played mainly for entertainment, whether or not a prize is offered or given.

Example—par (c)

‘laughing clowns’ amusement machine

Dictionary

(see s 3)

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

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

- ACT
- adult
- child
- entity
- individual
- Legislation Act
- may (see s 146)
- must (see s 146)
- penalty unit (see s 133)
- public notice
- under.

Note 3 Terms used in this regulation have the same meaning that they have in the [Gaming Machine Act 2004](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Gaming Machine Act 2004](#), dict:

- approved supplier
- approved technician
- authorisation certificate amendment application
- authorisation certificate application
- authorisation schedule
- authorised officer
- authorised premises
- centralised monitoring system (or CMS) (see s 66)
- class B licence and authorisation certificate application
- class C gaming machine
- class C licence application

- club
- commission
- community contribution
- Control Act
- gaming machine
- increase maximum amendment
- in-principle authorisation certificate (see s 38A)
- linked jackpot
- linked-jackpot arrangement
- maximum number, of authorisations
- member
- multi-user permit
- notifiable action (see s 173C)
- premises relocation amendment
- prescribed number of days
- signed-in guest
- social impact assessment
- temporary member.

cashless gaming card, for part 6 (Cashless gaming systems)—see section 27.

cashless gaming system, for part 6 (Cashless gaming systems)—see section 27.

club secretary, for part 4 (Ballots)—see section 13.

conducted electronically, for a ballot, for part 4 (Ballots)—see section 13.

expired gaming credits, for part 6 (Cashless gaming systems)—see section 27.

gaming credits, for part 6 (Cashless gaming systems)—see section 27.

gaming machine proposal, for part 3 (Social impact assessments)—see section 10 (2).

independent ballot service provider, in relation to a club, for part 4 (Ballots)—see section 13.

jackpot trust account, for division 8.2 (Multi-user permits)—see section 56 (1).

link equipment, for part 8 (Linked-jackpot arrangements)—see section 40.

link service fee, for division 8.2 (Multi-user permits)—see section 57 (1).

linked-jackpot contract, for division 8.2 (Multi-user permits)—see section 55.

linked-jackpot contribution, for a linked gaming machine, for division 8.2 (Multi-user permits)—see section 55.

linked licensee, for a linked-jackpot arrangement, for division 8.2 (Multi-user permits)—see section 55.

link service fee, for division 8.2 (Multi-user permits)—see section 57 (1).

local community, for part 3 (Social impact assessments)—see section 9.

patron, of a club, includes—

- (a) a member of the club; and
- (b) a signed-in guest; and
- (c) a temporary member.

person conducting a ballot, for a ballot held by a club, for part 4 (Ballots)—see section 13.

player account card, in relation to an individual's player account, for part 6 (Cashless gaming systems)—see section 27.

redeems gaming credits, for part 6 (Cashless gaming systems)—see section 27.

relevant gaming machine application, for part 3 (Social impact assessments)—see section 9.

relevant premises, for part 3 (Social impact assessments)—see section 9.

single-user approval, for part 8 (Linked-jackpot arrangements)—see section 40.

voting close date, for part 4 (Ballots)—see section 16 (1).

voting document, for part 4 (Ballots)—see section 13.

Endnotes

1 About the endnotes

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

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

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

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

The endnotes also include a table of earlier republications.

2 Abbreviation key

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

3 Legislation history

This regulation was originally the *Gaming Machine Regulations 2004*. It was renamed under the [Legislation Act 2001](#).

Gaming Machine Regulation 2004 SL2004-30

notified LR 30 July 2004

s 1, s 2 commenced 30 July 2004 (LA s 75 (1))

remainder commenced 1 November 2004 (s 2 and see [Gaming Machine Act 2004](#) A2004-34, s 2 and [CN2004-14](#))

as amended by

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

notified LR 4 December 2007

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

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

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 1 pt 1.7

notified LR 26 November 2009

s 1, s 2 commenced 26 November 2009 (LA s 75 (1))

sch 1 pt 1.7 commenced 17 December 2009 (s 2)

Gaming Machine (Club Governance) Amendment Act 2011 A2011-24 pt 3

notified LR 7 July 2011

s 1, s 2 taken to have commenced 1 July 2011 (LA s 75 (2))

pt 3 commenced 1 July 2012 (s 2 (2))

Gaming Machine Amendment Act 2012 A2012-42 pt 3

notified LR 6 September 2012

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

pt 3 commenced 1 January 2013 (s 2 (1))

Statute Law Amendment Act 2013 A2013-19 sch 3 pt 3.24

notified LR 24 May 2013

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

sch 3 pt 3.24 commenced 14 June 2013 (s 2)

Gambling and Racing Control (Code of Practice) Amendment Regulation 2014 (No 1) SL2014-17 s 40

notified LR 28 July 2014

s 1, s 2 commenced 28 July 2014 (LA s 75 (1))

s 40 commenced 1 August 2014 (s 2 and [CN2014-11](#))

Gaming Machine Amendment Regulation 2014 (No 1) SL2014-22

notified LR 8 September 2014

s 1, s 2 commenced 8 September 2014 (LA s 75 (1))

remainder commenced 9 September 2014 (s 2)

Gaming Machine Amendment Regulation 2014 (No 2) SL2014-37

notified LR 22 December 2014

s 1, s 2 commenced 22 December 2014 (LA s 75 (1))

remainder commenced 23 December 2014 (s 2)

Gaming Machine Amendment Regulation 2015 (No 1) SL2015-1

notified LR 19 January 2015

s 1, s 2 commenced 19 January 2015 (LA s 75 (1))

remainder commenced 20 January 2015 (s 2)

Gaming Legislation Amendment Regulation 2015 (No 1) SL2015-27 pt 3

notified LR 24 August 2015

s 1, s 2 commenced 24 August 2015 (LA s 75 (1))

pt 3 commenced 31 August 2015 (s 2 and see [Gaming Machine \(Reform\) Amendment Act 2015](#) A2015-21, s 2 and [CN2015-18](#))

Red Tape Reduction Legislation Amendment Act 2015 A2015-33 sch 1 pt 1.31

notified LR 30 September 2015

s 1, s 2 commenced 30 September 2015 (LA s 75 (1))

sch 1 pt 1.31 commenced 14 October 2015 (s 2)

Gaming Machine Amendment Regulation 2015 (No 2) SL2015-40

notified LR 30 November 2015

s 1, s 2 commenced 30 November 2015 (LA s 75 (1))

remainder commenced 1 December 2015 (s 2)

Endnotes

3 Legislation history

Gaming Machine (Ballots) Amendment Regulation 2016 (No 1)

SL2016-11

notified LR 12 May 2016

s 1, s 2 commenced 12 May 2016 (LA s 75 (1))

remainder commenced 16 May 2016 (s 2)

Gaming and Racing (Red Tape Reduction) Legislation Amendment

Act 2016 A2016-45 pt 3

notified LR 19 August 2016

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

pt 3 commenced 1 September 2016 (s 2 (1))

4 Amendment history

Name of regulation

s 1 am R1 LA

Commencement

s 2 om LA s 89 (4)

Dictionary

s 3 am [SL2015-27](#) s 5

Licences and authorisations

pt 2 hdg sub [SL2015-27](#) s 6

Required documents for applications or notifications—Act, s 16 (i), s 22 (2) (e), s 28 (2) (h), s 38H (3) (b) and s 173D (2) (c)

s 6 hdg sub [A2012-42](#) s 37

s 6 am [A2012-42](#) s 38, s 39; pars renum R5 LA; [SL2014-22](#) s 4, s 5

sub [SL2015-27](#) s 7

Working out club members—Act, s 23 (5) (c) and s 37 (5) (a)

s 7 hdg sub [A2012-42](#) s 40; sub [SL2015-27](#) s 8

s 7 am [A2012-42](#) ss 41-42; [A2013-19](#) amdt 3.193, amdt 3.194; [SL2015-27](#) ss 9-11; [A2016-45](#) s 30

Other requirements for form of authorisation schedule for class C gaming machines—Act, s 27 (2)

s 8 am [SL2014-22](#) s 6

sub [SL2015-27](#) s 12

Definitions—pt 3

s 9 def *local community* am [A2012-42](#) s 44

def *relevant gaming machine application* ins [SL2015-27](#) s 13

def *relevant premises* sub [A2012-42](#) s 45; [SL2015-27](#) s 14

Requirements for social impact assessment—Act, s 12 (2) (a)

s 10 hdg sub [SL2015-27](#) s 15

s 10 am [A2012-42](#) s 46, s 47; [SL2015-27](#) s 16, s 17

Matters to be addressed by social impact assessment—Act, s 12 (2) (b)

s 11 hdg sub [SL2015-27](#) s 18

s 11 am [A2012-42](#) s 48, s 49; [SL2015-27](#) s 19

Information to be given in social impact assessment—Act, s 12 (2) (c)

s 12 hdg sub [SL2015-27](#) s 20

s 12 am [A2012-42](#) s 50; [SL2015-27](#) s 21

Social impact statements

pt 3A hdg ins [A2012-42](#) s 51

om [SL2015-27](#) s 22

Endnotes

4 Amendment history

Definitions—pt 3A

- s 12A ins [A2012-42](#) s 51
om [SL2015-27](#) s 22
def ***gaming machine proposal*** ins [A2012-42](#) s 51
am [SL2014-22](#) s 7
om [SL2015-27](#) s 22
def ***local community*** ins [A2012-42](#) s 51
om [SL2015-27](#) s 22

Requirements for social impact statements—Act, s 26B (6) (a)

- s 12B ins [A2012-42](#) s 51
om [SL2015-27](#) s 22

Matters to be addressed by social impact statements—Act, s 26B (6) (b)

- s 12C ins [A2012-42](#) s 51
om [SL2015-27](#) s 22

Information to be given in social impact statements—Act, s 26B (6) (c)

- s 12D ins [A2012-42](#) s 51
om [SL2015-27](#) s 22

Definitions—pt 4

- s 13 def ***conducted electronically*** ins [SL2016-11](#) s 4
def ***independent ballot service provider*** ins [SL2016-11](#) s 4
def ***person conducting a ballot*** ins [SL2016-11](#) s 4
def ***voting document*** ins [SL2016-11](#) s 4

Conduct of ballots

- s 14 am [A2012-42](#) s 52; [SL2015-27](#) s 23; [SL2016-11](#) s 5

Telling commission about ballot

- s 17 am [A2009-49](#) amdt 1.15; [A2015-33](#) amdt 1.98
sub [SL2016-11](#) s 6

Information about ballot

- s 18 sub [A2015-33](#) amdt 1.99; [SL2016-11](#) s 6

Commission may inspect ballot documents

- s 19 am [A2009-49](#) amdt 1.16

Voting members must be given ballot documents

- s 20 am [A2009-49](#) amdt 1.17
sub [SL2016-11](#) s 7

Checking votes

- s 21 am [A2009-49](#) amdt 1.18
sub [SL2016-11](#) s 7

Counting votes for ballot

- s 22 sub [A2009-49](#) amdt 1.19; [SL2016-11](#) s 7

Alternative person

s 22A ins [A2009-49](#) amdt 1.20
sub [SL2016-11](#) s 7

Supervisory role of commission

s 22B ins [A2009-49](#) amdt 1.20

Supervisory role of club secretary

s 22C ins [SL2016-11](#) s 8

Keeping completed ballot documents

s 23 am [SL2014-22](#) s 8
sub [SL2016-11](#) s 9

Gaming machines to be on CMS

s 25 am [SL2015-27](#) s 40

CMS Access

s 26 am [SL2015-27](#) s 39

Cashless gaming systems

pt 6 hdg sub [SL2014-22](#) s 9

Definitions—pt 6

s 27 sub [SL2014-22](#) s 9
s 27 (1) def **cashless gaming card** ins [SL2014-22](#) s 9
def **cashless gaming system** ins [SL2014-22](#) s 9
am [SL2015-27](#) s 40
def **expired gaming credits** ins [SL2014-22](#) s 9
def **gaming credits** sub [SL2014-22](#) s 9
def **gaming machine ticket** om [SL2014-22](#) s 9
def **player account card** ins [SL2014-22](#) s 9
am [SL2015-27](#) s 39
def **redeems** sub [SL2014-22](#) s 9
s 27 (2) def **player account** ins [SL2014-22](#) s 9
am [SL2015-27](#) s 39
def **ticket-in ticket-out system** ins [SL2014-22](#) s 9

Operating unapproved cashless gaming system

s 28 sub [SL2014-22](#) s 9
am [SL2015-27](#) s 39

Cashless gaming system operational requirements

s 29 am [SL2014-17](#) s 40
sub [SL2014-22](#) s 9

Failure to comply with cashless gaming system operational requirement

s 30 sub [SL2014-22](#) s 9

Cashless gaming system—offences relating to children

s 31 sub [SL2014-22](#) s 9
am [SL2015-27](#) s 39

Endnotes

4 Amendment history

Cashless gaming systems—control procedures

s 32 sub [SL2014-22](#) s 9

Unredeemed gaming credits—excluded people

s 33 sub [SL2014-22](#) s 9
am [SL2015-27](#) s 39

Player cards

pt 7 hdg om [SL2014-22](#) s 9

Unredeemed gaming credits—expiry after 1 year

s 34 sub [SL2014-22](#) s 9
am [SL2015-27](#) s 39
def **player account** om [SL2014-22](#) s 9
def **player card** om [SL2014-22](#) s 9

Expired gaming credits—annual report by licensee

s 35 sub [SL2014-22](#) s 9

Restricted use of player account cards

s 36 sub [SL2014-22](#) s 9
am [SL2015-27](#) s 39

Restricted use of player account cards

s 37 sub [SL2014-22](#) s 9
am [SL2015-27](#) s 39

Limits on use of player accounts

s 38 om [SL2014-22](#) s 9

Application—div 8.1

s 39 am [SL2015-27](#) s 38

Definitions—pt 8

s 40 def **single-user approval** ins [SL2015-27](#) s 24
def **single-user authorisation** om [SL2015-27](#) s 25

Percentage of turnover set aside and reset value

s 42 am [SL2015-27](#) s 38

Linked-jackpot contributions

s 43 am [SL2015-27](#) s 38, s 40

Electronic polling

s 44 am [SL2015-27](#) s 40

Winning linked jackpots

s 46 am [SL2015-27](#) s 39

Resetting linked gaming machines

s 47 hdg am [SL2015-27](#) s 40
s 47 am [SL2015-27](#) s 38

Meter readings

s 50 am [SL2015-27](#) s 39, s 40

Link equipment in single-user approvals

s 51 hdg am [SL2015-27](#) s 38

s 51 am [SL2015-27](#) s 38, s 39

Link equipment in single-user authorisations

s 52 am [SL2015-27](#) s 39

Definitions—div 8.2

s 55 def *linked-jackpot contribution* am [SL2015-27](#) s 40

def *linked licence* om [SL2015-27](#) s 26

Link service fee

s 57 am [SL2015-27](#) s 40

Collection of linked-jackpot contributions

s 60 am [SL2015-27](#) s 40

Link equipment

s 61 am [SL2015-27](#) s 39

Guidelines for approving contributions as charitable and social welfare community contributions—Act, s 164 (2) (a)

s 64 am [A2007-40](#) amdt 2.1

Guidelines for approving contributions as problem gambling community contributions—Act, s 164 (2) (a)

s 64A ins [A2007-40](#) amdt 2.2

Storage of authorisations and gaming machines—permits

pt 9A hdg ins [SL2015-27](#) s 27

Form of permit—Act, s 127S (e)

s 70A hdg sub [A2016-45](#) s 31

s 70A ins [SL2015-27](#) s 27

Notifiable actions

pt 9B hdg ins [SL2015-27](#) s 27

exp 30 November 2015 (s 70B (2))

ins [SL2015-40](#) s 4

Prescribed number of days—Act, s 173D (5)

s 70B ins [SL2015-27](#) s 27

exp 30 November 2015 (s 70B (2))

ins [SL2015-40](#) s 4

Times licensee must not operate gaming machines—Act, s 8 (3)

s 71 om [SL2015-27](#) s 28

Endnotes

4 Amendment history

Contractual arrangements and consultancies in annual report of clubs—Act, s 54 (b)

s 73 hdg sub [A2011-24](#) s 28
s 73 am [SL2014-22](#) s 10

Remuneration in annual report of clubs—Act, s 54 (c)

s 74 am [SL2014-22](#) s 11

Offence to operate high-denomination note acceptor—Act, s 178 (2) (a)

s 75 sub [SL2014-37](#) s 4; [SL2015-1](#) s 4

Minimum payout of gaming machine—Act, s 178 (2) (b)

s 76 am [SL2015-27](#) s 40

Transitional—Gaming Legislation Amendment Regulation 2015 (No 1)

pt 15 hdg ins [SL2015-27](#) s 29
om [A2016-45](#) s 32

Modification of Act, pt 20—Act, s 310 (2)

s 200 ins [SL2015-27](#) s 29
om [A2016-45](#) s 32

Modification of Act

sch 1 ins [SL2015-27](#) s 30
om [A2016-45](#) s 33

Dictionary

dict am [A2012-42](#) s 53; [SL2015-27](#) s 31; [A2015-33](#) amdt 1.100;
[A2016-45](#) s 34
def **cashless gaming card** ins [SL2014-22](#) s 12
def **cashless gaming system** ins [SL2014-22](#) s 12
def **conducted electronically** ins [SL2016-11](#) s 10
def **expired gaming credits** ins [SL2015-27](#) s 32
def **gaming credits** sub [SL2014-22](#) s 13
def **gaming machine ticket** om [SL2014-22](#) s 14
def **gaming machine proposal** sub [A2012-42](#) s 54;
[SL2015-27](#) s 33
def **independent ballot service provider** ins [SL2016-11](#) s 10
def **linked licence** om [SL2015-27](#) s 34
def **local community** sub [A2012-42](#) s 54; [SL2015-27](#) s 35
def **patron** sub [A2016-45](#) s 35
def **person conducting a ballot** ins [SL2016-11](#) s 10
def **player account** om [SL2014-22](#) s 14
def **player account card** ins [SL2014-22](#) s 15
def **player card** om [SL2014-22](#) s 16
def **redeems** sub [SL2014-22](#) s 17

def **relevant gaming machine application** ins [SL2015-27](#)
s 36
def **single-user approval** ins [SL2015-27](#) s 36
def **single-user authorisation** om [SL2015-27](#) s 37
def **voting document** ins [SL2016-11](#) s 10

Endnotes

5 Earlier replications

5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised replication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised replication are identical.

Replication No and date	Effective	Last amendment made by	Replication for
R1 1 Nov 2004	1 Nov 2004– 4 Dec 2007	not amended	new regulation
R2 5 Dec 2007	5 Dec 2007– 16 Dec 2009	A2007-40	amendments by A2007-40
R3 17 Dec 2009	17 Dec 2009– 30 June 2012	A2009-49	amendments by A2009-49
R4 1 July 2012	1 July 2012– 31 Dec 2012	A2011-24	amendments by A2011-24
R5 1 Jan 2013	1 Jan 2013– 13 June 2013	A2012-42	amendments by A2012-42
R6 14 June 2013	14 June 2013– 31 July 2014	A2013-19	amendments by A2013-19
R7 1 Aug 2014	1 Aug 2014– 8 Sept 2014	SL2014-17	amendments by SL2014-17
R8 9 Sept 2014	9 Sept 2014– 22 Dec 2014	SL2014-22	amendments by SL2014-22
R9 23 Dec 2014	23 Dec 2014– 19 Jan 2015	SL2014-37	amendments by SL2014-37
R10 20 Jan 2015	20 Jan 2015– 30 Aug 2015	SL2015-1	amendments by SL2015-1
R11 31 Aug 2015	31 Aug 2015– 13 Oct 2015	SL2015-27	amendments by SL2015-27
R12 14 Oct 2015	14 Oct 2015– 30 Nov 2015	A2015-33	amendments by A2015-33

Republication No and date	Effective	Last amendment made by	Republication for
R13 1 Dec 2015	1 Dec 2015- 15 May 2016	SL2015-40	expiry of provision (pt 9B) and amendments by SL2015-40
R14 16 May 2016	16 May 2016- 31 Aug 2016	SL2016-11	amendments by SL2016-11

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