

South Australia

# Gaming Machines Act 1992

An Act to provide for and regulate the supply and operation of gaming machines; and for other purposes.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Objects
- 3 Interpretation
- 3A Interaction with *Gambling Administration Act 2019*
- 4 Application of Act
- 4A Provisions governing whether person is fit and proper

### Part 3—Licences

#### Division 1—Classes of licence

- 14 Licence classes

#### Division 2—Special provisions relating to gaming machine licences

- 15 Eligibility criteria
- 15A Gaming venues not to be located under same roof as shops or within shopping complexes
- 16 Number of gaming machines to be operated under licence
- 17 Plurality of licences
- 17A Commissioner to be satisfied that designated application is in community interest
- 17B Community impact assessment guidelines
- 17C Certificate of approval for proposed premises

#### Division 3—Applications, criteria and licence conditions

- 18 Requirements for licence application
- 19 Certain criteria must be satisfied by all applicants
- 21 Special criteria for gaming machine monitor licence
- 22 Holder of monitor licence cannot hold other licences
- 23 Minors not to hold licence etc
- 24 Discretion to refuse application
- 24A Special club licence
- 25 Independent Gaming Corporation
- 26A How licences are to be held
- 27 Conditions
- 27AA Variation of licence

### Division 3A—Gaming machine entitlements

- 27AAB Gaming machine entitlements in respect of casino
- 27AAC Application of Division to casino
- 27A Gaming machine entitlements
- 27B Transferability of gaming machine entitlements
- 27C Premises to which gaming machine entitlements relate
- 27CA Forfeiture and cancellation of gaming machine entitlements
- 27D Effect of this Division on obligations under a lease or mortgage
- 27E Statement of Parliamentary intention to reduce gaming machine numbers etc

### Division 3B—Removal etc of gaming machine licence

- 27F Removal of gaming machine licence
- 27G Commissioner may determine application is a designated application

### Division 3C—Provisions relating to clubs

- 27H Dealing with gaming machine licence on amalgamation of clubs
- 27I Transfer of gaming machine licences and gaming machine entitlements
- 27J Commissioner may determine application is a designated application
- 27K Provisions relating to premises held under a lease

### Division 4—Transfer of licences

- 28 Certain licenses only are transferable
- 28AAB Discretion to grant or refuse application under section 28

### Division 4A—Devolution of licensee's rights

- 28B Devolution of licensee's rights
- 28C Bankruptcy or winding up of licensee
- 28D Notice to be given of exercise of powers under Division

### Division 5—Intervention by Commissioner of Police

- 31 Intervention by Commissioner of Police

### Division 6—Suspension, revocation and surrender of licences and certificates

- 32 Voluntary suspension
- 32A Surrender or revocation of certificate of approval
- 33 Surrender
- 34 Effect of surrender, suspension or revocation of liquor licence
- 34A Suspension or revocation of licence by Commissioner
- 35 Cessation of gaming machine monitor licence

### Part 4—Approvals

- 38 Commissioner may approve persons in authority
- 38B Commissioner may approve gaming machine technicians
- 39 Approval of form of supply contract
- 40 Approval of gaming machines and games
- 40A Commissioner may approve certain systems to be operated in connection with gaming machines
- 40B Commissioner may approve training courses to be undertaken by gaming managers or gaming employees
- 40C Approvals in relation to responsible gambling agreements
- 40D Commissioner may approve facial recognition system

- 
- 41 Commissioner may approve gaming tokens and gaming token manufacturers
  - 42 Discretion to grant or refuse approval
  - 44 Revocation of approval

### Part 4AA—Gaming managers and gaming employees

- 44AAA Commissioner may notify Commissioner of Police of appointment of gaming managers and gaming employees
- 44AA Commissioner may give prohibition notice

### Part 4A—Special provisions relating to licensed dealers

- 44A Prohibition of links between dealers and other licensees

### Part 4B—Applications and submissions

#### Division 1—Applications

- 44B Form of application
- 44C Applications to be given to Commissioner of Police
- 44D Notice of certain applications to be given
- 44E Commissioner may consider applications concurrently

#### Division 2—Submissions in relation to applications

- 44F Commissioner of Police may make written submissions
- 44G General right to make written submissions
- 44H Further written submissions
- 44I Conciliation
- 44J Commissioner may refer matters to Court
- 44K Hearings etc
- 44L Variation of written submissions

### Part 5—Offences

#### Division 1—Offences relating to licences and employment

- 45 Offence of being unlicensed
- 46 Offence of breach of licence conditions
- 46A Licensee to notify change of particulars
- 47A Offence of selling or supplying games, gaming machines or components without approved contract or with inducement
- 48 Offences relating to management or positions of authority
- 49 Offences related to carrying out duties in gaming areas
- 50 Offence related to personal performance of work on games and gaming machines
- 50A Gaming managers and employees must carry identification
- 51 Persons who may not operate gaming machines

#### Division 2—Offences relating to conduct of gaming operations

- 51A Cash facilities not to be provided within gaming areas
- 51B Cash facilities limitations
- 52 Prohibition of lending or extension of credit
- 53 Prohibition of linked jackpots
- 53A Prohibition of certain gaming machine facilities
- 53B Commissioner's directions to ensure security of gaming machines

**Division 3—Offences relating to minors**

- 55 Minors must not be employed in gaming operations
- 56 Minors not permitted in gaming areas
- 58 Powers in relation to minors in gaming areas

**Division 5—Offences relating to cheating etc**

- 62 Interference with machines or games
- 63 Interference devices
- 64 Sealing of gaming machines
- 65 Removal of gaming tokens
- 66 Machines not to be operated in certain circumstances
- 67 Power to remove offenders

**Division 6—Offences relating to profit sharing etc**

- 68 Certain profit sharing etc is prohibited

**Part 8—Gaming tax**

- 72 Interpretation
- 72A Gaming tax
- 72B Recovery of tax
- 73 Accounts and monthly returns
- 73A Sport and Recreation Fund
- 73B Charitable and Social Welfare Fund
- 73BA Gamblers Rehabilitation Fund
- 73C Community Development Fund
- 73D Funding agreements

**Part 9—Miscellaneous**

- 75 Audit requirements for gaming machine monitor licence
- 76 Power to refuse to pay winnings
- 76AA Unclaimed winnings
- 76A Financing of licensee's business
- 77 Certain agreements and arrangements are unlawful
- 78 False or misleading statements
- 79 Bribery
- 81 Liability of licensed dealer for acts of agent
- 84 Prosecution of summary offences
- 85 Vicarious liability
- 86 Evidentiary provision
- 86A Commissioner to recover administration costs
- 87 Regulations
- 88 Exclusion of compensation

**Schedule 1—Gaming machine licence conditions**

**Schedule 2—Gaming machine monitor licence conditions**

**Legislative history**

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Gaming Machines Act 1992*.

### **2—Objects**

The objects of this Act are—

- (a) to ensure that gaming machine gambling is conducted responsibly, fairly and honestly, with regard to minimising the harm caused by gambling; and
- (b) to ensure that the management and operation of gaming machines, associated gaming equipment and monitoring equipment is free from interference, criminal influence and exploitation; and
- (c) to ensure the probity of people involved in the conduct, management and oversight of gambling; and
- (d) to prohibit minors from gambling and to ensure that minors are not encouraged to gamble; and
- (e) to ensure that the club and hotel gaming machine industry develops in a manner consistent with the needs and aspirations of the community and is in the community interest; and
- (f) to protect the interests of the State in the taxation of gaming revenue resulting from the operation of the club and hotel gaming machine industry.

### **3—Interpretation**

- (1) In this Act, unless the contrary intention appears—

***advertising code of practice***—means an advertising code of practice prescribed under the *Gambling Administration Act 2019*;

***approved*** means approved by the Commissioner under this Act;

***approved game*** means a game of a class approved by the Commissioner for the purposes of this Act;

***approved gaming machine*** means a gaming machine of a class approved by the Commissioner for the purposes of this Act;

***approved gaming machine technician*** means a person approved under Part 4 as a gaming machine technician for the holder of a gaming machine service licence;

***authorised person***, in relation to premises to which a gaming machine licence relates, means—

- (a) the licensee; or
- (b) a responsible person for the licensed premises; or
- (c) a gaming manager or gaming employee for the licensed premises; or
- (d) an inspector; or

- (e) a police officer; or
- (f) a person who holds a security agents licence that authorises the person to perform the function of controlling crowds in licensed premises under the *Security and Investigation Industry Act 1995*;

**beneficiary** includes an object of a discretionary trust;

**cash facility** means—

- (a) an automatic teller machine; or
- (b) an EFTPOS facility; or
- (c) any other facility, prescribed by the regulations, that enables a person to gain access to his or her funds or to credit;

**cashless gaming system** means a system that enables the storage of monetary value for use in operating a gaming machine;

**casino** means the casino operated in accordance with the *Casino Act 1997*;

**casino licence** has the same meaning as in the *Casino Act 1997*;

**casino premises** has the same meaning as in the *Casino Act 1997*;

**club licence** means a club licence under the *Liquor Licensing Act 1997*;

**Club One** means the body holding the special club licence (see section 24A);

**Commissioner** has the same meaning as in the *Gambling Administration Act 2019*;

**community impact assessment guidelines**—see section 17B;

**the Court** means the Licensing Court of South Australia;

**designated application**—see section 17A;

**domestic partner** means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

**gambling administration guidelines** means the gambling administration guidelines issued by the Commissioner under the *Gambling Administration Act 2019*;

**game** means any game software for use with a gaming machine;

**gaming area** means that part of licensed premises that is delineated under a gaming machine licence as the area within which gaming machines may be operated pursuant to the licence;

**gaming employee** means a person who is appointed by the holder of a gaming machine licence as a gaming employee in respect of gaming operations conducted on licensed premises;

**gaming machine** means a device (whether wholly or partly mechanically or electronically operated) that is designed so that—

- (a) it may be used for the purposes of playing a game of chance, or a mixed game of chance and skill; and
- (b) it may be operated wholly or partly by—
  - (i) inserting a token, coin or banknote into the device; or
  - (ii) electronically transferring credits or tokens to the device; or

- (iii) using credits or tokens in the device (whether those credits or tokens are held, stored or accredited by the device or elsewhere); and
- (c) because of making a bet on the device, winnings or other rewards may become payable;

***gaming machine entitlement*** means an entitlement to operate 1 gaming machine under a gaming machine licence or the casino licence;

***gaming manager*** means—

- (a) a natural person who is the holder of a gaming machine licence; or
- (b) a person who is appointed by the holder of a gaming machine licence as a gaming manager in respect of gaming operations conducted on licensed premises;

***general and hotel licence*** means a general and hotel licence under the *Liquor Licensing Act 1997*;

***inspector*** means a person appointed as an inspector for the purposes of this Act under the *Gambling Administration Act 2019*;

***licence*** means a licence under this Act;

***licensed person, licensee or holder of a licence*** includes—

- (a) the holder of a temporary licence; and
- (b) a person authorised under this Act to carry on the business of a licensee; and
- (c) if a licence is held by a trustee—the trust;

***linked jackpot equipment*** means any fitting or device to be used for, or in connection with, the linking of two or more gaming machines for the purpose only of recording all or part of the winnings from each of those machines;

***liquor licence*** means a general and hotel licence, an on premises licence or a club licence;

***monitoring system*** means the approved computer system referred to in section 14(1)(d);

***non-profit association*** means incorporated association or some other kind of body corporate as to which the Commissioner is satisfied that profits cannot be returned to members or shareholders;

***officer***—an officer—

- (a) in relation to a body corporate—means a director or a member of the governing body of the body corporate;
- (b) in relation to a trust—means a trustee;

***on premises licence*** means an on premises licence under the *Liquor Licensing Act 1997*;

***prescribed gaming machine component*** means a component of a gaming machine of a class prescribed by the regulations for the purposes of this definition;

**responsible gambling agreement** means an agreement approved under section 40C(2) between the holder of a gaming machine licence and an industry body approved under section 40C(1);

**responsible gambling code of practice** means a responsible gambling code of practice prescribed under the *Gambling Administration Act 2019*;

**responsible person** for licensed premises means a person who is, in accordance with section 97 of the *Liquor Licensing Act 1997*, responsible for supervising and managing the business conducted under the liquor licence in respect of the licensed premises;

**spouse**—a person is the spouse of another if they are legally married;

**trust**—a trust is considered for the purposes of this Act as a single entity consisting of the trustees and the beneficiaries;

**trust or corporate entity** means a trust or a body corporate;

**variation of licence** means variation or revocation of conditions of licence or imposition of further conditions of licence.

- (2) A person occupies a position of authority in a trust or corporate entity if the person—
- (a) in the case of a body corporate—
    - (i) is a director or a member of the governing body of the body corporate;
    - (ii) exercises, or is in a position to exercise, control or substantial influence over the body corporate in the conduct of its affairs;
    - (iii) manages, or is to manage, the undertaking to be carried out under a licence;
    - (iv) if the body corporate is a proprietary company—is a shareholder in the body corporate; or
  - (b) in the case of a trust—is a trustee or beneficiary of the trust.
- (3) However—
- (a) a minor who is a shareholder in a proprietary company, or a beneficiary under a trust, is not for that reason to be regarded as a person occupying a position of authority; and
  - (b) a charitable organisation that is a beneficiary of a trust is not for that reason to be regarded as a person occupying a position of authority.
- (4) For the avoidance of doubt, a person may be appointed by a licensee as a gaming manager or gaming employee, or carry out duties as a gaming manager or gaming employee in particular licensed premises, whether the person is an employee (of the licensee or of some other person) or is a volunteer.

### **3A—Interaction with *Gambling Administration Act 2019***

This Act and the *Gambling Administration Act 2019* will be read together as a single Act (and a reference in a provision of this Act to "this Act" will be taken to include, where relevant, a reference to the *Gambling Administration Act 2019*).

#### 4—Application of Act

- (1) Except as specifically provided by this Act or the *Casino Act 1997*, this Act does not apply to or in relation to a gaming machine operated in the casino premises.
- (1a) The Governor may, by regulation, apply provisions of this Act, with or without modification, to a person who is not required to hold a gaming machine licence because of a Commonwealth law as if the person holds a gaming machine licence.
- (2) Despite any other Act or law to the contrary, gaming and the possession, sale, supply or operation of a gaming machine, as authorised by this Act or a licence under this Act, are lawful.
- (3) Subject to any other provision of this Act to the contrary, this Act binds the Crown.

#### 4A—Provisions governing whether person is fit and proper

- (1) A person is not a fit and proper person for a particular purpose under this Act if—
  - (a) the person has been found guilty or convicted of an offence as prescribed by the regulations; or
  - (b) in the case of a body corporate—
    - (i) the body corporate is a body corporate, or is a body corporate of a class, prescribed by the regulations; or
    - (ii) the body corporate is a prescribed organisation; or
  - (c) in the case of a natural person, the person—
    - (i) is—
      - (A) a member of a prescribed organisation; or
      - (B) a close associate of a person who is a member of a prescribed organisation or is subject to a control order under the *Serious and Organised Crime (Control) Act 2008*; or
    - (ii) is an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth.
- (2) A person is not a fit and proper person to occupy a position of authority in a trust or corporate entity that holds a licence if—
  - (a) the person has been found guilty or convicted of an offence as prescribed by the regulations; or
  - (b) the person is—
    - (i) a member of a prescribed organisation; or
    - (ii) a close associate of a person who is a member of a prescribed organisation or is subject to a control order under the *Serious and Organised Crime (Control) Act 2008*; or
  - (c) the person is an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth.

- (3) For the purpose of determining whether a person is a fit and proper person for a particular purpose under this Act the Commissioner—
- (a) may cause the person's photograph to be taken; and
  - (b) may cause the person's fingerprints to be taken; and
  - (c) may have regard to the following:
    - (i) the corporate structure of the person;
    - (ii) the person's financial background and resources;
    - (iii) the person's reputation;
    - (iv) the character, reputation and financial background of the person's close associates;
    - (v) any representations made by the Minister;
    - (vi) any other matters the Commissioner thinks fit.

- (4) In this section—

**close associate**—see subsection (5);

**prescribed financial market** means a prescribed financial market within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth;

**prescribed organisation**—the following are prescribed organisations:

- (a) a declared organisation within the meaning of the *Serious and Organised Crime (Control) Act 2008*;
- (b) a criminal organisation within the meaning of Division 1 or Division 2 of Part 3B of the *Criminal Law Consolidation Act 1935*;
- (c) any other organisation prescribed by the regulations for the purposes of this definition;

**substantial holding** in a body corporate has the same meaning as in section 9 of the *Corporations Act 2001* of the Commonwealth.

- (5) For the purposes of this section, 2 persons are **close associates** if—

- (a) 1 is a spouse, domestic partner, parent, brother, sister or child of the other; or
- (b) they are members of the same household; or
- (c) they are in partnership; or
- (d) they are joint venturers; or
- (e) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or
- (f) 1 is a body corporate and the other is a director or executive officer of the body corporate; or
- (g) 1 is a body corporate (other than a public company whose shares are quoted on a prescribed financial market) and the other is a shareholder in the body corporate; or
- (h) 1 is a body corporate whose shares are quoted on a prescribed financial market and the other has a substantial holding in the body corporate; or

- (i) 1 has a right to participate (otherwise than as a shareholder in a body corporate) in, or is remunerated by reference to, proceeds or profits derived from a business conducted by the other; or
  - (j) 1 is in a position to exercise control or significant influence over the conduct of the other; or
  - (k) a chain of relationships can be traced between them under any 1 or more of the above paragraphs.
- (6) For the purposes of this section, a reference to a parent, brother, sister or child of a person will be taken to include a reference to a step-parent, step-brother, step-sister or step-child (as the case requires) of the person.

## **Part 3—Licences**

### **Division 1—Classes of licence**

#### **14—Licence classes**

- (1) Licences under this Act are of the following classes:
- (a) gaming machine licence: subject to this Act and the conditions of the licence, a gaming machine licence authorises the licensee to possess approved gaming machines on premises designated in the licence and to conduct gaming on those machines;
  - (ab) special club licence: subject to the Act and the conditions of the licence, the special club licence authorises the licensee to possess approved gaming machines and to operate them—
    - (i) on the casino premises as agent of the holder of the casino licence; or
    - (ii) on premises in respect of which someone else holds a gaming machine licence as agent of the holder of the gaming machine licence;
  - (b) gaming machine dealer's licence: subject to this Act and the conditions of the licence, a gaming machine dealer's licence authorises the licensee to manufacture games, gaming machines and prescribed gaming machine components and, under a contract in a form approved by the Commissioner, to sell or supply to the holder of a gaming machine licence, a gaming machine service licence, the casino licence, or another gaming machine dealer's licence, approved games and gaming machines and prescribed gaming machine components;
  - (d) gaming machine monitor licence: subject to this Act and the conditions of the licence, a gaming machine monitor licence authorises the licensee to provide and operate an approved computer system for monitoring the operation of all gaming machines operated pursuant to gaming machine licences under this Act;

- (e) gaming machine service licence: subject to this Act and the conditions of the licence, a gaming machine service licence authorises the licensee to install, service and repair approved games and gaming machines and prescribed gaming machine components in the course of a business carried on by the licensee.
- (2) There will be only—
- (a) 1 special club licence; and
  - (c) 1 gaming machine monitor licence.

## **Division 2—Special provisions relating to gaming machine licences**

### **15—Eligibility criteria**

- (1) The following persons only are eligible to hold a gaming machine licence:
- (a) the holder of a general and hotel licence (whether temporary or otherwise);
  - (b) the holder of a club licence, or two or more holders of separate club licences, jointly;
  - (c) the holder of an on premises licence (whether temporary or otherwise) if—
    - (i) —
      - (A) the holder of the licence previously held a special circumstances licence granted on the surrender of a hotel licence or a club licence; and
      - (B) the nature of the undertaking carried out under the licence is substantially similar to that of a licensed hotel or club; or
    - (ii) the premises to which the on premises licence relates constitute—
      - (A) a major sporting venue; or
      - (B) the headquarters in this State for a particular sporting code, and the nature of the undertaking carried out under the licence is substantially similar to that of a licensed club.
- (1a) Club One is eligible to hold a gaming machine licence for particular premises if it holds a licence under the *Liquor Licensing Act 1997* in respect of the premises as required by subsection (1).
- (2) Subject to subsection (3a), the premises to which a liquor licence referred to in subsection (1) relates will be the licensed premises in respect of the gaming machine licence.
- (3) A person referred to in subsection (1) can hold only one gaming machine licence in respect of the premises to which the liquor licence relates.
- (3a) If two or more holders of separate club licences are, or are to be, the joint holders of a gaming machine licence, the following provisions apply:
- (a) none of the holders can hold, either solely or jointly, another gaming machine licence; and

- (b) the jointly held licence can only relate to the premises of one of the clubs, being the premises nominated by the applicants.
- (5) A gaming machine licence will not be granted unless—
- (a) the applicant for the licence satisfies the Commissioner, by such evidence as the Commissioner may require—
- (i) that the proposed gaming area, or gaming areas, within the premises in respect of which the licence is sought is or are suitable for the purpose; and
  - (iii) that the arrangements proposed for the security of the premises, each gaming area and the gaming machines, and of the gaming operations generally, are adequate; and
  - (iv) that the conduct of the proposed gaming operations on the premises would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to those who reside, work or worship in the vicinity of the premises; and
  - (vi) that the conduct of the proposed gaming operations on the premises would not detract unduly from the character of the premises, the nature of the undertaking carried out on the premises or the enjoyment of persons ordinarily using the premises (apart for the purpose of gaming); and
  - (vii) that no proposed gaming area is so designed or situated that it would be likely to be a special attraction to minors; and
  - (viii) that the proposed gaming area is within a place or area that is enclosed as defined by the *Tobacco and E-Cigarette Products Act 1997* (see section 4(3) and (4)); and
- (b) the Commissioner has determined, in accordance with the community impact assessment guidelines, that the application is in the community interest.

### **15A—Gaming venues not to be located under same roof as shops or within shopping complexes**

- (1) Despite any other provision of this Act, the Commissioner cannot after the commencement of this section grant an application for a gaming machine licence in respect of licensed premises, or grant any other application under this Act in respect of licensed premises that are subject to a gaming machine licence, if to do so would result in the licensed premises, or the whole or part of a gaming area of the licensed premises, being located—
- (a) under the same roof as a shop, whether or not on the same level or floor as the shop; or
  - (b) anywhere within the boundaries of a shopping complex.
- (2) Subsection (1) applies only in respect of an application made after the commencement of this section (and any grant by the Commissioner of such an application will be taken to be void and of no effect).

- (3) Subsection (1) does not apply where the shop—
- (a) is a part of the licensed premises set aside for the purpose of selling liquor in bottles to the public; or
  - (b) is intended primarily for the use of guests staying on the licensed premises.
- (4) For the purposes of subsection (1), licensed premises will be regarded as falling within the boundaries of a shopping complex if the land on which the premises are situated—
- (a) formed part of the complex immediately prior to the granting of the development authorisation (or the first such authorisation if more than one) for the establishment of the licensed premises on the land; or
  - (b) shares a common boundary with the complex and the licensed premises are, in the opinion of the Commissioner, so linked to or integrated with the complex that they may properly be regarded as forming part of the complex.

- (5) In this section—

**shop** means a shop at which goods are sold to the public by retail;

**shopping centre** means a cluster of premises where—

- (a) at least one of the premises is a shop; and
- (b) the premises are located in the one building or in 2 or more buildings that are adjoining or are separated only by the grounds of the centre; and
- (c) the cluster of premises is promoted as, or generally regarded as constituting, a shopping centre, shopping mall, shopping court or shopping arcade;

**shopping complex** means a shop, or shopping centre, together with all parking and other areas adjacent and ancillary to, and intended primarily for the use of persons attending, the shop or shopping centre.

## **16—Number of gaming machines to be operated under licence**

- (1) Subject to this Act, a gaming machine licence authorises the licensee to possess and operate in the licensed premises a number of gaming machines equivalent to the number of gaming machine entitlements held in respect of the licensed premises (or a lesser number).
- (2) The number of gaming machine entitlements held in respect of particular licensed premises cannot exceed the maximum number approved by the Commissioner for operation under the gaming machine licence for the premises.
- (3) The Commissioner cannot approve more than 40 gaming machines for operation under a gaming machine licence.
- (4) If 2 or more gaming machine licences are in force in relation to the same licensed premises, the aggregate number of gaming machines approved for operation under the licences cannot exceed 40.
- (5) The Commissioner may grant to the holder or former holder of a gaming machine licence a temporary authorisation to possess (but not to operate) gaming machines if the authorisation is necessary or desirable to enable the orderly disposal of gaming machines the holder or former holder is no longer authorised to operate.

**17—Plurality of licences**

- (1) More than one gaming machine licence may be held in respect of separate parts of the same premises where those parts are each subject to a separate liquor licence.
- (2) More than one gaming machine licence may be held by separate persons in respect of the same premises if—
  - (a) more than one club licence is held in respect of the premises; and
  - (b) the Commissioner is satisfied that each licensee will have sole control over the gaming machines owned by the club in respect of which he or she holds a club licence.

**17A—Commissioner to be satisfied that designated application is in community interest**

- (1) The Commissioner may only grant a designated application if the Commissioner is satisfied that it is in the community interest to do so.
- (2) Without limiting subsection (1), in determining whether or not granting a designated application is in the community interest, the Commissioner—
  - (a) must have regard to—
    - (i) the harm that might be caused by gambling, whether to a community as a whole or a group within a community; and
    - (ii) the cultural, recreational, employment or tourism impacts; and
    - (iii) the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises; and
    - (iv) any other prescribed matter; and
  - (b) must apply the community impact assessment guidelines.
- (3) An applicant in respect of a designated application must comply with any requirements set out in the community impact assessment guidelines, and any other requirements specified by the Commissioner for the purposes of this section.
- (4) In this section—

***designated application*** means—

  - (a) an application for a gaming machine licence; or
  - (b) any other application that the Commissioner has determined, either in accordance with the community impact assessment guidelines or another provision of this Act, to be a designated application for the purposes of this section.

**17B—Community impact assessment guidelines**

- (1) The Commissioner must, by notice in the Gazette, publish guidelines (the ***community impact assessment guidelines***) for the purposes of determining—
  - (a) whether or not an application is a designated application for the purposes of section 17A; and
  - (b) whether or not a designated application is in the community interest.

- (2) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a notice under this section.
- (3) The community impact assessment guidelines may provide for—
  - (a) any matters relevant to an assessment of the likely impacts of a designated application on a community; and
  - (b) the manner and form of a designated application; and
  - (c) any other matter considered appropriate by the Commissioner.
- (4) The community impact assessment guidelines may set out requirements that apply to a designated application for the purposes of section 17A, including requirements that the applicant—
  - (a) provide documents, material or other information; and
  - (b) take certain steps or undertake consultation in accordance with the guidelines.
- (5) The provisions of the community impact assessment guidelines may be of general, limited or varied application according to—
  - (a) the class of designated application or licence; or
  - (b) the circumstances; or
  - (c) any other specified factor,to which the provision is expressed to apply.

### **17C—Certificate of approval for proposed premises**

- (1) If the Commissioner refuses an application for a gaming machine licence only on the ground that the proposed premises are uncompleted, the Commissioner may, instead, grant a certificate (a *certificate of approval*) approving the plans submitted by the applicant in respect of the proposed premises if the applicant satisfies the Commissioner, by such evidence as the Commissioner may require that—
  - (a) the requirements of section 15(5)(a) will be met in relation to the proposed premises if completed in accordance with the plans; and
  - (b) any approvals, consents or exemptions that are required under the law relating to planning to permit the use of the proposed premises for the conduct of gaming operations have been obtained.
- (2) A certificate of approval—
  - (a) may be granted for a term and on conditions the Commissioner thinks fit; and
  - (b) must state the maximum number of gaming machines to be operated under the licence.
- (3) The Commissioner may, on application by the holder of a certificate of approval, approve a variation of the plans approved in the certificate.
- (4) If—
  - (a) a certificate of approval has been granted; and
  - (b) the holder of the certificate satisfies the Commissioner—

- (i) that the conditions (if any) on which the certificate was granted have been complied with; and
  - (ii) that the premises have been completed in accordance with plans approved by the Commissioner on the grant of the certificate or a variation of those plans later approved by the Commissioner,  
a gaming machine licence subject to the conditions (if any) specified in the certificate must be granted to the holder of the certificate in respect of the premises.
- (5) Subject to subsection (6), a certificate under this section is, for the purposes of the provisions of this Act relating to the transfer of a licence, treated as if it were a gaming machine licence.
- (6) A transaction under which the holder of a certificate of approval agrees to the transfer of the certificate for a monetary or other consideration is void unless the proposed transfer is to a close associate within the meaning of section 4A.

### **Division 3—Applications, criteria and licence conditions**

#### **18—Requirements for licence application**

- (1) An application for a licence—
- (c) may, in the case of an application for a gaming machine licence, be made by a person who does not yet hold the requisite liquor licence but is an applicant for such a licence;
  - (d) if the application is a designated application—must comply with any requirements in the community impact assessment guidelines.
- (4) An application for a gaming machine licence or for the removal of a gaming machine licence must be accompanied by a plan of the proposed licensed premises that delineates the gaming area or gaming areas within which the gaming machines are to be installed.
- (5) An applicant for the gaming machine monitor licence must submit with the application the specifications for the proposed monitoring system.

#### **19—Certain criteria must be satisfied by all applicants**

- (1) An applicant for a licence must satisfy the Commissioner by such evidence as the Commissioner may require—
- (a) that the applicant is a fit and proper person to hold the licence; and
  - (b) if the applicant is a trust or corporate entity—that each person who occupies a position of authority in the entity is a fit and proper person to occupy such a position in an entity holding a licence of the class sought in the application.
- (2) The Commissioner may determine that an applicant need not comply with subsection (1) if the Commissioner is satisfied that the applicant is otherwise fit and proper to hold a licence or occupy a position of authority in a trust or corporate entity that holds a licence.

## 21—Special criteria for gaming machine monitor licence

An applicant for the gaming machine monitor licence must satisfy the Commissioner by such evidence as the Commissioner may require that the applicant has appropriate management and technical expertise.

## 22—Holder of monitor licence cannot hold other licences

The holder of the gaming machine monitor licence cannot hold any other licence under this Act.

## 23—Minors not to hold licence etc

- (1) A minor cannot—
  - (a) hold a licence; or
  - (b) occupy a position of authority in a trust or corporate entity that holds a licence.

## 24—Discretion to refuse application

- (1) Subject to this Act, the Commissioner has an unqualified discretion to refuse an application under this Part on any ground, or for any reason, that the Commissioner thinks fit.
- (2) The Commissioner should not grant an application as a matter of course without a proper inquiry into its merits (whether or not the Commissioner of Police has intervened in the proceedings or there are any written submissions in relation to the application).
- (3) An application for a licence can only be granted if the Commissioner is satisfied that to grant the application would not be contrary to the public interest.

## 24A—Special club licence

- (1) The special club licence is to be granted to a body (referred to in this Act as **Club One**) that, on making due application for the licence, satisfies the Commissioner—
  - (a) that it is representative of a substantial number of clubs in the State; and
  - (b) that it has available to it the appropriate skills and expertise to operate gaming machines, and conduct gaming machine business.
- (2) The directors, or members of the board of management, of Club One must include the following:
  - (a) at least 1 person who is a lawyer of at least 3 years standing with experience in the club and gaming industry;
  - (b) at least 1 person who is a qualified accountant of at least 3 years standing with experience in the club and gaming industry;
  - (c) at least 1 person with experience in dealing with the issues of problem gambling and gambling addiction.

- (3) When Club One, in the exercise of its powers as the holder of the special club licence, has or operates gaming machines on the premises of some other person holding a gaming machine licence or the casino premises—
- (a) Club One is to be regarded as an agent of the holder of the gaming machine licence or the holder of the casino licence (as the case may require); and
  - (b) Club One and the holder of the gaming machine licence or casino licence are jointly and severally responsible to ensure compliance with the conditions of the gaming machine licence or casino licence; and
  - (c) breach of a condition of the gaming machine licence or casino licence is to be regarded as a breach by each licensee of a condition of their respective licences; and
  - (d) Club One and the holder of the gaming machine licence or casino licence are jointly and severally responsible to ensure compliance with—
    - (i) the provisions of this Act or the *Casino Act 1997* regarding payment of gaming tax; and
    - (ii) the keeping of accounts and the furnishing of monthly returns.
- (4) A special club licence is subject to the following further conditions:
- (a) a condition requiring the holder of the licence to submit for the Commissioner's approval contracts or arrangements under which management services are to be provided, officers or employees engaged in senior management positions are to be remunerated or profits are to be shared with other licensees;
  - (b) a condition requiring the holder of the licence to provide a report to the Minister, no later than 30 September in each year, on the conduct of its financial affairs during the financial year ending on the previous 30 June, including reference to distribution of funds among community, sporting and recreational groups;
  - (c) other conditions determined by the Commissioner and specified in the licence.
- (5) The Minister must, within 12 sitting days of receiving the report referred to above, cause a copy of the report to be laid before each House of Parliament.
- (6) Nothing in this section will be taken to prevent the grant of the special club licence to some other person or authority in the event of the licence being surrendered or revoked pursuant to this Act, provided that the other person or authority satisfies the Commissioner of the matters set out in subsection (1) and otherwise complies with the provisions of this section as they apply to Club One.

## 25—Independent Gaming Corporation

- (1) The body corporate known as the *Independent Gaming Corporation* will, on due application being made and the Commissioner being satisfied as to the matters specified in sections 19 and 21, be granted the gaming machine monitor licence issued under this Act.

- (2) Nothing in this section will be taken to prevent the grant of the gaming machine monitor licence to some other person or authority in the event of the Independent Gaming Corporation not being granted the licence or, if it is granted the licence, in the event of the licence being surrendered or revoked pursuant to this Act.

### **26A—How licences are to be held**

- (1) A licence may be held jointly by two or more persons.
- (2) If a licence is held jointly by two or more persons, those persons are jointly and severally liable to any civil or criminal liability that attaches to the licensee under this Act.
- (3) If the trustee of a trust holds a licence for the purposes of a business conducted by the trustee under a trust—
  - (a) the name of the trust is to be specified in the licence; and
  - (b) the trust is to be considered as an entity holding the licence jointly with the trustee.

### **27—Conditions**

- (1) The conditions to which a gaming machine licence will be subject are set out in Schedule 1.
- (2) The conditions to which the gaming machine monitor licence will be subject are set out in Schedule 2.
- (3) The Commissioner may grant any other licence under this Act subject to such conditions as he or she thinks fit and specifies in the licence.
- (7) In fixing (or varying) the hours during which gaming operations may be conducted pursuant to a gaming machine licence, the Commissioner—
  - (b) must ensure that there are at least 6 hours in each 24 hour period (which may be a continuous period of 6 hours, or 2 separate periods of 3 hours or 3 separate periods of 2 hours) during which gaming operations cannot be conducted on the premises; and
  - (ba) must ensure that gaming operations cannot be conducted on the premises on Christmas Day or Good Friday.

### **27AA—Variation of licence**

- (1) Subject to this section, the Commissioner may, by notice in writing addressed to the licensee, vary or revoke any condition of a licence or impose further conditions on the licence.
- (2) The Commissioner may exercise his or her powers under subsection (1) on his or her own initiative or on application by the licensee or the Commissioner of Police.
- (3) The Commissioner cannot revoke the statutory conditions of a licence and cannot vary them except in relation to those matters that are determinable by the Commissioner for the purposes of those conditions.
- (4) The Commissioner may, after receiving an application for variation of a gaming machine licence, determine that the application is to be a designated application for the purposes of section 17A.

- (7) In determining an application for a variation of a gaming machine licence, the Commissioner must have regard to the matters set out in section 15(5)(a) (to the extent they are relevant to the application).

### **Division 3A—Gaming machine entitlements**

#### **27AAB—Gaming machine entitlements in respect of casino**

- (1) On the commencement of this section, the Commissioner is to assign the holder of the casino licence 995 gaming machine entitlements in respect of the gaming areas (within the meaning of the *Casino Act 1997*).
- (2) Despite any other provision of this Act, the gaming machine entitlements assigned by the Commissioner under subsection (1) are not transferrable under section 27B.

#### **27AAC—Application of Division to casino**

- (1) Subject to this section, this Division applies to and in relation to a gaming machine entitlement held by the holder of the casino licence.
- (2) The approved licensing agreement under the *Casino Act 1997* may make provision in relation to participation by the holder of the casino licence in the approved trading system established under this Division and, in particular—
- (a) may specify targets relating to the obtaining of gaming machine entitlements (other than the entitlements assigned under section 27AAB) by the holder of the casino licence; and
  - (b) may impose or provide for the imposition of requirements on the holder of the casino licence in relation to meeting the targets specified in paragraph (a); and
  - (c) may provide that if—
    - (i) the holder of the casino licence satisfies the requirements referred to in paragraph (b); but
    - (ii) a target referred to in paragraph (a) is not met by a specified day, the Commissioner must, on payment of an amount determined in a manner agreed, in writing, by the parties to the agreement (whether or not set out in the agreement), assign the holder of the casino licence a specified number of gaming machine entitlements.
- (3) Despite any other provision of this Act, a gaming machine entitlement assigned by the Commissioner in accordance with provisions of the approved licensing agreement referred to in subsection (2)(c)—
- (a) is not transferrable under section 27B; and
  - (b) only relates to a premium gaming area (within the meaning of the *Casino Act 1997*).

### **27A—Gaming machine entitlements**

- (2) A gaming machine entitlement may be held only by—
  - (a) a licensee holding a gaming machine licence who has an approval from the Commissioner to operate on the licensed premises a number of gaming machines equal to or exceeding the number of gaming machine entitlements held by the licensee; or
  - (b) Club One; or
  - (c) the holder of the casino licence; or
  - (d) a person who is entitled to hold gaming machine entitlements under an arrangement approved by the Commissioner under section 27B(1)(c); or
  - (e) the Commissioner.
- (3) The Commissioner must—
  - (a) keep a register of gaming machine entitlements; and
  - (b) cause the register to be published on a website to which the public has access free of charge.
- (4) The Commissioner must record on the register—
  - (a) the number of gaming machine entitlements held by each licensee and the holder of the casino licence; and
  - (b) the premises to which the gaming machine entitlements relate; and
  - (c) the number of gaming machine entitlements temporarily held by the Commissioner; and
  - (d) any other matters in relation to the approved trading system as prescribed by the regulations.

### **27B—Transferability of gaming machine entitlements**

- (1) A gaming machine entitlement is transferable as follows:
  - (a) if a gaming machine licence is transferred, the transferor may transfer together with the licence all gaming machine entitlements held by the transferor immediately before the transfer;
  - (b) a non-profit association that holds a gaming machine licence may transfer, absolutely or for a limited period, a gaming machine entitlement to Club One under an arrangement approved by the Commissioner;
  - (c) a non-profit association that holds a gaming machine licence may transfer, absolutely or for a limited period, a gaming machine entitlement to another non-profit association that holds a gaming machine licence under an arrangement approved by the Commissioner;
  - (ca) a non-profit association that holds a gaming machine licence may transfer, absolutely or for a limited period, a gaming machine entitlement to the Commissioner under an arrangement approved by the Commissioner;
  - (d) if a person is authorised by or under Part 3 Division 4A to carry on the business of a licensee—

- (i) at the commencement of the period of authorisation, the licensee's gaming machine entitlements vest in the authorised person; and
    - (ii) at the conclusion of the period of authorisation, any entitlements still held revert to the person in whom they would (apart from this paragraph) have been vested;
  - (e) if a person holds a temporary licence under Part 3 Division 4A, the former licensee's gaming machine entitlements vest in the holder of the temporary licence and then—
    - (i) if the temporary licence is converted into an ordinary licence—any such entitlements still held at the time of the conversion vest, on the conversion, in the holder of the ordinary licence; or
    - (ii) if the temporary licence is not converted into an ordinary licence—any such entitlements still held at the conclusion of the temporary licence revert to the person in whom they would (apart from this paragraph) have been vested;
  - (f) the holder of gaming machine entitlements may (subject to this section) sell 1 or more of the entitlements under the approved trading system.
- (2) The approved trading system is a system established by the regulations.
- (3) The regulations establishing the approved trading system may include the following:
- (a) provisions dealing with the eligibility of intending sellers and purchasers to participate in the system;
  - (ab) provisions dealing with advertising of gaming machine entitlements for sale on a website maintained by the Commissioner that is able to be accessed by intending sellers and purchasers in the system;
  - (b) conditions and restrictions on the sale of gaming machine entitlements (such as, for example, a condition providing that a gaming machine entitlement formerly held by the holder of a particular type of liquor licence may only be purchased by the holder of a liquor licence of a similar type);
  - (d) a provision requiring the purchaser of a gaming machine entitlement to acquire and operate a gaming machine under the entitlement within a specified period and providing that, if the purchaser fails to do so, the entitlement is to lapse;
  - (e) a provision requiring an intending seller of gaming machine entitlements to surrender a proportion of its entitlements to the Commissioner and prescribing how the Commissioner is to deal with entitlements so surrendered;
  - (f) a provision for the payment of a commission to the Crown on sale of a gaming machine entitlement under the approved trading system;
  - (g) a provision for the payment of fees by participants in the approved trading system;
  - (h) provisions dealing with any other aspect of the approved trading system.
- (4) Any commission on the sale of a gaming machine entitlement is to be paid into the Gamblers Rehabilitation Fund.

- (5) If a gaming machine entitlement relates to premises that are (or were) held by the licensee under a lease, the right to sell the entitlement under the approved trading system is qualified as follows:
- (a) if the lease is entered into after the commencement of this section, the lease may exclude or limit the right of sale;
  - (b) if the lease was entered into before the commencement of this section, the right may only be exercised if—
    - (i) all parties to the lease agree; or
    - (ii) the District Court, on application by the holder of the entitlement, determines that it is fair and equitable to authorise its sale and gives its authorisation accordingly.
- (6) If the District Court gives an authorisation under subsection (5)(b), it may exercise either or both of the following powers:
- (a) it may impose conditions, such as a condition that the proceeds of the sale be shared between the parties on a fair and equitable basis;
  - (b) it may make a consequential alteration to the terms of the lease.
- (7) If the holder of a gaming machine entitlement makes an application for an authorisation under subsection (5)(b) and, before the proceedings are determined—
- (a) the applicant is required under the terms of a lease to transfer the entitlement to someone else; or
  - (b) the entitlement vests in someone else on conversion of a temporary licence into an ordinary licence under Part 3 Division 4A,
- the District Court may order the sale of the entitlement under the approved trading system and the payment of the net proceeds of sale to the applicant or the division of the net proceeds of the sale between the applicant and another or others in proportions the District Court considers fair and equitable.
- (8) No liability to stamp duty arises in relation to a transfer of gaming machine entitlements under subsection (1)(b), (c) or (f) executed after the commencement of this subsection.
- (9) The Commissioner may determine that gaming machine entitlements held under a gaming machine licence that is to be transferred, or that is suspended, or has been surrendered or revoked, may be held temporarily by the Commissioner on the basis that the entitlements will, by the Commissioner's subsequent approval or determination—
- (a) vest in the licensee or another person; or
  - (b) be allocated to licensed premises, or a gaming area within the meaning of the *Casino Act 1997*; or
  - (c) be forfeited to the Commissioner and cancelled under section 27CA.

### **27C—Premises to which gaming machine entitlements relate**

- (2) The following provisions apply on the transfer of a gaming machine entitlement to a person other than the Commissioner:
  - (a) if the entitlement is transferred together with a gaming machine licence, it will upon transfer relate to the same licensed premises;
  - (b) if the entitlement is transferred by a non-profit association under an arrangement approved by the Commissioner, it will upon transfer relate to premises nominated in the arrangement;
  - (c) if the entitlement is sold under the approved trading system, it will relate to premises nominated by the purchaser and approved by the Commissioner as part of the trading process.
- (3) However, the Commissioner may approve the acquisition of gaming machine entitlements by Club One on the basis that the entitlements will be subsequently allocated to licensed premises, or to a gaming area within the meaning of the *Casino Act 1997*, with the Commissioner's approval.
- (4) The Commissioner may approve the re-allocation by Club One of gaming machine entitlements from 1 set of licensed premises to another or to a gaming area within the meaning of the *Casino Act 1997* (but gaming machine entitlements allocated to premises in respect of which Club One itself holds a gaming machine licence cannot be re-allocated under this subsection).

### **27CA—Forfeiture and cancellation of gaming machine entitlements**

- (1) If the Commissioner—
  - (a) revokes a gaming machine licence (whether under this Part or as a result of disciplinary action against a former licensee); or
  - (b) accepts a surrender of a gaming machine licence under section 33,the Commissioner must determine whether all or any of the gaming machine entitlements held by the former licensee should be forfeited to the Commissioner (and any entitlements so forfeited must be cancelled by the Commissioner accordingly).
- (2) If the Commissioner cancels gaming machine entitlements, any gaming machines to which the entitlements related may be dealt with under section 16(5) or in the manner prescribed by the regulations.

### **27D—Effect of this Division on obligations under a lease or mortgage**

If—

- (a) a lease, mortgage or related agreement was entered into before the commencement of this Division; and
- (b) the licensee is required by the lease, mortgage or related agreement to maintain a certain number of gaming machines in operation on the licensed premises; and
- (c) the number exceeds the number of gaming machine entitlements assigned to the licensee on the commencement of this Division,

the lease, mortgage or related agreement will be construed as if it required the licensee to maintain a number of gaming machines in operation on the licensed premises equivalent to the number of gaming machine entitlements assigned to the licensee on the commencement of this Division.

### **27E—Statement of Parliamentary intention to reduce gaming machine numbers etc**

- (1) It is Parliament's intention to reduce the number of gaming machines that may be operated in the State to a number to be prescribed by regulation (the *statutory objective*).
- (2) The Minister must cause a review to be undertaken of the operation of the approved trading system established under section 27B(2) with a view to determining how it should be modified in order to meet the statutory objective and a written report on the review to be prepared and submitted to the Minister.
- (3) The review under subsection (2) must seek and consider written submissions from the holder of the casino licence, a body representative of licensees and Club One.
- (4) The review and the report must be completed after the first but before the second anniversary of the day on which the *Statutes Amendment (Gambling Regulation) Act 2019* is assented to by the Governor.
- (5) The Minister must cause a copy of the report submitted under subsection (2) to be tabled in both Houses of Parliament within 12 sitting days after its submission.

### **Division 3B—Removal etc of gaming machine licence**

#### **27F—Removal of gaming machine licence**

- (1) The Commissioner may, on application by the holder of a gaming machine licence, approve the removal of the gaming machine licence and the reallocation of gaming machine entitlements held by the licensee from 1 set of premises (*premises A*) to another (*premises B*) if—
  - (a) the licensing authority has granted an application for the removal of a liquor licence from premises A to premises B under Part 4 Division 4 of the *Liquor Licensing Act 1997*; and
  - (b) premises A and premises B are in the same locality; and
  - (c) in the case of an application that is a designated application—the applicant has satisfied the requirements (if any) set out in the community impact assessment guidelines.
- (2) In determining an application for the removal of a gaming machine licence under this section, the Commissioner must have regard to the matters set out in section 15(5)(a) (to the extent that they are relevant to the application).
- (3) The following provisions apply in relation to an application under this section in respect of premises that are held by a licensee under a lease:
  - (a) if the lease is entered into after the commencement of this section, an application may not be made in contravention of any express provision in the lease;

- (b) if the lease was entered into before the commencement of this section, the licensee may only make an application under this section if—
    - (i) all parties to the lease agree; or
    - (ii) the District Court, on application by the licensee, determines that it is fair and equitable to authorise the making of the application and gives its authorisation accordingly;
  - (c) if the District Court gives an authorisation under paragraph (b)(ii), it may impose conditions or make consequential alterations to the term of the lease, as the Court thinks fit.
- (4) The Commissioner may issue a replacement copy of the gaming machine licence with such alterations as may be required to reflect an approval granted under this section.

### **27G—Commissioner may determine application is a designated application**

The Commissioner may, after receiving an application under this Division, determine that the application is to be a designated application for the purposes of section 17A.

### **Division 3C—Provisions relating to clubs**

#### **27H—Dealing with gaming machine licence on amalgamation of clubs**

- (1) If—
- (a) 2 or more associations incorporated under the *Associations Incorporation Act 1985* (the **amalgamating clubs**) amalgamate under that Act as a single incorporated association (the **amalgamated club**); and
  - (b) the amalgamated club is to carry on business at the premises of 1 of the amalgamating clubs (the **amalgamated club premises**); and
  - (c) an application has been made to the Commissioner on behalf of the amalgamating clubs under section 65A of the *Liquor Licensing Act 1997*; and
  - (d) 1 or more of the amalgamating clubs holds a gaming machine licence,
- the Commissioner may, on application on behalf of the amalgamating clubs—
- (e) revoke a gaming machine licence; or
  - (f) issue a replacement copy of a gaming machine licence; or
  - (g) reallocate gaming machine entitlements,
- in accordance with this section.
- (2) If—
- (a) only 1 of the amalgamating clubs is the holder of a gaming machine licence; and
  - (b) the amalgamated club premises are the premises to which the gaming machine licence relates,
- the Commissioner may—
- (c) issue a replacement copy of the gaming machine licence in the name of the amalgamated club; and

- (d) reallocate the gaming machine entitlements held in respect of the premises to which that gaming machine licence relates to the amalgamated club to be held in respect of the amalgamated club premises.
- (3) If—
- (a) 2 or more of the amalgamating clubs hold a gaming machine licence; and
  - (b) 1 of those gaming machine licences is held in respect of the amalgamated club premises,
- the Commissioner may—
- (c) revoke the gaming machine licence of 1 or more of the amalgamating clubs; and
  - (d) issue a replacement copy of the gaming machine licence in the name of the amalgamated club in respect of the amalgamated club premises; and
  - (e) reallocate gaming machine entitlements held in respect of premises to which the revoked gaming machine licenses relate to the amalgamated club to be held in respect of the amalgamated club premises.

### **27I—Transfer of gaming machine licences and gaming machine entitlements**

- (1) The Commissioner may, on application by the holder of a club licence, approve the transfer of a gaming machine licence—
  - (a) to that holder jointly with 1 or more other holders of separate club licences; or
  - (b) to the holder of another club licence or the holders of separate club licences to be held jointly by them.
- (2) The holder of a club licence who holds a gaming machine licence may transfer, absolutely or for a limited period, under an arrangement approved by the Commissioner, a gaming machine entitlement to the holder of another club licence who also holds a gaming machine licence.
- (3) The holder of the special club licence may, under an arrangement approved by the Commissioner, transfer, absolutely or for a limited period, a gaming machine entitlement to the holder of a club licence who also holds a gaming machine licence.
- (4) The Commissioner may issue a replacement copy of a gaming machine licence or the special club licence with such alterations as may be required to reflect an approval granted under this section.

### **27J—Commissioner may determine application is a designated application**

The Commissioner may, after receiving an application under this Division, determine that the application is to be a designated application for the purposes of section 17A.

### **27K—Provisions relating to premises held under a lease**

The following provisions apply in relation to an application under this Division in respect of premises that are held under a lease:

- (a) if the lease is entered into after the commencement of this Division, an application may not be made in contravention of any express provision of the lease;

- (b) if the lease was entered into before the commencement of this section, an application under this Division may only be made if—
  - (i) all parties to the lease agree; or
  - (ii) the District Court, on application by a proposed applicant under this Division, determines that it is fair and equitable to authorise the making of the application and gives its authorisation accordingly;
- (c) if the District Court gives an authorisation under paragraph (b)(ii), it may impose conditions or make consequential alterations to the term of the lease, as the Court thinks fit.

## **Division 4—Transfer of licences**

### **28—Certain licenses only are transferable**

- (1) If a general and hotel licence or an on premises licence is transferred, any gaming machine licence held by the transferor may on application and, with the consent of the Commissioner, be transferred to the transferee of the general and hotel or on premises licence.
- (1b) A gaming machine licence is not transferable otherwise than under subsection (1) or Part 3 Division 3C.
- (2) No other licence under this Act is transferable.
- (3) The Commissioner cannot consent to the transfer of a gaming machine licence unless—
  - (c) each applicant satisfies the Commissioner, by such evidence as the Commissioner may require—
    - (i) that the applicant is a fit and proper person to hold the licence; and
    - (ii) if the applicant is a trust or corporate entity—that each person who occupies a position of authority in the entity is a fit and proper person to occupy such a position in an entity holding such a licence.
- (5) An application under subsection (1) may be made by a person who is not yet the holder of a general and hotel licence or an on premises licence but who is an applicant for the transfer of such a licence.
- (7) A licensee cannot sell or assign the rights to carry on business in pursuance of a gaming machine licence to which subsection (1) refers unless the Commissioner has consented to the transfer of the licence to the purchaser or assignee in accordance with this section.
- (8) Subsection (7) does not prevent a licensee from entering into a contract for the sale or assignment of those rights if the contract is subject to a condition precedent that the sale or assignment will not take effect unless and until the Commissioner has consented to the transfer of the licence to the purchaser or assignee in accordance with this section.
- (9) Subject to subsection (10), where a gaming machine licence is transferred pursuant to this section, each transferee succeeds to the liabilities of the transferor under this Act.

- (10) A transferee of a gaming machine licence is jointly and severally liable with the transferor for any gaming tax outstanding at the date of transfer, except for any such tax arising out of an intentional understatement of gross gaming turnover or net gambling revenue by the transferor.

### **28AAB—Discretion to grant or refuse application under section 28**

- (1) Subject to this Act, the Commissioner has an unqualified discretion to grant or refuse an application for consent under section 28 on any ground, or for any reason, that the Commissioner thinks fit.
- (2) The Commissioner should not grant an application for consent under section 28 as a matter of course without a proper inquiry into its merits (whether or not the Commissioner of Police has intervened in the proceedings or there are any written submissions in relation to the application).
- (3) An application for consent under section 28 can only be granted if the Commissioner is satisfied that to grant the application would not be contrary to the public interest.

### **Division 4A—Devolution of licensee's rights**

#### **28B—Devolution of licensee's rights**

- (1) If a licensee or 1 of 2 or more joint licensees dies—
- (a) the executor of the will or the administrator of the estate; or
  - (b) a relative of the deceased acting with the permission of the Commissioner,
- may, for 1 month after the date of death or a longer period approved by the Commissioner, carry on business as the licensee or 1 of the licensees (as the case requires) under the licence.
- (2) If a licensee or 1 of 2 or more joint licensees becomes physically or mentally incapable of carrying on business under the licence—
- (a) a person authorised or appointed by law to administer the licensee's affairs; or
  - (b) a relative of the licensee acting with the permission of the Commissioner,
- may, for 1 month after the commencement of the incapacity or a longer period approved by the Commissioner, carry on business as the licensee or 1 of the licensees (as the case requires) under the licence.
- (3) If a licensee ceases to occupy the licensed premises to which the licence relates, a landlord, mortgagee or other person acting with the permission of the Commissioner may, for a period of 1 month or a longer period approved by the Commissioner, carry on business as the licensee under the licence.
- (4) If a licence is surrendered or revoked, the Commissioner may, on application by a landlord, mortgagee or other person who satisfies the Commissioner that it stands to suffer loss in consequence of the surrender or revocation, grant a temporary licence—
- (a) of the same class, and subject to the same conditions, as the licence that was surrendered or revoked; but
  - (b) subject to a condition that the licence will expire at the end of a term fixed by the Commissioner not exceeding 6 months.

- (5) An approval, permission or temporary licence may be granted under this section by the Commissioner—
  - (a) on the application of the person seeking it without hearing or inviting representations from any other person; and
  - (b) on conditions the Commissioner thinks fit.
- (6) A temporary licence under this section may be converted into an ordinary licence by revocation of the condition referred to in subsection (4)(b), but an application for revocation of such a condition must not be granted unless the Commissioner is satisfied—
  - (a) that the person who is to hold the licence on revocation of the condition is a fit and proper person to hold a licence of the relevant class; and
  - (b) if that person is a trust or corporate entity—that each person who occupies a position of authority in the entity is a fit and proper person to occupy such a position in an entity holding a licence of that class.

### **28C—Bankruptcy or winding up of licensee**

- (1) If a licensee becomes bankrupt or insolvent, the official receiver may carry on business as the licensee under the licence.
- (2) If a corporate licensee is being wound up or is under administration, receivership or official management, a person vested by law with power to administer the affairs of the body corporate may carry on business as the licensee under the licence.

### **28D—Notice to be given of exercise of powers under Division**

A person who exercises rights under this Division (except by prior permission of the Commissioner) must, within 7 days after starting to do so, give notice in writing of that fact to the Commissioner.

## **Division 5—Intervention by Commissioner of Police**

### **31—Intervention by Commissioner of Police**

- (1) The Commissioner of Police may intervene in any proceedings before the Commissioner on an application under this Part for the purpose of introducing evidence or making submissions and, in particular, may intervene on the question of—
  - (a) whether a person is a fit and proper person; or
  - (b) whether, if the application were to be granted, public disorder or disturbance would be likely to result; or
  - (c) whether to grant the application would be contrary to the public interest.
- (2) The Commissioner of Police is a party to any proceedings in which he or she has intervened.

## **Division 6—Suspension, revocation and surrender of licences and certificates**

### **32—Voluntary suspension**

- (1) The Commissioner may, on the application of a licensee, suspend the licence held by the licensee.
- (2) The Commissioner may suspend the licence for up to a period of 12 months, or a longer period determined by the Commissioner.
- (3) A suspension under this section may be subject to such conditions as the Commissioner thinks fit, which may (without limitation) include—
  - (a) that all gaming machines be stored in a secure area on the premises that is inaccessible to the public; and
  - (b) that the gaming area may be used for other purposes during the period of suspension; and
  - (c) limitations on the use of, and any changes to, the gaming area during the suspension.

### **32A—Surrender or revocation of certificate of approval**

- (1) The holder of a certificate of approval under section 17C may, by notice in writing to the Commissioner, surrender the certificate and the certificate will cease to be in force on acceptance by the Commissioner of the surrender.
- (3) The Commissioner may, by notice in writing to the holder of a certificate of approval, revoke the certificate if satisfied that the holder has ceased to have a proprietary interest in the site to which the certificate relates.
- (4) The Commissioner must, before revoking a certificate of approval—
  - (a) give notice in writing to the holder of the certificate of the proposed revocation; and
  - (b) allow the holder a period of 21 days (or such longer period as the Commissioner may in any particular case allow) to show cause why the certificate should not be revoked.

### **33—Surrender**

- (1) A licensee may, by notice in writing addressed to the Commissioner, surrender his or her licence and the licence will cease to operate on acceptance by the Commissioner, by endorsement on the licence, of the surrender.
- (2) The surrender of a licence does not affect liabilities incurred by the licensee under this Act up to the date on which the licensee ceases to operate.
- (3) The Commissioner cannot accept a surrender of a gaming machine licence unless he or she is satisfied that all gaming machines have been removed from the premises to which the licence related.

**34—Effect of surrender, suspension or revocation of liquor licence**

If a liquor licence held by a licensee under the *Liquor Licensing Act 1997* in respect of any premises is surrendered, revoked or suspended, any gaming machine licence held by that licensee in respect of those premises will be taken to have been surrendered or revoked, or suspended until the liquor licence comes back into operation, as the case may require.

**34A—Suspension or revocation of licence by Commissioner**

The Commissioner may, by notice to the licensee, suspend or revoke a gaming machine licence if—

- (a) the licensee does not hold any gaming machine entitlements; or
- (b) the Commissioner is satisfied that gaming operations are not being undertaken on premises to which the gaming machine licence relates.

**35—Cessation of gaming machine monitor licence**

In the event of—

- (a) the gaming machine monitor licence being revoked, suspended or surrendered; or
- (b) the holder of that licence ceasing for any reason to carry on the undertaking authorised by the licence,

the Commissioner or a person authorised by the Commissioner for the purpose may—

- (c) enter the premises in which the monitoring system is situated; and
- (d) take possession and assume control of the system; and
- (e) operate the system until such time as the suspension terminates, or a further licence is granted to some other person or authority, as the case may be.

**Part 4—Approvals****38—Commissioner may approve persons in authority**

The Commissioner may, on the application of a person who seeks to assume a position of authority in a trust or corporate entity that holds a licence, approve the assumption by that person of that position in the entity.

**38B—Commissioner may approve gaming machine technicians**

The Commissioner may, on application by the holder of a gaming machine service licence, approve a natural person as a gaming machine technician for the holder of the licence.

**39—Approval of form of supply contract**

- (1) The Commissioner may, on application by the holder of a gaming machine dealer's licence, approve the form of a contract to be entered into by the holder of the licence and—
  - (a) the holder of a gaming machine licence; or
  - (ab) the holder of the casino licence; or

- (b) the holder of a gaming machine service licence; or
    - (c) the holder of another gaming machine dealer's licence,
- for the sale or supply of approved games or gaming machines or prescribed gaming machine components.
- (2) The Commissioner has an unqualified discretion to approve or refuse to approve the form of a contract except that the Commissioner must refuse to approve a form if, in the Commissioner's opinion, it would result in a contract that—
    - (a) is harsh and unconscionable; or
    - (b) provides for a payment by reference to the proceeds or profits of the business of the holder of the casino licence or a licensee; or
    - (c) provides for an inducement to enter the contract other than a discount based on the number of games, machines or components to be supplied; or
    - (d) may otherwise jeopardise the proper conduct of gaming operations.

#### **40—Approval of gaming machines and games**

- (1) The Commissioner may, on application by a person, approve particular gaming machines, or particular games, to be of a class that is approved for the purposes of this Act.
- (2) The Commissioner must not approve a gaming machine under this section unless—
  - (a) the machine is able to be operated in compliance with the requirements of this Act; and
  - (b) the machine complies with any other requirements prescribed by the regulations.
- (3) The Commissioner may determine that a gaming machine complies with a requirement under subsection (2) if the machine, when used with other equipment, complies with the requirement.
- (4) The Commissioner must not approve a game under this section unless the game—
  - (a) does not allow the expenditure, or part of the expenditure, on the game when played on a particular gaming machine to accumulate with the expenditure, or part of the expenditure, on a game played on any other gaming machine; and
  - (b) is able to be operated in compliance with the requirements of this Act; and
  - (c) complies with any other requirements prescribed by the regulations.
- (5) The Commissioner may vary an approval under this section.
- (6) Before the Commissioner varies an approval under subsection (5), the Commissioner must—
  - (a) give notice in writing of the proposed variation to the person to whom the approval was given; and
  - (b) consider any representations made by the person within 21 days after the notice is given or a longer period allowed in the notice.

**40A—Commissioner may approve certain systems to be operated in connection with gaming machines**

- (1) The Commissioner may, on application by a person, approve systems to be operated in connection with approved gaming machines, or classes of approved gaming machines being—
  - (a) account based cashless gaming systems; or
  - (b) automated risk monitoring systems; or
  - (c) cashless gaming systems of a kind prescribed by the regulations; or
  - (d) any other system or equipment to be used with a gaming machine to enable the gaming machine to comply with the requirements of section 40(2).
- (2) The Commissioner must not approve a system under this section unless the system—
  - (a) is able to be operated in compliance with the requirements of this Act; and
  - (b) complies with the requirements of any applicable gambling administration guidelines.
- (3) The Commissioner may—
  - (a) on the Commissioner's own initiative, by written notice to the system provider and a body representative of licensees; or
  - (b) on application by the system provider or a body representative of licensees, vary or revoke an approval under this section.
- (4) Before the Commissioner varies or revokes an approval under subsection (3)(a), the Commissioner must—
  - (a) give notice in writing of the proposed variation or revocation to the system provider and a body representative of licensees; and
  - (b) consider any representations made by the system provider and the body representative of licensees within 21 days after the notice is given or a longer period allowed in the notice.
- (5) If the Commissioner—
  - (a) refuses to approve a system under this section; or
  - (b) varies or revokes an approval of a system under this section,the system provider or a body representative of licensees may apply to the Minister for a review of that decision.
- (6) The Minister may determine the application as the Minister thinks fit and, if the Minister finds in favour of the applicant, grant or preserve approval (as appropriate) and require the Commissioner to publish a notice in the Gazette accordingly.

**40B—Commissioner may approve training courses to be undertaken by gaming managers or gaming employees**

- (1) The Commissioner may, on application by a person, approve courses of training to be undertaken by gaming managers or gaming employees.

- (2) The Commissioner must not approve a training course under this section unless the course complies with the requirements of any applicable responsible gambling codes of practice or any applicable gambling administration guidelines.
- (3) The Commissioner may—
  - (a) on the Commissioner's own initiative, by notice to a body representative of licensees and the training course provider; or
  - (b) on application by a body representative of licensees or a training course provider,vary or revoke an approval under this section.
- (4) Before the Commissioner varies or revokes an approval under subsection (3)(a), the Commissioner must—
  - (a) give notice in writing of the proposed variation or revocation to a body representative of licensees; and
  - (b) consider any representations made within 21 days after the notice is given or a longer period allowed in the notice.

#### **40C—Approvals in relation to responsible gambling agreements**

- (1) The Commissioner may, on application by a person, approve a body as an industry body with whom the holder of a gaming machine licence may enter into a responsible gambling agreement.
- (2) The Commissioner may, on application by a person, approve the form of a responsible gambling agreement to be entered into by an approved industry body and the holder of a gaming machine licence.
- (3) The Commissioner has an unqualified discretion to approve or refuse to approve a matter under this section.

#### **40D—Commissioner may approve facial recognition system**

- (1) The Commissioner may, on application by a person, approve a system to be operated by certain licensees that enables the facial image of a person who is about to enter a gaming area to be recognised, identified and recorded (a *facial recognition system*).
- (2) The Commissioner must not approve a facial recognition system under this section unless the system complies with any applicable gambling administration guidelines or any requirements prescribed by the regulations.
- (3) The Commissioner may—
  - (a) on the Commissioner's own initiative, by notice to a body representative of licensees and the facial recognition system provider; or
  - (b) on application by a body representative of licensees or the facial recognition system provider,vary or revoke an approval under this section.
- (4) Before the Commissioner varies or revokes an approval under subsection (3)(a), the Commissioner must—
  - (a) give notice in writing of the proposed variation or revocation to a body representative of licensees; and

- (b) consider any representations made within 21 days after the notice is given or a longer period allowed in the notice.

#### **41—Commissioner may approve gaming tokens and gaming token manufacturers**

- (1) The Commissioner may, on application by a manufacturer of gaming tokens, approve the manufacturer for the purposes of this Act.
- (2) The Commissioner may, on application by a person, approve particular gaming tokens to be of a class that is approved for the purposes of this Act.

#### **42—Discretion to grant or refuse approval**

- (1) Subject to this Act, the Commissioner has an unqualified discretion to grant or refuse an application for approval on any ground, or for any reason, that the Commissioner thinks fit.
- (1a) An application for approval can only be granted if the Commissioner is satisfied that to grant the application would not be contrary to the public interest.
- (3a) The Commissioner cannot approve a person as a gaming machine technician unless satisfied, by such evidence as he or she may require, that the person is a fit and proper person to personally perform the work of installing, servicing and repairing gaming machines.
- (4) The Commissioner cannot approve the assumption by a person of a position of authority in a trust or corporate entity that holds a licence unless satisfied, by such evidence as he or she may require, that the person is a fit and proper person to assume such a position.
- (7) If an application for approval of a game relates to a game that can be lawfully played in another jurisdiction prescribed by the regulations for the purposes of this subsection, the Commissioner must grant the approval (unless that game is of a kind that must not be approved in accordance with section 40 or the regulations).
- (8) If an application for approval of a gaming machine relates to a machine that can be lawfully operated in another jurisdiction prescribed by the regulations for the purposes of this subsection, the Commissioner must grant the approval if satisfied that the machine operates in a way that is compatible with the monitoring system (unless that machine is of a kind that must not be approved in accordance with section 40 or the regulations).

#### **44—Revocation of approval**

- (1) Subject to subsection (1a), the Commissioner has an unqualified discretion to revoke an approval given under this Part on such ground or for such reason as he or she thinks fit.
- (1a) Subsection (1) does not apply in relation to an approval given under section 40A or 40B.
- (2) The Commissioner must, before exercising powers under subsection (1) in relation to a person—
  - (a) give written notice to the person of the proposed revocation, including a statement of the reasons that the Commissioner considers justify the revocation; and

- (b) allow the person a period of 21 days (or such longer period as the Commissioner may in any particular case allow) to show cause why the approval should not be revoked.
- (3) The Commissioner may suspend an approval pending final determination of the question as to whether the approval should be revoked.
- (4) On revoking an approval, the Commissioner must cause notice of the revocation to be given, personally or by post, to all persons affected by the revocation.

## **Part 4AA—Gaming managers and gaming employees**

### **44AAA—Commissioner may notify Commissioner of Police of appointment of gaming managers and gaming employees**

- (1) The Commissioner may provide a copy of a notification of the appointment of a gaming manager or gaming employee to the Commissioner of Police.
- (2) As soon as reasonably practicable following receipt of a notification under subsection (1), the Commissioner of Police—
  - (a) must make available to the Commissioner information about any criminal convictions of the gaming manager or gaming employee; and
  - (b) may make available to the Commissioner other information to which the Commissioner of Police has access relevant to whether the Commissioner should issue a prohibition notice under section 44AA.

### **44AA—Commissioner may give prohibition notice**

- (1) The Commissioner may prohibit a person from carrying out duties as a gaming manager or gaming employee either permanently or for a specified period.
- (2) Written notice of a prohibition of a person under this section—
  - (a) must be given by the Commissioner to the person; and
  - (b) may be given by the Commissioner to the licensee (if any) for whom the person currently works or any other licensee for whom the person may work.
- (3) A prohibition under this section has effect from the day on which the notice is given to the person under subsection (2)(a) or such later date as may be specified in the notice.
- (4) The Commissioner may, at any time, on his or her own initiative, or on application by a person given a notice under this section, vary or revoke the notice.
- (5) For the purposes of a notice under this section, a person carries out duties as a gaming manager or gaming employee if the person carries out prescribed duties (within the meaning of section 49) in connection with the gaming operations conducted on licensed premises.

## Part 4A—Special provisions relating to licensed dealers

### 44A—Prohibition of links between dealers and other licensees

- (1) Subject to subsection (1a), a person must not, at the one time—
  - (a) be the holder of both a gaming machine dealer's licence and a licence of some other class under this Act or the licence under the *Casino Act 1997*; or
  - (b) be the holder of a gaming machine dealer's licence and be associated with a licensee of some other class under this Act or the licence under the *Casino Act 1997*; or
  - (c) be the holder of a licence (other than a gaming machine dealer's licence) under this Act, or the licence under the *Casino Act 1997* and be associated with the holder of a gaming machine dealer's licence; or
  - (d) be associated with both a licensed gaming machine dealer and a licensee of some other class under this Act or the licence under the *Casino Act 1997*.
- (1a) Despite subsection (1), a person may, at the 1 time—
  - (a) be the holder of both a gaming machine dealer's licence and a gaming machine service licence; or
  - (b) be the holder of a gaming machine dealer's licence and be associated with the holder of a gaming machine service licence; or
  - (c) be associated with both a gaming machine dealer and the holder of a gaming machine service licence.
- (2) The Commissioner must refuse an application for a licence or for any approval under this Act if the grant of the application would result in a contravention of subsection (1).
- (3) It is a ground for the Commissioner to exercise his or her powers under this Act to revoke or suspend any relevant licence or approval if a contravention of subsection (1) has occurred or is about to occur.
- (4) For the purposes of this section, a person is associated with a licensee—
  - (a) in the case of a licensee that is a body corporate, if—
    - (i) the person is a related body corporate (as defined in the *Corporations Act 2001* of the Commonwealth); or
    - (ii) the person occupies a position of authority in the body corporate;
  - (b) in the case of a licensee that is not a body corporate, if—
    - (i) the person manages, or is to manage, the undertaking to be carried out under the licence; or
    - (ii) the person is the spouse or domestic partner of the licensee; or
  - (c) in any case, if—
    - (i) the person is the partner or agent of the licensee; or

- (ii) the person and the licensee have an agreement, arrangement or understanding under which one acts in accordance with the directions or wishes of the other, or they act in accordance with a pre-arranged pattern; or
- (iii) the person and the licensee have common employees or the employees of one provide services for the other; or
- (iv) the person and the licensee are trustees or beneficiaries of the same trust or one is a trustee and the other is a beneficiary of the same trust (a *trust* in this subparagraph being a trust that relates to the undertaking under a licence); or
- (iva) the person and the licensee are parties to an agreement or arrangement under which one participates in, or is remunerated or paid for something by reference to, the proceeds or profits of the business of the other; or
- (v) there is some other relationship or connection between the person and the licensee or any other person that could, in the opinion of the Commissioner, prejudice the proper operation of this Act or of the licensee's undertaking under the licence.

## **Part 4B—Applications and submissions**

### **Division 1—Applications**

#### **44B—Form of application**

- (1) An application to the Commissioner under this Act—
  - (a) must be made in a manner and form approved by the Commissioner (which may include requirements relating to consultation and reports); and
  - (b) must be accompanied by documents and materials required by the Commissioner; and
  - (c) must be accompanied by the prescribed fee; and
  - (d) must comply with the requirements of the gambling administration guidelines.
- (2) The Commissioner may, on such conditions (if any) as the Commissioner thinks fit, waive compliance with formal requirements relating to an application.
- (3) The Commissioner may require an applicant to produce to the Commissioner specified documents that are, in the Commissioner's opinion, relevant to the application.
- (4) The Commissioner may allow an applicant to vary the application at any time before the determination of the application.
- (5) If the Commissioner allows an applicant to vary the application under subsection (4), the Commissioner must give notice to any person who has made written submissions in relation to the application within a reasonable time before determining the application.

#### **44C—Applications to be given to Commissioner of Police**

- (1) This subsection applies to the following applications:
  - (a) the grant of a licence;
  - (b) the transfer of a gaming machine licence;
  - (c) the removal of a gaming machine licence;
  - (d) an approval under sections 38 or 38B.
- (2) The Commissioner—
  - (a) must give a copy of each application to which subsection (1) applies; and
  - (b) may give a copy of any other application,to the Commissioner of Police.
- (3) As soon as reasonably practicable following the receipt of an application under subsection (2), the Commissioner of Police—
  - (a) must make available to the Commissioner information about criminal convictions; and
  - (b) may make available to the Commissioner other information to which the Commissioner of Police has access,relevant to whether the application should be granted.

#### **44D—Notice of certain applications to be given**

- (1) This subsection applies to the following applications:
  - (a) the grant of a gaming machine licence;
  - (b) the transfer of a gaming machine licence;
  - (c) the removal of a gaming machine licence;
  - (d) a designated application.
- (2) Notice of an application to which subsection (1) applies must be given, in accordance with the regulations, to members of the public by notice placed on the licensed premises or, in the case of proposed licensed premises, on the relevant land, so as to be clearly visible to, and legible by, persons passing the premises or land.
- (3) A notice under subsection (2) must specify that the application and certain documents and material relevant to the application may be inspected at a place and during a period specified by the Commissioner.
- (4) The Commissioner must ensure that a copy of a notice under subsection (2) is published on a website maintained by the Commissioner.
- (5) The Commissioner must ensure that notice of an application for the grant of a gaming machine dealer's licence—
  - (a) is published on a website maintained by the Commissioner; and
  - (b) specifies that the application and certain documents and material relevant to the application may be inspected at a place and during a period specified by the Commissioner in the notice.

- (6) The Commissioner—
- (a) may, in an appropriate case, dispense with, or modify, a requirement of this section; or
  - (b) may direct that—
    - (i) notice be given under this section of other applications to the Commissioner; or
    - (ii) notice be given to specified authorities and persons in addition to the notice specifically required by this section.

#### **44E—Commissioner may consider applications concurrently**

If an applicant under this Act has also made a related application under the *Liquor Licensing Act 1997*, the Commissioner may deal with the applications concurrently in any manner the Commissioner thinks fit.

### **Division 2—Submissions in relation to applications**

#### **44F—Commissioner of Police may make written submissions**

Without limiting the Commissioner of Police's right under section 31 to intervene in proceedings before the Commissioner, the Commissioner of Police may, in relation to an application under this Act, by notice lodged in a manner and form approved by the Commissioner at least 7 days before the day appointed for the determination or hearing of the application (or such lesser period as the Commissioner may allow), make written submissions to the Commissioner in relation to the application.

#### **44G—General right to make written submissions**

- (1) If an application has been advertised under this Part, a person may, by notice lodged in a manner and form approved by the Commissioner, at least 7 days before the day appointed for the determination or hearing of the application (or such lesser period as the Commissioner may allow), make written submissions to the Commissioner in respect of the application.
- (2) Subject to subsection (3), written submissions under this section may be made on 1 or more of the following grounds:
  - (a) that the grant of the application would not be consistent with the objects of this Act or would be contrary to this Act in some other way;
  - (b) in the case of a designated application—that the granting of the designated application is not in the community interest;
  - (c) in the case of an application by a natural person for the grant or transfer of a gaming machine licence—that the applicant is of bad reputation or character or is in other respects not a fit and proper person to be licensed;
  - (d) in the case of an application by a trust or corporate entity for the grant or transfer of a licence—that the applicant is not a fit and proper person to be licensed or that a person who occupies a position of authority in the entity is of bad reputation or character or is in other respects not a fit and proper person to hold such a position in an entity that holds a licence;

- (e) in the case of an application for the grant or removal of a licence—that the position, nature or quality of the premises renders them unsuitable to be licensed;
- (f) that if the application were granted—
  - (i) undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises or proposed premises to which the application relates would be likely to result; or
  - (ii) the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises or proposed premises to which the application relates would be likely to be prejudiced; or
  - (iii) the amenity of the locality in which the premises or proposed premises to which the application relates are situated would be adversely affected in some other way.
- (3) A person who makes written submissions under this section must ensure that the applicant is given a copy of the written submissions at least 7 days before the day appointed for the hearing or determination of the application (or such lesser period as the Commissioner may allow).
- (4) The Commissioner must have regard to any written submissions (including further written submissions under section 44H) made in accordance with the requirements of this Division.

#### **44H—Further written submissions**

- (1) The Commissioner may, in the Commissioner's absolute discretion, in accordance with the rules of natural justice—
  - (a) call for further written submissions to be made in relation to a particular application; or
  - (b) invite a person or body determined by the Commissioner to make written submissions in relation to a particular application.
- (2) Written submissions made under subsection (1) may be made on any ground.
- (3) If the Commissioner receives written submissions (or further written submissions) under this section, the Commissioner must ensure that the applicant is given a copy of the written submissions (or further written submissions) a reasonable time before the hearing or determination of the application.

#### **44I—Conciliation**

- (1) If an application has been advertised under this Part and 1 or more written submissions have been made opposing the application, the Commissioner may, in the Commissioner's absolute discretion, endeavour to resolve the application by conciliation.
- (2) If an application is resolved by conciliation, the Commissioner may determine the application so as to reflect the agreement reached by conciliation if the Commissioner considers it appropriate to do so in accordance with this Part.

#### **44J—Commissioner may refer matters to Court**

The Commissioner may, in the Commissioner's absolute discretion, refer any application under this Part for hearing and determination by the Court (and a person who has made written submissions in relation to an application referred to the Court will be taken to be a party to the proceedings before the Court in relation to the application).

#### **44K—Hearings etc**

The Commissioner may, in the Commissioner's absolute discretion—

- (a) determine an application under this Part entirely on the basis of the application and any written submissions made without holding a hearing; or
- (b) hold a hearing in relation to an application under this Part.

#### **44L—Variation of written submissions**

- (1) The Commissioner may allow a person who has made written submissions in relation to an application to vary the submissions at any time before the application is determined.
- (2) If the Commissioner allows written submissions to be varied, the Commissioner must ensure that the applicant is given a copy of the submissions as varied a reasonable time before the hearing or determination of the application.

### **Part 5—Offences**

#### **Division 1—Offences relating to licences and employment**

##### **45—Offence of being unlicensed**

- (1) A person must not—
  - (a) have possession of a gaming machine on any premises; or
  - (ab) purchase, or enter into a contract or agreement to purchase, a gaming machine; or
  - (b) manufacture, sell or supply a game, a gaming machine or a prescribed gaming machine component; or
  - (d) install, service or repair a game, gaming machine or a prescribed gaming machine component; or
  - (e) provide a computer-based system for monitoring the operation of gaming machines,

without being licensed to do so.

Maximum penalty: \$35 000 or imprisonment for 2 years.

- (2) For the purposes of subsection (1)(a), a person has possession of a gaming machine if—
  - (a) the person has physical possession or control of the gaming machine or has the gaming machine in the physical possession or control of another; or
  - (b) the person controls access to the gaming machine; or

- (c) the person occupies, or has care, control or management of, premises, or is in charge of a vehicle, vessel or aircraft, where the gaming machine is found.
- (3) A person does not commit an offence against subsection (1)(a) if the person possesses the gaming machine in the ordinary course of the person's business involving the transportation or temporary storage of a gaming machine on behalf of the holder of a licence under this Act.

#### **46—Offence of breach of licence conditions**

- (1) A licensee (other than the holder of a gaming machine licence) must not contravene or fail to comply with a condition of his or her licence.

Maximum penalty:

- (a) in the case of an offence committed by the holder of the gaming machine monitor licence—\$50 000 or imprisonment for 4 years;
  - (b) in any other case—\$35 000 or imprisonment for 2 years.
- (2) The holder of a gaming machine licence must not contravene or fail to comply with a condition of his or her licence.

Maximum penalty:

- (a) for a category A offence—\$20 000;
- (b) for a category B offence—\$10 000;
- (c) for a category C offence—\$5 000;
- (d) for a category D offence—\$2 500.

Expiation fee:

- (a) for a category A expiable offence—\$1 200;
  - (b) for a category B expiable offence—\$315;
  - (c) for a category C expiable offence—\$210;
  - (d) for a category D expiable offence—\$160.
- (3) For the purposes of subsection (2)—
- (a) a contravention of, or failure to comply with, a licence condition specified in Schedule 1 (other than a condition imposed under paragraph (o) of that Schedule) is a category A offence only; and
  - (b) a contravention of, or failure to comply with, any other licence condition is both a category A offence and a category A expiable offence unless the Commissioner specifies that it is to be an offence, or expiable offence, of some other category at the time of imposing the condition.

#### **46A—Licensee to notify change of particulars**

- (1) A licensee must, within 14 days after a change in any prescribed particulars, notify the Commissioner of that change.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) In this section—

*prescribed particulars* means—

- (a) any address for service or other email address, telephone number or street or postal address provided by the licensee to the Commissioner for purposes connected with the licence; and
- (b) any other particulars of a kind prescribed by the regulations.

#### **47A—Offence of selling or supplying games, gaming machines or components without approved contract or with inducement**

(1) The holder of a gaming machine dealer's licence must not enter into a contract to sell or supply a game, a gaming machine or a prescribed gaming machine component unless the contract is in a form that has been approved by the Commissioner under section 39.

Maximum penalty: \$35 000 or imprisonment for 2 years.

(2) The holder of a gaming machine dealer's licence must not provide or offer to provide any form of inducement to a person to enter into a contract for the sale or supply of a game, a gaming machine or a prescribed gaming machine component other than a discount that is calculated on a basis that has been fully disclosed in the contract and depends on the number of games, machines or components to be supplied under the contract.

Maximum penalty: \$35 000 or imprisonment for 2 years.

#### **48—Offences relating to management or positions of authority**

(1) If the gaming operations conducted on any premises pursuant to a gaming machine licence are supervised or managed by a person who is not a gaming manager in respect of those gaming operations, the licensee and the person are each guilty of an offence.

Maximum penalty: \$35 000 or imprisonment for 2 years.

(2) If a person assumes a position of authority in a trust or corporate entity that holds a licence without the approval of the Commissioner, the licensee and the person are each guilty of an offence.

Maximum penalty: \$35 000 or imprisonment for 2 years.

(3) A licensee must ensure that a gaming manager is present on the licensed premises at all times when gaming operations are conducted on the premises.

Maximum penalty: \$10 000.

#### **49—Offences related to carrying out duties in gaming areas**

(1) If prescribed duties are carried out in connection with the gaming operations conducted on licensed premises by a person who is not—

- (a) a gaming manager in respect of those premises; or
- (b) a gaming employee in respect of those premises,

the licensee and the person are each guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for 6 months.

- (2) If prescribed duties are carried out in connection with the gaming operations conducted on licensed premises by a person in contravention of a notice given to the person under section 44AA(2), the person is guilty of an offence.  
Maximum penalty: \$35 000 or imprisonment for 2 years.
- (3) A licensee who causes or permits a person to carry out prescribed duties in contravention of a notice given to the licensee under section 44AA(2) is guilty of an offence.  
Maximum penalty: \$35 000 or imprisonment for 2 years.
- (4) If prescribed duties are carried out in connection with the gaming operations conducted on licensed premises by a person who is an employee of the holder of a gaming machine dealer's licence, the person is guilty of an offence.  
Maximum penalty: \$35 000 or imprisonment for 2 years.
- (5) A licensee who knowingly causes or permits a person who is an employee of the holder of a gaming machine dealer's licence to carry out prescribed duties in connection with the gaming operations conducted on licensed premises is guilty of an offence.  
Maximum penalty: \$35 000 or imprisonment for 2 years.

#### **50—Offence related to personal performance of work on games and gaming machines**

If the work of installing, servicing or repairing a game or gaming machine is personally performed on licensed premises by a person who is not—

- (a) the holder of a gaming machine service licence; or
- (b) approved as a gaming machine technician for the holder of a gaming machine service licence,

the licensee and the person are each guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for 6 months.

#### **50A—Gaming managers and employees must carry identification**

If a gaming manager or gaming employee does not, while carrying out his or her duties on the licensed premises, wear an identification card—

- (a) that is in a form approved by the Commissioner; and
- (b) that is clearly visible to other persons,

the licensee and the person are each guilty of an offence.

Maximum penalty:

- (a) in the case of an offence committed by a licensee—\$2 500;
- (b) in any other case—\$1 250.

Expiation fee:

- (a) in the case of an offence allegedly committed by a licensee—\$210;
- (b) in any other case—\$160.

## **51—Persons who may not operate gaming machines**

- (1) The holder of a gaming machine licence or a person who occupies a position of authority in a trust or corporate entity that holds such a licence, or a gaming manager or gaming employee for any particular licensed premises, must not, except as is necessary for the purpose of carrying out his or her duties, operate a gaming machine on the licensed premises.

Maximum penalty:

- (a) in the case of an offence committed by the holder of a gaming machine licence or a person who occupies a position of authority in a trust or corporate entity that holds such a licence—\$10 000 or imprisonment for 6 months;
- (b) in the case of an offence committed by a gaming manager or gaming employee—\$5 000.

Expiation fee: in the case of an offence allegedly committed by a gaming manager or gaming employee—\$315.

- (2) A person must not, within 28 days of ceasing to be the holder of a gaming machine licence or a person who occupies a position of authority in a trust or corporate entity that holds such a licence, or to be a gaming manager or gaming employee in any particular licensed premises, operate a gaming machine on the licensed premises.

Maximum penalty:

- (a) in the case of an offence committed by the holder of a gaming machine licence or a person who occupies a position of authority in a trust or corporate entity that holds such a licence—\$10 000 or imprisonment for 6 months;
- (b) in the case of an offence committed by a gaming manager or gaming employee—\$5 000.

Expiation fee: in the case of an offence allegedly committed by a gaming manager or gaming employee—\$315.

- (3) The holder of a gaming machine dealer's licence, or a person in a position of authority in a trust or corporate entity that holds such a licence, must not, except as is necessary for the purpose of carrying out duties pursuant to the licence, operate a gaming machine on any licensed premises.

Maximum penalty: \$10 000 or imprisonment for 6 months.

- (4) The holder of the gaming machine monitor licence, an employee of such a licensee or a person in a position of authority in a trust or corporate entity that holds such a licence must not operate a gaming machine on any licensed premises.

Maximum penalty: \$10 000 or imprisonment for 6 months.

- (4a) The holder of a gaming machine service licence or a person in a position of authority in a trust or corporate entity that holds such a licence, or an approved gaming machine technician for the holder of such a licence, must not, except as is necessary for the purpose of carrying out his or her duties, operate a gaming machine on any licensed premises.

Maximum penalty: \$10 000 or imprisonment for 6 months.

## **Division 2—Offences relating to conduct of gaming operations**

### **51A—Cash facilities not to be provided within gaming areas**

- (1) The holder of a gaming machine licence must not provide, or allow another person to provide, a cash facility other than an EFTPOS facility within a gaming area on the licensed premises.

Maximum penalty: \$35 000.

- (4) The Minister may, if he or she thinks exceptional circumstances exist for doing so, exempt a licensee (conditionally or unconditionally) from the operation of this section.

- (5) A licensee who contravenes a condition of an exemption granted under subsection (4) is guilty of an offence.

Maximum penalty: \$35 000.

### **51B—Cash facilities limitations**

- (2) The holder of a gaming machine licence must not provide, or allow another person to provide, cash facilities on the licensed premises that would allow a person to obtain by means of any 1 cash facility, in a transaction or set of transactions on that cash facility, on any 1 debit or credit card within a 24 hour period, an amount of cash that exceeds the sum of \$250.

Maximum penalty: \$35 000.

## **52—Prohibition of lending or extension of credit**

- (1) The holder of a gaming machine licence—

- (a) who lends or offers to lend money to a person who is in or who is about to enter the licensed premises; or
- (b) who allows a person to use a credit card or charge card for the purpose of paying for playing the gaming machines on the licensed premises or in circumstances where the holder could reasonably be expected to know that the use of the card is for that purpose; or
- (c) who otherwise extends or offers to extend credit to any person for the purpose of enabling the person to play the gaming machines on the licensed premises or in circumstances where the holder could reasonably be expected to know that the credit is to be used for that purpose,

is guilty of an offence.

Maximum penalty: \$35 000 or imprisonment for 2 years.

- (2) If a gaming manager or gaming employee—

- (a) lends or offers to lend money to a person who is in or who is about to enter the licensed premises; or
- (b) allows a person to use a credit card or charge card for the purpose of paying for playing the gaming machines on the licensed premises or in circumstances where the manager or employee could reasonably be expected to know that the use of the card is for that purpose; or

- (c) otherwise extends or offers to extend credit to any person for the purpose of enabling the person to play the gaming machines on the licensed premises or in circumstances where the manager or employee could reasonably be expected to know that the credit is to be used for that purpose,

the licensee and the manager or employee are each guilty of an offence.

Maximum penalty: \$35 000 or imprisonment for 2 years.

### **53—Prohibition of linked jackpots**

The holder of a gaming machine licence must not cause, suffer or permit any gaming machine on the licensed premises—

- (a) to be fitted with linked jackpot equipment; or
- (b) to be linked in any manner that allows the winnings, or part of the winnings, from the machine to accumulate with the winnings, or part of the winnings, from any other gaming machine.

Maximum penalty: \$35 000 or imprisonment for 2 years.

### **53A—Prohibition of certain gaming machine facilities**

- (1) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that may be operated in connection with an account based cashless gaming system unless—

- (a) the system is approved under section 40A(1)(a); and
- (b) the gaming machine is operated in connection with an automated risk monitoring system approved under section 40A(1)(b); and
- (c) the gaming machine is capable of displaying on-screen messages of a kind prescribed in the applicable responsible gambling code of practice either on a primary screen or an ancillary screen; and
- (d) the gaming machine is operated in connection with a pre-commitment system in compliance with the requirements prescribed by the regulations.

Maximum penalty: \$35 000.

- (2) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that may be operated otherwise than in connection with an automated risk monitoring system approved under section 40A(1)(b).

Maximum penalty: \$35 000.

- (3) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that may be operated—

- (a) by insertion of a credit or debit card; or
- (b) by means of a cashless payment system; or
- (c) by insertion of a ticket (other than in accordance with the requirements prescribed by the regulations).

Maximum penalty: \$35 000.

- (4) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that allows a maximum bet of more than \$5.

Maximum penalty: \$35 000.

- (4a) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that allows the operation of a game by insertion of a banknote if the cash value of the credit balance on the gaming machine is \$100 or more.

Maximum penalty: \$35 000.

- (5) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that may be operated by the insertion of a banknote of a denomination greater than \$50.

Maximum penalty: \$35 000.

- (6) The holder of a gaming machine licence must not permit the use of an audio device on any gaming machine on the licensed premises if the use of the device is not intended primarily to assist a person with a hearing impairment.

Maximum penalty: \$35 000.

- (7) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that returns winnings to players at a rate that is not less than 87.5% of the total amount of all bets made on the machine.

Maximum penalty: \$35 000.

- (8) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that is fitted with a device or mechanism designed to allow the playing of successive games by an automatic process.

Maximum penalty: \$35 000.

- (9) In this section—

***ancillary screen*** means a screen—

- (a) in the sandwich board of a gaming machine; or
- (b) attached to a gaming machine that is visible to the person using the gaming machine;

***audio device*** means an earphone, earpiece, headphone, headset or any other device to convert signals from a gaming machine to audible sound delivered to the ear of a person playing the machine to the exclusion of everyone else;

***cashless payment system*** does not include an account based cashless gaming system approved under section 40A(1)(a) or a cashless gaming system of a kind prescribed by the regulations and approved under section 40A(1)(c);

***primary screen*** means a gaming machine screen;

***ticket*** means a ticket—

- (a) issued from a gaming machine (or from equipment attached to the gaming machine for the purposes of issuing tickets); and
- (b) that shows the cash value of the credits accumulated but not otherwise redeemed in the course of play on that gaming machine.

### **53B—Commissioner's directions to ensure security of gaming machines**

- (1) If—
  - (a) gaming machines are left on licensed premises after the premises have been vacated by the licensee; or
  - (b) the Commissioner has any reason to believe that gaming machines on licensed premises are not adequately secured against unauthorised use or interference,

the Commissioner may give any directions, in writing, that the Commissioner considers are reasonably required to secure the machines against unauthorised use or interference.

- (2) The Commissioner may, for example, do either or both of the following:
  - (a) direct the licensee to remove the machines to a secure storage location;
  - (b) direct the holder of the gaming machine monitor licence to electronically disable the machines (and maintain its monitoring of the machines).
- (3) A person given a direction by the Commissioner under this section must not fail to comply with the direction.

Maximum penalty: \$35 000.

## **Division 3—Offences relating to minors**

### **55—Minors must not be employed in gaming operations**

If a minor is employed in any capacity in connection with the conduct of gaming operations on licensed premises, the licensee is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for 6 months.

### **56—Minors not permitted in gaming areas**

- (1) A minor must not enter or remain in a gaming area or operate a gaming machine on licensed premises.

Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (2) Where a minor enters or remains in a gaming area or operates a gaming machine on licensed premises, the licensee and the gaming manager on duty at the time are each guilty of an offence.

Maximum penalty: \$10 000.  
Expiation fee: \$1 200.
- (3) It is a defence to a charge of an offence against subsection (2) for the defendant to prove that he or she took reasonable steps to prevent the entry of the minor to, or to remove the minor from, the gaming area or to prevent him or her from operating the gaming machine.

- (4) A holder of a gaming machine licence or a gaming manager who permits a minor to enter or remain in a gaming area on the licensed premises, or to operate a gaming machine on the premises, is guilty of an offence.  
Maximum penalty: \$20 000.  
Expiation fee: \$1 200.
- (4a) A person must not knowingly assist a minor or enable a minor to enter or remain in a gaming area on the licensed premises.  
Maximum penalty: \$10 000.  
Expiation fee: \$1 200.
- (5) A minor who operates a gaming machine in contravention of this section is not entitled to any winnings he or she may have made on the machine and those winnings are forfeited to the Commissioner and must be paid into the Gamblers Rehabilitation Fund.

## **58—Powers in relation to minors in gaming areas**

- (1) Where an authorised person suspects on reasonable grounds that a person in a gaming area may be a minor, he or she may require the person to produce evidence to the authorised person's satisfaction as to the person's age.
- (2) A person who—
- (a) fails, without reasonable excuse, to comply with a requirement under this section; or
  - (b) makes a false statement, or produces false evidence, in response to such a requirement,
- is guilty of an offence.  
Maximum penalty: \$2 500.
- (3) Where an authorised person suspects on reasonable grounds that a person who is in a gaming area or who is about to enter a gaming area is a minor, the authorised person may require the person to leave the gaming area.
- (4) If a person refuses or fails to comply with a requirement under subsection (3), the authorised person may remove him or her from the licensed premises, using only such force as is reasonably necessary for the purpose.
- (5) An authorised person must comply with any procedures prescribed under the *Liquor Licensing Act 1997* in relation to the removal by authorised persons (within the meaning of that Act) of minors from licensed premises or a part of licensed premises.

## **Division 5—Offences relating to cheating etc**

### **62—Interference with machines or games**

A person who interferes in any way with the proper operation of an approved gaming machine, or the proper operation of an approved game in a gaming machine, with the intent of gaining any benefit or advantage for himself or herself or any other person, is guilty of an offence.

Maximum penalty: \$50 000 or imprisonment for 4 years.

### **63—Interference devices**

- (1) A person who manufactures, sells, supplies or has in his or her possession a device designed, adapted or intended to be used for the purpose of interfering with the proper operation of an approved gaming machine or the proper operation of an approved game in a gaming machine is guilty of an offence.
- (2) In proceedings for an offence against subsection (1), an allegation in the information that a particular device was designed, adapted or intended to be used for the purpose of interfering with the proper operation of an approved gaming machine or the proper operation of an approved game in a gaming machine, will be accepted as proved in the absence of proof to the contrary.
- (3) For the purposes of subsection (1), a person has possession of a device if—
  - (a) the person has physical possession or control of the device or has the device in the physical possession or control of another; or
  - (b) the person controls access to the device; or
  - (c) the person occupies, or has care, control or management of, premises, or is in charge of a vehicle, vessel or aircraft, where the device is found.

### **64—Sealing of gaming machines**

- (2) A person other than an inspector or an approved gaming machine technician must not seal any part of a gaming machine or break or in any way interfere with any such seal.  
Maximum penalty: \$5 000 or imprisonment for 3 months.
- (3) A licensee must not cause a gaming machine to be operated by a person (other than an inspector or approved gaming machine technician) unless it has been sealed.  
Maximum penalty: \$5 000.
- (4) An approved gaming machine technician must, after installing, servicing or repairing an unsealed gaming machine, seal the gaming machine in the manner approved by the Commissioner.  
Maximum penalty: \$5 000.

### **65—Removal of gaming tokens**

A person other than a person acting in the course of his or her duties must not remove any cash or gaming tokens from a gaming machine.  
Maximum penalty: \$5 000 or imprisonment for 3 months.

### **66—Machines not to be operated in certain circumstances**

- (1) If, at any time when a gaming area on licensed premises is open for business, the licensee or a gaming manager suffers or permits a gaming machine to be operated—
  - (a) while the gaming machine or any game in the machine is not operating in such a manner that the rules of the game are being complied with, while the sequence or incidence of winnings has in any way been altered or while the machine is in any other way operating defectively; or
  - (b) while the gaming machine is not connected to the monitoring system or the connection is in anyway defective; or

- (c) while the door of its computer cabinet is not sealed in the manner approved by the Commissioner,

the licensee or manager is guilty of an offence.

Maximum penalty: \$20 000 or imprisonment for 1 year.

### **67—Power to remove offenders**

- (1) An authorised person, if satisfied that a person who is in a gaming area on licensed premises—
  - (a) has damaged or physically abused any gaming machine; or
  - (b) has committed, is committing or is about to commit an offence; or
  - (c) is behaving in an offensive, abusive or disorderly manner,may remove the person from the licensed premises, using only such force as is reasonably necessary for the purpose.
- (2) A person removed from licensed premises under subsection (1) who enters or attempts to enter the premises within 24 hours of being so removed from them is guilty of an offence.  
Maximum penalty: \$2 500.
- (3) An authorised person may refuse entry to, or prevent from entering, the gaming area, or areas, on licensed premises any person who is behaving in an offensive, abusive or disorderly manner.
- (4) A person—
  - (a) who is refused entry to, or prevented from entering, a gaming area under subsection (3); and
  - (b) who enters or attempts to enter any of the gaming areas on the premises within 24 hours after entry is so refused or prevented,is guilty of an offence.  
Maximum penalty: \$2 500.
- (4a) The regulations may prescribe procedures to be observed by authorised persons in or in connection with the prevention of persons from entering gaming areas.
- (4b) An authorised person must comply with any procedures—
  - (a) prescribed under subsection (4a); or
  - (b) prescribed under the *Liquor Licensing Act 1997* in relation to the removal by authorised persons (within the meaning of that Act) of persons from licensed premises.
- (5) The powers exercisable under this section are in addition to any other powers that are exercisable at law.

## Division 6—Offences relating to profit sharing etc

### 68—Certain profit sharing etc is prohibited

- (1) If the holder of a gaming machine licence—
- (a) enters into partnership with an unlicensed person (that is to say, a person who is not one of the holders of the gaming machine licence) in relation to the business conducted pursuant to the licence; or
  - (b) is party to any agreement or arrangement under which an unlicensed person in any way participates in the proceeds or profits of the business carried on pursuant to the licence; or
  - (c) remunerates an unlicensed person (other than the holder of the gaming machine monitor licence) by reference to the proceeds or profits of, or the amount staked in the course of, the business carried on pursuant to the licence; or
  - (d) permits an unlicensed person (not being a person who is a gaming manager in respect of the business) to conduct, superintend or manage the business carried on pursuant to the licence; or
  - (e) permits an unlicensed person to hold himself or herself out to the public as the licensee,

the licensee and the unlicensed person are each guilty of an offence.

Maximum penalty: \$20 000 or imprisonment for 1 year.

- (2) Subsection (1) does not apply to—
- (a) an agreement or arrangement providing for the disbursement of proceeds or profits to a person in a position of authority in a trust or corporate entity that holds the gaming machine licence; or
  - (b) an agreement or arrangement on terms approved by the Commissioner.

## Part 8—Gaming tax

### 72—Interpretation

In this Part—

**net gambling revenue** or **NGR**, in relation to the holder of a gaming machine licence and a financial year, means the total amount of all bets made on the gaming machines on the licensed premises during the year less the total amount of all prizes won on the machines during the year;

**non-profit business** means a business carried out under a gaming machine licence held by or on behalf of a body corporate or association, where the Minister is satisfied that the profits of the business cannot be returned to the members or shareholders of the body corporate or association;

**prescribed gaming tax**—

- (a) in respect of the 2002/2003 financial year, means—

- (i) in the case of a non-profit business—the amount of tax calculated in accordance with Part 1 of the following table, as adjusted, for the 6 months from 1 January 2003 until 30 June 2003 (the *second 6 months*), by subtracting or adding (as the case requires) the adjustment amount in accordance with Part 2 of the table:

<b>Part 1</b>	
<b>Tax Threshold</b>	<b>Tax</b>
For NGR of \$399 000 or less for the financial year	20.91% of the NGR
For NGR of more than \$399 000 but equal to or less than \$945 000 for the financial year	\$83 430.90 plus 25.91% of the excess NGR over \$399 000
For NGR of more than \$945 000 for the financial year	\$224 899.50 plus 30.91% of the excess NGR over \$945 000

<b>Part 2</b>	
<b>Adjustment Threshold</b>	<b>Adjustment</b>
For NGR of \$37 500 or less for the second 6 months	subtract 20.91% of the NGR
For NGR of more than \$37 500 but equal to or less than \$199 500 for the second 6 months	subtract \$7 841.25 and add 0.09% of the excess NGR over \$37 500
For NGR of more than \$199 500 but equal to or less than \$472 500 for the second 6 months	subtract \$7 695.45 and add 2.59% of the excess NGR over \$199 500
For NGR of more than \$472 500 but equal to or less than \$750 000 for the second 6 months	subtract \$624.75
For NGR of more than \$750 000 but equal to or less than \$1 250 000 for the second 6 months	subtract \$624.75 and add 6.59% of the excess NGR over \$750 000
For NGR of more than \$1 250 000 but equal to or less than \$1 750 000 for the second 6 months	add \$32 325.25 plus 16.09% of the excess NGR over \$1 250 000
For NGR of more than \$1 750 000 for the second 6 months	add \$112 775.25 plus 24.09% of the excess NGR over \$1 750 000

- (ii) in any other case—the amount of tax calculated in accordance with Part 1 of the following table, as adjusted, for the 6 months from 1 January 2003 until 30 June 2003 (the *second 6 months*), by subtracting or adding (as the case requires) the adjustment amount in accordance with Part 2 of the table:

<b>Part 1</b>	
<b>Tax Threshold</b>	<b>Tax</b>
For NGR of \$399 000 or less for the financial year	25.91% of the NGR
For NGR of more than \$399 000 but equal to or less than \$945 000 for the financial year	\$103 380.90 plus 34.41% of the excess NGR over \$399 000
For NGR of more than \$945 000 for the financial year	\$291 259.50 plus 40.91% of the excess NGR over \$945 000

<b>Part 2</b>	
<b>Adjustment Threshold</b>	<b>Adjustment</b>
For NGR of \$37 500 or less for the second 6 months	subtract 25.91% of the NGR
For NGR of more than \$37 500 but equal to or less than \$199 500 for the second 6 months	subtract \$9 716.25 and add 1.59% of the excess NGR over \$37 500
For NGR of more than \$199 500 but equal to or less than \$472 500 for the second 6 months	subtract \$7 140.45 and add 2.59% of the excess NGR over \$199 500
For NGR of more than \$472 500 but equal to or less than \$750 000 for the second 6 months	subtract \$69.75
For NGR of more than \$750 000 but equal to or less than \$1 250 000 for the second 6 months	subtract \$69.75 and add 6.59% of the excess NGR over \$750 000
For NGR of more than \$1 250 000 but equal to or less than \$1 750 000 for the second 6 months	add \$32 880.25 plus 16.09% of the excess NGR over \$1 250 000
For NGR of more than \$1 750 000 for the second 6 months	add \$113 330.25 plus 24.09% of the excess NGR over \$1 750 000

- (b) in respect of the 2003/2004 financial year and each successive financial year, means—
- (i) in the case of a non-profit business—the amount of tax calculated in accordance with the following table:

<b>Tax Threshold</b>	<b>Tax</b>
For NGR of \$75 000 or less for the financial year	nil
For NGR of more than \$75 000 but equal to or less than \$399 000 for the financial year	21% of the excess NGR over \$75 000
For NGR of more than \$399 000 but equal to or less than \$945 000 for the financial year	\$68 040 plus 28.5% of the excess NGR over \$399 000
For NGR of more than \$945 000 but equal to or less than \$1 500 000 for the financial year	\$223 650 plus 30.91% of the excess NGR over \$945 000

<b>Tax Threshold</b>	<b>Tax</b>
For NGR of more than \$1 500 000 but equal to or less than \$2 500 000 for the financial year	\$395 200.50 plus 37.5% of the excess NGR over \$1 500 000
For NGR of more than \$2 500 000 but equal to or less than \$3 500 000 for the financial year	\$770 200.50 plus 47% of the excess NGR over \$2 500 000
For NGR of more than \$3 500 000 for the financial year	\$1 240 200.50 plus 55% of the excess NGR over \$3 500 000

- (ii) in any other case—the amount of tax calculated in accordance with the following table:

<b>Tax Threshold</b>	<b>Tax</b>
For NGR of \$75 000 or less for the financial year	nil
For NGR of more than \$75 000 but equal to or less than \$399 000 for the financial year	27.5% of the excess NGR over \$75 000
For NGR of more than \$399 000 but equal to or less than \$945 000 for the financial year	\$89 100 plus 37% of the excess NGR over \$399 000
For NGR of more than \$945 000 but equal to or less than \$1 500 000 for the financial year	\$291 120 plus 40.91% of the excess NGR over \$945 000
For NGR of more than \$1 500 000 but equal to or less than \$2 500 000 for the financial year	\$518 170.50 plus 47.5% of the excess NGR over \$1 500 000
For NGR of more than \$2 500 000 but equal to or less than \$3 500 000 for the financial year	\$993 170.50 plus 57% of the excess NGR over \$2 500 000
For NGR of more than \$3 500 000 for the financial year	\$1 563 170.50 plus 65% of the excess NGR over \$3 500 000

## 72A—Gaming tax

- (1) The holder of a gaming machine licence must pay to the Treasurer, for each financial year, the prescribed gaming tax on the net gambling revenue derived in respect of the licensed premises in the financial year.
- (3) The tax to which a licensee is liable under subsection (1) is payable in monthly instalments, to be calculated and paid (subject to subsection (3a)) in the manner specified by the Minister by notice in the Gazette.
- (3aa) The Minister may, by further notice in the Gazette, vary or revoke a notice under subsection (3).
- (3a) The monthly instalments referred to in subsection (3) will be determined on the basis of the net gambling revenue derived in respect of the licensed premises for the whole of the relevant financial year whether that revenue is derived by the same person or different persons during different parts of the year or pursuant to one gaming machine licence or to two or more gaming machine licences during different parts of the year.

- (3b) The holder of a gaming machine licence at the end of a month in respect of which an instalment referred to in subsection (3) is payable is liable for the amount payable in respect of that month whether he or she was the holder of the licence throughout the month or not.
- (4) The revenue received under this section by the Treasurer in respect of each financial year is to be paid—
- (a) as to \$3.5 million—into the *Sport and Recreation Fund* established under this Part;
  - (b) as to \$4 million—into the *Charitable and Social Welfare Fund* established under this Part;
  - (ba) as to \$4.845 million—into the *Gamblers Rehabilitation Fund* established under this Part;
  - (c) as to \$20 million—into the *Community Development Fund* established under this Part;
  - (d) as to the balance—into the Consolidated Account.
- (5) The Treasurer will pay the sums referred to in subsection (4)(a), (b), (ba) and (c) into the various Funds at a time or times determined by the Treasurer.

## 72B—Recovery of tax

- (1) If default is made by a licensee for more than 7 days in paying an amount due and payable under this Part, a fine of 10 per cent of the amount outstanding is added to that amount.
- (2) The Commissioner may, if he or she thinks good reason exists for doing so, waive payment of the whole or a part of a fine incurred under subsection (1).
- (2a) If default is made by a licensee for more than 10 days in paying an amount due and payable under this Part, the Commissioner may, by written notice to the licensee, suspend the licence (and the licence will remain suspended until the amount, and any fine, is paid or the Commissioner terminates the suspension of the licence).
- (3) An amount due and payable under this Part is recoverable by the Treasurer as a debt due to the Crown.
- (4) If an amount is due and payable under this Part by a licensee that is a body corporate and—
- (a) the body corporate is dissolved; or
  - (b) the amount is not satisfied in full within 14 days of written demand being made by the Commissioner,
- the amount outstanding may be recovered from—
- (c) a person who was a director or a member of the governing body of the body corporate or former body corporate at the time when the amount became due and payable by the licensee; or
  - (d) a body corporate that was a related body corporate (as defined in the *Corporations Law*) at that time or a person who was a director of such a related body corporate at that time.

### 73—Accounts and monthly returns

- (1) The holder of a gaming machine licence must cause proper accounts to be kept, in accordance with this section, of the gross gaming turnover and net gambling revenue for each month in respect of the business carried out pursuant to the licence and such other accounts in relation to that business as the Commissioner may require.
- (2) The accounts must—
  - (a) be kept in a form determined by the Commissioner; and
  - (b) be kept on the licensed premises; and
  - (c) be preserved on those premises or, if the business to which they relate no longer exists, at some other place within the State, for a period of six years from the date on which they are compiled.
- (3) The holder of a gaming machine licence must furnish the Commissioner, within seven days of the end of each month in respect of which a payment is to be made pursuant to this Part, with a return in a form determined by the Commissioner giving such information as the Commissioner may require for the purposes of determining the amount of that payment.
- (4) A licensee who, in a return furnished under this section, knowingly makes any false statement or knowingly gives any false information or particulars is guilty of an offence.  
Maximum penalty: \$10 000 or imprisonment for 2 years.
- (5) A court, on convicting a person of an offence against subsection (4), may, if satisfied that the false statement, information or particulars resulted in a reduced amount of gaming tax being payable, impose (in addition to any other penalty imposed) a fine of an amount equal to twice the amount by which the tax was so reduced.

### 73A—Sport and Recreation Fund

- (1) The *Sport and Recreation Fund* is established.
- (2) The Fund is to be kept at Treasury.
- (3) The money paid into the Fund under this Part will from time to time be applied, in accordance with the directions of the prescribed Minister, in financial assistance for sporting or recreation organisations.
- (4) The prescribed Minister must, before giving a direction under subsection (3), consult with the Economic and Finance Committee established under the *Parliamentary Committees Act 1991*.
- (5) The Chief Executive of the administrative unit of the Public Service responsible to the prescribed Minister must provide the Economic and Finance Committee with such information as the Committee may require relating to applications for financial assistance made by sporting or recreation organisations.
- (6) Financial assistance will not be given under this section to an organisation that is the holder of a gaming machine licence.
- (7) In this section—

**prescribed Minister** means the Minister responsible for the administration of the *Recreational Greenways Act 2000*.

### **73B—Charitable and Social Welfare Fund**

- (1) The *Charitable and Social Welfare Fund* is established.
- (2) The Fund will be kept at Treasury.
- (3) The money paid into the Fund under this Part will from time to time be applied by the Treasurer, in accordance with the directions of the Minister responsible for the administration of the *Family and Community Services Act 1972*, in financial assistance for charitable or social welfare organisations.

### **73BA—Gamblers Rehabilitation Fund**

- (1) The *Gamblers Rehabilitation Fund* is established.
- (2) The Fund will be kept at the Treasury.
- (3) The Minister responsible for the administration of the *Family and Community Services Act 1972* will invite contributions to the Fund from stakeholders in the gambling industry.
- (4) The money paid into the Fund under this Part will from time to time be applied by the Minister responsible for the administration of the *Family and Community Services Act 1972* towards programs for or related to minimising the harm caused by gambling.
- (5) Without limiting subsection (4), the Fund may be applied towards programs for or related to the following:
  - (a) undertaking preventative and other activities to address harms associated with gambling;
  - (b) facilitating public education and information programs;
  - (c) providing treatment and counselling programs for persons harmed by gambling;
  - (d) providing information and advice on the harm caused by gambling;
  - (e) undertaking gambling research and evaluation.
- (6) The Minister responsible for the administration of the *Family and Community Services Act 1972* must, on or before 30 September in each year, prepare a report on the application of the Fund during the preceding financial year and must cause copies of the report to be laid before both Houses of Parliament.

### **73C—Community Development Fund**

- (1) The *Community Development Fund* is established.
- (2) The Fund will be kept at Treasury.
- (3) The money paid into the Fund under this Part will from time to time be applied by the Treasurer, in accordance with the directions of the Governor, towards—
  - (a) financial assistance for community development; and
  - (b) the provision of government health, welfare or education services.
- (4) Despite subsection (3), at least \$850 000 must be applied from the Fund in each financial year towards programs that will be of benefit to the live music industry.

### **73D—Funding agreements**

An agreement for, or relating to, the provision of money from a fund maintained under this Part must not prevent or limit the ability of the person or body receiving such money to make public comment about any aspect of the funding arrangement or the services provided by the person or body.

## **Part 9—Miscellaneous**

### **75—Audit requirements for gaming machine monitor licence**

The accounts of the undertaking carried out pursuant to the gaming machine monitor licence, and the undertaking carried out by the holder of that licence pursuant to any other licence under this Act, may at any time, and must at least once in each year of operation, be audited by the Auditor-General.

### **76—Power to refuse to pay winnings**

- (1) If the holder of a gaming machine licence or a gaming manager for the licensed premises is satisfied that a gaming machine on the premises, or a game being played on such a machine, is not operating properly and that it would not be just and equitable to allow a particular player to redeem his or her winnings on the machine, the licensee or manager may withhold those winnings from that player and, in that event, must obtain the player's name and address and inform him or her of the right to have the decision reviewed.
- (2) A player who is aggrieved by a decision to have his or her winnings withheld may, within 14 days of being informed of the decision, apply to the Commissioner for a review of the decision.
- (3) The Commissioner may confirm or revoke the decision and his or her decision on the matter is not reviewable.
- (4) The holder of a gaming machine licence or a gaming manager must deal with any winnings withheld under subsection (1) as follows:
  - (a) if the Commissioner revokes a decision made under subsection (1), the withheld winnings must be paid to the player;
  - (b) if the Commissioner upholds a decision under subsection (1) or if a player does not apply to the Commissioner for a review of the decision under subsection (2), the withheld winnings are to be retained by the holder of the gaming machine licence for the licensed premises.

### **76AA—Unclaimed winnings**

- (1) If winnings on a gaming machine have not been collected or claimed within 24 hours of the winning game being played on the machine, the winnings are forfeited to the Commissioner and must be paid into the Gamblers Rehabilitation Fund.
- (2) If a gaming machine or game is decommissioned and there are residual jackpots accumulated by playing the machine or game to the credit of that machine or game, the amount of such jackpots is forfeited to the Commissioner and must be paid into the Gamblers Rehabilitation Fund.
- (3) This section does not apply to an amount of winnings or a residual jackpot that is below the prescribed amount.

### **76A—Financing of licensee's business**

- (1) The Minister may, by notice in the Gazette, grant an exemption from such provisions of this Act as may be necessary for the purpose of enabling—
  - (a) the holder of a gaming machine licence, the special club licence or a gaming machine dealer's licence and a credit provider to enter into any arrangements (including leasing arrangements) for the financing of the licensee's acquisition of gaming machines or gaming machine entitlements or otherwise financing the business conducted on the licensed premises; and
  - (b) a credit provider to exercise rights of repossession and sale over gaming machines, and gaming machine entitlements, subject to any credit arrangement.
- (2) An exemption is subject to any conditions specified in the notice.
- (3) The Minister may, by subsequent notice in the Gazette, vary an exemption.
- (4) If a credit provider repossesses or acquires a gaming machine or gaming machine entitlement under an arrangement to which an exemption relates, the credit provider—
  - (a) must, within 7 days after the repossession or acquisition, give written notice to the Commissioner of the repossession or acquisition; and
  - (b) must ensure the gaming machine is not operated while in the ownership of the credit provider; and
  - (c) must ensure the gaming machine is, while in the ownership of the credit provider, stored by the holder of a gaming machine dealer's licence or gaming machine service licence in a secure storage location; and
  - (d) must not sell the gaming machine except to the holder of a gaming machine dealer's licence; and
  - (e) must, within 7 days after selling or otherwise disposing of the gaming machine or gaming machine entitlement, give written notice to the Commissioner of the details of the sale or other disposition.

Maximum penalty: \$35 000.

### **77—Certain agreements and arrangements are unlawful**

- (1) If any agreement or arrangement is entered into by the holder of a gaming machine licence and any person other than the holder of a gaming machine dealer's licence for, or in connection with, the supply or acquisition of gaming machines, games or prescribed gaming machine components—
  - (a) the agreement or arrangement is null and void; and
  - (b) the parties to the agreement or arrangement are each guilty of an offence.

Maximum penalty: \$10 000.

- (2) However—
  - (a) a gaming machine, game or prescribed gaming machine component may be moved from 1 licensed premises to another (subject to this Act and the conditions of the gaming machine licences relating to those premises) if each of the gaming machine licences is held by the same licensee; and

- (b) subsection (1) does not apply in relation to a supply to or acquisition by the transferee on a transfer of a gaming machine licence in accordance with Part 3 Division 4.
- (3) If the Commissioner or an inspector enters into any agreement or arrangement of a financial or business nature with a licensee, a person who is an applicant for a licence or approval under this Act or a gaming manager or gaming employee without the prior approval of the Minister—
  - (a) the agreement or arrangement is null and void; and
  - (b) the parties to the agreement or arrangement are each guilty of an offence.Maximum penalty: \$20 000.

### **78—False or misleading statements**

A person who knowingly makes a false or misleading statement in an application, a return or any other document furnished by him or her under this Act is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for 2 years.

### **79—Bribery**

- (1) A person who offers, promises or gives a bribe to a licensee or a gaming manager or gaming employee with the intent of gaining for himself or herself or some other person an improper benefit in the course of gaming conducted pursuant to this Act is guilty of an offence.  
Maximum penalty: \$50 000 or imprisonment for 4 years.
- (2) A licensee or a gaming manager or gaming employee who solicits, accepts or agrees to accept such a bribe (whether for himself or herself or some other person) is guilty of an offence.  
Maximum penalty: \$50 000 or imprisonment for 4 years.
- (3) In this section—  
*bribe* includes any form of inducement.

### **81—Liability of licensed dealer for acts of agent**

If a person, in the course of acting as the agent of the holder of a gaming machine dealer's licence, commits an offence against this Act or commits any other offence in the course of dealing with a licensee under this Act in relation to the undertaking authorised by the licence held by the licensee, the holder of the gaming machine dealer's licence is guilty of an offence and liable to the same penalty as is prescribed for the principal offence.

### **84—Prosecution of summary offences**

Proceedings for a summary offence against this Act must be commenced—

- (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*;
- (b) in any other case—within 5 years of the date on which the offence is alleged to have been committed.

## 85—Vicarious liability

- (1) If a body corporate that holds a licence is guilty of a prescribed offence, each person occupying a position of authority in the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless the person proves that he or she could not by the exercise of due diligence have prevented the commission of the offence.
- (1a) If a body corporate that holds a licence is guilty of any other offence against this Act (other than an offence against the regulations), each person occupying a position of authority in the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence if the prosecution proves that—
  - (a) the person knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed; and
  - (b) the person was in a position to influence the conduct of the body corporate in relation to the commission of such an offence; and
  - (c) the person failed to exercise due diligence to prevent the commission of the offence.
- (1b) Subsection (1a) does not apply if the principal offence is an offence against section 50A, 64 or 65.
- (1c) If a body corporate that holds a licence is guilty of an offence against this Act (other than an offence against the regulations), any gaming manager for the licensed premises is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless the manager proves that he or she could not by the exercise of due diligence have prevented the commission of the offence.
- (2) If the trustee of a trust that holds a licence is guilty of an offence against this Act (other than an offence against the regulations), any other person occupying a position of authority in the trust and any gaming manager for the licensed premises are each guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the principal offence.
- (3) If there is proper cause for disciplinary action against a trust or corporate entity under Part 3, there is proper cause for disciplinary action under that Part against each person occupying a position of authority in the entity unless it is proved that the person could not, by the exercise of reasonable care, have prevented the misconduct.
- (3a) The regulations may make provision in relation to the criminal liability of—
  - (a) a person occupying a position of authority in a body corporate that is guilty of an offence against the regulations; or
  - (b) a gaming manager for licensed premises where the licence is held by a body corporate that is guilty of an offence against the regulations.
- (4) In this section—

***prescribed offence*** means any offence for which the maximum penalty includes a term of imprisonment of 2 or more years.

## 86—Evidentiary provision

- (1) In proceedings for an offence against this Act or in disciplinary proceedings against a licensee, an allegation in the complaint—
  - (a) that a person named in the complaint is or is not, or was or was not on a specified date, the holder of a specified licence;
  - (b) that premises referred to in the complaint are, or were on a specified date, licensed premises;
  - (c) that an area referred to in the complaint was or was not, on a specified date, a gaming area;
  - (d) that a person named in the complaint is, or was on a specified date, a minor;
  - (e) that a licence referred to in the complaint is, or was on a specified date, subject to specified conditions;
  - (g) that a machine referred to in the complaint was or was not on a specified date an approved gaming machine;
  - (h) that an item referred to in the complaint was or was not on a specified date an approved gaming token or an approved game;
  - (i) that a person named in the complaint is not, or was not on a specified date, an approved manufacturer of gaming tokens,
  - (j) that a person named in the complaint is, or was on a specified day, occupying a position of authority in a trust or corporate entity that holds a licence under this Act;

will be accepted as proved in the absence of proof to the contrary.

## 86A—Commissioner to recover administration costs

- (1) The Commissioner must, not less than 1 month before the commencement of the relevant financial year, notify each licensee of a prescribed class in writing of the amount fixed by the Minister as the recoverable administration costs for that financial year.
- (2) A licensee must, within 28 days of receiving a notice under subsection (1), pay to the Commissioner the amount of the recoverable administration costs for that financial year specified in the notice.
- (3) If a licensee fails to pay an amount in accordance with subsection (2)—
  - (a) the Commissioner may, by notice to the licensee, suspend the licence until the amount has been paid; and
  - (b) the amount unpaid may be recovered from the licensee as a debt due to the State.
- (4) In proceedings for recovery of an amount unpaid, the Commissioner's notice is to be regarded as conclusive evidence of the recoverable administration costs for the period specified in the notice.

- (5) In this section—

**administration costs** means the costs of administering this Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of a licensee, or a licensee of a particular class, in the relevant financial year;

**relevant financial year** means the financial year designated by the Minister by notice in the Gazette for the purposes of this section.

## 87—Regulations

- (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or desirable for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
- (a) regulate any matter relating to the conduct, management or procedures of a business carried on pursuant to a licence;
  - (b) fix fees in respect of any matter under this Act and provide for their payment, recovery or waiver;
  - (c) provide for the exemption, subject to prescribed conditions, of any person who, immediately before the commencement of this Act, had possession of a gaming machine in his or her home;
  - (d) grant or provide for the granting of other conditional or unconditional exemptions from this Act, or from any provision of this Act;
  - (e) fix penalties not exceeding \$10 000 for breaches of the regulations;
  - (f) fix expiation fees not exceeding \$1 200 for alleged breaches of the regulations.
- (3) A regulation under this Act may be of general, limited or varied application according to—
- (a) the classes of person, gaming machines or gaming operations; or
  - (b) the circumstances; or
  - (c) any other specified factor,
- to which the regulation is expressed to apply.
- (4) A regulation under this Act may provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the Commissioner.
- (4a) The regulations may make provisions of a saving or transitional nature consequent on the enactment of any amendments to this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act.
- (5) The regulations may, for transitional purposes—
- (a) provide that this Act or specified provisions of this Act will not apply in relation to a particular person or thing, or a class of person or thing, until a specified day; or

- (b) modify the application of this Act or provisions of this Act in relation to a particular person or thing, or a class of person or thing, until a specified day.
- (6) Subsection (5) is in addition to, and does not derogate from, any other provision of this section.

### **88—Exclusion of compensation**

- (1) No right to compensation arises—
  - (a) as a result of the expropriation or diminution of rights of a licensee by the 2004 amendments; or
  - (b) as a result of the cancellation or lapse of a gaming machine entitlement under this Act.

- (2) In this section—

*2004 amendments* means the amendments to this Act made by the *Gaming Machines (Miscellaneous) Amendment Act 2004*.

### **Schedule 1—Gaming machine licence conditions**

The conditions to which a gaming machine licence will be subject are as follows:

- (a) that the licensee will use only approved gaming machines, approved games and prescribed gaming machine components in the gaming operations conducted pursuant to the licence; and
- (c) that the licensee will conduct the gaming operations only within the area, or areas, designated in the licence as the gaming area, or areas, for the premises; and
- (ca) that the licensee will not have in the licensee's possession more gaming machines than the number of gaming machine entitlements held in respect of the licensed premises; and
- (d) that the licensee will not have in any gaming area on the licensed premises a greater number of gaming machines than the number fixed by the Commissioner as the maximum for that area; and
- (f) that the licensee will not make any structural or other alterations within a gaming area on the licensed premises except with the approval of the Commissioner; and
- (g) that the licensee will not conduct the gaming operations outside the hours specified in the licence; and
- (h) that the licensee will not conduct gaming operations pursuant to the licence unless the licensee has entered into a responsible gambling agreement; and
- (i) that the licensee must, on the request of the Commissioner for the purposes of gambling research, provide to the Commissioner information recorded by a system approved under section 40A in a manner and form, and within a time, specified by the Commissioner in the request; and
- (j) that the licensee will not engage any person other than the holder of a gaming machine service licence to install, service or repair a game, gaming machine or gaming machine component; and

- (k) that the licensee will not commence to conduct gaming operations pursuant to the licence until—
  - (i) he or she has entered into an arrangement, the terms of which have been approved by the Commissioner, for the monitoring by computer of the operation of all gaming machines on the licensed premises and that arrangement has been implemented; and
  - (ii) each gaming machine has been inspected and sealed by an inspector or approved gaming machine technician; and
- (ka) in the case of a licence authorising the operation of 30 or more gaming machines any 1 of which may be operated by the insertion of a banknote—
  - (i) that the licensee must, for the purposes of identifying barred persons who are about to enter a gaming area, operate a facial recognition system approved under section 40D in accordance with any requirements prescribed by the regulations; and
  - (ii) that the licensee must not allow a person to enter a gaming area unless the licensee has caused a record of the person's facial image to be made by means of a facial recognition system approved under section 40D in accordance with any requirements prescribed by the regulations; and
- (l) that the licensee will not purchase for use, or use, in gaming machines any tokens other than approved gaming tokens that bear unique identification approved by the Commissioner; and
- (m) that the licensee will not purchase gaming tokens from a person other than an approved manufacturer of gaming tokens; and
- (ma) that the licensee will (in a manner and form to be determined by the Commissioner)—
  - (i) notify the Commissioner of the appointment of a person as a gaming manager or gaming employee; and
  - (ii) keep a record of the appointment of each gaming manager and gaming employee; and
  - (iii) within 14 days of a person ceasing to be appointed as a gaming manager or gaming employee, or of a person so appointed ceasing to be in his or her employment, notify the Commissioner of that fact; and
- (mb) that the licensee will ensure that gaming managers and gaming employees have undertaken approved training courses in accordance with any requirements under the relevant responsible gambling codes of practice; and
- (nd) that the licensee will not conduct the gaming operations on the licensed premises between the hours of 2 am and 8 am unless measures are in place that prevent machines designed to change a monetary note into coins (and located on the licensed premises) from being operated between the hours of 2 am and 8 am; and
- (o) such other conditions (if any) as the Commissioner thinks fit and specifies in the licence (not being conditions of a kind prohibited by the regulations).

## Schedule 2—Gaming machine monitor licence conditions

The conditions to which the gaming machine monitor licence will be subject are as follows:

- (a) a condition that the licensee will not charge any fee for any service provided by the licensee in the course of carrying out the undertaking authorised by the licence unless the fee is in accordance with a scale of fees approved by the Minister for the purpose;
- (b) a condition that the licensee will comply with such directions as the Minister or Commissioner may give in relation to—
  - (i) the keeping of books, accounts, financial statements and other records, and the manner in which they are to be kept and preserved, by the licensee in relation to the undertaking authorised by the licence; and
  - (ii) the furnishing of reports to the Minister or Commissioner on the financial affairs of the licensee in respect of that undertaking;
- (c) a condition that the licensee will not employ any person to carry out duties in connection with the undertaking authorised by the licence unless that person has first been approved by the Commissioner;
- (d) a condition that the licensee will not modify in any way the monitoring system operated pursuant to the licence without the prior approval of the Commissioner;
- (e) a condition that the licensee will not, in the course of carrying out the undertaking authorised by the licence, do any other specified thing without the prior approval of the Commissioner;
- (f) a condition that the licensee must modify or upgrade the monitoring system operated pursuant to the licence as the Commissioner may from time to time reasonably require;
- (fa) a condition that the licensee must, on the request of the Commissioner, provide to the Commissioner information recorded by the monitoring system in a manner and form, and within a time, specified by the Commissioner in the request;
- (g) a condition that the licensee will comply with such other directions as the Commissioner may, in the interests of ensuring the efficient and effective monitoring of all gaming operations conducted pursuant to this Act, give to the licensee in relation to carrying out the undertaking authorised by the licence;
- (h) such other conditions (if any) as the Commissioner thinks fit and specifies in the licence.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1992	49	<i>Gaming Machines Act 1992</i>	17.9.1992	1.7.1993 ( <i>Gazette 24.6.1993 p2046</i> )
1994	58	<i>Gaming Machines (Prohibition of Cross Holdings, Profit Sharing, etc.) Amendment Act 1994</i>	27.10.1994	1.7.1993 except s 3—1.8.1994: s 2
1995	13	<i>Statutes Amendment (Gaming Supervision) Act 1995</i>	23.3.1995	1.7.1995 ( <i>Gazette 29.6.1995 p2972</i> )
1996	22	<i>Gaming Machines (Miscellaneous) Amendment Act 1996</i>	24.4.1996	1.7.1996 ( <i>Gazette 6.6.1996 p2874</i> )
1997	72	<i>Gaming Machines (Gaming Venues in Shopping Centres) Amendment Act 1997</i>	18.12.1997	18.12.1997 except s 3—17.8.1997: s 2
1998	38	<i>Gaming Machines (Gaming Tax) Amendment Act 1998</i>	30.7.1998	30.7.1998
2000	27	<i>Gaming Machines (Miscellaneous) Amendment Act 2000</i>	29.6.2000	1.7.2000: s 2
2000	85	<i>Gaming Machines (Freeze on Gaming Machines) Amendment Act 2000</i>	14.12.2000	14.12.2000
2001	18	<i>Statutes Amendment (Gambling Regulation) Act 2001</i>	31.5.2001	Pt 4 (s 21)—31.5.2001: s 2(1) except Pt 4 (ss 20, 22—29)—1.10.2001 ( <i>Gazette 13.9.2001 p4116</i> )
2002	5	<i>Gaming Machines (Limitation on Exception to Freeze) Amendment Act 2002</i>	25.7.2002	25.7.2002
2002	31	<i>Gaming Machines (Gaming Tax) Amendment Act 2002</i>	7.11.2002	7.11.2002
2003	5	<i>Gaming Machines (Extension of Freeze on Gaming Machines) Amendment Act 2003</i>	29.5.2003	29.5.2003

2003	7	<i>Gaming Machines (Roosters Club Incorporated Licence) Amendment Act 2003</i>	5.6.2003	5.6.2003
2004	15	<i>Gaming Machines (Extension of Freeze) Amendment Act 2004</i>	27.5.2004	27.5.2004
2004	28	<i>State Procurement Act 2004</i>	29.7.2004	Sch 1 (cl 2)—4.10.2005 ( <i>Gazette 15.9.2005 p3343</i> )
2004	46	<i>Gaming Machines (Miscellaneous) Amendment Act 2004</i>	9.12.2004	9.12.2004: s 2(2) except ss 5—8, 10—18, 20, 21, 23, 25—29, 32, 33, new ss 48, 49 & 50A (as inserted by s 34), 36—42, 44, 45, 46(1), (3) & (4) and 48—1.2.2005 ( <i>Gazette 13.1.2005 p68</i> ) and except ss 9 & 19—1.7.2005 ( <i>Gazette 19.5.2005 p1293</i> ) and except ss 22, 24, 30, 31, new s 50 (as inserted by s 34), 35, 43 and 46(2)—1.7.2006 ( <i>Gazette 22.6.2006 p2012</i> )
2005	22	<i>Statutes Amendment (Liquor, Gambling and Security Industries) Act 2005</i>	9.6.2005	Pt 2 (ss 4(4), 5—24), Sch 1 (cl 1) & Sch 2—8.12.2005 ( <i>Gazette 8.12.2005 p4195</i> ); s 4(1)—(3) & (5)—1.2.2007 ( <i>Gazette 1.2.2007 p323</i> )
2006	43	<i>Statutes Amendment (Domestic Partners) Act 2006</i>	14.12.2006	Pt 39 (ss 112—114)—1.6.2007 ( <i>Gazette 26.4.2007 p1352</i> )
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 66 (s 161)—1.2.2010 ( <i>Gazette 28.1.2010 p320</i> )
2010	28	<i>Gaming Machines (Miscellaneous) Amendment Act 2010</i>	9.12.2010	Pt 2 (ss 4(2), (5), 5, 6, 8, 9, 22(1), (2), 27, 35, 37, 38(1), (2), 39—49, 52, 54, 56, 57(1), (2) & Sch 1 (cl 6))—1.1.2011 ( <i>Gazette 16.12.2010 p5695</i> ); ss 4(1), (4), (6)—(9), 7, 10, 11, 13—17, 19(1), 20, 21, 22(4), 23—26, 29, new s 47 (as inserted by s 36), 51, 55, 57(3) & Sch (c1l 4 & 5)—1.6.2011 ( <i>Gazette 26.5.2011 p1582</i> ); ss 4(3), 12, 18, 22(3), 28, 30—34, new s 47A (as inserted by s 36), 38(3), 50, 53—1.7.2011 ( <i>Gazette 30.6.2011 p2869</i> ); ss 19(2) & 57(4)—9.12.2012 ( <i>Gazette 20.9.2012 p4489</i> )
2011	36	<i>Statutes Amendment (Directors' Liability) Act 2011</i>	22.9.2011	Pt 10 (s 12)—1.1.2012 ( <i>Gazette 15.12.2011 p4988</i> )
2012	19	<i>Statutes Amendment (Criminal Intelligence) Act 2012</i>	24.5.2012	Pt 4 (s 8)—12.7.2012 ( <i>Gazette 12.7.2012 p3110</i> )
2013	16	<i>Statutes Amendment (Directors' Liability) Act 2013</i>	23.5.2013	Pt 21 (s 42)—17.6.2013 ( <i>Gazette 6.6.2013 p2498</i> )

## Gaming Machines Act 1992—9.12.2021

### Legislative history

2013	37	<i>Statutes Amendment (Gambling Reform) Act 2013</i>	8.8.2013	Pt 4 (ss 111, 118, 119 & 121)—31.8.2013; ss 64, 81(1), (2) & 107—31.10.2013; ss 62(2), (5)—(13), 63, 65—77, 79, 80, 81(3), 83, 85—87, 90, 93, new s 53A(1)—(3), (5)—(9) (as inserted by s 96), 101—103, 104(2), 106, 113(1), 115, 120(1)—(3), (5), (7) & 122—124—1.1.2014; s 94—1.2.2014; ss 62(1), (3), (4), (14), 78, 82, 84, 88, 89, 91, 92, 95, 97—100, 104(1), 105, 108—110, 112, 113(2), 114, 116, 117, 120(4) & (6)—1.7.2014; new s 53A(4) (as inserted by s 96)—1.1.2017 ( <i>Gazette 29.8.2013 p3648</i> )
2015	8	<i>Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015</i>	18.6.2015	Pt 15 (ss 85 & 86)—1.7.2015 ( <i>Gazette 25.6.2015 p3076</i> )
2015	22	<i>Statutes Amendment (Gambling Measures) Act 2015</i>	1.10.2015	Pt 2 (ss 4—10)—1.1.2016 ( <i>Gazette 17.12.2015 p5266</i> )
2015	41	<i>Statutes Amendment and Repeal (Budget 2015) Act 2015</i>	26.11.2015	Pt 2 (ss 4 & 5)—uncommenced
2017	49	<i>Liquor Licensing (Liquor Review) Amendment Act 2017</i>	28.11.2017	Sch 1 (cll 3 to 6)—18.11.2019 ( <i>Gazette 7.11.2019 p3759</i> )
2018	35	<i>Statutes Amendment and Repeal (Budget Measures) Act 2018</i>	22.11.2018	Pt 5 (ss 66 to 84)—1.12.2018 ( <i>Gazette 29.11.2018 p4058</i> )
2019	25	<i>Statutes Amendment and Repeal (Simplify) Act 2019</i>	3.10.2019	Pt 19 (ss 41 & 42)—3.10.2021 (s 7(5) <i>Acts Interpretation Act 1915</i> ) (Pt 19 is of no effect because the sections it purports to amend have been deleted.)
2019	42	<i>Gambling Administration Act 2019</i>	12.12.2019	Sch 1 (cll 1 & 3(2), (7) to (11))—3.12.2020 ( <i>Gazette 30.7.2020 p4103</i> )
2019	44	<i>Statutes Amendment (Gambling Regulation) Act 2019</i>	12.12.2019	<b>Pt 4 (s 105, insertion of s 40D by s 106, ss 111, 123 to 125) &amp; Sch 1 (cl 3(4))—30.7.2020; ss 73 to 104, insertion of ss 40A to 40C by s 106, ss 107 to 110, 112 to 122, 126, 127, 129 to 136 &amp; Sch 1 (cl 3(1) to (3) &amp; (5))—3.12.2020 (<i>Gazette 30.7.2020 p4103</i>); s 128—9.12.2021 (<i>Gazette 9.12.2021 p4328</i>)</b>

## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	deleted by 72/1997 s 4 (Sch)	18.12.1997
	inserted by 44/2019 s 73	3.12.2020
s 3		

s 3(1)		
<i>advanced problem gambling intervention training</i>	<i>inserted by 28/2010 s 4(1)</i>	1.6.2011
	<i>deleted by 37/2013 s 62(1)</i>	1.7.2014
advertising code of practice	inserted by 28/2010 s 4(1)	1.6.2011
	amended by 44/2019 s 74(1)	3.12.2020
<i>approved crowd controller</i>	<i>inserted by 22/2005 s 4(1)</i>	1.2.2007
	<i>deleted by 49/2017 Sch 1 cl 3(1)</i>	18.11.2019
approved game	inserted by 37/2013 s 62(2)	1.1.2014
<i>approved gaming machine employee</i>	<i>inserted by 22/2005 s 4(2)</i>	1.2.2007
	<i>deleted by 37/2013 s 62(3)</i>	1.7.2014
<i>approved gaming machine manager</i>	<i>inserted by 22/1996 s 3</i>	1.7.1996
	<i>amended by 46/2004 s 20</i>	1.2.2005
	<i>deleted by 37/2013 s 62(3)</i>	1.7.2014
approved gaming machine technician	inserted by 28/2010 s 4(2)	1.1.2011
<i>authorised officer</i>	<i>amended by 22/2005 Sch 2</i>	8.12.2005
	<i>deleted by 44/2019 s 74(2)</i>	3.12.2020
authorised person	substituted by 22/2005 s 4(3)	1.2.2007
	amended by 37/2013 s 62(4)	1.7.2014
	amended by 49/2017 Sch 1 cl 3(2)	18.11.2019
<i>Authority</i>	<i>substituted by 13/1995 s 11(a)</i>	1.7.1995
	<i>substituted by 18/2001 s 20(a)</i>	1.10.2001
	<i>deleted by 35/2018 s 66(1)</i>	1.12.2018
beneficiary	inserted by 31/2002 s 2(a)	7.11.2002
<i>the Board</i>	<i>deleted by 28/2004 Sch 1 cl 2</i>	4.10.2005
<i>Board</i>	<i>inserted by 28/2004 Sch 1 cl 2</i>	4.10.2005
	<i>deleted by 28/2010 4(3)</i>	1.7.2011
cash facility	inserted by 18/2001 s 20(b)	1.10.2001
cashless gaming system	inserted by 37/2013 s 62(5)	1.1.2014
casino	inserted by 37/2013 s 62(5)	1.1.2014
casino licence	inserted by 37/2013 s 62(5)	1.1.2014
casino premises	inserted by 37/2013 s 62(5)	1.1.2014
<i>category A, B, C or D offence</i>	<i>inserted by 28/2010 s 4(4)</i>	1.6.2011
	<i>deleted by 37/2013 s 62(6)</i>	1.1.2014
<i>certificate</i>	<i>inserted by 28/2010 s 4(4)</i>	1.6.2011
	<i>deleted by 44/2019 s 74(3)</i>	3.12.2020

**Gaming Machines Act 1992—9.12.2021**

## Legislative history

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club licence	amended by 72/1997 s 4 (Sch)	18.12.1997
Club One	inserted by 46/2004 s 5(1)	1.2.2005
<i>the Commissioner</i>	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>amended by 18/2001 s 20(c)</i>	<i>1.10.2001</i>
	<i>deleted by 44/2019 s 74(4)</i>	<i>3.12.2020</i>
Commissioner	inserted by 44/2019 s 74(4)	3.12.2020
community impact assessment guidelines	inserted by 44/2019 s 74(4)	3.12.2020
the Court	inserted by 13/1995 s 11(b)	1.7.1995
<i>criminal intelligence</i>	<i>inserted by 22/2005 s 4(4)</i>	<i>8.12.2005</i>
	<i>amended by 19/2012 s 8</i>	<i>12.7.2012</i>
	<i>deleted by 44/2019 s 74(5)</i>	<i>3.12.2020</i>
designated application	inserted by 44/2019 s 74(5)	3.12.2020
domestic partner	inserted by 43/2006 s 112(1)	1.6.2007
gambling administration guidelines	inserted by 44/2019 s 74(6)	3.12.2020
game	inserted by 37/2013 s 62(7)	1.1.2014
gaming employee	inserted by 37/2013 s 62(8)	1.1.2014
<i>gaming equipment</i>	<i>amended by 28/2010 s 4(5)</i>	<i>1.1.2011</i>
	<i>deleted by 37/2013 s 62(9)</i>	<i>1.1.2014</i>
gaming machine	substituted by 37/2013 s 62(9)	1.1.2014
gaming machine entitlement	inserted by 46/2004 s 5(2)	1.2.2005
	substituted by 37/2013 s 62(9)	1.1.2014
gaming manager	inserted by 37/2013 s 62(10)	1.1.2014
general and hotel licence	inserted by 49/2017 Sch 1 cl 3(3)	18.11.2019
<i>general facility licence</i>	<i>deleted by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
<i>hotel licence</i>	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>deleted by 49/2017 Sch 1 cl 3(3)</i>	<i>18.11.2019</i>
inspector	amended by 44/2019 s 74(7)	3.12.2020
licence	amended by 37/2013 s 62(11)	1.1.2014
licensed person, licensee or holder of a licence	inserted by 37/2013 s 62(12)	1.1.2014
liquor licence	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 49/2017 Sch 1 cl 3(4)	18.11.2019
<i>mandatory provision</i>	<i>deleted by 44/2019 s 74(8)</i>	<i>3.12.2020</i>
monitoring system	inserted by 37/2013 s 62(13)	1.1.2014

mandatory provision	inserted by 28/2010 s 4(6)	1.6.2011
non-profit association	inserted by 46/2004 s 5(3)	1.2.2005
officer	inserted by 31/2002 s 2(b)	7.11.2002
on premises licence	inserted by 49/2017 Sch 1 cl 3(5)	18.11.2019
<i>proposed premises certificate</i>	<i>inserted by 28/2010 s 4(7)</i>	<i>1.6.2011</i>
	<i>deleted by 44/2019 s 74(9)</i>	<i>3.12.2020</i>
responsible gambling agreement	inserted by 28/2010 s 4(7)	1.6.2011
	amended by 35/2018 s 66(2)	1.12.2018
	substituted by 44/2019 s 74(10)	3.12.2020
responsible gambling code of practice	inserted by 28/2010 s 4(7)	1.6.2011
	amended by 44/2019 s 74(11)	3.12.2020
responsible person	inserted by 22/2005 s 4(5)	1.2.2007
<i>social effect certificate</i>	<i>inserted by 28/2010 s 4(8)</i>	<i>1.6.2011</i>
	<i>deleted by 44/2019 s 74(12)</i>	<i>3.12.2020</i>
<i>social effect inquiry</i>	<i>inserted by 28/2010 s 4(8)</i>	<i>1.6.2011</i>
	<i>deleted by 44/2019 s 74(12)</i>	<i>3.12.2020</i>
<i>social effect principles</i>	<i>inserted by 28/2010 s 4(8)</i>	<i>1.6.2011</i>
	<i>deleted by 44/2019 s 74(12)</i>	<i>3.12.2020</i>
<i>special circumstances licence</i>	<i>inserted by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>deleted by 49/2017 Sch 1 cl 3(6)</i>	<i>18.11.2019</i>
spouse	inserted by 43/2006 s 112(2)	1.6.2007
trust	inserted by 31/2002 s 2(c)	7.11.2002
trust or corporate entity	inserted by 31/2002 s 2(c)	7.11.2002
variation of licence	inserted by 28/2010 s 4(9)	1.6.2011
s 3(2)	substituted by 31/2002 s 2(d)	7.11.2002
s 3(3)	inserted by 31/2002 s 2(d)	7.11.2002
s 3(4)	inserted by 37/2013 s 62(14)	1.7.2014
s 3A	inserted by 44/2019 s 75	3.12.2020
s 4		
s 4(1)	amended by 72/1997 s 4 (Sch)	18.12.1997
	substituted by 37/2013 s 63	1.1.2014
s 4(1a)	inserted by 28/2010 s 5	1.1.2011

**Gaming Machines Act 1992—9.12.2021**

## Legislative history

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s 4(2)	amended by 72/1997 s 4 (Sch)	18.12.1997
s 4A	inserted by 44/2019 s 76	3.12.2020
<i>Pt 2 before deletion by 44/2019</i>		
<i>Pt 2 Div 1</i>		
s 5	<i>substituted by 13/1995 s 12</i>	<i>1.7.1995</i>
	<i>amended by 35/2018 s 67</i>	<i>1.12.2018</i>
s 6		
s 6(2)	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
s 7		
s 7(2)	<i>amended by 22/2005 s 5(1)</i>	<i>8.12.2005</i>
s 7(3)	<i>deleted by 22/2005 s 5(2)</i>	<i>8.12.2005</i>
	<i>inserted by 28/2010 s 6</i>	<i>1.1.2011</i>
s 7(4)	<i>inserted by 28/2010 s 6</i>	<i>1.1.2011</i>
s 7A	<i>inserted by 46/2004 s 21</i>	<i>1.2.2005</i>
s 7A(1)	<i>amended by 28/2010 s 7(1)</i>	<i>1.6.2011</i>
s 7A(3)	<i>amended by 28/2010 s 7(2)</i>	<i>1.6.2011</i>
s 8		
s 8(1)	<i>amended by 31/2002 s 3</i>	<i>7.11.2002</i>
s 8(2)	<i>amended by 22/2005 Sch 2</i>	<i>8.12.2005</i>
s 8A	<i>inserted by 28/2010 s 8</i>	<i>1.1.2011</i>
s 9	<i>amended by 28/2010 s 9</i>	<i>1.1.2011</i>
<i>Pt 2 Div 3</i>		
heading	<i>substituted by 35/2018 s 68</i>	<i>1.12.2018</i>
s 10A	<i>inserted by 28/2010 s 10</i>	<i>1.6.2011</i>
s 10A(1)	<i>amended by 37/2013 s 64(1)</i>	<i>31.10.2013</i>
	<i>amended by 35/2018 s 69(1)</i>	<i>1.12.2018</i>
s 10A(2)	<i>amended by 37/2013 s 64(2)—(5)</i>	<i>31.10.2013</i>
	<i>amended by 35/2018 s 69(1), (2)</i>	<i>1.12.2018</i>
s 10A(3)	<i>amended by 35/2018 s 69(1)</i>	<i>1.12.2018</i>
s 10A(3a)	<i>inserted by 37/2013 s 64(6)</i>	<i>31.10.2013</i>
s 10A(4) and (5)	<i>amended by 35/2018 s 69(1)</i>	<i>1.12.2018</i>
s 10A(6)	<i>deleted by 37/2013 s 64(7)</i>	<i>31.10.2013</i>
s 10A(7)	<i>amended by 37/2013 s 64(8)</i>	<i>31.10.2013</i>
	<i>deleted by 35/2018 s 69(3)</i>	<i>1.12.2018</i>
s 10A(8)	<i>amended by 37/2013 s 64(9)</i>	<i>31.10.2013</i>
	<i>amended by 35/2018 s 69(1)</i>	<i>1.12.2018</i>
s 10A(9)	<i>amended by 35/2018 s 69(1)</i>	<i>1.12.2018</i>
s 10A(10)	<i>inserted by 37/2013 s 64(10)</i>	<i>31.10.2013</i>
	<i>amended by 35/2018 s 69(1)</i>	<i>1.12.2018</i>
s 10B	<i>inserted by 28/2010 s 10</i>	<i>1.6.2011</i>
s 10B(1)	<i>amended by 37/2013 s 65(1)</i>	<i>1.1.2014</i>
	<i>amended by 35/2018 s 70(1)</i>	<i>1.12.2018</i>

<i>s 10B(2)</i>	<i>substituted by 37/2013 s 65(2)</i>	<i>1.1.2014</i>
	<i>amended by 35/2018 s 70(1), (2)</i>	<i>1.12.2018</i>
<i>s 10B(3)</i>	<i>amended by 35/2018 s 70(1)</i>	<i>1.12.2018</i>
<i>s 10B(4)</i>	<i>amended by 37/2013 s 65(3), (4)</i>	<i>1.1.2014</i>
	<i>amended by 35/2018 s 70(1)</i>	<i>1.12.2018</i>
<i>s 10B(5)</i>	<i>amended by 35/2018 s 70(1)</i>	<i>1.12.2018</i>
<i>s 11</i>	<i>substituted by 13/1995 s 13</i>	<i>1.7.1995</i>
<i>s 11(1)</i>	<i>amended by 35/2018 s 71(1)</i>	<i>1.12.2018</i>
<i>s 11(2)</i>	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
<i>s 11(3)</i>	<i>deleted by 35/2018 s 71(2)</i>	<i>1.12.2018</i>
<i>ss 12 and 13</i>	<i>deleted by 13/1995 s 13</i>	<i>1.7.1995</i>
<i>Pt 2 Div 4</i>	<i>inserted by 22/2005 s 6</i>	<i>8.12.2005</i>
<i>s 12</i>		
<i>s 12(1)</i>	<i>amended by 35/2018 s 72</i>	<i>1.12.2018</i>
<i>s 12(2)</i>	<i>amended by 28/2010 s 11</i>	<i>1.6.2011</i>
	<i>amended by 37/2013 s 66(1), (2)</i>	<i>1.1.2014</i>
<i>Pt 2</i>	<i>deleted by 44/2019 s 77</i>	<i>3.12.2020</i>
<i>Pt 3</i>		
<i>Pt 3 Div 1</i>		
<i>s 14</i>		
<i>s 14(1)</i>	<i>amended by 46/2004 s 6(1)</i>	<i>1.2.2005</i>
	<i>amended by 46/2004 s 22(1), (2)</i>	<i>1.7.2006</i>
	<i>amended by 28/2010 s 12(1)</i>	<i>1.7.2011</i>
	<i>(c) deleted by 28/2010 s 12(2)</i>	<i>1.7.2011</i>
	<i>amended by 37/2013 s 67(1)—(3)</i>	<i>1.1.2014</i>
<i>s 14(2)</i>	<i>substituted by 46/2004 ss 6(2)</i>	<i>1.2.2005</i>
	<i>substituted by 46/2004 s 22(3)</i>	<i>1.7.2006</i>
	<i>(b) deleted by 28/2010 s 12(3)</i>	<i>1.7.2011</i>
<i>Pt 3 Div 2</i>		
<i>s 14A before deletion by 46/2004</i>	<i>inserted by 85/2000 s 2</i>	<i>14.12.2000</i>
<i>s 14A(2)</i>	<i>amended by 5/2002 s 2</i>	<i>25.7.2002</i>
<i>s 14A(6)</i>	<i>amended by 18/2001 s 21</i>	<i>31.5.2001</i>
	<i>amended by 5/2003 s 3</i>	<i>29.5.2003</i>
	<i>substituted by 15/2004 s 3</i>	<i>27.5.2004</i>
	<i>deleted by 46/2004 s 4</i>	<i>9.12.2004</i>
<i>s 14A</i>	<i>deleted by 46/2004 s 7</i>	<i>1.2.2005</i>
<i>s 15</i>		
<i>s 15(1)</i>	<i>amended by 58/1994 s 3</i>	<i>1.8.1994</i>
	<i>amended by 22/1996 s 4(a)</i>	<i>1.7.1996</i>
	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>(d) deleted by 46/2004 s 23</i>	<i>1.2.2005</i>
	<i>amended by 49/2017 Sch 1 cl 4(1)—(3)</i>	<i>18.11.2019</i>

## Gaming Machines Act 1992—9.12.2021

### Legislative history

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s 15(1a)	inserted by 46/2004 s 8(1)	1.2.2005
s 15(2)	amended by 22/1996 s 4(b)	1.7.1996
s 15(3a)	inserted by 22/1996 s 4(c)	1.7.1996
s 15(4)	<i>substituted by 28/2010 s 13</i> <i>deleted by 44/2019 s 78(1)</i>	<i>1.6.2011</i> <i>3.12.2020</i>
s 15(5)	substituted by 46/2004 s 8(2) substituted by 28/2010 s 13 (a)(v) deleted by 37/2013 s 68 (a)(ii) deleted by 22/2015 s 4 amended by 44/2019 s 78(2), (3)	1.2.2005 1.6.2011 1.1.2014 1.1.2016 3.12.2020
s 15A	inserted by 72/1997 s 3	17.8.1997
s 16	substituted by 46/2004 s 9	1.7.2005
s 16(1)	amended by 37/2013 s 69	1.1.2014
s 17		
s 17(2)	amended by 72/1997 s 4 (Sch)	18.12.1997
s 17A	inserted by 28/2010 s 14 substituted by 44/2019 s 79	1.6.2011 3.12.2020
<i>s 17B before substitution by 44/2019</i>	<i>inserted by 28/2010 s 14</i>	<i>1.6.2011</i>
s 17B(4)	<i>amended by 37/2013 s 70</i>	<i>1.1.2014</i>
s 17B	substituted by 44/2019 s 79	3.12.2020
s 17C	inserted by 44/2019 s 79	3.12.2020
Pt 3 Div 3		
heading	substituted by 28/2010 s 15	1.6.2011
s 18		
s 18(1)	amended by 28/2010 s 16(1)—(4) amended by 44/2019 s 80(1), (3) (a)—(ba) deleted by 44/2019 s 80(2)	1.6.2011 3.12.2020 3.12.2020
<i>s 18(2) and (3)</i>	<i>deleted by 44/2019 s 80(4)</i>	<i>3.12.2020</i>
s 18(4)	amended by 28/2010 s 16(5) amended by 22/2015 s 5 amended by 44/2019 s 80(5)	1.6.2011 1.1.2016 3.12.2020
<i>s 18(6) and (7)</i>	<i>deleted by 44/2019 s 80(6)</i>	<i>3.12.2020</i>
s 19		
s 19(1)	amended by 31/2002 s 4(a)	7.11.2002
s 19(2)	amended by 31/2002 s 4(b) amended by 22/2005 s 7(1), (2) substituted by 44/2019 s 81	7.11.2002 8.12.2005 3.12.2020
s 20	<i>deleted by 58/1994 s 7 (Sch)</i> <i>inserted by 22/2005 s 8</i> <i>deleted by 44/2019 s 82</i>	<i>1.7.1993</i> <i>8.12.2005</i> <i>3.12.2020</i>
s 23		

s 23(1)	amended by 31/2002 s 5(a), (b)	7.11.2002
s 23(2)	<i>deleted by 31/2002 s 5(c)</i>	7.11.2002
s 23A	<i>inserted by 28/2010 s 17</i>	1.6.2011
	<i>deleted by 44/2019 s 83</i>	3.12.2020
s 24		
s 24(1)	amended by 46/2004 s 10	1.2.2005
	amended by 44/2019 s 84(1)	3.12.2020
s 24(2)	amended by 44/2019 s 84(2)	3.12.2020
s 24(3)	inserted by 22/2005 s 9	8.12.2005
s 24A	inserted by 46/2004 s 11	1.2.2005
s 24A(3)	amended by 37/2013 s 71(1)—(4)	1.1.2014
s 24A(6)	inserted by 44/2019 s 85	3.12.2020
<i>s 26 before deletion by 28/2010</i>		
s 26(1)	<i>substituted by 46/2004 s 24(1)</i>	1.7.2006
s 26(2)	<i>amended by 46/2004 s 24(2)</i>	1.7.2006
s 26	<i>deleted by 28/2010 s 18</i>	1.7.2011
s 26A	inserted by 31/2002 s 6	7.11.2002
s 27		
s 27(4)—(6)	<i>deleted by 28/2010 s 19(1)</i>	1.6.2011
s 27(7)	substituted by 22/1996 s 5	1.7.1996
	amended by 28/2010 s 19(2)	9.12.2012
	(a) <i>deleted by 49/2017 Sch 1 cl 5</i>	18.11.2019
	amended by 44/2019 s 86	3.12.2020
s 27AA	inserted by 28/2010 s 20	1.6.2011
s 27AA(4)	substituted by 44/2019 s 87	3.12.2020
s 27AA(5) and (6)	<i>deleted by 44/2019 s 87</i>	3.12.2020
s 27AA(7)	inserted by 37/2013 s 72	1.1.2014
Pt 3 Div 3A	inserted by 46/2004 s 12	1.2.2005
ss 27AAB and 27AAC	inserted by 37/2013 s 73	1.1.2014
s 27A		
s 27A(1)	<i>deleted by 37/2013 s 74(1)</i>	1.1.2014
s 27A(2)	amended by 37/2013 s 74(2)	1.1.2014
	amended by 44/2019 s 88(1)	3.12.2020
s 27A(3)	inserted by 28/2010 s 21	1.6.2011
	amended by 37/2013 s 74(3)	1.1.2014
s 27A(4)	inserted by 28/2010 s 21	1.6.2011
	amended by 37/2013 s 74(4)	1.1.2014
	amended by 44/2019 s 88(2)	3.12.2020
s 27B		
s 27B(1)	amended by 28/2010 s 22(1), (2)	1.1.2011
	amended by 37/2013 s 75	1.1.2014

**Gaming Machines Act 1992—9.12.2021**

## Legislative history

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	amended by 44/2019 s 89(1)	3.12.2020
s 27B(2)	substituted by 28/2010 s 22(3)	1.7.2011
s 27B(3)	amended by 44/2019 s 89(2), (4), (5)	3.12.2020
	(c) deleted by 44/2019 s 89(3)	3.12.2020
s 27B(8)	inserted by 28/2010 s 22(4)	1.6.2011
s 27B(9)	inserted by 44/2019 s 89(6)	3.12.2020
s 27C		
s 27C(1)	<i>deleted by 37/2013 s 76(1)</i>	<i>1.1.2014</i>
s 27C(2)	amended by 44/2019 s 90(1)	3.12.2020
s 27C(3)	amended by 37/2013 s 76(2)	1.1.2014
s 27C(4)	amended by 37/2013 s 76(3)	1.1.2014
s 27C(5)	<i>deleted by 44/2019 s 90(2)</i>	<i>3.12.2020</i>
s 27CA	inserted by 44/2019 s 91	3.12.2020
s 27E	substituted by 44/2019 s 92	3.12.2020
Pt 3 Divs 3B and 3C	inserted by 44/2019 s 93	3.12.2020
Pt 3 Div 4		
s 28		
s 28(1)	amended by 22/1996 s 6(a)	1.7.1996
	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 49/2017 Sch 1 cl 6(1), (2)	18.11.2019
	amended by 44/2019 s 94(1)	3.12.2020
s 28(1a)	<i>inserted by 22/1996 s 6(b)</i>	<i>1.7.1996</i>
	<i>deleted by 44/2019 s 94(2)</i>	<i>3.12.2020</i>
s 28(1b)	inserted by 22/1996 s 6(b)	1.7.1996
	amended by 44/2019 s 94(3)	3.12.2020
s 28(3)	amended by 22/1996 s 6(c), (d)	1.7.1996
	amended by 31/2002 s 7	7.11.2002
	(a) and (b) deleted by 44/2019 s 94(4)	3.12.2020
s 28(4)	<i>substituted by 22/2005 s 10</i>	<i>8.12.2005</i>
	<i>deleted by 44/2019 s 94(5)</i>	<i>3.12.2020</i>
s 28(5)	amended by 22/1996 s 6(e)	1.7.1996
	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 49/2017 Sch 1 cl 6(3)	18.11.2019
s 28(6)	<i>deleted by 44/2019 s 94(6)</i>	<i>3.12.2020</i>
s 28(9)	amended by 22/1996 s 6(f)	1.7.1996
s 28(10)	amended by 22/1996 s 6(g)	1.7.1996
s 28AA	<i>inserted by 22/2005 s 11</i>	<i>8.12.2005</i>
	<i>deleted by 44/2019 s 95</i>	<i>3.12.2020</i>
s 28AAB	inserted by 22/2005 s 11	8.12.2005
s 28AAB(2)	amended by 44/2019 s 96	3.12.2020
s 28A	<i>inserted by 31/2002 s 8</i>	<i>7.11.2002</i>
	<i>deleted by 41/2015 s 4</i>	<i>uncommenced—not incorporated</i>

	<i>deleted by 44/2019 s 97</i>	3.12.2020
Pt 3 Div 4A	inserted by 46/2004 s 25	1.2.2005
Pt 3 Div 5		
heading	amended by 44/2019 s 98	3.12.2020
<i>s 29 before deletion by 44/2019</i>		
<i>s 29(1)</i>	<i>amended by 28/2010 s 23(1)</i>	1.6.2011
<i>s 29(2)</i>	<i>substituted by 27/2000 s 3</i>	1.7.2000
	<i>amended by 28/2010 s 23(2), (3)</i>	1.6.2011
	<i>substituted by 25/2019 s 41</i>	<i>uncommenced—not incorporated</i>
<i>s 29</i>	<i>deleted by 44/2019 s 99</i>	3.12.2020
<i>s 30 before deletion by 44/2019</i>		
<i>s 30(2)</i>	<i>amended by 22/2005 s 12</i>	8.12.2005
<i>s 30(2a)</i>	<i>inserted by 46/2004 s 26(1)</i>	1.2.2005
<i>s 30(7)</i>	<i>inserted by 46/2004 s 26(2)</i>	1.2.2005
<i>s 30</i>	<i>deleted by 44/2019 s 99</i>	3.12.2020
<i>s 31</i>		
<i>s 31(1)</i>	substituted by 22/2005 s 13	8.12.2005
Pt 3 Div 6		
heading	amended by 28/2010 s 24	1.6.2011
<i>s 32</i>		
<i>s 32(1)</i>	<i>s 32 amended and redesignated as s 32(1) by 44/2019 s 100(1), (2)</i>	3.12.2020
<i>s 32(2) and (3)</i>	inserted by 44/2019 s 100(2)	3.12.2020
<i>s 32A</i>	inserted by 28/2010 s 25	1.6.2011
<i>s 32A(1)</i>	amended by 44/2019 s 101(1), (2)	3.12.2020
<i>s 32A(2)</i>	<i>deleted by 44/2019 s 101(3)</i>	3.12.2020
<i>s 32A(3) and (4)</i>	amended by 44/2019 s 101(4)	3.12.2020
<i>s 34</i>	amended by 72/1997 s 4 (Sch)	18.12.1997
<i>s 34A</i>	inserted by 44/2019 s 102	3.12.2020
<i>s 35</i>	amended by 37/2013 s 77	1.1.2014
<i>Pt 3 Div 7 before deletion by 44/2019</i>		
<i>s 35A</i>	<i>inserted by 46/2004 s 27</i>	1.2.2005
<i>s 36</i>		
<i>s 36(1)</i>	<i>s 36(1) amended by 31/2002 s 9</i>	7.11.2002
	<i>s 36(1) amended by 46/2004 s 28(1)</i>	1.2.2005
	<i>s 36(1) redesignated as s 36 under Legislation Revision and Publication Act 2002</i>	1.2.2005
	<i>s 36 amended and redesignated as s 36(1) by 22/2005 s 14(1), (2)</i>	8.12.2005
	<i>amended by 28/2010 s 26</i>	1.6.2011
<i>s 36(2)</i>	<i>deleted by 46/2004 s 28(2)</i>	1.2.2005

**Gaming Machines Act 1992—9.12.2021**

## Legislative history

---

	<i>inserted by 22/2005 s 14(2)</i>	8.12.2005
s 36(3) and (4)	<i>deleted by 46/2004 s 28(2)</i>	1.2.2005
s 36A	<i>inserted by 46/2004 s 29</i>	1.2.2005
s 36A(2)	<i>amended by 22/2005 s 15</i>	8.12.2005
s 36B	<i>inserted by 46/2004 s 29</i>	1.2.2005
s 36B(1)	<i>amended by 28/2010 s 27</i>	1.1.2011
Pt 3 Div 7	<i>deleted by 44/2019 s 103</i>	3.12.2020
Pt 4		
s 37 before deletion by 37/2013		
s 37(1)	<i>amended by 46/2004 s 13</i>	1.2.2005
s 37(2)	<i>deleted by 22/1996 s 7</i>	1.7.1996
s 37(3)	<i>inserted by 58/1994 s 4</i>	1.7.1993
s 37	<i>deleted by 37/2013 s 78</i>	1.7.2014
s 38	<i>amended by 31/2002 s 10</i>	7.11.2002
s 38A	<i>inserted by 31/2002 s 11</i>	7.11.2002
	<i>deleted by 41/2015 s 5</i>	<i>uncommenced—not incorporated</i>
	<i>deleted by 44/2019 s 104</i>	3.12.2020
s 38B	<i>inserted by 46/2004 s 30</i>	1.7.2006
s 39 before substitution by 28/2010		
s 39(3)	<i>amended by 31/2002 s 12</i>	7.11.2002
	<i>amended by 43/2006 s 113</i>	1.6.2007
s 39	<i>substituted by 28/2010 s 28</i>	1.7.2011
s 39(1)	<i>amended by 37/2013 s 79(1), (2)</i>	1.1.2014
s 39(2)	<i>amended by 37/2013 s 79(3), (4)</i>	1.1.2014
s 40		
s 40(1)	<i>s 40 redesignated as s 40(1) by 18/2001 s 22</i>	1.10.2001
s 40(2)	<i>inserted by 18/2001 s 22</i>	1.10.2001
	<i>deleted by 28/2010 s 29(1)</i>	1.6.2011
s 40(2)	<i>inserted by 37/2013 s 80</i>	1.1.2014
s 40(3)	<i>inserted by 18/2001 s 22</i>	1.10.2001
	<i>substituted by 37/2013 s 80</i>	1.1.2014
	<i>amended by 44/2019 s 105(1)</i>	30.7.2020
s 40(4)	<i>inserted by 28/2010 s 29(2)</i>	1.6.2011
	<i>substituted by 37/2013 s 80</i>	1.1.2014
s 40(5) and (6)	<i>inserted by 37/2013 s 80</i>	1.1.2014
	<i>substituted by 44/2019 s 105(2)</i>	30.7.2020
ss 40A—40C	<i>inserted by 44/2019 s 106</i>	3.12.2020
s 40D	<i>inserted by 44/2019 s 106</i>	30.7.2020
s 41A before deletion by 44/2019	<i>inserted by 22/2005 s 16</i>	8.12.2005

s 41A(1)	amended by 28/2010 s 30	1.7.2011
s 41A	deleted by 44/2019 s 107	3.12.2020
s 42		
s 42(1a)	inserted by 22/2005 s 17(1)	8.12.2005
s 42(2) and (3)	deleted by 37/2013 s 81(1)	31.10.2013
s 42(3a)	inserted by 46/2004 s 31(1)	1.7.2006
s 42(4)	amended by 31/2002 s 13	7.11.2002
s 42(5)	deleted by 28/2010 31(1)	1.7.2011
s 42(6)	amended by 22/2005 s 17(2), (3)	8.12.2005
	amended by 46/2004 s 31(2)	1.7.2006
	amended by 28/2010 s 31(2)	1.7.2011
	amended by 37/2013 s 81(2)	31.10.2013
	deleted by 44/2019 s 108	3.12.2020
s 42(7) and (8)	inserted by 37/2013 s 81(3)	1.1.2014
s 42A before deletion by 44/2019	inserted by 46/2004 s 32	1.2.2005
s 42A(1)	substituted by 25/2019 s 42	uncommenced—not incorporated
s 42A	deleted by 44/2019 s 109	3.12.2020
s 43 before deletion by 44/2019		
s 43(1)	substituted by 46/2004 s 33	1.2.2005
	substituted by 22/2005 s 18	8.12.2005
	amended by 28/2010 s 32	1.7.2011
s 43	deleted by 44/2019 s 109	3.12.2020
s 44		
s 44(1)	amended by 44/2019 s 110(1)	3.12.2020
s 44(1a)	inserted by 44/2019 s 110(2)	3.12.2020
s 44(2)	amended by 22/2005 s 19	8.12.2005
	amended by 44/2019 s 110(3)	3.12.2020
Pt 4AA	inserted by 37/2013 s 82	1.7.2014
heading	amended by 22/2015 s 6	1.1.2016
s 44AAA	inserted by 22/2015 s 7	1.1.2016
Pt 4A	inserted by 58/1994 s 5	1.7.1993
s 44A		
s 44A(1)	amended by 37/2013 s 83(1), (2)	1.1.2014
	amended by 44/2019 s 111(1)	30.7.2020
s 44A(1a)	inserted by 44/2019 s 111(2)	30.7.2020
s 44A(4)	amended by 22/2005 Sch 2	8.12.2005
	amended by 43/2006 s 114	1.6.2007
	amended by 28/2010 s 33	1.7.2011
Pt 4B	inserted by 44/2019 s 112	3.12.2020
Pt 5		
Pt 5 Div 1		

**Gaming Machines Act 1992—9.12.2021**

## Legislative history

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heading	amended by 37/2013 s 84	1.7.2014
s 45	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 34	1.7.2011
	amended by 37/2013 s 85(1), (3)	1.1.2014
	(c) deleted by 37/2013 s 85(2)	1.1.2014
	amended by 22/2015 s 8	1.1.2016
s 45(1)	s 45 redesignated as s 45(1) by 44/2019 s 113	3.12.2020
s 45(2) and (3)	inserted by 44/2019 s 113	3.12.2020
s 46	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 35	1.1.2011
	substituted by 37/2013 s 86	1.1.2014
s 46A	inserted by 44/2019 s 114	3.12.2020
<i>s 47 before deletion by 44/2019</i>	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>substituted by 28/2010 s 36</i>	<i>1.6.2011</i>
	<i>substituted by 37/2013 s 86</i>	<i>1.1.2014</i>
s 47(2)	<i>amended by 35/2018 s 73</i>	<i>1.12.2018</i>
s 47	<i>deleted by 44/2019 s 115</i>	<i>3.12.2020</i>
s 47A	inserted by 28/2010 s 36	1.7.2011
s 47A(1)	amended by 37/2013 s 87(1)	1.1.2014
s 47A(2)	amended by 37/2013 s 87(2)	1.1.2014
<i>s 48 before substitution by 46/2004</i>		
s 48(1)	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
s 48(2)	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>amended by 31/2002 s 14</i>	<i>7.11.2002</i>
s 48	substituted by 46/2004 s 34	1.2.2005
s 48(1)	amended by 37/2013 s 88(1)	1.7.2014
s 48(3)	inserted by 37/2013 s 88(2)	1.7.2014
s 49		
s 49(1)	s 49 amended by 72/1997 s 4 (Sch)	18.12.1997
	s 49 substituted by 46/2004 s 34	1.2.2005
	s 49 amended and redesignated as s 49(1) by 37/2013 s 89(1)—(3)	1.7.2014
s 49(2)—(5)	inserted by 37/2013 s 89(3)	1.7.2014
s 50	substituted by 46/2004 s 34	1.7.2006
	amended by 37/2013 s 90	1.1.2014
s 50A	inserted by 46/2004 s 34	1.2.2005
	amended by 28/2010 s 37	1.1.2011
	amended by 37/2013 s 91(1), (2)	1.7.2014
s 51		
s 51(1)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 31/2002 s 15	7.11.2002

	amended by 28/2010 s 38(1)	1.1.2011
	amended by 37/2013 s 92(1), (2)	1.7.2014
s 51(2)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 31/2002 s 15	7.11.2002
	amended by 28/2010 s 38(2)	1.1.2011
	amended by 37/2013 s 92(1), (2)	1.7.2014
s 51(3)	amended by 58/1994 s 7 (Sch)	1.7.1993
	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 31/2002 s 15	7.11.2002
s 51(4)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 31/2002 s 15	7.11.2002
s 51(4a)	inserted by 46/2004 s 35	1.7.2006
s 51(5)	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>(c) deleted by 28/2010 s 38(3)</i>	<i>1.7.2011</i>
	<i>deleted by 44/2019 s 116</i>	<i>3.12.2020</i>
Pt 5 Div 2		
s 51A	inserted by 22/1996 s 8	1.7.1996
s 51A(1)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 22/2015 s 9	1.1.2016
s 51A(2) and (3)	<i>deleted by 37/2013 s 93</i>	<i>1.1.2014</i>
s 51A(5)	amended by 72/1997 s 4 (Sch)	18.12.1997
s 51A(6)	<i>deleted by 18/2001 s 23</i>	<i>1.10.2001</i>
s 51B	inserted by 18/2001 s 24	1.10.2001
	substituted by 37/2013 s 94	1.2.2014
s 51B(1)	<i>deleted by 44/2019 s 117(1)</i>	<i>3.12.2020</i>
s 51B(2)	amended by 44/2019 s 117(2)	3.12.2020
s 52		
s 52(1)	s 52 amended by 72/1997 s 4 (Sch)	18.12.1997
	s 52 amended by 18/2001 s 25	1.10.2001
	s 52 amended and redesignated as s 52(1) by 46/2004 s 36(1)—(3)	1.2.2005
s 52(2)	inserted by 46/2004 s 36(3)	1.2.2005
	amended by 37/2013 s 95	1.7.2014
s 53	amended by 72/1997 s 4 (Sch)	18.12.1997
s 53A	inserted by 18/2001 s 26	1.10.2001
	substituted by 37/2013 s 96	1.1.2014 except s 53A(4)—1.1.2017
s 53A(1)	amended by 35/2018 s 74	1.12.2018
	substituted by 44/2019 s 118(1)	3.12.2020
s 53A(2)	amended by 35/2018 s 74	1.12.2018
	substituted by 44/2019 s 118(1)	3.12.2020
s 53A(3)	substituted by 44/2019 s 118(1)	3.12.2020
s 53A(4a)	inserted by 44/2019 s 118(2)	3.12.2020

**Gaming Machines Act 1992—9.12.2021**

## Legislative history

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s 53A(5)	amended by 44/2019 s 118(3)	3.12.2020
s 53A(9)		
ancillary screen	inserted by 44/2019 s 118(4)	3.12.2020
cashless payment system	inserted by 44/2019 s 118(5)	3.12.2020
<i>prescribed day</i>	<i>deleted by 44/2019 s 118(5)</i>	<i>3.12.2020</i>
primary screen	inserted by 44/2019 s 118(5)	3.12.2020
ticket	inserted by 44/2019 s 118(5)	3.12.2020
s 53B	inserted by 46/2004 s 37	1.2.2005
s 54	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>amended by 28/2010 s 39</i>	<i>1.1.2011</i>
	<i>deleted by 37/2013 s 97</i>	<i>1.7.2014</i>
Pt 5 Div 3		
s 55	amended by 72/1997 s 4 (Sch)	18.12.1997
s 56		
s 56(1)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 44/2019 s 119(1)	3.12.2020
s 56(2)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 37/2013 s 98(1)	1.7.2014
	amended by 44/2019 s 119(2)	3.12.2020
s 56(4)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 37/2013 s 98(2)	1.7.2014
	amended by 44/2019 s 119(3)	3.12.2020
s 56(4a)	inserted by 44/2019 s 119(4)	3.12.2020
s 56(5)	amended by 44/2019 s 119(5)	3.12.2020
<i>s 57 before deletion by 37/2013</i>		
s 57(3)	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>amended by 28/2010 s 40</i>	<i>1.1.2011</i>
s 57	<i>deleted by 37/2013 s 99</i>	<i>1.7.2014</i>
s 58		
s 58(2)	amended by 72/1997 s 4 (Sch)	18.12.1997
s 58(5)	inserted by 22/2005 s 20	8.12.2005
	amended by 28/2010 41(1), (2)	1.1.2011
<i>Pt 5 Div 4 before deletion by 37/2013</i>		
s 59		
s 59(1)	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
s 59(4)	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>amended by 46/2004 s 38(1)</i>	<i>1.2.2005</i>
s 59(5)	<i>inserted by 46/2004 s 38(2)</i>	<i>1.2.2005</i>
s 60		
s 60(3)	<i>inserted by 22/2005 s 21</i>	<i>8.12.2005</i>
Pt 5 Div 4	<i>deleted by 37/2013 s 100</i>	<i>1.7.2014</i>

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Pt 5 Div 5		
s 62	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 42	1.1.2011
	amended by 37/2013 s 101	1.1.2014
s 63	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 43	1.1.2011
	amended by 37/2013 s 102	1.1.2014
s 63(1)	s 63 redesignated as s 63(1) by 44/2019 s 120	3.12.2020
s 63(2) and (3)	inserted by 44/2019 s 120	3.12.2020
s 64	amended by 58/1994 s 7 (Sch)	1.7.1993
	amended by 72/1997 s 4 (Sch)	18.12.1997
	substituted by 28/2010 s 44	1.1.2011
s 64(1)	<i>deleted by 37/2013 s 103</i>	<i>1.1.2014</i>
s 64(2)	amended by 44/2019 s 121(1)	3.12.2020
s 64(3) and (4)	inserted by 44/2019 s 121(2)	3.12.2020
s 65	amended by 72/1997 s 4 (Sch)	18.12.1997
s 66		
s 66(1)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 37/2013 s 104(2)	1.1.2014
	amended by 37/2013 s 104(1)	1.7.2014
s 67		
s 67(1)	amended by 22/2005 s 22(1)	8.12.2005
s 67(2)	amended by 72/1997 s 4 (Sch)	18.12.1997
s 67(3)	amended by 22/2005 s 22(2), (3)	8.12.2005
s 67(4)	amended by 72/1997 s 4 (Sch)	18.12.1997
s 67(4a) and (4b)	inserted by 22/2005 s 22(4)	8.12.2005
Pt 5 Div 6		
s 68		
s 68(1)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 31/2002 s 16(a)	7.11.2002
	amended by 37/2013 s 105	1.7.2014
s 68(2)	amended by 31/2002 s 16(b)	7.11.2002
	substituted by 46/2004 s 14	1.2.2005
s 68(3)	<i>inserted by 58/1994 s 6</i>	<i>1.7.1993</i>
	<i>deleted by 46/2004 s 14</i>	<i>1.2.2005</i>
s 68(4)	<i>inserted by 58/1994 s 6</i>	<i>1.7.1993</i>
	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>amended by 31/2002 s 16(c)</i>	<i>7.11.2002</i>
	<i>deleted by 46/2004 s 14</i>	<i>1.2.2005</i>
s 68(5)	<i>inserted by 58/1994 s 6</i>	<i>1.7.1993</i>
	<i>deleted by 46/2004 s 14</i>	<i>1.2.2005</i>

*Pt 6 before deletion by  
44/2019*

**Gaming Machines Act 1992—9.12.2021**

## Legislative history

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<i>heading</i>	<i>substituted by 35/2018 s 75</i>	<i>1.12.2018</i>
<i>s 69</i>		
<i>s 69(1)</i>	<i>substituted by 13/1995 s 14(a)</i> <i>substituted by 46/2004 s 39</i> <i>amended by 35/2018 s 76(1)</i>	<i>1.7.1995</i> <i>1.2.2005</i> <i>1.12.2018</i>
<i>s 69(2)</i>	<i>substituted by 13/1995 s 14(a)</i> <i>amended by 35/2018 s 76(2)</i>	<i>1.7.1995</i> <i>1.12.2018</i>
<i>s 69(3)</i>	<i>amended by 13/1995 s 14(b)</i> <i>amended by 35/2018 s 76(3), (4)</i>	<i>1.7.1995</i> <i>1.12.2018</i>
<i>s 69(4)</i>	<i>amended by 35/2018 s 76(5)</i>	<i>1.12.2018</i>
<i>s 69(5)</i>	<i>amended by 13/1995 s 14(c)</i> <i>amended by 35/2018 s 76(6)—(8)</i>	<i>1.7.1995</i> <i>1.12.2018</i>
<i>s 69(5a)</i>	<i>inserted by 35/2018 s 76(9)</i>	<i>1.12.2018</i>
<i>s 69(6a)</i>	<i>inserted by 28/2010 s 45</i>	<i>1.1.2011</i>
<i>s 69(7)</i>	<i>amended by 13/1995 s 14(d)</i> <i>amended by 35/2018 s 76(10)</i>	<i>1.7.1995</i> <i>1.12.2018</i>
<i>s 70</i>		
<i>s 70(1)</i>	<i>amended by 22/2005 Sch 2</i> <i>substituted by 35/2018 s 77(1)</i>	<i>8.12.2005</i> <i>1.12.2018</i>
<i>s 70(2)</i>	<i>substituted by 13/1995 s 15</i> <i>substituted by 46/2004 s 15</i> <i>amended by 35/2018 s 77(2), (3)</i>	<i>1.7.1995</i> <i>1.2.2005</i> <i>1.12.2018</i>
<i>s 70(3)</i>	<i>inserted by 46/2004 s 15</i> <i>deleted by 35/2018 s 77(4)</i>	<i>1.2.2005</i> <i>1.12.2018</i>
<i>s 70A</i>	<i>inserted by 22/2005 s 23</i> <i>amended by 35/2018 s 78</i>	<i>8.12.2005</i> <i>1.12.2018</i>
<i>Pt 6</i>	<i>deleted by 44/2019 s 122</i>	<i>3.12.2020</i>
<i>Pt 7 before deletion by 44/2019</i>		
<i>s 71</i>		
<i>s 71(3a)</i>	<i>inserted by 37/2013 s 106(1)</i>	<i>1.1.2014</i>
<i>s 71(5)</i>	<i>amended by 37/2013 s 106(2), (3)</i>	<i>1.1.2014</i>
<i>s 71(6)</i>	<i>amended by 37/2013 s 106(4)</i>	<i>1.1.2014</i>
<i>s 71(6a)</i>	<i>inserted by 28/2010 s 46</i>	<i>1.1.2011</i>
<i>s 71(7)</i>	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
<i>Pt 7</i>	<i>deleted by 44/2019 s 122</i>	<i>3.12.2020</i>
<i>Pt 8</i>		
<i>s 71A</i>	<i>inserted by 46/2004 s 16</i> <i>deleted by 44/2019 s 123</i>	<i>1.2.2005</i> <i>30.7.2020</i>
<i>s 72</i>	<i>amended by 22/1996 s 9</i> <i>substituted by 31/2002 s 17</i>	<i>1.7.1996</i> <i>7.11.2002</i>
<i>s 72A</i>	<i>inserted by 22/1996 s 10</i>	<i>1.7.1996</i>
<i>s 72A(1)</i>	<i>amended by 27/2000 s 4(a)</i>	<i>1.7.2000</i>

	substituted by 31/2002 s 18(a)	7.11.2002
s 72A(2)	<i>deleted by 27/2000 s 4(b)</i>	1.7.2000
s 72A(3)	amended by 27/2000 s 4(c)	1.7.2000
s 72A(3aa)	inserted by 31/2002 s 18(b)	7.11.2002
s 72A(3a) and (3b)	inserted by 27/2000 s 4(d)	1.7.2000
s 72A(4)	amended by 31/2002 s 18(c)—(e)	7.11.2002
	amended by 46/2004 s 40(1)	1.2.2005
	amended by 44/2019 s 124	30.7.2020
s 72A(5)	amended by 46/2004 s 40(2)	1.2.2005
	amended by 37/2013 s 107	31.10.2013
s 72A(6)	<i>amended by 38/1998 s 2(a)—(c)</i>	30.7.1998
	<i>amended by 27/2000 s 4(e), (f)</i>	1.7.2000
	<i>deleted by 31/2002 s 18(f)</i>	7.11.2002
s 72A(7)—(9)	<i>deleted by 31/2002 s 18(f)</i>	7.11.2002
s 72A(10)	<i>inserted by 38/1998 s 2(d)</i>	30.7.1998
	<i>deleted by 31/2002 s 18(f)</i>	7.11.2002
s 72B	inserted by 22/1996 s 10	1.7.1996
s 72B(2a)	inserted by 46/2004 s 41(1)	1.2.2005
s 72B(5)	<i>deleted by 46/2004 s 41(2)</i>	1.2.2005
s 73		
s 73(1)	amended by 22/1996 s 11(a)	1.7.1996
s 73(3)	amended by 22/1996 s 11(b), (c)	1.7.1996
s 73(4)	amended by 72/1997 s 4 (Sch)	18.12.1997
s 73A	inserted by 22/1996 s 12	1.7.1996
s 73A(3) and (4)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 47(1)	1.1.2011
s 73A(5)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 47(2)	1.1.2011
s 73A(7)	inserted by 28/2010 s 47(3)	1.1.2011
s 73B	inserted by 22/1996 s 12	1.7.1996
s 73B(3)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 48	1.1.2011
	amended by 8/2015 s 85(1)	1.7.2015
s 73B(4)	<i>deleted by 8/2015 s 85(2)</i>	1.7.2015
s 73B(5)	<i>amended by 72/1997 s 4 (Sch)</i>	18.12.1997
	<i>amended by 28/2010 s 48</i>	1.1.2011
	<i>deleted by 8/2015 s 85(2)</i>	1.7.2015
s 73BA	inserted by 46/2004 s 42	1.2.2005
s 73BA(3)	amended by 28/2010 s 49	1.1.2011
s 73BA(4)	amended by 28/2010 s 49	1.1.2011
	amended by 37/2013 s 108(1)	1.7.2014
	amended by 44/2019 s 125(1)	30.7.2020
s 73BA(5)	inserted by 37/2013 s 108(2)	1.7.2014

**Gaming Machines Act 1992—9.12.2021**

## Legislative history

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	substituted by 44/2019 s 125(2)	30.7.2020
s 73BA(6)	inserted by 37/2013 s 108(2)	1.7.2014
	substituted by 44/2019 s 125(3)	30.7.2020
s 73BA(7)—(9)	<i>inserted by 37/2013 s 108(2)</i>	<i>1.7.2014</i>
	<i>deleted by 44/2019 s 125(3)</i>	<i>30.7.2020</i>
s 73BA(10)	<i>inserted by 37/2013 s 108(2)</i>	<i>1.7.2014</i>
	<i>amended by 35/2018 s 79</i>	<i>1.12.2018</i>
	<i>deleted by 44/2019 s 125(3)</i>	<i>30.7.2020</i>
s 73BA(11)	<i>inserted by 37/2013 s 108(2)</i>	<i>1.7.2014</i>
	<i>deleted by 44/2019 s 125(3)</i>	<i>30.7.2020</i>
s 73C	inserted by 22/1996 s 12	1.7.1996
s 73C(4)	inserted by 31/2002 s 19	7.11.2002
	amended by 37/2013 s 109	1.7.2014
s 73D	inserted by 37/2013 s 110	1.7.2014
Pt 9		
s 74 before substitution by 37/2013		
s 74(3)	<i>amended by 46/2004 s 43</i>	<i>1.7.2006</i>
	<i>substituted by 28/2010 s 50</i>	<i>1.7.2011</i>
s 74	<i>substituted by 37/2013 s 111</i>	<i>31.8.2013</i>
	<i>substituted by 35/2018 s 80</i>	<i>1.12.2018</i>
	<i>deleted by 44/2019 s 126</i>	<i>3.12.2020</i>
s 74A	<i>inserted by 18/2001 s 27</i>	<i>1.10.2001</i>
	<i>deleted by 28/2010 s 51</i>	<i>1.6.2011</i>
	<i>inserted by 37/2013 s 111</i>	<i>31.8.2013</i>
	<i>deleted by 35/2018 s 80</i>	<i>1.12.2018</i>
s 74B	<i>inserted by 18/2001 s 27</i>	<i>1.10.2001</i>
	<i>deleted by 28/2010 s 51</i>	<i>1.6.2011</i>
s 76		
s 76(1)	amended by 37/2013 s 112	1.7.2014
s 76(2)	amended by 44/2019 s 127(1)	3.12.2020
s 76(3)	amended by 35/2018 s 81	1.12.2018
s 76(4)	inserted by 44/2019 s 127(2)	3.12.2020
<b>s 76AA</b>	<b>inserted by 44/2019 s 128</b>	<b>9.12.2021</b>
s 76A	inserted by 28/2010 s 52	1.1.2011
s 77		
s 77(1)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 53(1)	1.7.2011
s 77(2)	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>deleted by 28/2010 s 53(2)</i>	<i>1.7.2011</i>
s 77(2)	inserted by 37/2013 s 113(1)	1.1.2014
s 77(3)	amended by 72/1997 s 4 (Sch)	18.12.1997

	amended by 28/2010 s 53(3)	1.7.2011
	amended by 37/2013 s 113(2)	1.7.2014
s 78	amended by 72/1997 s 4 (Sch)	18.12.1997
s 79		
s 79(1)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 54(1), (2)	1.1.2011
	amended by 37/2013 s 114	1.7.2014
s 79(2)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 54(1), (3)	1.1.2011
	amended by 37/2013 s 114	1.7.2014
s 80	<i>amended by 72/1997 s 4 (Sch)</i>	<i>18.12.1997</i>
	<i>deleted by 44/2019 s 129</i>	<i>3.12.2020</i>
<i>s 82 before deletion by 44/2019</i>		
s 82(1)	<i>amended by 37/2013 s 115(1), (2)</i>	<i>1.1.2014</i>
s 82(1aa)	<i>inserted by 37/2013 s 115(3)</i>	<i>1.1.2014</i>
	<i>amended by 35/2018 s 82</i>	<i>1.12.2018</i>
s 82(1a)	<i>inserted by 46/2004 s 44(1)</i>	<i>1.2.2005</i>
	<i>amended by 37/2013 s 115(4)</i>	<i>1.1.2014</i>
s 82(2)	<i>amended by 46/2004 s 44(2)</i>	<i>1.2.2005</i>
s 82	<i>deleted by 44/2019 s 130</i>	<i>3.12.2020</i>
s 83	<i>deleted by 84/2009 s 161</i>	<i>1.2.2010</i>
s 84	substituted by 72/1997 s 4 (Sch)	18.12.1997
	amended by 27/2000 s 5	1.7.2000
s 85	substituted by 31/2002 s 20	7.11.2002
s 85(1)	substituted by 36/2011 s 12(1)	1.1.2012
s 85(1a)	inserted by 36/2011 s 12(1)	1.1.2012
	amended by 16/2013 s 42(1)	17.6.2013
s 85(1b)	inserted by 36/2011 s 12(1)	1.1.2012
	amended by 16/2013 s 42(2)	17.6.2013
	amended by 37/2013 s 116(1)	1.7.2014
	amended by 44/2019 s 131	3.12.2020
s 85(1c)	inserted by 36/2011 s 12(1)	1.1.2012
	amended by 16/2013 s 42(3)	17.6.2013
	amended by 37/2013 s 116(2)	1.7.2014
s 85(2)	amended by 16/2013 s 42(4)	17.6.2013
	amended by 37/2013 s 116(2)	1.7.2014
s 85(3)	inserted by 46/2004 s 45	1.2.2005
s 85(3a)	inserted by 16/2013 s 42(5)	17.6.2013
	substituted by 37/2013 s 116(3)	1.7.2014
s 85(4)	inserted by 36/3011 s 12(2)	1.1.2012
s 85A	<i>inserted by 22/2005 s 24</i>	<i>8.12.2005</i>
	<i>deleted by 44/2019 s 132</i>	<i>3.12.2020</i>

## Gaming Machines Act 1992—9.12.2021

### Legislative history

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s 86		
s 86(1)	amended by 31/2002 s 21	7.11.2002
	(f) deleted by 37/2013 s 117	1.7.2014
	(k) deleted by 44/2019 s 133(1)	3.12.2020
s 86(2)	<i>deleted by 44/2019 s 133(2)</i>	3.12.2020
s 86A	inserted by 46/2004 s 17	1.2.2005
	deleted by 28/2010 s 55	1.6.2011
	inserted by 44/2019 s 134	3.12.2020
s 87		
s 87(2)	amended by 72/1997 s 4 (Sch)	18.12.1997
	amended by 28/2010 s 56(1)—(3)	1.1.2011
	amended by 37/2013 s 118(1)	31.8.2013
s 87(4)	inserted by 28/2010 s 56(4)	1.1.2011
	amended by 35/2018 s 83(1)	1.12.2018
s 87(4a)	inserted by 35/2018 s 83(2)	1.12.2018
s 87(5) and (6)	inserted by 37/2013 s 118(2)	31.8.2013
s 88	inserted by 46/2004 s 18	1.2.2005
ss 89—91	<i>inserted by 46/2004 s 18</i>	1.2.2005
	<i>deleted by 37/2013 s 119</i>	31.8.2013
Sch 1	heading substituted by 7/2003 s 3	5.6.2003
	amended by 18/2001 s 28	1.10.2001
	(h) and (i) deleted 46/2004 s 46(1)	1.2.2005
	amended by 46/2004 s 46(3), (4)	1.2.2005
	amended by 46/2004 s 19	1.7.2005
	amended by 46/2004 s 46(2)	1.7.2006
	amended by 28/2010 s 57(1), (2)	1.1.2011
	(na), (nb), (nc) deleted by 28/2010 s 57(3)	1.6.2011
	amended by 28/2010 s 57(4)	9.12.2012
	(b) deleted by 37/2013 s 120(1)	1.1.2014
	amended by 37/2013 s 120(2), (7)	1.1.2014
	(k)(iii) deleted by 37/2013 s 120(3)	1.1.2014
	(n) deleted by 37/2013 s 120(5)	1.1.2014
	amended by 37/2013 s 120(4), (6)	1.7.2014
	(e) deleted by 22/2015 s 10	1.1.2016
	amended by 44/2019 s 135(1)—(4)	3.12.2020
Sch 2	heading substituted by 7/2003 s 4	5.6.2003
	amended by 44/2019 s 136	3.12.2020
<i>Sch 3 before deletion by 37/2013</i>	<i>will expire by proclamation: cl 2</i>	
	<i>inserted by 7/2003 s 5</i>	5.6.2003
<i>cl 1 before substitution by 46/2004</i>		
<i>cl 1(2)</i>	<i>amended by 15/2004 s 4</i>	27.5.2004

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<i>cl 1</i>	<i>substituted by 46/2004 s 47</i>	<i>9.12.2004</i>
<i>Sch 3</i>	<i>deleted by 37/2013 s 121</i>	<i>31.8.2013</i>
<i>Sch 4</i>	<i>inserted by 46/2004 s 48</i>	<i>1.2.2005</i>
	<i>deleted by 37/2013 s 121</i>	<i>31.8.2013</i>

## **Transitional etc provisions associated with Act or amendments**

### ***Gaming Machines (Prohibition of Cross Holdings, Profit Sharing, etc.) Amendment Act 1994***

#### **8—Transitional provisions**

- (1) Sections 4 and 5 of this Act do not affect a decision made by the Commissioner in relation to an application for a licence or an approval under the principal Act if the decision was made before 19 April 1994.
- (2) Section 5 of this Act does not prevent the Commissioner from granting an application for approval to a person to assume a position of authority in a body corporate that is the holder of a gaming machine licence if—
  - (a) the person was, before 19 April 1994, approved under the *Liquor Licensing Act 1985* to hold a position of authority in a body corporate that held a licence under that Act; and
  - (b) the body corporate held the gaming machine licence at the time that approval was granted; and
  - (c) the Commissioner is satisfied that the applicant or some other person incurred significant irrecoverable costs or expenses on the assumption that, because approval was granted under the *Liquor Licensing Act*, the application under the principal Act would be granted.

### ***Gaming Machines (Miscellaneous) Amendment Act 1996***

#### **13—Transitional provision**

The Commissioner must, in relation to a gaming machine licence that is in force as at the commencement of this section, vary the condition fixing the hours during which gaming operations may be conducted on the licensed premises to such extent (if any) as is necessary to ensure—

- (a) that gaming operations cannot be conducted on the premises on Christmas Day or Good Friday; and
- (b) that at other times there are at least 6 hours in each 24 hour period (which may be a continuous period of 6 hours, or 2 separate periods of 3 hours or 3 separate periods of 2 hours) during which gaming operations cannot be conducted on the premises.

### ***Statutes Amendment (Gambling Regulation) Act 2001***

#### **29—Transitional provision**

- (1) On the commencement of this section, the holder of a gaming machine licence will be taken to have adopted the codes of practice relating to advertising and responsible gambling approved by the Minister, by notice in the Gazette, for the purposes of this section.
- (2) On approving a code of practice under this section, the Minister will cause a copy of the code to be given personally or by post to each holder of a gaming machine licence.
- (3) The codes of practice referred to in subsection (1) will, for the purposes of the principal Act (as amended by this Act), be taken to be codes of practice approved under the Act by the Independent Gambling Authority.

### ***Gaming Machines (Limitation on Exception to Freeze) Amendment Act 2002***

#### **3—Transitional provision**

The amendments effected by section 2 apply in respect of applications for a gaming machine licence made on or after 8 May 2002 or made, but not determined, before that date.

### ***Statutes Amendment (Liquor, Gambling and Security Industries) Act 2005, Sch 1—Transitional provisions***

#### **1—Gaming Machines Act 1992**

- (1) An amendment to the *Gaming Machines Act 1992* effected by a provision of this Act applies in respect of an application under that Act if the application is determined after the commencement of that provision irrespective of whether the application was lodged before or after that commencement.
- (2) An amendment to the *Gaming Machines Act 1992* effected by a provision of this Act applies in respect of a licence or approval granted under that Act, or a person licensed or approved under that Act, whether the licence or approval was granted before or after the commencement of that provision.

### ***Gaming Machines (Miscellaneous) Amendment Act 2010, Sch 1—Transitional provisions***

#### **4—Principles**

- (1) Section 10A(5) and (7) of the *Gaming Machines Act 1992* as inserted by this Act do not apply to the first notice published in the Gazette under that section prescribing the principles for assessing whether a game is likely to lead to an exacerbation of problem gambling (and, consequently, consultation is not required and the notice need not be laid before both Houses of Parliament and is not subject to disallowance).
- (2) The Authority must ensure that the principles for assessing whether a game is likely to lead to an exacerbation of problem gambling first prescribed by the Authority are substantially in the form of the guidelines in force for the purposes of section 40 of the *Gaming Machines Act 1992* immediately before the commencement of this subsection.
- (3) Failure to comply with subclause (2) does not affect the validity of the principles.

## 5—Application for gaming machine licence

If an application for a gaming machine licence has been made but not determined before the commencement of section 13 of this Act—

- (a) section 15(4) of the *Gaming Machines Act 1992* as inserted by section 13 of this Act does not apply to the application; and
- (b) section 15(5) of the *Gaming Machines Act 1992* as in force immediately before its deletion by section 13 of this Act continues to apply to the application as if it had not been so deleted and had been redesignated as section 15(4).

## 6—Exemptions

An exemption granted by notice in the Gazette under regulation 10(2) of the *Gaming Machines Regulations 1993* and in force immediately before the commencement of section 76A of the *Gaming Machines Act 1992* as inserted by this Act continues in force as if it had been granted under section 76A of the *Gaming Machines Act 1992*.

## *Statutes Amendment (Gambling Reform) Act 2013*

### 122—Transitional provision—approval of gaming machines and games

- (1) A gaming machine or game that was, immediately before the commencement of this section, approved under section 40 of the *Gaming Machines Act 1992* will be taken to have been approved under section 40 of the *Gaming Machines Act 1992* as amended by this Act (and such approval is, for the purposes of that section, taken to have been granted on the day on which this section commences).
- (2) For the avoidance of doubt, nothing in this section derogates from any other requirements of the *Gaming Machines Act 1992* (as in force after the commencement of this Act) relating to a gaming machine or game.

### 123—Transitional provision—licence condition offence categories

- (1) The Commissioner may, by notice given to the holder of a gaming machine licence (in any manner in which a notice may be given to a licensee by the Commissioner in accordance with section 82 of the *Gaming Machines Act 1992*), specify in relation to any prescribed licence condition whether a contravention of, or failure to comply with, the condition is to be taken to be a category A, B, C or D offence, or a category A, B, C or D expiable offence, for the purposes of section 46 of the *Gaming Machines Act 1992* as substituted by section 86 (and, in the absence of such specification, a contravention of, or failure to comply with, any such condition will be taken to be both a category A offence and a category A expiable offence for the purposes of section 46 of the *Gaming Machines Act 1992*).
- (2) In this section—  
**prescribed licence condition** means a licence condition of a kind referred to in section 46(3)(b) of the *Gaming Machines Act 1992* that was imposed before the commencement of section 86.

## **124—Transitional provision—barring orders**

- (1) The Liquor and Gambling Commissioner must, as soon as practicable after the commencement of section 100, notify the Independent Gambling Authority of all orders that the Commissioner knows were in force under section 59 of the *Gaming Machines Act 1992* immediately before the commencement of section 100.
- (2) The Independent Gambling Authority may, by notice given to the holder of a gaming machine licence (in any manner in which a notice may be given to a licensee by the Authority in accordance with section 82 of the *Gaming Machines Act 1992*) require the licensee to provide specified information, or information of a specified kind, in relation to orders made by the holder of the licence that were in force under section 59 of the *Gaming Machines Act 1992* immediately before the commencement of section 100.
- (3) It is taken to be a condition of a gaming machine licence that the licensee comply with a notice under subsection (2).
- (4) A person who, immediately before the commencement of section 100, is barred from entering or remaining in the gaming area, or areas, of premises by order under section 59 of the *Gaming Machines Act 1992* is, on the commencement of section 100, taken to be so barred under section 15C of the *Independent Gambling Authority Act 1995* (as enacted by this Act) for a period of 3 years or until a review of the order is completed under section 140 (whichever occurs first).

## ***Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015***

### **86—Transitional provision**

A member of the board established under section 73B(3) of the *Gaming Machines Act 1992* as in force immediately before the commencement of section 85 of this Act ceases to hold office on the commencement of this section.

## ***Statutes Amendment and Repeal (Budget Measures) Act 2018, Pt 5***

### **84—Transitional provisions**

- (1) A matter prescribed by the Independent Gambling Authority under section 10A of the *Gaming Machines Act 1992* as in force immediately before the commencement of this section continues in force as if it were prescribed by the Commissioner.
- (2) A notice of recognition given by the Independent Gambling Authority under section 10B of the *Gaming Machines Act 1992* as in force immediately before the commencement of this section continues in force as if it had been given by the Commissioner.
- (3) A direction given by the Independent Gambling Authority under section 11 of the *Gaming Machines Act 1992* as in force immediately before the commencement of this section continues in force as if it had been given by the Commissioner.
- (4) If an appeal has been commenced but not finally determined by the Independent Gambling Authority under section 69(2) of the *Gaming Machines Act 1992* before the commencement of section 76 of this Act, the appeal may be continued and completed by the Court as if it had been commenced (as proceedings for a review) under section 69(2) as in force after the commencement of section 76.

- (5) The provisions of this section are subject to any regulations made under section 87(4a) of the *Gaming Machines Act 1992* (as in force after the commencement of section 83(2)).
- (6) In this section—  
*Commissioner* has the same meaning as in the *Gaming Machines Act 1992*;  
*Court* means the Licensing Court of South Australia;  
*Independent Gambling Authority* means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995* as in force immediately before the commencement of this section.

### ***Statutes Amendment (Gambling Regulation) Act 2019, Sch 1 Pt 3***

#### **3—Transitional and other provisions**

- (1) An industry body recognised by the Commissioner under section 10B(1)(a) of the *Gaming Machines Act 1992* as in force immediately before the commencement of this subclause will, on the commencement of section 40C of the Act, be taken to be an approved industry body under that section.
- (2) A course of training recognised by the Commissioner under section 10B(1)(b) of the *Gaming Machines Act 1992* as in force immediately before the commencement of this subclause will, on the commencement of section 40B of the Act, be taken to be an approved course of training under that section.
- (3) A system recognised under section 10B(1)(c) of the *Gaming Machines Act 1992* as in force immediately before the commencement of this subclause will, on the commencement of section 40A of the Act, be taken to be an approved system under that section.
- (4) An approval under section 40 of the *Gaming Machines Act 1992* in force immediately before the commencement of section 105 of the *Statutes Amendment (Gambling Regulation) Act 2019* continues despite the provision of section 40(5) and (6) of the *Gaming Machines Act 1992* as in force immediately before that commencement, and such an approval may be varied under section 40 of the *Gaming Machines Act 1992* as amended by section 105 of the *Statutes Amendment (Gambling Regulation) Act 2019*.
- (5) Any applications made under the *Gaming Machines Act 1992* that have not been finally determined before the commencement of this subclause may be continued and completed under that Act as if the amendments to that Act effected by the *Statutes Amendment (Gambling Regulation) Act 2019* had not come into operation.

### ***Gambling Administration Act 2019, Sch 1—Transitional Provisions***

#### **1—Interpretation**

In this Schedule—

*gambling provider* includes the State Lotteries Commission;

*relevant day* means the day on which clause 3 commences.

### **3—Transitional and other provisions**

- (2) A direction given by the Commissioner to a gambling provider pursuant to a gambling Act (as in force before the relevant day) may be enforced, after the relevant day, as if it had been given under section 10 of this Act.
- (7) An advertising code of practice or a responsible gambling code of practice made and in force under a gambling Act immediately before the relevant day, continues in force as if it had been made under section 15 of this Act.
- (8) Disciplinary action commenced but not finally determined under a gambling Act before the relevant day may be continued and completed under Part 5 of this Act.
- (9) A person who is appointed as an inspector or is an authorised officer under a gambling Act immediately before the relevant day, will, on the commencement of Part 4 of this Act, be taken to be appointed as an inspector under that Part.
- (10) Any thing seized and retained by an authorised officer or the Commissioner under a gambling Act before the relevant day may, after the relevant day, be dealt with under section 32 of this Act.
- (11) A review commenced but not finally determined by the Court under a gambling Act before the relevant day may be continued and completed under Part 7 of this Act and the Court or the Commissioner may make a determination in accordance with section 55 of this Act pending the determination of review proceedings.

### **Historical versions**

Reprint No 1—27.10.1994

Reprint No 2—1.7.1995

Reprint No 3—1.7.1996

Reprint No 4—18.12.1997

Reprint No 5—30.7.1998

Reprint No 6—1.7.2000

Reprint No 7—14.12.2000

Reprint No 8—31.5.2001

Reprint No 9—1.10.2001

Reprint No 10—25.7.2002

Reprint No 11—7.11.2002

Reprint No 12—5.6.2003

27.5.2004

9.12.2004

1.2.2005

1.7.2005

4.10.2005

8.12.2005

1.7.2006

1.2.2007

1.6.2007

1.2.2010

1.1.2011  
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1.1.2012  
12.7.2012  
9.12.2012  
17.6.2013  
31.8.2013  
31.10.2013  
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30.7.2020  
3.12.2020