



Australian Capital Territory

Gaming Legislation Amendment Act 2018

A2018-45

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Australian Capital Territory

Gaming Legislation Amendment Act 2018

A2018-45

An Act to amend legislation about gaming, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Gaming Legislation Amendment Act 2018*.

2 Commencement

- (1) Part 1 and schedule 1, part 1.3 are taken to have commenced on the day the *Gaming Machine (Reform) Amendment Act 2015* was notified.
- (2) Schedule 1, part 1.2 is taken to have commenced on the day the *Gaming and Racing (Red Tape Reduction) Legislation Amendment Act 2016* was notified.
- (3) Schedule 1, part 1.1 is taken to have commenced on the day the *Casino (Electronic Gaming) Act 2017* was notified.
- (4) The following sections commence on 1 July 2019:
 - section 23
 - sections 26 and 28
 - sections 66 to 72
 - section 79
 - section 81
 - sections 83 to 86
 - sections 88 and 89
 - section 92
 - section 96
 - section 98
 - section 100
 - section 101
 - section 103.
- (5) Schedule 2 commences on 1 May 2020.

- (6) The remaining provisions commence on the 7th day after this Act's notification day.

3 Legislation amended

This Act amends the following legislation:

- *Casino (Electronic Gaming) Act 2017*
- *Gambling and Racing Control Act 1999*
- *Gaming and Racing (Red Tape Reduction) Legislation Amendment Act 2016*
- *Gaming Machine Act 2004*
- *Gaming Machine (Reform) Amendment Act 2015*
- *Gaming Machine Regulation 2004*.

Part 2 Gambling and Racing Control Act 1999

4 Functions of commission Section 6 (2) (c)

omit

problem gambling

substitute

gambling harm

5 How commission must exercise its functions Section 7 (c)

omit

problem gambling

substitute

gambling harm

6 Governing board members Section 12 (1)

omit

problem gamblers

substitute

people experiencing gambling harm

**7 Monitoring and research
Section 17 (1)**

omit

problem gambling

substitute

gambling harm

**8 Code of practice
Section 18 (2) (d)**

omit

problem gamblers

substitute

people experiencing gambling harm

9 Section 18 (2) (e) and (f)

omit

problem gamblers

substitute

experiencing gambling harm

**10 Education and counselling
Section 19 (1) (a)**

omit

with gambling problems

substitute

who are experiencing gambling harm

11 Section 19 (1) (b) (iii)

substitute

- (iii) for people who are experiencing gambling harm.

**12 Permitted disclosures to particular people
New section 37 (d) (ia) and (ib)**

insert

- (ia) for the purpose of advising the Minister about policy matters or the operation of a gaming law—the administrative unit responsible for this Act, the commission or the Minister;
- (ib) for the purpose of administering the *Gaming Machine Act 2004*, part 2A (Reducing cap on authorisations in ACT to 4 000 or fewer)—the administrative unit responsible for this Act, the commission, the Minister or a tax officer under the *Taxation Administration Act 1999*;

13 New sections 37A and 37B

insert

37A Permitted disclosures—enforceable undertakings

The commission may disclose information relating to a person as agreed with the person in an enforceable undertaking under the *Gaming Machine Act 2004*, part 3A.

37B Public register—disciplinary actions and enforceable undertakings

- (1) The commission must keep a public register that lists—
- (a) the business or trading names of licensees that have had disciplinary action taken against them under the *Gaming Machine Act 2004*, part 4; and

- (b) a description of the—
 - (a) disciplinary action taken; and
 - (b) disciplinary ground for which the action was taken.
- (2) The commission may enter any details agreed with a licensee on the register if the licensee has entered into an enforceable undertaking under the *Gaming Machine Act 2004*, part 3A.
- (3) The commission must not enter details relating to disciplinary action on the register—
 - (a) if the details contain any references to the names of individuals; and
 - (b) unless—
 - (i) the time for any appeal or review in relation to the disciplinary action has not ended; and
 - (ii) any appeal or review in relation to the disciplinary action has not been decided or withdrawn.

14 Section 50 heading

substitute

50 Cap on number of authorisations for electronic gaming in ACT**15 Section 50 (1), (2) and (3)**

omit

maximum

substitute

cap on the

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

substitute

- (a) an authorisation for a gaming machine is ***surrendered*** if it is surrendered, or an authorisation certificate to which it relates is surrendered, under any of the following provisions of the [Gaming Machine Act 2004](#):
- (i) section 10D (Surrender of authorisations and authorisation certificates on voluntary surrender day);
 - (ii) section 10M (Surrender of authorisations for gaming machines);
 - (iii) section 37F (1) (c) (Surrender of licences, authorisation certificates and authorisations), if the surrender takes effect under that [Act](#), section 173E (Notifiable actions—date of effect); and

**17 Licences and authorisation certificates—register
Section 52 (2) (d)**

substitute

- (d) if a licensee holds a storage permit—
- (i) whether the permit is for a general purpose or an interim purpose; and
 - (ii) the serial number of each gaming machine to be stored under the permit; and
 - (iii) for a storage permit for a general purpose—the authorisation number for each gaming machine’s associated authorisation;

18 Regulation-making power
Section 54 (2)

omit

10 penalty units

substitute

30 penalty units

19 Dictionary, note 2

insert

- administrative unit
- Minister

Part 3 Gaming Machine Act 2004

20 New part 2A

insert

Part 2A Reducing cap on authorisations in ACT to 4 000 or fewer

Division 2A.1 Preliminary

10 Definitions—pt 2A

In this part:

census day means 23 August 2018.

compulsory surrender day means each of the following:

- (a) the first compulsory surrender day;
- (b) the second compulsory surrender day.

first compulsory surrender day means 1 April 2019.

second compulsory surrender day means 30 April 2020.

Division 2A.2 Voluntary surrenders

10A Definitions—div 2A.2

In this division:

surrendered authorisation means an authorisation surrendered under section 10D and includes an authorisation under an authorisation certificate surrendered under that section.

voluntary surrender agreement—see section 10C.

voluntary surrender day, for a licensee, means—

- (a) 14 February 2019; or
- (b) if an earlier day is agreed between the licensee and the Territory—the earlier day.

voluntary surrender notice—see section 10B.

10B Notifying authorisations for surrender during voluntary surrender period

- (1) During the voluntary surrender period, a licensee may give written notice (a *voluntary surrender notice*) to the Minister of the number of authorisations or authorisation certificates to be surrendered by the licensee under section 10D.
- (2) A notice under subsection (1) must include the following information about each authorisation to be surrendered:
 - (a) the authorised premises the authorisation is associated with;
 - (b) the authorisation number;
 - (c) the serial number of any gaming machine associated with the authorisation.
- (3) A notice under subsection (1) may include a nomination of a licensee's authorised premises in relation to which a surrendered authorisation will be taken into account under section 10J (3) (e).
- (4) If a licensee makes a nomination under subsection (3), the number of authorisations counted for the nominated premises—
 - (a) must not be used to reduce the number of authorisations to be surrendered at another authorised premises; and

(b) if the authorisations relate to the surrender of an authorisation certificate—must be reduced to take account of any surrender obligation in relation to the authorised premises of the authorisation certificate that would have been determined under section 10J had the authorisation certificate not been surrendered.

(5) In this section:

voluntary surrender period means the period beginning on the census day and ending on 31 January 2019.

10C Voluntary surrender agreement

(1) The Territory may enter into an agreement (a *voluntary surrender agreement*) with a licensee in relation to the surrender of authorisations or authorisation certificates under section 10D if—

(a) the licensee has given a voluntary surrender notice to the Minister; and

(b) the agreement is entered into on or before the earlier of—

(i) 8 February 2019; and

(ii) the voluntary surrender day for the licensee.

(2) A voluntary surrender agreement may provide for—

(a) an entitlement to the deemed payment or partial payment of an offset amount for the licensee; and

(b) the process by which the entitlement is to be claimed by the licensee; and

- (c) any other matters agreed by the parties.
- (3) A voluntary surrender agreement must be entered into for the Territory by the Treasurer or the Minister.
- (4) In this section:
offset amount—see section 10H (4).

10D Surrender of authorisations and authorisation certificates on voluntary surrender day

- (1) This section applies if a licensee has entered into a voluntary surrender agreement.
- (2) On the voluntary surrender day for the licensee, each authorisation and authorisation certificate in the licensee's voluntary surrender notice is surrendered.
- (3) If a licensee has a gaming machine associated with a surrendered authorisation, the licensee must—
 - (a) take meter readings from the gaming machine; and
 - (b) render the machine inoperable; and
 - (c) within 3 working days, give the commission—
 - (i) a written statement of the meter readings mentioned in paragraph (a) and confirmation that the machine is inoperable; and

- (ii) if the surrendered authorisation results from the surrender of an authorisation certificate—any outstanding amount payable by the licensee in relation to the operation of the gaming machine under the surrendered authorisation certificate.

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

Note 2 A contravention of this Act is a ground for disciplinary action (see s 57 (1) (c)).

Note 3 If a licensee changes the size, shape or location of a gaming area as a consequence of the surrender of gaming machine authorisations, the licensee may need to apply for a gaming area amendment of the authorising certificate (see s 33 (1) (a)).

- (4) For section 103 (1), a licensee is authorised to possess a gaming machine associated with a surrendered authorisation for 3 months after the voluntary surrender day for the licensee.
- (5) Section 37F (other than subsection (2) (b)) does not apply in relation to the surrender of an authorisation or authorisation certificate under this section.

10E Trading of authorisations to replace surrendered authorisations

- (1) This section applies if—
 - (a) a licensee surrenders an authorisation associated with a gaming machine under section 10C on the voluntary surrender day; and
 - (b) on the voluntary surrender day, the licensee acquires an authorisation under division 6A.6 (Trading of authorisations and gaming machines) to replace the surrendered authorisation for the gaming machine.

- (2) Despite section 173E, the notifiable action in relation to the licensee's acquisition of the authorisation takes effect on the voluntary surrender day.
- (3) Section 10D (3) does not apply to the licensee in relation to the gaming machine.

10F Offence—operating surrendered gaming machine

A person commits an offence if—

- (a) the person owns, occupies or manages authorised premises; and
- (b) an authorisation, or authorisation certificate, associated with the premises is surrendered under section 10D; and
- (c) the person fails to take all reasonable steps to stop the gaming machine associated with the surrendered authorisation being used on the premises; and

Note A surrendered authorisation includes an authorisation under a surrendered authorisation certificate (see s 10A, def *surrendered authorisation*).

- (d) someone uses the gaming machine.

Maximum penalty: 100 penalty units.

10G No applications for, or transfers of, authorisation certificates etc for certain licensees

- (1) This section applies if a licensee has surrendered an authorisation certificate under section 10D.
- (2) The licensee is not entitled to—
 - (a) apply for an authorisation certificate under section 21 (Authorisation certificate for class C gaming machines—application); or
 - (b) acquire an authorisation certificate from an outgoing licensee under section 37E (Transferring an authorisation certificate); or

- (c) apply for an in-principle approval for an authorisation certificate under section 38B.

10H Offsets

- (1) This section applies to a person if the person—
 - (a) becomes liable to pay an offset amount to the Territory before 1 April 2026; and
 - (b) is entitled, under a voluntary surrender agreement, to the deemed payment or partial payment of an offset amount; and
 - (c) claims the entitlement under any process set out in the voluntary surrender agreement before 1 April 2026.
- (2) The person's offset amount is taken to be paid to the Territory as provided in the voluntary surrender agreement.
- (3) The total of the amounts taken to be paid to the Territory under subsection (2) for the person must not exceed the person's entitlement under the voluntary surrender agreement.
- (4) In this section:

offset amount means a fee, charge or other amount that is—

- (a) prescribed by regulation for the purposes of this subsection; and
- (b) payable under any of the following Acts:
 - (i) *Building Act 2004*;
 - (ii) *Community Title Act 2001*;
 - (iii) *Electricity Safety Act 1971*;
 - (iv) *Gas Safety Act 2000*;
 - (v) *Planning and Development Act 2007*;
 - (vi) *Unit Titles Act 2001*;
 - (vii) *Water and Sewerage Act 2000*;

- (viii) an Act prescribed by regulation for the purposes of this paragraph.

Division 2A.3 Compulsory surrenders

10I Definitions—div 2A.3

In this division:

cap on authorisations means the number of authorisations for electronic gaming for all authorised premises in the ACT, worked out under the [Control Act](#), section 50.

licensee does not include a licensee that held 19 or fewer authorisations for gaming machines on the census day.

surrender obligation, of a licensee, means the number of authorisations for gaming machines to be surrendered by the licensee in relation to each authorised premises determined under section 10J.

10J Determination for surrenders

- (1) The Minister must determine the surrender obligation of each licensee for each compulsory surrender day.
- (2) The total of the surrender obligations for a licensee for both compulsory surrender days must not exceed 20% of the authorisations held by the licensee in relation to the authorised premises on the census day.

Note If an authorisation certificate has been transferred under s 37E after the census day, s 10P applies to the calculation of the surrender obligation for the incoming licensee.

- (3) In determining a surrender obligation, the Minister must, as far as practicable—
 - (a) ensure that the cap on authorisations in the ACT will reach the target of 4 000 authorisations by the second compulsory surrender day; and

- (b) subject to subsection (6), determine the surrender obligation of a licensee in proportion to the number of authorisations held by the licensee under the authorisation certificate for the authorised premises on the census day; and
 - (c) reduce a licensee's surrender obligation by taking into account the number of authorisations surrendered by the licensee in relation to the authorised premises under section 37F during the period beginning on the census day and ending on the day before a determination is made; and
 - (d) if the surrender obligation is for a licensee that is a disposing licensee under section 127F (1)—reduce the licensee's surrender obligation by taking into account the number of authorisations from the authorised premises that were forfeited by the acquiring licensee under section 127F (4) during the period beginning on the census day and ending on the day before the determination; and
 - (e) reduce a licensee's surrender obligation by taking into account the number of the licensee's surrendered authorisations under section 10D—
 - (i) for the authorised premises; or
 - (ii) if the licensee nominates other authorised premises of the licensee under section 10B (3)—for the nominated premises; and
 - (f) apply any guidelines made under section 10K.
- (4) Any authorisations taken into account under subsections (3) (c) and (d) in a determination for the first compulsory surrender day must not be taken into account to reduce a surrender obligation in a determination for the second compulsory surrender day.

- (5) Any authorisations taken into account in relation to subsection (3) (e) must, as far as practicable, be evenly distributed between the determinations for the first compulsory surrender day and the second compulsory surrender day.
- (6) The Minister must—
- (a) round a surrender obligation to the nearest whole number; and
 - (b) starting with the licensee that holds the greatest number of authorisations and working down to the licensee that holds the fewest authorisations, adjust the surrender obligations of the licensees to add additional surrenders of authorisations that are necessary to ensure the cap on authorisations reaches the target of 4 000 authorisations under subsection (3) (a).
- (7) A determination must commence on or before—
- (a) for a determination that relates to the first compulsory surrender day—4 March 2019; and
 - (b) for a determination that relates to the second compulsory surrender day—3 April 2020.
- (8) A determination is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (9) Despite subsection (1), a determination must not be made if, at the beginning of the day when the determination is made, the cap on authorisations in the ACT is 4 000 or fewer.
- (10) The Minister may, at any time after making a determination and before the compulsory surrender day to which the determination relates, revoke the determination if the cap on authorisations in the ACT reaches, or the Minister believes the ACT authorisations are likely to reach, 4 000 or fewer before the surrender day.

10K Guidelines for determination

- (1) The Minister may make guidelines for the determination of surrender obligations under section 10J.
- (2) A guideline is a disallowable instrument.

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

10L Licensee must give notice of gaming machines to be surrendered

- (1) A licensee must give the commission a written statement about the authorisations to be surrendered by the licensee to meet the licensee's surrender obligation.
- (2) The statement must be given on or before—
 - (a) for a determination in relation to the first compulsory surrender day—18 March 2019; or
 - (b) for a determination in relation to the second compulsory surrender day—17 April 2020.
- (3) A statement under subsection (1) must include the following information about each authorisation:
 - (a) the authorised premises the authorisation is associated with;
 - (b) the authorisation number;
 - (c) the serial number of any gaming machine associated with the authorisation.

Note 1 If a licensee needs a storage permit for the gaming machine under an authorisation to be surrendered, the licensee must apply to the commission for a storage permit for an interim purpose (see s 127N (b)).

Note 2 A licensee must apply to the commission if a new approval for any single-user linked-jackpot arrangement is required (see s 134) or if an amendment is required of a multi-user permit to operate a linked-jackpot arrangement (see s 139).

- (4) If the licensee has not given the commission the statement by the day required under subsection (2), the commission must give the licensee written notice that—
- (a) not later than 3 days after the licensee receives the notice, the licensee must give the commission the statement mentioned in subsection (1); and
 - (b) failure to comply with the notice may be a ground for disciplinary action under section 57.
- (5) If a licensee has not given the commission the statement by the day required under the notice in subsection (4), the commission may determine the authorisations that are to be surrendered by the licensee to meet the licensee's surrender obligation.
- (6) If, under subsection (5), the commission determines the authorisations to be surrendered by a licensee on a compulsory surrender day, the commission must notify the licensee before the compulsory surrender day.

10M Surrender of authorisations for gaming machines

- (1) On a compulsory surrender day, the authorisations identified under section 10L to meet a licensee's surrender obligation for the day are surrendered.
- (2) If a licensee has a gaming machine associated with an authorisation surrendered under this section, the licensee must—
- (a) take meter readings from the machine; and
 - (b) render the machine inoperable.

Note If a licensee changes the size, shape or location of a gaming area as a consequence of the surrender of gaming machine authorisations, the licensee may need to apply for a gaming area amendment of the authorisation certificate (see s 33 (1) (a)).

- (3) On the day after a compulsory surrender day, the commission must amend the authorisation certificate for each authorised premises to reduce the maximum number of authorisations a licensee may have under the authorisation certificate by the number surrendered for the premises—
- (a) on the compulsory surrender day under this section; and
 - (b) if the number has not previously been counted to reduce the maximum number under the authorisation certificate—during the period beginning on 1 February 2019 and ending on the day before the determination for the compulsory surrender day under section 37F.
- (4) If a licensee surrenders an authorisation under this section, the commission must give the licensee a storage permit for an interim purpose under section 127N (b) for the gaming machine under the authorisation.
- Note* A storage permit for an interim purpose is issued for up to 3 months and may be extended (see s 10N).
- (5) Section 37F does not apply to a licensee for the surrender of an authorisation under this section.

10N Extension of term for storage permit for interim purpose

- (1) A licensee who holds a storage permit for an interim purpose given under section 10M (4) may apply to the commission to extend the term of the storage permit.
- (2) If a licensee applies to extend the term of a storage permit, the storage permit remains in force until the application is decided.
- (3) The commission must—
- (a) extend the term of the storage permit for up to 3 months; or
 - (b) refuse to extend the term of the storage permit.

- (4) The commission must refuse to extend the term of the storage permit if the term of the permit has previously been extended under this section.
- (5) If the commission refuses to extend the term of the storage permit, the commission must tell the applicant, in writing, the reasons for the decision.
- (6) For part 13 (Notification and review of decisions)—
 - (a) a decision to refuse to extend the term of a storage permit for a licensee under this section is a reviewable decision; and
 - (b) the licensee is an entity for section 173A.

100 Offence—failure to dispose of gaming machines where authorisation surrendered under s 10M

A person commits an offence if—

- (a) an authorisation held by the person is surrendered under section 10M; and
- (b) the commission gives the person a storage permit for a gaming machine associated with the authorisation; and
- (c) the person fails to dispose of the gaming machine mentioned in the permit—
 - (i) in the way the commission directs; or
 - (ii) within the period stated in the storage permit.

Maximum penalty: 50 penalty units.

10P Application to transfers of authorisation certificates under s 37E

- (1) This section applies to a licensee (the *incoming licensee*) if an authorisation certificate is transferred to the licensee for an authorised premises by an outgoing licensee under section 37E during the transfer period.
- (2) The surrender obligation for the incoming licensee for the authorised premises is to be worked out in relation to the authorised premises as if—
 - (a) the incoming licensee were the outgoing licensee; and
 - (b) the outgoing licensee continued to hold an authorisation certificate for the authorised premises.
- (3) In this section:

transfer period means the period beginning on the census day and ending on the second compulsory surrender day.

Division 2A.4 Miscellaneous**10Q Meaning of *compulsory surrender period*—div 2A.4**

In this division:

compulsory surrender period means the period beginning on the day a determination under section 10J is made and ending on the day after the compulsory surrender day that relates to the determination.

10R No transfer of authorisation certificates under s 37E

A licensee must not transfer or acquire an authorisation certificate under section 37E if the acquisition or transfer is to take place during a compulsory surrender period.

**10S Disposal of gaming machine to be surrendered—
notifiable action for s 113A**

- (1) The surrender of an authorisation for a gaming machine under this part is a reason for disposing of the gaming machine for section 113A (1).
- (2) In this section:

surrender of an authorisation includes surrender of an authorisation under an authorisation certificate surrendered under division 2A.2.

**10T Suspension of trading during compulsory surrender
period**

Trading of authorisations and gaming machines under division 6A.6 is suspended during a compulsory surrender period.

Division 2A.5 Expiry—pt 2A**10U Expiry—pt 2A**

- (1) This part (other than section 10G and divisions 2A.3 and 2A.4) expires on 1 April 2026.
- (2) Section 10G expires on 1 April 2024.
- (3) Divisions 2A.3 and 2A.4 expire on 31 December 2020.

**21 Authorisation certificate amendment—application
Section 33 (1), note 4, 1st dot point**

omit

**22 Authorisation certificate amendment—increase maximum
to not more than relevant number
Section 37A**

omit

**23 Transferring an authorisation certificate
Section 37E (2), note**

omit

s 143, s 159 and s 172

substitute

s 143 and s 159

**24 Surrender of licences, authorisation certificates and
authorisations
Section 37F (2) (b)**

substitute

- (b) if the licensee surrendering an authorisation certificate is a club—giving the commission evidence—
- (i) that a majority of the voting members of the club who voted in a ballot conducted under a regulation voted for the club surrendering the authorisation certificate; or
 - (ii) that a vote under subparagraph (i) would not be practical; and

**25 Licence and authorisation certificate to be available on
request
Section 42 (2)**

omit

**26 Annual report of clubs
New section 54 (da)**

insert

- (da) the total value of any contributions made to registered parties and associated entities;

Note A licensee that is a club must also include information about community contributions made by the club in their annual report (see s 172).

27 New section 54 (e)

insert

- (e) anything else prescribed by regulation.

28 New section 54 (2) to (4)

insert

- (2) Not later than 10 working days after giving the commission a copy of the licensee's audited financial statements or certified income and expenditure statement under section 158, the licensee must—
- (a) give the commission an electronic copy of the licensee's annual report; and
 - (b) publish the annual report on a website of the licensee that can be accessed by the public free of charge.
- Note* The commission must also publish information about community contributions made by the club (see s 172).
- (3) For subsection (2), the licensee may remove confidential information or, with the written approval of the commission, other sensitive information from the annual report if the licensee sets out in the published annual report—
- (a) that information was removed because it was confidential or sensitive; and
 - (b) the nature of the information that was removed.

(4) In this section:

associated entity—see the *Electoral Act 1992*, section 198.

confidential information, in relation to an annual report, means information—

- (a) that is not publicly available when the annual report is published; and
- (b) that is about the personal or business affairs of a person other than the licensee; and
- (c) where 1 or more of the following apply:
 - (i) the information was given to the licensee in confidence;
 - (ii) publishing the information would reveal a trade secret;
 - (iii) the information was provided in compliance with a duty imposed under an Act other than this Act;
 - (iv) the licensee would breach a law by providing the information.

29 New part 3A

insert

Part 3A Enforceable undertakings

55A Meaning of *GM undertaking*—pt 3A

In this part:

GM undertaking—see section 55B.

55B Commission may accept undertakings

- (1) The commission may accept a written undertaking (a **GM undertaking**) given by a person relating to the person's contravention or alleged contravention of this Act or the [Control Act](#).
- (2) A GM undertaking may provide for any matters agreed between the commission and the person including the following:
 - (a) a statement that the person recognises the commission's concerns in relation to the person's contravention or alleged contravention of this Act or the [Control Act](#);
 - (b) that details of the undertaking are published on the register under the [Control Act](#), section 37B or are included in any material published by the commission.
- (3) A GM undertaking does not constitute an admission of guilt by the person giving the undertaking in relation to the person's contravention or alleged contravention of this Act or the [Control Act](#).
- (4) The commission or a person may suggest draft undertakings before a GM undertaking is given by a person under subsection (1).

55C Notice of decision and reasons for decision

The commission must give a person seeking to give a GM undertaking written notice of the commission's decision to accept or reject the GM undertaking and of the reasons for the decision.

55D When a GM undertaking is enforceable

A GM undertaking takes effect and becomes enforceable when the commission's decision to accept the undertaking is given to the person who gave the undertaking or at any later date stated by the commission.

55E Compliance with GM undertaking

- (1) A person commits an offence if—
 - (a) the person gives a GM undertaking; and
 - (b) the GM undertaking is in effect; and
 - (c) the person contravenes the GM undertaking.Maximum penalty: 100 penalty units.
- (2) Subsection (1) does not apply to a person if an application has been made under section 55F in relation to the person's contravention of the GM undertaking.

55F Contravention of GM undertaking

- (1) The commission may apply to the Magistrates Court for an order if—
 - (a) a person contravenes a GM undertaking; and
 - (b) no proceedings against the person for an offence under section 55E have been taken in relation to the contravention.
- (2) If the court is satisfied that the person who gave the GM undertaking has contravened the undertaking, the court may make 1 or both of the following orders:
 - (a) an order directing the person to comply with the undertaking;
 - (b) an order discharging the undertaking.
- (3) In addition to the orders referred to in subsection (2), the court may make any other order that the court considers appropriate in the circumstances, including orders directing the person to pay to the Territory—
 - (a) the costs of the proceeding; and
 - (b) the reasonable costs of the commission in monitoring compliance with the GM undertaking in the future.

55G Withdrawal or variation of GM undertaking

- (1) A person who has given a GM undertaking may at any time, with the written agreement of the commission—
 - (a) withdraw the undertaking; or
 - (b) vary the undertaking.
- (2) However, the provisions of the undertaking cannot be varied to provide for a different contravention or alleged contravention of this Act or the [Control Act](#).

55H Proceeding for contravention or alleged contravention

- (1) Subject to this section, no proceeding may be brought, or no disciplinary action may be taken, against a person for a contravention, or alleged contravention, of this Act or the [Control Act](#) if a GM undertaking is in effect in relation to that contravention.
- (2) No proceeding may be brought, or no disciplinary action may be taken, for a contravention, or alleged contravention, of this Act or the [Control Act](#) against a person who has given a GM undertaking in relation to the contravention and who has completely discharged the GM undertaking.
- (3) The commission may accept a GM undertaking in relation to a contravention, or alleged contravention, before a proceeding or disciplinary action in relation to the contravention has been finalised.
- (4) If the commission accepts a GM undertaking before the proceeding or disciplinary action is finalised, the commission must take all reasonable steps to have the proceeding or action discontinued.

30 Definitions—pt 4
Section 56, definitions of *disciplinary action* and *ground for disciplinary action*

omit

**31 Disciplinary action
Section 58 (1) (c)**

substitute

- (c) ordering the person to pay to the Territory a financial penalty of not more than the greater of the following amounts:
 - (i) \$1 000 000;
 - (ii) 3 times the total value of any benefits that the commission can determine have been obtained by 1 or more people and that are reasonably attributable to the ground for disciplinary action;
 - (iii) 10% of the person's gross revenue during the 12 months ending at the end of the month in which the applicable ground for disciplinary action arose or began;

32 Section 58 (1) (g)

substitute

- (g) if the person operates a gaming machine at premises without an authorisation under an authorisation certificate to operate the gaming machine at the premises—
 - (i) ordering the person to forfeit to the Territory 100% of the gross revenue from the operation of the gaming machine; and
 - (ii) directing the person about how to dispose of the gaming machine.

33 Section 59*substitute***59 Relevant matters for decisions on disciplinary action and penalties**

- (1) In deciding what disciplinary action to take, and the amount of any penalty to be imposed, the commission must consider the following:
 - (a) whether disciplinary action has been taken against the person before;
 - (b) whether the disciplinary ground on which the disciplinary action is to be taken endangered the public or the public interest;
 - (c) the seriousness of the disciplinary ground;
 - (d) the duration or repetition of the person's conduct that contributed to the disciplinary ground;
 - (e) any statement given by an individual in relation to the disciplinary ground's harmful impacts on the individual;
 - (f) the person's capacity to pay any financial penalty;
 - (g) for disciplinary action against a club—the impact of a financial penalty on the club.
- (2) The commission may also consider any other relevant matter.

Note Disciplinary action must be entered on the public register by the commission (see [Control Act](#), s 37B).

**34 Acquisition of gaming machines—amendment of authorisation schedule etc
Section 100 (5)***omit*

35 Section 104 heading

substitute

104 Offence—operating unauthorised or stored gaming machines

36 Section 104 (2) (b) and (c)

before

permit

insert

storage

**37 Conditions on approval to repossess gaming machine
Section 109 (1)**

substitute

- (1) An approval to repossess a gaming machine under section 108 is subject to the condition that the person given the approval allows an authorised officer to exercise the commission's functions under section 108 (3).

**38 Approval of disposal of gaming machines
Section 113 (3)**

substitute

- (3) However, the commission must not approve the lease or hire of a gaming machine to any person.

**39 Disposal of gaming machines—notifiable action
Section 113A (1) (b)**

substitute

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

40 Section 113A (1) (d) and (e)

substitute

- (d) the gaming machine is to be sold or returned to an approved supplier;

**41 Selling class B authorisations
Section 127C (8)**

omit

**42 Trading class C authorisations and gaming machines
Section 127E (5)**

omit

**43 Trading authorisations—forfeiture requirement
Section 127F (6)**

omit

**44 Definitions—div 6A.7
Section 127M, definitions**

omit the definitions of
permit
quarantined authorisation
quarantined gaming machine
quarantine period
quarantine permit

**45 Quarantine permits
Subdivision 6A.7.3**

omit

46 Section 127S

substitute

127S Storage permit—form

A storage permit must—

- (a) be in writing; and
- (b) state the following:
 - (i) the name of the licensee;
 - (ii) whether the permit is for a general purpose or an interim purpose;
 - (iii) the day the permit comes into force and the day it expires;

- (iv) the authorised premises—
 - (A) for a storage permit for a general purpose—for each gaming machine with its associated authorisation to be stored under the permit; or
 - (B) for a storage permit for an interim purpose—where each gaming machine to be stored under the storage permit was operated;
- (v) the number of each of the following to be stored under the permit:
 - (A) for a storage permit for a general purpose—gaming machines with their associated authorisations;
 - (B) for a storage permit for an interim purpose—gaming machines;
- (vi) the conditions on the permit; and
- (c) include a statement that—
 - (i) a breach of a condition of the permit may be a ground for disciplinary action; and
 - (ii) it is an offence under section 104 (Offence—operating unauthorised or stored gaming machines) to operate a stored gaming machine during the period of the storage permit; and
- (d) include a schedule of the following information:
 - (i) the serial number of each gaming machine to be stored under the permit;
 - (ii) for a storage permit for a general purpose—the authorisation number for each gaming machine’s associated authorisation; and
- (e) include anything else prescribed by regulation.

**47 Permit—conditions
Section 127T (1)**

omit

A permit

substitute

A storage permit

48 Section 127T (1)

omit

or quarantined

49 Section 127T (1) (i) and (j)

substitute

- (i) for a permit issued for an interim purpose—the licensee must dispose of the gaming machine stored under the permit before the permit ends.

**50 Permit—term
Section 127U (2), notes 1 and 2**

omit

**51 Permit amendment—notification
Section 127X (1) (a)**

omit

or quarantined

**52 Trading authorisations under permits—procedure
Section 127ZB**

omit

or quarantined

53 Section 127ZB (2) (b) and (c), except notes

substitute

(b) written notice to—

- (i) amend the disposing licensee's storage permit to remove references to the stored authorisation and its associated gaming machine; and
- (ii) if the gaming machine is not being sold to the acquiring licensee—issue to the disposing licensee a storage permit for an interim purpose for the gaming machine.

**54 Trading authorisations under permits—issue of
quarantine permit to acquiring licensee
Section 127ZD**

omit

55 Section 131 heading

substitute

**131 Rendering gaming machines inoperable on authorisation
certificate ceasing to be in force****56 Single-user approval for linked-jackpot arrangements
Section 134 (4) (a) (ii)**

substitute

- (ii) information about the linked-jackpot arrangement is available, on request, from the licensee; and

57 New section 134 (4) (aa)

insert

- (aa) the licensee makes available, on request, information about the linked-jackpot arrangement to anyone requesting it; and

Examples—information about linked-jackpot arrangement

- 1 the percentage of the turnover of each gaming machine set aside for the payment of linked jackpots
- 2 the authorisation certificate for the authorised premises

**58 Conditions on multi-user permits
Section 136 (1) (a) (ii)**

substitute

- (ii) that information about the linked-jackpot arrangement is available, on request, from the permit-holder;

59 New section 136 (1) (aa)

insert

- (aa) the permit-holder makes available, on request, information about the linked-jackpot arrangement to anyone requesting it;

Examples—information about linked-jackpot arrangement

- 1 the percentage of the turnover of each gaming machine set aside for the payment of linked jackpots
- 2 the authorisation certificate for the authorised premises

**60 Club directors—acting in good faith
New section 148A (c)**

insert

- (c) as far as practicable, in a way that reduces gambling harm.

61 **Warning notices**
Section 151 (2)

omit everything after

prominent

substitute

position at or near each entrance to each gaming area within the authorised premises.

62 **Definitions—pt 11**
Section 157A, definitions of *small or medium club* and *small or medium club group*

substitute

small or medium club, for a financial year, means a licensee that is a club if the gross revenue in relation to the operation of gaming machines under all authorisation certificates held by the licensee—

- (a) is not more than \$4 000 000 for the financial year; or
- (b) was not more than \$4 000 000 in the financial year beginning on 1 July 2017.

small or medium club group, for a financial year, means all the licensees within a club group if the gross revenue in relation to the operation of gaming machines under all authorisation certificates held by all licensees of the group—

- (a) is not more than \$4 000 000 for the financial year; or
- (b) was not more than \$4 000 000 in the financial year beginning on 1 July 2017.

**63 Gaming machine tax rebate—financial year
Section 162A (2)**

omit

gaming machine tax liability under section 159

substitute

GMT liability

64 New section 162A (4)

insert

(4) In this section:

GMT liability, for a licensee, means the licensee's gaming machine tax liability worked out under section 159 on the licensee's gross revenue that is not more than \$4 000 000 from the operation of gaming machines under all of the licensee's authorisation certificates.

**65 Gaming machine tax rebate—part financial year
Section 162B (3) and (4)**

substitute

- (3) The amount of the GMT rebate for the licensee is 50% of the licensee's GMT liability for the part of the financial year (the ***entitled part of the year***) for which the licensee is entitled to the rebate.
- (4) The GMT rebate applies to reduce the amount of the licensee's gaming machine tax liability worked out under section 159 for the entitled part of the year.

(5) In this section:

adjusted amount, for a licensee, means \$4 000 000, adjusted on a pro-rata basis for the part of the financial year the licensee was entitled to the GMT rebate.

Example—adjusted amount

If the licensee is entitled to the rebate for 6 months in a financial year, the amount is adjusted to \$2 000 000.

GMT liability, for a licensee, means the licensee's gaming machine tax liability worked out under section 159 on the licensee's gross revenue that is not more than the adjusted amount from the operation of gaming machines under all of the licensee's authorisation certificates.

66 Division 11.2 heading

substitute

Division 11.2 Gambling harm prevention and mitigation fund

67 Section 163A heading

substitute

163A Required payment to gambling harm prevention and mitigation fund

68 Section 163A (1)

substitute

(1) A licensee is liable to pay the required percentage of the licensee's gross revenue for each tax period to the gambling harm prevention and mitigation fund.

69 Section 163AA heading

substitute

163AA Gambling harm prevention and mitigation fund—annual payment option

70 Section 163AA (3)

omit

problem gambling assistance fund

substitute

gambling harm prevention and mitigation fund

71 Section 163B

substitute

163B Gambling harm prevention and mitigation fund

(1) The commission must open and maintain a banking account (the *gambling harm prevention and mitigation fund*).

(2) In this section:

banking account means an account with an authorised deposit-taking institution that is, or is substantially the same as, a bank account.

163C Payment from gambling harm prevention and mitigation fund—required payment funds

(1) This section applies to an amount paid into the gambling harm prevention and mitigation fund under—

(a) section 163A (Required payment to gambling harm prevention and mitigation fund); or

(b) part 12 as a community purpose contribution.

- (2) The commission may make a payment of the amount out of the fund only for a purpose the commission is satisfied will assist in—
- (a) alleviating gambling harm; or
 - (b) alleviating the disadvantages that arise from gambling harm; or
 - (c) providing or ascertaining information about gambling harm.

Examples

- 1 counselling for those experiencing gambling harm or their family
- 2 education and awareness about harms caused by excessive gambling
- 3 assisting those experiencing gambling harm to exclude themselves from gambling venues
- 4 supporting the family of those experiencing gambling harm
- 5 self-help information about gambling harm
- 6 research about gambling harm

163D Payment from gambling harm prevention and mitigation fund—community contribution funds

- (1) This section applies to an amount paid into the gambling harm prevention and mitigation fund under—
- (a) section 167 (1) (b) (Minimum community contribution—clubs); or
 - (b) section 168 (1) (b) (Minimum community contribution—licensees other than clubs).
- (2) The commission may make a payment of the amount out of the fund only—
- (a) for a purpose set out in the guidelines under subsection (3); and
 - (b) with the written approval of the Minister.
- (3) The Minister may make guidelines about gambling harm prevention and mitigation.

- (4) A guideline is a disallowable instrument.

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

72 Part 12

substitute

Part 12 Community contributions

164 Definitions—pt 12

In this part:

Chief Minister's Charitable Fund means the Chief Minister's Charitable Fund Ltd ACN 627 111 700.

community—see section 165.

community purpose—see section 166.

community purpose contribution—see section 166.

contribution means any money, benefit, valuable consideration or security.

contribution information, for a community purpose contribution—see section 171.

minimum community contribution, for a licensee for a financial year, means the amount applying to the licensee under section 167 or section 168.

recipient, of a community purpose contribution—

- (a) means the entity to which the contribution is made; and
- (b) if a group within the entity receives a discrete portion of the contribution—includes the group; and

- (c) if an office or individual who is a member of the entity receives a discrete portion of the contribution—includes the office or individual.

Example—par (b)

A community sports club receives a community purpose contribution, the purpose of which is only to support the club's junior league. The sports club and the club's junior league are recipients of the contribution.

Example—par (c)

A community organisation receives a community purpose contribution, the purpose of which includes the president receiving leadership training and the treasurer receiving bookkeeping training. The community organisation, president and treasurer are recipients of the contribution.

reporting year, for a licensee, means the period for which the licensee prepares a financial statement or income and expenditure statement under section 158 (Audit of financial statements etc).

tax period—see section 157A.

165 Meaning of *community* etc—pt 12

- (1) In this part:

community—

- (a) means the people living in—
- (i) the ACT or surrounding region; or
 - (ii) if the Minister declares an area—the declared area; and
- (b) includes people living somewhere else in Australia who need relief or assistance because of a natural disaster.
- (2) The *community* is comprised of individuals and groups—
- (a) from diverse cultural, language and religious backgrounds; and
 - (b) of different gender identity; and
 - (c) of different sexual orientation; and

- (d) with disability; and
- (e) of all ages, including children and young people; and
- (f) in different social, economic and cultural circumstances.

- (3) A declaration is a notifiable instrument.

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

- (4) In this section:

groups includes community groups, associations and not-for-profit organisations.

166 Meaning of *community purpose* etc—pt 12

- (1) In this part:

community purpose means—

- (a) assisting the community, or a part of the community, in 1 or more of the following ways:
 - (i) supporting a charitable cause;
 - (ii) providing recreation opportunities;
 - (iii) providing education opportunities;
 - (iv) improving social inclusion, equality or cultural diversity;
 - (v) benefitting or increasing participation in community sport;
 - (vi) preventing or mitigating harm caused by drug or alcohol misuse or dependence; or
- (b) benefitting or increasing participation in women's sport conducted in the ACT, or with participants mainly based in the ACT; or
- (c) providing relief or assistance to people living in Australia following a natural disaster; or

(d) a purpose prescribed by regulation.

community purpose contribution—

(a) means a contribution made by a licensee that is a club—

(i) to a stated recipient for a community purpose; or

(ii) to the gambling harm prevention and mitigation fund (other than by a payment required under section 167 (1) (b)); or

(iii) to the commission and transferred to the Chief Minister's Charitable Fund (other than by a payment required under section 167 (1) (a)); and

(b) includes a contribution prescribed by regulation to be a community purpose contribution.

(2) However, a ***community purpose contribution*** does not include any of the following:

(a) expenditure in relation to gambling (for example, the purchase of gaming machines);

(b) payment, by the licensee or the recipient, of a tax, fee, charge or levy, other than for water consumption;

(c) expenditure on the licensee's business activities prescribed by regulation;

(d) expenditure on the recipient's ordinary expenses prescribed by regulation;

(e) capital payments or depreciation by the licensee or recipient prescribed by regulation;

(f) if a contribution is made on a condition—the value to the licensee of the condition being fulfilled;

(g) if a contribution is an asset—the value of any income earned from the asset (for example, entry or hiring fees);

- (h) a contribution made to another licensee under a reciprocal arrangement;
 - (i) the cost of the licensee or recipient borrowing funds to acquire an asset;
 - (j) any other contribution prescribed by regulation not to be a community purpose.
- (3) A regulation may prescribe matters in relation to a community purpose or a community purpose contribution, including matters that are included or not included in a community purpose or a community purpose contribution.

167 Minimum community contribution—clubs

- (1) The minimum community contribution that a licensee that is a club must make, as a percentage of the club's net revenue is—
- (a) 0.4% of the licensee's net revenue for a tax period, paid to the commission and transferred to the Chief Minister's Charitable Fund; and
 - (b) 0.4% of the licensee's net revenue for a tax period, paid to the gambling harm prevention and mitigation fund; and
 - (c) 8% of the licensee's net revenue for a reporting year for the licensee, made as a community purpose contribution.
- (2) For a club, other than a small or medium club or a club in a small or medium club group, at least 6% of the community purpose contribution must be a contribution of money.
- (3) The Minister may, on application by a club, determine a lower minimum community contribution for the club if satisfied that making the minimum community contribution would seriously affect the club's viability.

- (4) A determination under subsection (3) is a disallowable instrument.

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

- (5) A regulation may prescribe matters in relation to a contribution under this section including—

(a) how the value of a community purpose contribution for this section is worked out; and

(b) when a community purpose contribution is made.

- (6) In this section:

small or medium club, for a financial year—see section 157A.

small or medium club group, for a financial year—see section 157A.

168 Minimum community contribution—licensees other than clubs

- (1) The minimum community contribution that a licensee that is not a club must make in a financial year, as a percentage of the licensee's community contribution revenue, for a tax period is—

(a) 0.4% paid to the commission and transferred to the Chief Minister's Charitable Fund; and

(b) 0.4% paid to the gambling harm prevention and mitigation fund.

- (2) In this section:

community contribution revenue, for a licensee, means a licensee's gross revenue less the licensee's gaming machine tax.

169 Payment of community contributions for a tax period

- (1) This section applies to a minimum community contribution paid by a licensee for a tax period under section 167 (1) (a) or (b) or section 168.
- (2) The minimum community contribution required to be paid for the tax period must be paid by the 7th day after the end of the tax period.

170 Licensee must engage with community—clubs

- (1) A licensee that is a club must engage with the community by—
 - (a) making the community aware that the licensee must make community purpose contributions; and
 - (b) considering community needs in relation to making community purpose contributions.
- (2) A regulation may prescribe requirements for the engagement of clubs with the community in relation to community purpose contributions.

171 Community purpose contributions—record keeping by clubs

- (1) A licensee that is a club commits an offence if the licensee—
 - (a) makes a community purpose contribution; and
 - (b) does not keep a written record of the following information (the *contribution information*) for the contribution:
 - (i) the name of the recipient;
 - (ii) the community purpose for which the contribution was made;
 - (iii) the way in which the contribution is intended to be used by the recipient;
 - (iv) the nature of the benefit the recipient will receive by using the contribution in the way recorded for subparagraph (iii);

- (v) for a contribution of money—
 - (A) the amount of the contribution; and
 - (B) when the contribution was paid;
- (vi) for a contribution of any other kind—
 - (A) the kind of contribution; and
 - (B) the value of the contribution; and
 - (C) when the contribution was made;
- (vii) the authorised premises in relation to which the licensee made the contribution.

Maximum penalty: 20 penalty units.

Examples—par (b) (ii) and (iii)

- 1 A contribution of money was used by a community culture group to hold a fundraising market stall. The group used the profit from their market stall to buy traditional dance costumes.
- 2 A contribution of money was used by a community sports club to book a training venue and buy uniforms.
- 3 A contribution of room hire was used by a women’s sports team to hold an end of year awards night.

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

172 Community purpose contributions—reporting by clubs

- (1) The annual report of a licensee that is a club must include—
- (a) the gross revenue of the licensee for the reporting year; and
 - (b) the net revenue of the licensee for the reporting year; and
 - (c) the total value of community purpose contributions made by the licensee during the reporting year; and
 - (d) the percentage of the licensee’s net revenue for the reporting year that was paid as a community purpose contribution; and

- (e) the contribution information (other than the name of an individual who is a recipient) for each community purpose contribution made by the licensee during the reporting year; and
- (f) an account of how the licensee engaged with the community under section 170; and
- (g) an account of—
 - (i) how the licensee monitors the way in which the community purpose contributions were used; and
 - (ii) the steps, if any, the licensee takes to reduce the likelihood that community purpose contributions will not be used in a way that is not intended.

Note The annual report of a licensee that is a club must be published on the club's website (see s 54).

- (2) For subsection (1) (d), the annual report must set out the percentage of the licensee's net revenue for the reporting year that was made for each of the following:
 - (a) supporting a charitable cause;
 - (b) providing recreation opportunities;
 - (c) providing education opportunities;
 - (d) improving social inclusion, equality or cultural diversity;
 - (e) benefitting or increasing participation in community sport;
 - (f) preventing or mitigating harm caused by drug or alcohol misuse or dependence;
 - (g) benefitting or increasing participation in women's sport conducted in the ACT, or with participants mainly based in the ACT;
 - (h) providing relief or assistance to people living in Australia following a natural disaster;

- (i) a purpose prescribed by regulation for section 166 (1), definition of *community purpose*, paragraph (d).
- (3) However, if a licensee is a club with gross revenue for a reporting year of less than \$200 000, and does not prepare an annual report, the information mentioned in subsection (1) must be—
 - (a) set out in a written statement; and
 - (b) annexed to the licensee's certified income and expenditure statement that is given to the commission under section 158 (Audit of financial statements etc).

172A Community contributions—commission must publish summary

- (1) The commission must publish on the commission's website details of the following in relation to each licensee:
 - (a) the minimum community contribution received from each licensee under section 167 (1) (a) or (b) or section 168 (1) (a) or (b);
 - (b) for a licensee that is a club—
 - (i) the amount of any community purpose contribution mentioned in section 166 (2), definition of *community purpose contribution*, paragraph (a) (ii) and (iii); and
 - (ii) the percentage of the licensee's net revenue year that was made for each of the matters mentioned in section 172 (2); and
 - (iii) either—
 - (A) an annual report received under section 54 (2) (a); or
 - (B) a written statement annexed to the licensee's certified income and expenditure statement under section 172 (3) and given to the commission under section 158.

- (2) The commission may ask a licensee to give the commission, within a stated reasonable time, information about the licensee's community contributions that the commission reasonably needs to prepare the summary under subsection (1).

172B Community contribution shortfall tax

- (1) Tax (the *community contribution shortfall tax*) is imposed on a community contribution shortfall of a licensee that is a club at the rate of 150% for a financial year.
- (2) The licensee must pay the community contribution shortfall tax.
- (3) Community contribution shortfall tax is payable 30 days after the day the licensee receives an assessment under the [Control Act](#), part 6 (Tax administration).
- (4) If an amount of community contribution shortfall tax is paid, the commission must transfer the amount to the gambling harm prevention and mitigation fund or, if another fund is prescribed by regulation, that fund.
- (5) In this section:

community contribution shortfall, for a licensee that is a club in relation to a financial year, means the amount (if any) by which the club's community contributions fall short of its minimum community contribution.

73 Section 174A heading

substitute

174A Licences and authorisations etc are not personal property—PPS Act

74 Section 174A (1)

omit

licence or authorisation certificate

substitute

licence, authorisation certificate or authorisation

**75 Regulation-making power
Section 178 (3)**

omit

10 penalty units

substitute

30 penalty units

76 Section 179

substitute

179 Review of trading scheme

- (1) Before 1 May 2025, the Minister must—
 - (a) review the operation of division 6A.6 (Trading of authorisations and gaming machines); and
 - (b) present a report of the review to the Legislative Assembly.
- (2) This section expires on 1 May 2026.

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

omit

78 New part 22

insert

**Part 22 Transitional—Gaming Machine
Legislation Amendment Act 2018**

**314 Community contributions—report by clubs with reporting
year beginning before 1 July 2019**

- (1) This section applies to a licensee that is a club if the reporting year for the licensee began before the commencement day.
- (2) For the reporting year, the licensee's annual report or written statement under section 172 must, for each community contribution—
 - (a) for the part of the reporting year ending immediately before the commencement day—set out the information required to be recorded under section 165 as in force immediately before the commencement day; and
 - (b) for the part of the reporting year beginning on the commencement day—comply with the requirements of section 172 for each contribution made on or after that day.
- (3) In this section:

commencement day means 1 July 2019.

reporting year, for a licensee—see section 164.

315 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Gaming Machine Legislation Amendment Act 2018*.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

316 Expiry—pt 22

This part expires on 1 July 2020.

**79 Reviewable decisions
Schedule 1, item 52**

omit

**80 Notifiable actions
Schedule 2, item 1**

omit

81 Dictionary, note 2

insert

- authorised deposit-taking institution
- Chief Minister
- entity
- financial year
- Legislative Assembly
- Minister (see s 162)
- Treasurer

82 Dictionary, new definitions

insert

cap on authorisations, for division 2A.3 (Compulsory surrenders)—see section 10I.

census day, for part 2A (Reducing cap on authorisations in ACT to 4 000 or fewer)—see section 10.

83 Dictionary, new definitions

insert

Chief Minister's Charitable Fund, for part 12 (Community contributions)—see section 164.

community, for part 12 (Community contributions)—see section 165.

84 Dictionary, definition of *community contribution*

omit

85 Dictionary, definition of *community contribution shortfall tax*

substitute

community contribution shortfall tax—see section 172B (1).

86 Dictionary, new definitions

insert

community purpose, for part 12 (Community contributions)—see section 166.

community purpose contribution, for part 12 (Community contributions)—see section 166.

87 Dictionary, new definitions

insert

compulsory surrender day, for part 2A (Reducing cap on authorisations in ACT to 4 000 or fewer)—see section 10.

compulsory surrender period, for division 2A.4 (Miscellaneous)—see section 10Q.

88 Dictionary, definition of *contribution*

substitute

contribution, for part 12 (Community contributions)—see section 164.

89 Dictionary, new definition of *contribution information*

insert

contribution information, for a community purpose contribution, for part 12 (Community contributions)—see section 171.

90 Dictionary, definitions of *disciplinary action* and *dispose of*

substitute

disciplinary action—see section 58.

dispose of, a gaming machine, includes the following:

- (a) to sell or give the gaming machine to a person in the ACT or a local jurisdiction;
- (b) to sell or return the gaming machine to an approved supplier;
- (c) to destroy the gaming machine;
- (d) to lease or hire the gaming machine to a person.

91 Dictionary, new definition of *first compulsory surrender day*

insert

first compulsory surrender day, for part 2A (Reducing cap on authorisations in ACT to 4 000 or fewer)—see section 10.

92 Dictionary, new definition of *gambling harm prevention and mitigation fund*

insert

gambling harm prevention and mitigation fund—see section 163B.

93 Dictionary, new definition of *GM undertaking*

insert

GM undertaking, for part 3A (Enforceable undertakings)—see section 55B.

94 Dictionary, definition of *ground for disciplinary action*

substitute

ground for disciplinary action—see section 57.

95 Dictionary, new definitions of *inoperable* and *licensee*

insert

inoperable, in relation to a gaming machine, means to switch off and to secure the gaming machine so it cannot be played.

licensee, for division 2A.3 (Compulsory surrenders)—see section 10I.

96 Dictionary, new definition of *minimum community contribution*

insert

minimum community contribution, for a licensee for a financial year, for part 12 (Community contributions)—see section 164.

97 Dictionary, definition of *permit*

omit

98 Dictionary, definition of *problem gambling assistance fund*

omit

99 Dictionary

omit the definitions of

quarantine period

quarantine permit

quarantined authorisation

quarantined gaming machine

100 Dictionary, new definitions of *recipient* and *reporting year*

insert

recipient, of a community purpose contribution, for part 12 (Community contributions)—see section 164.

reporting year, for a licensee, for part 12 (Community contributions)—see section 164.

101 Dictionary, definition of *required community contribution*

omit

102 Dictionary, new definitions

insert

second compulsory surrender day, for part 2A (Reducing cap on authorisations in ACT to 4 000 or fewer)—see section 10.

surrendered authorisation, for division 2A.2 (Voluntary surrenders)—see section 10A.

surrender obligation, of a licensee, for division 2A.3 (Compulsory surrenders)—see section 10I.

103 Dictionary, definition of *tax period*

substitute

tax period, for part 11 (Finance) and part 12 (Community contributions)—see section 157A.

104 Dictionary, new definitions

insert

undertaking, for part 3A (Enforceable undertakings)—see section 55A.

voluntary surrender agreement, for division 2A.2 (Voluntary surrenders)—see section 10C.

voluntary surrender day, for a licensee, for division 2A.2 (Voluntary surrenders)—see section 10A.

voluntary surrender notice, for division 2A.2 (Voluntary surrenders)—see section 10B.

105 Further amendments, mentions of *permit*

omit

permit

substitute

storage permit

in

- sections 127X to 127ZB
- section 127ZC (3) (a) and (b)
- sections 127ZE (1) and 127ZF (1)

106 Further amendments, mentions of *permits*

omit

permits

substitute

storage permits

in

- subdivision 6A.7.4 heading
- subdivision 6A.7.5 heading
- subdivision 6A.7.6 heading
- subdivision 6A.7.7 heading
- section 127ZB heading
- section 127ZC heading
- subdivision 6A.7.8 heading
- section 127ZE heading

Part 4 Gaming Machine Regulation 2004

107 Cashless gaming systems—control procedures Section 32 (2) and examples and note

omit

108 Unredeemed gaming credits—expiry after 1 year Section 34 (3)

substitute

- (3) The licensee holding the gaming credits must distribute funds equivalent to the expired credits to patrons of the licensee's authorised premises—
- (a) by adding the funds to an existing linked-jackpot arrangement or to a stand-alone progressive jackpot at the premises where the gaming credits were accumulated; or
 - (b) by using a lottery conducted under the *Lotteries Act 1964* at the premises where the gaming credits were accumulated; or
 - (c) in a way approved, in writing, by the commission.

109 Section 34 (4) and note

substitute

- (4) If funds equivalent to the expired gaming credits are to be distributed under subsection (3) (c), the licensee must apply to the commission for approval within 12 months after the day the credits expire.
- (5) If funds equivalent to the expired credits have not been distributed under subsection (3) before the end of the financial year following the financial year in which the gaming credits expire, the funds are forfeited to the gambling harm prevention and mitigation fund.

(6) In this section:

stand-alone progressive jackpot means a stand-alone progressive jackpot function integrated with a gaming machine that contributes a percentage of the gaming machine's turnover to the stand-alone progressive jackpot's pool.

Example

An unknown patron's gaming credits for Club Z expire on 16 December 2017. Club Z does not distribute funds equivalent to the expired gaming credits before 30 June 2019. Because the funds are not distributed in the required time they are forfeited to the gambling harm prevention and mitigation fund.

110 Section 35

substitute

35 Expired gaming credits in annual report of clubs—Act, s 54 (e)

A club that operates a cashless gaming system must include the following information in the club's annual report under the [Act](#), section 54 to the commission for a financial year:

- (a) the value of expired gaming credits (if any) the club held in each month of that year;
- (b) the amount of funds (if any) the club distributed under section 34 to patrons in each month of that year and details of the distribution.

Example—distribution details

\$200 was added to the approved single-user linked-jackpot arrangement number 1234Z for Club Z on 12 February 2019.

**111 Winning linked jackpots
Section 46 (2) (a)**

substitute

- (a) take all reasonable steps necessary to prevent the gaming machine being played until the licensee has worked out the matters to be worked out under paragraphs (b) and (c); and

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

omit

permit

substitute

storage permit

Schedule 1 Repeal of uncommenced amendments

(see s 3)

Part 1.1 Casino (Electronic Gaming) Act 2017

[1.1] Schedule 4

omit

Part 1.2 Gaming and Racing (Red Tape Reduction) Legislation Amendment Act 2016

[1.2] Schedule 1

omit

Part 1.3 Gaming Machine (Reform) Amendment Act 2015

[1.3] Schedule 1

omit

Schedule 2 Delayed amendment— Gambling and Racing Control Act 1999

(see s 3)

[2.1] Section 50 (5), definition of *surrendered*, paragraph (a)

substitute

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

[2.2] New section 50A

in part 6A, insert

50A Review of cap on number of authorisations

- (1) Before 1 May 2025, the Minister must—
- (a) review the operation of section 50; and
 - (b) present a report of the review to the Legislative Assembly.
- (2) This section expires on 1 May 2026.

[2.3] Section 101

omit

on the commencement of the *Casino (Electronic Gaming) Act 2017*, schedule 4

substitute

12 months after the day it commences

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 1 November 2018.

2 Notification

Notified under the [Legislation Act](#) on 4 December 2018.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Gaming Legislation Amendment Bill 2018, which was passed by the Legislative Assembly on 27 November 2018.

Clerk of the Legislative Assembly

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