



Australian Capital Territory

Gaming Legislation Amendment Regulation 2015 (No 1)

Subordinate Law SL2015-27

The Australian Capital Territory Executive makes the following regulation under the *Gambling and Racing Control Act 1999* and the *Gaming Machine Act 2004*.

Dated 17 August 2015.

JOY BURCH
Minister

ANDREW BARR
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Gaming Legislation Amendment Regulation 2015 (No 1)*.

2 Commencement

This regulation commences on the commencement of the *Gaming Machine (Reform) Amendment Act 2015*, section 4.

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

3 Legislation amended

This regulation amends the *Gambling and Racing Control (Code of Practice) Regulation 2002* and the *Gaming Machine Regulation 2004*.

Part 2 **Gambling and Racing Control
(Code of Practice)
Regulation 2002**

4 **Schedule 1, new section 1.27B**

in part 1.3, insert

1.27B **Operating times of gaming machines**

A gaming machine licensee must not operate a gaming machine between 4 am and 9 am.

Part 3 Gaming Machine Regulation 2004

5 Section 3, note 1

substitute

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

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

6 Part 2 heading

substitute

Part 2 Licences and authorisations

7 Section 6

substitute

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

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

- (e) an application under the [Act](#), section 38H (3) (b) to transfer an in-principle authorisation certificate to someone else.

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

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

Example

a lease of the premises

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

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

8 Section 7 heading

substitute

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

9 Section 7 (3), definition of *GM*

substitute

GM, for a club, means—

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

10 Section 7 (3), definition of *TGM*

substitute

TGM, for a club, means—

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

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

11 Section 7 (3), note

substitute

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

12 Section 8

substitute

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

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

- (a) the name of the game installed in the gaming machine;

- (b) its basic stake denomination;
- (c) the percentage payout for the gaming machine;
- (d) whether the gaming machine is part of a linked-jackpot arrangement;
- (e) if the gaming machine is part of a linked-jackpot arrangement—the percentage contribution from the gaming machine to the linked jackpot.

13 Section 9, new definition of *relevant gaming machine application*

insert

relevant gaming machine application means any of the following:

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

14 Section 9, definition of *relevant premises*

substitute

relevant premises, for a social impact assessment, means—

- (a) for an authorisation certificate application or an authorisation certificate amendment application for an increase maximum amendment—the premises to which the application relates; or

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

15 Section 10 heading

substitute

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

16 Section 10 (1)

substitute

- (1) A social impact assessment for a relevant gaming machine application must satisfy the requirements of this section.

17 Section 10 (2)

omit everything after

gaming machines under

substitute

the proposed authorisation certificate, the authorisation certificate as proposed to be amended or the in-principle authorisation certificate (the ***gaming machine proposal***).

18 Section 11 heading

substitute

**11 Matters to be addressed by social impact assessment—
Act, s 12 (2) (b)****19 Section 11 (1)**

omit everything before paragraph (a), substitute

- (1) A social impact assessment for a relevant gaming machine application must address the following matters:

20 Section 12 heading

substitute

**12 Information to be given in social impact assessment—
Act, s 12 (2) (c)****21 Section 12 (1)**

omit everything before paragraph (a), substitute

- (1) To the extent that the information is available to the applicant, the following information must be given in a social impact assessment for a relevant gaming machine application:

22 Part 3A

omit

23 Section 14, note

substitute

Note The following sections of the Act mention ballots:

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

24 Section 40, new definition of *single-user approval*

insert

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

25 Section 40, definition of *single-user authorisation*

omit

26 Section 55, definition of *linked licence*

omit

27 New parts 9A and 9B

insert

Part 9A Storage of authorisations and gaming machines—permits

70A Form of permit—Act, s 127S (1) (b) (x)

The following information is prescribed:

- (a) the location of each stored gaming machine;

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

Part 9B Notifiable actions

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

- (1) For a notifiable action under each of the following sections, the prescribed number of days is 20 business days:
- (a) section 37B (1) (Authorisation certificate amendment—technical amendment);
 - (b) section 37E (1) (Transferring an authorisation certificate);
 - (c) section 37F (1) (Surrender of licences, authorisation certificates and authorisations);
 - (d) section 113A (1) (b), (c), (d), (e), (f) and (g) (Disposal of gaming machines—notifiable action).
- (2) This part expires 3 months after the day it commences.

28 Section 71

omit

29 New part 15

insert

**Part 15 Transitional—Gaming Legislation
Amendment Regulation 2015
(No)**

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

- (1) The Act, part 20 is modified by schedule 1.
- (2) This part and schedule 1 expire 3 years after the day this section commences.

30 New schedule 1

insert

Schedule 1 Modification of Act

(see s 200)

[1.1] New sections 309A and 309B

insert

309A Application to convert in-principle approval to new venue amendment

- (1) This section applies if—
 - (a) before the commencement day, a licensee held an in-principle approval for a new venue amendment under the [Act](#), section 38I (In-principle approval decision—new venue amendment); and

- (b) immediately before the commencement day, the licensee had not applied to have the in-principle approval converted into a new venue amendment.
- (2) The in-principle approval is, on the commencement day, taken to be an in-principle authorisation certificate and the maximum number of authorisations stated in the in-principle authorisation certificate is taken to be the same as the number of gaming machines stated in the in-principle approval.
- (3) If, on application by the licensee under section 38M (Conversion of in-principle authorisation certificate to authorisation certificate—application), the commission converts the in-principle authorisation certificate to an authorisation certificate (the *converted authorisation certificate*), the commission must reduce the maximum number of authorisations the licensee holds under other authorisation certificates by the number allowed under the converted authorisation certificate.

309B Temporary storage amendment application

- (1) This section applies if—
 - (a) before the commencement day, the commission amended a licence under section 26 (Licence amendment decision—temporary storage amendment) for a stated period; and
 - (b) immediately before the commencement day, the period of the amendment had not ended.
- (2) The commission must, as soon as practicable after the commencement day, issue the licensee with a storage permit for a general purpose for the period that remains on the amendment up to a maximum of 12 months.

31 Dictionary, note 3

substitute

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

- approved supplier
- approved technician
- authorisation certificate amendment application
- authorisation certificate application
- authorisation schedule
- authorised officer
- authorised premises
- centralised monitoring system (or CMS) (see s 66)
- class B licence and authorisation certificate application
- class C gaming machine
- class C licence application
- club
- commission
- community contribution
- Control Act
- gaming machine
- increase maximum amendment
- in-principle authorisation certificate (see s 38A)
- linked jackpot
- linked-jackpot arrangement
- maximum number, of authorisations
- multi-user permit
- notifiable action (see s 173C)
- premises relocation amendment
- prescribed number of days
- social impact assessment.

32 Dictionary, new definition of *expired gaming credits*

insert

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

33 Dictionary, definition of *gaming machine proposal*

substitute

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

34 Dictionary, definition of *linked licence*

omit

35 Dictionary, definition of *local community*

substitute

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

36 Dictionary, new definitions of *relevant gaming machine application* and *single-user approval*

insert

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

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

37 Dictionary, definition of *single-user authorisation*

omit

38 Further amendments, mentions of *authorisation* etc

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 39	authorisation	approval
2	section 42	authorisation	approval
3	section 43 (3), definition of <i>percentage of turnover</i> , paragraph (b)	authorisation	approval
4	section 47 (2)	authorisation	approval
5	section 51 heading	authorisations	approvals
6	section 51 (1)	authorisation	approval

39 Further amendments, mentions of *licensed* etc

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 26 (1)	licensed	authorised
2	section 27 (1), definition of <i>player account card</i>	licensed	authorised
3	section 27 (2), definition of <i>player account</i>	licensed	authorised
4	section 28 (1) (a)	licensed	authorised
5	section 31 (2) (a)	licensed	authorised

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
6	section 33 (1) (a)	licensed	authorised
7	section 33 (2), example 3	licensed	authorised
8	section 34 (3)	licensed	authorised
9	section 36 (1)	licensed	authorised
10	section 37 (1) (a)	licensed	authorised
11	section 46 (1)	licensed	authorised
12	section 50	licensed	authorised
13	section 51 (1)	licensed	authorised
14	section 52	licensed	authorised
15	section 61 (2) and (3)	licensed	authorised

40 Further amendments, mentions of *machine* etc

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 25 (1) (b) and (c)	the machine	the gaming machine
2	section 25 (2) (b)	the machine	the gaming machine
3	section 27 (1), definition of <i>cashless gaming system</i> , paragraph (a)	the machine	the gaming machine
4	section 43 (1)	the machine	the gaming machine

Part 3 Gaming Machine Regulation 2004

Section 40

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
5	section 43 (3), definition of <i>percentage of turnover</i>	the machine's	the gaming machine's
6	section 44	the machine	the gaming machine
7	section 47 heading	machines	gaming machines
8	section 50	the machine	the gaming machine
9	section 50, example heading	machine	gaming machine
10	section 50, example 1	the machine	the gaming machine
11	section 55, definition of <i>linked-jackpot contribution</i>	the machine	the gaming machine
12	section 57 (3) (c)	the machines	the gaming machines
13	section 60 (1) (a)	the machine	the gaming machine
14	section 76 (2)	the machine	the gaming machine
15	section 76 (2), example	the machine	the gaming machine

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 24 August 2015.

2 Republications of amended laws

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

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