

Queensland



GAMING MACHINE AMENDMENT BILL 1997

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REPLACEMENT OF REFERENCES TO DIRECTOR

1997

A BILL

FOR

An Act to amend the *Gaming Machine Act 1991*

The Parliament of Queensland enacts— 1

Short title 2

Clause 1. This Act may be cited as the *Gaming Machine Amendment Act 1997*. 3

Commencement 4

Clause 2. This Act commences on a day to be fixed by proclamation. 5

Act amended 6

Clause 3. This Act amends the *Gaming Machine Act 1991*. 7

Amendment of s 3 (Interpretation) 8

Clause 4.(1) Section 3, heading— 9

omit, insert— 10

‘Definition’. 11

(2) Section 3, definition **“gross monthly turnover”**. 12

omit. 13

(3) Section 3— 14

insert— 15

‘**“accepted representations”**’ see section 72ZJ.¹ 16

“approved financier” means any of the following— 17

(a) a financial institution under the *Acts Interpretation Act 1954*, section 36;² 18
19

(b) a registered corporation under the *Financial Corporations Act* 20

¹ Section 72ZJ (Consideration of representations)

² Under the *Acts Interpretation Act 1954*, section 36, a “financial institution” means a bank, building society or credit union.

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<i>1974</i> (Cwlth);	1
(c) another entity prescribed under a regulation.	2
“assessment period” , for licensed premises, means the period for which an assessment is required to be made under section 163(1) ³ for the premises.	3 4 5
“basic monitoring services” means services supplied by a licensed operator under the conditions of the operator’s licence—	6 7
(a) for electronically monitoring the security, accounting or operational data from a licensee’s gaming equipment on licensed premises; or	8 9 10
(b) relating to the operation of the equipment being monitored.	11
“disclosed associate” means a person stated in a disclosure affidavit as being a person who satisfies a description mentioned in section 72ZZ(4)(a) or (b). ⁴	12 13 14
“disclosure affidavit” see section 72ZZ. ⁵	15
“gaming trainer” means a person (other than a listed person) who conducts a genuine training course relating to the conduct of gaming.	16 17
“general associate” , of a person, means an associate (other than a disclosed associate) of the person.	18 19
“information notice” , for a decision of the commission means a written notice stating—	20 21
(a) the decision; and	22
(b) the reasons for the decision; and	23
(c) that the person to whom the notice is given may appeal against the decision to a Magistrates Court within 28 days after the notice is given.	24 25 26

³ Section 163 (Monthly taxable metered win)

⁴ Section 72ZZ (Disclosure affidavits about persons having influence or receiving benefits)

⁵ Section 72ZZ (Disclosure affidavits about persons having influence or receiving benefits)

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“interested person” see section 72ZI. ⁶	1
“key monitoring employee” means an individual employed by, or working for, a licensed operator who—	2 3
(a) occupies a managerial position or carries out functions in a managerial capacity; or	4 5
(b) may make decisions, involving the exercise of the person’s discretion, that regulate the operator’s operations.	6 7
“key officer” , for a licensed operator, means a person associated with, or employed by, the operator who—	8 9
(a) exercises, or is able to exercise, significant influence over the operator’s operations; or	10 11
(b) because of the person’s remuneration or policy-making position or other reasons prescribed under a regulation—exercises, or is able to exercise, authority of a nature, or to an extent, about the operator’s operations that makes it desirable in the public interest for the person to be a licensed key monitoring employee.	12 13 14 15 16
“licensed key monitoring employee” means the holder of a key monitoring employee’s licence in force under this Act.	17 18
“licensed operator” means the holder of an operator’s licence in force under this Act.	19 20
“metered bets” , for licensed premises for an assessment period, means the amount of all bets made on gaming machines on the premises in the assessment period.	21 22 23
“metered payouts” , for licensed premises for an assessment period, means the metered amount won by players for winning results on gaming machines on the premises in the assessment period.	24 25 26
“metered win” , for licensed premises for an assessment period, means the amount obtained by subtracting the metered payouts for the premises from the metered bets for the premises.	27 28 29
“monthly taxable metered win” , for licensed premises for an assessment period, means the metered win for the premises for the period, less the	30 31

⁶ Section 72ZI (Involvement of interested persons in show cause process)

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	amounts for the period—	1
	(a) paid into an approved trust account maintained by a licensed operator for multiple site jackpot increments; and	2 3
	(b) prescribed under a regulation.	4
	“multiple site jackpot increments” , for licensed premises, means the amount assessed by or for the chief executive for a linked jackpot arrangement for an assessment period.	5 6 7
	“reasonably suspects” means suspects on grounds that are reasonable in all the circumstances.	8 9
	“registered company auditor” means a person registered as an auditor, or taken to be registered as an auditor, under the Corporations Law, chapter 9, part 9.2. ⁷	10 11 12
	“show cause notice” see section 72ZH. ⁸	13
	“show cause period” see section 72ZH.’.	14
	Amendment of s 6 (Meaning of “associate”)	15
Clause	5. Section 6(a)(xiv), ‘section 59 or 89’— <i>omit, insert—</i> ‘section 59, 72H, 72K, 72W, 72ZU or 89’.	16 17 18
	Amendment of s 24 (Appeals from commission)	19
Clause	6.(1) Section 24, heading— <i>omit, insert—</i> ‘Appeals to Minister’ . (2) Section 24(1)(b), after ‘subsection (8)’— <i>insert—</i> ‘or (9)’.	20 21 22 23 24 25

⁷ Chapter 9 (Miscellaneous), part 9.2 (Registration of auditors and liquidators)

⁸ Section 72ZH (Show cause notice)

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	(3) Section 24(4)(c)—	1
	<i>omit, insert—</i>	2
	‘(c) if the appeal is against a decision or determination of the commission—the commission; and’.	3
		4
	(4) Section 24—	5
	<i>insert—</i>	6
	‘(9) An appeal under subsection (1)(b) may be made in relation to—	7
	(a) a decision of the chief executive under section 72X ⁹ refusing to renew an operator’s licence; or	8
		9
	(b) a decision of the chief executive under section 72Y ¹⁰ refusing to replace an operator’s licence.’.	10
		11
	Amendment of s 25 (Determination of appeals)	12
Clause	7.(1) Section 25, heading—	13
	<i>omit, insert—</i>	14
	‘Minister’s determination of appeals’.	15
	(2) Section 25(1)(a), ‘appeal and information’—	16
	<i>omit, insert—</i>	17
	‘appeal under section 24 and information’.	18
	Insertion of new ss 25A–25F	19
Clause	8. After section 25—	20
	<i>insert—</i>	21
	‘Appeals to Magistrates Court	22
	‘25A.(1) An applicant for an operator’s licence may appeal against the	23

⁹ Section 72X (Renewal of licence—decision)

¹⁰ Section 72Y (Replacement of licence)

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commission's decision under section 72P¹¹ to refuse to grant the application for the licence. 1
2

'(2) A licensed operator may appeal against the following decisions of the commission— 3
4

(a) a decision under section 72Q¹² to impose a condition on the licence; 5
6

(b) a decision under section 72T¹³ to change a condition of the licence; 7
8

(c) a decision under section 72ZO or 72ZQ¹⁴ to suspend the licence; 9

(d) a decision under section 72ZO to cancel the licence. 10

'(3) The appeal must be made to the Magistrates Court at Brisbane or nearest the place where the appellant carries on, or proposes to carry on, operations under the operator's licence. 11
12
13

'(4) Sections 25B to 25F apply only to an appeal under this section. 14

'Starting appeal 15

'25B.(1) An appeal is started by— 16

(a) filing a written notice of appeal with the clerk of the Magistrates Court; and 17
18

(b) serving a copy of the notice on the commission. 19

'(2) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision. 20
21

'(3) The court may at any time extend the period for filing the notice of appeal. 22
23

'(4) The notice of appeal must state fully the grounds of the appeal and the facts relied on. 24
25

¹¹ Section 72P (Decision about application)

¹² Section 72Q (Conditions of licences)

¹³ Section 72T (Changing conditions of licence)

¹⁴ Section 72ZO (Decision of commission) or 72ZQ (Immediate suspension)

‘Stay of operations of decisions

‘25C.(1) The Magistrates Court may grant a stay of the operation of a decision appealed against to secure the effectiveness of the appeal.

‘(2) A stay—

- (a) may be given on conditions the court considers appropriate; and
- (b) operates for the period fixed by the court; and
- (c) may be revoked or amended by the court.

‘(3) The stay must not extend past the time when the court decides the appeal.

‘(4) An appeal against a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

‘Hearing procedures

‘25D.(1) In deciding an appeal, the Magistrates Court—

- (a) has the same powers as the commission; and
- (b) is not bound by the rules of evidence; and
- (c) must comply with natural justice; and
- (d) may hear the appeal in court or chambers.

‘(2) An appeal is by way of rehearing.

‘Powers of court on appeal

‘25E.(1) In deciding an appeal, the Magistrates Court may—

- (a) confirm the decision; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the matter to the commission with the directions the court considers appropriate.

‘(2) If the court substitutes another decision, the substituted decision is, for this Act (other than section 25A), taken to be the commission’s decision.

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‘Appeal to District Court

‘25F. An appeal to a District Court from a decision of a Magistrates Court may be made only on a question of law.’.

Amendment of s 35 (Secrecy)

Clause

9.(1) Section 35(2)(b)—

omit, insert—

‘(b) must not communicate or reveal the information.’.

(2) Section 35—

insert—

‘(2A) A person who is or was a licensed operator must not communicate or reveal information about a licensee’s operations that the person obtained in the course of the person’s operations as a licensed operator.

Maximum penalty—200 penalty units or 1 year’s imprisonment.

‘(2B) A person who is or was employed by a licensed operator or who works or worked for a licensed operator (whether in the capacity of a licensed key monitoring employee or another capacity), must not communicate or reveal information obtained by the person in carrying out the person’s functions in that capacity.

Maximum penalty—200 penalty units or 1 year’s imprisonment.

‘(2C) Subsections (2), (2A) and (2B) do not apply to the communication or revealing of information by a person—

(a) for a purpose under this Act or a Gaming Act; or

(b) with a lawful excuse; or

(c) under an approval of the chief executive or commission under this section.’.

(3) Section 35(3) and (5), ‘subsection (2),’—

omit, insert—

‘subsection (2), (2A) or (2B),’.

(4) Section 35(3) and (5), ‘subsection (2) to’—

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	<i>omit, insert—</i>	1
	‘the subsection to’.	2
	Amendment of s 44 (Schedule of gaming machines)	3
Clause	10. Section 44(3)(a), ‘54 or’,	4
	<i>omit.</i>	5
	Omission of s 54 (Director to provide gaming machines etc.)	6
Clause	11. Section 54—	7
	<i>omit.</i>	8
	Amendment of s 56 (Increase in gaming machines)	9
Clause	12. Section 56(3)(c), ‘gross monthly turnover’—	10
	<i>omit, insert—</i>	11
	‘monthly taxable metered win’.	12
	Insertion of new pt 3A	13
Clause	13. After section 72—	14
	<i>insert—</i>	15
	‘PART 3A—LICENSING OF MONITORING OPERATORS	16
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	<i>‘Division 1—Interpretation</i>	18
	‘References to operations of licensed operators	19
	‘72A. In this Act, a reference to the operations of a licensed operator is a reference to the operator’s operations as a licensed operator.	20
		21

‘References to particular licensed operators	1
‘72B. In this Act, a reference to a licensed operator in association with a reference to an operator’s licence is a reference to the licensed operator who holds the operator’s licence.	2 3 4
‘References to particular monitoring operators’ licences	5
‘72C. In this Act, a reference to an operator’s licence in association with a reference to a licensed operator is a reference to the operator’s licence held by the licensed operator.	6 7 8
‘Control action under the Corporations Law	9
‘72D. For this Act, a licensed operator, or an associate of a licensed operator, is affected by control action under the Corporations Law if the operator or associate—	10 11 12
(a) has executed a deed of company arrangement under the Law; or	13
(b) is the subject of a winding-up (whether voluntarily or under a court order) under the Law; or	14 15
(c) is the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under the Law.	16 17
 <i>‘Division 2—Suitability of persons</i>	 18
‘Suitability of applicants for, and holders of, monitoring operators’ licences	19 20
‘72E.(1) This section applies to the chief executive in deciding whether—	21
(a) an applicant (the “involved body”) for an operator’s licence is a suitable person to be a licensed operator; or	22 23
(b) a licensed operator (also the “involved body”) is a suitable person to hold an operator’s licence.	24 25
‘(2) The chief executive must have regard to the following issues—	26
(a) the involved body’s business reputation;	27

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(b) the involved body's current financial position and financial background;	1 2
(c) for the secretary and each executive officer of the involved body—	3 4
(i) the person's character; and	5
(ii) the person's current financial position and financial background;	6 7
(d) the involved body's general suitability to be a licensed operator;	8
(e) whether the involved body has, or has arranged, a satisfactory ownership, trust or corporate structure;	9 10
(f) whether the involved body has, or is able to obtain, enough financial resources to ensure the financial viability of the operations of a licensed operator;	11 12 13
(g) whether the involved body has, or is able to obtain, the services of persons with appropriate business ability to enable the involved body to successfully conduct operations as a licensed operator;	14 15 16
(h) whether the involved body has, or is able to obtain, the services of persons with appropriate knowledge or experience to enable the involved body to successfully operate electronic monitoring systems;	17 18 19 20
(i) if the involved body has a business association with another entity—	21 22
(i) the entity's character or business reputation; and	23
(ii) the entity's current financial position and financial background;	24 25
(j) any other issue prescribed under a regulation.	26
'Suitability of associates	27
'72F.(1) This section applies to the chief executive in deciding whether—	28
(a) an associate of an applicant for an operator's licence is a suitable person to be an associate of a licensed operator; or	29 30
(b) an associate of a licensed operator is a suitable person to be an	31

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associate of a licensed operator.	1
‘(2) The chief executive must have regard to the following issues—	2
(a) the associate’s character or business reputation;	3
(b) the associate’s current financial position and financial background;	4
(c) if the associate has a business association with another entity—	5
(i) the entity’s character or business reputation; and	6
(ii) the entity’s current financial position and financial background;	7 8
(d) any other issue prescribed under a regulation.	9
‘Other issues about suitability	10
‘72G. Sections 72E and 72F do not limit the issues the chief executive may have regard to in deciding a matter to which the section relates.	11 12
<i>‘Division 3—Applications for, and issue of, monitoring operators’ licences</i>	13 14
‘Application for licence	15
‘72H.(1) An application for an operator’s licence may be made only by a body corporate.	16 17
‘(2) An application must—	18
(a) be made to the chief executive; and	19
(b) be in the approved form.	20
‘(3) An application must be accompanied by the following—	21
(a) a copy of the certificate of registration or incorporation as a body corporate of the applicant;	22 23
(b) a copy of the memorandum and articles of association, rules, constitution or other incorporating documents of the applicant, in force when making the application;	24 25 26
(c) a copy of the resolution or minute of the proceedings of the	27

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governing body of the applicant giving approval for making the application;	1 2
(d) a copy of the last audited balance sheet or statement of the financial affairs of the applicant;	3 4
(e) a disclosure affidavit; ¹⁵	5
(f) the application fee prescribed under a regulation.	6
‘(4) The copy of a document mentioned in subsection (3)(b) or (c) must be certified as a true copy by the secretary of the applicant or another person authorised by the applicant to make the certification.	7 8 9
‘Further information to support application	10
‘72I.(1) The chief executive may, by written notice given to an applicant or an associate of an applicant for an operator’s licence, require the applicant or associate to give the chief executive further information about the application within the reasonable time stated in the notice.	11 12 13 14
‘(2) A notice under subsection (1) must relate to information the chief executive considers reasonable for making a recommendation to the commission about the application.	15 16 17
‘Change in circumstances of applicant	18
‘72J.(1) This section applies to an applicant for an operator’s licence if, before the application is granted or refused, a change happens affecting—	19 20
(a) information contained in, or accompanying, the application (other than information contained in a disclosure affidavit); or	21 22
(b) information contained in, or accompanying, a notice, or the last notice, given to the chief executive under this section by the applicant.	23 24 25
‘(2) Within 7 days after the change, the applicant must give written notice of the change to the chief executive.	26 27

¹⁵ Section 72ZZ (Disclosure affidavits about persons having influence or receiving benefits) deals with the requirements for disclosure affidavits.

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Maximum penalty for subsection (2)—200 penalty units or 1 year’s imprisonment. 1
2

‘Fresh disclosure affidavit by applicant’ 3

‘72K.(1) This section applies to an applicant for an operator’s licence if, before the application is granted or refused, a change happens affecting information contained in— 4
5
6

(a) the disclosure affidavit that accompanied the application; or 7

(b) a disclosure affidavit, or the last disclosure affidavit, given to the chief executive under this section by the applicant. 8
9

‘(2) Within 7 days after the change, the applicant must give a fresh disclosure affidavit to the chief executive.¹⁶ 10
11

Maximum penalty for subsection (2)—200 penalty units or 1 year’s imprisonment. 12
13

‘Consideration of application’ 14

‘72L. The chief executive must consider an application for an operator’s licence as soon as practicable after receiving the application. 15
16

‘Investigations about application’ 17

‘72M.(1) In considering an application for an operator’s licence, the chief executive must conduct the investigations the chief executive considers are necessary to help the chief executive decide— 18
19
20

(a) whether the applicant is a suitable person to be a licensed operator; and 21
22

(b) for a person who is a disclosed associate of the applicant—whether the person is a suitable person to be an associate of a licensed operator. 23
24
25

‘(2) Without limiting subsection (1), the chief executive may conduct the 26

¹⁶ Section 72ZZ (Disclosure affidavits about persons having influence or receiving benefits) deals with the requirements for disclosure affidavits.

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investigations the chief executive considers are necessary to help the chief executive decide whether a general associate of the applicant is a suitable person to be an associate of a licensed operator. 1
2
3

‘Criminal history reports for investigation’ 4

‘72N.(1) If the chief executive, in conducting an investigation about a person asks the commissioner of the police service for a written report about the person’s criminal history, the commissioner must give the report to the chief executive. 5
6
7
8

‘(2) However, the report is required to contain only criminal history in the commissioner’s possession or to which the commissioner has access. 9
10

‘Recommendation about application’ 11

‘72O.(1) After completing the consideration of an application for an operator’s licence, the chief executive must recommend to the commission the application be granted or refused. 12
13
14

‘(2) In making a recommendation, the chief executive must have regard to— 15
16

(a) the suitability of the applicant to be a licensed operator; and 17

(b) for a person who is a disclosed associate of the applicant—the suitability of the person to be an associate of a licensed operator. 18
19

‘(3) Also, if the chief executive considers it is appropriate, the chief executive may, in making a recommendation, have regard to the suitability of a general associate of the applicant to be an associate of a licensed operator. 20
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‘(4) The chief executive may recommend the granting of an application only if the chief executive is satisfied the applicant is a suitable person to be a licensed operator. 24
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‘(5) The chief executive may recommend the refusal of an application if— 27
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(a) the chief executive has given a notice to the applicant, or a disclosed associate of the applicant, requiring the applicant or associate to give further information about the application; and 29
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- (b) the applicant or associate has failed, without reasonable excuse, to give the information to the chief executive within the time stated in the notice.

‘Decision about application

‘**72P.(1)** The commission may grant or refuse to grant an application for an operator’s licence.

‘(2) Before making its decision, the commission may, by written notice given to the applicant, or a disclosed associate of the applicant, require the applicant or associate to give the commission further information about the application within the reasonable time stated in the notice.

‘(3) A notice under subsection (2) must relate to information the commission considers reasonable for making a decision about the application.

‘(4) In making its decision, the commission—

- (a) must have regard to the chief executive’s recommendation; and
- (b) may have regard to other issues the commission considers relevant.

‘(5) The commission may grant an application only if it is satisfied the grant is not contrary to the public interest.

‘(6) The commission may refuse to grant an application if—

- (a) the commission has given a notice to the applicant, or a disclosed associate of the applicant, requiring the applicant or associate to give further information about the application; and
- (b) the applicant or associate has failed without reasonable excuse, to give the information to the commission within the time stated in the notice.

‘(7) If the commission decides to grant an application for an operator’s licence, the chief executive must promptly issue the licence to the applicant on payment of the licence fee prescribed under a regulation.

‘(8) If the commission decides to refuse to grant an application for an operator’s licence, the chief executive must promptly give the applicant an information notice about the decision.

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‘Conditions of licences	1
‘72Q.(1) An operator’s licence is issued on the conditions the commission considers necessary or desirable—	2 3
(a) in the public interest; or	4
(b) for the proper conduct of gaming; or	5
(c) for the proper conduct by the licensed operator of its operations involving electronic monitoring systems.	6 7
‘(2) If an operator’s licence is issued on conditions, the chief executive must promptly give the applicant an information notice about the commission’s decision to impose the conditions.	8 9 10
 ‘Form of licence	 11
‘72R.(1) An operator’s licence must be in the approved form.	12
‘(2) The approved form must provide for the inclusion of the following particulars—	13 14
(a) the name and address of the holder of the licence;	15
(b) the date of issue of the licence;	16
(c) the expiry date of the licence;	17
(d) the conditions of the licence;	18
(e) other particulars prescribed under a regulation.	19
 ‘Duration of licence	 20
‘72S. An operator’s licence remains in force for 10 years from its date of issue.	21 22
 <i>‘Division 4—Dealings affecting operators’ licences</i>	 23
 ‘Changing conditions of licence	 24
‘72T.(1) The commission may change the conditions of an operator’s licence if the commission considers it is necessary or desirable to make the	25 26

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change—	1
(a) in the public interest; or	2
(b) for the proper conduct of gaming; or	3
(c) for the proper conduct by the licensed operator of its operations involving electronic operating systems.	4 5
‘(2) If the commission decides to change the conditions, the chief executive must promptly give the licensed operator an information notice about the decision.	6 7 8
‘(3) The change of the conditions—	9
(a) has effect from the day stated in the notice; and	10
(b) does not depend on the licence being amended to record the change, or a replacement licence recording the change being issued.	11 12 13
‘(4) The commission’s power to change the conditions of an operator’s licence includes the power to add conditions to an unconditional licence.	14 15
‘Recording change of conditions	16
‘72U.(1) A licensed operator who receives an information notice under section 72T(2) must return the operator’s licence to the chief executive within 14 days after receiving the notice, unless the operator has a reasonable excuse.	17 18 19 20
Maximum penalty—40 penalty units.	21
‘(2) On receiving the licence, the chief executive must—	22
(a) amend the licence in an appropriate way and return the amended licence to the licensed operator; or	23 24
(b) if the chief executive does not consider it is practical to amend the licence—issue another operator’s licence, incorporating the changed conditions, to the licensed operator to replace the licence returned to the chief executive.	25 26 27 28

‘Extension of licence	1
‘72V.(1) A licensed operator may apply for an extension of the operator’s licence.	2 3
‘(2) An application must—	4
(a) be made to the chief executive; and	5
(b) be in the approved form; and	6
(c) be made at least 1 month before the licence expires; and	7
(d) be accompanied by the application fee prescribed under a regulation.	8 9
‘(3) The chief executive may, by written notice given to the licensed operator, extend the term of the licence—	10 11
(a) only if the chief executive believes special circumstances exist to warrant the extension; and	12 13
(b) only for a maximum period of 1 month from the date the licence would, apart from this section, expire.	14 15
‘Renewal of licence—application	16
‘72W.(1) A licensed operator may apply for renewal of the operator’s licence.	17 18
‘(2) An application must—	19
(a) be made to the chief executive; and	20
(b) be in the approved form; and	21
(c) be made—	22
(i) at least 1 month before the licence expires; or	23
(ii) if, before the licence expires, the chief executive extends the term of the licence—within the extended period.	24 25
‘(3) An application must be accompanied by the following—	26
(a) a list of the names, addresses and dates of birth of—	27
(i) the secretary of the applicant; and	28
(ii) the executive officers of the applicant; and	29

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(iii) all other persons who have been the secretary or an executive officer of the applicant since the licence was issued or last renewed;	1 2 3
(b) a disclosure affidavit; ¹⁷	4
(c) the application fee prescribed under a regulation.	5
‘Renewal of licence—decision	6
‘72X.(1) The chief executive must consider an application for renewal of an operator’s licence and renew, or refuse to renew, the licence.	7 8
‘(2) The chief executive must renew the licence if the licensed operator complies with section 72W and pays the licence renewal fee prescribed under a regulation.	9 10 11
‘(3) If the chief executive refuses to renew the licence, the chief executive must promptly give the applicant a written notice stating—	12 13
(a) the decision; and	14
(b) the reasons for the decision; and	15
(c) that the person may appeal against the decision to the Minister within 14 days of the notice being given.	16 17
‘(4) The renewal of a licence is for 10 years starting on—	18
(a) the day after its last expiry; or	19
(b) if the term of the licence has been extended—the day after the licence would have last expired apart from the extension.	20 21
‘Replacement of licence	22
‘72Y.(1) A licensed operator may apply to the chief executive for the replacement of a lost, stolen, destroyed or damaged operator’s licence.	23 24
‘(2) The application must be accompanied by the fee prescribed under a regulation for issuing a replacement licence.	25 26

¹⁷ Section 72ZZ (Disclosure affidavits about persons having influence or receiving benefits) deals with the requirements for disclosure affidavits.

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‘(3) The chief executive must consider the application and—	1
(a) replace the licence by issuing another operator’s licence to the applicant; or	2 3
(b) refuse to replace the licence.	4
‘(4) The chief executive must replace the licence if the chief executive is satisfied the licence—	5 6
(a) has been lost, stolen or destroyed; or	7
(b) has been damaged in a way to require its replacement.	8
‘(5) If the chief executive refuses to replace the licence, the chief executive must promptly give the applicant a written notice stating—	9 10
(a) the decision; and	11
(b) the reasons for the decision; and	12
(c) that the person may appeal against the decision to the Minister within 14 days of the notice being given.	13 14
‘(6) A replacement licence has the same effect for all purposes as the licence it replaces.	15 16
‘Licence not transferable	17
‘72Z. An operator’s licence is not transferable.	18
‘Surrender of licence	19
‘72ZA.(1) A licensed operator may surrender the operator’s licence by written notice given to the chief executive.	20 21
‘(2) The notice must—	22
(a) be in the approved form; and	23
(b) be accompanied by the licence.	24
‘(3) The chief executive must give the operator a notice stating the day the surrender is to take effect.	25 26
‘(4) The day stated by the chief executive must be—	27

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- (a) at least 1 month after the day the notice was given; but 1
- (b) not longer than 3 months after the day the notice was given. 2

Division 5—Investigation of licensed operators and associates 3**‘Audit programs** 4

‘72ZB.(1) The Minister may approve an audit program for investigating licensed operators or associates of licensed operators. 5
6

‘(2) The chief executive is responsible for ensuring an investigation of a person under an approved audit program is conducted under the program. 7
8

‘(3) However, a person may be investigated under an approved audit program only once every 2 years. 9
10

‘Investigation of licensed operator 11

‘72ZC.(1) The chief executive may conduct an investigation the chief executive considers is necessary to help the chief executive decide whether a licensed operator is a suitable person to hold an operator’s licence. 12
13
14

‘(2) However, the chief executive may conduct an investigation under this section only if— 15
16

(a) the chief executive reasonably suspects the licensed operator is not a suitable person to hold an operator’s licence; or 17
18

(b) the investigation is conducted under an audit program for licensed operators approved by the Minister. 19
20

‘Investigation of associate 21

‘72ZD.(1) The chief executive may conduct an investigation the chief executive considers is necessary to help the chief executive decide whether an associate of a licensed operator is a suitable person to be an associate of a licensed operator. 22
23
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‘(2) However, the chief executive may conduct an investigation under this section only if— 26
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- (a) the chief executive reasonably suspects the associate is not a suitable person to be an associate of the licensed operator; or 1
2
- (b) the investigation is conducted under an audit program for associates of licensed operators approved by the Minister. 3
4

‘Requirement to give information or material for investigation’ 5

‘72ZE.(1) The chief executive may, by written notice given to a person to whom an investigation under this division relates, require the person to give the chief executive information or material the chief executive considers is relevant to the investigation. 6
7
8
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‘(2) When making the requirement, the chief executive must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse. 10
11
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‘Failure to give information or material for investigation’ 13

‘72ZF.(1) A person of whom a requirement is made under section 72ZE must comply with the requirement, unless the person has a reasonable excuse. 14
15
16

Maximum penalty—200 penalty units or 1 year’s imprisonment. 17

‘(2) It is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person. 18
19
20

‘(3) The person does not commit an offence against this section if the information or material sought by the chief executive is not in fact relevant to the investigation. 21
22
23

**‘Division 6—Suspension and cancellation of monitoring operators’
licences** 24
25

‘Grounds for suspension or cancellation’ 26

‘72ZG.(1) A ground for suspending or cancelling an operator’s licence exists if the licensed operator, or an associate of the operator— 27
28

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(a) is not a suitable person—	1
(i) to hold an operator’s licence; or	2
(ii) to be an associate of a licensed operator; or	3
(b) is convicted of an offence against this Act; or	4
(c) is convicted of an indictable offence (whether on indictment or summarily) punishable by imprisonment for at least 1 year (irrespective of whether the offence is also punishable by a fine in addition, or as an alternative, to imprisonment); or	5 6 7 8
(d) contravenes a provision of this Act (being a provision a contravention of which is not an offence against this Act); or	9 10
(e) fails to discharge the operator’s or associate’s financial commitments; or	11 12
(f) is affected by control action under the Corporations Law.	13
‘(2) Also, a ground for suspending or cancelling the licence exists if—	14
(a) the licensed operator contravenes a condition of the licence; or	15
(b) the licence was issued because of a materially false or misleading representation or declaration.	16 17
‘Show cause notice	18
‘72ZH.(1) This section applies if the chief executive believes—	19
(a) a ground exists to suspend or cancel an operator’s licence; and	20
(b) the act, omission or other thing constituting the ground is of a serious nature; and	21 22
(c) either—	23
(i) the integrity of gaming or the conduct of gaming may be jeopardised; or	24 25
(ii) the public interest may be affected adversely.	26
‘(2) The chief executive must give the licensed operator a written notice (a “show cause notice”)—	27 28
(a) stating that action (the “proposed action”) is proposed to be	29

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taken under this division about the operator’s licence; and	1
(b) stating the grounds for the proposed action; and	2
(c) outlining the facts and circumstances forming the basis for the grounds; and	3 4
(d) inviting the operator to show within a stated period (the “ show cause period ”) why the proposed action should not be taken.	5 6
‘(3) The show cause period must end not less than 21 days after the show cause notice is given to the operator.	7 8
‘(4) The licensed operator may make written representations about the show cause notice to the chief executive in the show cause period.	9 10
‘ Involvement of interested persons in show cause process	11
‘72ZL.(1) The chief executive must give a copy of the show cause notice to each person (an “ interested person ”) the chief executive considers has an interest in the operator’s licence.	12 13 14
‘(2) An interested person to whom a copy of the show cause notice is given may make written representations about the notice to the chief executive in the show cause period.	15 16 17
‘ Consideration of representations	18
‘72ZJ. The chief executive must consider all written representations (the “ accepted representations ”) made in the show cause period by—	19 20
(a) the licensed operator; or	21
(b) an interested person to whom a copy of the show cause notice is given.	22 23
‘ Ending show cause process without further action	24
‘72ZK.(1) This section applies if, after considering the accepted representations for the show cause notice, the chief executive no longer believes a ground exists to suspend or cancel the operator’s licence.	25 26 27
‘(2) The chief executive must not take further action about the show cause notice.	28 29

*Gaming Machine Amendment***‘Censuring licensed operator**

‘72ZL.(1) This section applies if, after considering the accepted representations for the show cause notice, the chief executive—

(a) still believes a ground exists to suspend or cancel the operator’s licence; but

(b) does not believe suspension or cancellation of the licence is warranted.

‘(2) This section also applies if the chief executive has not given a show cause notice to a licensed operator, but—

(a) believes a ground exists to suspend or cancel the operator’s licence; and

(b) does not believe the giving of a show cause notice is warranted.

‘(3) The chief executive may, by written notice given to the licensed operator, censure the operator for a matter relating to the ground for suspension or cancellation.

‘Direction to rectify

‘72ZM.(1) This section applies if, after considering the accepted representations for the show cause notice, the chief executive—

(a) still believes a ground exists to suspend or cancel the operator’s licence; and

(b) believes further action, other than censuring of the licensed operator, is warranted.

‘(2) This section also applies if there are no accepted representations for the show cause notice.

‘(3) The chief executive may—

(a) by written notice given to the licensed operator, direct the operator to rectify a matter relating to the ground for suspension or cancellation within the period stated in the notice; or

(b) take action under section 72ZN.

‘(4) The period stated in the notice must be reasonable, having regard to the nature of the matter to be rectified.

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-
- ‘(5) The chief executive may direct the licensed operator to rectify a matter only if the chief executive considers—
- (a) the matter is reasonably capable of being rectified; and
 - (b) it is appropriate to give the operator an opportunity to rectify the matter.
- ‘Recommendation to suspend or cancel**
- ‘72ZN.(1) This section applies if—
- (a) the circumstances mentioned in section 72ZM(1) or (2) exist and the chief executive has not directed the licensed operator to rectify a matter; or
 - (b) the licensed operator fails to comply with a direction to rectify a matter within the period stated in the relevant notice.
- ‘(2) The chief executive may recommend to the commission that the operator’s licence be suspended or cancelled.
- ‘(3) The chief executive must give to the commission with the recommendation—
- (a) a copy of the show cause notice; and
 - (b) the accepted representations for the show cause notice; and
 - (c) any other information or material in the chief executive’s possession the chief executive considers is relevant to the recommendation.
- ‘Decision of commission**
- ‘72ZO.(1) On receiving a recommendation from the chief executive, the commission may—
- (a) decide not to take any action in relation to the licensed operator or operator’s licence; or
 - (b) by written notice given to the licensed operator, censure the operator for a matter relevant to the show cause notice; or
 - (c) if the commission considers a matter relevant to the show cause

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notice is reasonably capable of being rectified—by written notice	1
given to the licensed operator, direct the operator to rectify the	2
matter within the reasonable period stated in the commission’s	3
notice; or	4
(d) suspend the operator’s licence for the period the commission	5
considers appropriate; or	6
(e) cancel the operator’s licence.	7
‘(2) In making its decision under subsection (1), the commission—	8
(a) must have regard to—	9
(i) the chief executive’s recommendation; and	10
(ii) the accepted representations, and any other information or	11
material, given to the commission by the chief executive	12
with the recommendation; and	13
(b) may have regard to any other information or material the	14
commission considers is relevant.	15
‘(3) If the commission directs the licensed operator to rectify a matter and	16
the operator fails to comply with the direction within the period stated in the	17
relevant notice, the commission may—	18
(a) suspend the operator’s licence for the period the commission	19
considers appropriate; or	20
(b) cancel the operator’s licence.	21
‘ Suspension or cancellation	22
‘72ZP.(1) If the commission decides to suspend or cancel an operator’s	23
licence, the chief executive must promptly give the licensed operator an	24
information notice about the decision.	25
‘(2) The decision takes effect on—	26
(a) the day the information notice is given to the licensed operator; or	27
(b) if a later day is stated in the notice—the later day.	28
‘(3) If an operator’s licence is cancelled, the person to whom the	29
information notice about the decision is given must, within 14 days after	30
receiving the notice, return the licence to the chief executive.	31

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Maximum penalty—200 penalty units or 1 year’s imprisonment.	1
‘(4) At any time a suspension of an operator’s licence is in force, the commission may, by written notice given to the operator, for any remaining period of suspension—	2 3 4
(a) cancel the period; or	5
(b) reduce the period by a stated period.	6
‘(5) In making its decision under subsection (4), the commission must have regard to any relevant recommendation of the chief executive.	7 8
‘Immediate suspension	9
‘7ZZQ.(1) The commission may suspend an operator’s licence if the commission believes—	10 11
(a) a ground exists to suspend or cancel the licence; and	12
(b) the act, omission or other thing constituting the ground is of a serious nature; and	13 14
(c) either—	15
(i) the integrity of gaming or the conduct of gaming is jeopardised; or	16 17
(ii) the public interest is affected adversely.	18
‘(2) In making a decision to suspend an operator’s licence, the commission must have regard to any advice about the suspension given to it by the chief executive.	19 20 21
‘(3) If the commission decides to suspend an operator’s licence, the chief executive—	22 23
(a) must promptly give the licensed operator an information notice; and	24 25
(b) must give the operator a show cause notice as if the chief executive had formed the belief mentioned in section 72ZH(1) ¹⁸ about the act, omission or other thing constituting the ground for suspending the licence; and	26 27 28 29

¹⁸ Section 72ZH (Show cause notice)

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(c) must not, without the commission’s agreement—	1
(i) make a decision under section 72ZK; or ¹⁹	2
(ii) take action under section 72ZL or 72ZM. ²⁰	3
‘(4) The suspension of an operator’s licence—	4
(a) takes effect—	5
(i) when the information notice is given to the licensed operator; or	6 7
(ii) if an earlier notice of the suspension is given orally to the licensed operator by the chief executive—when the oral notice is given to the licensed operator; and	8 9 10
(b) continues to operate until the show cause notice is finally dealt with.	11 12
‘(5) The giving of a show cause notice does not affect a suspension under subsection (1).	13 14
‘Effect of suspension	15
‘72ZR. The suspension of an operator’s licence has the same effect as the cancellation of the licence, but does not affect—	16 17
(a) a penalty or liability incurred by the licensed operator; or	18
(b) the exercise of the powers of the commission, the chief executive or an inspector.	19 20
‘Notices to interested persons	21
‘72ZS. If under any of the following sections, the chief executive or the commission is required to take, or not to take, action or the chief executive or the commission decides to take or not to take action, the chief executive must, as soon as practicable, give written notice of the requirement or decision to each interested person—	22 23 24 25 26

¹⁹ Section 72ZK (Ending show cause process without further action)

²⁰ Section 72ZL (Censuring licensed operator) or 72ZM (Direction to rectify)

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- | | |
|---------------------------------|---|
| (a) section 72ZK(2); | 1 |
| (b) section 72ZL(3); | 2 |
| (c) section 72ZM(5); | 3 |
| (d) section 72ZO(1); | 4 |
| (e) section 72ZQ(3)(a) and (b). | 5 |

Division 7—Obligations of licensed operators 6

‘Change in circumstances of licensed operator 7

72ZT.(1) A licensed operator must, within 7 days after the happening of an event mentioned in subsection (2), give written notice of the event to the chief executive. 8
9
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Maximum penalty—200 penalty units or 1 year’s imprisonment. 11

(2) The events required to be notified by the licensed operator are as follows— 12
13

- | | |
|---|----------------------|
| (a) the operator changes its name or address; | 14 |
| (b) the operator is convicted of— | 15 |
| (i) an offence against this Act; or | 16 |
| (ii) an indictable offence (whether on indictment or summarily) punishable by imprisonment for at least 1 year (irrespective of whether the offence is also punishable by a fine in addition, or as an alternative, to imprisonment); | 17
18
19
20 |
| (c) the operator is affected by control action under the Corporations Law. | 21
22 |

‘Fresh disclosure affidavit by licensed operator 23

72ZU.(1) This section applies to a licensed operator if a change happens affecting information contained in— 24
25

- | | |
|--|----------|
| (a) the disclosure affidavit that accompanied the application for the operator’s licence; or | 26
27 |
|--|----------|

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- (b) a disclosure affidavit, or the last disclosure affidavit, given to the chief executive under section 72K²¹ by the operator; or 1
2
- (c) a disclosure affidavit, or the last disclosure affidavit, given to the chief executive under this section by the operator. 3
4

‘(2) Within 7 days after the change, the licensed operator must give a fresh disclosure affidavit to the chief executive. 5
6

Maximum penalty for subsection (2)—200 penalty units or 1 year’s imprisonment. 7
8

‘Change of officers of licensed operator 9

‘72ZV.(1) This section applies to a licensed operator if a change happens by which a person stops being, or becomes, the secretary or an executive officer of the operator. 10
11
12

‘(2) The licensed operator must, as required by this section, notify the chief executive of— 13
14

- (a) the change; and 15
- (b) the name, address and date of birth of the person involved in the change. 16
17

Maximum penalty—200 penalty units or 1 year’s imprisonment. 18

‘(3) The notice must— 19

- (a) be in the approved form; and 20
- (b) be given within 7 days after the change. 21

‘Returns about licensed key monitoring employees 22

‘72ZW.(1) A licensed operator must give the chief executive a return as required by this section stating the name and licence number of each person employed by the operator as a licensed key monitoring employee when the return is given. 23
24
25
26

Maximum penalty—40 penalty units. 27

²¹ Section 72K (Fresh disclosure affidavit by applicant)

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‘(2) The return must be in the approved form and must be given—	1
(a) within 7 days after the operator’s licence is issued; and	2
(b) each time the licensed operator applies for renewal of the licence.	3
‘(3) The chief executive may also request a return at other times.	4
‘(4) A return under subsection (3) must also be in the approved form and must be given within 7 days of the chief executive’s request.	5 6
‘(5) A request under subsection (3) must not be made within 3 months of the last request made to the licenced operator under subsection (3).	7 8
‘Change of licensed key monitoring employees	9
‘72ZX.(1) This section applies to a licensed operator if—	10
(a) a person becomes employed by the operator as a licensed key monitoring employee; or	11 12
(b) a person stops being employed by the operator as a licensed key monitoring employee.	13 14
‘(2) The licensed operator must give the chief executive a notice as required by this section stating—	15 16
(a) the person’s name and licence number; and	17
(b) the name and licence number of each other person employed by the operator as a licensed key monitoring employee when the notice is given.	18 19 20
Maximum penalty—40 penalty units.	21
‘(3) The notice must—	22
(a) be in the approved form; and	23
(b) be given within 7 days after the person becoming, or stopping to be, employed by the licensed operator as a licensed key monitoring employee.	24 25 26
‘Ending person’s employment	27
‘72ZY.(1) If a licensed operator becomes aware a person employed by the operator as a licensed key monitoring employee is not a licensed key	28 29

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monitoring employee, the operator must immediately end the person’s employment as a licensed key monitoring employee. 1
2

Maximum penalty—200 penalty units or 1 year’s imprisonment. 3

‘(2) Subsection (1) applies despite another Act or law or any award or agreement of an industrial nature. 4
5

‘(3) A licensed operator does not incur any liability because the operator ends the employment of a person under subsection (1). 6
7

Division 8—Other matters 8

‘Disclosure affidavits about persons having influence or receiving benefits 9
10

‘7ZZZ.(1) This section applies to each of the following affidavits (a “disclosure affidavit”)— 11
12

(a) an affidavit required by section 72H(3)²² to accompany an application made by a person for an operator’s licence; 13
14

(b) an affidavit required by section 72K²³ to be given to the chief executive by an applicant for an operator’s licence; 15
16

(c) an affidavit required by section 72W²⁴ to accompany an application for renewal of an operator’s licence made by the licensed operator; 17
18
19

(d) an affidavit required by section 72ZU²⁵ to be given to the chief executive by a licensed operator. 20
21

‘(2) In this section, a reference to the responsible body is a reference to each of the following— 22
23

(a) a person mentioned in subsection (1)(a); 24

(b) an applicant mentioned in subsection (1)(b); 25

²² Section 72H (Application for licence)

²³ Section 72K (Fresh disclosure affidavit by applicant)

²⁴ Section 72W (Renewal of licence—application)

²⁵ Section 72ZU (Fresh disclosure affidavit by licensed operator)

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- (c) a licensed operator mentioned in subsection (1)(c) or (d). 1
- ‘(3) The affidavit must be made by— 2
- (a) the principal executive officer of the responsible body; or 3
- (b) if the principal executive officer does not have knowledge of the 4
relevant facts—another person who has the knowledge and is 5
authorised by the responsible body to make the affidavit. 6
- ‘(4) The affidavit must disclose the following— 7
- (a) whether or not a person (other than an authorised involved person 8
of the responsible body) may, under an agreement, be able to 9
influence a decision made by the responsible body, or the 10
secretary or an executive officer of the responsible body, about the 11
performance of the general functions that are, or are to be, 12
permitted by the operator’s licence; 13
- (b) whether or not a person (other than the responsible body) may, 14
under an agreement, expect to receive a benefit from the 15
responsible body because of the performance of the general 16
functions that are, or are to be, permitted by the operator’s licence; 17
- (c) the names of all persons who are substantial shareholders of the 18
responsible body under the Corporations Law, section 708.²⁶ 19
- ‘(5) Also, if there is a person who satisfies a description mentioned in 20
subsection (4)(a) or (b), the affidavit must disclose— 21
- (a) if the person is an individual—the person’s name, address and 22
date of birth; and 23
- (b) if the person is a body corporate— 24
- (i) the body corporate’s name; and 25
- (ii) the name, address and date of birth of the secretary and each 26
executive officer of the body corporate; and 27
- (c) full and correct particulars of the agreement. 28
- ‘(6) Despite subsections (4) and (5), the affidavit need not disclose 29
anything prescribed under a regulation as being exempt from the operation 30

²⁶ Corporations Law, section 708 (Substantial shareholdings and substantial shareholders)

Gaming Machine Amendment

	of this section.	1
	‘(7) In this section—	2
	“agreement” includes a lease or arrangement.	3
	“authorised involved person” , of a responsible body, means the secretary,	4
	or an executive officer, member or shareholder, of the responsible	5
	body carrying out the duties, or exercising the normal rights, the	6
	person has in that capacity.’.	7
	Amendment of pt 4 (Licensing of repairers, service contractors and	8
	machine managers)	9
Clause	14. Part 4, heading, ‘and machine managers’—	10
	<i>omit, insert—</i>	11
	‘, machine managers and key monitoring employees’.	12
	Insertion of new s 75A	13
Clause	15. After section 75—	14
	<i>insert—</i>	15
	‘Unlicensed persons not to be key monitoring employees	16
	‘75A.(1) A person must not carry out a function of a key monitoring	17
	employee unless the person is a licensed key monitoring employee.	18
	Maximum penalty—200 penalty units or 1 year’s imprisonment.	19
	‘(2) A licensed operator must not—	20
	(a) employ, or use the services of, a person to carry out a function of	21
	a key monitoring employee unless the person is a licensed key	22
	monitoring employee; or	23
	(b) allocate, or permit to be allocated, to a person the carrying out of	24
	any function of a key monitoring employee unless the person is a	25
	licensed key monitoring employee.	26
	Maximum penalty for subsection (2)—200 penalty units or 1 year’s	27
	imprisonment.’.	28

	Insertion of new s 76A	1
Clause	16. After section 76—	2
	<i>insert—</i>	3
	‘Certain persons must apply for key monitoring employee’s licence	4
	‘76A.(1) If the commission, having regard to any relevant advice of the chief executive, considers a person is a key officer of a licensed operator, the commission must, by written notice given to the person, require the person, within 7 days after receiving the notice, either—	5 6 7 8
	(a) to apply for a key monitoring employee’s licence; or	9
	(b) to stop being a key officer of the operator.	10
	‘(2) The commission must give a copy of the notice to the licensed operator.	11 12
	‘(3) The person to whom the notice is given must, within 7 days after receiving the notice, comply with the requirement (the “licensing requirement”) stated in the notice, unless the person has a reasonable excuse.	13 14 15 16
	Maximum penalty—200 penalty units or 1 year’s imprisonment.	17
	‘(4) If the person fails to comply with the licensing requirement, the commission must give written notice of the failure to the licensed operator.	18 19
	‘(5) The licensed operator must, immediately on receipt of the notice under subsection (4), end the association with, or employment of, the person.	20 21 22
	Maximum penalty—200 penalty units or 1 year’s imprisonment.	23
	‘(6) If the person complies with the licensing requirement by applying for a key monitoring employee’s licence but the commission refuses to grant the application—	24 25 26
	(a) on receipt by the person of notice of the refusal—the person must stop being a key officer of the licensed operator; and	27 28
	(b) on receipt by the operator of notice of the refusal—the operator must end the association with, or employment of, the person.	29 30
	Maximum penalty—200 penalty units or 1 year’s imprisonment.	31
	‘(7) Subsections (5) and (6)(b) apply to the licensed operator despite	32

Gaming Machine Amendment

another Act or law or any award or agreement of an industrial nature. 1

‘(8) A licensed operator does not incur any liability because the operator 2
ends an association with, or the employment of, a person under this 3
section.’. 4

Amendment of s 77 (Applications for licences under this part) 5

Clause 17. Section 77, ‘or machine manager’s licence’— 6
omit, insert— 7
‘, machine manager’s or key monitoring employee’s licence’. 8

Amendment of s 79 (Consideration of applications) 9

Clause 18.(1) Section 79, ‘or machine manager’s licence’— 10
omit, insert— 11
‘, machine manager’s or key monitoring employee’s licence’. 12
(2) Section 79(6)(b)— 13
omit, insert— 14
‘(b) a person ceases to be a licensed repairer, licensed machine 15
manager or licensed key monitoring employee;’. 16

Amendment of s 81 (Issue of licences) 17

Clause 19. Section 81(2)(b), ‘or machine manager’s licence’— 18
omit, insert— 19
‘, machine manager’s or key monitoring employee’s licence’. 20

Amendment of s 86 (Renewal and continuance of licences) 21

Clause 20. Section 86(2)(b), ‘or machine manager’s licence’— 22
omit, insert— 23
‘, machine manager’s or key monitoring employee’s licence’. 24

Gaming Machine Amendment

	Amendment of s 88 (Display of repairer’s licence)	1
Clause	21.(1) Section 88, heading—	2
	<i>omit, insert—</i>	3
	‘Display of certain licences’.	4
	(2) Section 88—	5
	<i>insert—</i>	6
	‘(2) A licensed key monitoring employee carrying out functions as a key monitoring employee must, if asked by another person, produce the key monitoring employee’s licence held by the employee for the other person’s inspection, unless, at the material time, the licence is in the chief executive’s possession.	7 8 9 10 11
	Maximum penalty for subsection (2)—40 penalty units.’.	12
	Amendment of s 97 (Provisional licences)	13
Clause	22. Section 97, ‘or machine manager’s licence’—	14
	<i>omit, insert—</i>	15
	‘, machine manager’s or key monitoring employee’s licence’.	16
	Amendment of s 98 (Installation and storage of gaming machines)	17
Clause	23.(1) Section 98, heading, at the end—	18
	<i>insert—</i>	19
	‘by licensees’.	20
	(2) Section 98(1), ‘54 or’—	21
	<i>omit.</i>	22
	(3) Section 98—	23
	<i>insert—</i>	24
	‘(3) A licensee must not store a gaming machine for more than 1 month without the chief executive’s written approval.	25 26

Gaming Machine Amendment

	Maximum penalty for subsection (3)—200 penalty units or 1 year’s imprisonment.’.	1 2
	Insertion of new s 98A	3
Clause	24. After section 98—	4
	<i>insert—</i>	5
	‘Licensee’s register of gaming machines	6
	‘98A.(1) Each licensee must keep a register listing all gaming machines on the licensee’s licensed premises.	7 8
	Maximum penalty—200 penalty units or 1 year’s imprisonment.	9
	‘(2) The register must be in the approved form and must show if each gaming machine—	10 11
	(a) is owned or leased by the licensee; and	12
	(b) is, or is not, connected to an electronic monitoring system.’.	13
	Amendment of s 101 (Installation of electronic monitoring systems)	14
Clause	25.(1) Section 101(1)—	15
	<i>omit, insert—</i>	16
	‘101.(1) A licensee must not install or operate, or cause to be installed or operated, an electronic monitoring system or centralised credit system on the licensee’s licensed premises—	17 18 19
	(a) without the chief executive’s written approval; and	20
	(b) unless the system is installed by the chief executive or a licensed operator.	21 22
	Maximum penalty—200 penalty units or 1 year’s imprisonment.’.	23
	(2) Section 101(2) to (5), ‘director’—	24
	<i>omit, insert—</i>	25
	‘chief executive or a licensed operator’.	26

Gaming Machine Amendment

	Insertion of new s 101A	1
Clause	26. After section 101—	2
	<i>insert—</i>	3
	‘Basic monitoring fees	4
	‘101A. If a licensed operator supplies basic monitoring services to a licensee, the licensed operator must not charge the licensee more than the basic monitoring fee prescribed under a regulation for supplying basic monitoring services.’.	5 6 7 8
	Amendment of s 115 (Contracts for certain services to be approved)	9
Clause	27. Section 115(2)—	10
	<i>omit, insert—</i>	11
	‘(2) Subsection (1) does not apply to—	12
	(a) the employment of an individual by a licensee to carry out, on the licensee’s licensed premises, a service mentioned in subsection (1); or	13 14 15
	(b) an agreement between a licensee and a licensed operator for electronically monitoring the licensee’s gaming machines in conjunction with supplying a service mentioned in subsection (1).’.	16 17 18 19
	Amendment of s 135 (Manufacture, sale, supply obtaining or possession of gaming machines)	20 21
Clause	28. Section 135—	22
	<i>insert—</i>	23
	‘(1A) A licensed operator, approved financier, licensee or a gaming trainer may, with the chief executive’s written approval, buy a gaming machine from the chief executive or a recognised manufacturer or supplier of gaming machines.	24 25 26 27
	‘(1B) However, if a gaming machine was last used, or is being used, by a licensee for the conduct of gaming or by a gaming trainer for conducting a genuine training course relating to the conduct of gaming and the owner of	28 29 30

Gaming Machine Amendment

the machine is a licensed operator, approved financier, licensee or a gaming trainer, the operator, financier, licensee or trainer may, with the approval of the chief executive, sell the machine to a licensed operator, approved financier, licensee, licensed service contractor, licensed repairer or gaming trainer.

‘(1C) The purchase of a gaming machine under subsection (1A) or the sale of a gaming machine under subsection (1B) may be only for the purpose of—

- (a) if the buyer is a licensed operator—selling, or owning and leasing, the machine to a licensee for the conduct of gaming or a gaming trainer for conducting a genuine training course relating to the conduct of gaming; or
- (b) if the buyer is an approved financier—owning and leasing the machine to a licensee for the conduct of gaming or a gaming trainer for conducting a genuine training course relating to the conduct of gaming; or
- (c) if the buyer is a licensee—owning the machine for the conduct of gaming; or
- (d) if the buyer is a licensed service contractor or licensed repairer—owning the machine for the purpose of using it for spare parts; or
- (e) if the buyer is a gaming trainer—owning the machine for conducting a genuine training course relating to the conduct of gaming.

‘(1D) To remove any doubt, it is declared that a licensee and a gaming trainer cannot lease a gaming machine to another person.’.

Amendment of s 136 (Possession etc. of gaming machines and restricted components by recognised manufacturers or suppliers of gaming machines)

Clause **29.** Section 136(1)(b)(i)—

omit, insert—

- ‘(i) gaming machines or linked jackpot arrangements to the chief executive or a recognised manufacturer or supplier of

Gaming Machine Amendment

gaming machines; and 1

- (ia) gaming machines, with the chief executive’s written 2
approval, to a licensed operator, an approved financier, a 3
licensee or a gaming trainer; and’. 4

**Amendment of s 138 (Possession etc. of gaming machines and 5
restricted components by licensed repairers) 6**

Clause **30.** Section 138(d)— 7

omit, insert— 8

‘(d) be in possession of a gaming machine or linked jackpot 9
arrangement to the extent necessary to install, repair, remove or 10
reinstate the machine or arrangement; and 11

(e) be in possession of a linked jackpot arrangement, or with the chief 12
executive’s written approval, a gaming machine for the purpose 13
of using the arrangement or machine for spare parts.’. 14

**Amendment of s 139 (Possession etc. of restricted components by 15
licensed service contractors) 16**

Clause **31.** Section 139— 17

insert— 18

‘(d) be in possession of a gaming machine or linked jackpot 19
arrangement to the extent necessary to install, repair, remove or 20
reinstate the machine or arrangement; and 21

(e) be in possession of a linked jackpot arrangement, or with the chief 22
executive’s written approval, a gaming machine, for the purpose 23
of using the arrangement or machine for spare parts.’. 24

**Amendment of s 140 (Possession etc. of gaming machines and 25
restricted components by licensees) 26**

Clause **32.(1)** Section 140(1)(a), ‘by the director to the licensee’— 27

omit, insert— 28

‘to the licensee by the chief executive, a licensed operator or an approved 29

Gaming Machine Amendment

financier’.	1
(2) Section 140(2)(a), ‘by the director to the licensee’—	2
<i>omit, insert—</i>	3
‘to the licensee by the chief executive, a licensed operator or an approved financier’.	4
(3) Section 140(2)(b), ‘director’—	6
<i>omit, insert—</i>	7
‘chief executive, a licensed operator or an approved financier’.	8
(4) Section 140(3)—	9
<i>omit, insert—</i>	10
‘(3) If a licensee’s gaming machine licence is suspended, the licensee may, during the suspension, be in possession of gaming machines and restricted components supplied to the licensee under this section.’.	11
	12
	13

Amendment of s 141 (Possession etc. of gaming machines etc. by other persons)	14
	15

Clause	33.(1) Section 141(3), ‘person conducting’ to ‘listed person’—	16
	<i>omit, insert—</i>	17
	‘gaming trainer’.	18
	(2) Section 141(3)(a), ‘director’—	19
	<i>omit, insert—</i>	20
	‘chief executive, a licensed operator or an approved financier’.	21
	(3) Section 141(3)(b), ‘director when providing’ to ‘restricted components’—	22
	<i>omit, insert—</i>	23
	<i>omit, insert—</i>	24
	‘chief executive’.	25

Insertion of new ss 141A to 141D	26
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Clause	34. After section 141—	27
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Gaming Machine Amendment

<i>insert—</i>	1
‘Gaming equipment not to be encumbered	2
‘141A.(1) An encumbrance over gaming equipment is of no effect.	3
‘(2) Subsection (1) does not apply to an encumbrance given by—	4
(a) a licensed operator to an approved financier; or	5
(b) a licensee or gaming trainer to a licensed operator or approved financier.	6 7
‘Repossession of gaming machines	8
‘141B. A licensed operator or approved financier must not repossess a gaming machine without first obtaining the chief executive’s written approval.	9 10 11
Maximum penalty—200 penalty units or 1 year’s imprisonment.	12
‘Storage of gaming machines by operators and financiers	13
‘141C.(1) Each licensed operator and approved financier must keep all gaming machines in the possession of the operator or financier stored on premises, and in a way, approved by the chief executive.	14 15 16
‘(2) A licensed operator must not store a gaming machine for more than 1 year without the chief executive’s written approval.	17 18
Maximum penalty for subsection (2)—200 penalty units or 1 year’s imprisonment.	19 20
‘(3) An approved financier must not store a gaming machine for more than 1 month without the chief executive’s written approval.	21 22
Maximum penalty for subsection (3)—200 penalty units or 1 year’s imprisonment.	23 24
‘(4) The chief executive may, within the period mentioned in subsection (2) or (3), extend the period.	25 26

Gaming Machine Amendment

‘Operator’s and financier’s registers of gaming machines

‘141D.(1) Each licensed operator and approved financier must keep a register listing all gaming machines owned, leased or monitored by the operator or owned or leased by the financier.

Maximum penalty—200 penalty units or 1 year’s imprisonment.

‘(2) The register must be in the approved form and must show if a gaming machine—

(a) is owned, leased or monitored by the operator or is owned or leased by the financier; and

(b) is, or is not, connected to an electronic monitoring system.’.

Amendment of s 142 (Consignment or movement of gaming machines)

Clause **35.(1)** Section 142(1), ‘7 days’—

omit, insert—

‘3 days’.

(2) Section 142(2)(b), ‘, game’—

omit.

Insertion of new s 142A

Clause **36.** After section 142—

insert—

‘Destruction of gaming machines

‘142A. A licensed operator, approved financier, licensee or gaming trainer must not, without the chief executive’s written approval, destroy a gaming machine.

Maximum penalty for subsection—200 penalty units or 1 year’s imprisonment.’.

	Replacement of s 148 (Gaming machines supplied to be in accordance with approval)	1 2
Clause	37. Section 148—	3
	<i>omit, insert—</i>	4
	‘Gaming machines supplied to be in accordance with approval	5
	‘148. A recognised manufacturer or supplier of gaming machines must not, without the approval of the chief executive, supply a gaming machine that is in any material particular different from the gaming machine type or game approved by the chief executive.	6 7 8 9
	Maximum penalty—200 penalty units or 1 year’s imprisonment.’.	10
	Amendment s 149 (Linked jackpots)	11
Clause	38. Section 149(6) to (10)—	12
	<i>omit, insert—</i>	13
	‘(6) The licensed operator for a multiple site linked jackpot arrangement must not allow the arrangement to operate in licensed premises until the operator has established an approved trust account for the arrangement.	14 15 16
	‘(7) In each assessment period for licensed premises, the licensed operator must pay into the approved trust account all multiple site jackpot increments for the arrangement for the previous assessment period.	17 18 19
	‘(8) If the arrangement stops operating and the approved trust account still contains an amount, the licensed operator must send the amount to the chief executive, for payment into the consolidated fund, within 7 days after the day the account stops operating.	20 21 22 23
	‘(9) In this section—	24
	“approved trust account” means an account—	25
	(a) established with a financial institution for the purpose of holding multiple site jackpot increments; and	26 27
	(b) approved by the chief executive.’.	28

Gaming Machine Amendment

	Amendment of s 150 (Gaming machines to be labelled with director's identification number)	1
		2
Clause	39.(1) Section 150(1), 'purchased by the director'—	3
	<i>omit.</i>	4
	(2) Section 150—	5
	<i>insert—</i>	6
	' (5) A licensee must not allow a gaming machine to be used for the conduct of gaming on the licensee's premises unless a label mentioned in subsection (3) is securely affixed to the machine.'	7
		8
		9
	Maximum penalty for subsection (5)—200 penalty units or 1 year's imprisonment.'	10
		11
	Amendment of s 158 (Accounts and analyses)	12
Clause	40.(1) Section 158—	13
	<i>insert—</i>	14
	' (1A) A licensed operator must keep, in the approved form, accounting records that correctly record and explain the operator's financial operations relating to gaming and the conduct of gaming.'	15
		16
		17
	(2) Section 158(2), after 'licensee'—	18
	<i>insert—</i>	19
	'or licensed monitoring operator'.	20
	Amendment of s 161 (Audit of accounts)	21
Clause	41. Section 161, heading—	22
	<i>omit, insert—</i>	23
	' Audit of accounts of licensee '.	24
	Insertion of new s 161A	25
Clause	42. After section 161—	26

*Gaming Machine Amendment**insert—***‘Audit of accounts of licensed operators**

‘161A.(1) As soon as practicable after the end of each financial year, a licensed operator must, at the operator’s own expense, cause the operator’s books, accounts and financial statements for the operator’s operations relating to gaming and the conduct of gaming for the financial year to be audited by a registered company auditor approved by the chief executive.

Maximum penalty—200 penalty units or 1 year’s imprisonment.

‘(2) The auditor must—

- (a) complete the audit within 3 months after the end of the financial year; and
- (b) immediately after completing the audit, give a copy of the audit report to the licensed operator and chief executive.

Maximum penalty—200 penalty units or 1 year’s imprisonment.

‘(3) Subsection (2)(a) does not apply to the auditor if, in the circumstances, it would be unreasonable to require the auditor to comply with the paragraph.

‘(4) On receiving a copy of the audit report, the chief executive may, by written notice given to the licensed operator, require the operator to give the chief executive, within a reasonable time stated in the notice, further information about a matter relating to the operator’s operations mentioned in the audit report.

‘(5) The licensed operator must comply with a requirement under subsection (4) within the time stated in the notice, unless the operator has a reasonable excuse.

Maximum penalty for subsection (5)—200 penalty units or 1 year’s imprisonment.’.

Amendment of s 163 (Gross monthly turnover)

Clause **43.(1)** Section 163, heading—

omit, insert—

Gaming Machine Amendment

	‘Monthly taxable metered win’.	1
	(2) Section 163(1), ‘gross monthly turnover’—	2
	<i>omit, insert—</i>	3
	‘monthly taxable metered win’.	4
	(3) Section 163(2), ‘by the director under section 101(2)’—	5
	<i>omit.</i>	6
	 Replacement of s 164 (Monthly rental fees)	 7
Clause	44. Section 164—	8
	<i>omit, insert—</i>	9
	‘Monthly fees	10
	‘164.(1) A licensee must pay monthly fees to the chief executive for gaming machines used in the licensee’s licensed premises.	11 12
	‘(2) The monthly fees must be paid on or before the day, prescribed under a regulation, of the month next following the month for which it is payable.	13 14 15
	‘(3) The amount of monthly fees to be paid for each licensed premises is to be calculated as prescribed under a regulation.’.	16 17
	 Amendment of s 165 (Gaming machine tax)	 18
Clause	45. Section 165(3), ‘gross monthly turnover’—	19
	<i>omit, insert—</i>	20
	‘monthly taxable metered win’.	21
	 Amendment of s 166 (Sport and recreation levy)	 22
Clause	46.(1) Section 166, heading ‘levy’—	23
	<i>omit, insert—</i>	24
	‘benefit fund’.	25

Gaming Machine Amendment

	(2) Section 166(1) to (3)—	1
	<i>omit.</i>	2
	Amendment of s 167 (Charities and rehabilitation levy)	3
Clause	47.(1) Section 167, heading ‘levy’—	4
	<i>omit, insert—</i>	5
	‘benefit fund’.	6
	(2) Section 167(1) to (3)—	7
	<i>omit.</i>	8
	Amendment of s 168 (Gaming machine community benefit levy)	9
Clause	48.(1) Section 168, heading ‘levy’—	10
	<i>omit, insert—</i>	11
	‘fund’.	12
	(2) Section 168(1) to (4)—	13
	<i>omit.</i>	14
	(3) Section 168(5)—	15
	<i>renumber</i> as section 168(1).	16
	(4) Section 168—	17
	<i>insert—</i>	18
	‘(2) Each month, the chief executive must pay into the fund a percentage of all gaming machine tax for the previous month paid to the chief executive by all licensees.	19 20 21
	‘(3) The percentage mentioned in subsection (2) is the percentage prescribed under a regulation.’.	22 23
	Amendment of s 170 (Payment of monthly rental fees, taxes etc.)	24
Clause	49.(1) Section 170, heading ‘rental’—	25
	<i>omit.</i>	26

Gaming Machine Amendment

	(2) Section 170(1)(a)—	1
	<i>omit, insert—</i>	2
	‘(a) the monthly fees and gaming tax; and’.	3
	(3) Section 170(1)(c)—	4
	<i>omit, insert—</i>	5
	‘(c) any monthly fees, gaming tax or penalty payable and remaining unpaid at the end of the day, prescribed under a regulation, of the preceding month.’.	6 7 8
	(4) Section 170(2), ‘rental fee’ to ‘benefit levy’—	9
	<i>omit, insert—</i>	10
	‘fees, gaming machine tax’.	11
	Amendment of s 172 (Forgiven or overpaid money)	12
Clause	50. Section 172, ‘rental’—	13
	<i>omit, insert—</i>	14
	‘fee’.	15
	Amendment of s 174 (Disposition of fees etc.)	16
Clause	51.(1) Section 174(2), ‘rental fee’ to ‘benefit levy’—	17
	<i>omit, insert—</i>	18
	‘fee, gaming machine tax’.	19
	(2) Section 174(3)—	20
	<i>omit, insert—</i>	21
	‘(3) A payment mentioned in subsection (2) must, as soon as practicable after the licensee receives a financial statement under section 173(1)(a), be withdrawn from the account mentioned in subsection (2) and the part of the payment assessed by the chief executive as the monthly fees, gaming tax or a penalty under section 171, must be paid by the chief executive into the consolidated fund.’.	22 23 24 25 26 27

Gaming Machine Amendment

	Amendment of s 175 (Adjustment of rental fees etc. in certain circumstances)	1
		2
Clause	52.(1) Section 175, heading ‘rental’—	3
	<i>omit, insert—</i>	4
	‘monthly’.	5
	(2) Section 175, ‘gross monthly turnover’—	6
	<i>omit, insert—</i>	7
	‘monthly taxable metered win’.	8
	(3) Section 175, ‘rental fee’ to ‘benefit levy’—	9
	<i>omit, insert—</i>	10
	‘fees, gaming machine tax’.	11
	(4) Section 175, ‘of the turnover’—	12
	<i>omit.</i>	13
	(5) Section 175, ‘of the fee, tax, levy or penalty’—	14
	<i>omit.</i>	15
	(6) Section 175, ‘rental fee’ to ‘rehabilitation levy’—	16
	<i>omit, insert—</i>	17
	‘fees, gaming machine tax’.	18
	 Amendment of s 176 (Recovery of rental fees, taxes and levies)	 19
Clause	53.(1) Section 176, heading ‘rental fees, taxes and levies’—	20
	<i>omit, insert—</i>	21
	‘fees and taxes’.	22
	(2) Section 176(1), ‘rental fee’ to ‘benefit levy’—	23
	<i>omit, insert—</i>	24
	‘fees, gaming machine tax’.	25

Gaming Machine Amendment

Amendment of s 177 (Offences relating to revenue)		1
Clause	54.(1) Section 177(1)(a), ‘rental fee’ to ‘benefit levy’—	2
	<i>omit, insert—</i>	3
	‘fees or gaming machine tax’.	4
	(2) Section 177(1)(c)—	5
	<i>omit.</i>	6
 Amendment of s 180 (Directions to licensees)		 7
Clause	55.(1) Section 180, heading, after ‘licensees’—	8
	<i>insert—</i>	9
	‘and licensed operators’.	10
	(2) Section 180(1)—	11
	<i>omit, insert—</i>	12
	‘180.(1) The commission or chief executive may, by written notice, give directions to—	13
		14
	(a) a licensee about the conduct of gaming or the administration of the licensee’s licensed premises; and	15
		16
	(b) a licensed operator about the conduct of gaming or supplying basic monitoring services to a licensee.’.	17
		18
	(3) Section 180(2), ‘The licensee’—	19
	<i>omit, insert—</i>	20
	‘A licensee or licensed operator to whom a notice is given’.	21
	(4) Section 180(3), after ‘licensee’—	22
	<i>insert—</i>	23
	‘or licensed operator’.	24
 Amendment of s 186 (Certain persons not to play gaming machines)		 25
Clause	56.(1) Section 186—	26

Gaming Machine Amendment

insert—

‘**(2A)** A licensed key monitoring employee must not play gaming machines installed on licensed premises that are connected to an electronic monitoring system operated by the licensed operator for whom the employee is a licensed key monitoring employee.’

Maximum penalty—40 penalty units.

‘**(2B)** A former employee must not, for 30 days after becoming a former employee, play gaming machines installed on licensed premises that are connected to an electronic monitoring system operated by the licensed operator for whom the person was a licensed key monitoring employee when the person became a former employee.’

Maximum penalty—40 penalty units.’.

(2) Section 186—

insert—

‘**(4)** In this section—

“**former employee**” means a person who was a licensed key monitoring employee.’.

Amendment of s 189 (Restriction on certain agreements)

Clause **57.** Section 189(6)—

omit, insert—

‘**(6)** This section does not apply to an agreement between a licensee and a licensed operator for electronically monitoring the licensee’s gaming machines in conjunction with supplying other services.’.

Amendment of s 212 (Disclosure of criminal history)

Clause **58.** Section 212(c), after ‘part 3’—

insert—

‘, 3A’.

	Amendment of s 215 (Regulation making power)	1
Clause	59. Section 215(2)(p)—	2
	<i>omit, insert—</i>	3
	‘(p) supplying gaming equipment; and’.	4
	Insertion of new s 217 and pt 11	5
Clause	60. After section 216—	6
	<i>insert—</i>	7
	‘Approval of chief executive may be conditional	8
	‘ 217. Any approval of the chief executive under this Act may be subject to conditions.	9
		10

‘PART 11—TRANSITIONALS

11

	‘Chief executive to supply gaming machines etc. until there is a licensed operator	12
		13
	‘ 218.(1) This section applies only until a person becomes the holder of an operator’s licence.	14
		15
	‘ (2) Subject to subsections (4) and (5) and section 57, the chief executive must supply to a licensee the number or increased number of gaming machines decided under section 40(12) or 56(5).	16
		17
		18
	‘ (3) The gaming machine type, game, gaming token denomination and betting unit of a gaming machine supplied under subsection (2) are to be as the chief executive decides.	19
		20
		21
	‘ (4) If at any time a sufficient number of gaming machines is not available to enable the chief executive to comply with subsection (2), the chief executive may supply to a licensee a number less than the number decided.	22
		23
		24
		25
	‘ (5) The chief executive must supply the balance of the gaming machines	26

Gaming Machine Amendment

as soon as possible after a sufficient number of gaming machines becomes available. 1
2

‘Gaming machine tax for June 1997 3

‘219. To remove any doubt, it is declared that any monthly rental fees, gaming machine tax and gaming machine community benefit levies that would have been payable for the month of June 1997 if the *Gaming Machine Amendment Act 1997* had not commenced together with any penalties payable in relation to the late payment of the fees, tax or levies are payable as if the *Gaming Machine Amendment Act 1997* had not commenced. 4
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‘Recovery of certain amounts outstanding at 30 June 1997 11

‘220.(1) Section 176, as in force immediately before the *Gaming Machine Amendment Act 1997* commenced, applies to monthly rental fees, gaming machine tax and levies payable for a period before 1 July 1997 and remaining unpaid after 30 June 1997. 12
13
14
15

‘(2) Also, section 176, as in force immediately before the *Gaming Machine Amendment Act 1997* commenced, applies to a penalty payable in relation to a fee, tax or levy mentioned in subsection (1). 16
17
18

‘Payment of certain amounts received after 30 June 1997 19

‘221. Despite section 174— 20

- (a) any money received after 30 June 1997 for monthly rental fees, gaming machine tax or levies payable before 1 June 1997, together with any penalties payable in relation to the late payment of the fees, tax or levies, is to be taken to be gaming machine tax and must be paid into the consolidated fund; and 21
22
23
24
25
- (b) any money received after 31 July 1997 for monthly rental fees, gaming machine tax or levies payable for the month of June 1997, together with any penalties payable in relation to the late payment of the fees, tax or levies, is to be taken to be gaming machine tax and must be paid into the consolidated fund. 26
27
28
29
30

Gaming Machine Amendment

‘Inspectors and officers of the division

1

‘**222.** To remove any doubt, it is declared that a person who was an
 inspector or an officer of the division under this Act immediately before the
 commencement of the *Gaming Machine Amendment Act 1997*, is taken to
 be an inspector or officer of the division appointed under this Act after the
 commencement.’.

2

3

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6

Amendments about chief executive

7

Clause **61.** The provisions of this Act mentioned in the schedule are amended as
 set out in the schedule.

8

9

10

SCHEDULE	1
REPLACEMENT OF REFERENCES TO DIRECTOR	2
section 61	3
1. In the following sections, ‘director’—	4
<i>omit, insert—</i>	5
‘chief executive’—	6
• section 5	7
• section 24(2), (4) and (6)	8
• section 25(1)	9
• section 29(4) and (5)	10
• section 35(3)	11
• section 36(1), (2) and (4)	12
• section 38(1)	13
• section 39(3)(g), (m) and (n)	14
• section 40(1), (2), (3), (5), (7), (8), (12) and (14)	15
• section 42(1) and (2)	16
• section 43(1)	17
• section 44(1), (3) and (5)	18
• section 45	19
• section 49(2), (4) and (5)	20
• section 50(1) and (2)	21
• section 51(1), (2), (3), (5) and (6)	22
• section 53(1), (2) and (3)	23
• section 55 (heading), (1), (2), (3) and (4)	24

SCHEDULE (continued)

• section 56(1), (2), (3), (4), (7) and (9)	1
• section 57(2), (3), (4) and (5)	2
• section 58(1), (4), (6), (7) and (9)	3
• section 59(1) and (2)	4
• section 60(1) and (2)	5
• section 61	6
• section 62(1), (3), (5) and (6)	7
• section 64(1), (3), (5), (6), (7), (8), (9), (12), (13), (15) and (16)	8
• section 65(1), (2) and (4)	9
• section 66	10
• section 74(1)	11
• section 75(4) and (6)	12
• section 76(1)	13
• section 77(1)(e), (h), (i) and (2)	14
• section 78(1) and (2)	15
• section 79(1), (2), (3) and (4)	16
• section 80(1) and (2)	17
• section 81(1)	18
• section 85(2), (4) and (5)	19
• section 86(1), (2), (3), (5) and (6)	20
• section 88	21
• section 89(1) and (2)	22
• section 90(1), (2) and (3)	23
• section 91	24
• section 92(2), (3), (4), (5), (6), (7), (9) and (10)	25
• section 93(1)	26

SCHEDULE (continued)

• section 94(1), (3), (5), (6), (7), (8), (9), (12), (13), (15) and (16)	1
• section 95(1), (2) and (4)	2
• section 96	3
• section 97(3)	4
• section 98(2)	5
• section 100(4)	6
• section 102(1)	7
• section 104(3)	8
• section 108(3), (4) and (6)	9
• section 111(3) and (4)	10
• section 116(2)	11
• section 130(1) and (2)	12
• section 131(1), (2), (3) and (4)	13
• section 132(1), (2) and (3)	14
• section 133(1), (2) and (3)	15
• section 134(1), (2) and (4)	16
• section 136(2), (3) and (4)	17
• section 137(2)	18
• section 141(5)	19
• section 142(1)	20
• section 143(1) and (3)	21
• section 144(1), (2) and (3)	22
• section 145(1), (3), (4), (5), (7), (8) and (12)	23
• section 146 (heading), (1), (3) and (4)	24
• section 147(1)	25
• section 149(1), (2), (4) and (11)	26

SCHEDULE (continued)

• section 150(1), (2), (3) and (4)	1
• section 151(2) and (3)	2
• section 152(1) and (2)	3
• section 153(2), (3), (4) and (5)	4
• section 155(1)	5
• section 156(2)	6
• section 159(1)	7
• section 161(1), (3), (4) and (5)	8
• section 163(1), (2)(a) and (b)	9
• section 165(1)	10
• section 170(1), (2) and (3)	11
• section 171(1) and (3)	12
• section 172	13
• section 173 (heading), (1) and (2)	14
• section 174(1) and (3)	15
• section 177(1) and (2)	16
• section 180(2)	17
• section 181(1)(k)	18
• section 183(1), (2) and (3)	19
• section 184(1), (2), (3), (4), (7), (8), (9) and (11)	20
• section 187(1) and (2)	21
• section 188	22
• section 190(1), (2) and (3)	23
• section 195(1) and (2)	24
• section 206(2)	25
• section 207(2)	26

SCHEDULE (continued)

• section 208	1
• section 211(d)	2
• section 213	3
• section 214(1) and (2)	4
2. Section 3, definitions “chief executive”, “deputy director” and “director”—	5
<i>omit.</i>	6
	7
3. Section 3 (definition “financial year”), 39(3)(c)(ii), 77(1)(c)(ii), ‘where the director’—	8
<i>omit, insert—</i>	9
‘if the chief executive’.	10
	11
4. Section 21(1) and (2), ‘director is to’—	12
<i>omit, insert—</i>	13
‘chief executive must’.	14
	14
5. Section 26—	15
<i>omit, insert—</i>	16
‘Inspectors	17
‘ 26.(1) The chief executive may appoint public service officers as inspectors for the purposes of this Act.	18
	19
‘ (2) The chief executive is an inspector for the purposes of this Act.’.	20

SCHEDULE (continued)

6. Section 29(2), ‘the director, deputy director, an inspector or any other appointed’—	1
	2
<i>omit, insert—</i>	3
‘an’.	4
7. Section 29(6), 40(4), 53 (heading), 57(1), 58(5), 60(3), 62(4), 75(7), 94(11), 104(5), 150 (heading), 175, 184(10), ‘director’s’—	5
	6
<i>omit, insert—</i>	7
‘chief executive’s’.	8
8. Sections 31 to 33—	9
<i>omit, insert—</i>	10
‘Delegation by chief executive	11
‘31. Before making a delegation under this Act to a person who is not an officer of the division, the chief executive must make the necessary inquiries to ensure the person is of good repute.’.	12
	13
	14
9. Section 34(1), ‘the director and other’—	15
<i>omit.</i>	16
10. Section 37—	17
<i>omit.</i>	18
11. Section 39(3)(c)(ii), 64(11), 77(1)(c)(ii), 94(11), 184(10), ‘as the director’—	19
	20
<i>omit, insert—</i>	21
‘as the chief executive’	22

SCHEDULE (continued)

12. Section 40(4) and (6), 46(1), 64(2), (10) and (11), 80(3), 82(1), 94(2), (10) and (11), 104(4), 143(2) and (4), 145(2), 146(2), 175, 184(10), ‘Where the director’—	1
	2
	3
<i>omit, insert—</i>	4
‘If the chief executive’.	5
13. Section 40(4) and (6), 46(1), 64(2), (10) and (11), 80(3), 82(1), 94(2), (10) and (11), 104(4), 145(2), 175, 184(10), ‘, the director’	6
	7
<i>omit, insert—</i>	8
‘, the chief executive’.	9
14. Section 50(4), ‘director, with the approval of the’—	10
<i>omit.</i>	11
15. Section 99(1)(a), ‘director’—	12
<i>omit, insert—</i>	13
‘chief executive, a licensed operator or an approved financier’.	14
16. Section 141(4), ‘director, deputy director’—	15
<i>omit, insert—</i>	16
‘chief executive’.	17
17. Section 146(2), ‘the director must,’—	18
<i>omit, insert—</i>	19
‘, the chief executive must,’.	20

SCHEDULE (continued)

18. Section 175, ‘which the director’—	1
<i>omit, insert—</i>	2
‘which the chief executive’.	3
19. Section 176(2), ‘director, with the approval of the’—	4
<i>omit.</i>	5
20. Section 191(1), ‘, chief executive or director’—	6
<i>omit, insert—</i>	7
‘or chief executive’.	8
21. Section 204, 211 ‘the director,’—	9
<i>omit.</i>	10
	11