

NORTHERN TERRITORY OF AUSTRALIA  
GAMING MACHINE AMENDMENT ACT (NO. 2) 2001

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No. 5 of 2001

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# NORTHERN TERRITORY OF AUSTRALIA

No. 5 of 2001

## AN ACT

to amend the *Gaming Machine Act*

[Assented to 22 June 2001]  
[Second reading 1 March 2001]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Gaming Machine Amendment Act (No. 2) 2001*.

**2. Commencement**

The provisions of this Act come into operation on the date, or respective dates, fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The *Gaming Machine Act* is in this Act referred to as the Principal Act.

**4. New section**

The Principal Act is amended by inserting after section 2 the following:

**"2A. Objectives**

"The objectives of this Act are –

- (a) to promote the responsible operation and use of gaming machines;

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- (b) to ensure the probity and integrity of participants in the gaming industry;
- (c) to ensure the fairness of games, the integrity of gaming systems and the delivery of quality services to game players; and
- (d) to ensure that clubs holding gaming licences will improve the amenity of their neighbourhoods,

in order to maximise the welfare of the community as a whole."

**5. Definitions**

Section 3 of the Principal Act is amended --

- (a) by inserting before the definition of "arrangement" the following:

" 'approved evaluator' means a person who is approved as an evaluator under section 131(10);

'approved finance provider' means --

- (a) a financial institution that is approved as a finance provider under section 129(1); or
- (b) a person or body prescribed as a finance provider for the purposes of this Act;"

- (b) by inserting after the definition of "associate" the following:

" 'basic monitoring service' means a monitoring service that is prescribed;"

- (c) by omitting the definition of "financial institution" and substituting the following:

" 'financial institution' means --

- (a) the Reserve Bank of Australia;
- (b) an authorised deposit-taking institution within the meaning of the *Banking Act 1959* of the Commonwealth (an 'ADI');
- (c) a foreign ADI within the meaning of the *Banking Act 1959* of the Commonwealth;
- (d) a person who carries on State banking within the meaning of section 51(xiii) of the Commonwealth Constitution;

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- (e) a body corporate that is or that, if it had been incorporated in Australia, would be a financial corporation within the meaning of section 51(xx) of the Commonwealth Constitution;
  - (f) the Territory Insurance Office; or
  - (g) a person or body prescribed as a financial institution for the purposes of this Act;";
- (d) by inserting "an authorised person appointed under section 21 and" after "includes" in the definition of "inspector";
- (e) by omitting "issued" from the definition of "licensed machine manager";
- (f) by omitting the definitions of "licensed repairer" and "licensed service contractor" and substituting the following:
- " 'licensed monitoring provider' means the holder of a monitoring provider's licence under Part 4;
- 'licensed repairer' means the holder of a repairer's licence under Part 4;
- 'licensed service contractor' means the holder of a service contractor's licence under Part 4;";
- (g) by inserting after the definition of "listed person" the following:
- " 'locality' has the meaning in section 6A;";
- (h) by inserting after the definition of "machine manager" the following:
- " 'machine manager's licence' means a machine manager's licence under Part 4;";
- (i) by inserting after the definition of "money clearance" the following:
- " 'monitoring provider's licence' means a monitoring provider's licence under Part 4;";
- (j) by omitting the definitions of "recognised manufacturer or supplier of gaming machines" and "recognised supplier of restricted components" and substituting the following:
- " 'recognised manufacturer or supplier of gaming machines' means a person who is approved as a recognised manufacturer or supplier of gaming machines under section 116;

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'recognised supplier of restricted components' means a person who is approved as a recognised supplier of restricted components under section 117;

'repairer's licence' means a repairer's licence under Part 4;"; and

- (k) by omitting the definition of "service contract" and substituting the following:

" 'seal' means a seal issued or approved by the Director under section 136A;

'service contract' means an agreement to install, alter, adjust, maintain or repair gaming equipment on a licensee's licensed premises;

'service contractor's licence' means a service contractor's licence under Part 4;".

**6. New section**

The Principal Act is amended by inserting after section 6 the following:

**"6A. Meaning of 'locality'**

"(1) A locality is a part of the Territory prescribed as a locality for the purposes of this Act.

"(2) A locality may include one or more other localities and localities may overlap.

"(3) Licensed premises may be situated in one or more localities."

**7. Inspectors**

Section 20 of the Principal Act is amended –

- (a) by omitting subsection (1) and substituting the following:

"(1) The Director may appoint an employee within the meaning of the *Public Sector Employment and Management Act* to be an inspector for the purposes of this Act.";

- (b) by omitting from subsections (2) and (7) "An inspector" and substituting "An inspector appointed under this section";

- (c) by omitting from subsection (7) "gaming inspector" and substituting "inspector";

- (d) by omitting from subsection (8) "inspector" and substituting "inspector appointed under this section"; and



- (e) by adding at the end of subsection (8) "and is to be taken to be an employee of the Territory".

**8. New section**

The Principal Act is amended by inserting after section 20 the following:

**"21. Authorised persons**

"(1) The Director may, in writing, appoint a person who is not an employee within the meaning of the *Public Sector Employment and Management Act* to be an authorised person for the purposes of this Act.

"(2) An authorised person may exercise the powers and perform the functions of an inspector that are specified in the appointment.

"(3) In exercising a power or performing a function under this Act, an authorised person –

- (a) is subject to the direction and control of the Director; and
- (b) is to be taken to be an employee of the Territory.

"(4) The Director must issue to an authorised person an identity card containing a photograph and the signature of the person verified by the signature of the Director.

"(5) An authorised person whose appointment is terminated must surrender to the Director the identity card issued to the person under subsection (4).

Penalty: 50 penalty units.

"(6) An authorised person must, when exercising or performing any of his or her powers or functions, produce the identity card issued to the person under subsection (4) to a person who questions the right of the person to exercise the power or perform the function.

"(7) The production by an authorised person of an identity card issued under subsection (4) is, until the contrary is proved, to be taken to be sufficient authority for the person to do any thing which the person is authorised to do by or under this Act."

**9. Secrecy**

Section 22 of the Principal Act is amended –

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- (a) by omitting from subsection (1) "who is employed by the Territory shall not" and substituting "who is or has been engaged in the administration or enforcement of this Act must not";
- (b) by omitting from subsection (2)(a) "disclosure; or" and substituting "disclosure;";
- (c) by omitting from subsection (2)(b)(iv) "person." and substituting "person; or"; and
- (d) by adding at the end of subsection (2) the following:
  - "(c) the information is about –
    - (i) the number of gaming machines on any licensed premises;
    - (ii) the performance of gaming machines on any licensed premises; or
    - (iii) the profit distribution of a club."

**10. New section**

The Principal Act is amended by inserting after section 22 in Part 2 the following:

**"22A. Recognition of interstate matters by Commission or Director**

- "(1) Where the Commission or the Director –
  - (a) has power under this Act or the Regulations to take an action or to make, grant or issue an instrument (a 'Territory action or instrument'); and
  - (b) is satisfied that an action taken, or an instrument made, granted or issued, under a corresponding law (an 'interstate action or instrument') is equivalent to the Territory action or instrument,

the Commission or the Director (as the case may be) may recognise the interstate action or instrument for the purposes of this Act.

"(2) Where an interstate action or instrument is recognised under subsection (1), this Act and the Regulations apply (with the necessary changes) in relation to the interstate action or instrument as if it were the Territory action or instrument to which it is equivalent.

"(3) In determining whether an interstate action or instrument is equivalent to a Territory action or instrument, the Commission or the Director

may have regard to the matters that the Commission or Director considers relevant.

"(4) Where –

- (a) the Commission or the Director has recognised an interstate action or instrument for the purposes of this Act; and
- (b) the interstate action or instrument is altered, amended or varied, or is revoked or ceases to be in force, under the corresponding law,

the Commission or the Director (as the case may be) may review the decision to recognise the interstate action or instrument and may –

- (c) where the interstate action or instrument is altered, amended or varied – recognise the interstate action or instrument as altered, amended or varied or revoke the decision to recognise the interstate action or instrument; or
- (d) where the interstate action or instrument is revoked or ceases to have effect – revoke the decision to recognise the interstate action or instrument.

"(5) Subsections (1), (2) and (3) apply (with the necessary changes) in relation to an interstate action or instrument that is reviewed under subsection (4).

"(6) Where the Commission or the Director is satisfied that –

- (a) a person has complied with certain requirements under a corresponding law; and
- (b) those requirements are equivalent to requirements imposed on the person by or in relation to the Commission or the Director (as the case may be) under this Act or the Regulations,

the Commission or the Director (as the case may be) may waive compliance by the person with the requirements under this Act or the Regulations.

"(7) Where –

- (a) the Commission or the Director has waived compliance with requirements under this Act or the Regulations under subsection (6); and
- (b) those requirements, or the requirements under the corresponding law that the Commission or the Director (as the case may be) determined for the purposes of the waiver were equivalent to those requirements, are altered, amended or varied or are repealed and replaced or are repealed without replacement,

the Commission or the Director (as the case may be) may revoke the waiver.

"(8) In this section –

'corresponding law' means a law of a State or another Territory of the Commonwealth that corresponds with provisions of this Act."

**11. Application for gaming machine licence**

Section 24 of the Principal Act is amended –

- (a) by omitting from subsection (3)(k) "and details of arrangements that have been made for supplying the gaming machines";
- (b) by inserting after subsection (3)(k) the following:

"(ka) is to specify details of the arrangements made for the monitoring of the gaming machines by a licensed monitoring provider and for the maintenance and repair of the gaming machines through a licensed service contractor;" and

- (c) by inserting after subsection (3)(m) the following:

"(ma) if the applicant is a club, is to be accompanied by –

- (i) a full and reasonable description of the club's neighbourhood;

- (ii) a statement of the proportions in which the club's profits have been, or are proposed to be, allocated or distributed –

- (A) to improve the club's facilities and services and to the club's reserves;

- (B) for the purposes of the club as set out in the club's rules, constitution or other incorporating documents or, if the applicant is a federation of clubs, for the purposes of each constituent club as set out in each constituent club's rules, constitution or other incorporating documents;

- (C) towards development of the club's neighbourhood; and

- (D) as donations to or funding for community, recreational or service organisations operating in the club's neighbourhood;

- (iii) a statement of –

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- (A) the proportion that the allocation or distribution referred to in subparagraph (ii)(B) bears to the aggregate of the allocations or distributions referred to in subparagraph (ii)(B), (C) and (D); and
  - (B) the proportion that the aggregate of the allocations or distributions referred to in subparagraph (ii)(C) and (D) bears to the aggregate of the allocations or distributions referred to in subparagraph (ii)(B), (C) and (D);
- (iv) a statement of—
- (A) the proportion that the number of full members of the club bears to the total number of members of the club; and
  - (B) the proportion that the number of members of the club who are not full members bears to the total number of members of the club; and
- (v) a statement to the effect that the club's rules, constitution or other incorporating documents or, if the applicant is a federation of clubs, the rules, constitution or other incorporating documents of each constituent club do not prohibit, prevent or impede an allocation or distribution referred to in subparagraph (ii)(C) or (D);".

**12. Consideration of application**

Section 25 of the Principal Act is amended—

- (a) by omitting subsection (3)(aa);
- (b) by inserting after subsection (3)(c) the following:

"(ca) if the applicant is a federation of clubs, the business reputation and financial stability of each constituent club and the general reputation and character of the secretary and executive officers of each constituent club;"
- (c) by inserting after subsection (3) the following:

"(3A) In assessing the suitability of an applicant to be a licensee, the Commission must have regard to the matters that are prescribed (if any).";
- (d) by inserting after subsection (8) the following:

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"(8A) In determining an application for a gaming machine licence by a club, the Commission must have regard to the improvements to the amenity of its neighbourhood that the club will make, or proposes to make, if the licence is granted.";

(e) by omitting subsection (14) and substituting the following:

"(14) The number of gaming machines determined under subsection (12)–

- (a) is not to be greater than the number applied for or the maximum number prescribed for the category of licensed premises to which the licensed premises the subject of the application belongs; and
- (b) is not to result in the number of machines in the locality of the licensed premises or in the Territory exceeding the maximum number of machines (if any) prescribed for that locality or for the Territory."; and

(f) by omitting paragraph (13)(b).

**13. Changes in circumstances of applicants and licensees**

Section 27 of the Principal Act is amended –

(a) by omitting subsection (1) and substituting the following:

"(1) Where a person applies for a licence under this Part and, before the application is granted or refused, there is –

- (a) a change in the information in, or accompanying, the application or in a notice under this subsection; or
- (b) any other change in the circumstances of the applicant that may affect the decision whether to grant or refuse the application,

the applicant must give the Director written notice of the change within 7 days after the change.

Penalty: 500 penalty units or imprisonment for 12 months.";

- (b) by omitting from subsection (2) "\$10,000 or imprisonment for 2 years" and substituting "500 penalty units or imprisonment for 12 months";
- (c) by omitting from subsection (3)(c) "bankruptcy;" and substituting "bankruptcy; or";
- (d) by omitting from subsection (3)(d) "administration; or" and substituting "administration."; and

- (e) by omitting subsection (3)(e).

**14. Issue of gaming machine licences**

Section 28 of the Principal Act is amended by omitting subsection (2)(b).

**15. Schedule of gaming machine licences**

Section 29 of the Principal Act is amended –

- (a) by omitting from subsection (2)(b) "premises; and" and substituting "premises;"; and

- (b) by inserting after subsection (2)(b) the following:

"(ba) specify the identification number issued by the Director under section 135 for each gaming machine authorised for use under the licence in respect of the licensed premises or required to be stored by the licensee under section 83; and".

**16. Repeal and substitution**

Section 32 of the Principal Act is repealed and the following substituted:

**"32. Term of gaming machine licence**

"(1) Subject to this Act, a gaming machine licence is granted for an indefinite term.

"(2) If a gaming machine licence is cancelled, revoked or otherwise ceases to be in force for a reason other than a reason provided for under this Act and it is necessary for any purpose whatsoever to determine how long the licence would have remained in force but for the cancellation, revocation or cessation, it is to be assumed that the licence would have remained in force for a further 5 years."

**17. Repeal and substitution**

Section 36 of the Principal Act is repealed and the following substituted:

**"36. Clubs to provide neighbourhood information on annual basis**

"(1) A club that is a licensee must provide the Director with the information specified in subsection (2) in respect of a financial year within 3 months after the end of the year.

Penalty: 1 000 penalty units.

"(2) For the purposes of subsection (1), the following information is specified:

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- (a) a full and reasonable description of the club's neighbourhood;
- (b) a statement of the proportions in which the club's profits have been, or are proposed to be, allocated or distributed –
  - (i) to improve the club's facilities and services and to the club's reserves;
  - (ii) for the purposes of the club as set out in the club's rules, constitution or other incorporating documents or, if the applicant is a federation of clubs, for the purposes of each constituent club as set out in each constituent club's rules, constitution or other incorporating documents;
  - (iii) towards development of the club's neighbourhood; and
  - (iv) as donations to or funding for community, recreational or service organisations operating in the club's neighbourhood;
- (c) a statement of –
  - (i) the proportion that the allocation or distribution referred to in subparagraph (b)(ii) bears to the aggregate of the allocations or distributions referred to in subparagraph (b)(ii), (iii) and (iv); and
  - (ii) the proportion that the aggregate of the allocations or distributions referred to in subparagraph (b)(iii) and (iv) bears to the aggregate of the allocations or distributions referred to in subparagraph (b)(ii), (iii) and (iv);
- (d) a statement of –
  - (i) the proportion that the number of full members of the club bears to the total number of members of the club; and
  - (ii) the proportion that the number of members of the club who are not full members bears to the total number of members of the club.

"(3) The first financial year in respect of which subsection (1) applies is the financial year ending on 30 June 2002."

**18. Director to provide gaming machines until 30 June 2002**

Section 39 of the Principal Act is amended –

- (a) by omitting from subsection (1) "subsections (3) and (4)" and substituting "this section"; and



- (b) by omitting subsection (4) and substituting the following:

"(4) The Director may only provide gaming machines under this section until 30 June 2002 and, after that date, is not responsible for the installation, alteration, adjustment, maintenance or repair of any gaming machines or for the provision of monitoring services in respect of any gaming machines, including gaming machines provided under this section.

"(5) If any of the gaming machines on a licensee's licensed premises are provided by the Director, the licensee must not –

- (a) purchase other gaming machines from a person other than the Director; or
- (b) enter into a service contract or an agreement for the provision of monitoring services with a person other than the Director in relation to the gaming machines on the licensee's licensed premises, whether the machines are provided by the Director or not.

Penalty: 1 000 penalty units."

**19. Director may remove gaming machines**

Section 40 of the Principal Act is amended –

- (a) by omitting from subsection (1) all the words after "a licensee";
- (b) by omitting from subsection (3)(a) "provided"; and
- (c) by omitting from subsection (4) "provided under subsection (1) or removed under that subsection or subsection (3)" and substituting "removed under subsection (1) or (3)".

**20. Increase in gaming machines**

Section 41 of the Principal Act is amended –

- (a) by inserting after subsection (2)(c) the following:

"(ca) if the applicant is a club – must contain details of the extent to which the club's profits that have been allocated or distributed –

- (i) toward development of the club's neighbourhood; and
- (ii) as donations to or funding for community, recreation or service organisations operating in the club's neighbourhood,

and details of the extent to which the allocation or distribution would be increased or otherwise varied if the Commission were to grant the application;"; and

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- (b) by omitting subsection (4)(b).

**21. Decrease in gaming machines**

Section 42 of the Principal Act is amended by inserting after subsection (4) the following:

"(4A) In determining whether to decrease the number of gaming machines authorised for use under a licence held by a club, the Commission must have regard to the extent to which the club's profits have been allocated or distributed—

- (a) toward development of the club's neighbourhood; and
- (b) as donations to or funding for community, recreation or service organisations operating in the club's neighbourhood."

**22. Disclosure of influential or beneficial parties**

Section 44 of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting the following:

"(1) At the time of making an application for a gaming machine licence, the applicant must forward to or lodge with the Director an affidavit made under this section.";

- (b) by omitting from subsection (2) "\$10,000 or imprisonment for 2 years" and substituting "500 penalty units or imprisonment for 12 months"; and
- (c) by inserting in subsection (4)(b) "(other than a contract, agreement or other arrangement entered into for the purposes of this Act or the Regulations and approved by the Director)" after "arrangement".

**23. Surrender of gaming machine licences**

Section 47 of the Principal Act is amended—

- (a) by inserting after subsection (1) the following:

"(1A) As soon as the licensee's gaming machine licence and the notification is forwarded to or lodged with the Director, the licensee must cease operating all gaming machines on the licensee's licensed premises.

Penalty: 2 500 penalty units."; and

- (b) by omitting subsection (6) and substituting the following:

"(6) The surrender of a gaming licence takes effect when it is accepted by the Director or at a later time determined by the Director.

"(7) Before accepting the surrender of a gaming machine licence, the Director must consider whether the licensee has complied with all financial and legal obligations under the licence and may refuse to accept the surrender until all of those obligations have been complied with."

**24. Cancellation, suspension etc. of gaming machine licences**

Section 49 of the Principal Act is amended –

- (a) by omitting from subsection (1)(a)(v) "subject; or" and substituting "subject;";
- (b) by omitting from subsection (1)(a)(vi) "section 44(2);" and substituting "section 44(2); or";
- (c) by adding at the end of subsection (1)(a) the following:
  - "(vii) fails to comply with section 39(5)(a);";
- (d) by omitting from subsection (1)(c)(iv) "refused; or" and substituting "refused;";
- (e) by omitting from subsection (1)(c)(v)(M) "gaming." and substituting "gaming; or"; and
- (f) by adding at the end of subsection (1)(c) the following:
  - "(vi) considers that there has been an unauthorised interference (whether by the licensee or someone else) with an electronic monitoring system installed on the licensee's licensed premises."

**25. Recovery of gaming machine etc.**

Section 53 of the Principal Act is amended –

- (a) by omitting from subsection (1) ", surrender or non-renewal" (first occurring) and substituting "or surrender";
- (b) by omitting from subsection (1)(a) ", surrender or non-renewal" and substituting "or surrender"; and
- (c) by omitting from subsection (2) "or not renewed".

**26. Heading to Part 4**

The heading to Part 4 of the Principal Act is amended by inserting ", MONITORING PROVIDERS" after "CONTRACTORS".

**27. Repeal and substitution**

Sections 58 and 59 of the Principal Act are repealed and the following substituted:

**"57A. Application**

"(1) The following are licences under this Part:

- (a) a repairer's licence referred to in section 58;
- (b) a service contractor's licence referred to in section 59;
- (c) a monitoring provider's licence referred to in section 59A;
- (d) a machine manager's licence referred to in section 60.

"(2) Subject to a contrary intention, a reference in this Part to the grant, renewal, cancellation or suspension of, or the imposition or variation of conditions on, a monitoring provider's licence (other than a monitoring provider's licence that is a provisional or interim licence) by the Director is to be read as a reference to the grant, renewal, cancellation or suspension of, or the imposition or variation of conditions on, a monitoring provider's licence by the Commission.

**"58. Repairers**

"(1) A person must not install, alter, adjust, maintain or repair gaming equipment unless the person —

- (a) is authorised under a repairer's licence to install, alter, adjust, maintain or repair the equipment; and
- (b) installs, alters, adjusts, maintains or repairs the equipment on behalf of—
  - (i) a licensed service contractor who is the service contractor under a service contract with the licensee in respect of the equipment; or
  - (ii) a licensed monitoring provider who is the monitoring provider under an agreement with the licensee to provide a basic monitoring service and the agreement includes the installation, alteration, adjustment, maintenance or repair of the equipment.

Penalty: 500 penalty units or imprisonment for 6 months.

"(2) Subsection (1) does not apply in relation to installations, alterations, adjustments, maintenance or repairs that are prescribed.

**"59. Service contractors**

"(1) A person must not enter into a service contract with a licensee in respect of gaming equipment on the licensee's licensed premises unless the person is authorised under a service contract licence to enter into the contract and the Director has approved the terms of the service contract.

Penalty: 500 penalty units or imprisonment for 6 months.

"(2) A licensee must not enter into a service contract with a person in respect of gaming equipment on the licensee's licensed premises unless the person is authorised under a service contract licence to enter into the contract and the Director has approved the terms of the service contract.

Penalty: 500 penalty units or imprisonment for 6 months.

"(3) A licensed service contractor must not subcontract any of the obligations of the licensed service contractor under a service contract to another person unless the other person is authorised under a service contract licence or repairer's licence to undertake those obligations.

Penalty: 500 penalty units.

"(4) A licensed service contractor or licensed repairer to whom any of the obligations of a licensed service contractor under a service contract have been subcontracted must not further subcontract those obligations.

Penalty: 500 penalty units.

"(5) A licensed service contractor must not employ a person to install, alter, adjust, maintain or repair gaming equipment unless the person is authorised under a repairer's licence to install, alter, adjust, maintain or repair the equipment.

Penalty: 500 penalty units.

"(6) Where –

- (a) a licensed service contractor proposes to carry out work under a service contract on gaming equipment on a licensee's licensed premises; and
- (b) the proposed work may affect the operation of electronic monitoring equipment used to provide a basic monitoring service in respect of the gaming equipment,

the licensed service contractor –

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- (c) must notify the licensed monitoring provider who provides the basic monitoring service in respect of the gaming equipment of the proposed work; and
- (d) must not carry out the proposed work without the approval of the Director or the licensed monitoring provider.

Penalty: 500 penalty units.

**"59A. Monitoring providers**

"(1) A person must not enter into an agreement with a licensee to provide a basic monitoring service in respect of gaming equipment on the licensee's licensed premises unless the person is authorised under a monitoring provider's licence to enter into the agreement and the Director has approved the terms of the agreement.

Penalty: 500 penalty units or imprisonment for 6 months.

"(2) A licensee must not enter into an agreement with a person to provide a basic monitoring service in respect of gaming equipment on the licensee's licensed premises unless the person is authorised under a monitoring provider's licence to enter into the agreement and the Director has approved the terms of the agreement.

Penalty: 500 penalty units or imprisonment for 6 months.

"(3) A licensed monitoring provider must not enter into an agreement with a licensee to provide a basic monitoring service in respect of gaming equipment on the licensee's licensed premises if any of the gaming machines on the premises are provided by the Director.

Penalty: 500 penalty units.

"(4) The licensed monitoring provider under an agreement to provide a basic monitoring service must not provide additional services (for example, the installation, alteration, adjustment, maintenance or repair of gaming equipment that is not electronic monitoring equipment) unless those additional services are approved by the Commission or the Director.

Penalty: 500 penalty units.

"(5) A licensed monitoring provider must not –

- (a) employ a person to install, alter, adjust, maintain or repair gaming equipment; or
- (b) subcontract to a person any of the licensed monitoring provider's obligations to install, alter, adjust, maintain or repair gaming

equipment under an agreement to provide a basic monitoring service,

unless the person is authorised under a repairer's licence to install, alter, adjust, maintain or repair the equipment.

Penalty: 500 penalty units.

"(6) A licensee who does not enter into an agreement with a licensed monitoring provider to provide a basic monitoring service in respect of gaming equipment on the licensee's licensed premises commits an offence.

Penalty: 500 penalty units or imprisonment for 6 months.

"(7) Subsection (6) does not apply to a licensee if the gaming equipment is provided by the Director.

"(8) The Director must enter into an agreement on behalf of the Territory with a licensed monitoring provider to provide a basic monitoring service in respect of gaming equipment on a licensee's licensed premises that is provided by the Director."

## **28. Applications for licence under this Part**

Section 62 of the Principal Act is amended —

- (a) by omitting from subsection (1)(f) "or service contractor's licence" and substituting ", service contractor's or monitoring provider's licence"; and
- (b) by adding at the end the following:

"(3) An application for a service contractor's or monitoring provider's licence may be made only by a body corporate."

## **29. Changes in circumstances of applicants for and holders of licences**

Section 63 of the Principal Act is amended —

- (a) by omitting subsection (1) and substituting the following:

"(1) Where a person applies for a licence under this Part and, before the application is granted or refused, there is —

- (a) a change in the information in, or accompanying, the application or in a notice under this subsection; or
- (b) any other change in the circumstances of the applicant that may affect the decision whether to grant or refuse the application,

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the applicant must give the Director written notice of the change within 7 days after the change.

Penalty: 500 penalty units or imprisonment for 12 months.";

- (b) by omitting from subsection (2) "\$10,000 or imprisonment for 2 years" and substituting "500 penalty units or imprisonment for 12 months"; and
- (c) by omitting from subsection (3) "subsection (3)" and substituting "subsection (2)".

**30. Consideration of applications**

Section 64 of the Principal Act is amended by inserting after subsection (1) the following:

"(1A) In considering an application for a licence under this Part, the Director must have regard to the matters (if any) that are prescribed."

**31. Term of licences**

Section 68 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) Subject to this Act, the term of a licence under this Part is for –

- (a) the period that is prescribed in respect of the licence, which period may be shorter or longer than 5 years; or
- (b) if no period is prescribed in respect of the licence – 5 years."

**32. Repeal and substitution**

Section 69 of the Principal Act is repealed and the following substituted:

**"69. Conditions of licence**

"A licence under this Part is subject to –

- (a) the conditions (if any) that are prescribed; and
- (b) the conditions (including as varied under section 70) the Director may impose in the public interest or for the proper conduct of gaming at the time of granting the licence or under section 70."

**33. Renewal of licences**

Section 71 of the Principal Act is amended –



- (a) by omitting from subsection (5) "If" and substituting "Subject to subsection (5A), if"; and
- (b) by inserting after subsection (5) the following:

"(5A) The Director must not renew a service contractor's or monitoring provider's licence unless the terms of the licence holder's service contracts or agreements to provide a basic monitoring service are satisfactory to the Director (whether those terms have remained the same since the licence was granted or last renewed or have been re-negotiated)."

**34. Disclosure of influential or beneficial parties**

Section 74 of the Principal Act is amended –

- (a) by omitting from subsection (1)(a) "a repairer's or service contractor's licence" and substituting "a repairer's, service contractor's or monitoring provider's licence";
- (b) by omitting subsection (1)(b) and substituting the following:

"(b) a renewal of a repairer's, service contractor's or monitoring provider's licence, the licensed repairer, licensed service contractor or licensed monitoring provider,";

- (c) by omitting from subsection (2) "a licensed repairer or licensed service contractor" and substituting "holder of a licence"; and
- (d) by omitting subsection (5) and substituting the following:

"(5) An affidavit under this section need not disclose –

- (a) anything about a contract, agreement or other arrangement entered into for the purposes of this Act or the Regulations and approved by the Director; or
- (b) anything that is prescribed for the purposes of this subsection."

**35. Cessation or commencement of executive officer or secretary**

Section 76 of the Principal Act is amended by omitting "that is a body corporate" and substituting "or licensed monitoring provider".

**36. Notification of employment and agreements**

Section 77 of the Principal Act is amended –

- (a) by omitting subsection (1) and substituting the following:

"(1) In this section –

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'employer' means a licensed service contractor or licensed monitoring provider.";

(b) by omitting from subsection (9) "a licensed repairer or licensed service contractor" and substituting "a licensed service contractor"; and

(c) by omitting subsection (10) and substituting the following:

"(10) If it becomes known to a licensed service contractor that –

(a) a person (other than the Director) with whom the service contractor has made a service contract is not a licensee; or

(b) a person to whom the licensed service contractor has subcontracted any of the licensed service contractor's obligations under a service contract is not a licensed service contractor or licensed repairer,

the licensed service contractor must immediately terminate the service contract or subcontract, as the case may be."

### **37. Surrender of licence**

Section 78 of the Principal Act is amended by adding at the end the following:

"(3) The holder of a repairer's, service contractor's or monitoring provider's licence is not entitled to surrender the licence unless the holder has given the Director the following period of notice:

(a) for a repairer's or service contractor's licence – 30 days;

(b) for a monitoring provider's licence – 90 days.

"(4) The surrender of a licence under this Part takes effect when it is accepted by the Director or at a later time determined by the Director.

"(5) The Director may refuse to accept the surrender of a licence under this Part until the conditions specified by the Director for the surrender have been met.

"(6) If a service contractor's or monitoring provider's licence is being surrendered, the conditions specified under subsection (5) may include a condition that the holder of the licence has complied with all of its obligations under a service contract or an agreement to provide a basic monitoring service.

"(7) If a repairer's, service contractor's or monitoring provider's licence is being surrendered, as soon as practicable after forwarding to or lodging with the Director the licence and notification under subsection (1), the holder of the

licence must dispose of all gaming equipment and restricted components in the holder's possession in the manner approved by the Director.

"(8) If a service contractor's or monitoring provider's licence is being surrendered the following apply:

- (a) the obligations of the holder of the licence to a licensee under a service contract or an agreement to provide a basic monitoring service continue in force until the surrender takes effect unless the Director determines otherwise;
- (b) the obligations of a licensee to the holder of the licence under a service contract or an agreement to provide a basic monitoring service cease on the day on which the licence and notification are forwarded to or lodged with the Director under subsection (1)."

### **38. Cancellation or suspension of licence**

Section 79 of the Principal Act is amended by adding at the end the following:

"(14) If a service contractor's or monitoring provider's licence is cancelled, the Director may make the arrangements the Director considers necessary to ensure that a service that would have been provided by the holder of the licence continues to be provided (which may include the issue of an interim licence under section 82A).

"(15) As soon as practicable after the cancellation of a service contractor's or monitoring provider's licence, the Director must remove or make arrangements for the removal of all gaming equipment and restricted components in the possession of the holder of the licence.

"(16) The cancellation of a licence under this Part does not affect a liability incurred by the holder of the licence under this Act or the Regulations, or under a contract, agreement or other arrangement entered into by the holder of the licence for the purposes of this Act or the Regulations, before the licence was cancelled unless the Director determines otherwise."

### **39. New section**

The Principal Act is amended by inserting after section 82 in Part 4 the following:

#### **"82A. Interim licences**

"(1) The Director may, without an application, grant to a person an interim licence if the Director considers that it is necessary to ensure the continued effective operation of this Act for a short-term period.

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"(2) An interim licence is for the term, and subject to the conditions, determined by the Director.

"(3) The holder of an interim licence may surrender the licence at any time.

"(4) The Director may cancel an interim licence at any time.

"(5) An interim licence has the same effect as if it were a repairer's licence, service contractor's licence, monitoring provider's licence or machine manager's licence, as the case requires.".

**40. Repeal and substitution**

Section 83 of the Principal Act is repealed and the following substituted:

**"83. Installation and storage of gaming machines by licensee**

"(1) A licensee must not install a gaming machine provided under the gaming machine licence or other prescribed gaming equipment in an area other than a gaming machine area on the licensee's licensed premises.

Penalty: 500 penalty units or imprisonment for 6 months.

"(2) A licensee must not store a gaming machine provided under the gaming machine licence or other prescribed gaming equipment that is not installed in a gaming machine area on the licensee's licensed premises except in a room, and in a manner, approved by the Director.

Penalty: 500 penalty units or imprisonment for 6 months.

"(3) A licensee is authorised to store in accordance with subsection (2) gaming machines in excess of the number of gaming machines authorised for use under the gaming machine licence.

"(4) A licensee must not install on the licensee's licensed premises a gaming machine that is being stored by the licensee if, as a result, the number of gaming machines installed on the premises would exceed the number of gaming machines authorised for use under the gaming machine licence.

Penalty: 500 penalty units or imprisonment for 6 months."

**41. Repeal**

Sections 86 and 93 of the Principal Act are repealed.

**42. Payments in connection with gaming**

Section 94 of the Principal Act is amended by omitting from subsection (2)(a) and (c) "(other than Australian currency)".

**43. Entitlement of players**

Section 95 of the Principal Act is amended –

- (a) by omitting "A licensee" and substituting "(1) A licensee";
- (b) by omitting "\$10,000 or imprisonment for 2 years" and substituting "500 penalty units"; and
- (c) by adding at the end the following:

"(2) A licensee must ensure that a gaming machine on the licensee's licensed premises returns to players not less than the prescribed minimum percentage (if any) of bets made by players on the gaming machine.

Penalty: 500 penalty units."

**44. Repeal and substitution**

Sections 116 and 117 of the Principal Act are repealed and the following substituted:

**"116. Recognised manufacturers and suppliers of gaming machines**

"(1) The Director may approve a person to be a recognised manufacturer and supplier of gaming machines for the purposes of this Act.

"(2) The Director must not approve a person under subsection (1) if the Director would have been required under section 119 to remove the person from the roll under subsection (4) had the person already been on that roll.

"(3) An approval under subsection (1) is subject to –

- (a) the conditions (if any) that are prescribed; and
- (b) the conditions the Director may impose in the public interest or for the proper conduct of gaming.

"(4) The Director must maintain a roll of recognised manufacturers and suppliers of gaming machines.

**"117. Recognised suppliers of restricted components**

"(1) The Director may approve a person to be a recognised supplier of restricted components for the purposes of this Act.

"(2) The Director must not approve a person under subsection (1) if the Director would have been required under section 119 to remove the person from the roll under subsection (4) had the person already been on that roll.

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"(3) An approval under subsection (1) is subject to –

- (a) the conditions (if any) that are prescribed; and
- (b) the conditions the Director may impose in the public interest or for the proper conduct of gaming.

"(4) The Director must maintain a roll of recognised suppliers of restricted components."

**45. Manufacture, sale, supply, obtaining or possession of gaming machines and components**

Section 120 of the Principal Act is amended by inserting after subsection (3) the following:

"(3A) A licensee is authorised to enter into an arrangement with a listed person, another licensee or a person approved by the Director for the supply to the licensee of gaming equipment of a type specified in subsection (1)."

**46. New section**

The Principal Act is amended by inserting after section 124 the following:

**"124A. Possession etc. of gaming equipment by licensed monitoring provider**

"A licensed monitoring provider is authorised to –

- (a) obtain and be in possession of gaming equipment to the extent necessary to do so as a licensed monitoring provider;
- (b) supply gaming equipment to a licensed repairer employed by the licensed monitoring provider as a licensed repairer; and
- (c) sell or supply, on written order, gaming equipment to another person authorised under this Act to obtain and be in possession of the equipment."

**47. Possession etc. of gaming machines and restricted components by licensee**

Section 125 of the Principal Act is amended –

- (a) by omitting subsection (1)(c)(i) and substituting the following:

"(i) a licensed service contractor with whom the licensee has a service contract or a licensed monitoring provider with whom the licensee has an agreement to provide a basic monitoring service;"

(b) by omitting from subsection (2)(b) "section 40(2)" and substituting "section 40A"; and

(c) by adding at the end the following:

"(4) A licensee must not purchase a gaming machine unless –

(a) the gaming machine is of a type approved by the Director; and

(b) the particular purchase is approved by the Director.

Penalty: 2 500 penalty units."

**48. Purchase of gaming equipment etc.**

Section 128 of the Principal Act is amended –

(a) by omitting from subsection (1) "(1) Subject to this Act and the *Procurement Act*," and substituting "Subject to this Act,";

(b) by omitting subsection (1)(a), (b) and (c);

(c) by inserting after subsection (1)(d) the following:

"(da) sell gaming machines to approved finance providers;" and

(d) by omitting subsection (2).

**49. Repeal and substitute**

Sections 129 and 130 of the Principal Act are repealed and the following substituted:

**"129. Financing of gaming machines**

"(1) The Director may approve a financial institution to be a finance provider for the purposes of this Act.

"(2) An approved finance provider is authorised to own gaming machines but only for the purpose of financing the purchase, lease or rent of the gaming machines by licensees.

"(3) A licensee must not enter into an arrangement with another person to finance the purchase, lease or rent of gaming machines by the licensee unless the other person is an approved finance provider and the Director has approved the terms of the arrangement.

Penalty: 500 penalty units.

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"(3A) A licensee must not vary the terms of an arrangement referred to in subsection (3) without the approval of the Director.

Penalty: 500 penalty units.

"(3B) An application for an approval referred to in subsection (3) or (3A) is to be in a form approved by the Director and is to include the information required by the Director.

"(4) An approved finance provider must not enter into an arrangement with another person to finance the purchase, lease or rent of gaming machines by the other person unless that other person is a licensee.

Penalty: 500 penalty units.

"(5) A licensee must provide the Director with details of any security or other encumbrance taken by an approved finance provider over gaming machines in the licensee's possession, including the identification and serial numbers of the gaming machines.

Penalty: 500 penalty units.

"(6) Where an approved finance provider holds a security or other encumbrance over gaming machines in a licensee's possession, despite the terms of the security or encumbrance, the finance provider must not take possession of the gaming machines under the security or encumbrance without the approval of the Director.

Penalty: 500 penalty units.

"(7) The approval of the Director under subsection (6) may be given subject to conditions."

**50. Evaluation of gaming equipment and games**

Section 131 of the Principal Act is amended by adding at the end the following:

"(5) Where the Director accepts a gaming equipment type or game for evaluation, the Director must –

- (a) evaluate it; or
- (b) refer it to an approved evaluator for evaluation.

"(6) If the Director evaluates the gaming equipment type or game, the Director must approve it or reject it.



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"(7) If an approved evaluator evaluates the gaming equipment type or game, the Director must –

- (a) accept the evaluator's decision to accept or reject it; or
- (b) refuse to accept the evaluator's decision and substitute the Director's own decision to reject or accept it.

"(8) The Director must notify the person who submitted a gaming equipment type or game for evaluation of the Director's decision under this section.

"(9) The costs and expenses incurred by the Director in obtaining an evaluation from an approved evaluator for the purposes of this section are a debt due to the Territory by the person who submitted the gaming equipment type or game for evaluation.

"(10) The Director may approve a person to be an evaluator for the purposes of this Act.

"(11) An approval under subsection (10) is subject to –

- (a) the conditions (if any) that are prescribed; and
- (b) the conditions the Director may impose in the public interest or for the proper conduct of gaming."

**51. Gaming machines supplied to be in accordance with approval**

Section 133 of the Principal Act is amended by omitting from paragraph (b) "the Director or".

**52. Linked jackpots**

Section 134 of the Principal Act is amended –

- (a) by omitting from subsection (6) "approve" and "for the Director" and substituting "may approve" and "for the Director or another person" respectively;
- (b) by omitting from subsection (6)(a) "multisite"; and
- (c) by omitting subsection (9) and substituting the following:

"(9) The Director may do any of the following in respect of linked jackpot equipment provided under a gaming machine licence:

- (a) remove the equipment, or cause the equipment to be removed, from the licensee's licensed premises;

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- (b) approve, or refuse to approve, the replacement of equipment removed under paragraph (a);
- (c) cause equipment removed under paragraph (a) to be replaced."

**53. Gaming machines to be labelled with identification numbers**

Section 135 of the Principal Act is amended by adding at the end the following:

"(5) A licensee must not operate a gaming machine unless a label that complies with this section is affixed to the gaming machine in accordance with this section.

Penalty: 500 penalty units.

"(6) Before a gaming machine on a licensee's licensed premises is disposed of outside the Territory or is destroyed, the licensee must return or cause to be returned to the Director the label affixed to the gaming machine.

Penalty: 500 penalty units.

"(7) A licensed service contractor must keep a label that is not affixed to a gaming machine in a secure place and must not use the label except in accordance with a procedure that is prescribed or is approved by the Director.

Penalty: 500 penalty units.

"(8) A licensed service contractor must not hold more than the number of labels determined by the Director.

Penalty: 500 penalty units."

**54. Gaming prohibited on unprotected devices**

Section 136 of the Principal Act is amended by inserting in subsection (1)(b) "or licensed monitoring provider" after "repairer".

**55. New section**

The Principal Act is amended by inserting after section 136 the following:

**"136A. Director to issue or approve seals**

"The Director may issue or approve seals for use in relation to gaming machines."

**56. Unlawful interference with gaming equipment**

Section 137 of the Principal Act is amended by omitting from subsection (2)(c) "section 40(2)" and substituting "section 40A".

**57. Gross monthly profit**

Section 148 of the Principal Act is amended by omitting from subsection (2) "section 86(2)" and substituting "an agreement referred to in section 59A(6) or (8)".

**58. Gaming machine tax**

Section 149 of the Principal Act is amended by inserting in subsection (1) ", or cause to be paid, in the manner prescribed" after "pay".

**59. Gaming machine ownership costs**

Section 149A of the Principal Act is amended –

- (a) by omitting from subsection (1) "owned by the Director" and substituting "provided by the Director";
- (b) by inserting in subsection (2) "in the manner prescribed" after "paid";
- (c) by omitting from subsection (3) "determined by the Director" and substituting "prescribed"; and
- (d) by omitting subsection (5) and substituting the following:

"(5) The Director may waive or reduce a cost or charge payable by a licensee under this section.

"(6) The Director must report to the Minister all costs and charges waived or reduced under subsection (5) during a financial year within 3 months after the end of the financial year."

**60. Gaming machine community benefit levy**

Section 150 of the Principal Act is amended by inserting in subsection (2) "in the manner prescribed" after "paid".

**61. Penalty for late payment**

Section 153 of the Principal Act is amended by inserting in subsection (2) "is to be paid in the manner prescribed and" before "is due".

**62. Disposition of fees etc.**

Section 156 of the Principal Act is amended by omitting from subsection (1) "All" and substituting "Except as otherwise provided by this Act, the Regulations or a contract, agreement or other arrangement entered into for the purposes of this Act, all".

**63. Recovery of taxes and levies**

Section 157 of the Principal Act is amended by omitting from subsection (1) "A" and substituting "Except as otherwise provided by this Act, the Regulations or a contract, agreement or other arrangement entered into for the purposes of this Act, a".

**64. Directions by Commission or Director**

Section 161 of the Principal Act is amended –

(a) by omitting subsection (1) and substituting the following:

"(1) The Commission or the Director may give written directions to a person about a matter connected with the administration or enforcement of this Act, including but not limited to directions to the following persons about the following matters:

- (a) a licensee about the conduct of gaming or the administration of the licensee's licensed premises;
- (b) a licensed monitoring provider about the conduct of gaming or the supply of a basic monitoring service;
- (c) a recognised manufacturer or supplier of gaming machines about the manufacture, sale or supply of gaming machines;
- (d) a licensed service contractor about the installation, alteration, adjustment, maintenance, repair or removal of gaming equipment;
- (e) a licensed repairer about the installation, alteration, adjustment, maintenance, repair or removal of gaming equipment;
- (f) a person authorised or approved under this Act about the person's functions or powers under this Act."; and

(b) by omitting from subsections (2) and (3) "licensee" (wherever occurring) and substituting "person".

**65. New section**

The Principal Act is amended by inserting after section 161 the following:

**"161A. Guidelines by Commissioner or Director**

"The Commission or the Director may publish guidelines for the administration of this Act."

**66. Review and termination of agreements**

Section 165 of the Principal Act is amended –

- (a) by omitting from subsection (1) "A listed person or the holder of a licence under this Act" and substituting "A prescribed person";
- (b) by omitting from subsection (1) "the listed person or holder" (wherever occurring) and substituting "the prescribed person";
- (c) by omitting from subsection (3) "A listed person or the holder of a licence under this Act" and substituting "A prescribed person";
- (d) by omitting from subsection (4) "a listed person or a holder of a licence under this Act" and substituting "a prescribed person";
- (e) by omitting from subsection (7) "A listed person or the holder of a licence under this Act" and substituting "A prescribed person"; and
- (f) by adding at the end the following:

"(16) In this section –

'prescribed person' means –

- (a) a listed person;
- (b) the holder of a licence under this Act; or
- (c) a person who is approved for any purpose under this Act."

**67. Reporting of accounting discrepancies and criminal activity**

Section 175 of the Principal Act is amended –

- (a) by omitting from subsection (1) "or machine manager" and substituting ", licensed repairer, licensed service contractor, licensed monitoring provider or machine manager";
- (b) by omitting from subsection (2) "machine manager" (first occurring) and substituting "licensed repairer, licensed service contractor, licensed monitoring provider, machine manager"; and

- (c) by omitting from subsection (2) "or machine manager" and substituting ", licensed repairer, licensed service contractor, licensed monitoring provider or machine manager".

**68. Repeal and substitution**

Section 184 of the Principal Act is repealed and the following substituted:

**"184. Protection from liability**

"(1) This section applies to the following persons:

- (a) the Territory;
- (b) the Commission;
- (c) a person who is or has been the Director;
- (d) a person who is or has been an inspector;
- (e) a person who is or has been engaged in the administration or enforcement of this Act.

"(2) No civil or criminal liability (whether personal or vicarious) attaches to a person to whom this section applies for an act done in good faith –

- (a) in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act; or
- (b) in compliance with or purported compliance with a requirement under this Act."

**69. Regulations**

Section 194 of the Principal Act is amended –

- (a) by omitting from subsection (2) "Without limiting the generality of subsection (1), the Regulations" and substituting "The Regulations"; and
- (b) by adding at the end the following:

"(3) The Regulations may –

- (a) prescribe the maximum number of gaming machines for a locality or for the Territory or a method of calculating the maximum number of gaming machines for a locality or for the Territory;
- (b) provide for the Commission to declare a number prescribed under paragraph (a) and to declare the period during which that number has effect; or

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- (c) make provision in the event that a number prescribed under paragraph (a) is less than the number of gaming machines in a locality or in the Territory.
- "(4) The Regulations may –
- (a) prohibit the grant of a gaming machine licence to a club that is within a specified distance of a casino;
  - (b) regulate the transfer of ownership of gaming machines from the Territory to another person, which may include imposing fees or charges in relation to the transfer;
  - (c) provide for the rights and obligations of licensees in relation to gaming machines that are not transferred from the Territory to another person, which may include imposing fees or charges in relation to the machines;
  - (d) provide for the rights and obligations of licensees in relation to gaming machines owned by the licensees;
  - (e) regulate the disposal or transfer of gaming machines by or on behalf of licensees;
  - (f) regulate the financing of gaming machines and finance providers in relation to finance provided for gaming machines;
  - (g) regulate monitoring systems and monitoring providers;
  - (h) prescribe the information to be provided to the Director by monitoring providers, licensed repairers, listed persons or any other persons who are licensed or otherwise authorised under this Act;
  - (i) prescribe the information to be provided to the Director about licensed premises;
  - (j) provide for records to be kept in a particular form, including an electronic form;
  - (k) provide for requirements in relation to the labels and seals to be affixed to gaming machines, including procedures and conditions for the use of labels and seals and procedures to account for labels and seals;
  - (l) provide for returns to players from gaming machines, including what constitutes a return and prescribing a minimum rate of return;

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- (m) provide for a maximum fee per gaming machine that may be charged by a licensed service contractor or licensed monitoring provider;
  - (n) provide for the fees that may be charged by the Director for services relating to the supply of gaming machines;
  - (o) provide for a bond or other security in respect of a monitoring provider's licence, including the administration of the bond or security; or
  - (p) provide for methods for, and other procedures relating to, the payment of taxes, levies, fees, costs, charges, penalties and other amounts payable under this Act.
- "(5) The Regulations may –
- (a) require a matter or thing to be approved by or done to the satisfaction of the Commission or the Director; or
  - (b) confer a discretion on the Commission or the Director."

**70. Savings and transitionals**

(1) A gaming machine licence in force immediately before the commencement day is to be taken to be a gaming machine licence granted under the amended Act for an indefinite term.

(2) Where a club holds a gaming licence to which subsection (1) applies, the club must provide the Director with the information specified in section 36(2) of the amended Act within 3 months after the commencement day.

Penalty: 1 000 penalty units

- (3) To avoid doubt –
  - (a) the Territory, the Minister, the Commission and the Director are to be taken to have and to always have had the power to do all things that are necessary or convenient to be done to effect, or that are incidental to, the sale of gaming machines by the Territory to licensees and the purposes of the amendments made by this Act; and
  - (b) the decisions and actions made and taken by the Territory, the Minister, the Commission and the Director before, on and after the commencement day in connection with the sale of gaming machines by the Territory to licensees and in connection with the purposes of the amendments made by this Act, and the



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consequences of those decisions and actions, are to be taken to be and to always have been valid.

(4) A licensee who before, on or after the commencement day purchases a gaming machine from the Territory acquires good title to the gaming machine.

(5) No civil or criminal liability attaches to the Territory, the Minister, the Commission or the Director in respect of a decision made or action taken before, on or after the commencement day in connection with the sale of gaming machines by the Territory to licensees.

(6) To avoid doubt, the Director is to be taken to have the power and to always have had the power to do all things that are necessary and convenient to be done for, or that are incidental to, the alteration, adjustment, maintenance or repair of gaming machines provided by the Director and the provision of monitoring services in relation to such gaming machines.

(7) For the purposes of calculating the gaming machine tax payable in respect of the months of June and July 2001, the period between 12 midnight and the polling time on 1 July 2001 is to be taken to be part of 30 June 2001 and not part of 1 July 2001.

(8) A licensee is to be taken to have complied with this Act and the Regulations in respect of the payment of an amount payable under section 152 for the transfer month if the amount payable is paid on or before the day prescribed for the purpose of section 152 as follows:

- (a) firstly – that part of the amount payable that is attributable to the period commencing on the first day of the transfer month and ending on the transfer day is paid to the Director by the licensee;
- (b) secondly – that part of the amount payable that is attributable to the period commencing on the day after the transfer day and ending on the last day of the transfer month is paid to the Director by the licensed monitoring provider on behalf of the licensee.

(9) The costs paid by the Director to a licensed monitoring provider to enable the Director to cease and the licensed monitoring provider to commence providing to a licensee a monitoring service in respect of a gaming machine on the licensee's licensed premises are a debt due to the Territory by the licensee but only if the licensee disconnects the gaming machine from the monitoring system before the end of the period determined by the Director to be a reasonable period after the transfer date and the disconnection is for a reason other than the immediate alteration, adjustment, maintenance or repair of the gaming machine and its immediate re-connection to the monitoring system.

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(10) Despite the provisions of Part 4 of the amended Act relating to applications for and the grant of monitoring provider's licences –

- (a) the first monitoring provider's licence is, by force of this subsection, granted to the person to whom it has been determined to grant the licence for a first term of 5 years subject to the conditions on which it has been determined to grant the licence; and
- (b) no other monitoring provider's licences are to be granted until after that first term or unless the first monitoring provider's licence is surrendered or cancelled earlier.

(11) In this section –

"amended Act" means the Principal Act as amended by a provision of this Act;

"commencement day" means the day on which the provision in which the expression appears comes into operation;

"polling time", in relation to a gaming machine, means the time on 1 July 2001 at which data is collected from the gaming machine for the purpose of calculating gaming machine tax payable in respect of the month of June 2001;

"transfer day", in relation to a licensee, means the day of the transfer month on which the Director ceases and a licensed monitoring provider commences providing to the licensee a monitoring service in respect of the gaming machines on the licensee's licensed premises;

"transfer month", in relation to a licensee, means the month in which the Director ceases and a licensed monitoring provider commences providing to the licensee a monitoring service in respect of the gaming machines on the licensee's licensed premises.

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ALTERATION TO SECTION HEADING

On the day on which the *Gaming Machine Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the heading to section 60 of the *Gaming Machine Act* is altered by omitting the whole heading and substituting "**Machine managers**".