

NORTHERN TERRITORY OF AUSTRALIA  
GAMING MACHINE AMENDMENT ACT 2001

---

No. 4 of 2001

---

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Application for gaming machine licence
5. Consideration of applications
6. Changes in circumstances of applicants and licensees
7. Schedule of gaming machines
8. Director to provide gaming machines etc.
9. Director may remove gaming machines
10. New section  
40A. Director may alter gaming machines etc.
11. Increase in gaming machines
12. Decrease in machines
13. Modification or relocation of gaming machines areas
14. Surrender of gaming machine licences
15. Recovery of gaming machines etc.
16. Installation and storage of gaming machines
17. Gaming machines not to be played if not installed in gaming machine area
18. Installation of electronic monitoring systems
19. Certain persons only to have access etc. to gaming machines
20. Recognised manufacturers and suppliers of gaming machines
21. Possession etc. of gaming machines and restricted components by recognised manufacturers or suppliers of gaming machines
22. New section  
121A. Sale of gaming machines and gaming equipment by licensees
23. Possession etc. of restricted components by licensed repairers
24. Possession etc. of gaming machines and restricted components by licensees
25. Possession etc. of gaming machines etc. by other persons
26. Purchase of gaming equipment etc.
27. Gaming machines supplied to be in accordance with approval
28. Linked jackpots

- 29. Gaming machines to be labelled with identification number
- 30. Protection of sensitive areas of gaming equipment
- 31. Use of gaming machines not provided to licensees
- 32. Gaming machine tax
- 33. New section
  - 149A. Gaming machine ownership costs
- 34. Payment of monthly taxes, levies etc.
- 35. Recovery of taxes and levies
- 36. Offences relating to revenue
- 37. Powers of inspectors
- 38. Inspector may be prohibited from playing gaming machines



# NORTHERN TERRITORY OF AUSTRALIA

---

No. 4 of 2001

---

## AN ACT

to amend the *Gaming Machine Act*

[Assented to 22 March 2001]  
[Second reading 30 November 2000]

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

**1. Short title**

This Act may be cited as the *Gaming Machine Amendment Act 2001*.

**2. Commencement**

This Act comes into operation on the date 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. Application for gaming machine licence**

Section 24 of the Principal Act is amended by adding at the end of subsection (3)(k) "and details of arrangements that have been made for supplying the gaming machines".

**5. Consideration of applications**

Section 25 of the Principal Act is amended —

- (a) by inserting after subsection (3)(a) the following:

## *Gaming Machine Amendment Act 2001*

- "(aa) the suitability of arrangements that the applicant has made for gaming machines to be supplied under the proposed gaming machine licence;"
- (b) by omitting from subsection (7) "provided" (twice occurring) and substituting "authorised for use";
- (c) by omitting from subsection (12) "to be provided by the Director to the applicant" and substituting "authorised for use under the licence";
- (d) by omitting from subsection (13) "to be provided"; and
- (e) by omitting from subsection (14) "to be provided" and substituting "determined under subsection (12)".

### **6. Changes in circumstances of applicants and licensees**

Section 27 of the Principal Act is amended –

- (a) by omitting from subsection (3)(c) "bankruptcy; or" and substituting "bankruptcy;"
- (b) by omitting from subsection (3)(d) "administration." and substituting "administration; or"; and
- (c) by inserting after subsection (3)(d) the following:
  - "(e) the licensee changes the arrangements under which gaming machines are supplied under the gaming machine licence."

### **7. Schedule of gaming machines**

Section 29 of the Principal Act is amended by omitting from subsection (2)(b) "provided to the licensee" and substituting "authorised for use under the licence".

### **8. Director to provide gaming machines etc.**

Section 39 of the Principal Act is amended by omitting from subsection (1) "the Director" and "a licensee" and substituting "if the Director has agreed to provide gaming machines to a licensee, the Director" and "the licensee", respectively.

### **9. Director may remove gaming machines**

Section 40 of the Principal Act is amended –

- (a) by inserting in subsection (1) "by the Director" after "provided";
- (b) by omitting subsection (2);

## *Gaming Machine Amendment Act 2001*

- (c) by omitting from subsection (3)(a) "to a licensee" and substituting "authorised for use under the licence"; and
- (d) by inserting in subsection (3) "or approve the procedure for removing" after "remove".

### **10. New section**

The Principal Act is amended by inserting after section 40 the following:

#### **"40A. Director may alter gaming machines etc.**

"(1) The Director —

- (a) on application made by a licensee in the form determined by the Director and on payment of the prescribed fee, may approve that a gaming machine; or

- (b) if the Director thinks fit to do so, may cause a gaming machine to,

be altered to effect a change in the game, gaming token denomination or betting unit of the gaming machine.

"(2) The reasonable costs incurred by the Director under subsection (1)(b) are to be paid by the licensee whose gaming machine is altered."

### **11. Increase in gaming machines**

Section 41 of the Principal Act is amended —

- (a) by omitting from subsection (1) "provided to the licensee" and substituting "authorised for use under the licence";
- (b) by omitting from subsection (3) "that may be provided to the licensee" and substituting "authorised for use under the licence";
- (c) by omitting from subsection (7) "that may be provided to the licensee" and substituting "authorised for use"; and
- (d) by omitting from subsection (7)(a) "provided under the licence".

### **12. Decrease in machines**

Section 42 of the Principal Act is amended —

- (a) by omitting from subsection (1) "provided to a licensee" and substituting "authorised for use under a licence";
- (b) by omitting from subsection (3)(a) "provided to the licensee" and substituting "authorised for use under the licence";

*Gaming Machine Amendment Act 2001*

- (c) by omitting from subsection (3)(b) "provided to a licensee" and substituting "authorised for use under a licence";
- (d) by omitting from subsection (3)(c) "provided to the licensee" and substituting "authorised for use under the licence"; and
- (e) by inserting after subsection (5) and substituting the following:

"(6) A person to whom a gaming machine is surrendered under subsection (5) –

- (a) is authorised to be in possession of the gaming machine in accordance with procedures approved by the Director; and
- (b) must not dispose of the gaming machine except in accordance with procedures approved by the Director.

Penalty: 500 penalty units or imprisonment for 5 years."

**13. Modification or relocation of gaming machines areas**

Section 43 of the Principal Act is amended by omitting from subsection (6)(a) "provided to a licensee" and substituting "authorised for use under a licence".

**14. Surrender of gaming machine licences**

Section 47 of the Principal Act is amended by omitting subsection (5) and substituting the following:

"(5) The Director must, as soon as practicable after receiving a gaming machine licence and notification under subsection (1) –

- (a) remove all gaming machines from the licensee's licensed premises;  
or
- (b) approve the method of removing the gaming machines and the method of disposing of those machines."

**15. Recovery of gaming machines etc.**

Section 53 of the Principal Act is amended –

- (a) by inserting in subsection (2) "or approved by" after "on behalf of"; and
- (b) by omitting from subsection (2) "of the Territory".

**16. Installation and storage of gaming machines**

Section 83 of the Principal Act is amended by omitting from subsection (1) "under section 39 and 40" and substituting "under the gaming machine licence".

**17. Gaming machines not to be played if not installed in gaming machine area**

Section 84 of the Principal Act is amended by omitting from subsection (1) "by the Director" and substituting "under the gaming machine licence".

**18. Installation of electronic monitoring systems**

Section 86 of the Principal Act is amended—

- (a) by inserting in subsection (2) "or a person approved by or acting on behalf of the Director" after "Director";
- (b) by omitting from subsection (3) "any person" and substituting "a person approved by or";
- (c) by inserting in subsection (4)(a) "or a person approved by or acting on behalf of the Director" after "Director"; and
- (d) by inserting in subsection (5) "or a person approved by or acting on behalf of the Director" after "Director".

**19. Certain persons only to have access etc. to gaming machines**

Section 99 of the Principal Act is amended—

- (a) by omitting from paragraph (k) "or";
- (b) by omitting from paragraph (m) "this Act." and substituting "this Act; or" and
- (c) by inserting after paragraph (m) the following:  
"(n) any other person approved by the Director under this Act."

**20. Recognised manufacturers and suppliers of gaming machines**

Section 116 of the Principal Act is amended by omitting subsection (2).

**21. Possession etc. of gaming machines and restricted components by recognised manufacturers or suppliers of gaming machines**

Section 121 of the Principal Act is amended by inserting in subsection (1)(b)(i) ", a licensee, a person approved by the Director" after "Director".

**22. New section**

The Principal Act is amended by inserting after section 121 the following:

**"121A. Sale of gaming machines and gaming equipment by licensees**

"A licensee is authorised to sell gaming machines and gaming equipment in accordance with the procedures and conditions specified in Regulations.

**23. Possession etc. of restricted components by licensed repairers**

Section 123 of the Principal Act is amended –

- (a) by omitting from paragraph (d)(i) "reinstatement; and" and substituting "reinstatement;";
- (b) by omitting from paragraph (d)(ii) "Director." and substituting " Director; or"; and
- (c) by inserting after paragraph (d)(ii) the following:

"(iii) to fulfil a written order of a licensee."

**24. Possession etc. of gaming machines and restricted components by licensees**

Section 125 of the Principal Act is amended by omitting from subsection (1)(a), (2)(a), (2)(b) and (3) "by the Director" and substituting "under the gaming machine licence".

**25. Possession etc. of gaming machines etc. by other persons**

Section 126 of the Principal Act is amended by inserting in subsection (3)(a) "or being provided with the approval of the Director" after "Director".

**26. Purchase of gaming equipment etc.**

Section 128 of the Principal Act is amended –

- (a) by omitting from subsection (1)(f) "gaming machines or"; and
- (b) by omitting from subsection (1)(h) "disposing of obsolete devices, sell" and substitute "disposing of devices, sell or lease".

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

Section 133 of the Principal Act is amended by inserting in paragraph (b) "or a licensee" after "the Director".



**28. Linked jackpots**

Section 134 of the Principal Act is amended –

- (a) by omitting from subsection (6) "may make such agreements with licensees" and substituting "approve arrangements";
- (b) by omitting from subsection (7) "an agreement made by the licensee" and substituting "an arrangement approved"; and
- (c) by omitting subsection (8).

**29. Gaming machines to be labelled with identification number**

Section 135 of the Principal Act is amended –

- (a) by omitting from subsection (1) "purchased by the Director" and substituting "approved for use in the Territory"; and
- (b) by inserting in subsection (3) "or cause to be affixed" after "affix".

**30. Protection of sensitive areas of gaming equipment**

Section 138 of the Principal Act is amended –

- (a) by omitting from subsection (5) "that is property of the Territory"; and
- (b) by omitting from subsection (5)(b) "if the gaming machine is provided to a licensee,".

**31. Use of gaming machines not provided to licensees**

Section 140 of the Principal Act is amended by omitting from subsection (1) "that is not provided by the Director to a licensee" and substituting "unless it is provided under a gaming machine licence".

**32. Gaming machine tax**

Section 149 of the Principal Act is amended by adding at the end the following:

"(4) The percentage prescribed for the purposes of subsection (3) may vary depending on the amount of gross monthly profit."

**33. New section**

The Principal Act is amended by inserting after section 149 the following:

**"149A. Gaming machine ownership costs**

"(1) If a licensee uses a gaming machine under the licensee's licence that is owned by the Director, the licensee must pay to the Director each month while the gaming machine continues to be used the costs and charges in respect of the gaming machine imposed under this section.

"(2) The costs and charges are to be paid on or before the day prescribed of the month next following the month in respect of which they are payable.

"(3) The costs and charges to be imposed on a licensee under this section are to be determined by the Director.

"(4) The costs and charges imposed under this section are to be determined having regard to the reasonable costs and charges arising out of, or associated with, the Director's ownership of the gaming machine, monitoring costs and the costs of repairs to and maintenance of the gaming machine.

"(5) The Director may determine not to impose costs and charges on a licensee under this section."

**34. Payment of monthly taxes, levies etc.**

Section 152 of the Principal Act is amended —

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

"(ab) any costs and charges payable under section 149A;" and

(b) by omitting from subsection (2) "or penalty" and substituting ", costs and charges payable under section 149A or a penalty".

**35. Recovery of taxes and levies**

Section 157 of the Principal Act is amended by omitting from subsection (1) "or penalty" and substituting ", costs and charges payable under section 149A or a penalty".

**36. Offences relating to revenue**

Section 158 of the Principal Act is amended by omitting from subsection (1)(a) "this Part" and substituting "this Part, any costs and charges payable under section 149A".

**37. Powers of inspectors**

Section 162 of the Principal Act is amended by omitting subsection (1)(m)(i).

**38. Inspector may be prohibited from playing gaming machines**

Section 168 of the Principal Act is amended by omitting from subsection (1) "provided to a licensee".

---

---