

Queensland



GAMING MACHINE ACT 1991

**Reprinted as in force on 3 April 1996
(includes amendments up to Act No. 58 of 1995)**

Reprint No. 3

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Information about this reprint

This Act is reprinted as at 3 April 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- reorder provisions consistent with current drafting practice (s 30A)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 37 and 39)
- correct minor errors (s 44).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of obsolete and redundant provisions**
 - **table of corrected minor errors**
- **editorial changes made in earlier reprints.**

Queensland



GAMING MACHINE ACT 1991

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	11
3	Interpretation	11
4	Meaning of “conduct of gaming”	18
5	Approval of terminating date for financial year	19
6	Meaning of “associate”	19
7	Meaning of “play a gaming machine”	20
8	Act binds the Crown	21
9	Acceptable evidence of age	21
PART 2—ADMINISTRATION		
10	Establishment of commission	21
11	Functions of commission	22
12	Powers of commission	22
13	commissioners	22
14	Tenure of office	23
15	Leave of absence	23
16	Register and disclosure of interests	23
17	Termination of appointment of commissioners	25
18	Terms and conditions of appointment of commissioners	26
19	Acting appointments	26
20	Meetings	27
21	Resources	28
22	Annual report	28
23	Decisions or determinations of commission	28

24	Appeals from commission	29
25	Determination of appeals	30
26	Officers	31
27	Appointment of other persons	32
28	Assistance within department	32
29	Officers of division to be of good repute	33
30	Machine Gaming Division	33
31	Director to administer division	33
32	Illness etc. of director	33
33	Director's power to delegate	34
34	Police assistance	34
35	Secrecy	34
36	Identification cards	36
37	Director is agent of Crown	36

PART 3—GAMING MACHINE LICENCES

38	Gaming lawful and does not constitute nuisance	37
39	Application for gaming machine licences	37
40	Consideration of applications	40
41	Clubs may be restricted to only 1 gaming machine licence	44
42	Changes in circumstances of applicants for and holders of licences	44
43	Issue of gaming machine licences	45
44	Schedule of gaming machines	46
45	Gaming machine licences and schedules to be displayed	46
46	Issue of copy gaming machine licences	47
47	Term of gaming machine licences	47
48	Conditions of gaming machine licences	47
49	Imposition or variation of conditions	47
50	Payment and recovery of amounts	48
51	Renewal and continuance of gaming machine licences	49
52	Gaming machine licences cannot be transferred	50
53	Certain applications under Liquor Act 1992 subject to director's certificate	50

Gaming Machine Act 1991

54	Director to provide gaming machines etc.	51
55	Director may alter or remove gaming machines etc.	51
56	Increase in gaming machines	52
57	Decrease in gaming machines	54
58	Modification or relocation of gaming machine areas	55
59	Disclosure of influential or benefiting parties	56
60	Investigation of licensees and associates	59
61	Cessation or commencement of executive officer or secretary	59
62	Surrender of gaming machine licences	59
63	Cancellation or suspension of gaming machine licences in certain circumstances	60
64	Cancellation or suspension of gaming machine licences and letters of censure	60
65	Suspension of gaming machine licence pending decision under s 64	65
66	Effect of suspension of licence	66
67	Gaming machines not to be played	66
68	Recovery of gaming machines etc.	67
69	Appointment of administrator instead of suspension	67
70	Expenses of administration	67
71	Liability for losses incurred during administration	68
72	Continuance of licences in certain circumstances	68

PART 4—LICENSING OF REPAIRERS, SERVICE CONTRACTORS AND MACHINE MANAGERS

73	Unlicensed persons not to install etc. gaming equipment	68
74	Unlicensed persons not to be service contractors	69
75	Unlicensed persons not to be machine managers	70
76	Certain persons must apply for machine manager’s licence	71
77	Applications for licences under this part	72
78	Changes in circumstances of applicants for and holders of licences	74
79	Consideration of applications	75
80	Commission may grant or refuse to grant licences	76
81	Issue of licences	77
82	Issue of copy licence	77

83	Term of licences	77
84	Conditions of licences	77
85	Variation of conditions imposed on a licence	78
86	Renewal and continuance of licences	78
87	Licences not to be transferred	80
88	Display of repairer's licence	80
89	Disclosure of influential or benefiting parties	80
90	Investigations of holders of licences and associates	82
91	Cessation or commencement of executive officer or secretary	82
92	Notifications re employment and agreements	83
93	Surrender of licences	86
94	Cancellation or suspension of licences under this part	86
95	Suspension of licences pending decision under s 94	90
96	Effect of suspension of licence	90
97	Provisional licences	91
	PART 5—SUPERVISION AND MANAGEMENT OF GAMING	
98	Installation and storage of gaming machines	92
99	Gaming machines not to be played if not installed in gaming machine area	92
100	Gaming equipment not to be an annoyance etc.	93
101	Installation of electronic monitoring systems	94
102	Maintenance of facilities etc.	95
103	Hours of gaming	95
104	Rules ancillary to gaming	96
105	Rules ancillary to gaming to be displayed and enforced	97
106	Licensees not to extend credit	97
107	Gaming tokens	97
108	Gaming tokens that are not Australian currency	97
109	Payments in connection with gaming	99
110	Entitlement of players	99
111	Malfunction of gaming machines	100
112	Defective gaming machines not allowed	101

113	Security of keys etc.	102
114	Certain persons only to have access etc. to gaming machines	102
115	Contracts for certain services to be approved	103
116	Licenseses to keep records of certain employees	104
117	Minors cannot be employed	105
118	Minors cannot play gaming machines	105
119	Minors cannot be allowed to game	105
120	False representation of age	105
121	Wrongful dealing with genuine evidence of age	106
122	Seizure of document wrongly used as evidence of age	106
123	Ascertainment of age	107
124	Seizure of material associated with representation of age	107
125	Defence to charge if age material	108
126	Licenseses to prohibit certain persons from gaming	108
127	Removal of certain persons	109
128	Obstruction to removal from licensed premises	109
129	Obstruction generally	110

PART 6—CONTROL OF GAMING MACHINES

130	Recognised manufacturers and suppliers of gaming machines	110
131	Recognised suppliers of restricted components	110
132	Application for removal from a roll under this part	111
133	Investigations of suitability of listed persons	111
134	Commission may order removal of names of persons from a roll under this part	111
135	Manufacture, sale, supply, obtaining or possession of gaming machines .	113
136	Possession etc. of gaming machines and restricted components by recognised manufacturers or suppliers of gaming machines	114
137	Possession etc. of restricted components by recognised suppliers of restricted components	116
138	Possession etc. of gaming machines and restricted components by licensed repairers	116
139	Possession etc. of restricted components by licensed service contractors	117

140	Possession etc. of gaming machines and restricted components by licensees	117
141	Possession etc. of gaming machines etc. by other persons	118
142	Consignment or movement of gaming machines	119
143	Purchase of gaming machines etc.	120
144	Submission of tenders for supply of gaming machines	121
145	Procedure for determination of tenders	122
146	Acceptance by director of gaming machines and games for evaluation ..	124
147	Withdrawal of approval of gaming machine types and games	125
148	Gaming machines supplied to be in accordance with approval	125
149	Linked jackpots	125
150	Gaming machines to be labelled with director's identification number ..	127
151	Gaming prohibited on unprotected devices	128
152	Unlawful interference with gaming equipment	128
153	Protection of sensitive areas of gaming equipment	129
154	Wilful damage of gaming equipment	132
155	Use of gaming machines not provided to licensees	132
PART 7—ACCOUNTING PROCEDURES		
156	Monthly money clearances	133
157	Weekly money clearances	133
158	Accounts and analyses	134
159	Monthly gaming machine reconciliation reports to be submitted	134
160	Records not to be falsified etc.	134
161	Audit of accounts	135
162	Books, records etc. to be kept for 7 years	136
PART 8—TAXES, LEVIES AND FEES		
163	Gross monthly turnover	137
164	Monthly rental fees	137
165	Gaming machine tax	137
166	Sport and recreation levy	138
167	Charities and rehabilitation levy	138
168	Gaming machine community benefit levy	139

Gaming Machine Act 1991

169	Gaming Machine Community Benefit Committee	139
170	Payment of monthly rental fees, taxes etc.	139
171	Penalty for late payment	140
172	Forgiven or overpaid money	141
173	Statement and report by the director	141
174	Disposition of fees etc.	142
175	Adjustment of rental fees etc. in certain circumstances	143
176	Recovery of rental fees, taxes and levies	144
177	Offences relating to revenue	144
178	Offences relating to explanations	145

PART 9—DIRECTIONS, POWERS ETC.

179	Interpretation	146
180	Directions to licensees	147
181	Powers of inspectors	147
182	Offences relating to inspectors	153
183	Minister may order inquiry	155
184	Review and termination of agreements	155
185	Financial institution may be required to furnish particulars	158

PART 10—GENERAL

186	Certain persons not to play gaming machines	158
187	Officers of division may be prohibited from playing gaming machines	159
188	Prohibition on control of applications by clubs	159
189	Restriction on certain agreements	159
190	Exemption of devices etc.	160
191	Approvals and authorities under this Act	161
192	Signatories to approvals and written requirements etc. of the commission	162
193	Bribery of commissioners or officers of division	162
194	Financial connections and interests of officers of the division	163
195	Reporting of accounting discrepancies and criminal activity	165
196	Cheating	165
197	Forgery and like offences	167

198	Detention, arrest etc. of persons by police officers in relation to offences under s 67, 135(1) or (2), 152(1), 196 or 197	167
199	Liability for offences by servants, agents or employees	168
200	Liability for offence by body corporate	169
201	Power to request name and address by police officers	169
202	Fingerprints and the like	171
203	Claims of privilege in proceedings for offences	171
204	Protection of officers etc.	172
205	Attempt to commit offence	172
206	Proceedings for offences	172
207	Institution of proceedings	174
208	Warrant and arrest of person offending against Act	174
209	Forfeiture	174
210	Service of notices, documents etc.	175
211	Evidentiary provisions	176
212	Disclosure of criminal history	176
213	Refund of amounts in certain circumstances	177
213A	Approval of forms	177
214	Alternatives to forms	177
215	Regulation making power	178
216	Certain directions of Minister subordinate legislation etc.	179
217	Transitional provision about forms	179

ENDNOTES

1	Index to endnotes	181
2	Date to which amendments incorporated	181
3	Key	182
4	Table of earlier reprints	182
5	Tables in earlier reprints	182
6	List of legislation	182
7	List of annotations	183
8	Table of changed names and titles	194

Gaming Machine Act 1991

9	Table of obsolete and redundant provisions	194
10	Table of corrected minor errors	195
11	Table of renumbered provisions	195

GAMING MACHINE ACT 1991

[as amended by all amendments that commenced on or before 3 April 1996]

An Act to provide for the regulation and control of gaming machines and for connected purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Gaming Machine Act 1991*.

Interpretation

3. In this Act—

“**approved form**” see section 213A.¹

“**arrangement**” includes scheme, understanding, promise or undertaking, whether express or implied.

“**associate**”, of a person, has the meaning given by section 6.

“**betting unit**” means the least valuable bet a player may make on a gaming machine.

“**body corporate**” means—

- (a) a corporation as defined in the Corporations Law; or
- (b) an incorporated association as defined in the *Associations Incorporation Act 1981*; or
- (c) any other body incorporated under any other Act or law.

¹ Section 213A (Approval of forms)

Gaming Machine Act 1991

“centralised credit system” means any electronic or computer system or device that is so designed that it may be used for, or adapted to enable, the transfer of credits of gaming tokens to or from a gaming machine.

“chairperson” means a commissioner—

- (a) appointed under section 13(2) and holding office; or
- (b) appointed under section 19(1) and at that time acting; as the chairperson of the commission.

“chief executive” means the chief executive of the department.

“club” means a body corporate that holds a club liquor licence.

“club liquor licence” means—

- (a) a licence mentioned in the *Liquor Act 1992*, section 58(1)(e); or
- (b) an authority held by a non-proprietary club to sell liquor under a Commonwealth Act.

“commission” means the Queensland Machine Gaming Commission established under section 10.

“commissioner” means a person—

- (a) appointed under section 13(1) or 14(2) and holding office; or
- (b) appointed under section 19(2) and at that time acting; as a commissioner of the commission.

“computer cabinet” means the sealable metal cabinet in a gaming machine which cabinet contains the game program storage medium and the random access memory.

“conduct of gaming” has the meaning given by section 4.

“conviction” includes a finding of guilt, or the acceptance of a plea of guilty, by a court.

“deputy director” means the Deputy Director, Machine Gaming Division.

“director” means the Director, Machine Gaming Division.

“division” means the Machine Gaming Division of the department.

“electronic monitoring system” means any electronic or computer system or device that is so designed that it may be used, or adapted, to receive

Gaming Machine Act 1991

data from gaming equipment in relation to the security, accounting or operation of gaming equipment.

“employ” means to employ for fee or reward, to engage in an honorary capacity or to engage without fee or reward.

“executive officer”, in relation to a body corporate, means each of the chairperson, managing director or other principal executive officer of the body corporate and every member of any executive, governing or management body of the body corporate (by whatever name called).

“financial institution” means—

- (a) the Reserve Bank of Australia; or
- (b) a bank within the meaning of the *Banking Act 1959* (Cwlth); or
- (c) a building society within the meaning of the Financial Institutions Code; or
- (d) a credit union within the meaning of the Financial Institutions Code; or
- (e) a person who carries on State banking within the meaning of the Commonwealth Constitution, section 51(xiii); or
- (f) a body corporate that is, or that, if it had been incorporated in Australia, would be, a financial corporation within the meaning of the Commonwealth Constitution, section 51(xx); or
- (g) any other person or body that permits persons to deposit amounts of money with that other person or body for use by, or at the direction of, those persons for gaming or betting.

“financial year” means the period of 1 year ending on 30 June in any year or, where the director, under section 5, approves some other date as the terminating date of a financial year in a particular case, the period so approved.

“game” means a game designed to be played on a gaming machine and identifiable from all other games by differences in rules or programming.

“gaming” means the playing of a gaming machine.

“gaming equipment” means—

Gaming Machine Act 1991

- (a) any gaming machine; or
- (b) any linked jackpot equipment; or
- (c) any electronic monitoring system; or
- (d) any centralised credit system; or
- (e) any part of, or replacement part for, any such machine, equipment or system.

“gaming machine” means any device that is so designed that—

- (a) it may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and
- (b) it may be operated, wholly or in part—
 - (i) by the insertion of a gaming token into the device; or
 - (ii) by the use of gaming machine credits; or
 - (iii) by the electronic transfer of credits of gaming tokens to the device; or
 - (iv) by the use of gaming tokens held, stored or accredited by the device or elsewhere; and
- (c) because of making a bet on the device, winnings may become payable;

but does not include any device declared under section 190 not to be a gaming machine.

“gaming machine area” means any location on licensed premises where a licensee is permitted to install a gaming machine.

“gaming machine credit” means a credit of a gaming token registered by a gaming machine.

“gaming machine licence” means a gaming machine licence issued under section 43 that is in force.

“gaming machine type” means a type of gaming machine in which different games may be installed.

“gaming token” means Australian currency and any token, credit or any other thing that enables a bet to be made on a gaming machine, but does not include a gaming machine credit.

Gaming Machine Act 1991

“general liquor licence” means a licence mentioned in the *Liquor Act 1992*, section 58(1)(a).

“gross monthly turnover”, in respect of licensed premises, means the monetary amount of all bets made on gaming machines on the premises during the period covered by an assessment made under section 163.

“inspector” means—

- (a) an inspector (whether by use of that term or by use of another name containing that term) appointed under section 26; or
- (b) an officer who is appointed to be an inspector under section 26; or
- (c) a person who is appointed as an inspector (whether by use of that term or by use of another name containing that term) under section 27; or
- (d) a person who is, because of office, an inspector under this Act.

“jackpot” means the combination of letters, numbers, symbols or representations required to be displayed on the reels or video screen of a gaming machine so that the maximum winnings in accordance with the prize payout scale displayed on the machine are payable.

“licensed machine manager” means the holder of a machine manager’s licence, that is in force, issued under section 81.

“licensed premises” means premises on which a licensee is licensed to conduct gaming.

“licensed repairer” means the holder of a repairer’s licence, that is in force, issued under section 81.

“licensed service contractor” means the holder of a service contractor’s licence, that is in force, issued under section 81.

“licensee” means the holder of a gaming machine licence.

“linked jackpot arrangement” means an arrangement under which 2 or more gaming machines are linked to a device, being a device—

- (a) that records, an amount which, in the event of a jackpot or other result being obtained on 1 of those machines, may be, or part of the amount may be, payable as winnings; and

Gaming Machine Act 1991

- (b) that, for the purpose of recording the amount referred to in paragraph (a), receives data from each gaming machine to which the device is linked; and
- (c) that is not capable of affecting the outcome of a game on a gaming machine to which the device is linked.

“linked jackpot equipment” means any jackpot meter, payout display, linking equipment, computer equipment, programming or other device (other than a gaming machine) forming, or capable of forming, part of a linked jackpot arrangement.

“liquor” means liquor within the meaning of the *Liquor Act 1992*.

“liquor licence” means—

- (a) a licence mentioned in the *Liquor Act 1992*, section 58(1); or
- (b) an authority to sell liquor under an Act, or a Commonwealth Act.

“liquor licensing authority” means the chief executive of the department that deals with matters arising under the *Liquor Act 1992*.

“listed person” means a person for the time being listed on—

- (a) the roll of recognised manufacturers and suppliers of gaming machines maintained under section 130; or
- (b) the roll of recognised suppliers of restricted components maintained under section 131.

“machine manager” means—

- (a) a licensed machine manager employed under section 75(3); or
- (b) an applicant for a machine manager’s licence employed under section 75(4); or
- (c) a person employed under section 75(6).

“money clearance” means the removal of gaming tokens from the drop box of a gaming machine.

“multiple site linked jackpot arrangement” means a linked jackpot arrangement linking gaming machines with other gaming machines on 2 or more licensed premises.

“non-proprietary club” means a club whose memorandum and articles of association, rules, constitution or other incorporating documents

Gaming Machine Act 1991

provide that—

- (a) the income, profits and assets of the club are to be applied only in the promotion of its objects; and
- (b) the payment of dividends to, or the distribution of income, profits or assets of the club among, its members is prohibited.

“officer of the division” means an appointee under section 26 or 27 and a person made available under section 28 (during the time that person renders assistance under section 28).

“place” includes any house, wharf or premises.

“play a gaming machine” has the meaning given by section 7.

“premises” includes messuages, buildings, lands, easements, tenements of any tenure, vehicles or vessels.

“prescribed liquor licence” means a liquor licence prescribed for the purpose of this definition.

“principal executive officer”, in relation to a body corporate, means each of the chairperson, managing director or other principal executive, governing or management officer (by whatever name called) of the body corporate.

“public interest” means public interest having regard to the creation and maintenance of public confidence and trust in the credibility or integrity of—

- (a) gaming; or
- (b) the conduct of gaming; or
- (c) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment; or
- (d) the administration of licensed premises.

“recognised manufacturer or supplier of gaming machines” means a person for the time being listed on the roll of recognised manufacturers and suppliers of gaming machines.

“recognised supplier of restricted components” means a person for the time being listed on the roll of recognised suppliers of restricted

components.

“restricted component” means any component that is prescribed as a restricted component when it does not form part of any gaming machine, linked jackpot equipment, electronic monitoring system or centralised credit system but does not include anything declared under section 190 not to be a restricted component.

“schedule of gaming machines” means the schedule of gaming machines issued under section 44 that, for the time being, is in existence in respect of the licensed premises specified in the schedule.

“service contract” means any agreement to install, alter, adjust, maintain or repair gaming equipment provided to a licensee or that is on licensed premises but does not include an agreement to carry out any installation, alteration, adjustment, maintenance or repair prescribed for the purposes of section 73(3).

“single site linked jackpot arrangement” means a linked jackpot arrangement linking gaming machines with gaming machines on the same licensed premises.

“vehicle” includes any motor vehicle, omnibus, coach, cart, sulky, bicycle, velocipede, train, railway carriage, aeroplane, airship, balloon, hovercraft or other means of conveyance or transit.

“vessel” includes any ship, boat, punt, ferry, hovercraft and every other kind of vessel used or apparently designed for use in navigation.

Meaning of “conduct of gaming”

4. A reference in this Act to **“conduct of gaming”** is a reference to—

- (a) the management, use, supervision, operation and conduct of gaming equipment; and
- (b) the sale, redemption or use of gaming tokens; and
- (c) the carrying out of centralised credit transactions; and
- (d) the installation, alteration, adjustment, maintenance or repair of gaming equipment; and
- (e) the use or distribution of proceeds from the conduct of gaming; and

- (f) accounting, banking, storage and other acts in connection with or related or incidental to gaming and the conduct of gaming.

Approval of terminating date for financial year

5. The director may approve some date other than 30 June as the termination date of a financial year which may be for a period longer or shorter than 1 year, but not longer than 18 months, ending on the date so approved.

Meaning of “associate”

6. For the purposes of this Act—

- (a) the following persons are associates of a person—
 - (i) the person’s spouse;
 - (ii) a parent or remoter lineal ancestor, son, daughter or remoter issue, brother or sister of the person;
 - (iii) any partner of the person;
 - (iv) any body corporate of which the person is an executive officer;
 - (v) where the person is a body corporate—an executive officer of the body corporate;
 - (vi) a person who, in the previous year, has provided to the first person advice for fee or reward in relation to—
 - (A) gaming; or
 - (B) the conduct of gaming; or
 - (C) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment;
 - (vii) any employee or employer of the person;
 - (viii) any officer or employee of any body corporate of which the person is an officer or employee;

Gaming Machine Act 1991

- (ix) any employee of a natural person of whom the person is an employee;
 - (x) any body corporate whose executive officers are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the person, or where the person is a body corporate, of the executive officers of that body corporate;
 - (xi) any body corporate in accordance with the directions, instructions or wishes of which, or of the executive officers of which, the person is accustomed or under an obligation, whether formal or informal, to act;
 - (xii) any body corporate in which the person holds a controlling interest;
 - (xiii) where the person is a body corporate—a person who holds a controlling interest in the body corporate;
 - (xiv) any person who is named in an affidavit forwarded or lodged by the person under section 59 or 89;
 - (xv) any person who is because of paragraph (a), an associate of any other person who is an associate of the person (including a person who is an associate of the person by another application or other applications of paragraph (a)); and
- (b) a person is taken to hold a controlling interest in a body corporate if the person, alone or together with any associate or associates of the person, is in a position to control not less than 15% of the voting power in the body corporate or holds interests in not less than 15% of the issued shares in the body corporate.

Meaning of “play a gaming machine”

7. For the purposes of this Act, a person is taken to play a gaming machine if the person, directly or indirectly—

- (a) inserts a gaming token into; or
- (b) causes gaming machine credits to be registered by; or

- (c) makes a bet on; or
- (d) causes the activation of any process relating to the game of; or
- (e) makes or participates in the making of the decisions involved in playing;

the gaming machine.

Act binds the Crown

8. This Act binds the Crown.

Acceptable evidence of age

9. For the purposes of this Act, acceptable evidence of the age of a person is a document mentioned in the *Liquor Act 1992*, section 6.

PART 2—ADMINISTRATION

Establishment of commission

10.(1) There is established for the purposes of this Act a commission by the name of Queensland Machine Gaming Commission.

(2) The commission—

- (a) is a body corporate with perpetual succession; and
- (b) represents the Crown; and
- (c) is to have an official seal.

(3) The official seal of the commission is to be kept in such custody as the commission directs and must not be used except as authorised by the commission.

(4) All courts, judges and persons acting judicially must take judicial notice of the imprint of the official seal of the commission appearing on a document and are to presume that it was properly affixed.

Functions of commission

11. The functions of the commission are such—

- (a) as are conferred upon the commission under this Act; and
- (b) as are otherwise conferred upon the commission by the Minister.

Powers of commission

12.(1) The commission may do all things necessary or convenient to be done for or in connection with the performance of its functions or exercise of its powers under this Act.

(2) Each commissioner is, because of office, an inspector for the purposes of this Act.

commissioners

13.(1) The commission is to consist of 5 commissioners who are to be appointed by the Governor in Council on the recommendation of the Minister.

(2) The Governor in Council is to appoint a commissioner to be the chairperson.

(3) In relation to the commissioners appointed under subsection (1)—

- (a) 1 commissioner is to have extensive experience or knowledge of the gaming industry; and
- (b) 1 commissioner is to be a person who has an educational qualification relating to accountancy or extensive experience in accountancy; and
- (c) 1 commissioner is to be a person who has extensive experience or knowledge of public administration or of law enforcement; and
- (d) 1 commissioner is to be a minister of religion or a person with experience in the provision of social welfare to the community.

(4) All commissioners hold office on a part-time basis.

(5) commissioners are to be of good repute, having regard to character, honesty and integrity.

(6) The Minister is to cause due inquiry to be made before a person is appointed under this section to be, or appointed under section 19 to act as, a commissioner in order to be satisfied that the person is of good repute.

(7) Anything done by or in relation to a person purporting to be a commissioner appointed under this section is not invalid merely because—

- (a) there was a defect or irregularity in connection with the person's appointment as a commissioner; or
- (b) the appointment had ceased to have effect.

Tenure of office

14.(1) A commissioner—

- (a) is appointed with effect from the day specified for the purpose by the Governor in Council; and
- (b) holds office, subject to this Act, for such term (not longer than 3 years) as is specified by the Governor in Council.

(2) If a commissioner ceases to hold office before the end of the term of appointment, another person may be appointed in the commissioner's place until the end of the term.

Leave of absence

15.(1) The Minister may grant leave of absence to the chairperson on such terms and conditions as the Minister considers appropriate.

(2) The chairperson may grant leave of absence to another commissioner on such terms and conditions as the chairperson considers appropriate.

Register and disclosure of interests

16.(1) The Minister is to maintain—

- (a) a register of the pecuniary interests of each commissioner had by the commissioner at the time of appointment as a commissioner or acquired during the term of appointment as a commissioner; and
- (b) a record of personal or political associations had by each

Gaming Machine Act 1991

commissioner that might influence the commissioner in the performance functions as a commissioner.

(2) Each commissioner must furnish to the Minister—

- (a) a summary in writing of pecuniary interests had by the commissioner at the time of appointment as a commissioner; and
- (b) advice in writing of associations referred to in subsection (1)(b) had by the commissioner at the time of appointment as a commissioner; and
- (c) within 30 days following any substantial change in the interests referred to in paragraph (a), or a change in the associations referred to in paragraph (b), information in writing of the change.

(3) The register and record maintained under subsection (1) is to be updated at least once in every period of 1 year of a commissioner's term of office.

(4) A commissioner who has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the commission (whether at a meeting or otherwise) must, as soon as possible after the relevant facts have come to the commissioner's knowledge, disclose the nature of the interest at a meeting of the commission.

(5) A disclosure under subsection (4) is to be recorded in the minutes of the commission and, unless the Minister or the commission otherwise determines, the commissioner must not—

- (a) be present during any deliberation of the commission in relation to the matter; or
- (b) take part in any decision of the commission in relation to the matter.

(6) For the purpose of the making of a determination by the commission under subsection (5) in relation to a commissioner who has made a disclosure under subsection (4), a commissioner who has a direct or indirect pecuniary interest in the matter to which the disclosure relates must not—

- (a) be present during any deliberation of the commission for the purpose of making the determination; or
- (b) take part in the making of the determination by the commission.

Termination of appointment of commissioners

17.(1) A commissioner ceases to hold office as a commissioner if the commissioner—

- (a) dies; or
- (b) resigns the commissioner's office by instrument in writing signed by the commissioner and given to the Minister; or
- (c) becomes a patient within the meaning of the *Mental Health Act 1974*; or
- (d) being the chairperson—is absent, except with the leave of the Minister, from 3 consecutive meetings of the commission; or
- (e) being a commissioner other than the chairperson, is absent, except with the leave of the chairperson, from 3 consecutive meetings of the commission; or
- (f) is convicted of an offence against this Act; or
- (g) is convicted of an indictable offence, whether on indictment or summarily, punishable in the particular case by imprisonment for 1 year or more (irrespective of whether the offence is also punishable by a fine in addition, or as an alternative, to imprisonment); or
- (h) is removed from office by the Governor in Council under subsection (2).

(2) The Governor in Council—

- (a) may remove a commissioner from office if the commissioner—
 - (i) without reasonable excuse contravenes section 16; or
 - (ii) fails to discharge the commissioner's financial commitments, becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy; and
- (b) must remove a commissioner from office if the Governor in Council determines the commissioner is not a fit and proper person to be a commissioner.

(3) The office of the chairperson becomes vacant if the chairperson ceases to hold office as a commissioner.

Terms and conditions of appointment of commissioners

18.(1) Each commissioner is entitled to such remuneration as is approved by the Governor in Council—

- (a) for the time being, for the performance of the ordinary functions under this Act of a commissioner, or where the commissioner is the chairperson, the performance of the ordinary functions under this Act of the chairperson; and
- (b) in each case, for services of a commissioner in addition to the ordinary functions under this Act of the commissioner, or where the commissioner is the chairperson, for services of the chairperson in addition to the ordinary functions under this Act of the chairperson.

(2) Each commissioner is entitled to such allowances for reasonable travelling expenses as are approved for the time being by the Governor in Council.

(3) A commissioner holds office on such terms and conditions (if any) in relation to matters not provided for by this Act as are determined, in writing, by the Minister.

Acting appointments

19.(1) The Minister may, by instrument in writing, appoint a commissioner to act as the chairperson—

- (a) during a vacancy in the office of the chairperson; or
- (b) during any period, or during all periods, when the chairperson—
 - (i) has been granted leave of absence by the Minister; or
 - (ii) is, for any reason, unable to attend meetings of the commission, or otherwise perform the functions under this Act of the office.

(2) The Minister may, by instrument in writing, appoint a person to act as a commissioner other than the chairperson—

Gaming Machine Act 1991

- (a) during a vacancy in the office of such a commissioner; or
- (b) during any period, or during all periods, when such a commissioner—
 - (i) is acting as the chairperson; or
 - (ii) has been granted leave of absence by the chairperson; or
 - (iii) is, for any reason, unable to attend meetings of the commission, or otherwise perform the functions under this Act of the office.

Meetings

20.(1) The commission is to hold such meetings as are necessary for the efficient performance of its functions.

(2) Subject to subsection (3), meetings of the commission are to be held—

- (a) at such times, places and intervals as are prescribed; and
- (b) at such other times and places as the commission determines.

(3) The chairperson may at any time convene a meeting of the commission.

(4) The chairperson is to preside at all meetings of the commission.

(5) At a meeting of the commission—

- (a) the chairperson and 2 other commissioners constitute a quorum; and
- (b) a question is to be decided by a majority of the votes of the commissioners present and voting; and
- (c) the chairperson has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(6) The commission is to keep minutes of its proceedings.

(7) The proceedings of the commission are not open to the public and any person other than a commissioner may be excluded from the proceedings by order of the chairperson.

Resources

21.(1) The director is to—

- (a) remunerate each commissioner as provided in section 18; and
- (b) make available to the commission (to the satisfaction of the Minister) sufficient—
 - (i) administrative services; and
 - (ii) funds for expenses incurred in the normal conduct of meetings of the commission;

as are necessary for the commission to perform its functions under section 11 and exercise its powers under section 12.

(2) The director is to maintain accounts of the remuneration and expenditure referred to in subsection (1).

Annual report

22.(1) As soon as may be convenient after 30 June in each year, the commission must furnish to the Minister a report on the commission and its operations under this Act during the year ended on that day.

(2) The Minister must lay the report before the Legislative Assembly within 14 sitting days of receipt of the report.

Decisions or determinations of commission

23.(1) Subject to subsections (2) to (4) and sections 24 and 25, any decision or determination of the commission is final.

(2) A regulation may—

- (a) rescind a decision or determination of the commission; and
- (b) give the commission directions about the rescission.

(3) A commission decision or determination that is rescinded is void as from the time stated in the regulation.

(4) No right of action arises against the Crown or any person because of the rescission.

(5) Subject to section 24(5), a decision or determination of the

commission has effect from the making of the decision or determination or from such other time as is specified by the commission for the purpose.

Appeals from commission

24.(1) A person who—

- (a) may be adversely affected by a decision under section 35(5); or
- (b) is or was an applicant for or a holder of a licence under this Act or a listed person and is aggrieved by a decision or determination referred to in subsection (8);

may appeal against the decision or determination to the Minister.

(2) The appeal must—

- (a) be made in the approved form; and
- (b) state the nature and grounds of the appeal; and
- (c) be accompanied by the fee prescribed; and
- (d) be lodged with the director within 14 days of the date when the appellant was given written advice of the decision or determination in respect of which the appeal is made.

(3) Where subsection (2) is not complied with the appeal is void.

(4) Within 7 days of the lodgment of an appeal, the director is to give written notice of receipt of the appeal to—

- (a) the appellant; and
- (b) the Minister; and
- (c) the commission; and
- (d) any other person who the director considers has an interest in the appeal.

(5) The Minister may direct that the operation of a decision or determination appealed against be stayed until the appeal is determined under section 25 if the Minister is satisfied that the integrity of gaming and the conduct of gaming will not be jeopardised and that the public interest will not be adversely affected.

(6) An appellant may, by written notice lodged with the director,

withdraw an appeal before it is determined under section 25.

(7) One-half of the fee lodged under section 24(2) is to be returned to the appellant upon the withdrawal of the appeal.

(8) An appeal under subsection (1)(b) may be made in respect of a decision or determination of the commission—

- (a) under section 38, refusing to grant a gaming machine licence; or
- (b) under section 40(12); or
- (c) under section 48(1)(b); or
- (d) under section 49(1); or
- (e) under section 56(5), refusing an application to increase the number of gaming machines provided to a licensee; or
- (f) under section 56(5), in respect of the increased number of gaming machines to be provided to a licensee; or
- (g) under section 57(1); or
- (h) under section 64(12)(d); or
- (i) under section 65(1); or
- (j) under section 80(1), refusing to grant a licence under part 4; or
- (k) under section 84; or
- (l) under section 85(1); or
- (m) under section 94(12)(d); or
- (n) under section 95(1); or
- (o) under section 134(1); or
- (p) under section 134(3), refusing to approve that a person again be listed on the roll of recognised manufacturers and suppliers of gaming machines or the roll of recognised suppliers of restricted components.

Determination of appeals

25.(1) The Minister is to consider—

- (a) the contents of the appeal and information or material lodged with

Gaming Machine Act 1991

the appeal; and

- (b) information or material that is—
 - (i) given to the Minister by the appellant; and
 - (ii) given to the Minister by any person referred to in section 24(4)(d); and
 - (iii) given to the Minister by the commission in respect of the appeal; and
 - (iv) given to the Minister by the director in respect of the appeal; within 14 days of the lodging of the appeal; and
- (c) such other information or material as the Minister considers relevant;

and, if the Minister is satisfied that the integrity of gaming and the conduct of gaming will not be jeopardised and that the public interest will not be adversely affected, the Minister may direct—

- (d) that the appeal be disallowed; or
- (e) that the decision or determination appealed against be set aside or varied.

(2) If the Minister is not so satisfied, the Minister must direct that the appeal be disallowed.

(3) The determination of the Minister upon an appeal instituted under section 24 is final.

(4) A direction by the Minister to set aside or vary the decision or determination appealed against has effect from the giving of the direction or from such other time as is specified for the purpose in the direction.

(5) No right of action arises against any person because of a determination by the Minister under this section.

Officers

26.(1) The Governor in Council may appoint—

- (a) a Director and Deputy Director, Machine Gaming Division; and
- (b) such inspectors and other officers as are necessary;

for the effectual administration of this Act.

(2) Appointments referred to in subsection (1) are to be under and subject to the *Public Service Management and Employment Act 1988*.

(3) The director and deputy director are, because of office, inspectors for the purposes of this Act.

(4) The Minister may appoint a public sector employee within the meaning of the *Public Sector Management Commission Act 1990* to be an inspector for the purposes of this Act.

Appointment of other persons

27.(1) In addition to appointments under section 26, the Governor in Council may appoint such other persons as are necessary for the effectual administration of this Act.

(2) Appointments referred to in subsection (1) are not required to be under and subject to the *Public Service Management and Employment Act 1988*.

(3) Subject to this Act, appointments referred to in subsection (1) may be to such position and to perform such functions as the Governor in Council from time to time determines.

(4) Subject to subsections (5) and (6) and to any applicable industrial award or industrial agreement, appointments referred to in subsection (1) are to be for such periods and subject to such conditions as to remuneration and otherwise as the Governor in Council thinks fit.

(5) An appointment referred to in subsection (1) is not to exceed 5 years.

(6) Appointments may be renewed for a second or subsequent period not longer than 5 years in any case.

Assistance within department

28. In addition to appointments under sections 26 and 27, the chief executive is to make available such clerical and other staff assistance that may be necessary for the effectual administration of this Act.

Officers of division to be of good repute

29.(1) Officers of the division are to be of good repute, having regard to character, honesty and integrity.

(2) The Governor in Council is to cause due inquiry to be made before a person is appointed to be the director, deputy director, an inspector or any other appointed officer of the division in order to be satisfied that the person is of good repute.

(3) The chief executive is to cause due inquiry to be made before a person is made available under section 28 in order to be satisfied that the person is of good repute.

(4) At any time the director may cause to be undertaken such investigations as the director considers are necessary in order to be satisfied that an officer of the division, having regard to the matters specified in subsection (1), is suitable to be an officer of the division.

(5) The director may, either verbally or by written notice, require any officer, to whom investigations under subsection (4) relate, to submit such information or material as the director considers is necessary.

(6) The officer must comply with the director's requirement.

Maximum penalty for subsection (6)—200 penalty units or 1 year's imprisonment.

Machine Gaming Division

30. Officers of the division are responsible for performing all functions that are necessary in connection with the administration of this Act.

Director to administer division

31.(1) The director is the senior administrative officer of the division.

(2) The director, subject to the chief executive, is responsible for the administration of the division.

Illness etc. of director

32. If the director is ill or absent or there is a vacancy in the office of

director, the deputy director is authorised to exercise the powers and perform the functions under this Act of the director during the period of the illness or absence or until a new appointee takes up duty as director.

Director's power to delegate

33.(1) The director may, with the Minister's approval, delegate the director's powers to any person.

(2) Before making a delegation under subsection (1) to a person who is not an officer of the division, the director must conduct such inquiries as are necessary to ensure that the person is of good repute.

Police assistance

34.(1) A regulation may approve arrangements for—

- (a) the rendering of assistance by police officers; and
- (b) the supplying of information contained in the records of the Queensland Police Service; and
- (c) the taking of fingerprints and palm prints of applicants for licences under part 4; and
- (d) the making available of other resources and facilities of the Queensland Police Service;

to the director and other officers of the division for the purposes of the effectual administration of this Act.

(2) The commissioner of the police service must ensure that effect is given to arrangements approved under subsection (1).

Secrecy

35.(1) A commissioner who wilfully discloses, except for the purposes of the commission, or of this Act, information that has come into the possession of the commission, or the commissioner, in the course of exercising powers or performing functions under this Act, or for the purposes of this Act, commits an offence against this Act.

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

Gaming Machine Act 1991

(2) A person at all times after appointment, or being made available, as an officer of the division—

- (a) must preserve and assist in preserving secrecy with regard to all information that comes to the person's knowledge in the exercise of functions under this Act; and
- (b) must not, except—
 - (i) in the exercise of powers or the performance of functions under this Act; or
 - (ii) with any other lawful excuse (proof of which is upon the person); or
 - (iii) if so approved under this section;communicate or reveal any such information.

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

(3) A person referred to in subsection (2), if the director so approves, may communicate or reveal any information referred to in subsection (2) to such body or authority as is prescribed, or to an officer of the body or authority.

(4) Any body, authority or officer to whom any information is communicated or revealed under subsection (3), and a person or employee under the control of that body, authority or officer, is, in respect of that information, subject to the same rights, privileges and liabilities under this section as if that body, authority, officer, person or employee were a person referred to in subsection (2).

(5) A person referred to in subsection (2), if the commission so approves, may communicate or reveal any information referred to in subsection (2) to any department of government of the State, body, holder of an office or person as the commission specifies in the approval.

(6) Before granting an approval under subsection (5) the commission must—

- (a) give written notice to any person who the commission considers is likely to be adversely affected by any communication or revelation because of the proposed approval; and
- (b) give the person the opportunity of making a written submission

with respect to the proposed approval within such time as is specified in the notice.

Identification cards

36.(1) Every inspector is to be furnished with an identification card, signed by the director, that identifies the inspector as an inspector.

(2) The director may furnish any other officer of the division with an identification card, signed by the director, that identifies the officer as an officer of the division.

(3) An identification card must—

- (a) be in the approved form; and
- (b) contain a photograph and signature of the inspector or other officer, and anything else the approved form requires.

(4) A person to whom a card is furnished under this section—

- (a) must produce the card, when so requested, to the person who is the subject of or affected by the exercise of the person's powers or the performance of the person's functions under this Act; and
- (b) must return the card to the director upon ceasing to be an inspector or other officer of the division.

Maximum penalty for subsection (4)(b)—40 penalty units.

Director is agent of Crown

37.(1) Any act done by the director—

- (a) as authorised by; or
- (b) for the purposes of the effectual administration of;

this Act is done as agent of the Crown.

(2) Subject to this Act and the *Financial Administration and Audit Act 1977* the director is authorised to expend amounts for the Crown in respect of doing any act referred to in subsection (1).

PART 3—GAMING MACHINE LICENCES

Gaming lawful and does not constitute nuisance

38.(1) Despite any other Act or law—

- (a) the commission may, having regard to the recommendation of the director and to such other information or material as the commission considers is relevant, grant or refuse to grant gaming machine licences; and
- (b) gaming and the conduct of gaming on licensed premises under this Act is lawful.

(2) Gaming and the conduct of gaming on licensed premises under this Act and any other Act, does not in itself constitute a public or private nuisance.

Application for gaming machine licences

39.(1) An application for a gaming machine licence may be made by—

- (a) a body corporate that holds a club liquor licence; or
- (b) the holder of a general liquor licence; or
- (c) the holder of a prescribed liquor licence; or
- (d) a body corporate that has applied to become the holder of—
 - (i) a general liquor licence; or
 - (ii) a club liquor licence; or
 - (iii) a prescribed liquor licence; or
- (e) an individual who has applied to become the holder of—
 - (i) a general liquor licence; or
 - (ii) a prescribed liquor licence.

(2) Application for a gaming machine licence may be made only in relation to—

- (a) if the application is made by an applicant mentioned in subsection (1)(a), (b) or (c)—premises specified in the applicant's

Gaming Machine Act 1991

liquor licence; or

- (b) if the application is made by an applicant mentioned in subsection (1)(d) or (e)—premises specified in the applicant's application for a liquor licence.

(3) An application for the grant of a gaming machine licence—

- (a) is to be made in the approved form; and
- (b) in the case of an application by a natural person—is to be signed by the applicant; and
- (c) in the case of an application by a body corporate—is to be—
 - (i) executed under the common seal of the body corporate and signed by 2 executive officers of the body corporate authorised in that behalf by the body corporate; or
 - (ii) where the director considers that subparagraph (i) cannot reasonably be complied with—executed or signed in such other way as the director allows; and
- (d) is to state the full name, address and date of birth—
 - (i) in the case of an application by a natural person—of the applicant; or
 - (ii) in the case of an application by a body corporate—of the secretary and each executive officer of the body corporate; and
- (e) in the case of an application by a body corporate—is to be accompanied by—
 - (i) a copy of the certificate of incorporation of the body corporate; and
 - (ii) a copy of the memorandum and articles of association, rules, constitution or other incorporating documents of the body corporate in force at the time of making the application certified as a true copy by the secretary of the body corporate or other person properly authorised in that behalf by the body corporate; and
 - (iii) a copy of the resolution or minute of the proceedings of the governing body of the body corporate by which approval

Gaming Machine Act 1991

was given to the making of the application, certified as a true copy by the person certifying the copy of the matters referred to in subparagraph (ii); and

- (iv) a copy of the last audited balance sheet or statement of the financial affairs of the body corporate; and
- (f) in the case of an application by a club—is also to be accompanied by—
 - (i) a statement detailing the number of members in each class of membership of the club; and
 - (ii) a statement detailing the hours and days when the club's premises are open for the sale of liquor; and
 - (iii) a statutory declaration by the principal executive officer of the club that the matters referred to in paragraph (e)(ii) or any other applicable rules or by-laws of the club—
 - (A) have been complied with in making the application; and
 - (B) do not prohibit the playing of gaming machines on the premises to which the application relates; and
- (g) is to be accompanied by—
 - (i) if the application is made by an applicant mentioned in subsection (1)(a), (b) or (c)—evidence, satisfactory to the director, of the liquor licence held for the premises to which the application relates; or
 - (ii) if the application is made by an applicant mentioned in subsection (1)(d) or (e)—a copy of the application for a liquor licence made in relation to the premises to which the first application relates; and
- (h) is to be accompanied by a plan of the premises to which the application relates indicating the proposed locations on the premises where it is intended to install gaming machines; and
- (i) is to be accompanied by a statutory declaration declaring that—
 - (i) the proposed locations mentioned in paragraph (h) are within—
 - (A) if the application is made by an applicant mentioned in

Gaming Machine Act 1991

- subsection (1)(a), (b) or (c)—the premises to which the liquor licence mentioned in subsection (1)(a), (b) or (c) relates; and
- (B) if the application is made by an applicant mentioned in subsection (1)(d) or (e)—the premises to which the proposed liquor licence mentioned in subsection (1)(d) or (e) relates; and
- (ii) gaming machines installed in the locations will allow—
- (A) proper cleaning and maintenance of the gaming machines; and
- (B) unrestricted access to fire exits in a way that complies with the *Fire Service Act 1990*, the *Building Act 1975* and the Building Code of Australia; and
- (C) the proper use of things provided on the premises for safety and security; and
- (j) is to specify full particulars of the ownership and any intended ownership of the premises; and
- (k) is to specify the number of gaming machines in respect of which the licence is sought; and
- (l) is to be accompanied by an affidavit under section 59; and
- (m) is to contain or be accompanied by such other information, records, reports, documents and writings relating to the application and applicant as are determined by the director; and
- (n) is to be forwarded to or lodged with the director; and
- (o) is to be accompanied by the fee prescribed.

Consideration of applications

40.(1) Upon receipt of an application for a gaming machine licence, and compliance by the applicant with this part, the director must—

- (a) initiate and have followed through such investigations as the director considers are necessary in relation to the application; and
- (b) consider the application and anything accompanying it together

Gaming Machine Act 1991

with the results of investigations made under paragraph (a) and make an assessment of—

- (i) the suitability of the premises to which the application relates having regard to the size, layout and facilities of the premises; and
- (ii) if the applicant is a natural person—the financial stability, general reputation and character of the applicant; and
- (iii) if the applicant is a body corporate—the business reputation and financial stability of the body corporate and the general reputation and character of the secretary and executive officers of the body corporate; and
- (iv) if any person is mentioned in an affidavit under section 59—the suitability of that person to be an associate of the applicant; and
- (v) if the director considers it appropriate—the suitability of any other associate of the applicant to be an associate of the applicant; and
- (vi) the suitability of the applicant to be a licensee.

(2) The director must make a recommendation to the commission that a gaming machine licence be granted or refused.

(3) The director is not to recommend that a gaming machine licence be granted if—

- (a) in the case of an application by a natural person—the applicant has not attained the age of 18 years; or
- (b) in the case of an application by a body corporate—the secretary or any executive officer of the body corporate has not attained the age of 18 years; or
- (c) the director considers that the installation and use of gaming machines on the premises to which the application relates is likely to affect adversely—
 - (i) the nature or character of the premises; or
 - (ii) the general use of the premises or the enjoyment of persons using the premises.

Gaming Machine Act 1991

(4) Where the director considers that any proposed location indicated in the plan referred to in section 39(3)(h) is unsuitable for the installation of gaming machines, the director is to—

- (a) advise the applicant, in writing, accordingly; and
- (b) return the plan of the premises to the applicant; and
- (c) request the applicant to amend and resubmit the plan;

as often as is necessary to satisfy the director's requirements.

(5) If an applicant, within the time specified in the last request made under subsection (4), fails to amend and resubmit the plan the director is not required to take any further action in respect to the application.

(6) Where the director recommends the grant of a gaming machine licence, the director must advise the commission of the number of gaming machines considered appropriate for the premises the subject of the application.

(7) The director is to have regard to—

- (a) the number of gaming machines requested in the application made under section 39; and
- (b) the liquor consumption on the premises; and
- (c) the hours and days when the premises are open for the sale of liquor; and
- (d) in the case of a club—the number of members of the club; and
- (e) the size, layout and facilities of the premises to which the application relates; and
- (f) the size and layout of the proposed gaming machine areas; and
- (g) the anticipated level of gaming on the premises; and
- (h) such other matters as the director considers are relevant.

(8) The director or commission may require the applicant, or any associate of the applicant, to submit such additional information or material as the director or the commission considers is necessary in order to make a recommendation, decision or determination.

(9) Any such additional information or material is to be considered in making the recommendation, decision or determination.

Gaming Machine Act 1991

(10) The commission must not grant an application for a gaming machine licence made by a club if the commission considers—

- (a) that the club, including a voluntary association of persons from which it was formed—
 - (i) has not been operating for at least 2 years before the application was made; or
 - (ii) has not, during the whole of the period, been pursuing its objects or purposes in good faith; or
- (b) that payments for the rental or lease of the club's licensed premises are unreasonable; or
- (c) if a lease, agreement or arrangement made by the club provides that a person or voluntary association of persons is entitled to receive, or may receive, a payment, benefit or advantage during, or at the end of, the lease, agreement or arrangement—that the provision is unreasonable; or
- (d) if members of the executive, governing or management body (however described) of the club are required to be nominated, or may be nominated, by a person who is not a member of the club, or by a voluntary association of persons—that this is not in the best interests of the club's members; or
- (e) if the club does not own the club's licensed premises and an executive officer or employee of the club is also the lessor, or an associate of the lessor, of the club—that this is not in the best interests of the club's members; or
- (f) if an executive officer or employee of the club is a creditor, or an associate of a creditor, of the club—that this is not in the best interests of the club's members.

(11) Subsection (10)(a) does not apply if the commission considers that granting the application is—

- (a) reasonable because of the club's contractual commitments made in pursuing its objects or purposes; and
- (b) necessary to meet the reasonable gaming requirements of the club's members; and
- (c) in the public interest.

(12) The commission is to determine the number of gaming machines to be provided by the director to the applicant.

(13) That number is to be not 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.

(14) The director must immediately give the applicant written notice of—

- (a) the commission’s decision; and
- (b) if the application is refused—the reasons for the refusal.

(15) Upon the grant of a gaming machine licence, the gaming machine areas are those locations on licensed premises indicated in the plan referred to in section 39(3)(h) or that plan as last amended and resubmitted under subsection (4).

Clubs may be restricted to only 1 gaming machine licence

41. If a club is a licensee, the commission may grant an application by the club for another gaming machine licence (the “**new licence**”) only if—

- (a) the commission considers that the benefits to be offered to members of the club at the premises for which the new licence is sought (the “**new premises**”) are distinct in nature to the benefits offered to the members at the existing licensed premises of the club (the “**existing premises**”); and
- (b) the new premises are located in close proximity to the existing premises; and
- (c) the commission is satisfied that—
 - (i) it is in the best interests of the club’s members that the new licence be granted; and
 - (ii) the granting of the new licence is not contrary to the public interest.

Changes in circumstances of applicants for and holders of licences

42.(1) If a person applies for a licence under this part and, before the application is granted or refused, a change happens in any information

contained in, or accompanying, the application or in a notice given under this subsection, the applicant must, within 7 days of the change, give the director written notice of the change.

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

(2) If, after the grant of a licence under this part, an event mentioned in subsection (3) happens, the holder of the licence must, within 7 days of the event happening, give the director written notice of the event.

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

(3) The events required to be notified by the holder of the licence are—

- (a) the holder of the licence changes name or address; or
- (b) the holder of the licence—
 - (i) is convicted of an offence against this Act; or
 - (ii) if the holder is an individual—fails to discharge the holder's financial commitments, becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws about bankruptcy; or
 - (iii) if the holder is a body corporate—is the subject of a winding-up (whether voluntarily or under a court order), appointment of a liquidator, appointment of a receiver or receiver and manager, or is placed under official management and an official manager appointed under the Corporations Law; or
 - (iv) is convicted of an indictable offence (whether on indictment or summarily) punishable in the particular case 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).

Issue of gaming machine licences

43.(1) Where the commission grants a gaming machine licence, the director must issue the licence.

(2) The gaming machine licence is to be in the approved form and is to specify—

- (a) the name of the licensee; and
- (b) the expiry date of the licence; and
- (c) any conditions imposed under section 48(1)(b).

Schedule of gaming machines

44.(1) The director must issue to a licensee in respect of each of the licensee's licensed premises a schedule of gaming machines.

(2) A schedule of gaming machines is to—

- (a) identify the gaming machine licence and licensed premises to which it applies; and
- (b) specify the number of gaming machines provided to the licensee in respect of the licensed premises; and
- (c) specify the date from which the schedule is to apply.

(3) Where—

- (a) the accuracy of the schedule of gaming machines is affected by anything done by the director under section 54 or 55; or
- (b) the director is satisfied that a schedule of gaming machines has been damaged, lost or destroyed;

the director is to issue a fresh schedule of gaming machines to the licensee.

(4) The issue of a fresh schedule of gaming machines under subsection (4) cancels any previous schedule of gaming machines on and from the date specified for the purpose in the fresh schedule and is taken for all purposes to be the schedule of gaming machines for the licensed premises specified in the fresh schedule.

(5) Upon receipt of a fresh schedule of gaming machines the licensee must cause any cancelled schedule of gaming machines in the possession of the licensee to be delivered to the director within 14 days of that receipt.

Maximum penalty for subsection (5)—40 penalty units.

Gaming machine licences and schedules to be displayed

45. A licensee is to display the licensee's gaming machine licence and the

schedule of gaming machines in a conspicuous position on the licensed premises in question unless the licence at any material time is in the possession of the director.

Maximum penalty—40 penalty units.

Issue of copy gaming machine licences

46.(1) Where the director is satisfied that a gaming machine licence has been damaged, lost or destroyed, the director, upon payment of the fee prescribed, may issue to the licensee a copy of the gaming machine licence.

(2) A copy of a gaming machine licence issued under subsection (1), for all purposes, has the same effect as the original gaming machine licence of which it is a copy.

Term of gaming machine licences

47.(1) Subject to this Act, a gaming machine licence remains in force for 2 years from the date of issue of the licence.

(2) A gaming machine licence may be renewed.

Conditions of gaming machine licences

48.(1) A gaming machine licence is subject to—

- (a) such conditions as are prescribed; and
- (b) such other conditions (including any variation of the conditions made under section 49) as the commission may impose in the public interest or for the proper conduct of gaming at the time of granting the licence or under section 49.

(2) A licensee who fails to comply with any condition referred to in subsection (1) commits an offence against this Act.

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

Imposition or variation of conditions

49.(1) Where the commission in the public interest or for the proper

conduct of gaming, at any time after granting a gaming machine licence, considers that—

- (a) the imposition of conditions or further conditions on the licence; or
- (b) a variation to the conditions imposed on the licence under section 48(1)(b) or paragraph (a) of this subsection;

is warranted, the commission may impose the conditions or further conditions or vary the conditions.

(2) Where the commission imposes or varies conditions under subsection (1), the director must give the licensee, written notice of the conditions or varied conditions.

(3) Any imposition of or variation to conditions under this section has effect from the date specified for the purpose in the notice given under subsection (2).

(4) Upon being given a notice under subsection (2), the licensee to whom the notice relates must cause the gaming machine licence to be delivered to the director within 14 days.

Maximum penalty for subsection (4)—40 penalty units.

(5) After endorsing the gaming machine licence, the director is to return it to the licensee.

Payment and recovery of amounts

50.(1) All amounts received by the director under conditions referred to in section 48 must be paid into the consolidated fund.

(2) The director, for any reason that the director considers is sufficient, may forgive or refund any penalty payable under conditions referred to in section 48.

(3) All amounts payable by a licensee under conditions referred to in section 48 that remain unpaid may be recovered as a debt payable by the licensee to the Crown.

(4) The director, with the approval of the chief executive, instead of proceeding with or continuing an action under subsection (3), may accept in full payment of any debt payable an amount that is less than the amount

payable or remaining unpaid where—

- (a) the gaming machine licence in relation to which the debt is payable has been cancelled or surrendered; and
- (b) the person who held the licence is not the holder of any other gaming machine licence.

Renewal and continuance of gaming machine licences

51.(1) A licensee may apply to the director for renewal of the gaming machine licence.

(2) Application under subsection (1)—

- (a) is to be in the approved form; and
- (b) is to be accompanied by the fee prescribed; and
- (c) is to be made, unless the director otherwise allows, at least 1 month before the expiration of the licence; and
- (d) in the case of an application by a body corporate—is to be accompanied by a list of the names, addresses and dates of birth of—
 - (i) the secretary of the body corporate; and
 - (ii) the executive officers of the body corporate; and
 - (iii) all other persons who have been the secretary or an executive officer of the body corporate since the licence was granted or last renewed; and
- (e) is to be accompanied by an affidavit under section 59.

(3) If the director considers that special circumstances exist, the director may extend the term of a gaming machine licence, or renewal of the licence, for 1 month from the date of its expiration to allow the licensee to comply with this section.

(4) During the period of extension, the gaming machine licence has the same effect as if it had been renewed.

(5) If an application under subsection (1) is refused, the director must immediately give the applicant written notice of, and the reasons for, the decision.

(6) If a licensee complies with this section, the director must renew the licence for 2 years starting on—

- (a) the day after its last expiry; or
- (b) the day it would have last expired apart from its extension under subsection (3).

Gaming machine licences cannot be transferred

52. A gaming machine licence cannot be transferred to another person or to other premises.

Certain applications under Liquor Act 1992 subject to director's certificate

53.(1) Despite anything in the *Liquor Act 1992*, if a person applies under that Act for the transfer of a club liquor licence, general liquor licence or prescribed liquor licence, the liquor licensing authority may transfer the licence only if the director issues a certificate under subsection (2).

(2) The director may issue the certificate only if—

- (a) the premises for which the application under the *Liquor Act 1992* was made are not licensed premises under this Act; or
- (b) if the premises for which the application was made are licensed premises under this Act—
 - (i) the commission is prepared to grant a gaming machine licence to the applicant; and
 - (ii) satisfactory arrangements have been made for payment of any amounts payable by the current licensee under conditions mentioned in section 48 or under part 8.

(3) If a person—

- (a) applies under the *Liquor Act 1992* for the transfer of a club liquor licence, general liquor licence or prescribed liquor licence; and
- (b) applies at the same time for a gaming machine licence for the premises to which the application mentioned in paragraph (a) relates; and

(c) the liquor licensing authority is prepared to transfer the liquor licence; and

(d) the commission is prepared to grant the gaming machine licence;

the director and the liquor licensing authority are to make arrangements so that the transfer of the liquor licence and the issue of the gaming machine licence happen at the same time.

Director to provide gaming machines etc.

54.(1) Subject to subsections (3) and (4) and section 57, the director must provide to a licensee the number or increased number of gaming machines determined under section 40(7) or 56(5).

(2) The gaming machine type, game, gaming token denomination and betting unit of a gaming machine provided under subsection (1) are to be as the director determines.

(3) If at any time a sufficient number of gaming machines is not available to enable the director to comply with subsection (1), the director may provide to a licensee a less number than that determined.

(4) The director must provide the balance of the gaming machines as soon as possible after a sufficient number of gaming machines becomes available.

Director may alter or remove gaming machines etc.

55.(1) The director may at any time remove from licensed premises any or all of the gaming machines provided to a licensee and provide the licensee with another gaming machine or other gaming machines.

(2) The director—

(a) on application made by a licensee in the approved form and on payment of the fee prescribed 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.

(3) Where—

- (a) the commission determines under section 57(1) that the number of gaming machines provided to a licensee be decreased; or
- (b) a gaming machine licence is cancelled;

the director must remove from the premises in question the number of gaming machines so determined or, as the case may be, all gaming machines on the premises.

(4) Gaming machines removed under subsection (1) or (3) and gaming machines provided under subsection (1) are to be in accordance with such gaming machine type, game, gaming token denomination and betting unit as the director determines.

Increase in gaming machines

56.(1) A licensee may make application to the director that the number of gaming machines provided to the licensee be increased.

(2) An application under subsection (1)—

- (a) is to be made in the approved form and signed or executed in the same way as is specified in section 39(3)(b) or (c); and
- (b) is to specify the increased number of gaming machines sought and the total number of gaming machines that would then be on the licensee's licensed premises in question should the application be granted; and
- (c) where appropriate, is to be accompanied by an application under section 58; and
- (d) is to contain or be accompanied by such other information, records, reports, documents and writings relating to the application or the licensee as are determined by the director; and
- (e) is to be accompanied by the fee prescribed.

(3) The director, in considering an application under subsection (1), is to have regard to—

- (a) the increased number of gaming machines applied for in the application; and

Gaming Machine Act 1991

- (b) the liquor consumption on the premises; and
- (c) the gross monthly turnover of existing gaming machines operated on the premises; and
- (d) the hours and days when the premises are open for the sale of liquor; and
- (e) the size, layout and facilities of the premises together with any proposed modification or relocation of the gaming machine areas of the premises; and
- (f) such other matters as the director considers are relevant.

(4) The director must make a recommendation to the commission that the application—

- (a) be granted or refused; or
- (b) be granted in respect of a less number of gaming machines than the number sought.

(5) The commission is to determine whether to grant or refuse to grant the application and, if granted, the increased number of gaming machines that may be provided to the licensee.

(6) That increased number is to be not greater than the number applied for and the total number of gaming machines that would then be on the licensed premises is to be not greater than the maximum number prescribed for the category of licensed premises to which the licensed premises the subject of the application belongs.

(7) The director or commission may require the licensee to submit such additional information or material as the director or, as the case may be, the commission considers is necessary in order to make a recommendation or decision.

(8) Any such additional information or material is to be considered in making the recommendation or decision.

(9) If an application under subsection (1) is refused, the director must immediately give the applicant written notice of, and the reasons for, the decision.

Decrease in gaming machines

57.(1) The commission, having regard to the director's recommendation under subsection (3), may determine that the number of gaming machines provided to a licensee be decreased by such number as the commission thinks fit.

(2) If the commission makes a determination under subsection (1), the director must immediately give the licensee written notice of, and the reasons for, the determination.

(3) The director must make a recommendation to the commission as soon as practicable after receipt of—

- (a) an application made to the director by a licensee that the number of gaming machines provided to the licensee be decreased, accompanied, where appropriate by an application under section 58; or
- (b) a written request from the liquor licensing authority, the commissioner of fire service or the relevant local authority that the number of gaming machines provided to the licensee be decreased; or
- (c) the written report of an inspector with respect to—
 - (i) any general change in conditions that have happened in the neighbourhood in which the licensee's licensed premises are located; or
 - (ii) any change in the licensee's circumstances; or
 - (iii) any change in any of the matters referred to in section 40(7);

since the licensee was granted a gaming machine licence and recommending that the number of gaming machines provided to the licensee be decreased.

(4) Except where a licensee makes an application under subsection (3), the director, before making a recommendation under that subsection, must—

- (a) advise the licensee by written notice of the relevant details of any request or report made under subsection (3); and
- (b) give the licensee the opportunity of making a written submission

with respect to the request or report within such time as is specified in the notice.

(5) The licensee must surrender to the director or to a person authorised in that behalf by the director the number of gaming machines specified in a determination made under subsection (1).

Maximum penalty for subsection (5)—1 000 penalty units or 5 years imprisonment.

Modification or relocation of gaming machine areas

58.(1) A licensee must not modify or relocate the gaming machine areas of the licensee's licensed premises without the approval of the director.

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

(2) An application for an approval under subsection (1) is to be accompanied by—

- (a) a plan of the premises indicating the proposed locations on the premises where it is intended to install gaming machines; and
- (b) a statutory declaration declaring the matters mentioned in subsection (3).

(3) The statutory declaration mentioned in subsection (2)(b) must declare that—

- (a) the proposed locations mentioned in subsection (2)(a) are within the premises to which the licensee's liquor licence relates; and
- (b) gaming machines installed in the locations will allow—
 - (i) proper cleaning and maintenance of the gaming machines; and
 - (ii) unrestricted access to fire exits in a way that complies with the *Fire Service Act 1990*, the *Building Act 1975* and the Building Code of Australia; and
 - (iii) the proper use of things provided on the premises for safety and security.

(4) Where—

- (a) the commission determines that the number of gaming machines

Gaming Machine Act 1991

provided to a licensee be decreased; or

- (b) the director considers that it is necessary for the proper conduct of gaming that the gaming machine areas of licensed premises be modified or relocated;

the director may, by written notice, direct the licensee to modify or relocate the gaming machine areas of the licensee's licensed premises in accordance with the direction.

- (5) The licensee must comply with the director's direction.

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

- (6) The director may before—

- (a) granting an approval under subsection (1); or
- (b) giving a direction under subsection (4);

require the licensee to furnish such information as the director considers appropriate, and the licensee must comply with the requirement.

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

- (7) The director, having regard to—

- (a) the size, layout and facilities of the licensee's licensed premises; and
- (b) such other matters as the director considers are relevant;

may grant or refuse to grant an application under subsection (1).

(8) On and from the date of completion of any modification or relocation approved or directed under this section, the gaming machine areas of a licensed premises for all purposes are as so modified or relocated.

(9) If an application under subsection (1) is refused, the director must immediately give the applicant written notice of, and the reasons for, the decision.

Disclosure of influential or benefiting parties

59.(1) At the time of making an application for—

- (a) a gaming machine licence—the applicant; or

Gaming Machine Act 1991

(b) a renewal of a gaming machine licence—the licensee; must forward to or lodge with the director an affidavit made under this section.

(2) An applicant or licensee who undergoes any change in circumstances in relation to information contained in the last affidavit forwarded or lodged under this section by the applicant or licensee must, within 7 days of the change, forward to or lodge with the director a fresh affidavit made under this section.

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

(3) An affidavit under this section is to be made by—

- (a) in the case of the applicant or licensee being a natural person—that person; or
- (b) in the case of the applicant or licensee being a body corporate—
 - (i) the principal executive officer of the body corporate; or
 - (ii) if that officer does not have knowledge of the facts—some other person who has knowledge of the facts and who is authorised by the body corporate to make the affidavit.

(4) An affidavit under this section is to be in the approved form and must disclose—

- (a) whether or not there is any person (other than, where the applicant or licensee is a body corporate, the secretary, an executive officer, a member or shareholder of the body corporate carrying out the duties or exercising the normal rights the person has as such secretary, executive officer, member or shareholder) who will by any lease, agreement or arrangement be able to influence any decision made—
 - (i) in the case of the applicant or licensee being a natural person—by that person; or
 - (ii) in the case of the applicant or licensee being a body corporate—by the body corporate or the secretary or an executive officer of the body corporate;

in relation to the conduct of gaming by the applicant or licensee; and

Gaming Machine Act 1991

- (b) whether or not there is any person other than the applicant or licensee who by any lease, agreement or arrangement may expect any benefit from the applicant or licensee in relation to the conduct of gaming by the applicant or licensee; and
 - (c) if there are any persons able to influence as referred to in paragraph (a) or expect benefit as referred to in paragraph (b)—
 - (i) where any such person is a natural person—the person’s full name, address and date of birth; and
 - (ii) where any such person is a body corporate other than a club—the name of the body corporate and the full name, address and date of birth of the secretary and each executive officer of the body corporate; and
 - (iii) where any such person is a club or other voluntary association of persons—
 - (A) the name of the club or voluntary association of persons; and
 - (B) the full name, address and date of birth of the secretary and each executive officer of the club or voluntary association of persons; and
 - (C) particulars of any liquor licence held by the club or voluntary association of persons; and
 - (D) details of the objectives (if any) of the club or voluntary association of persons and whether or not the club is a non-proprietary club or the voluntary association of persons conducts its business in the same way as a non-proprietary club; and
 - (iv) full and correct particulars of the lease, agreement or arrangement; and
 - (d) in the case of the applicant or licensee being a body corporate other than a club—the names of all persons who are substantial shareholders of the body corporate under of the Corporations Law, section 708.
- (5) Despite subsection (4), an affidavit under this section need not disclose anything that is prescribed for the purposes of this subsection.

Investigation of licensees and associates

60.(1) At any time while a gaming machine licence is in force the director may cause to be undertaken such investigations as the director considers are necessary in order to be satisfied that the licensee or any associate of the licensee is a suitable person to be a licensee or an associate of the licensee.

(2) The director may, either verbally or by written notice, require any person, to whom investigations under subsection (1) relate, to submit such information or material as the director considers is necessary.

(3) The person must comply with the director's requirement under subsection (2).

Maximum penalty for subsection (3)—200 penalty units or 1 year's imprisonment.

Cessation or commencement of executive officer or secretary

61. If an applicant under section 39 or a licensee is a body corporate, the body corporate must notify the director in the form determined by the director—

- (a) that a person has ceased to be the secretary or an executive officer of the body corporate; and
- (b) that a person has commenced as the secretary or an executive officer of the body corporate; and
- (c) the full name, address and date of birth of any person referred to in paragraph (b);

within 7 days of such cessation or commencement.

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

Surrender of gaming machine licences

62.(1) A licensee, at any time, by forwarding to or lodging with the director notification in the approved form, and the licensee's gaming machine licence, may surrender the licence.

(2) The notification is to be signed or executed in the same way as that

specified for an application made under section 39(3)(b) or (c).

(3) The director may require the licensee to submit such information or material as the director thinks fit.

(4) The licensee must comply with the director's requirement under subsection (3).

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

(5) The director as soon as possible after receipt of documents referred to in subsection (1) must remove all gaming machines from the licensee's licensed premises.

(6) A surrender of a gaming machine licence takes effect from the time all gaming machines are removed from the licensee's licensed premises or another time decided by the director.

Cancellation or suspension of gaming machine licences in certain circumstances

63. If the liquor licence for premises licensed under this Act is—

- (a) cancelled, transferred or surrendered—the gaming machine licence for the premises is cancelled; or
- (b) suspended—the gaming machine licence for the premises is suspended for the same period as the liquor licence is suspended.

Cancellation or suspension of gaming machine licences and letters of censure

64.(1) A ground for cancellation or suspension of a gaming machine licence arises if—

- (a) the licensee—
 - (i) ceases to use the licensed premises for the conduct of gaming; or
 - (ii) obtained the licence on false, erroneous or misleading information; or
 - (iii) acquires, installs or uses any gaming machine on the licensed premises contrary to this Act; or

Gaming Machine Act 1991

- (iv) fails to comply with any provision of part 8; or
 - (v) fails to comply with any condition to which the licence is subject under section 48; or
 - (vi) fails to forward or lodge an affidavit in accordance with section 59(2); or
- (b) the licensee or an associate of the licensee—
- (i) is convicted of an offence against this Act; or
 - (ii) fails to discharge the licensee's or associate's financial commitments, becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy; or
 - (iii) is the subject of a winding-up, either voluntarily or under a court order, appointment of a liquidator, appointment of a receiver or receiver and manager or is placed under official management and an official manager appointed under the Corporations Law; or
 - (iv) is convicted of an indictable offence, whether on indictment or summarily, punishable in the particular case by imprisonment for 1 year or more (irrespective of whether the offence is also punishable by a fine in addition, or as an alternative, to imprisonment); or
 - (v) is required to comply with any written direction given to the licensee or associate by the commission or director, and fails to comply with the direction; or
 - (vi) is required under this Act to supply information or material to the commission, the director or an inspector, and fails to supply the information or material or supplies information or material that to the knowledge of the licensee or associate is false, erroneous or misleading in a material particular; or
- (c) the director—
- (i) considers that the licensee has not made all reasonable efforts to comply with section 126; or
 - (ii) considers that the licensee has not made all reasonable efforts to enforce rules required to be enforced under

Gaming Machine Act 1991

section 105; or

- (iii) considers that the licensee or an associate of the licensee is not a fit and proper person in respect of financial stability, general reputation, character or business reputation to be a licensee or to be an associate of the licensee; or
- (iv) becomes aware of any information or matter that, had it been known when the application for the licence was being considered, the director is of the opinion that the recommendation under section 40(2) would have been that the licence be refused; or
- (v) if the licensee is a club—considers—
 - (A) that the club has ceased to be a non-proprietary club; or
 - (B) that the proceeds from the conduct of gaming are being applied in a way that does not promote the objectives of the club; or
 - (C) that payments for the rental or lease of the club's licensed premises are unreasonable; or
 - (D) if a lease, agreement or arrangement made by the club provides that a person or voluntary association of persons is entitled to receive, or may receive, a payment, benefit or advantage during, or at the end of, the lease, agreement or arrangement—that the provision is unreasonable; or
 - (E) if members of the executive, governing or management body (however described) of the club are required to be nominated, or may be nominated, by a person who is not a member of the club or by a voluntary association of persons—that this is not in the best interests of the club's members; or
 - (F) if the club does not own the club's licensed premises and an executive officer or employee of the club is also the lessor, or an associate of the lessor, of the club—that this is not in the best interests of the club's members; or
 - (G) if an executive officer or employee of the club is a

Gaming Machine Act 1991

creditor, or an associate of a creditor, of the club—that this is not in the best interests of the club’s members; or

- (H) that payments made under the club’s objects are not in the best interests of the club’s members; or
- (I) that payments made for things purchased by the club are unreasonable; or
- (J) that salaries, wages, allowances or benefits paid or payable by the club to the club’s executive officers or employees are unreasonable; or
- (K) that payments for services provided to the club are unreasonable or are on the basis of a percentage of the club’s income, profits or earnings from the conduct of gaming or spending related to the conduct of gaming.

(2) Where the director is of the opinion that any act, omission or other thing that constitutes a ground under subsection (1) is of such a serious nature that the integrity of gaming or the conduct of gaming may be jeopardised or the public interest may be adversely affected, the director must issue to the licensee a written notice to show cause why action should not be taken with respect to the gaming machine licence under this section.

(3) The director must issue a copy of the notice to any other person whom the director considers has an interest in the gaming machine licence.

(4) The notice is to set out the grounds giving rise to its issue and is to specify a date, being not earlier than 21 days after such issue, on or before which cause is required to be shown.

(5) The notice is to be in such form and contain such matters as the director thinks fit, subject to this section.

(6) Each person to whom the notice is issued may give a written answer to the director at any time not later than the date specified in the notice in that respect.

(7) Any person to whom a copy notice is issued under subsection (3) may make such written submissions to the director as the person thinks fit at any time not later than the date specified under subsection (4).

(8) The director is to consider any answers given in reply to the notice to

Gaming Machine Act 1991

show cause and any submissions made under subsection (7) and, if the director considers that—

- (a) satisfactory answers are given or submissions made in reply to or in respect of the notice, the director is not to take any action or any further action in relation to the notice; or
- (b) answers given or submissions made in reply to or in respect of the notice are not satisfactory but action to cancel or suspend the gaming machine licence is not warranted, the director may issue a letter of censure to the licensee, censuring the licensee in respect of any matter connected with or giving rise to the notice to show cause; or
- (c) answers given or submissions made in reply to or in respect of the notice are not satisfactory and further action is warranted or if no answers are given and no submissions are made, the director may—
 - (i) by written notice give such directions to the licensee as the director considers appropriate to ensure that any matter connected with or giving rise to the issue of the notice is rectified within the time specified in the notice; or
 - (ii) recommend to the commission that the gaming machine licence be cancelled or suspended.

(9) If a direction given by the director under subsection (8)(c)(i) is not complied with within the time specified in the notice, the director may recommend to the commission that the gaming machine licence be cancelled or suspended.

(10) Where the director is of the opinion that any act, omission or other thing that constitutes a ground under subsection (1) is not of such a serious nature that the integrity of gaming or the conduct of gaming may be jeopardised or the public interest may be adversely affected, the director may by letter censure the licensee in respect of any matter connected with or giving rise to the ground.

(11) Where the director makes a recommendation to the commission, the director must submit the notice to show cause and answers, any submissions made and such other information or material in the director's possession as the director considers is relevant to the recommendation.

Gaming Machine Act 1991

(12) The commission, having regard to the recommendation of the director, other matters referred to in subsection (11) and to such other information or material as the commission considers is relevant, may—

- (a) take no action with respect to the gaming machine licence if the commission considers action is not warranted; or
- (b) cause a letter of censure to be issued to the licensee in respect to any matter that the commission considers it proper to do so; or
- (c) by written notice give to the licensee any direction that the commission considers appropriate to ensure that any matter connected with or giving rise to the issue of the notice is rectified within the time specified in the notice; or
- (d) cancel the gaming machine licence or suspend the gaming machine licence for such period as the commission thinks fit.

(13) If the commission cancels or suspends a licence, the director must immediately give the licensee written notice of, and the reasons for, the cancellation or suspension.

(14) The cancellation or suspension of a licence under this section takes effect from the date of the issue of the notice under subsection (13) or from another date specified in the notice.

(15) Upon receipt of a notice of cancellation under subsection (13), the person to whom the notice is addressed must cause the licence to be delivered to the director within 14 days.

Maximum penalty—40 penalty units.

(16) The commission, having regard to any recommendation of the director in that regard, may—

- (a) cancel the suspension in respect of the unexpired period of suspension; or
- (b) reduce the period of suspension;

imposed under subsection (12)(d).

Suspension of gaming machine licence pending decision under s 64

65.(1) Where the commission, having regard to the advice of the director, is of the opinion that any act, omission or other thing that

constitutes a ground under section 64(1) is of such a serious nature that the integrity of gaming or the conduct of gaming is jeopardised or the public interest is adversely affected, the commission may suspend the gaming machine licence until any action taken, or to be taken, under section 64 is finally determined.

(2) Where the commission suspends a gaming machine licence under subsection (1), the director—

- (a) must immediately give the licensee written notice of, and the reasons for, the suspension; and
- (b) is not to take any action under section 64(8)(a), (b), (c)(i) or (10), in respect of the licence without the approval of the commission.

(3) The suspension of a gaming machine licence under this section takes effect from when the notice referred to in subsection (2) is given to the licensee or the suspension of the licence is made known to the licensee (whichever is the first to happen).

(4) Without prejudice to a suspension under subsection (1), where the commission suspends a gaming machine licence under that subsection the director is to take action under section 64 as if the director had formed the opinion referred to in section 64(2) in respect of the act, omission or other thing that constitutes the ground referred to in subsection (1).

Effect of suspension of licence

66. The suspension of a gaming machine licence under section 63, 64(12) or 65(1) has the same effect as the cancellation of the licence but without prejudice to—

- (a) any penalty or other liability incurred by the licensee; or
- (b) the exercise of the powers of the commission or the powers or authorities of the director or an inspector.

Gaming machines not to be played

67. Where a gaming machine licence is issued to a person and the licence is not in force, that person must not play, or knowingly permit any other

person to play, gaming machines provided to that person.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

Recovery of gaming machines etc.

68.(1) The cancellation, surrender or non-renewal of a gaming machine licence does not affect—

- (a) the force or effect of the conditions of licence in respect of any amounts that are payable at the time of cancellation, surrender or non-renewal or which become payable; or
- (b) the recovery of debts due under this Act to the Crown.

(2) A person who held a gaming machine licence that is cancelled or not renewed must provide all reasonable assistance to the director, or any person acting on behalf of the director, to enable the removal of any gaming equipment or ancillary or related property of the Crown from the premises to which the licence related.

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

Appointment of administrator instead of suspension

69.(1) Without derogating from section 64 or 65, the commission may, in respect of a club, instead of suspending a gaming machine licence under section 64(12) or 65(1), appoint a person to administer the affairs of the club.

(2) A person appointed under subsection (1) has, to the exclusion of any other person or body of persons, the powers of the secretary and executive officers of the club until the commission orders otherwise.

Expenses of administration

70.(1) The expenses of and incidental to the administration of the affairs of a club by a person appointed under section 69 are payable by the club.

(2) The remuneration of a person so appointed is an expense referred to in subsection (1) and is to be fixed by the commission.

Liability for losses incurred during administration

71.(1) A person appointed by the commission to administer the affairs of a club is not liable for any loss incurred by the club during the person's term of office unless the loss was attributable to the person's—

- (a) wilful misconduct; or
- (b) gross negligence; or
- (c) wilful failure to comply with any provision of this Act.

(2) Neither the Crown nor the commission is liable for any loss incurred by a club during the term of office of a person appointed under section 69 to administer the affairs of the club, whether or not the person is liable.

Continuance of licences in certain circumstances

72.(1) If, under the *Liquor Act 1992*, part 5, division 2, a person is authorised to conduct the business of a person who is a licensee under this Act, then, subject to this Act—

- (a) the licensee's gaming machine licence continues in force for the period of the authorisation; and
- (b) the first person is authorised to conduct gaming on the licensee's licensed premises for the period of the authorisation.

(2) A person authorised under subsection (1)(b)—

- (a) is subject to the same liabilities under this Act as a licensee; and
- (b) is taken, for the purposes of part 8, to be the licensee whose business the person is authorised to conduct.

PART 4—LICENSING OF REPAIRERS, SERVICE CONTRACTORS AND MACHINE MANAGERS**Unlicensed persons not to install etc. gaming equipment**

73.(1) Subject to subsection (3), a person who is not an inspector or a

licensed repairer must not install, alter, adjust, maintain or repair gaming equipment on licensed premises.

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

(2) Subject to subsection (3), a person must not—

- (a) employ or allow; or
- (b) cause another person to employ or allow;

a person who is not an inspector or a licensed repairer to install, alter, adjust, maintain or repair gaming equipment on licensed premises.

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

(3) This section does not apply to such installation, alteration, adjustment, maintenance or repair that is prescribed for the purposes of this subsection.

Unlicensed persons not to be service contractors

74.(1) A person must not enter into a service contract with a licensee, a person on behalf of a licensee or the director unless the first person is—

- (a) a licensed service contractor; or
- (b) a licensed repairer carrying on the business of a licensed repairer in the person's own right and not as a partner in a partnership.

(2) A person must not enter into an agreement with—

- (a) a licensed service contractor; or
- (b) a licensed repairer referred to in subsection (1)(b);

to subcontract from the licensed service contractor or licensed repairer a service contract unless the person is a licensed service contractor or a licensed repairer referred to in subsection (1)(b).

(3) A licensed service contractor or a licensed repairer referred to in subsection (1)(b) must not enter into an agreement with a person to subcontract to that person a service contract, unless the person is—

- (a) a licensed service contractor; or
- (b) a licensed repairer referred to in subsection (1)(b).

(4) A person who enters into an agreement referred to in subsection (2)

or (3) must not subcontract the service contract the subject of the agreement.
Maximum penalty—200 penalty units or 1 year's imprisonment.

Unlicensed persons not to be machine managers

75.(1) Subject to subsections (4) and (6), such duties as are prescribed for the purposes of this subsection must be carried out only by a licensed machine manager who is employed under subsection (3) to carry out the duties in respect of the licensee's licensed premises.

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

(2) Subject to subsections (4) and (6), a person must not—

- (a) employ or allow; or
- (b) cause another person to employ or allow;

a person who is not a licensed machine manager employed under subsection (3) in respect of the licensed premises in question to carry out the duties prescribed for the purposes of subsection (1).

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

(3) Subject to subsection (4), a licensee must ensure at all times in respect of each of the licensee's licensed premises that there are at least 2 licensed machine managers employed by the licensee to carry out the duties prescribed for the purposes of subsection (1).

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

(4) If a licensee is unable to comply with subsection (3), the licensee, with the approval of the director, may employ a sufficient number of persons (who are applicants for a machine manager's licence) so that there are at least 2 persons who are licensed machine managers or applicants for a machine manager's licence to carry out the duties prescribed for the purposes of subsection (1) in respect of each of the licensee's licensed premises.

(5) Subject to subsection (6), a licensee must ensure that at all times when gaming is being conducted on the licensee's licensed premises there is present on the premises, or readily available, at least 1 licensed machine manager employed by the licensee under subsection (3) or an applicant for a machine manager's licence employed by the licensee under subsection (4)

in respect of the premises.

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

(6) If a licensee is unable to comply with subsection (5) the licensee, with the approval of the director, may employ any person to carry out the duties prescribed for the purposes of subsection (1) for a period of 7 days.

(7) Until a licensee is able to comply with subsection (5) or obtains the director's approval under subsection (6), the licensee must cease the conduct of gaming on the licensee's licensed premises.

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

Certain persons must apply for machine manager's licence

76.(1) Where the commission, having regard to the advice of the director, considers that any person connected with, or who is an employee of, a licensee—

- (a) has the power to exercise a significant influence over the conduct of gaming by the licensee; or
- (b) because of—
 - (i) that person's remuneration or policy making position; or
 - (ii) any other criteria determined by the Minister;

exercises or is able to exercise authority of such a nature or to such an extent in respect of the conduct of gaming by the licensee as to make it desirable in the public interest that that person be a licensed machine manager;

the commission, by written notice, must require that person to apply for a machine manager's licence within 7 days after the receipt by that person of the notice.

(2) The commission must cause a copy of the notice to be served on the licensee.

(3) A person who fails within 7 days to comply with a notice under subsection (1) and continues to be connected or employed as referred to in subsection (1) commits an offence against this Act.

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

(4) Where a person fails within 7 days to comply with a notice under subsection (1) and continues to be connected or employed as referred to in subsection (1), the commission must cause a written notice of the failure to be served on the licensee.

(5) The licensee immediately a notice under subsection (4) is served, despite any other Act or law or any industrial award or agreement, must terminate the connection with or employment of the person.

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

(6) If the commission refuses to grant an application made by a person referred to in subsection (1)—

- (a) that person, on receipt of notification of the refusal, must cease to be connected or employed as referred to in subsection (1); and
- (b) the licensee, on receipt of the notification of the refusal, must terminate the connection or employment.

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

(7) A licensee does not incur any liability in respect of the termination under this section of any connection or employment referred to in subsection (1).

Applications for licences under this part

77.(1) An application for the grant of a repairer's, service contractor's or machine manager's licence—

- (a) is to be made in the approved form; and
- (b) in the case of an application by a natural person—is to be signed by the applicant; and
- (c) in the case of an application by a body corporate—is to be—
 - (i) executed under the common seal of the body corporate and signed by 2 executive officers of the body corporate authorised in that behalf by the body corporate; or
 - (ii) where the director considers that subparagraph (i) cannot reasonably be complied with, executed or signed in such other way as the director allows; and

Gaming Machine Act 1991

- (d) is to state the full name, address and date of birth—
 - (i) in the case of an application by a natural person—of the applicant; and
 - (ii) in the case of an application by a body corporate—of the secretary and each executive officer of the body corporate; and
- (e) in the case of an application for a repairer's or machine manager's licence—is to be accompanied by photographs of the applicant, of such type and number as are determined by the director and certified in such way as is so determined; and
- (f) in the case of an application by a body corporate—is to be accompanied by—
 - (i) a copy of the certificate of incorporation of the body corporate; and
 - (ii) a copy of the memorandum and articles of association, rules, constitution or other incorporating documents in force at the time of making the application certified as a true copy by the secretary of the body corporate or other person properly authorised in that behalf by the body corporate; and
 - (iii) a copy of the resolution or minute of the proceedings of the governing body of the body corporate by which approval was given to the making of the application, certified as a true copy by the person certifying the copy of the matters referred to in subparagraph (ii); and
 - (iv) a copy of the last audited balance sheet or statement of the financial affairs of the body corporate; and
- (g) in the case of an application for a repairer's or service contractor's licence—is to be accompanied by an affidavit under section 89; and
- (h) is to contain or be accompanied by such other information, records, reports, documents and writings relating to the application and applicant as are determined by the director; and
- (i) is to be forwarded to or lodged with the director; and
- (j) is to be accompanied by the fee prescribed.

(2) It is a condition precedent to consideration of an application for a repairer's or machine manager's licence that the applicant is agreeable to the applicant's fingerprints and palm prints being taken by or on behalf of the director.

Changes in circumstances of applicants for and holders of licences

78.(1) If a person applies for a licence under this part and, before the application is granted or refused, a change happens in any information contained in, or accompanying, the application or in a notice given under this subsection, the applicant must, within 7 days of the change, give the director written notice of the change.

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

(2) If, after the grant of a licence under this part, an event mentioned in subsection (3) happens, the holder of the licence must, within 7 days of the happening of the event, give the director written notice of the event.

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

(3) The events required to be notified by the holder of the licence are—

- (a) the holder of the licence changes name or address; or
- (b) the holder of the licence—
 - (i) is convicted of an offence against this Act; or
 - (ii) if the holder is an individual—fails to discharge the holder's financial commitments, becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws about bankruptcy; or
 - (iii) if the holder is a body corporate—is the subject of a winding-up (whether voluntarily or under a court order), appointment of a liquidator, appointment of a receiver or receiver and manager, or is placed under official management and an official manager appointed under the Corporations Law; or
 - (iv) is convicted of an indictable offence (whether on indictment or summarily) punishable in the particular case 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).

Consideration of applications

79.(1) Upon receipt of an application for a licence under this part, and compliance by the applicant with this part in relation to the application, the director must—

- (a) if the application is for a repairer's or machine manager's licence—cause the fingerprints and palm prints of the applicant to be taken; and
- (b) initiate and have followed through such investigations as the director considers are necessary in relation to the application; and
- (c) consider the application and anything accompanying it together with the results of investigations made under paragraph (b) and make an assessment of—
 - (i) if the applicant is a natural person—the financial stability, general reputation and character of the applicant; and
 - (ii) if the applicant is a body corporate—the business reputation and financial stability of the body corporate and the general reputation, financial stability and character of the secretary and executive officers of the body corporate; and
 - (iii) if any person is mentioned in an affidavit under section 89—the suitability of that person to be an associate of the applicant; and
 - (iv) if the director considers it appropriate, the suitability of any other associate of the applicant to be an associate of the applicant; and
 - (v) the suitability of the applicant to be a holder of the licence for which application is made.

(2) The director must make a recommendation to the commission that a licence under this part be granted or refused.

(3) The director is not to recommend that a licence be granted if—

- (a) if the applicant is an individual—

Gaming Machine Act 1991

- (i) the applicant is not 18; or
- (ii) the applicant has failed to have fingerprints and palm prints taken under subsection (1)(a) or section 77(2);
- (b) in the case of an application by a body corporate—the secretary or any of the executive officers of the body corporate has not attained the age of 18 years;
- (c) the applicant, or an associate of the applicant, has failed to submit information or material required by the director or the commission under subsection (4).

(4) The director or commission may require the applicant, or any associate of the applicant, to submit such additional information or material as the director or the commission considers is necessary in order to make a recommendation or decision.

(5) Any such additional information or material is to be considered in making the recommendation or decision.

(6) Where—

- (a) an application for a repairer's or machine manager's licence is refused; or
- (b) a person ceases to be a licensed repairer or licensed machine manager;

any fingerprints and palm prints of the applicant or person taken under subsection (1)(a), in respect of that application or licence, are to be destroyed as soon as practicable.

Commission may grant or refuse to grant licences

80.(1) The commission, having regard to the recommendation of the director and to such other information or material as the commission considers is relevant, may grant or refuse to grant licences under this part.

- (2) The director must immediately give the applicant written notice of—
 - (a) the commission's decision; and
 - (b) if the application is refused—the reasons for the refusal.
- (3) Where the director grants an approval under section 75(4), the

director is to give a copy of the notification under subsection (2) to the licensee to whom the approval was granted.

Issue of licences

81.(1) Where the commission grants a licence under this part, the director must issue the licence.

(2) The licence is to be in the approved form for the licence in question and is to—

- (a) specify the name of the holder of the licence; and
- (b) in the case of a repairer's licence or machine manager's licence—show on the licence the photograph of the holder of the licence; and
- (c) specify the expiry date of the licence; and
- (d) specify any conditions imposed under section 84.

Issue of copy licence

82.(1) Where the director is satisfied that a licence under this part that is in force has been damaged, lost or destroyed, the director, upon payment of the fee prescribed, may issue to the holder of the licence a copy of the licence.

(2) A copy of a licence issued under subsection (1), for all purposes, has the same effect as the original licence of which it is a copy.

Term of licences

83.(1) Subject to this Act, a licence under this part remains in force for 2 years from the date of issue of the licence.

(2) A licence under this part may be renewed.

Conditions of licences

84. A licence under this part is subject to such conditions (including any variation of the conditions made under section 85) as the commission may

impose in the public interest or for the proper conduct of gaming at the time of granting the licence or under section 85.

Variation of conditions imposed on a licence

85.(1) Where the commission in the public interest or for the proper conduct of gaming, at any time after granting a licence under this part, considers that—

- (a) the imposition of conditions or further conditions on the licence;
or
- (b) a variation to the conditions imposed on the licence under section 84 or paragraph (a) of this subsection;

is warranted, the commission may impose the conditions or further conditions or vary the conditions.

(2) If the commission imposes or varies conditions under subsection (1), the director must immediately give the holder of the licence written notice of—

- (a) the conditions or varied conditions; and
- (b) reasons for the imposition or variation.

(3) Any imposition of or variation to conditions under this section has effect from the date specified for the purpose in the notice given under subsection (2).

(4) Upon being given a notice under subsection (2), the holder of the licence to whom the notice relates must cause the licence to be delivered to the director within 14 days.

Maximum penalty—40 penalty units.

(5) After endorsing the licence, the director is to return it to the holder of the licence.

Renewal and continuance of licences

86.(1) A holder of a licence under this part may apply to the director for renewal of the licence.

- (2)** Application under subsection (1)—

Gaming Machine Act 1991

- (a) is to be in the approved form; and
- (b) in the case of a repairer's or machine manager's licence—is to be accompanied by photographs of the applicant, of such type and number as are required under the form; and
- (c) is to be accompanied by the fee prescribed; and
- (d) is to be made, unless the director otherwise allows, at least 1 month before the expiration of the licence; and
- (e) in the case of an application by a body corporate—is to be accompanied by a list of the names, addresses and dates of birth of—
 - (i) the secretary of the body corporate; and
 - (ii) the executive officers of the body corporate; and
 - (iii) all other persons who have been the secretary or an executive officer of the body corporate since the licence was granted or last renewed; and
- (f) in the case of a repairer's or service contractor's licence—is to be accompanied by an affidavit under section 89.

(3) If the director considers that special circumstances exist, the director may extend the term of a licence under this part, or renewal of the licence, for 1 month from the date of its expiration to allow the holder of the licence to comply with this section.

(4) During the period of extension, the licence has the same effect as if it had been renewed.

(5) If a licensee complies with this section, the director must renew the licence for 2 years starting on—

- (a) the day after its last expiry; or
- (b) the day it would have last expired apart from its extension under subsection (3).

(6) If an application under subsection (1) is refused, the director must immediately give the applicant written notice of, and the reasons for, the decision.

Licences not to be transferred

87. A licence under this part is not to be transferred.

Display of repairer's licence

88. A licensed repairer must at all times whilst installing, altering, adjusting, maintaining or repairing gaming equipment on licensed premises display the licensed repairer's licence currently in force on the licensed repairer's person in such way as to be visible to other persons unless the licence at any material time is in the possession of the director.

Maximum penalty—40 penalty units.

Disclosure of influential or benefiting parties

89.(1) At the time of making an application for—

- (a) a repairer's or service contractor's licence—the applicant; or
- (b) a renewal of a repairer's or service contractor's licence—the licensed repairer or licensed service contractor;

must forward to or lodge with the director an affidavit made under this section.

(2) An applicant or a licensed repairer or licensed service contractor who undergoes any change in circumstances in relation to information contained in the last affidavit forwarded or lodged under this section by the applicant or holder of the licence must, within 7 days of the change, forward to or lodge with the director a fresh affidavit made under this section.

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

(3) An affidavit under this section is to be made by—

- (a) in the case of any applicant for or holder of the licence being a natural person—that person; or
- (b) in the case of any applicant for or holder of the licence being a body corporate—
 - (i) the principal executive officer of the body corporate; or
 - (ii) if that officer does not have knowledge of the facts—some

Gaming Machine Act 1991

other person who has knowledge of the facts and who is authorised by the body corporate to make the affidavit.

(4) An affidavit under this section is to be in the approved form and must disclose—

(a) whether or not there is any person (other than, where the applicant or holder of the licence is a body corporate, the secretary, an executive officer, a member or shareholder of the body corporate carrying out the duties or exercising the normal rights the person has as such secretary, executive officer, member or shareholder) who will by any lease, agreement or arrangement be able to influence any decision made—

(i) in the case of the applicant or holder of the licence being a natural person—by that person; or

(ii) in the case of the applicant or holder of the licence being a body corporate—by the body corporate or the secretary or an executive officer of the body corporate;

in relation to the performance of the general functions that are, or are to be, permitted by the licence; and

(b) whether or not there is any person other than the applicant or holder of the licence who by any lease, agreement or arrangement may expect any benefit from the applicant or holder in relation to the performance of the general functions that are, or are to be, permitted by the licence; and

(c) if there is any person able to influence as referred to in paragraph (a) or expect benefit as referred to in paragraph (b)—

(i) where any such person is a natural person—the person's full name, address and date of birth; and

(ii) where any such person is a body corporate—the name of the body corporate and the full name, address and date of birth of the secretary and each executive officer of the body corporate; and

(iii) full and correct particulars of the lease, agreement or arrangement; and

(d) in the case of the applicant or holder of the licence being a body

corporate—the names of all persons who are substantial shareholders of the body corporate under the Corporations Law, section 708.

(5) Despite subsection (4), an affidavit under this section need not disclose anything that is prescribed for the purposes of this subsection.

Investigations of holders of licences and associates

90.(1) At any time while a licence under this part is in force, the director may cause to be undertaken such investigations as the director considers are necessary in order to be satisfied that the holder of the licence, or any associate of the holder, is a suitable person to be a holder of a licence under this part or an associate of the holder.

(2) The director may, either verbally or by written notice, require any person, to whom investigations under subsection (1) relate, to submit such information or material as the director considers is necessary.

(3) The person must comply with the requirement of the director under subsection (2).

Maximum penalty for subsection (3)—200 penalty units or 1 year's imprisonment.

Cessation or commencement of executive officer or secretary

91. A licensed service contractor that is a body corporate must notify the director in the approved form—

- (a) that a person has ceased to be the secretary or an executive officer of the body corporate; and
- (b) that a person has started as the secretary or an executive officer of the body corporate; and
- (c) the full name, address and date of birth of any person referred to in paragraph (b);

within 7 days of ceasing or starting.

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

Notifications re employment and agreements

92.(1) In this section—

“employer” means a licensee, licensed repairer or licensed service contractor.

(2) An employer—

- (a) within 7 days of being granted the licence; and
- (b) each time application for renewal of the licence is made;

must notify the director in the approved form of the names, and licence numbers under this Act, of all persons employed by the employer as licensed repairers at the time of making the notification.

Maximum penalty—40 penalty units.

(3) An employer within 7 days—

- (a) of starting to employ a person as a licensed repairer; or
- (b) of such a person ceasing to be employed by the employer as a licensed repairer;

must notify the director in the form determined by the director of the name, and licence number under this Act, of that person together with the names, and licence numbers under this Act, of all other persons employed by the employer as licensed repairers at the time of making the notification.

Maximum penalty—40 penalty units.

(4) An employer—

- (a) within 7 days of being granted the licence; and
- (b) each time application for renewal of the licence is made;

must notify the director in the form determined by the director of the name, and licence number under this Act, of all other persons with whom the employer has a service contract at the time of making the notification.

Maximum penalty—40 penalty units.

(5) An employer within 7 days of the making, or termination, of a service contract must notify the director in the form determined by the director of the name, and licence number under this Act, of the other party to the service contract together with the name and licence numbers under

Gaming Machine Act 1991

this Act, of all other persons with whom the employer has service contracts at the time of making the notification.

Maximum penalty—40 penalty units.

(6) A licensee—

- (a) within 7 days of being granted the licence; and
- (b) each time application for renewal of the licence is made;

must notify the director in the form determined by the director of—

- (c) the names and licence numbers under this Act of all licensed machine managers who are employed under section 75(3) in respect of the licensee's licensed premises in question at the time of making the notification; and
- (d) the names of all persons who are applicants for a machine manager's licence, who are employed under section 75(4) in respect of the licensee's licensed premises in question at the time of making the notification.

Maximum penalty—40 penalty units.

(7) A licensee within 7 days of—

- (a) employing a licensed machine manager under section 75(3); or
- (b) any person ceasing to be employed by the licensee under section 75(3) or 75(4);

must notify the director in the form determined by the director of—

- (c) the name of that licensed machine manager or person and the licence number under this Act of that licensed machine manager; and
- (d) the name and licence number under this Act, of all other licensed machine managers who are employed under section 75(3) in respect of the licensee's licensed premises in question at the time of making the notification; and
- (e) the names of all other persons who are applicants for a machine manager's licence who are employed under section 75(4) in respect of the licensee's licensed premises in question at the time of making the notification.

Maximum penalty—40 penalty units.

(8) If it becomes known to an employer that a person employed by the employer as a licensed repairer is not a licensed repairer the employer must immediately terminate the employment of that person as a licensed repairer.

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

(9) If it becomes known to the director or a licensee that a person with whom the director or licensee has made a service contract is not a licensed repairer or licensed service contractor the director or licensee must immediately terminate the service contract.

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

(10) If it becomes known to a licensed repairer or licensed service contractor that a person (other than the director or a licensee) with whom the repairer or service contractor has made a service contract is not a licensed repairer or licensed service contractor the licensed repairer or licensed service contractor must immediately terminate the service contract.

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

(11) If it becomes known to a licensee that—

- (a) a person employed by the licensee under section 75(3) is not a licensed machine manager; or
- (b) the application of a person employed by the licensee under section 75(4) has been refused;

the licensee must immediately terminate the employment under section 75(3) or (4).

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

(12) The provisions of subsection (8), (9), (10) or (11) is sufficient authority to terminate the employment or service contract referred to in that subsection, despite any other Act or law or any industrial award or agreement.

(13) No right of action arises against any person because of that termination.

Surrender of licences

93.(1) The holder of a licence under this part, at any time, by forwarding to or lodging with the director notification in the approved form, and the licence under this part, may surrender the licence.

(2) The notification is to be signed or executed in the same way as that specified for an application made under section 77(1)(b) or (c).

Cancellation or suspension of licences under this part

94.(1) A ground for cancellation or suspension of a licence under this part arises if—

- (a) the holder of the licence—
 - (i) obtained the licence on false, erroneous or misleading information; or
 - (ii) fails to comply with any condition to which the licence is subject under section 84; or
 - (iii) fails to forward or lodge an affidavit in accordance with section 89(2); or
- (b) the holder of the licence or an associate of the holder—
 - (i) is convicted of an offence against this Act; or
 - (ii) fails to discharge the holder's or associate's financial commitments, becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy; or
 - (iii) is the subject of a winding-up, either voluntarily or under a court order, appointment of a liquidator, appointment of a receiver or receiver and manager or is placed under official management and an official manager appointed under the Corporations Law; or
 - (iv) is convicted of an indictable offence, whether on indictment or summarily, punishable in the particular case by imprisonment for 1 year or more (irrespective of whether the offence is also punishable by a fine in addition, or as an alternative, to imprisonment); or

Gaming Machine Act 1991

- (v) is required to comply with any written direction given to the holder or associate by the commission or director, and fails to comply with the direction; or
 - (vi) is required under this Act to supply information or material to the commission, the director or an inspector, and fails to supply the information or material or supplies information or material that to the knowledge of the holder or associate is false, erroneous or misleading in a material particular; or
- (c) the director—
- (i) considers that the holder of the licence or an associate of the holder is not a fit and proper person in respect of financial stability, general reputation, character or business reputation to be a holder of a licence or to be an associate of the holder of a licence; or
 - (ii) becomes aware of any information or matter that, had it been known when the application for the licence was being considered, the director is of the opinion that the recommendation under section 79(1) would have been that the licence be refused.

(2) Where the director is of the opinion that any act, omission or other thing that constitutes a ground under subsection (1) is of such a serious nature that the integrity of gaming or the conduct of gaming may be jeopardised or the public interest may be adversely affected, the director must issue to the holder of the licence a written notice to show cause why action should not be taken with respect to the licence under this section.

(3) The director must issue a copy of the notice to any other person whom the director considers has an interest in the licence.

(4) The notice is to set out the grounds giving rise to its issue and is to specify a date, being not earlier than 21 days after such issue, on or before which cause is required to be shown.

(5) The notice is to be in such form and contain such matters as the director thinks fit, subject to this section.

(6) Each person to whom the notice is issued may give a written answer to the director at any time not later than the date specified in the notice in that respect.

(7) Any person to whom a copy notice is issued under subsection (3) may make such written submissions to the director as the person thinks fit at any time not later than the date specified under subsection (4).

(8) The director is to consider any answers given in reply to the notice to show cause and any submissions made under subsection (7) and, if the director considers that—

- (a) satisfactory answers are given or submissions made in reply to or in respect of the notice, the director is not to take any action or any further action in relation to the notice; or
- (b) answers given or submissions made in reply to or in respect of the notice are not satisfactory but action to cancel or suspend the licence is not warranted, the director may issue a letter of censure to the holder of the licence, censuring the holder of the licence in respect of any matter connected with or giving rise to the notice to show cause; or
- (c) answers given or submissions made in reply to or in respect of the notice are not satisfactory and further action is warranted or if no answers are given and no submissions are made, the director may—
 - (i) by written notice give such directions to the holder of the licence as the director considers appropriate to ensure that any matter connected with or giving rise to the issue of the notice is rectified within the time specified in the notice; or
 - (ii) recommend to the commission that the licence be cancelled or suspended.

(9) If a direction given by the director under subsection (8)(c)(i) is not complied with within the time specified in the notice, the director may recommend to the commission that the licence be cancelled or suspended.

(10) Where the director is of the opinion that any act, omission or other thing that constitutes a ground under subsection (1) is not of such a serious nature that the integrity of gaming or the conduct of gaming may be jeopardised or the public interest may be adversely affected, the director may by letter censure the holder of the licence in respect of any matter connected with or giving rise to the ground.

(11) Where the director makes a recommendation to the commission, the

Gaming Machine Act 1991

director must submit the notice to show cause and answers, any submissions made and such other information or material in the director's possession as the director considers is relevant to the recommendation.

(12) The commission, having regard to the recommendation of the director, other matters referred to in subsection (11) and to such other information or material as the commission considers is relevant, may—

- (a) take no action with respect to the licence if the commission considers action is not warranted; or
- (b) cause a letter of censure to be issued to the holder of the licence in respect to any matter that the commission considers it proper to do so; or
- (c) by written notice give to the holder of the licence any direction that the commission considers appropriate to ensure that any matter connected with or giving rise to the issue of the notice is rectified within the time specified in the notice; or
- (d) cancel the licence or suspend the licence for such period as the commission thinks fit.

(13) If the commission cancels or suspends a licence, the director must immediately give the applicant written notice of, and the reasons for, the cancellation or suspension.

(14) The cancellation or suspension of a licence under this section takes effect from the date of the issue of the notice under subsection (13) or from another date specified in the notice.

(15) Upon receipt of a notice of cancellation under subsection (13), the person to whom the notice is addressed must cause the licence to be delivered to the director within 14 days.

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

(16) The commission, at any time, having regard to any recommendation of the director in that regard, may—

- (a) cancel the suspension in respect of the unexpired period of suspension; or
- (b) reduce the period of suspension;

imposed under subsection (12)(d).

Suspension of licences pending decision under s 94

95.(1) Where the commission, having regard to the advice of the director, is of the opinion that any act, omission or other thing that constitutes a ground under section 94(1) is of such a serious nature that the integrity of gaming or the conduct of gaming is jeopardised or the public interest is adversely affected, the commission may suspend a licence under this part until any action taken, or to be taken, under section 94 is finally determined.

(2) Where the commission suspends a licence under subsection (1), the director—

- (a) must immediately give the holder of the licence written notice of, and the reasons for, the suspension; and
- (b) is not to take any action under section 94(8)(a), (b) or (c)(i) or (10) in respect of the licence without the approval of the commission.

(3) The suspension of a licence under this section takes effect from when the notice referred to in subsection (2) is given to the holder of the licence or the suspension of the licence is made known to the holder of the licence (whichever is the first to happen).

(4) Without prejudice to a suspension under subsection (1), where the commission suspends a licence under that subsection the director is to take action under section 94 as if the director had formed the opinion referred to in section 94(2) in respect of the act, omission or other thing that constitutes the ground referred to in subsection (1).

Effect of suspension of licence

96. The suspension under section 94(12) or 95(1) of a licence under this part has the same effect as the cancellation of the licence but without prejudice to—

- (a) any penal or other liability incurred by the holder of the licence; or
- (b) the exercise of the powers of the commission or the powers or authorities of the director or an inspector.

Provisional licences

97.(1) The commission may grant to an applicant for a licence under this part a provisional licence if the commission considers that—

- (a) a decision in respect of the application may not be made for some time; and
- (b) the conduct of gaming may be prejudiced or disadvantaged if the applicant is not granted a provisional licence; and
- (c) the issue of the provisional licence will not prejudice or disadvantage gaming or the conduct of gaming.

(2) The commission may impose on a provisional licence such conditions as the commission considers are necessary in the public interest.

(3) Where the commission grants a provisional licence, the director must issue the licence in the approved form and endorse on the licence any conditions imposed under subsection (2).

(4) A provisional licence remains in force until—

- (a) a repairer's licence, service contractor's licence or machine manager's licence is granted and issued or the commission refuses to grant the licence; or
- (b) it is surrendered by its holder; or
- (c) it is cancelled by the commission.

(5) The commission, at any time, may cancel a provisional licence granted under subsection (1).

(6) No right of action arises against the commission or any other person because of a decision under subsection (5) in respect of the termination of employment or otherwise.

(7) A provisional licence while it remains in force and subject to conditions imposed under subsection (2) has the same effect as if it were a repairer's licence, service contractor's licence or machine manager's licence.

PART 5—SUPERVISION AND MANAGEMENT OF GAMING

Installation and storage of gaming machines

98.(1) Subject to subsection (2), a licensee must install a gaming machine provided to the licensee under section 54 or 55 in a gaming machine area on the licensee's licensed premises.

(2) A licensee must cause any gaming machine that is provided to the licensee that is not installed in a gaming machine area to be stored in a room approved by the director and secured in such way as is so approved.

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

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

99.(1) Subject to subsection (2), a person who plays or allows another person to play a gaming machine—

- (a) that is provided by the director to a licensee; and
- (b) that is not installed in a gaming machine area;

commits an offence against this Act.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(2) Subsection (1) does not apply to a licensed repairer who plays a gaming machine—

- (a) that is provided to a licensee; and
- (b) that is not installed in a gaming machine area;

in the course of altering, adjusting, maintaining, repairing or testing the gaming machine.

(3) Where winnings become payable because of playing a gaming machine as authorised by subsection (2), those winnings remain the property of the licensee in question and are not payable to any person.

Gaming equipment not to be an annoyance etc.

100.(1) A licensee must not locate, or allow to be located, gaming equipment on the licensee's licensed premises in such a way as to be an annoyance due to the location of the gaming equipment, the noise generated by the operation of the equipment or for any other reason.

Maximum penalty—40 penalty units.

(2) A listed person or licensee must not allow any gaming equipment to convey or exhibit—

- (a) any false, misleading, rude or offensive message; or
- (b) excessive or unnecessary advertising by—
 - (i) any words, whether written or spoken; or
 - (ii) a pictorial representation or design; or
 - (iii) any other way.

Maximum penalty—40 penalty units.

(3) Other than as may be provided by the game of a gaming machine or any arrangement or system approved under section 149, a person must not—

- (a) do or omit to do anything on licensed premises that unfairly or unreasonably entices players to play a particular gaming machine in preference to others; or
- (b) conduct or allow to be conducted any promotional activity that entices a person to play or rewards a person for playing gaming machines unless the rewards or prizes provided by the activity are not related to a particular gaming machine a person must play in order to be entitled to the rewards or prizes.

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

(4) Where, in the opinion of an inspector, a contravention of this section is being or has been committed, the director may, instead of instituting or authorising the institution of proceedings for an offence against subsection (1), (2) or (3), by written notice, direct the listed person, licensee or person—

- (a) to do or cease doing anything that constitutes the contravention; or

- (b) not to again do or omit to do anything that constituted the contravention.

(5) A listed person, licensee or person who fails to comply with a direction given under subsection (4) commits an offence against this Act.

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

Installation of electronic monitoring systems

101.(1) Subject to subsection (2), a licensee must not on the licensee's licensed premises, without the approval of the director, install or operate or cause or allow to be installed or operated, any electronic monitoring system or centralised credit system.

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

(2) The director may—

- (a) install on licensed premises an electronic monitoring system; and
(b) modify or cause the modification of the system.

(3) A licensee must permit such works and actions, by the director or any person acting on behalf of the director, on any place under the control of the licensee as are necessary to facilitate the installation, alteration, adjustment, maintenance, repair or continued effective operation of an electronic monitoring system installed on the licensee's licensed premises under subsection (2).

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

(4) A licensee must, at the licensee's expense, provide—

- (a) locations, to the satisfaction of the director, for the installation of equipment connected with; and
(b) any electricity or other operating requirements of;

an electronic monitoring system installed on the licensee's licensed premises under subsection (2).

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

(5) A licensee must, at the licensee's expense, provide the director, continuous, free and unfettered access to—

- (a) any data held in or available from; and
- (b) the operation of;

an electronic monitoring system approved under subsection (1) or installed under subsection (2).

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

Maintenance of facilities etc.

102.(1) A licensee must—

- (a) ensure that the operation of gaming machines on the licensee's licensed premises is conducted in such way as, in the opinion of the director, is proper and competent; and
- (b) ensure that anything forming part of a gaming machine that is visible without opening the machine is maintained in good order and is not defaced or altered in any way; and
- (c) maintain all facilities and amenities on the licensee's licensed premises that are related to gaming in such condition as will provide maximum safety and comfort for persons on the premises; and
- (d) ensure that all installations, equipment and procedures for security and safety purposes are used, operated and applied for the preservation and maintenance of those purposes.

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

(2) A licensee must not—

- (a) employ or allow; or
- (b) cause or allow any other person to employ or allow;

any barker or shill to entice any person to play gaming machines on the licensee's licensed premises.

Maximum penalty—40 penalty units.

Hours of gaming

103. A licensee must not conduct gaming, or allow gaming to be

conducted, in any part of the licensee's licensed premises—

- (a) when, under the liquor licence relating to the premises, liquor is not permitted to be consumed in the part of the premises; or
- (b) when the licensee or an employee of the licensee is not in the part of the premises to supervise gaming; or
- (c) during a period prescribed for the purposes of this section.

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

Rules ancillary to gaming

104.(1) Activities ancillary to gaming are subject to rules known as rules ancillary to gaming.

(2) The rules ancillary to gaming for licensed premises are—

- (a) such rules ancillary to gaming as are prescribed; or
- (b) those rules as amended, added to, repealed or substituted under subsection (3).

(3) The director may and a licensee, with the approval of the director, in respect of the licensee's licensed premises, may—

- (a) amend, add to or repeal; or
- (b) substitute a rule or other rules for;

a rule or the rules prescribed under subsection (2) or such rules as amended or added to, or any rule or rules substituted for the rule or rules, under this subsection.

(4) Where the director takes action under subsection (3) (other than by way of approval), the director by written notice, must advise the licensee accordingly.

(5) Any amendment, addition, repeal or substitution made under subsection (3) takes effect from the date specified for the purpose in the director's written notice or approval.

(6) If the Governor in Council repeals all the rules ancillary to gaming and substitutes fresh rules, any notice or approval given under subsection (3) that is in force is revoked.

Rules ancillary to gaming to be displayed and enforced

105. A licensee, when gaming is being conducted on the licensee's licensed premises, must cause the rules ancillary to gaming that are, at that time, the rules for the licensed premises—

- (a) to be prominently displayed at each place on the licensed premises where the sale or redemption of gaming tokens or any centralised credit transaction is carried out; and
- (b) to be enforced.

Maximum penalty—40 penalty units.

Licensees not to extend credit

106. A licensee must not make a loan or extend credit in any form, to any person to enable that person or any other person to play a gaming machine on the licensee's licensed premises.

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

Gaming tokens

107.(1) A licensee in conducting gaming on the licensee's licensed premises must only use gaming tokens.

(2) A licensee must cause all transactions, in respect of the sale or redemption of gaming tokens on the licensee's licensed premises, to be carried out in such way as ensures the integrity of the transactions.

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

Gaming tokens that are not Australian currency

108.(1) This section does not apply to a gaming token that—

- (a) has no value marked on the gaming token; and
- (b) forms part of a centralised credit system approved under section 101(1).

(2) Where a person is a licensee who conducts gaming by the use of gaming tokens that are not Australian currency, that person, at all reasonable

times, must—

- (a) during the time the person is a licensee; and
- (b) for 1 year after the person ceases to be a licensee;

redeem the gaming token for the value that is marked on the gaming token.

(3) A licensee must not sell for the purpose of gaming any gaming token that is not Australian currency unless—

- (a) the gaming token is approved by the director for use on the licensee's licensed premises; and
- (b) the value (in Australian currency) that the gaming token represents for the purpose of gaming on the licensee's licensed premises is approved by the director; and
- (c) the gaming token is of the physical characteristics approved by the director; and
- (d) there is marked on the gaming token, in such a way as is approved by the director—
 - (i) the value approved under paragraph (b); and
 - (ii) the name of the licensee or a symbol, approved by the director, that clearly identifies the licensee from all other licensees; and
 - (iii) the name of the licensed premises or a symbol, approved by the director, that clearly identifies the licensed premises from all other licensed premises; and
- (e) the gaming token is in good condition.

(4) Before placing an order to purchase gaming tokens that are not Australian currency with a manufacturer of gaming tokens, a licensee must obtain from the director approval for the purchase of the gaming tokens.

(5) A manufacturer of gaming tokens must not accept an order to manufacture, or manufacture, gaming tokens that are not Australian currency unless there is produced to the manufacturer an approval given under subsection (4) in respect of the gaming tokens.

(6) A licensee, except in the genuine redemption of gaming tokens, must not purchase gaming tokens that are not Australian currency from any

person who is not a manufacturer of gaming tokens approved by the director.

(7) A licensee must keep, and at all times accurately maintain, a written inventory of gaming tokens that are not Australian currency purchased from a manufacturer of gaming tokens.

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

Payments in connection with gaming

109.(1) A licensee must make a payment in connection with—

- (a) the payment of winnings or gaming machine credits (other than payments made by a gaming machine); or
- (b) the redemption of gaming tokens;

with Australian currency unless the payment—

- (c) is required to be made in another way—
 - (i) that is prescribed; or
 - (ii) in accordance with the rules for the licensee's licensed premises required to be displayed and enforced under section 105; or
- (d) is to be made under subsection (2).

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

(2) A licensee, if requested by a person entitled to a payment referred to in subsection (1) (other than a payment to which subsection (1)(c) applies) and if the licensee thinks fit to do so, may make the payment by—

- (a) gaming tokens (other than Australian currency); or
- (b) a cheque; or
- (c) a combination of Australian currency, gaming tokens (other than Australian currency) and a cheque.

Entitlement of players

110. A licensee must ensure that a person who plays a gaming machine installed on the licensee's licensed premises is paid (whether by way of

gaming tokens (other than Australian currency), Australian currency or cheque) the amount to which the person is entitled calculated in the way prescribed.

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

Malfunction of gaming machines

111.(1) A machine manager may refuse—

- (a) to make payment; or
- (b) to allow payment to be made;

to a person in respect of a bet made, or gaming machine credits accumulated, on a gaming machine installed on licensed premises in respect of which he or she is machine manager, where the machine manager is satisfied that the gaming machine failed to function in the way in which it was designed and programmed to function.

(2) Subsection (1) applies irrespective of the reason for the failure of the gaming machine to function in the way in which it was designed and programmed to function.

(3) A machine manager who refuses to make or allow payment under subsection (1) must—

- (a) not allow, other than for testing purposes, the gaming machine to be played until it is functioning in the way in which it was designed and programmed to function; and
- (b) as soon as practicable forward to the director a report in the approved form in respect of the refusal; and
- (c) give the licensee a copy of the report referred to in paragraph (b).

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

(4) A licensee—

- (a) may, on review of the copy of the report referred to in subsection (3); or
- (b) must, if so directed by the director;

overrule a refusal referred to in subsection (1) and make the payment that has been refused.

Maximum penalty for subsection (4)(b)—200 penalty units or 1 year’s imprisonment.

(5) Nothing in this section operates so as to prejudice or affect any other right or remedy of any person.

Defective gaming machines not allowed

112.(1) In this section—

“licensee” includes—

- (a) a machine manager in respect of the licensed premises in question; and
- (b) if the licensee is a body corporate—the secretary or any executive officer of the body corporate; and
- (c) any person employed by the licensee who may be required by the licensee to—
 - (i) supervise gaming; or
 - (ii) attend to gaming machines; or
 - (iii) sell or redeem gaming tokens; or
 - (iv) carry out centralised credit transactions;on the licensee’s licensed premises in question.

(2) A licensee must not allow, other than for testing purposes, a gaming machine—

- (a) that is installed on the licensee’s licensed premises; and
- (b) that does not function in the way in which it was designed and programmed to function;

to be played until it is functioning in the way in which it was designed and programmed to function.

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

(3) It is a defence to a prosecution for an offence against subsection (2) for the defendant to prove that the defendant—

- (a) had taken all reasonable precautions to ensure that the gaming

machine was functioning in the way in which it was designed and programmed to function; and

- (b) at the time of the alleged offence did not know, and ought not to have known, that the gaming machine was not functioning in the way in which it was designed and programmed to function.

Security of keys etc.

113.(1) A licensee must ensure that all keys and other devices related to the security of gaming equipment on the licensee's licensed premises are kept, stored, secured, possessed and used in accordance with requirements prescribed in relation to the keys or other devices.

(2) A person must not possess or use any key or other device referred to in subsection (1) unless the possession or use is—

- (a) permitted by; and
(b) in accordance with;

requirements prescribed in relation to the key or other device.

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

Certain persons only to have access etc. to gaming machines

114. A person must not, in relation to a gaming machine on licensed premises—

- (a) open the gaming machine; or
(b) check gaming tokens contained inside the gaming machine; or
(c) remove gaming tokens from the cabinet or drop box of the gaming machine; or
(d) place gaming tokens into the gaming machine (other than for the purpose of playing a game upon the gaming machine);

unless the person is—

- (e) the licensee of the licensed premises; or
(f) where the licensee is a body corporate—the secretary or executive officer of the body corporate in the genuine execution of the

- duties of such secretary or executive officer; or
- (g) a machine manager in respect of the licensed premises; or
 - (h) an employee of the licensee who is employed wholly or in part to attend to gaming machines; or
 - (i) an employee of the licensee who is assisting in carrying out money clearances; or
 - (j) a licensed repairer in the performance of duties as a licensed repairer; or
 - (k) performing duties under a contract approved under section 115(1); or
 - (l) an inspector in the performance of functions under this Act.

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

Contracts for certain services to be approved

115.(1) Subject to subsection (2), a licensee, any person acting on behalf of a licensee or any other person must not, without the approval of the commission, enter into any agreement for the provision of any service in relation to—

- (a) the sale and redemption of gaming tokens on the licensee's licensed premises; or
- (b) the supervision of gaming on the licensee's licensed premises; or
- (c) attending to gaming machines or carrying out centralised credit transactions on the licensee's licensed premises; or
- (d) carrying out on the licensee's licensed premises—
 - (i) money clearances; or
 - (ii) any function resulting from money clearances; or
 - (iii) any function, required to be carried out under section 156(2) or 157(2); or
- (e) keeping and maintaining accounts under section 158; or
- (f) making monthly gaming machine reconciliation reports under section 159; or

- (g) any other function prescribed to be a function to which this section applies.

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

(2) Subsection (1) does not apply to the employment of a natural person by a licensee to carry out on the licensee's licensed premises any act referred to in subsection (1).

Licensees to keep records of certain employees

116.(1) A licensee in respect of each of the licensee's licensed premises must keep, and at all times accurately maintain, records in respect of the full name, address and date of birth of all persons (other than machine managers employed in respect of the licensed premises in question) employed by the licensee to—

- (a) supervise gaming; and
- (b) attend to gaming machines or carry out centralised credit transactions; and
- (c) carry out—
 - (i) money clearances; or
 - (ii) any function resulting from money clearances; or
 - (iii) any function required by this Act to be carried out in conjunction with a money clearance; and
- (d) carry out any other function that is prescribed as being a function to which this section applies;

on the licensed premises in question.

(2) A licensee, in respect of each of the licensee's licensed premises, must lodge with the director on or before the day prescribed of each month a report in the approved form, details of the full name, address and date of birth of all persons who performed any act referred to in subsection (1) at any time during the preceding month on the licensed premises.

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

Minors cannot be employed

117. A licensee must not employ a minor in any capacity in relation to the operation of gaming machines.

Maximum penalty—250 penalty units.

Minors cannot play gaming machines

118. A minor must not play a gaming machine on licensed premises.

Maximum penalty—25 penalty units.

Minors cannot be allowed to game

119.(1) A person must not allow a minor to play a gaming machine on licensed premises.

(2) A person who contravenes subsection (1) commits an offence punishable on conviction by a maximum penalty of a fine of—

- (a) if the person is the licensee or a machine manager of the premises—250 penalty units;
- (b) in any other case—40 penalty units.

False representation of age

120.(1) A person must not falsely represent himself or herself to have attained 18 years with the intent of playing a gaming machine.

Maximum penalty—25 penalty units.

(2) A person must not—

- (a) make a false document that could reasonably be taken to be genuine acceptable evidence of age for the purposes of this Act; or
- (b) give such a false document to another person;

knowing the document to be false and with intent that the document be used as acceptable evidence of age for the purposes of this Act.

Maximum penalty—

- (a) in the case of a minor—25 penalty units; and
- (b) in the case of an adult—40 penalty units.

Wrongful dealing with genuine evidence of age

121.(1) A person must not knowingly give a document that is evidence of age of the person mentioned in the document (the “**specified person**”) to someone else, if the person giving the document knows or has reasonable grounds to suspect that the document may be used—

- (a) as evidence of age for this Act of someone other than the specified person; or
- (b) to obtain a document that is acceptable evidence of age for this Act of someone other than the specified person.

Maximum penalty—40 penalty units.

(2) A person must not wilfully or negligently deface or interfere with a document that is, for the purposes of this Act, acceptable evidence of age of the person or another person.

Maximum penalty—40 penalty units.

Seizure of document wrongly used as evidence of age

122.(1) If a contravention of section 120 consists in production of—

- (a) a genuine document that is, for the purposes of this Act, acceptable evidence of age of the person specified in the document; or
- (b) a false document that could reasonably be taken, for the purposes of this Act, to be genuine acceptable evidence of age;

the person to whom the document is produced must seize and confiscate the document and give it to an inspector or a police officer.

Maximum penalty—25 penalty units.

(2) A person does not commit an offence by contravening subsection (1) if the person is not aware of the falsity of the representation as to age made by producing the document.

Ascertainment of age

123.(1) For the purposes of this Act, an authorised person may, on licensed premises, require another person whom the authorised person suspects on reasonable grounds to be a minor and to be contravening a provision of this Act—

- (a) to state all relevant particulars concerning the other person's age; and
- (b) to produce evidence of the other person's age.

(2) If a person required under subsection (1) refuses to state particulars, or to produce evidence, as to age the authorised person must prohibit the suspected minor from playing gaming machines on the licensed premises.

(3) In this section—

“authorised person” includes—

- (a) the licensee of the licensed premises; and
- (b) a machine manager of the licensed premises; and
- (c) an employee of the licensee of the licensed premises; and
- (d) an inspector; and
- (e) a police officer.

Seizure of material associated with representation of age

124. If an inspector or a police officer reasonably believes or suspects that a person—

- (a) has made, or caused to be made, a false document in contravention of section 120(2)(a); or
- (b) is in possession of a document given to the person in contravention of section 120(2)(b) or 121(1); or
- (c) is in possession of a document defaced or interfered with in contravention of section 121(2);

the inspector or police officer may seize and confiscate—

- (d) in the case specified in paragraph (a)—

- (i) all documents made in contravention of section 120(2)(a) in the person's possession; and
 - (ii) all equipment and materials in the person's possession reasonably suspected by the inspector or officer to have been used, or to be intended for use, in contravening section 121(2)(a); or
- (e) in the case specified in paragraph (b) or (c)—the document in respect of which section 120(2)(b) or 121(1) or (2) appears to have been contravened.

Defence to charge if age material

125.(1) If the age of a person is material to a charge of an offence against this Act, it is a defence to prove that, at the time of the offence, the defendant (if the defendant is the actual offender) or an agent or employee (if the defendant is charged merely because of being principal or employer of the actual offender)—

- (a) honestly and reasonably believed that the person whose age is material to the offence had attained 18 years; or
- (b) had sighted acceptable evidence of age of the person whose age is material to the offence that indicated the person had attained 18 years;

and the operation of the Criminal Code, section 24 is excluded.

(2) Evidence that the defendant (if the defendant is the actual offender) or an agent or employee (if the defendant is charged merely because of being principal or employer of the actual offender) did not request the person whose age is material to the offence to produce acceptable evidence of age is evidence that any belief that the person had attained 18 years was not reasonable.

Licensees to prohibit certain persons from gaming

126. Where there are reasonable grounds for a licensee to believe that the peace and happiness of a person's family are endangered due to excessive playing of gaming machines by the person, the licensee must prohibit the

person from playing gaming machines on the licensee's licensed premises for 1 month from the date of prohibition.

Removal of certain persons

127.(1) A licensee may cause a person to be removed from, or refuse to allow a person to enter, the licensee's licensed premises if the person—

- (a) breaches the rules for the licensed premises required to be displayed and enforced under section 105; or
- (b) damages or physically abuses a gaming machine; or
- (c) behaves in a way likely to cause offence to other persons; or
- (d) is suspected on reasonable grounds of being on the premises for the purpose of committing an offence or aiding another person to commit an offence against this Act.

(2) A licensee must cause to be removed from the licensee's licensed premises a person who is prohibited under section 123(2) or 126 from playing gaming machines on the premises if the person plays, or induces another person to play, a gaming machine on behalf of the first person.

Maximum penalty—250 penalty units.

(3) A licensee, or other person acting for a licensee, may use such force and assistance as are necessary and reasonable in removing a person from, or preventing a person from entering, the licensee's licensed premises under subsection (1) or (2).

Obstruction to removal from licensed premises

128. If a person is seeking under section 127(1) or (2) to remove a person from licensed premises, the person whose removal is sought must not—

- (a) refuse to leave the premises when required by the first person; or
- (b) resist the first person.

Maximum penalty—25 penalty units.

Obstruction generally

129. A person must not obstruct or hinder a licensee, machine manager or any other employee of a licensee in the exercise of a power or performance of a function under this Act.

Maximum penalty—100 penalty units.

PART 6—CONTROL OF GAMING MACHINES**Recognised manufacturers and suppliers of gaming machines**

130.(1) The director must cause to be maintained in the division a roll of recognised manufacturers and suppliers of gaming machines.

(2) Subject to section 134, the director must cause to be listed on the roll of recognised manufacturers and suppliers of gaming machines the name of any tenderer under section 144 who the director considers complies with this Act.

Recognised suppliers of restricted components

131.(1) The director must cause to be maintained in the division a roll of recognised suppliers of restricted components.

(2) A recognised manufacturer or supplier of gaming machines, before the purchase of restricted components from a person who is not a listed person, must notify the director in writing of the full and correct name and business address of the person.

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

(3) A person who intends to operate a genuine business as a supplier of restricted components must notify the director in writing.

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

(4) Subject to section 134, the director must cause the name of a person who is the subject of a notification under subsection (2) or (3) to be listed on the roll of recognised suppliers of restricted components.

Application for removal from a roll under this part

132.(1) A listed person may make application in writing to the director for removal of the person's name from the roll of recognised manufacturers and suppliers of gaming machines or the roll of recognised suppliers of restricted components.

(2) The director may grant or refuse to grant an application made under subsection (1).

(3) The director, if an application under subsection (1) is granted, must cause the name of the applicant to be removed from the roll of recognised manufacturers and suppliers of gaming machines or the roll of recognised suppliers of restricted components.

Investigations of suitability of listed persons

133.(1) At any time the director may cause to be undertaken such investigations as the director considers are necessary in order to satisfy the commission that a listed person or any associate of the listed person is a suitable person to be a listed person or an associate of the listed person.

(2) The director, either verbally or by written notice, may require any person, to whom investigations under subsection (1) relate, to submit such information or material as the director considers is necessary.

(3) The person must comply with the requirement of the director under subsection (2).

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

Commission may order removal of names of persons from a roll under this part

134.(1) The commission may order the director to remove the name of a listed person from the roll of recognised manufacturers and suppliers of gaming machines or the roll of recognised suppliers of restricted components—

- (a) if the listed person or an associate of the listed person—
 - (i) is convicted of an offence against this Act; or
 - (ii) fails to discharge the listed person's or associate's financial

Gaming Machine Act 1991

commitments, becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy; or

- (iii) is the subject of a winding-up, either voluntarily or under a court order, appointment of a liquidator, appointment of a receiver or receiver and manager or is placed under official management and an official manager appointed under the Corporations Law; or
 - (iv) is convicted of an indictable offence, whether on indictment or summarily, punishable in the particular case by imprisonment for 1 year or more (irrespective of whether the offence is also punishable by a fine in addition, or as an alternative, to imprisonment); or
 - (v) is required to comply with any written direction given to the listed person or associate by the commission or the director, and refuses or fails to comply with the direction and the commission is of the opinion that the refusal or failure jeopardises the integrity of gaming or the conduct of gaming or adversely affects the public interest; or
 - (vi) is required under this Act to supply information or material to the commission, the director or an inspector, and fails to supply the information or material, or supplies information or material that to the knowledge of the listed person or associate is false, erroneous or misleading in a material particular; or
- (b) if at any time the commission considers that the listed person or an associate of the listed person is not a fit and proper person to continue to be a listed person or an associate of the listed person.

(2) Where the commission orders the director to remove the name of a person from a roll under this part, the director must remove the name of the person from the roll of recognised manufacturers and suppliers of gaming machines or the roll of recognised suppliers of restricted components and immediately give the person written notice of, and the reasons for, the removal.

(3) A person whose name has been removed under section 132 or this section from a roll under this part must not again be listed on a roll under

this part without the approval of the commission.

(4) If the commission refuses to approve that the name of a person whose name has been removed under this section or section 132 from a roll under this part be again listed, the director must immediately give the person written notice of, and the reasons for, the refusal.

Manufacture, sale, supply, obtaining or possession of gaming machines

135.(1) A person must not manufacture, sell, supply, obtain or be in possession of—

- (a) a gaming machine; or
- (b) a linked jackpot arrangement; or
- (c) a device capable of being represented as being a gaming machine or linked jackpot arrangement;

except under and in accordance with the authority of a licence or any other authorisation under this Act.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(2) A person must not manufacture, sell, supply, obtain or be in possession of a restricted component except under and in accordance with the authority of a licence or any other authorisation under this Act.

Maximum penalty—400 penalty units or 2 years imprisonment.

(3) It is a defence to a prosecution for an offence against subsection (2), for the defendant to prove that—

- (a) the manufacturing, selling, supplying, obtaining or possession of a restricted component was not related to the manufacture, assembly, installation, alteration, operation, use, adjustment, maintenance or repair of gaming equipment; and
- (b) the restricted component was not intended to be used to interfere with the normal operation of gaming equipment.

(4) Despite any other Act or law, the possession of anything referred to in subsection (1) or (2) in accordance with the authority of a licence or any other authorisation under this Act is lawful.

(5) This Act does not apply so as to affect the lawful obtaining, possession or use of anything referred to in subsection (1) or (2) by a licensed casino operator in accordance with the *Casino Control Act 1982*.

(6) The authority of a licence or any other authorisation under this Act is—

- (a) subject to this Act; and
- (b) taken to extend to a person in the genuine employ of the holder of such licence or authorisation to such extent as is necessary for the employee to carry out the duties of the employee on behalf of the holder.

(7) For the purposes of this section and sections 136 to 142—

“gaming machine” includes any incomplete device that was a gaming machine or that is, or was, intended to be made into a gaming machine and to which there is affixed an identification plate with the manufacturer’s serial number displayed on the plate.

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

136.(1) A recognised manufacturer or supplier of gaming machines is authorised to—

- (a) manufacture, obtain and be in possession of gaming machines, linked jackpot arrangements and restricted components; and
- (b) sell or supply, on written order—
 - (i) gaming machines and linked jackpot arrangements to the director or a recognised manufacturer or supplier of gaming machines; and
 - (ii) restricted components to a person authorised under this Act to obtain and be in possession of the restricted components; and
- (c) sell or supply, on written order, gaming machines, linked jackpot arrangements or restricted components to a person in another State or a Territory or a country where possession of such gaming machines, linked jackpot arrangements or restricted

Gaming Machine Act 1991

components by that person is lawful; and

- (d) sell or supply gaming machines, linked jackpot arrangements or restricted components under a lawful order from a holder of a casino licence under the *Casino Control Act 1982*.

(2) A recognised manufacturer or supplier of gaming machines must not use any premises for the manufacture, assembly, storage or handling of gaming machines, linked jackpot arrangements or restricted components unless the premises are approved by the director for the purpose.

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

(3) A recognised manufacturer or supplier of gaming machines must not manufacture, obtain or be in possession of gaming machines or restricted components unless such manufacturing, obtaining or possession is for the purpose of—

- (a) the submission for evaluation by the director of a particular device; or
- (b) an action authorised under subsection (1)(b), (c) or (d); or
- (c) conducting genuine testing or development work; or
- (d) conducting, at premises approved by the director for the purpose, a genuine training course for licensed repairers or applicants for a repairer's licence on the installation, alteration, adjustment, maintenance or repair of gaming equipment.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(4) A recognised manufacturer or supplier of gaming machines must, within 1 day of the—

- (a) manufacture or assembly; or
- (b) disassembly or destruction;

of a gaming machine, advise the director in the form determined by the director of the manufacturer's serial number of the gaming machine.

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

Possession etc. of restricted components by recognised suppliers of restricted components

137.(1) A recognised supplier of restricted components is authorised to—

- (a) manufacture, obtain and be in possession of restricted components; and
- (b) sell or supply, on written order, restricted components to a person authorised under this Act to obtain and be in possession of such restricted components; and
- (c) sell or supply, on written order, restricted components to a person in another State or a Territory or a country where possession of such restricted components by that person is lawful; and
- (d) sell or supply restricted components under a lawful order from a holder of a casino licence under the *Casino Control Act 1982*.

(2) A recognised supplier of restricted components must not manufacture, obtain or be in possession of a restricted component unless such manufacturing, obtaining or possession is for the purpose of—

- (a) the submission for evaluation by the director of a particular device; or
- (b) an action authorised under subsection (1)(b), (c) or (d); or
- (c) conducting genuine testing or development work; or
- (d) conducting, at premises approved by the director for the purpose, a genuine training course for licensed repairers or applicants for repairer's licences on the use of restricted components.

Maximum penalty for subsection (2)—400 penalty units or 2 years imprisonment.

Possession etc. of gaming machines and restricted components by licensed repairers

138. A licensed repairer is authorised to—

- (a) obtain and be in possession of restricted components to such extent as is necessary to do so as a licensed repairer; and

- (b) supply restricted components to a licensed repairer employed by him or her as a licensed repairer; and
- (c) sell or supply, on written order, restricted components to another person authorised under this Act to obtain and be in possession of such restricted components; and
- (d) be in possession of a gaming machine or linked jackpot arrangement only to such extent as is necessary to—
 - (i) remove, repair and reinstate a gaming machine or linked jackpot arrangement provided to a licensee, subject to an approval of the director for such removal, repair and reinstatement; and
 - (ii) install, remove and consign the gaming machine or linked jackpot arrangement in order to fulfil a written order of the director.

Possession etc. of restricted components by licensed service contractors

139. A licensed service contractor is authorised to—

- (a) obtain and be in possession of restricted components to such extent as is necessary to do so as a licensed service contractor; and
- (b) supply restricted components to a licensed repairer employed by the licensed service contractor as a licensed repairer; and
- (c) sell or supply, on written order, restricted components to another person authorised under this Act to obtain and be in possession of such restricted components.

Possession etc. of gaming machines and restricted components by licensees

140.(1) A licensee is authorised to—

- (a) be in possession of gaming machines and linked jackpot arrangements, on the licensee's licensed premises, that are provided by the director to the licensee; and

Gaming Machine Act 1991

- (b) obtain and be in possession of restricted components, on the licensee's licensed premises, to such extent as is necessary for the efficient conduct of gaming on the licensed premises; and
- (c) supply restricted components to—
 - (i) a licensed repairer employed by the licensee as a licensed repairer; or
 - (ii) a person authorised under section 141(1) to have the restricted components; or
 - (iii) another licensee.

(2) A licensee must not, on the licensee's licensed premises, be in possession of, or allow a person to play—

- (a) a gaming machine that is not provided by the director to the licensee for gaming on the licensed premises; or
- (b) a gaming machine that is not in accordance with the game, gaming token denomination or betting unit of the gaming machine as provided by the director or, if the gaming machine has been altered under section 55(2), the game, gaming token denomination or betting unit as last altered under that subsection.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(3) A person whose gaming machine licence is suspended under section 63, 64(12) or 65 is authorised to be in possession of gaming machines provided by the director to the person and restricted components during the period of suspension.

Possession etc. of gaming machines etc. by other persons

141.(1) A person who carries out any installation, alteration, adjustment, maintenance or repair that is prescribed for the purposes of section 73(3), is authorised to obtain and be in possession of restricted components to such extent as is necessary to carry out such installation, alteration, adjustment, maintenance or repair.

(2) A carrier who is hired, by a person authorised to manufacture, sell, supply, obtain or be in possession of gaming machines, linked jackpot arrangements or restricted components, for the purpose of transporting the

gaming machines, linked jackpot arrangements or restricted components is authorised to have possession of the gaming machines, linked jackpot arrangements or restricted components to such extent as is necessary for the purpose of that transportation.

(3) A person conducting a genuine training course relating to the conduct of gaming who is not a listed person is authorised to be in possession of gaming machines, linked jackpot arrangements and restricted components subject to—

- (a) such gaming machines, linked jackpot arrangements and restricted components being provided by the director; and
- (b) compliance with all conditions (including the payment of fees) as may be imposed by the director when providing such gaming machines, linked jackpot arrangements and restricted components.

(4) The director, deputy director, an inspector or other officer of the division and a police officer are authorised to obtain and be in possession of gaming machines, linked jackpot arrangements, restricted components and devices capable of being represented as being gaming machines or linked jackpot arrangements obtained by them in the course of their duties and to do such acts with those things as may be necessary for the performance of their functions under this Act.

(5) A person if so authorised by the director may manufacture, obtain, be in possession of or use (other than for gaming or the conduct of gaming) a gaming machine, linked jackpot arrangement, restricted component or device capable of being represented as being a gaming machine or linked jackpot arrangement.

Consignment or movement of gaming machines

142.(1) A recognised manufacturer or supplier of gaming machines must advise the director, in the approved form, at least 7 days before gaming machines are moved by, or on behalf of, the recognised manufacturer or supplier of gaming machines—

- (a) to or from any premises approved under section 136(2); or
- (b) to any place within Queensland from outside Queensland.

(2) An advice under subsection (1) must include—

- (a) the number of gaming machines; and
- (b) the gaming machine type, game and manufacturer's serial number of each of the gaming machines; and
- (c) the origin and destination of the gaming machines; and
- (d) the intended dates of transport; and
- (e) the way the gaming machines are to be transported; and
- (f) the name of the carrier; and
- (g) such other particulars as are specified in the form.

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

Purchase of gaming machines etc.

143.(1) Subject to this Act and the *Financial Administration and Audit Act 1977* the director is authorised to—

- (a) cause expressions of interest to be called from persons interested in supplying gaming machines through subsequent invitations of tender; and
- (b) cause tenders to be called for the supply of gaming machines; and
- (c) purchase gaming machines under a determination by the Governor in Council under section 145(10); and
- (d) purchase, lease, rent or otherwise obtain—
 - (i) restricted components, gaming equipment (other than gaming machines) and ancillary or related items; and
 - (ii) gaming equipment, restricted components and ancillary or related items for the purpose of providing such equipment, components and items under paragraph (e)(ii); and
- (e) provide—
 - (i) gaming machines, linked jackpot arrangements and linked jackpot equipment to a licensee; and
 - (ii) gaming machines, linked jackpot arrangements and

restricted components to a person conducting a genuine training course relating to the conduct of gaming; and

- (f) sell restricted components to a person authorised under this Act to obtain and be in possession of the restricted components; and
- (g) sell gaming equipment (other than gaming machines or linked jackpot arrangements) and ancillary or related items; and
- (h) contract for the service and maintenance of gaming equipment and ancillary or related items that are the property of the Crown; and
- (i) for the purpose of disposing of obsolete devices, sell gaming machines and linked jackpot arrangements to a person authorised to obtain and be in possession of gaming machines and linked jackpot arrangements.

(2) Where the director causes expressions of interest to be called under subsection (1)(a), any expressions of interest submitted are to be taken for the purposes of section 144(2) and (3) and section 145(1) to (6) to be tenders submitted in response to a call under section 144(1) and those sections apply to the expressions of interest accordingly.

(3) The director is hereby authorised, before the commencement of this section, to cause expressions of interest to be called under subsection (1)(a) and tenders to be called under subsection (1)(b).

(4) Where the director under subsection (3) causes tenders to be called, then any tenders submitted are taken for the purposes of section 144(2) and (3) and section 145 to be tenders submitted in response to a call under section 144(1) and those sections apply to the tenders accordingly.

(5) For the purpose of that application, those sections are taken to have commenced on the date of the calling of the tenders under subsection (3).

Submission of tenders for supply of gaming machines

144.(1) At any time the director may cause tenders to be called for the supply of gaming machines.

(2) A tender submitted for evaluation, in response to a call referred to in subsection (1), must—

- (a) be in accordance with any specifications and conditions contained in the tender documents as issued by the director; and
- (b) contain or be accompanied by such information, records, reports, documents and writings relating to the tender and tenderer as are specified in the tender documents.

(3) The director may limit a tender to gaming machine types and games approved by the director.

Procedure for determination of tenders

145.(1) Subject to subsection (2), as soon as practicable after the close of tenders called under section 144(1), the director must in relation to each tender submitted—

- (a) initiate and have followed through such investigations as the director considers are necessary in relation to the tender; and
- (b) evaluate each gaming machine type submitted and either approve the gaming machine type or reject it; and
- (c) evaluate each game submitted, in relation to a gaming machine type approved under paragraph (b) and either approve the game or reject it; and
- (d) consider the tender and matters accompanying it together with the results of investigations made in relation to the tenders and matters and make an assessment of—
 - (i) if the tenderer is a natural person—the financial stability, general reputation and character of the tenderer; and
 - (ii) if the tenderer is a body corporate—the business reputation and financial stability of the body corporate and the general reputation, financial stability and character of the secretary and executive officers of the body corporate; and
 - (iii) if the director considers it appropriate, the suitability of any associate of the tenderer to be an associate of the tenderer; and
 - (iv) the ability of the tenderer to fulfil an order that may result from the tender; and

Gaming Machine Act 1991

- (v) the ability of the tenderer to provide ongoing technical support and replacement parts.

(2) Where the director has previously evaluated a gaming machine type or game and has either approved the gaming machine type or game or rejected it, the director may determine that a further evaluation of the gaming machine type or game is not required under this section.

(3) The director may by written notice require a tenderer, or an associate of the tenderer, to submit to the director any additional information or material the director considers is necessary in order to make an evaluation or assessment under subsection (1).

(4) The person must comply with the requirement of the director under subsection (3).

(5) Where a tenderer, or an associate of the tenderer, fails to comply to the satisfaction of the director with section 144(2) or a requirement under subsection (3), the director may, without derogating from subsection (6), reject a gaming machine type or game submitted by the tenderer without causing any evaluation or assessment referred to in subsection (1) to be made.

(6) Any person who, in relation to a tender submitted in response to a call under section 144(1) or a requirement under subsection (3), provides or submits information or material knowing it to be false, erroneous or misleading in a material particular commits an offence against this Act.

Maximum penalty—400 penalty units or 2 years imprisonment.

(7) Upon completion of the procedure in subsection (1) the director must furnish to the commission—

- (a) all relevant tender price information; and
- (b) a report on each tender submitted; and
- (c) a report on the number of gaming machines required to be purchased.

(8) The commission following consideration of—

- (a) tender price information; and
- (b) the reports of the director;

referred to in subsection (7) and to such other information or material as the

commission considers relevant must make a recommendation to the Minister in respect of the tender.

(9) The Minister must submit the recommendation made under subsection (8) to the Governor in Council.

(10) The Governor in Council may make a determination in regard to gaming machines of each gaming machine type to be purchased and the tenderers with which orders are to be placed.

(11) The Governor in Council is not bound to accept the lowest or any tender submitted in accordance with an invitation to tender under this Act.

(12) The director must—

(a) implement; and

(b) except where the director is otherwise ordered by the commission, determine the game, gaming token denomination and betting unit of each gaming machine to be purchased under;

the determination made under subsection (10).

Acceptance by director of gaming machines and games for evaluation

146.(1) Without derogating from sections 144 and 145, the director may, subject to payment of the fee prescribed, accept for evaluation gaming machine types and games.

(2) Where the director accepts a gaming machine type or game for evaluation under subsection (1) the director must, after evaluation of the gaming machine type or game, either approve the gaming machine type or game or reject it.

(3) Where, under subsection (1), the director accepts for evaluation a gaming machine type or game, the director may require the person that submitted the gaming machine type or game to provide such additional information or material as the director considers is necessary in order to make the evaluation.

(4) Where the requirement is not complied with to the satisfaction of the director, the director may reject the gaming machine type or game without evaluation.

Withdrawal of approval of gaming machine types and games

147.(1) If the director, under section 191(2) withdraws the approval of an approved gaming machine type or game, the director must immediately give written notice of, and reasons for the withdrawal to—

- (a) the person who submitted the gaming machine type or game under section 144 or 146; and
- (b) licensees provided with any gaming machine of that gaming machine type or game.

(2) A licensee who permits gaming on a gaming machine of a gaming machine type or game specified in a notice given to the licensee under subsection (1) commits an offence against this Act.

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

Gaming machines supplied to be in accordance with approval

148. A recognised manufacturer or supplier of gaming machines must not, without the approval of the director, supply a gaming machine which is in any material particular different from—

- (a) the gaming machine type or game approved by the director; or
- (b) the gaming machine type or game specified in the order placed by the director.

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

Linked jackpots

149.(1) A licensee on the licensee's licensed premises must not, without the approval of the director—

- (a) install or operate or cause or allow to be installed or operated a single site linked jackpot arrangement; or
- (b) install or operate or cause or allow to be installed or operated or participate in the operation of, a multiple site linked jackpot arrangement; or
- (c) install or operate or cause or allow to be installed or operated or

Gaming Machine Act 1991

participate in the operation of any other electronically connected gaming machine system, under which the return to a player for a result obtained on a gaming machine is different to the return provided for that result by the game as approved by the director.

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

(2) An application for any approval under subsection (1) must—

- (a) be made by a licensee in the approved form; and
- (b) contain or be accompanied by such other matters and particulars the form requires; and
- (c) be accompanied by the fee prescribed; and
- (d) be forwarded to or lodged with the director.

(3) An approval under subsection (1) must be given an identifying approval number.

(4) A licensee must not cease to operate or participate in the operation of, any arrangement or system approved under subsection (1) without the approval of the director.

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

(5) A licensee operating, or participating in the operation of, any arrangement or system approved under subsection (1) who fails to comply with—

- (a) any condition to which the approval is subject; or
- (b) any requirement prescribed in relation to the conduct or operation of any arrangement, or system approved under subsection (1);

commits an offence against this Act.

Maximum penalty—400 penalty units or 2 years imprisonment.

(6) The director is authorised to make such agreements with licensees as the director considers appropriate in order for the director to—

- (a) collect moneys from licensees participating in the operation of multisite linked jackpot arrangements; and
- (b) make payments to persons entitled to the amount, or part of the amount, recorded by the linked jackpot arrangement.

(7) A licensee who fails to comply with any agreements made by the licensee under subsection (6) commits an offence against this Act.

Maximum penalty—400 penalty units or 2 years imprisonment.

(8) Where the director has approved the operation of a linked jackpot arrangement, the director must provide the linked jackpot equipment.

(9) The director may at any time cause to be removed from licensed premises linked jackpot equipment provided and replace it with other linked jackpot equipment.

(10) Linked jackpot equipment—

- (a) provided under subsection (8); and
- (b) removed or provided under subsection (9);

is to be in accordance with such type or description as the director determines.

(11) If an application for an approval under subsection (1) is refused, the director must immediately give the applicant written notice of, and the reasons for, the refusal.

Gaming machines to be labelled with director's identification number

150.(1) The director must cause an identification number to be issued for each gaming machine purchased by the director.

(2) The director may, at any time after the issue of an identification number for a gaming machine, cause the issue of a new identification number for that gaming machine.

(3) The director must cause each gaming machine to have securely affixed to the machine, by an inspector or other person properly authorised by the director in that behalf, a label showing—

- (a) the identification number issued under subsection (1) or (2); and
- (b) such other particulars as the director considers appropriate;

on 1 internal and 1 external surface of the cabinet of the gaming machine.

(4) A label affixed under this section is to be made of such material, and be affixed, as the director considers appropriate.

Gaming prohibited on unprotected devices

151.(1) A licensee must not without lawful excuse be in possession of or permit gaming on a gaming machine unless the computer cabinet of the gaming machine is securely sealed with a seal affixed by—

- (a) an inspector; or
- (b) a licensed repairer acting under this Act; or
- (c) a person properly authorised in that behalf under section 153(4).

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(2) Subject to subsection (3), at any time when a seal on a computer cabinet has been removed, broken or damaged, the licensee must not permit gaming on the gaming machine until the gaming machine has been examined by an inspector or other person properly authorised by the director in that behalf and the computer cabinet has been sealed.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(3) Subsection (2) does not apply to a gaming machine that is not available for gaming due to the gaming machine undergoing—

- (a) repairs by a licensed repairer acting under this Act; or
- (b) an alteration to effect a change of game, gaming token denomination or betting unit approved, or caused, by the director under section 55(2).

Unlawful interference with gaming equipment

152.(1) Subject to subsection (2), a person must not—

- (a) have possession of any device made or adapted, or intended by the person to be used, for interfering with the normal operation of gaming equipment on licensed premises; or
- (b) do any act or thing calculated, or likely, to interfere with the normal operation of gaming equipment on licensed premises; or
- (c) except as provided in section 149, do any act or thing calculated to interfere with gaming equipment under which the return to a player for a result obtained on a gaming machine on licensed premises is different to the return provided for that result by the

Gaming Machine Act 1991

game as approved by the director; or

- (d) do any act or thing calculated to render a gaming machine on licensed premises, either temporarily or otherwise, incapable of producing a winning combination; or
- (e) insert, or cause to be inserted, in a gaming machine on licensed premises anything other than a gaming token of the denomination or type displayed on the gaming machine as a gaming token to be used in order to operate or gain credit on the gaming machine.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(2) Subsection (1) does not apply to any act or thing done in good faith in connection with—

- (a) the installation, alteration, adjustment, maintenance or repair of gaming equipment by a licensed repairer; or
- (b) the carrying out of any installation, alteration, adjustment, maintenance or repair prescribed for the purposes of section 73(3); or
- (c) an alteration to a gaming machine to effect a change of game, gaming token denomination or betting unit approved, or caused, by the director under section 55(2); or
- (d) the performance by an inspector of functions under this Act.

(3) A person must not knowingly, because of fraudulent computer programming, gain for that person or another person any advantage in the operation of gaming equipment.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(4) A person who dishonestly, or because of gross negligence, during the design, manufacture or assembly of gaming equipment, makes provision to subsequently gain for that person or another person any advantage in the operation of the gaming equipment commits an offence against this Act.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

Protection of sensitive areas of gaming equipment

153.(1) Subject to subsections (2), (4) and (6), a person who is not an inspector must not—

Gaming Machine Act 1991

- (a) break a seal securing a computer cabinet or gain access to anything within the computer cabinet; or
- (b) affix a seal to a computer cabinet; or
- (c) break a seal protecting the integrity of the game program of a gaming machine; or
- (d) remove, replace or in any way affect or interfere with the operation of a computer cabinet or anything within the computer cabinet; or
- (e) remove or interfere with a security device of a gaming machine; or
- (f) interfere with the normal operation of the reel assemblies of a gaming machine; or
- (g) interfere with information stored or transmitted electronically by a gaming machine, linked jackpot arrangement or electronic monitoring system; or
- (h) affix a mark or seal to gaming equipment to preserve the integrity of operation of the gaming equipment; or
- (i) remove or interfere with a mark or seal affixed to gaming equipment to preserve the integrity of operation of the gaming equipment; or
- (j) remove, alter or otherwise interfere with the manufacturer's identification plate or the manufacturer's serial number of a gaming machine; or
- (k) remove, alter or otherwise interfere with an identification label affixed to a gaming machine under section 150; or
- (l) affix anything capable of being taken as a label mentioned in section 150 to a gaming machine or a device capable of being taken as a gaming machine.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(2) A licensed repairer is authorised, to such extent as is necessary, in the performance of duties as a licensed repairer to do things mentioned in subsection (1)(a) to (i) if—

- (a) a conversion report is submitted under subsection (5) or the

Gaming Machine Act 1991

licensed repairer immediately submits a repairer's report to the director in the approved form; and

- (b) the licensed repairer does not—
 - (i) break a seal securing a computer cabinet; or
 - (ii) affix a seal to a computer cabinet; or
 - (iii) remove or interfere with a mark or seal affixed to gaming equipment to preserve the integrity of operation of the gaming equipment; or
 - (iv) affix a mark or seal to gaming equipment to preserve the integrity of operation of the gaming equipment;without the approval of the director.

(3) If the licensed repairer breaks a seal securing a computer cabinet, the licensed repairer must ensure that the gaming machine is not played (other than for testing purposes) until the computer cabinet is again secured with a seal provided by the director for the purpose.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(4) The director may authorise a person to do anything mentioned in subsection (1).

(5) A person may do something to a gaming machine that is the property of the Crown to effect a change in the game, gaming token denomination or betting unit of the gaming machine only if—

- (a) the alteration is approved, or caused, by the director under section 55(2); and
- (b) if the gaming machine is provided to a licensee—the person performing the alteration immediately submits a conversion report to the director in the form determined by the director.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(6) Subsection (1)(a) to (j) does not apply to—

- (a) gaming equipment that is not the property of the Crown; or
- (b) if the gaming equipment is an electronic monitoring system—the system is not on licensed premises.

Wilful damage of gaming equipment

154. A person must not wilfully damage or deface gaming equipment on licensed premises.

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

Use of gaming machines not provided to licensees

155.(1) A person who is not an officer of the division or any person referred to in subsection (2) must not play or allow another person to play a gaming machine that is not provided by the director to a licensee.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

(2) A person who has possession of a gaming machine—

(a) for the purpose of conducting—

(i) a training course referred to in section 136(3)(d) or 141(3);
or

(ii) genuine testing or development work referred to in
section 136(3)(c); or

(b) under an authority under section 141(5), and such authority so
permits;

may play or allow another person to play the gaming machine only for the
purpose of simulating gaming.

(3) A person who—

(a) plays, or allows another person to play, a gaming machine
referred to in subsection (2) by the use of a gaming token which
is—

(i) Australian currency; or

(ii) approved under section 108(3); or

(iii) in any way negotiable; or

(b) allows any winnings to become payable because of playing a
gaming machine referred to in subsection (2);

commits an offence against this Act.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

PART 7—ACCOUNTING PROCEDURES

Monthly money clearances

156.(1) Subject to subsection (2), a licensee must carry out a money clearance of all gaming machines installed on the licensee's licensed premises—

- (a) after the end of the operation of gaming machines that started on the last day of each month; and
- (b) before the start of the operation of gaming machines on the first day of the next month.

(2) The director may, either verbally or by written notice, direct a licensee to carry out the money clearance mentioned in subsection (1) during such period as the director determines, and the licensee must comply with the direction.

(3) A licensee must, in conjunction with a money clearance carried out under this section, carry out such functions as are prescribed to be carried out in conjunction with the money clearance.

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

Weekly money clearances

157.(1) A licensee, at least once in every 7 days, must carry out a money clearance of each gaming machine installed on the licensee's licensed premises.

(2) A licensee, in conjunction with carrying out a money clearance under subsection (1), must carry out such functions as are prescribed to be carried out in conjunction with such a money clearance.

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

Accounts and analyses

158.(1) A licensee must keep and maintain such accounting records, in the way prescribed and in the approved form, as correctly record and explain the licensee's financial operations in respect of, or connected with, gaming and the conduct of gaming on the licensee's licensed premises.

(2) A licensee must carry out such accounting analysis as is prescribed.

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

Monthly gaming machine reconciliation reports to be submitted

159.(1) A licensee must lodge with the director on or before the day prescribed of each month a monthly gaming machine reconciliation report in respect of each of the licensee's licensed premises.

(2) Each monthly gaming machine reconciliation report must—

- (a) be made in the way prescribed and in the approved form; and
- (b) give an accurate account of the matters contained in the report in relation to gaming and the conduct of gaming on the premises to which it relates—
 - (i) in the case of the first report after the issue of the licence—during the period from the issue of the licence to the end of the period covered by the report; or
 - (ii) in the case of any subsequent report—during the period from the end of the period covered by the last report lodged in respect of the licensed premises to the end of the period covered by the report in question.

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

Records not to be falsified etc.

160. A person must not, with intent to defraud—

- (a) destroy, alter, mutilate or falsify any accounting record or report;
or
- (b) make, or cause to be made, a false, erroneous or misleading entry in, or omit or alter, or cause to be omitted or altered, an entry in

any accounting record or report;

required to be kept, maintained or lodged by a licensee under this part.

Maximum penalty—400 penalty units or 2 years imprisonment.

Audit of accounts

161.(1) In this section—

“**accountant**” means—

- (a) a member of the Institute of Chartered Accountants in Australia who holds a current Certificate of Public Practice issued by the institute; or
- (b) a member of the Australian Society of Certified Practising Accountants who holds a current Public Practice Certificate issued by the society; or
- (c) a person registered as an auditor under the Corporations Law; or
- (d) in a particular case—a member of an accounting body mentioned in paragraph (a) or (b) who—
 - (i) does not hold the current certificate mentioned in the paragraph; and
 - (ii) is approved as an accountant for the case by the director.

(2) A licensee, in respect of each of the licensee’s licensed premises, at the licensee’s own expense and within 3 months of the expiration of each financial year, must—

- (a) prepare, or cause to be prepared, a statement of receipts and payments relating to gaming and the conduct of gaming on the licensee’s licensed premises in question during that year; and
- (b) cause the accounts relating to such gaming and conduct of gaming to be audited by an accountant.

(3) If a person ceases for any reason to be a licensee under this Act, the person must, at the person’s own expense and within 1 month of ceasing to be a licensee (or any further period the director may allow)—

- (a) prepare a statement of receipts and payments for gaming and the conduct of gaming on the person’s licensed premises from the

Gaming Machine Act 1991

day to which the gaming machine accounts were last audited under subsection (2)(b) to the day the person ceased to be a licensee or, if an audit has not been performed, for the period from the start of gaming to the day the person ceased to be a licensee; and

- (b) have the accounts relating to that gaming and conduct audited by an accountant.

(4) Immediately upon completion of an audit under subsection (2) or (3), the accountant must submit a report on the audit to the director.

(5) A licensee, within 28 days after the preparation of a statement of receipts and payments under subsection (2)(a) or (3)(a) must lodge with the director a copy of the statement certified as being correct by the accountant who performed the audit under subsection (2)(b) or (3)(b).

(6) If the licensee is a club it must also submit—

- (a) a statement detailing the number of members in each class of membership of the club as at the expiration of the financial year; and
- (b) a copy of the annual report of the club including the audited financial statement for the financial year; and
- (c) a statutory declaration signed by the principal executive officer of the club declaring that the proceeds from the conduct of gaming were expended promoting the objectives of the club; and
- (d) such other matters as are prescribed.

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

Books, records etc. to be kept for 7 years

162. Subject to section 181, any accounting record required to be kept and maintained by a licensee under this part must be retained by the licensee for not less than 7 years from the date of the latest entry in the accounting record.

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

PART 8—TAXES, LEVIES AND FEES

Gross monthly turnover

163. Each month the director is to make, or cause to be made, in respect of the preceding month, an assessment of the gross monthly turnover of each licensed premises and such assessment, subject to section 175, is taken to be, for the preceding month, the gross monthly turnover of the licensed premises in question.

(2) If an assessment is made under subsection (1) by way of an electronic monitoring system installed on the licensee's licensed premises by the director under section 101(2), the period covered by the assessment—

- (a) for the month in which the system is installed—starts when the system first reports data from the premises to the director and ends when the system first reports data from the premises to the director in the next month; and
- (b) for each month after the month in which the system is installed—starts when the system first reports data from the premises to the director for the month and ends when the system first reports data from the premises to the director in the next month.

Monthly rental fees

164.(1) A licensee must pay a monthly rental fee to the director each month for gaming machines and linked jackpot equipment provided by the director to the licensee.

(2) The monthly rental fee must be paid on or before the day prescribed of the month next following the month in respect of which it is payable.

(3) The amount of monthly rental fee that is to be paid in respect of each licensed premises is to be calculated as prescribed.

Gaming machine tax

165.(1) A licensee must pay a gaming machine tax to the director each

month in respect of the licensee's licensed premises.

(2) The gaming machine tax must be paid on or before the day prescribed of the month next following the month in respect of which it is payable.

(3) The amount of gaming machine tax that is to be paid in respect of licensed premises is to be such amount as is represented by the percentage prescribed, applicable to that category of licensed premises to which the licensed premises belongs, of the gross monthly turnover of the licensed premises for the month in respect of which the tax is payable.

Sport and recreation levy

166.(1) A licensee must pay a sport and recreation levy to the director each month in respect of the licensee's licensed premises.

(2) The sport and recreation levy must be paid on or before the day prescribed of the month next following the month in respect of which it is payable.

(3) The amount of sport and recreation levy that is to be paid in respect of licensed premises is to be such amount as is represented by the percentage prescribed, applicable to that category of licensed premises to which the licensed premises belongs, of the gross monthly turnover of the licensed premises for the month in respect of which the levy is payable.

(4) There is to be established and maintained in the Treasury a fund called the sport and recreation benefit fund.

Charities and rehabilitation levy

167.(1) A licensee must pay a charities and rehabilitation levy to the director each month in respect of the licensee's licensed premises.

(2) The charities and rehabilitation levy must be paid on or before the day prescribed of the month next following the month in respect of which it is payable.

(3) The amount of charities and rehabilitation levy that is to be paid in respect of licensed premises is to be such amount as is represented by the percentage prescribed, applicable to that category of licensed premises to which the licensed premises belongs, of the gross monthly turnover of the

licensed premises for the month in respect of which the levy is payable.

(4) There is to be established and maintained in the Treasury a fund called the charities and rehabilitation benefit fund.

Gaming machine community benefit levy

168.(1) A licensee must pay a gaming machine community benefit levy to the director each month for the licensee's licensed premises.

(2) The gaming machine community benefit levy must be paid on or before the day prescribed by regulation in the month after the month for which it is payable.

(3) The amount of the gaming machine community benefit levy payable for licensed premises for a month is the percentage prescribed by regulation of the gross monthly turnover of the licensed premises for the month.

(4) A percentage prescribed for subsection (3) may be nil.

(5) There is to be established and kept in the Treasury a fund called the gaming machine community benefit fund.

Gaming Machine Community Benefit Committee

169. The Minister responsible for the administration of the gaming machine community benefit fund—

- (a) must establish a committee called the Gaming Machine Community Benefit Committee; and
- (b) may decide—
 - (i) the membership of the committee; and
 - (ii) how it is to operate.

Payment of monthly rental fees, taxes etc.

170.(1) A licensee, in respect of each of the licensee's licensed premises, must ensure that the director receives on or before the day prescribed of each month an amount not less than the total amount of—

- (a) the monthly rental fee, gaming machine tax, sport and recreation

Gaming Machine Act 1991

levy, charities and rehabilitation levy and gaming machine community benefit levy payable under sections 164 to 168; and

(b) any penalty payable under section 171 on or before that day; and

(c) any—

(i) monthly rental fee; or

(ii) gaming machine tax; or

(iii) sport and recreation levy; or

(iv) charities and rehabilitation levy; or

(v) gaming machine community benefit levy; or

(vi) penalty under section 171;

payable and remaining unpaid at the end of the day prescribed of the preceding month.

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

(2) Payments to the director in respect of monthly rental fee, gaming machine tax, sport and recreation levy, charities and rehabilitation levy, gaming machine community benefit levy or penalty under section 171 must be identifiable as being in respect of a single licensed premises and exclusive of payments for any other licensee or purpose.

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

(3) Where a payment to the director that does not comply with subsection (2) is made, the director is to determine the licensed premises or purpose for which the payment was made and this Act applies to the payment as if the payment had been made and identified for the licensed premises or purpose so determined.

Penalty for late payment

171.(1) Where, in respect of any licensed premises, by the end of the day prescribed of a month (or at the discretion of the director by a time not more than 7 days later than the end of the day prescribed) the amount received by the director under section 170(1) is less than the total amount referred to in section 170(1) in respect of that month—

(a) the director must cause to be imposed on the licensee in question

a penalty to be calculated by applying the percentage prescribed on the difference between those 2 amounts; and

(b) the amount received is to be credited as prescribed.

(2) A penalty imposed under subsection (1)(a) is due and payable, by the licensee in question, on or before the day prescribed of the month following the date on which it is imposed.

(3) The director, for any reason that the director considers is sufficient, may forgive or refund any penalty payable under this section.

Forgiven or overpaid money

172. Where—

- (a) under conditions referred to in section 48(1)(a), the director determines that part of any monthly rental payable is to be forgiven, the amount so forgiven, if paid before the determination; or
- (b) the amount received by the director in any month under section 170(1) is greater than the total amount referred to in section 170(1), the difference; or
- (c) under section 171(3), the director determines all or part of any penalty payable is to be forgiven, the amount so forgiven, if paid before the determination;

is to be either—

- (d) taken to be a payment forming part of the payment to be made for the following month under section 170(1) in respect of the licensed premises; or
- (e) at the discretion of the director, forwarded to the licensee, upon written application by the licensee.

Statement and report by the director

173.(1) The director must forward to a licensee as soon as practicable after the receipt of each monthly gaming machine reconciliation report from the licensee or, if a complete report is not received by the expiration of 10 days after the date on which the report is due, as soon as practicable after

that expiration—

- (a) a financial statement; and
- (b) a gaming machine performance report;

containing such particulars as the director considers appropriate in respect of the licensee's licensed premises in question.

(2) The director, by written notice, may require a licensee to furnish to the director an explanation, by a machine manager, in relation to any matter contained in a statement or report mentioned in subsection (1).

(3) A licensee must on receipt of a statement or report mentioned in subsection (1) cause the report to be reviewed and signed by a machine manager in respect of the licensed premises in question.

Maximum penalty for subsection (3)—200 penalty units or 1 year's imprisonment.

Disposition of fees etc.

174.(1) All fees and charges payable under this Act, other than a payment referred to in subsection (2), received by the director must be paid into the consolidated fund.

(2) A payment in respect of a monthly rental fee, gaming machine tax, sport and recreation levy, charities and rehabilitation levy, gaming machine community benefit levy or penalty under section 171, must on its receipt be paid into an account established in the Treasury for the purpose of holding such payments until an assessment is made on the amounts of such payment under subsection (3).

(3) A payment referred to in subsection (2) must, as soon as practicable after the production of the relevant statement under section 173(1)(a), be withdrawn from the account referred to in subsection (2) and such part of the payment as is assessed by the director as being—

- (a) monthly rental fee, gaming machine tax, or a penalty under section 171, must be paid by the director into the consolidated fund; and
- (b) sport and recreation levy, must be paid by the director into the Sport and Recreation Benefit Fund; and

Gaming Machine Act 1991

- (c) charities and rehabilitation levy, must be paid by the director into the Charities and Rehabilitation Benefit Fund; and
- (d) gaming machine community benefit levy, must be paid by the director into the Gaming Machine Community Benefit Fund.

(4) The Minister who is charged with the administration of the Sport and Recreation Benefit Fund may cause amounts to be paid out of the fund for the benefit of sport and recreation.

(5) The Minister who is charged with the administration of the Charities and Rehabilitation Benefit Fund may cause amounts to be paid out of the fund for charitable, rehabilitative or social development purposes.

(6) The Minister responsible for the administration of the Gaming Machine Community Benefit Fund may, having regard to the recommendation of the Gaming Machine Community Benefit Committee, cause amounts to be paid out of the fund for the benefit of the community.

Adjustment of rental fees etc. in certain circumstances

175. Where the director forms the opinion, in respect of a licensed premises, that an assessment of the gross monthly turnover or a calculation of monthly rental fee, gaming machine tax, sport and recreation levy, charities and rehabilitation levy, gaming machine community benefit levy or penalty under section 171 for a month in respect of which the director has previously forwarded a statement under section 173(1), is in error, the director may—

- (a) cause to be made an amended assessment of the turnover or an amended calculation of the fee, tax, levy or penalty and, if an amount previously calculated as being payable—
 - (i) is less than the amount of the director's amended calculation the difference is to be added to; or
 - (ii) is more than the amount of the director's amended calculation the difference is to be deducted from;

the applicable amount of monthly rental fee, gaming machine tax, sport and recreation levy, charities and rehabilitation levy or penalty under section 171, which becomes due and payable by the day prescribed of the month next following the month in which

the amended calculation is made; and

- (b) advise the licensee accordingly.

Recovery of rental fees, taxes and levies

176.(1) Any monthly rental fee, gaming machine tax, sport and recreation levy, charities and rehabilitation levy, gaming machine community benefit levy or penalty payable under section 171 that remains unpaid may be recovered as a debt payable by the licensee to the Crown.

(2) The director, with the approval of the chief executive, instead of proceeding with or continuing an action under to subsection (1), may accept in full payment of any debt payable, an amount that is less than the amount payable or remaining unpaid where—

- (a) the gaming machine licence in relation to which the debt is payable has been cancelled or surrendered; and
- (b) the person who held the licence is not the holder of any other gaming machine licence.

Offences relating to revenue

177.(1) A licensee who—

- (a) wilfully evades the payment, in whole or part, of any monthly rental fee, gaming machine tax, sport and recreation levy, charities and rehabilitation levy or gaming machine community benefit levy payable under this part or any penalty payable under section 171; or
- (b) makes or furnishes, or authorises or permits the making or furnishing to the director of a monthly gaming machine reconciliation report knowing the report to be false, erroneous or misleading in a material particular; or
- (c) knowingly makes or furnishes, or authorises or permits the making of a monthly gaming machine reconciliation report to the director containing errors in calculation that result in any delay or avoidance of the payment, in whole or part, of any monthly rental fee, gaming machine tax, sport and recreation levy, charities and rehabilitation levy or gaming machine community benefit levy

payable under this part or any penalty payable under section 171;
commits an offence against this Act.

Maximum penalty—400 penalty units or 2 years imprisonment.

(2) A licensee who—

- (a) makes or furnishes, or authorises or permits the making or furnishing to the director of a monthly gaming machine reconciliation report that is false, erroneous or misleading in a material particular, without having taken reasonable steps to ensure that the report was not false, erroneous or misleading in a material particular; or
- (b) knowingly lodges or causes to be lodged with the director a remittance of an amount less than the amount due and payable under with section 170(1);

commits an offence against this Act.

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

Offences relating to explanations

178.(1) A licensee who, when required under section 173(2) to furnish a written explanation—

- (a) fails to furnish a written explanation; or
- (b) knowingly furnishes an explanation that is false, erroneous or misleading in a material particular;

commits an offence against this Act.

(2) A machine manager who knowingly makes a written explanation, for the purposes of a requirement under section 173(2), that is false, erroneous or misleading in a material particular commits an offence against this Act.

Maximum penalty—400 penalty units or 2 years imprisonment.

PART 9—DIRECTIONS, POWERS ETC.

Interpretation

179. In this part—

“article” means—

- (a) gaming equipment; or
- (b) a restricted component; or
- (c) a device capable of being represented as being a gaming machine or linked jackpot arrangement; or
- (d) anything capable of forming gaming equipment; or
- (e) anything inserted, or capable of being inserted, into a gaming machine in order to operate or gain credit on the gaming machine (other than a gaming token of the denomination or type displayed on the gaming machine); or
- (f) any device intended for use, or capable of being used, to interfere with the normal operation of gaming equipment; or
- (g) anything that permits or facilitates cheating or stealing; or
- (h) a gaming token; or
- (i) any lock or key; or
- (j) any counter of or apparatus for weighing gaming tokens; or
- (k) any other item related to—
 - (i) gaming or the conduct of gaming; or
 - (ii) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment.

“records” means any books, accounts, records or documents, in any form, which are related to—

- (a) the conduct of gaming; or
- (b) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or

- repair of gaming equipment; or
- (c) the administration of licensed premises.

Directions to licensees

180.(1) The commission or director may, by written notice, give directions to a licensee in relation to the conduct of gaming or the administration of the licensee's licensed premises.

(2) The licensee must comply with the directions of the commission or director under subsection (1).

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

(3) If a licensee who has been convicted of an offence of failing to comply with directions given under subsection (1), continues to fail to so comply, the licensee commits an offence against this Act.

Maximum penalty—20 penalty units for each day on which the failure continues.

Powers of inspectors

181.(1) An inspector, who, on reasonable grounds, that it is necessary in the performance of the inspector's functions under this Act, may, subject to subsections (2) and (7) enter, be and remain on licensed premises or any other place in or at which the inspector believes on reasonable grounds any—

- (a) article is manufactured, assembled, sold, supplied, stored, transported, handled, installed, altered, obtained, possessed, operated, used, adjusted, maintained, repaired or kept; or
- (b) records are made, maintained, prepared, handled, stored or kept;

and may—

- (c) make such investigations and inquiries as are necessary to ascertain whether this Act is being complied with; and
- (d) make an inspection of the licensed premises or other place and of—
- (i) any articles, records, fittings and fixtures; or

Gaming Machine Act 1991

- (ii) any other thing of any kind apparently used, or capable of being used, in connection with—
 - (A) gaming or the conduct of gaming; or
 - (B) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment; and
- (e) open, or order to be opened—
 - (i) any container or other receptacle of any kind; or
 - (ii) a door of any container or other receptacle of any kind; used for the storage or conveyance of any article or records or that the inspector believes on reasonable grounds contains any article or records; and
- (f) search for and seize and retain any article, records or other thing that the inspector considers will afford evidence as to the commission of an offence against this Act or any other Act or law suspected by the inspector on reasonable grounds to have been committed; and
- (g) open or order to be opened any gaming equipment; and
- (h) inspect and test any gaming equipment or part of the gaming equipment and order the withdrawal from use of any gaming equipment or part considered by the inspector to be unsatisfactory for use; and
- (i) take such photographs, or films or audio or visual recordings that he or she considers may afford evidence as to the commission of an offence against this Act or any other Act or law suspected by the inspector on reasonable grounds to have been, or to be likely to be, committed; and
- (j) require a person to produce to the inspector any licence, registration, permit, approval, certificate or authorisation under this Act granted or issued to that person or alleged by that person to have been granted or issued to that person; and
- (k) when so required by the director—

Gaming Machine Act 1991

- (i) provide gaming machines and linked jackpot equipment to a licensee; or
 - (ii) alter a gaming machine to effect a change in the game, gaming token denomination or betting unit; or
 - (iii) take possession of and remove any gaming equipment or ancillary or related property of the Crown and do such works and actions as are required in order to do so; and
- (1) in all other respects, exercise the inspector's powers and perform the inspector's functions under this Act.

(2) Where an act referred to in subsection (1)(a) or (b) is carried out during the night time, an entry and inspection under subsection (1) may be made at all reasonable times during the day time or night time but otherwise such entry and inspection must be made at all reasonable times during the day time.

(3) An inspector, who believes, on reasonable grounds, that it is necessary in the performance of the inspector's functions under this Act, may—

- (a) require any person who has in the person's possession or under the person's control any article or records to—
 - (i) produce for the inspector's inspection any such article or records; and
 - (ii) attend before the inspector at a time and place named and then and there to answer any questions or supply any information with respect to any article or records or any entry in any article or records; and
- (b) inspect any article or records referred to in paragraph (a) and take such notes or copies of or in relation to such records or take extracts from such records as the inspector considers are necessary; and
- (c) for the purpose of obtaining evidence for production in possible subsequent proceedings against any person for an offence committed against this Act or any other Act or law, seize and retain any article or records inspected by the inspector under paragraph (b); and

Gaming Machine Act 1991

- (d) require any person responsible for or connected with—
 - (i) the conduct of gaming; or
 - (ii) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment; or
 - (iii) the administration of licensed premises;to attend before the inspector at a time and place named and then and there to answer any questions or supply any information with respect to the matters referred to in this paragraph; and
- (e) require a person to state the person's full name, the address of the person's usual place of residence and the person's date of birth or any of those particulars; and
- (f) require a person referred to in paragraph (e) to produce evidence of the correctness of any particular stated in answer to a requirement made under that paragraph if the inspector suspects that the particular is false; and
- (g) receive and investigate complaints from any person with respect to—
 - (i) gaming; or
 - (ii) the conduct of gaming; or
 - (iii) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment; or
 - (iv) the administration of licensed premises;and advise the person the results of the investigations; and
- (h) stop and search any vehicle or vessel used or that the inspector believes on reasonable grounds has been, is being, or is likely to be, used for the conveyance of any article, records or other thing that the inspector considers will afford evidence as to the commission of an offence against this Act; and
- (i) call to the inspector's aid—
 - (i) another inspector or a police officer; or

Gaming Machine Act 1991

- (ii) a person whom the inspector thinks is competent to assist the inspector in the exercise of the inspector's powers or the performance of the inspector's functions under this Act; and
- (j) use such force as is reasonably necessary in the circumstances in the exercise of the inspector's powers or in the performance of the inspector's functions under this Act; and
- (k) in order to identify or protect the integrity of any article, records or other thing, mark, fasten, secure or seal—
 - (i) the article, records or other thing; or
 - (ii) any door, gate or opening that the inspector believes on reasonable grounds affords access to the article, records or other thing; and
- (l) exercise such other powers and authorities and perform such other functions as are prescribed.

(4) Any—

- (a) article, records or other thing seized and retained under subsection (1)(f); or
- (b) article or records seized and retained under subsection (3)(c);

may be detained for such period as the inspector, on reasonable grounds, thinks fit and, where any proceedings are started for the purpose of which the article or records or other thing was or were retained, must be detained until the final determination of those proceedings including any appeal in respect of those proceedings.

(5) Where under subsection (1)(f) or (3)(c) records are seized and retained, the person entitled to possession of the records, on application to the inspector who retained the records and within a reasonable time after the seizure, is to be furnished by the inspector with a correct copy of the records.

(6) A copy of records furnished under subsection (5) certified by the inspector as being a correct copy is admissible as evidence in any court and has the same effect as if it were the original of the records.

(7) Before an inspector enters any premises that are used or any part of premises that is used exclusively as a dwelling house, the inspector must, except where the inspector has the permission of the occupier of the

Gaming Machine Act 1991

premises or part of the premises to the entry, obtain from a justice a warrant to enter the premises or part.

(8) For the purposes of subsections (6) to (10), premises used as a dwelling house do not include the curtilage of those premises.

(9) A justice who is satisfied upon the complaint of an inspector that there is reasonable cause to suspect that any article, records or other thing relevant to the administration of this Act is or are on premises or a part of premises used exclusively as a dwelling house and that—

- (a) in respect of the article, records or thing an offence against this Act or any other Act or law has been, is being or is likely to be, committed; or
- (b) it is or they are likely to be or provide evidence for production in possible subsequent proceedings against any person for an offence committed against this Act or any other Act or law;

may issue a warrant, directed to the inspector, to enter the premises or part of premises specified in the warrant for the purpose of exercising the inspector's powers and performing the inspector's functions under this Act.

(10) For 1 month from the date of its issue, a warrant is sufficient authority for the inspector and any person acting in aid of the inspector—

- (a) to enter the premises or part of premises specified in the warrant; and
- (b) to exercise the inspector's powers and perform the inspector's functions under this Act.

(11) For the purpose of gaining entry to any place that the inspector is authorised under this Act to enter, an inspector and all persons acting in aid of the inspector may use such force as is reasonable in the circumstances.

(12) A person who is acting in aid of an inspector has and may exercise all or any of the powers of an inspector and perform the functions of an inspector.

(13) A requirement by an inspector under this section may be made verbally or given in writing directed to the person to or on whom it is made.

(14) A requirement made to a person by an inspector under this section to produce records is, where the records are not written, or are not written in the English language, a requirement to produce (at that person's expense)—

- (a) such records; and
- (b) a statement, written in the English language, setting forth such information in the records as is not written or is not written in the English language.

(15) A person is not required, in respect of any matter within the application of this Act, to answer any question or give any information tending to incriminate the person.

Offences relating to inspectors

182. A person must not—

- (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate any inspector or person acting in aid of an inspector who is exercising powers or performing functions under this Act or attempting to do so; or
- (b) when required under this Act to produce—
 - (i) for inspection any article or records; or
 - (ii) any licence, registration, permit, approval, certificate or authorisation under this Act granted or issued to the person;fail without lawful excuse to produce any such thing in accordance with such requirement; or
- (c) when required under this Act to attend before an inspector, fail without lawful excuse to so attend in accordance with such requirement; or
- (d) when required under section 181(3)(a) or (d) to answer any question or supply any information with respect to—
 - (i) any article, records or any entry in such records; or
 - (ii) the conduct of gaming; or
 - (iii) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment; or
 - (iv) the administration of licensed premises;or, knowing or being in a position to know the answer or

Gaming Machine Act 1991

information required, fail to answer that question or supply that information or supply information that is to the person's knowledge false, erroneous or misleading in a material particular; or

- (e) when required under section 181(3)(e) to state the person's full name, the address of the person's usual place of residence and the person's date of birth or any of those particulars—
 - (i) fail to immediately state any such particular; or
 - (ii) state any false particular; or
 - (f) when required under section 181(3)(f) to produce evidence of the correctness of any particular—
 - (i) fail to produce that evidence; or
 - (ii) produce false evidence with respect to that particular; or
 - (g) retake any article, records or other thing seized and retained under this Act; or
 - (h) tamper with—
 - (i) any article, records or other thing; or
 - (ii) any door, gate or opening that the inspector believes on reasonable grounds affords access to any article, records or other thing;
- marked, fastened, secured or sealed under this Act; or
- (i) fail to open any container or other receptacle of any kind, a door of a container or other receptacle of any kind or any gaming equipment when ordered to do so by an inspector acting under this Act; or
 - (j) fail to withdraw from use any gaming equipment or part of the gaming equipment considered by an inspector to be unsatisfactory for use when ordered to do so by an inspector acting under this Act; or
 - (k) prevent, directly or indirectly, a person from attending before an inspector, or producing to an inspector any article, or records or

answering any question or supplying any information to an inspector when that person is required to do so under this Act.

Maximum penalty—400 penalty units or 2 years imprisonment.

Minister may order inquiry

183.(1) The Minister may, if the Minister thinks fit, nominate and appoint in writing the commission, a commissioner, the director or any other person to hold an inquiry into any or all aspects of—

- (a) gaming; or
- (b) the conduct of gaming; or
- (c) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment; or
- (d) the administration of licensed premises.

(2) In the holding of the inquiry the commission, commissioner, director or other person has and may exercise all the powers, rights, privileges, protection and jurisdiction of a commission of inquiry under the *Commissions of Inquiry Act 1950* except such as are provided by sections 4, 4A, 5A, 5B, 10(3), 13, 14(1A), 19A, 19B, 19C and 26 to 32 of that Act.

(3) Nothing contained in this section affects any other powers that a commissioner or the director has as an inspector under this Act or, where the other person is an inspector, that the other person has as an inspector under this Act.

Review and termination of agreements

184.(1) A listed person or a holder of a licence under this Act, if directed by the director to do so, must furnish to the director within the time stipulated in the direction such information or material as the director thinks fit with respect to any lease, agreement or arrangement (“**the agreement**”) that the listed person or holder has with any other person relating to the conduct of the business of the listed person or holder.

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

Gaming Machine Act 1991

(2) Without limiting subsection (1), matters concerning which the director may direct the furnishing of information or material include—

- (a) names of persons entering into the agreement; and
- (b) description of any property, goods or other things or any services provided or to be provided; and
- (c) value, type or nature of consideration; and
- (d) period of the agreement.

(3) A listed person or a holder of a licence under this Act, if directed by the director to do so, must furnish to the director within the time stipulated in the direction a copy of the agreement (if it is in writing).

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

(4) If the director, after reviewing information or material furnished under this section, considers (having regard to the terms of the agreement and such other information or material as the director considers is relevant) that the continuation of the agreement—

- (a) is not in the public interest; or
- (b) jeopardises the integrity of—
 - (i) gaming; or
 - (ii) the conduct of gaming; or
 - (iii) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment;

the director may issue to a listed person or a holder of a licence under this Act who is the party to the agreement a written notice to show cause why the agreement should not be terminated.

(5) Notice under subsection (4) is to set out the grounds for its issue and is to stipulate a date, not less than 21 days after its issue, on or before which cause is to be shown.

(6) Copy of the notice under subsection (4) is to be given to the other party to the agreement.

(7) A listed person or a holder of a licence under this Act to whom notice under subsection (4) is issued may give a written answer to the director to

show cause at any time not later than the date stipulated in the notice in that respect.

(8) The other party may make such written submissions to the director as the party thinks fit at any time not later than that stipulated date.

(9) The director is to consider any answers given in reply to the notice to show cause and any submissions made under subsection (8) and, if the director considers that—

- (a) satisfactory answers are given or submissions made in reply to or in respect of the notice—the director is not to take any action or any further action in relation to the notice; or
- (b) answers given or submissions made in reply to or in respect of the notice are not satisfactory or if no answers are given and no submissions are made—the director may recommend to the commission that the agreement be terminated.

(10) Where the director makes a recommendation to the commission, the director must submit the notice to show cause and answers, any submissions made and such other information or material in the director's possession as the director considers is relevant to the recommendation.

(11) The commission, having regard to the recommendation of the director, other matters referred to in subsection (10) and to such other information or material as the commission considers is relevant, may—

- (a) take no action with respect to the agreement if the commission considers action is not warranted; or
- (b) direct the termination of the agreement.

(12) The commission's direction referred to in subsection (11)(b) is to be given in writing to the parties to the agreement and is to specify the reasons for the termination and a date on which the agreement is terminated under this Act if not sooner terminated.

(13) The agreement in question, if not sooner terminated by the parties to the agreement, is terminated by force of this Act on the date specified for the purpose in the direction.

(14) The termination of the agreement by force of this Act does not affect the rights and obligations of the parties to the agreement up to the time of such termination.

(15) No liability for breach of the agreement attaches to any party to the agreement because of its termination by force of this Act.

Financial institution may be required to furnish particulars

185.(1) The manager or other principal officer of a financial institution in which a licensee keeps and maintains an account in relation to the operation of the licensee's licensed premises must, when so required in writing by an inspector, furnish to the inspector a statement of account and any other particulars required by the inspector to be so furnished, including copies of cheques or records relevant to the account.

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

(2) No liability is incurred by the financial institution or the manager or other principal officer of the financial institution in respect of any breach of trust or otherwise because of the furnishing of any statement or particulars or copies under this section.

(3) An inspector must not, without the approval of the chief executive, make a requirement under subsection (1).

PART 10—GENERAL

Certain persons not to play gaming machines

186.(1) A licensed repairer must not play gaming machines installed on licensed premises except to such extent as is necessary for the repairer to do so to alter, adjust, maintain, repair or test the gaming machines.

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

(2) A person who is a licensee or machine manager must not play gaming machines installed on licensed premises of which that person is licensee or machine manager—

- (a) during the period that the person is the licensee or machine manager of the licensed premises, except to such extent as is necessary to do so in the course of carrying out duties as such

licensee or machine manager; and

- (b) for the period of 30 days after ceasing to be such licensee or machine manager.

Maximum penalty—40 penalty units.

(3) Where winnings become payable because of playing a machine as authorised by this section, those winnings remain the property of the licensee and are not payable to any person.

Officers of division may be prohibited from playing gaming machines

187.(1) An officer of the division, if so directed in writing by the director, must not play gaming machines provided to a licensee except to such extent as is necessary for the officer to do so in the course of carrying out duties as an officer of the division.

(2) A direction given under subsection (1) may be made subject to such conditions as the director thinks fit.

Prohibition on control of applications by clubs

188. A person must not have or gain—

- (a) control over, or the ability to control—
 - (i) whether or not a club makes an application under part 3; or
 - (ii) the content of any application made by a club under part 3; or
- (b) the ability to interpose between a club and the director in respect to an application made by the club under part 3;

unless the person is the secretary, an executive officer or a member of the club carrying out the duties or exercising the normal rights that person has as such secretary, executive officer or member.

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

Restriction on certain agreements

189.(1) A licensee or any other person must not enter into, or be a party

Gaming Machine Act 1991

to, any lease, agreement or arrangement for a person to lease, let, lend or otherwise provide any property or thing or to furnish any service to the licensee in return for any direct or indirect interest in or percentage or share of—

- (a) the amount bet for the purpose of gaming; or
- (b) moneys, revenues, profits or earnings from the conduct of gaming;

on the licensee's licensed premises.

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

(2) If a licensee or any other person, before the issue of the licensee's gaming machine licence has entered into or has in any way become a party to any lease, agreement or arrangement referred to in subsection (1), the lease, agreement or arrangement on and from the issue of the gaming machine licence, to the extent that it contravenes or is inconsistent with subsection (1), is void.

(3) No right of action arises against any person because of the operation of subsection (2).

(4) The commission, where the commission is of the opinion that it is in the public interest to do so, may exempt in writing any lease, agreement or arrangement referred to in subsection (1) and subject such exemption to such conditions as the commission considers appropriate.

(5) Any exemption under subsection (4) may, at any time, be revoked by the commission.

(6) This section does not apply to an agreement referred to in section 149(6).

Exemption of devices etc.

190.(1) The director may declare that anything is not a gaming machine or a device capable of being represented as being a gaming machine for the purposes of this Act.

(2) The director may declare that anything is not a restricted component for the purposes of this Act.

(3) Any declaration under this section may, at any time, be revoked by the director.

Approvals and authorities under this Act

191.(1) Where this Act provides that any act or thing must not be done except with, or may be done with, the approval or authorisation of the Minister, commission, chief executive or director, that approval or authorisation may be granted by the Minister, commission, chief executive or director by instrument in writing.

(2) A person referred to in subsection (1) may in respect of any approval or authorisation by the person—

- (a) subject such approval or authorisation to conditions; and
- (b) at any time—
 - (i) subject the approval or authorisation to further conditions; and
 - (ii) vary the conditions or further conditions; and
 - (iii) withdraw such approval or authorisation;

if the person considers it necessary or appropriate in the public interest or for the proper conduct of gaming.

(3) Without derogating from section 149(5), a person must not fail to comply with any condition to which an approval or authorisation is subject.

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

(4) A person must not—

- (a) modify anything subject to an approval or authorisation from; or
- (b) fail to maintain anything subject to an approval or authorisation in;

the form, state or condition in which it was approved or authorised except in order to comply with conditions to which the approval or authorisation is subject.

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

Signatories to approvals and written requirements etc. of the commission

192. An approval or authorisation or any written requirement, notification, direction, exemption or order by the commission is to be signed by the chairperson and 2 other commissioners.

Bribery of commissioners or officers of division

193.(1) Any commissioner or officer of the division who corruptly asks for, receives, or obtains or agrees to receive or obtain any money, property or benefit of any kind for the commissioner or officer or any other person—

- (a) so that the commissioner or officer will forego or neglect functions under this Act or in order to influence the commissioner or officer in the performance of functions under this Act; or
- (b) because of anything already done or omitted to be done or to be afterwards done or omitted to be done by the commissioner or officer in the performance of functions under this Act; or
- (c) for the commissioner or officer to use or take advantage of the commissioner's or officer's position improperly to gain any benefit or advantage for or facilitate the commission of an offence by another person;

commits an offence against this Act.

(2) Any person who corruptly gives, confers or procures or promises or offers to give, confer or procure to, upon or for any commissioner or officer of the division or any other person any money, property or benefit of any kind—

- (a) so that the commissioner or officer will forego or neglect functions under this Act or in order to influence the commissioner or officer in the performance of functions under this Act; or
- (b) because of anything already done or omitted to be done or to be afterwards done or omitted to be done by the commissioner or officer in the performance of functions under this Act; or

- (c) for the commissioner or officer to use or take advantage of the commissioner's or officer's position improperly to gain any benefit or advantage for or facilitate the commission of an offence by the first person or any other person;

commits an offence against this Act.

Maximum penalty—400 penalty units or 2 years imprisonment.

Financial connections and interests of officers of the division

194.(1) An officer of the division—

- (a) must not knowingly have, directly or indirectly—
 - (i) any business or financial connection with; or
 - (ii) any business or financial interest in any matter in conjunction with;
 - a listed person or a holder of a licence under this Act; or
- (b) must not—
 - (i) be; or
 - (ii) be an employee in any capacity of; or
 - (iii) hold the position of executive officer or secretary of a body corporate which is;
 - a listed person or a holder of a licence under this Act; or
- (c) must not, without the approval of the chief executive, solicit or accept employment from, be an employee in any capacity of, or have a business or financial connection with a listed person or a holder of a licence under this Act within a period of 1 year after the officer ceases to be an officer of the division.

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

(2) A listed person or a holder of a licence under this Act—

- (a) must not knowingly have, directly or indirectly—
 - (i) any business or financial connection with; or
 - (ii) any business or financial interest in any matter in

Gaming Machine Act 1991

conjunction with;

an officer of the division; or

- (b) must not employ in any capacity an officer of the division; or
- (c) must not, without the approval of the chief executive, employ in any capacity or have a business or financial connection with a person who was an officer of the division within a period of 1 year after that person ceases to be an officer of the division.

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

(3) An officer of the division who has directly or indirectly—

- (a) any business or financial connection with; or
- (b) any business or financial interest in any matter in conjunction with;

a person who becomes a listed person, a holder of a licence under this Act or an applicant for a licence under this Act must, immediately upon becoming aware that the person has so become listed, licensed or an applicant—

- (c) notify the chief executive of such connection or interest; and
- (d) if directed by the chief executive, terminate the connection or relinquish the interest within a time specified by the chief executive.

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

(4) This section does not apply so as to prohibit an officer of the division—

- (a) from being a financial member of a club that is a licensee, or having such other financial connection with the club as is generally had by other members of the club; or
- (b) from having any business or financial connection (being a connection that is not related to the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, adjustment, maintenance or repair of gaming equipment) with a listed person or holder of a licence under this Act such as is generally had by members of the public.

(5) An officer of the division must, immediately upon making application for membership of a club that is a licensee or an applicant for a gaming machine licence, notify the chief executive of the making of the application.

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

(6) In subsections (3), (4) and (5)—

“**officer of the division**” includes a person who has ceased to be an officer of the division if less than 1 year has elapsed since the person ceased to be an officer.

Reporting of accounting discrepancies and criminal activity

195.(1) A licensee or machine manager who becomes aware or suspects that a person by fraud, misrepresentation or theft has obtained a benefit for the person or another person in relation to gaming or the conduct of gaming must, within 3 days of so becoming aware or suspecting, advise the director in writing of all facts known to the licensee or machine manager in relation to the fraud, misrepresentation or theft.

(2) A person who—

- (a) terminates the employment or otherwise prejudices the career of; or
- (b) prejudices the safety of; or
- (c) intimidates or harasses;

any licensee, machine manager or other person because the licensee or machine manager has advised, or may advise, the director under subsection (1) commits an offence against this Act.

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

Cheating

196.(1) A person must not dishonestly—

- (a) by a scheme or practice; or
- (b) by the use of gaming equipment; or

Gaming Machine Act 1991

- (c) by the use of an instrument or article of a type used in connection with gaming, or appearing to be of a type used in connection with gaming, or of any other thing;

in relation to gaming or the conduct of gaming, induce a licensee, or a person acting on behalf of the licensee, to deliver, give or credit to the person or another person, any money, gaming tokens, gaming machine credits, benefit, advantage, valuable consideration or security.

(2) A licensee must not dishonestly—

- (a) by a scheme or practice; or
- (b) by the use of gaming equipment; or
- (c) by the use of an instrument or article of a type used in connection with gaming, or appearing to be of a type used in connection with gaming, or of any other thing;

in relation to gaming or the conduct of gaming, induce a person to deliver, give or credit to the licensee or another person, any money, gaming tokens, gaming machine credits, benefit, advantage, valuable consideration or security.

(3) In subsection (2)—

“licensee” includes—

- (a) a machine manager or a person who supervises gaming or attends to gaming machines on behalf of a licensee; and
- (b) a person employed by a licensee to sell or redeem gaming tokens or carry out centralised credit transactions on behalf of the licensee.

(4) A person must not dishonestly cause gaming equipment to deliver, give or credit to the person or another person any gaming tokens, gaming machine credits, benefit, advantage, valuable consideration or security.

(5) A person must not, for the purpose of cheating or stealing in relation to gaming or the conduct of gaming, use, or be in possession of—

- (a) any gaming tokens that the person knows are bogus or counterfeit; or

- (b) anything that permits or facilitates cheating or stealing.

Maximum penalty—1 000 penalty units or 5 years imprisonment.

Forgery and like offences

197. A person who—

- (a) forges or counterfeits any gaming token, licence, identification card or other form of identification authorised to be issued under this Act; or
- (b) knowingly utters any such gaming token, licence, identification card or other form of identification so forged or counterfeited; or
- (c) personates any person named in any such licence, identification card or other form of identification; or
- (d) falsely represents that the person is an inspector or an officer of the division; or
- (e) connives at any such forging, counterfeiting, uttering, personating or representing as referred to in this section; or
- (f) provides or submits information or material knowing it to be false, erroneous or misleading in a material particular in, or in relation to, any application, response to a requirement, submission, advice, notification, answer to a notice, statement or affidavit made under this Act;

commits an offence against this Act.

Maximum penalty—400 penalty units or 2 years imprisonment.

Detention, arrest etc. of persons by police officers in relation to offences under s 67, 135(1) or (2), 152(1), 196 or 197

198.(1) Any police officer may arrest without warrant any person who has, or whom the police officer suspects on reasonable grounds has, committed or attempted to commit an offence against section 67, 135(1) or (2), 152(1), 196 or 197.

(2) Any police officer who under subsection (1) arrests a person, may—

- (a) search that person and the possessions of that person; and

- (b) seize anything found because of the search that may afford evidence of the commission of an offence; and
- (c) use such force as is reasonable in the circumstances for the purpose of such detention and search.

(3) Before arresting any person under subsection (1), any police officer who is not readily identifiable as a police officer must produce to the person the officer's identification issued to the officer by the commissioner of the police service.

Liability for offences by servants, agents or employees

199.(1) Where a person commits an offence against this Act as servant, agent or employee, then, without derogating from the Criminal Code, section 7, the employer of that person is, subject to subsection (2), taken—

- (a) to have committed the offence; and
- (b) to be criminally responsible for the act or omission that constitutes the offence;

and, despite the Criminal Code, section 23, or any other rule of law or practice, may be charged with the offence and punished accordingly.

(2) It is a defence to a prosecution for an offence against an employer referred to in subsection (1) to prove that the offence was committed without the employer's consent or connivance and that the employer exercised due diligence to prevent the commission of the offence.

(3) In proceedings for an offence against this Act alleged to have been committed by a defendant as servant, agent or employee, the court must not convict the defendant if the evidence establishes that—

- (a) the offence was committed while the business of the defendant's employer was being conducted under the personal supervision of the employer or any manager or any other representative of the employer; and
- (b) the reason that the defendant committed the offence was that the defendant had been compelled to do so by the employer, manager or representative.

(4) Except as provided by subsection (2), this section applies so as not to

prejudice liability imposed by or under this Act on any person by whom an offence against this Act is actually committed.

Liability for offence by body corporate

200.(1) Where a body corporate commits an offence against this Act, then, without derogating from the Criminal Code, section 7—

- (a) the person who, at the time the offence is committed, is secretary or an executive officer of the body corporate; and
- (b) every person who, at the time the offence is committed, manages or acts or takes part in the management, administration or government of the business of the body corporate in Queensland;

is, subject to subsection (3), taken—

- (c) to have committed the offence; and
- (d) to be criminally responsible for the act or omission that constitutes the offence;

and, despite the Criminal Code, section 23, or any other rule of law or practice, may be charged with the offence and punished accordingly.

(2) This section applies so as not to limit or affect in any way the liability of a body corporate to be proceeded against and punished for an offence against this Act committed by it.

(3) It is a defence to a prosecution for an offence against this Act brought against a person specified in subsection (1)(a) or (b) to prove that the offence was committed without that person's consent or connivance and that the person exercised due diligence to prevent the commission of the offence.

Power to request name and address by police officers

201.(1) Any police officer, in connection with the exercise of any powers or the discharge by the police officer of any duties under this Act in relation to any person, may request that person to state the person's full name, the address of the person's usual place of residence and his or her date of birth or any of those particulars.

(2) If the police officer suspects on reasonable grounds that any of the

Gaming Machine Act 1991

particulars stated is false, the police officer may request evidence of the correctness of the particulars.

(3) A person requested under this section to state the person's name, address and date of birth or any of those particulars who—

- (a) fails to immediately state any such particulars; or
- (b) states any false particulars;

commits an offence against this Act.

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

(4) A person requested under this section to produce evidence of the correctness of any particulars who—

- (a) fails to produce that evidence; or
- (b) produces false evidence with respect to those particulars;

commits an offence against this Act.

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

(5) A police officer may arrest without warrant any person who, when requested under this section—

- (a) to state that person's name, address and date of birth or any of those particulars; or
- (b) to produce evidence of the correctness of any such particulars;

fails to do so or states any name, address or date of birth or produces evidence that in the opinion of the police officer is false.

(6) Any police officer who makes a request of a person under this section must—

- (a) if the police officer is not readily identifiable as a police officer, produce to the person the officer's identification issued to the officer by the commissioner of the police service; and
- (b) warn the person when making the request that failure to comply with the request or to state false particulars or to produce false evidence with respect to the particulars requested is an offence against this Act.

Fingerprints and the like

202.(1) Where a person has been arrested for an offence or an attempt to commit an offence against section 135(1) or (2), 152(1), 196 or 197, a police officer at the police establishment or police station to which the person is taken after arrest, or where the person is in custody, may take all such particulars as the police officer considers necessary for the identification of the person, including the person's voice print, photograph, fingerprints, palm prints, footprints, toe prints and handwriting.

(2) In taking those particulars (other than any voice print or handwriting), such force as is reasonable in the circumstances may be used.

(3) A court that convicts a person who appears personally before it of an offence or an attempt to commit an offence against section 135(1) or (2), 152(1), 196 or 197 may, in its discretion, order that person into the custody of a police officer for the purpose of obtaining any particulars referred to in subsection (1).

(4) That police officer and any other police officer acting in aid of that police officer must take that person to a place where those particulars can adequately be taken and take those particulars.

(5) In taking the person to the place, such force as is reasonable in the circumstances may be used.

(6) Where a person is found not guilty of an offence or an attempt to commit an offence against section 135(1) or (2), 152(1), 196 or 197, any voice print, photograph, fingerprints, palm prints, footprints, toe prints or handwriting previously taken under this section in relation to the offence in respect of which the person was found not guilty must, on written request by the person, be destroyed in the person's presence or in the presence of a person nominated by the person.

Claims of privilege in proceedings for offences

203.(1) In proceedings for an offence against this Act, a prosecutor or a witness for the prosecution must not be compelled to disclose information, or produce any document containing the information, where the information may be subject to a genuine claim of privilege under any Act or law.

(2) Except as provided in subsection (1), in proceedings for an offence against this Act a prosecutor or a witness for the prosecution, on application

by or on behalf of the defendant, may be compelled to disclose to the court information relevant to the proceedings or produce any document containing information relevant to the proceedings.

(3) The court in the interests of justice, having regard to all the circumstances of the proceedings, must determine if the information is to be disclosed, or the document produced, to the defendant or the defendant's legal representative.

Protection of officers etc.

204. No liability is incurred by the Crown, the Minister, the commission, a commissioner, the chief executive, the commissioner of the police service, the director, any inspector or any other officer of the division or any police officer or other person acting under this Act in aid of an inspector on account of anything done for the purposes of this Act.

Attempt to commit offence

205.(1) A person must not attempt to commit an offence against this Act.

(2) A person convicted of the offence of attempting to commit an offence against this Act is liable to the same penalty as an offender convicted of the offence itself unless the person proves that the person desisted of the person's own initiative from the further prosecution of the person's intention, without its fulfilment being prevented by circumstances independent of the person's will, in which case the person is liable to one-half of the penalty to which the person would otherwise be liable.

(3) A person may be convicted of attempting to commit an offence against this Act upon a complaint charging the person with that offence.

Proceedings for offences

206.(1) Subject to subsections (3) to (6), offences against this Act may be prosecuted in a summary way under the *Justices Act 1886*.

(2) A prosecution for an offence against this Act may be started within 1 year from the time when the matter of complaint arose or, if the proceedings are instituted by—

Gaming Machine Act 1991

- (a) the director, or a person authorised by the director—within 6 months after the matter of complaint comes to the knowledge of the director; or
- (b) a person authorised by the commission—within 6 months after the matter of complaint comes to the knowledge of the commission;

whichever is the period later to expire.

(3) An offence against section 67, 99(1), 135(1) or (2), 140(2), 151(1) or (2), 152(1), (3) or (4), 153(1), 155(1) or (3), 177, 178, 193, 196 or 197 may be prosecuted in a summary way under the *Justices Act 1886* or upon indictment.

(4) Where proceedings for an offence against section 67, 99(1), 135(1) or (2), 140(2), 151(1) or (2), 152(1), (3) or (4), 153(1), 155(1) or (3), 177, 178, 193, 196 or 197 are taken with a view to summary conviction of the defendant, the court, if it forms the opinion that the matter should not be determined summarily or if the defendant requires that the matter be dealt with upon indictment, must abstain from determining the matter summarily.

(5) Instead of dealing with the proceedings as proceedings with a view to the committal of the defendant for trial or sentence the court may exercise in respect of the defendant for the purpose of such proceedings all the powers conferred on it by law as though the proceedings were proceedings with a view to committal in the first instance.

(6) Where the court abstains from determining a matter summarily under subsection (4), a plea of the defendant, if taken at the outset of the summary proceedings, is to be disregarded and, before committing the defendant for trial or for sentence, the court must address the defendant under the *Justices Act 1886*, section 104.

(7) A conviction upon indictment for an offence against section 67, 99(1), 135(1) or (2), 140(2), 151(1) or (2), 152(1), (3) or (4), 153(1), 155(1) or (3), 177, 178, 193, 196 or 197 is, and has effect in law as, a conviction for an indictable offence.

Institution of proceedings

207.(1) Without derogating from subsection (2), proceedings for an offence against section 67, 105, 118, 119(1) or (2), 120(1) or (2), 121, 122(1), 135(1) or (2), 152(1), 196, 197 or 201 may be instituted by a police officer and a police officer is entitled to appear before a Magistrates Court on behalf of and act for the complainant.

(2) Proceedings for an offence against this Act may be instituted by the director or by a person authorised by the commission or director to institute the proceedings in a particular case.

(3) In any case where power is given to arrest an offender, it also includes power and authority to proceed against an offender by way of complaint and summons under the *Justices Act 1886*.

Warrant and arrest of person offending against Act

208. Upon complaint on oath made before any justice by any person authorised in writing by the director in that behalf that the person believes on reasonable grounds that an offence against this Act has been committed, the justice, if the justice believes on reasonable grounds that proceedings by summons would not be effective, may by warrant under the justice's hand directed to any police officer order the person named in the warrant to be arrested and brought as soon as possible before a court to be dealt with according to law.

Forfeiture

209.(1) The court that convicts a person of an offence against this Act may order to be forfeited to the Crown—

- (a) anything seized under section 198; and
- (b) any article, records or other thing, seized and retained under section 181(1)(f) or 181(3)(c) and detained under section 181(4);

relating to or connected with the commission of the offence of which the person has been convicted.

(2) Where a person charged with an offence against this Act is not convicted of any offence, the court may order to be forfeited to the Crown any article, records or other thing, seized and retained under

section 181(1)(f) or 181(3)(c) and detained under section 181(4), that was or were found in the possession or under the control of that person.

(3) Anything forfeited to the Crown under this section is to be dealt with or disposed of in such way as the Minister directs.

(4) A dealing with or forfeiture or disposal of anything under this section does not confer upon any person a right to compensation.

Service of notices, documents etc.

210.(1) Any written advice, direction, order, requirement, requisition, notice, authorisation, notification or any other document (“**document**”) under this Act is taken to have been given or issued to or served upon a person if—

- (a) it is served personally on the person to whom it is directed or on a person authorised by that person, either generally or in a particular case, to accept service of anything on that person’s behalf; or
- (b) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives, issues or serves it; or
- (c) it is sent by post or facsimile transmission to the place of residence or business of the person to whom it is directed last known to the person who gives, issues or serves it; or
- (d) where a way of service is prescribed by any other Act or law in relation to a person or class of person—it is served in the way so prescribed.

(2) Where any document is given, issued or served, the person who gives, issues or serves it may attend before a justice and depose on oath and in writing endorsed on a copy of the document as to the way of giving, issue or service of the document showing the date of personal service, leaving, posting, transmission or service in other way specified in subsection (1) of such document.

(3) Every such deposition upon production in court is evidence of the matters contained in the deposition and in the absence of evidence to the contrary is conclusive evidence of the giving, issuing or serving of such document to or on the person to whom it is directed.

Evidentiary provisions

211. In proceedings under this Act—

- (a) it is not necessary to prove the appointment of the Minister, the chairperson, a commissioner, the chief executive, any police officer, the director, any inspector or any other officer of the division; and
- (b) a signature purporting to be that of any person in any capacity referred to in paragraph (a) is taken to be the signature it purports to be until the contrary is proved; and
- (c) a document or writing purporting to be a copy of any document referred to in section 210(1) or of any licence granted or issued under this Act is evidence of the document of which it purports to be a copy and, in the absence of evidence to the contrary, is conclusive such evidence; and
- (d) a certificate purporting to be signed by the director certifying that at a specified time or during a specified period—
 - (i) there was or was not in force under this Act any licence, approval, authorisation or exemption; or
 - (ii) a person was or was not a recognised manufacturer or supplier of gaming machines or a recognised supplier of restricted components;is evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate.

Disclosure of criminal history

212. A person who—

- (a) is the subject of an inquiry under section 13(6) or 29(2) or (3); or
- (b) is an applicant for a licence under part 3 or 4; or
- (c) is the secretary or an executive officer of a body corporate that is an applicant for a licence under part 3 or 4; or
- (d) submits a tender in response to a call under section 144(1); or
- (e) is the secretary or an executive officer of a body corporate that

submits a tender in response to a call under section 144(1); or

- (f) is required to submit information or material, or additional information or material, under section 29(5), 40(8), 60(2), 79(4), 90(2), 133(2) or 145(3);

must, if so required for the purposes of this Act, disclose—

- (g) the person's criminal history with respect to contraventions of any provision of law, whether committed in Queensland or elsewhere; and
- (h) convictions recorded against the person in respect of contraventions of any provision of law, whether committed in Queensland or elsewhere, that under any law are taken not to be convictions.

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

Refund of amounts in certain circumstances

213. The director may—

- (a) refund amounts paid to the director in error; and
- (b) refund a fee paid relative to an application under this Act where—
- (i) in the opinion of the director no substantial expense has been incurred by the director in regard to such application; and
- (ii) the applicant, or other person acceptable to the director, makes a written request for the application not to proceed.

Approval of forms

213A. The chief executive may approve forms for use under this Act.

Alternatives to forms

214.(1) The director may instead of requiring any report to be made in the approved form, approve the submission of information the subject of the report by any other method or medium of storage considered appropriate by the director.

(2) Where under subsection (1) the director approves the submission of information by an alternative method or medium of storage, the submission of information by the alternative method or medium has the same effect as if it had been made in the approved form.

Regulation making power

215.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made for or about—

- (a) arrangements and procedures for the taking of fingerprints and palm prints of an applicant for a repairer's licence or machine manager's licence; and
- (b) the activities of listed persons or holders of licences under this Act; and
- (d) the control of the premises of licensed repairers or licensed service contractors; and
- (e) security procedures for the manufacture, assembly, storage, handling, transport, consignment and receipt of gaming equipment and restricted components; and
- (f) the form and way of applications for approval of premises used in connection with the manufacture, assembly, storage or handling of gaming machines or restricted components; and
- (g) the different categories of licensed premises; and
- (h) the restrictions or entitlements which apply to different categories of licensed premises; and
- (i) any matter or thing in relation to the administration of this Act in respect of which a fee is payable and prescribing the amount of such fee; and
- (j) prescribing, where not provided in this Act, when a fee may be payable for any service or act carried out or undertaken and the amount of such fee; and
- (k) matters to enable the proper conduct of gaming; and
- (l) provision of signs and notices in licensed premises; and

Gaming Machine Act 1991

- (m) the control of advertising or promotions by any licensee, recognised manufacturer or supplier of gaming machines or other person in relation to gaming machines, gaming and the conduct of gaming; and
- (n) applications and fees with respect to the approval of electronic monitoring and centralised credit systems; and
- (o) the keeping of accounts with financial institutions by licensees; and
- (p) the director's obligations to licensees in relation to the providing of gaming equipment; and
- (q) identification of machine managers and employees of licensees; and
- (r) the conduct and proceedings of meetings of the commission; and
- (s) offences against the regulations and prescribing the amount of any penalty for an offence against any regulation, provided that any such penalty must not exceed 20 penalty units; and
- (t) all matters required or permitted by this Act to be prescribed where such matters are to be or may be prescribed or where the method of prescription is not otherwise provided; and
- (u) all matters that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.

Certain directions of Minister subordinate legislation etc.

216.(2) Directions given by the Minister under sections 24(5) and 25(1)(e) are declared to be—

- (a) subordinate legislation; and
- (b) exempt instruments for the purposes of the *Legislative Standards Act 1992*.

Transitional provision about forms

217.(1) This section applies if—

Gaming Machine Act 1991

- (a) immediately before its commencement, there was a form determined by the director for a matter; and
- (b) on the commencement, there is to be an approved form for the matter or a form may be approved for the matter.

(2) Until there is an approved form for the matter, the form that was the form determined by the director for the matter immediately before the commencement is taken to be the approved form for the matter.

(3) This section expires 6 months after it commences.

ENDNOTES**1 Index to endnotes**

	page
2 Date to which amendments incorporated	181
3 Key	182
4 Table of earlier reprints	182
5 Tables in earlier reprints	182
6 List of legislation	182
7 List of annotations	183
8 Table of changed names and titles	184
9 Table of obsolete and redundant provisions	184
10 Table of corrected minor errors	195
11 Table of renumbered provisions	195

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 April 1996. Future amendments of the Gaming Machine Act 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

Reprint No.	Amendments included	Reprint date
1	to Act No. 68 of 1992	1 February 1993
2	to Act No. 63 of 1993	24 December 1993

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Renumbered provisions	1

6 List of legislation

Gaming Machine Act 1991 No. 7

date of assent 27 March 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 18 May 1991 (proc pubd gaz 18 May 1991 p 258)

as amended by—

Gaming Machine Amendment Act 1992 No. 35

date of assent 2 July 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 2 July 1992 (1992 SL No. 213)

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 68 ss 1–3 sch 2

date of assent 7 December 1992

commenced on date of assent

Gaming Machine Amendment Act 1993 No. 63

date of assent 23 November 1993

ss 1–3 commenced on date of assent

remaining provisions commenced 1 December 1993 (1993 SL No. 417)

Statute Law (Miscellaneous Provisions) Act 1994 No. 15 ss 1–3, sch 2

date of assent 10 May 1994

commenced on date of assent

Liquor Amendment Act (No. 2) 1994 No. 59 ss 1–2, 89 sch 3

date of assent 4 November 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 2 December 1994 (1994 SL No. 409)

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3, sch 1

date of assent 1 December 1994

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

7 List of annotations

Commencement

s 2 om R3 (see RA s 37)

Interpretation

s 3 amd 1992 No. 35 s 4(3), sch
 def “**approved form**” ins 1995 No. 58 s 4 sch 1
 def “**arrangement**” ins 1993 No. 63 s 4(2)
 def “**associate**” ins 1993 No. 63 s 2 sch
 def “**betting unit**” ins 1993 No. 63 s 4(2)
 def “**chief executive**” ins 1992 No. 35 s 4(2)
 def “**club**” om 1992 No. 35 s 4(1)
 ins 1992 No. 35 s 4(2)
 def “**club liquor licence**” ins 1992 No. 35 s 4(2)
 sub 1993 No. 63 s 4
 def “**conduct of gaming**” ins 1993 No. 63 s 2 sch
 def “**conviction**” ins 1993 No. 63 s 4(2)

def “**deputy director**” amd 1992 No. 35 sch
 def “**director**” amd 1992 No. 35 sch
 def “**division**” amd 1992 No. 35 sch
 def “**executive officer**” amd 1992 No. 35 sch
 def “**financial institution**” amd 1992 No. 35 sch
 def “**financial year**” amd 1993 No. 63 s 2 sch
 def “**gaming machine type**” om 1992 No. 35 s 4(1)
 ins 1992 No. 35 s 4(2)
 def “**general liquor licence**” ins 1992 No. 35 s 4(2)
 def “**Licensing Commission**” om 1992 No. 35 s 4(1)
 def “**linked jackpot arrangement**” amd 1992 No. 35 sch
 def “**liquor**” om 1992 No. 35 s 4(1)
 ins 1992 No. 35 s 4(2)
 def “**liquor licence**” ins 1992 No. 35 s 4(2)
 sub 1993 No. 63 s 4
 def “**liquor licensing authority**” ins 1992 No. 35 s 4(2)
 def “**machine manager**” amd 1993 No. 63 s 2 sch
 def “**Magistrates Court**” om 1992 No. 35 s 4(1)
 def “**Minister**” om 1992 No. 35 s 4(1)
 def “**non-proprietary club**” om 1992 No. 35 s 4(1)
 ins 1992 No. 35 s 4(2)
 def “**play a gaming machine**” ins 1993 No. 63 s 2 sch
 def “**police officer**” om 1992 No. 35 s 4(1)
 def “**prescribed**” om 1992 No. 35 s 4(1)
 def “**prescribed liquor licence**” ins 1992 No. 35 s 4(2)
 sub 1993 No. 63 s 4
 def “**Under Treasurer**” om 1992 No. 35 s 4(1)

Meaning of “conduct of gaming”

prov hdg ins 1993 No. 63 s 2 sch
s 4 (prev s 3(2)) renum 1993 No. 63 s 2 sch

Approval of terminating date for financial year

prov hdg ins 1993 No. 63 s 2 sch
s 5 (prev s 3(3)) renum 1993 No. 63 s 2 sch

Meaning of “associate”

prov hdg ins 1993 No. 63 s 2 sch
s 6 (prev s 3(4)) renum 1993 No. 63 s 2 sch

Meaning of “play a gaming machine”

prov hdg ins 1993 No. 63 s 2 sch
s 7 (prev s 3(5)) renum 1993 No. 63 s 2 sch

Acceptable evidence of age

s 9 ins 1992 No. 35 s 5

Termination of appointment of commissioners

s 17 amd 1992 No. 35 sch

Acting appointments

s 19 amd 1992 No. 35 sch

Meetings

s 20 amd 1992 No. 35 sch

Decisions or determinations of commission

s 23 amd 1995 No. 58 s 4 sch 1

Appeals from commission

s 24 amd 1994 No. 87 s 3 sch 1; 1995 No. 58 s 4 sch 1

Determination of appeals

s 25 amd 1992 No. 35 sch

Officers

s 26 amd 1992 No. 35 sch

Appointment of other persons

s 27 amd 1992 No. 35 sch

Assistance within department

prov hdg amd 1992 No. 35 sch

s 28 amd 1992 No. 35 sch

Officers of division to be of good repute

s 29 amd 1992 No. 35 sch

Machine Gaming Division

s 30 amd R1 (see RA s 37)

Director to administer division

s 31 amd 1992 No. 35 sch

Director's power to delegate

s 33 sub 1992 No. 35 sch

Police assistance

s 34 amd 1992 No. 35 sch; 1993 No. 63 s 5; 1995 No. 58 s 4 sch 1

Secrecy

s 35 amd 1992 No. 35 sch; 1994 No. 87 s 3 sch 1; 1995 No. 58 s 4 sch 1

Identification cards

s 36 amd 1992 No. 35 sch; 1995 No. 58 s 4 sch 1

Gaming lawful and does not constitute nuisance

s 38 amd 1992 No. 35 sch

Application for gaming machine licences

s 39 amd 1992 No. 35 s 6; 1993 No. 63 s 2 sch; 1995 No. 58 s 4 sch 1

Consideration of applications

s 40 amd 1992 No. 35 sch; 1993 No. 63 ss 6, 2 sch; 1994 No. 87 s 3 sch 1

Clubs may be restricted to only 1 gaming machine licence

s 41 ins 1993 No. 63 s 7

Changes in circumstances of applicants for and holders of licences

s 42 ins 1993 No. 63 s 7

Issue of gaming machine licences

s 43 amd 1995 No. 58 s 4 sch 1

Schedule of gaming machines

s 44 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1994 No. 87 s 3 sch 1

Gaming machine licences and schedules to be displayed

s 45 amd 1992 No. 35 sch

Conditions of gaming machine licences

s 48 amd 1992 No. 35 sch

Imposition or variation of conditions

s 49 amd 1992 No. 35 sch

Payment and recovery of amounts

s 50 amd 1992 No. 35 sch

Renewal and continuance of gaming machine licences

s 51 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1995 No. 58 s 4 sch 1

Gaming machine licences cannot be transferred

s 52 ins 1992 No. 35 s 7

Certain applications under Liquor Act 1992 subject to director's certificate

s 53 sub 1992 No. 35 s 7; 1993 No. 63 s 2 sch

Director to provide gaming machines etc.

s 54 amd 1993 No. 63 s 2 sch

Director may alter or remove gaming machines etc.

s 55 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1995 No. 58 s 4 sch 1

Increase in gaming machines

s 56 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1994 No. 87 s 3 sch 1; 1995 No. 58 s 4 sch 1

Decrease in gaming machines

s 57 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1994 No. 87 s 3 sch 1

Modification or relocation of gaming machine areas

s 58 amd 1992 No. 35 s 8, sch; 1993 No. 63 s 2 sch

Disclosure of influential or benefiting parties

s 59 amd 1992 No. 35 sch; 1995 No. 58 s 4 sch 1

Investigation of licensees and associates

s 60 amd 1992 No. 35 sch

Cessation or commencement of executive officer or secretary

s 61 amd 1992 No. 35 sch

Surrender of gaming machine licences

s 62 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1995 No. 58 s 4 sch 1

Cancellation or suspension of gaming machine licences in certain circumstances

s 63 sub 1992 No. 35 s 9
amd 1993 No. 63 s 2 sch

Cancellation or suspension of gaming machine licences and letters of censure

s 64 amd 1992 No. 35 sch; 1993 No. 63 ss 8, 2 sch; 1994 No. 87 s 3 sch 1

Suspension of gaming machine licence pending decision under s 64

s 65 amd 1993 No. 63 s 2 sch

Gaming machines not to be played

s 67 amd 1992 No. 35 sch

Recovery of gaming machines etc.

s 68 amd 1992 No. 35 sch

Continuance of licences in certain circumstances

s 72 sub 1992 No. 35 s 10
amd 1993 No. 63 s 9

Unlicensed persons not to install etc. gaming equipment

s 73 amd 1992 No. 35 sch

Unlicensed persons not to be service contractors

s 74 amd 1992 No. 35 sch

Unlicensed persons not to be machine managers

s 75 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Certain persons must apply for machine manager's licence

s 76 amd 1992 No. 35 sch

Applications for licences under this part

s 77 amd 1995 No. 58 s 4 sch 1

Changes in circumstances of applicants for and holders of licences

s 78 amd 1992 No. 35 sch
sub 1993 No. 63 s 10

Consideration of applications

s 79 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1995 No. 58 s 4 sch 1

Commission may grant or refuse to grant licences

s 80 amd 1993 No. 63 s 2 sch

Issue of licences

s 81 amd 1995 No. 58 s 4 sch 1

Conditions of licences

s 84 amd 1992 No. 35 sch

Variation of conditions imposed on a licence

s 85 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Renewal and continuance of licences

s 86 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1995 No. 58 s 4 sch 1

Display of repairer's licence

s 88 amd 1992 No. 35 sch

Disclosure of influential or benefiting parties

s 89 amd 1992 No. 35 sch; 1995 No. 58 s 4 sch 1

Investigations of holders of licences and associates

s 90 amd 1992 No. 35 sch

Cessation or commencement of executive officer or secretary

s 91 amd 1992 No. 35 sch; 1995 No. 58 s 4 sch 1

Notifications re employment and agreements

prov hdg amd 1993 No. 63 s 2 sch

s 92 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1995 No. 58 s 4 sch 1

Surrender of licences

s 93 amd 1995 No. 58 s 4 sch 1

Cancellation or suspension of licences under this part

s 94 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1994 No. 87 s 3 sch 1

Suspension of licences pending decision under s 94

s 95 amd 1993 No. 63 s 2 sch

Provisional licences

s 97 amd 1992 No. 35 sch; 1995 No. 58 s 4 sch 1

Installation and storage of gaming machines

s 98 amd 1992 No. 35 sch

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

s 99 amd 1992 No. 35 sch

Gaming equipment not to be an annoyance etc.

s 100 amd 1992 No. 35 sch

Installation of electronic monitoring systems

s 101 amd 1992 No. 35 sch

Maintenance of facilities etc.

s 102 amd 1992 No. 35 sch

Hours of gaming

s 103 sub 1992 No. 35 s 11

 amd 1993 No. 63 s 2 sch

Rules ancillary to gaming

s 104 amd 1992 No. 35 sch

Rules ancillary to gaming to be displayed and enforced

s 105 amd 1992 No. 35 sch

Licensees not to extend credit

s 106 amd 1992 No. 35 sch

Gaming tokens

s 107 amd 1992 No. 35 sch

Gaming tokens that are not Australian currency

s 108 amd 1992 No. 35 sch

Payments in connection with gaming

s 109 amd 1992 No. 35 sch

Entitlement of players

s 110 amd 1992 No. 35 sch

Malfunction of gaming machines

s 111 amd 1992 No. 35 sch; 1995 No. 58 s 4 sch 1

Defective gaming machines not allowed

s 112 amd 1992 No. 35 sch

Security of keys etc.

s 113 amd 1992 No. 35 sch

Certain persons only to have access etc. to gaming machines

s 114 amd 1992 No. 35 sch

Gaming machine entry logs 5.18 amd 1992 No. 35 sch
om 1993 No. 63 s 2 sch**Contracts for certain services to be approved**

s 115 amd 1992 No. 35 sch

Licensees to keep records of certain employees

s 116 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1995 No. 58 s 4 sch 1

Minors cannot be employed

s 117 sub 1992 No. 35 s 12

Minors cannot play gaming machines

s 118 sub 1992 No. 35 s 12

Minors cannot be allowed to game

s 119 sub 1992 No. 35 s 12

False representation of ages 120 prev s 5.24 renum as s 5.30 1992 No. 35 s 13
pres s 5.24 ins 1992 No. 35 s 12
amd 1992 No. 35 sch**Wrongful dealing with genuine evidence of age**s 121 prev s 5.25 renum as s 5.31 1992 No. 35 s 14(3)
pres s 5.25 ins 1992 No. 35 s 12
amd 1994 No. 59 s 89 sch 3**Seizure of document wrongly used as evidence of age**

s 122 ins 1992 No. 35 s 12

Ascertainment of age

s 123 ins 1992 No. 35 s 12

Seizure of material associated with representation of age

s 124 ins 1992 No. 35 s 12

Defence to charge if age material

s 125 ins 1992 No. 35 s 12

Licensees to prohibit certain persons from gaming

s 126 prev s 5.24

Removal of certain persons

s 127 prev s 5.25
amd 1992 No. 35 s 14(1), (2)

Obstruction to removal from licensed premises

s 128 ins 1992 No. 35 s 15

Obstruction generally

s 129 ins 1992 No. 35 s 16

Recognised manufacturers and suppliers of gaming machines

s 130 amd 1994 No. 87 s 3 sch 1

Recognised suppliers of restricted components

s 131 amd 1992 No. 35 sch

Investigations of suitability of listed persons

s 133 amd 1992 No. 35 sch

Commission may order removal of names of persons from a roll under this part

s 134 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Manufacture, sale, supply, obtaining or possession of gaming machines

s 135 amd 1992 No. 35 sch

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

s 136 amd 1992 No. 35 sch

Possession etc. of restricted components by recognised suppliers of restricted components

s 137 amd 1992 No. 35 sch

Possession etc. of gaming machines and restricted components by licensees

s 140 amd 1992 No. 35 s 17; 1993 No. 63 s 2 sch

Consignment or movement of gaming machines

s 142 sub 1992 No. 35 s 18
amd 1995 No. 58 s 4 sch 1

Purchase of gaming machines etc.

s 143 amd 1992 No. 35 s 19 sch; 1992 No. 68 s 3 sch 2; 1993 No. 63 s 2 sch

Submission of tenders for supply of gaming machines

s 144 amd 1992 No. 35 sch

Procedure for determination of tenders

s 145 amd 1992 No. 35 sch

Acceptance by director of gaming machines and games for evaluation

s 146 amd 1992 No. 35 sch

Withdrawal of approval of gaming machine types and games

s 147 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Gaming machines supplied to be in accordance with approval

s 148 amd 1992 No. 35 sch

Linked jackpots

s 149 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1995 No. 58 s 4 sch 1

Gaming machines to be labelled with director's identification number

s 150 amd 1992 No. 35 sch

Gaming prohibited on unprotected devices

s 151 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Unlawful interference with gaming equipment

s 152 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Protection of sensitive areas of gaming equipment

s 153 sub 1992 No. 35 s 20
 amd 1993 No. 63 s 2 sch; 1995 No. 58 s 4 sch 1

Wilful damage of gaming equipment

s 154 amd 1992 No. 35 sch

Use of gaming machines not provided to licensees

s 155 amd 1992 No. 35 sch

Monthly money clearances

s 156 sub 1992 No. 35 s 21

Weekly money clearances

s 157 amd 1992 No. 35 sch

Accounts and analyses

s 158 amd 1992 No. 35 sch; 1995 No. 58 s 4 sch 1

Monthly gaming machine reconciliation reports to be submitted

s 159 amd 1992 No. 35 sch; 1995 No. 58 s 4 sch 1

Records not to be falsified etc.

s 160 amd 1992 No. 35 sch

Audit of accounts

s 161 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Books, records etc. to be kept for 7 years

s 162 amd 1992 No. 35 sch

Gross monthly turnover

s 163 amd 1992 No. 35 sch; 1993 No. 63 s 11

Charities and rehabilitation levy

s 167 amd 1993 No. 63 s 12

Gaming machine community benefit levy

s 168 ins 1993 No. 63 s 12

Gaming Machine Community Benefit Committee

s 169 ins 1993 No. 63 s 12

Payment of monthly rental fees, taxes etc.

s 170 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Penalty for late payment

s 171 amd 1992 No. 35 sch

Forgiven or overpaid money

s 172 amd 1992 No. 35 sch

Statement and report by the director

s 173 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Disposition of fees etc.

s 174 amd 1992 No. 35 sch; 1993 No. 63 ss 13, 2 sch

Adjustment of rental fees etc. in certain circumstances

s 175 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Recovery of rental fees, taxes and levies

s 176 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Offences relating to revenue

s 177 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Offences relating to explanations

s 178 amd 1992 No. 35 sch

Directions to licensees

s 180 amd 1992 No. 35 sch; 1994 No. 15 s 3 sch 2

Powers of inspectors

s 181 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Offences relating to inspectors

s 182 amd 1992 No. 35 sch

Review and termination of agreements

s 184 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch; 1994 No. 87 s 3 sch 1

Financial institution may be required to furnish particulars

s 185 amd 1992 No. 35 sch; 1994 No. 87 s 3 sch 1

Certain persons not to play gaming machines

s 186 amd 1992 No. 35 sch

Prohibition on control of applications by clubs

s 188 amd 1992 No. 35 sch

Restriction on certain agreements

s 189 amd 1992 No. 35 sch

Approvals and authorities under this Act

s 191 amd 1992 No. 35 sch

Bribery of commissioners or officers of division

s 193 amd 1992 No. 35 sch

Financial connections and interests of officers of the division

s 194 amd 1992 No. 35 sch; 1993 No. 63 s 2 sch

Reporting of accounting discrepancies and criminal activity

s 195 amd 1992 No. 35 sch

Cheating

s 196 amd 1992 No. 35 sch

Forgery and like offences

s 197 amd 1992 No. 35 sch

**Detention, arrest etc. of persons by police officers in relation to offences under
s 67, 135(1) or (2), 152(1), 196 or 197**

s 198 amd 1992 No. 35 sch

Liability for offences by servants, agents or employees

s 199 amd 1992 No. 35 sch

Liability for offence by body corporate

s 200 amd 1992 No. 35 sch

Power to request name and address by police officers

s 201 amd 1992 No. 35 sch

Fingerprints and the like

s 202 amd 1992 No. 35 sch

Protection of officers etc.

s 204 amd 1992 No. 35 sch

General penalty

s 10.20 om 1992 No. 35 sch

Proceedings for offences

s 206 amd 1992 No. 35 sch

Institution of proceedings

s 207 amd 1992 No. 35 sch; 1994 No. 87 s 3 sch 1

Forfeiture

s 209 amd 1992 No. 35 sch

Service of notices, documents etc.

s 210 amd 1992 No. 35 sch

Evidentiary provisions

s 211 amd 1992 No. 35 sch

Disclosure of criminal history

s 212 amd 1992 No. 35 sch

Approval of forms

s 213A ins 1995 No. 58 s 4 sch 1

Alternatives to forms

s 214 amd 1992 No. 35 sch; 1995 No. 58 s 4 sch 1

Regulation making power

prov hdg sub 1995 No. 58 s 4 sch 1

s 215 amd R1 (see RA s 39); 1995 No. 58 s 4 sch 1

Certain directions of Minister subordinate legislation etc.

prov hdg amd 1995 No. 58 s 4 sch 1

s 216 sub 1992 No. 35 sch
amd 1995 No. 58 s 4 sch 1**Transitional provision about forms**s 217 ins 1995 No. 58 s 4 sch 1
exp 28 May 1996 (see s 217(3))**Numbering and renumbering of Act**s 10.33 ins 1993 No. 63 s 2 sch
om R2 (see RA s 37)

8 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
commissioner (of police)	commissioner (of the police service)	Police Service Administration Act 1990 s 11.1(1)(b)

9 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
references to a Territory	Acts Interpretation Act 1954 s 36 def "Territory"

10 Table of corrected minor errorsTABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 s 44

Provision	Description
59(3)(a)	om 'by'
59(3)(b)	om 'by—'
59(3)(b)(ii)	om 'facts, by some' ins 'facts—some'
89(3)(a)	om 'by'
89(3)(b)	om 'by—'
89(3)(b)(ii)	om 'facts, by some' ins 'facts—some'
181(10)(b)	om 'exercise' ins 'to exercise'

11 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS (Reprint No. 2)
under the Reprints Act 1992 s 43 as required by the Gaming Machine Act 1991
s 10.33

Previous	Renumbered as
1.1	1
1.2	2
1.3	3
1.3A	4
1.3B	5
1.3C	6
1.3C(a)(va)	6(a)(vi)
1.3C(a)(vi)	6(a)(vii)
1.3C(a)(vii)	6(a)(viii)
1.3C(a)(viii)	6(a)(ix)
1.3C(a)(ix)	6(a)(x)
1.3C(a)(x)	6(a)(xi)
1.3C(a)(xi)	6(a)(xii)
1.3C(a)(xii)	6(a)(xiii)
1.3C(a)(xiii)	6(a)(xiv)
1.3C(a)(xiv)	6(a)(xv)
1.3D	7
1.4	8
1.5	9
2.1	10

2.2	11
2.3	12
2.4	13
2.5	14
2.6	15
2.7	16
2.8	17
2.9	18
2.10	19
2.11	20
2.12	21
2.13	22
2.14	23
2.14(2A)	23(3)
2.14(2B)	23(4)
2.14(3)	23(5)
2.15	24
2.15(6A)	24(7)
2.15(7)	24(8)
2.16	25
2.17	26
2.17(5)	26(4)
2.18	27
2.19	28
2.20	29
2.21	30
2.22	31
2.23	32
2.24	33
2.25	34
2.26	35
2.27	36
2.28	37
3.1	38
3.2	39
3.2(3)(ha)	39(3)(i)
3.2(3)(i)	39(3)(j)
3.2(3)(j)	39(3)(k)
3.2(3)(k)	39(3)(l)
3.2(3)(l)	39(3)(m)
3.2(3)(m)	39(3)(n)
3.2(3)(n)	39(3)(o)
3.3	40
3.3(1A)	40(2)
3.3(2)	40(3)

3.3(3)	40(4)
3.3(4)	40(5)
3.3(5)	40(6)
3.3(5A)	40(7)
3.3(6)	40(8)
3.3(6A)	40(9)
3.3(6B)	40(10)
3.3(6C)	40(11)
3.3(7)	40(12)
3.3(7A)	40(13)
3.3(8)	40(14)
3.3(9)	40(15)
3.3A	41
3.3B	42
3.4	43
3.5	44
3.5(4)	44(3)
3.5(5)	44(4)
3.5(6)	44(5)
3.6	45
3.7	46
3.8	47
3.9	48
3.10	49
3.11	50
3.12	51
3.12(3A)	51(4)
3.12(3B)	51(5)
3.12(4)	51(6)
3.12A	52
3.13	53
3.14	54
3.15	55
3.16	56
3.16(5A)	56(6)
3.16(6)	56(7)
3.16(7)	56(8)
3.16(8)	56(9)
3.17	57
3.17(1A)	57(2)
3.17(2)	57(3)
3.17(3)	57(4)
3.17(4)	57(5)
3.18	58
3.18(1A)	58(2)

3.18(1B)	58(3)
3.18(2)	58(4)
3.18(2A)	58(5)
3.18(3)	58(6)
3.18(4)	58(7)
3.18(5)	58(8)
3.18(6)	58(9)
3.19	59
3.20	60
3.21	61
3.22	62
3.22(3A)	62(4)
3.22(4)	62(5)
3.22(5)	62(6)
3.23	63
3.24	64
3.25	65
3.26	66
3.27	67
3.28	68
3.29	69
3.30	70
3.31	71
3.32	72
4.1	73
4.2	74
4.3	75
4.4	76
4.4(1A)	76(2)
4.4(2)	76(3)
4.4(3)	76(4)
4.4(3A)	76(5)
4.4(4)	76(6)
4.4(5)	76(7)
4.5	77
4.6	78
4.7	79
4.7(1A)	79(2)
4.7(2)	79(3)
4.7(3)	79(4)
4.7(3A)	79(5)
4.7(4)	79(6)
4.8	80
4.9	81
4.10	82

4.11	83
4.12	84
4.13	85
4.14	86
4.14(3A)	86(4)
4.14(4)	86(5)
4.14(5)	86(6)
4.15	87
4.16	88
4.17	89
4.18	90
4.19	91
4.20	92
4.21	93
4.22	94
4.23	95
4.24	96
4.25	97
5.1	98
5.2	99
5.3	100
5.4	101
5.5	102
5.6	103
5.7	104
5.7(3A)	104(4)
5.7(4)	104(5)
5.7(5)	104(6)
5.8	105
5.9	106
5.10	107
5.11	108
5.12	109
5.13	110
5.14	111
5.15	112
5.16	113
5.17	114
5.17(ja)	114(k)
5.17(k)	114(l)
5.19	115
5.20	116
5.21	117
5.22	118
5.23	119

Gaming Machine Act 1991

5.24	120
5.25	121
5.26	122
5.27	123
5.28	124
5.29	125
5.30	126
5.31	127
5.32	128
5.33	129
6.1	130
6.2	131
6.3	132
6.4	133
6.5	134
6.6	135
6.7	136
6.8	137
6.9	138
6.10	139
6.11	140
6.12	141
6.13	142
6.14	143
6.15	144
6.16	145
6.16(3A)	145(4)
6.16(4)	145(5)
6.16(5)	145(6)
6.16(6)	145(7)
6.16(7)	145(8)
6.16(7A)	145(9)
6.16(8)	145(10)
6.16(9)	145(11)
6.16(10)	145(12)
6.17	146
6.18	147
6.19	148
6.20	149
6.21	150
6.22	151
6.23	152
6.24	153
6.25	154
6.26	155

7.1	156
7.2	157
7.3	158
7.4	159
7.5	160
7.6	161
7.6(2A)	161(3)
7.6(3)	161(4)
7.6(4)	161(5)
7.6(4A)	161(6)
7.7	162
8.1	163
8.2	164
8.3	165
8.4	166
8.5	167
8.5A	168
8.5B	169
8.6	170
8.6(1)(c)(iva)	170(1)(c)(v)
8.6(1)(c)(v)	170(1)(c)(vi)
8.7	171
8.8	172
8.9	173
8.10	174
8.11	175
8.12	176
8.13	177
8.14	178
9.1	179
9.2	180
9.2(1A)	180(2)
9.2(2)	180(3)
9.3	181
9.3(5A)	181(6)
9.3(6)	181(7)
9.3(6A)	181(8)
9.3(6B)	181(9)
9.3(6C)	181(10)
9.3(7)	181(11)
9.3(8)	181(12)
9.3(9)	181(13)
9.3(10)	181(14)
9.3(11)	181(15)
9.4	182

9.5	183
9.6	184
9.7	185
10.1	186
10.2	187
10.3	188
10.4	189
10.4(4A)	189(5)
10.4(5)	189(6)
10.5	190
10.6	191
10.7	192
10.8	193
10.9	194
10.10	195
10.11	196
10.11(2A)	196(3)
10.11(3)	196(4)
10.11(4)	196(5)
10.12	197
10.13	198
10.14	199
10.14(1A)	199(2)
10.14(2)	199(3)
10.14(3)	199(4)
10.15	200
10.16	201
10.16(1A)	201(2)
10.16(2)	201(3)
10.16(3)	201(4)
10.16(4)	201(5)
10.16(5)	201(6)
10.17	202
10.17(1A)	202(2)
10.17(2)	202(3)
10.17(2A)	202(4)
10.17(2B)	202(5)
10.17(3)	202(6)
10.18	203
10.19	204
10.21	205
10.22	206
10.22(4A)	206(5)
10.22(5)	206(6)
10.22(6)	206(7)

10.23	207
10.24	208
10.25	209
10.26	210
10.27	211
10.28	212
10.29	213
10.30	214
10.31	215
10.32	216