



AUSTRALIAN CAPITAL TERRITORY

# Gaming Machine (Amendment) Act 1991

No. 35 of 1991

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## An Act to amend the *Gaming Machine Act 1987*

*[Notified in ACT Gazette S83: 26 August 1991]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

### Short title

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

### Principal Act

2. In this Act, “Principal Act” means the *Gaming Machine Act 1987*.<sup>1</sup>

### Application for licence

3. Section 14 of the Principal Act is amended by omitting paragraph (2) (e) and substituting the following paragraph:

“(e) shall specify the class, number, type, coin denomination and percentage pay-out of gaming machines in respect of which the licence is sought; and”.

**Percentage pay-out**

**4.** Section 17 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Minister” and substituting “licensee”;
- (b) by omitting from subsection (2) “Minister” and substituting “licensee”;
- (c) by omitting from subsection (2) “80 per cent or more than 90 per cent” and substituting “85 per cent”; and
- (d) by adding at the end the following subsection:

“(4) Where the licensee determines a percentage pay-out under subsection (1) the licensee shall ensure that—

- (a) the same percentage pay-out applies to all machines of the same class and coin denomination; and
- (b) the percentage pay-out for each machine does not vary by more than plus or minus one per cent from the percentage pay-out applicable to machines of the same class and coin denomination.”.

**Authority conferred by licence**

**5.** Section 21 of the Principal Act is amended by omitting “and type” and substituting “, type, coin denomination and percentage pay-out”.

**Variation of licence**

**6.** Section 22 of the Principal Act is amended—

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

“(1) The Commissioner may, at the request of a licensee, approve a variation of the licence for the purpose of—

- (a) reducing the number;
- (b) altering the percentage pay-out applicable to specific coin denominations;
- (c) altering the coin denomination; or
- (d) altering the type;

of gaming machines to which the licence relates.”; and

(b) by adding at the end the following subsection:

“(5) Where the Commissioner—

- (a) approves the variation of a licence for the purpose of paragraph 22 (1) (b); and
- (b) specifies in the instrument of approval a period within which the variation is to be implemented;

during that period section 44 applies in respect of each relevant gaming machine the percentage pay-out of which has not been altered in accordance with the approval as if its percentage pay-out had been so altered.”.

### **Insertion**

7. After section 22 the following section is inserted:

### **Revocation of licence approval**

“22A. Where the Commissioner—

- (a) has approved the variation of a licence under section 22; and
- (b) is satisfied that the licensee has not implemented the variations within the period specified in the approval;

the Commissioner may revoke the approval.

### **Register of gaming machines**

8. Section 32 of the Principal Act is amended by omitting from paragraph (3) (d) “Minister” and substituting “licensee”.

### **Operation to be subject to correct percentage pay-out**

9. Section 44 of the Principal Act is amended by omitting “Minister” and substituting “licensee”.

### **Interference with gaming machines**

10. Section 47 of the Principal Act is amended by omitting from subsection (1) (c) “Minister” and substituting “licensee”.

### **Percentage pay-out of gaming machines to be displayed**

11. Section 49 of the Principal Act is amended—

- (a) by inserting “, in a form and position approved by the Commissioner,” after “displayed”; and
- (b) by omitting “Minister” and substituting “licensee”.

**Review by Tribunal**

**12.** Section 52 of the Principal Act is amended by inserting after paragraph (1) (b) the following paragraphs:

- “(ba) refusing to vary a licence under subsection 22 (1);
- (bb) revoking an approval under section 22A;”.

**Transitional—percentage pay-out rate**

**13.** The Principal Act as in force immediately before the commencement of this Act continues to apply in relation to a gaming machine to which a licence (being a licence in force immediately before that commencement) relates, until the percentage pay-out of that machine is altered in accordance with a determination made by the licensee pursuant to section 17 of the Principal Act as amended by this Act.

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**NOTE**

1. Ordinance No. 34, 1987 as amended by Nos. 25 and 26, 1988; Nos. 21 and 38, 1989; Act No. 14, 1989; Nos. 31, 49 and 57, 1990.

*[Presentation speech made in Assembly on 8 August 1991]*

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