

1998
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Tucker)

**Gaming Machine (Amendment) Bill (No. 2)
1998**

A BILL

FOR

**An Act to amend the *Gaming Machine Act 1987* and
for related purposes**

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

1. Short title

This Act may be cited as the *Gaming Machine (Amendment) Act*
5 (No. 2) 1998.

2. Commencement

This Act commences on the day on which it is notified in the *Gazette*.

3. Principal Act

In this Act, "Principal Act" means the *Gaming Machine Act 1987*.¹

Job No 1998/109

4. Insertion

After section 23 of the Principal Act the following Division is inserted:

“Division 2A—Restrictions on gaming machines

5 “23A. Application

This Division has effect notwithstanding any other provision of this Part.

“23B Restriction on gaming machines

“(1) This section applies to—

- 10 (a) an application for the grant of a licence; or
(b) a request to vary a licence for the purpose of increasing the number of licensed gaming machines;

made by a club on or before 24 June 1998 but which had not been determined by the Commissioner before that date.

15 “(2) The Commissioner shall not—

- (a) grant the application for a licence; or
(b) vary the licence,

to which this section applies, if—

- 20 (c) to grant the application for the specified number of gaming machines; or
(d) to increase the number of licensed gaming machines by the number specified in the request,

the number of gaming machines on licensed premises would exceed 5,200.

25 “(3) For the purposes of subsection (2), in determining the number and type of gaming machines to be specified in a licence to which this section applies, the Commissioner, in addition to the matters about which he or she is to be satisfied or to which he or she is to have regard under this Part, shall also have regard to—

- 30 (a) in the case of a request by a club to vary a licence—the ratio of the number and types of gaming machines in existing clubs;
(b) the likely effect on the community of granting or varying a licence to specify a number of gaming machines less than the number sought by the applicant,
(c) the extent to which the club is likely to contribute to, support and
35 be beneficial to the community; and
(d) such other matters as are relevant.

“23C. Circumstances in which restriction does not apply

Section 23B does not apply to a club that, on 24 June 1998, does not hold a licence in relation to premises if, having regard to the following criteria, the Commissioner is satisfied that the number of licensed gaming machines referred to in section 23B should be exceeded.

- 5 (a) the Commissioner is satisfied that the club has, before that date, made a significant investment in its facilities and has demonstrated a commitment to providing services to the community;
- 10 (b) the importance of the club to the community and the extent to which the club is likely to contribute to, support and be beneficial to the community;
- (c) the corporate and financial relationships with an existing club;
- (d) the extent to which the financial viability of the club would be affected if the licence were not granted;
- 15 (e) such other matters as are relevant.”.

5. Cessation of effect of amendments

Division 2A of Part IV of the Principal Act as amended by this Act ceases to have effect at the expiration of 12 months after the date of commencement of this Act, and shall be taken to have been repealed at that expiration.

NOTE

Principal Act

1. Reprinted as at 31 January 1995. See also Acts Nos 19 and 39, 1995, Nos 13, 49, 96 and 103, 1997, No , 1998