

1991  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Chief Minister)

**Gaming Machine (Amendment) Bill 1991**

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**A BILL  
FOR**

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

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

**Short title**

- 5     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*.

**Application for licence**

- 10    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".

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81047 Job No.: 1991/9 (T47/91)

**Percentage pay-out**

4. Section 17 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Minister” and substituting “licensee”;
- 5 (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:
  - 10 “(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
    - 15 (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**

- 20 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:
    - 25 “(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
      - 30 (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;

5        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**

10        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
- 15        (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”.

20        **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**

25        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
- 30        (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);

5 (bb) revoking an approval under section 22A;”.

**Transitional—percentage pay-out rate**

10 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.



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