

2004

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

**GAMING MACHINE AMENDMENT BILL 2004 (NO.3)
EXPLANATORY STATEMENT**

**Circulated by the authority of
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Overview

The objective of this Bill is to ensure that Automatic Teller Machines (ATMs) are not present in venues that are licensed to operate gaming machines under the *Gaming Machine Act 1987*.

The ACT Gambling and Racing Commission's *Review of the Gaming Machine Act 1987* recommended that ATMs be prohibited from gaming licensee's premises. This recommendation was based on research conducted both by the Productivity Commission in *Australia's Gambling Industries (1999)* and from the Australian Institute of Gambling Research's *Survey of the Nature and Extent of Gambling and Problem Gambling in the ACT (2001)*. This Bill seeks to implement the Commission's recommendation.

The Bill is intended to commence on 1 January 2005, in order to give gaming machine licensees sufficient time to ensure the removal of existing machines. If a licensee is unable to remove the ATM before the commencement of this Bill, they may apply to the Gambling and Racing Commission for an exemption from the operation of the proposed prohibition for a reasonable period to allow them sufficient time to remove the ATM from their premises.

The Bill only prohibits ATMs in gaming venues, but not EFTPOS facilities, ensuring patrons may still have access to cash facilities at gaming premises. This is the current arrangement in Tasmania. As the Commission points out, "the benefits of EFTPOS facilities compared to ATMs include:

- Users are generally restricted to smaller limits of cash (venue imposed limits);
- Gaming machine licensees should become more aware of users that repeatedly use the EFTPOS facilities (particularly in a short period of time). This would assist the providers in identifying possible problem gamblers and enable them to take the appropriate action (provision of contacts for counselling, etc);
- Patrons with a need for cash are still able to access cash at a gaming licensee's venue; and
- Problem gamblers will be subjected to a reality check should they require cash (i.e. by either leaving the premises to locate an ATM or by interacting with the operator of the EFTPOS facility)."

Notes on clauses

Clause 1 — Name of Act

This clause provides for the bill's name.

Clause 2 — Commencement

This clause provides for the bill's commencement on 1 January 2005.

Clause 3 — Legislation amended

This clause states the bill amends the *Gaming Machine Act 1987*.

Clause 4 — Section 51C

This is a consequential omission of the existing section 51C of the Act, as the substance of the section is re-inserted by the next clause into another place in the Act.

Clause 5 — New section 61A

New subsection 61A (1)

This reinserts the substance of the existing section 51C of the Act, which is omitted by the previous clause. The custodial sentence has been removed, and an additional note has been added explaining that criminal responsibility may be extended to the licensee if they allow another person to provide cash facilities in a gaming area. Note that the clause may not only be enforced by the penalty, but also by the ability of the Gambling and Racing Commission to revoke a gaming machine licence if the licensee does not comply with the Act.

New subsection 61A (2)

This subsection creates an offence of providing an ATM on premises that holds a license under the Act. The penalty is 50 penalty units.

Clause 6 — New part 9

This clause creates a transitional provision in response to concern that a licensee may have difficulty in removing an ATM from their premises before the commencement of the Act. It creates an exemption system that allows the Commission to exempt the operation of section 61A (2) for a period that the Commission considers reasonable to allow the licensee to remove the ATM. The transitional provision ends on 1 January 2008.