

# GAMING MACHINE (AMENDMENT) BILL (NO.2)

Presented by Kerrie Tucker MLA

## EXPLANATORY MEMORANDUM

### OUTLINE

The purpose of this legislation is to set a cap on the number of poker machines in the ACT. A total of 5200 machines will be available from 24 June 1998. Only applications for licenses or variations of licenses that were made on or before 24 June 1998 will be able to be allocated licenses or increases in numbers of machines within the cap. In allocating machine licenses within the cap, the Commissioner is to have regard to a number of issues.

The Commissioner for Revenue in the ACT will have discretion to grant gaming machines licenses above the cap to clubs who do not yet hold a gaming machine license. The purpose of this is to enable new clubs who are at an advanced stage of planning new facilities to access gaming machines. In granting a license to a club above the cap, the Commissioner is to have regard to a number of issues.

The cap will be in place for 12 months.

### CLAUSE NOTES

Clauses 1, 2 and 3 are formal requirements that specify the short title of the Bill; provide for commencement, and identify the Principal Act as the *Gaming Machine Act 1987*.

### Clause 4 inserts new Division 2A.

**New Paragraph 23A** applies this as an overriding Division. Gaming machine licenses, as well as being issued in accordance with all existing criteria, will only be able to be issued in accordance with this Division.

**New Paragraph 23B.** This paragraph restricts the Commissioner from granting a license or approving a license variation to increase the number of machines if that would lead to the number of gaming machine licenses on licensed premises exceeding 5200.

In granting licenses or variations to licenses within the cap, the Commissioner can only consider applications for licenses, or requests to vary licenses that would lead to an increase in the number of gaming machines, that were made on or before June 24 1998.

In determining the number and type of machines to be allocated within the cap, the Commissioner, in addition to all the other matters which must be taken into consideration in issuing a license, must also have regard to a number of factors which are specified in new subsection 23B(3).

**New paragraph 23C** provides the Commissioner with discretion to grant licenses above the 5200 machines to clubs that do not yet hold a gaming machine license

Gaming machine licenses above the cap will only be granted to clubs that satisfy a number of criteria. The Commissioner must be satisfied that there is demonstrated evidence of significant investment towards advanced planning or building of facilities that was undertaken before 24 June 1998. The Commissioner should be satisfied that the application is not from an existing club that is seeking to access additional machines by establishing a new associated club. The Commissioner must also consider the benefits of the club to the wider community, the extent to which the financial viability of the club would be affected if the license were not granted and any other relevant matter.

**Clause 5** establishes a sunset clause on the legislation of 12 months.

**Circulated by Authority of Kerrie Tucker MLA**