

1990

**THE LEGISLATIVE ASSEMBLY OF THE
AUSTRALIAN CAPITAL TERRITORY**

GAMING MACHINE (AMENDMENT) BILL (NO. 3) 1990

EXPLANATORY MEMORANDUM

**Circulated by the authority of the Minister for
Finance and Urban Services**

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This Bill is part of a package of Bills giving effect to the Government's decision to abolish the Australian Capital Territory Gaming and Liquor Authority and to return its regulatory and revenue collection functions under the Liquor Act 1975 and the Gaming Machine Act 1987 to the mainstream Government service. The Government has decided that the taxation and administrative functions under the Gaming Machine Act should be carried out by the Commissioner for ACT Revenue and this Bill implements that decision.

The main feature of the Bill is to transfer the existing powers of the Gaming and Liquor Authority under the Gaming Machine Act to the Commissioner for Revenue.

The transfer of the administration of the Gaming Machine Act to the Commissioner will generate savings of \$40,000 in a full year. The Bill also provides for an appropriation of \$185,000 for the costs of administering the Act. This appropriation compensates for the fact that gaming machine licence fees, from which administrative expenses were drawn previously by the Authority, will now be paid into the Consolidated Fund. The appropriation therefore does not represent additional costs and in fact reflects the savings already referred to.

Details of the Bill are set out in the clause notes in the Attachment.

ATTACHMENT

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Clause 1 gives the short title that the Bill will have once enacted.

Clause 2 deals with commencement. The principal provisions will commence on 1 January 1991.

Clause 3 says that the "Principal Act" is the Gaming Machine Act 1987.

Clause 4 deals with interpretation and inserts a definition of "Commissioner" being the Commissioner for ACT Revenue.

Clause 5 repeals section 6 of the Principal Act, and inserts a new section 6 conferring on the Commissioner the general administration of the Act.

Clause 6 amends section 7 of the Principal Act, which deals with inspectors, to transfer the responsibility for appointing inspectors under the Principal Act to the Commissioner and to require that inspectors be public servants.

Clause 7 amends section 8 of the Principal Act consequent upon the abolition of the office of Registrar.

Clause 8 amends section 9 of the Principal Act, which deals with inquiries, consequent upon the Commissioner assuming the former responsibilities of the Authority under the Act.

Clause 9 amends section 10 of the Principal Act consequentially upon the transfer of responsibilities from the Authority to the Commissioner.

Clause 10 amends section 11 of the Principal Act consequentially upon the transfer of responsibilities from the Authority to the Commissioner.

Clause 11 amends section 12 of the Principal Act consequentially upon the transfer of responsibilities from the Authority to the Commissioner.

Clause 12 amends section 13 of the Principal Act consequentially upon the transfer of responsibilities from the Authority to the Commissioner.

Clause 13 amends section 15 of the Principal Act consequentially upon the transfer of responsibilities from the Authority to the Commissioner.

Clause 14 amends section 17 of the Principal Act so that the Minister, rather than the Authority, will now determine the percentage payout for gaming machines.

Clause 15 amends section 19 consequentially upon the Commissioner's assumption of administrative responsibilities under the Act.

Clause 16 amends section 26 on the same basis.

Clause 17 amends section 32 of the Principal Act, first in consequence of the Minister assuming the power to determine the percentage payout for gaming machines and secondly upon the Commissioner assuming administrative responsibilities under the Act.

Clause 18 amends section 44 of the Principal Act consequentially upon the Minister assuming power to determine the percentage payout for gaming machines.

Clause 19 amends section 47 of the Principal Act consequentially upon the Minister assuming the power to determine the percentage payout for gaming machines.

Clause 20 amends section 49 of the Principal Act for the same reason.

Clause 21 amends section 50 consequentially, first upon the Commissioner replacing the Authority and secondly upon jurisdiction to review being transferred to the Administrative Appeals Tribunal.

Clause 22 amends section 51 of the Principal Act consequentially upon the transfer of the review jurisdiction to the Administrative Appeals Tribunal and to refer to the Commissioner and to the Liquor Licensing Board instead of the Authority.

Clause 23 changes the heading of Part VI from "Appeals" to "Review".

Clause 24 amends section 52 of the Principal Act consequentially upon the Commissioner assuming the general administration of the Act. It also provides for review by the Administrative Appeals Tribunal of the Commissioner's decisions and for notification of appeal rights.

Clause 25 amends section 53 of the Principal Act, consequent first upon the Liquor Licensing Board replacing the Authority as the body capable of cancelling a liquor licence under the Liquor Act 1975 and secondly upon the Administrative Appeals Tribunal replacing the Supreme Court as the body that reviews decisions to cancel liquor licences.

Clause 26 repeals sections 58 and 59 of the Principal Act consequent upon the fact that revenue related to gaming machines will now be paid into the Consolidated Fund.

Clause 27 amends section 68 of the Principal Act to insert new definitions relating to transitional provisions.

Clause 28 makes a minor consequential change to section 69 of the Principal Act to refer to the Act as it stands prior to the amendments in this Bill.

Clause 29 makes a minor consequential change to section 70 of the Principal Act to refer to the Act as it stands prior to the amendments in this Bill.

Clause 30 amends section 71 of the Principal Act on the same basis.

Clause 31 amends section 72 of the Principal Act, also on the same basis.

Clause 32 amends section 73 of the Principal Act, also on the same basis.

Clause 33 provides for the minor consequential amendments set out in the Schedule.

Clause 34 provides for an appropriation for the administration of the Act for the balance of the financial year: administrative costs were previously funded "off-budget".

Clause 35 deals with transitional matters. All matters currently pending a decision by the Authority are transferred for the further consideration of the Commissioner for ACT Revenue, except inquiries involving a hearing. The Authority is continued for the purpose of concluding hearings that have been commenced.

Decisions appealable to the Supreme Court may be reviewed by the Administrative Appeals Tribunal unless an appeal had been lodged, in which case the Court retains jurisdiction. To ensure administrative continuity, the Act as amended by this Bill will apply to acts and things done by the Authority as if done by the Commissioner. Similar provision is made in respect of percentage payouts for gaming machines, which are to be treated as if determined by the Minister.