

1999

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

CASINO CONTROL AMENDMENT BILL 1999

(No 2)

EXPLANATORY MEMORANDUM

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Casino Control Amendment Bill 1999

Summary

The Casino Control Amendment Bill 1999 amends the *Casino Control Act 1988* to enable the casino licensee to install up to 200 gaming machines. The limit of 200 is set for a period of 10 years, after which, any further increase in the number of machines in the casino will be subject to the approval of the Gambling and Racing Commission.

The Amendment Bill includes provisions dealing with the acquisition, operation and disposal of gaming machines by the casino licensee. These provisions are consistent with those of the *Gaming Machine Act 1987*. The Amendment Bill also includes provisions requiring warning signs in the gaming machine area and for the casino licensee to report annually on its donations to charities or for charitable purposes, as is currently required for all other gaming machine licensees.

Details of the Casino Control Amendment Bill 1999

PART 1 - PRELIMINARY

Title

Clause 1 - provides for the short title of this Act to be the *Casino Control Amendment Act 1999*.

Commencement

Clause 2 - provides for the Act to commence on the day on which the Act is notified in the *Gazette*.

PART 2 - AMENDMENT OF THE CASINO CONTROL ACT

Clause 3 - states that this Part amends the *Casino Control Act 1988* (the Principal Act).

Clause 4 - amends subsection 3(1) of the Principal Act to:

- provide for a game on a gaming machine to be included in the replacement definition of an "authorised game";
- include a new definition, being "approved rules" and to distinguish between the rules for non-gaming machine gaming and gaming machine gaming; and
- include a definition of "gaming machine tax".

Clause 5 - amends Section 16 of the Principal Act to exclude "gaming using gaming machines" from the definition of "non-commission-based gaming".

Clause 6 - inserts Section 16B to provide for:

- the taxation of gross gaming machine revenue;
- the Minister to determine the method of assessing the amount of gaming machine tax payable;
- the payment of gaming machine tax to the Territory; and
- a definition of "gross gaming machine revenue".

Clause 7 - amends Section 17 of the Principal Act to make the casino licensee liable to gaming machine tax.

Clause 8 - inserts into the Principal Act, Section 60A which provides that the casino licensee must not operate gaming machines other than in accordance with control, administrative and accounting systems approved by the Gambling and Racing Commission.

Clause 9 - amends Section 71 to:

- require the casino licensee to pay the determined fee when requesting the Gambling and Racing Commission to make a declaration of an authorised game; and
- exclude the requirement to publish by notice in the *Gazette* the authorised games relating to gaming machines.

Clause 10 - amends Section 72 to require the casino licensee to ensure that the rules for games authorised to be conducted in the casino, including gaming machines, are freely available to patrons.

Clause 11 - repeals Sections 76 of the Principal Act which prohibits gaming machines in the casino.

Clause 12 - inserts into the Principal Act, Section 78A. This Section prohibits the casino licensee from having installed in the casino:

- an automatic teller machine;
- an EFTPOS facility; or
- any other similar facility for gaining access to cash or credit.

Clause 13 - inserts PART 7A into the Principal Act which provides for the control of gaming machines in the casino. In this Part:

- Section 83A - limits the number of gaming machines in the casino to 200 for the period to 1 December 2009 and after that date, any increase in the number is subject to the approval of the Gambling and Racing Commission;
- Section 83B - provides the conditions governing the acquisition of gaming machines by the casino licensee;
- Section 83C - provides the minimum conditions for the operation of gaming machines in the casino which must be set by the Gambling and Racing Commission;
- Section 83D - provides that the casino licensee must not dispose of a gaming machine without the approval of the Gambling and Racing Commission;
- Section 83E - provides that Sections 54A and 54B of the *Gaming Machine Act 1987*, which relate to records and reporting requirements of gaming machine licensees concerning charitable donations, apply also to the casino licensee;
- Section 83F - requires the casino licensee to keep a register of the gaming machines installed in the casino and provides the minimum details that must be included in the register;

- Section 83G - requires the casino licensee to keep a repair book concerning the gaming machines in the casino and to record details relating to, for example, the malfunction of a gaming machine, the time when a gaming machine was not in operation and details of who accessed the machine to repair it;
- Section 83H - provides that only persons authorised by the Gambling and Racing Commission may install, repair or open a gaming machine;
- Section 83I - requires a person who installs a gaming machine in the casino to certify to the Gambling and Racing Commission, the meter reading as at completion of installation;
- Section 83J - requires the casino licensee to display warning notices as required by the Gambling and Racing Commission. The warning notices are to be in accordance with those determined under Section 51B(4) of the *Gaming Machine Act 1987*, as required of other gaming machine licensees;
- Section 83K - requires the casino licensee to display on each gaming machine, in a form and position approved by the Gambling and Racing Commission, the percentage payout that applies to that gaming machine;
- Section 83L - provides that the casino licensee must not allow a gaming machine to be operated at other than its approved percentage payout except for the purposes of repair or adjustment; and
- Section 83M - provides that the casino licensee must not operate a gaming machine linked jackpot arrangement other than as approved by the Gambling and Racing Commission. The Section also provides that each machine in a linked jackpot arrangement must display information which states that the machine is part of such an arrangement and the percentage of turnover that is set aside for the payment of a linked jackpot.

Clause 14 - amends Section 121 of the Principal Act to require the casino licensee to maintain separate accounts of all moneys taken from each gaming machine and of each linked jackpot arrangement.

Clause 15 - amends Section 125 of the Principal Act to include a number of reviewable decisions which arise from this Amendment.

PART 3 - CONSEQUENTIAL AMENDMENTS

Clause 16 - states that the *Gaming Machine Act 1987* is amended as set out in Schedule 1. These amendments arise as a consequence of the amendments in this Act and take into account in the *Gaming Machine Act*, the existence of the casino licensee as a gaming machine operator.

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