



AUSTRALIAN CAPITAL TERRITORY

## **Gaming Machine (Amendment) Act (No. 2) 1997**

**No. 49 of 1997**

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

*[Notified in ACT Gazette S264: 19 September 1997]*

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

#### **Short title**

1. This Act may be cited as the *Gaming Machine (Amendment) Act (No. 2) 1997*.

#### **Commencement**

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

#### **Principal Act**

3. In this Act, “Principal Act” means the *Gaming Machine Act 1987*.<sup>1</sup>

### **Interpretation**

4. Section 4 of the Principal Act is amended—

(a) by omitting the definition of “NSW Liquor Administration Board”; and

(b) by inserting the following definitions:

“ ‘charitable organisation’ means an organisation, whether incorporated or not, formed or carried on primarily for charitable, benevolent, philanthropic or religious purposes, but does not include an organisation formed or carried on for the purpose of trading or securing a pecuniary profit to its members;

‘contribution’ means any money, benefit, valuable consideration or security;”.

### **Variation of licences**

5. Section 22 of the Principal Act is amended by omitting from paragraph (3) (c) “by the NSW Liquor Administration Board”.

### **Acquisition of gaming machines—approval**

6. Section 36 of the Principal Act is amended by omitting from paragraph (2) (e) “by the NSW Liquor Administration Board”.

### **Substitution**

7. Sections 42A and 42B of the Principal Act are repealed and the following sections substituted:

#### **Persons who may install gaming machines**

“43. A person shall not install a gaming machine on licensed premises unless he or she—

(a) is the holder of a repairer’s certificate issued under subsection 34 (2); and

(b) is, or is an employee or agent of, a person authorised under the law of the Territory, a State or another Territory to deal in or to sell gaming machines.

Penalty:

(a) in the case of a natural person—50 penalty units or imprisonment for 6 months, or both;

(b) in the case of a body corporate—250 penalty units.

**Meter readings—certificate**

“43A. A person who has installed a gaming machine on licensed premises shall, as soon as practicable, give the Commissioner a certificate signed by him or her setting out the meter readings on the machine immediately after installation.

Penalty:

- (a) in the case of a natural person—20 penalty units;
- (b) in the case of a body corporate—100 penalty units.

**Installation certificate**

“43B. A licensee shall, as soon as practicable, give a certificate to the Commissioner setting out such particulars as the Commissioner, by notice to the licensee, specifies.

Penalty:

- (a) in the case of a natural person—20 penalty units;
- (b) in the case of a body corporate—100 penalty units.

**Operation after installation**

“43C. A licensee shall not permit a gaming machine on licensed premises to be operated until he or she has given the Commissioner a certificate under section 43B.

Penalty:

- (a) in the case of a natural person—20 penalty units;
- (b) in the case of a body corporate—100 penalty units.”.

**Insertion**

**8.** After section 54 of the Principal Act the following sections are inserted:

**Records of charitable donations**

“54A. (1) A licensee shall keep records of all contributions donated—

- (a) to a charitable organisation;
- (b) for a charitable purpose; or
- (c) to an organisation declared by the Minister by notice in the *Gazette* to be an organisation for the purposes of this section, being an organisation that has as its principal purpose the benefit of the community or a section of the community.

“(2) A licensee shall, in the record under subsection (1), specify—

- (a) the organisation to whom, or the purpose for which, the contribution is donated; and
- (b) the amount or value of the contribution and the date on which it was donated.

“(3) A declaration under paragraph (1) (c) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

“(4) A licensee shall not contravene subsection (1) or (2).

Penalty for contravention of subsection (4):

- (a) in the case of a natural person—20 penalty units;
- (b) in the case of a body corporate—100 penalty units.

### **Report**

“54B. (1) A licensee shall, within 1 month after the end of the financial year, give the Commissioner a copy of the record kept under subsection 54A (1), together with a report specifying—

- (a) any contributions by the licensee recorded under subsection 54A (1) during the financial year; and
- (b) the proportion of gross revenue received by the licensee during the financial year that is taken from gaming machines, or derived from revenue taken from gaming machines, on the licensed premises.

“(2) A licensee shall maintain such records as enable the Commissioner to verify the proportion specified under paragraph (1) (b).

Penalty:

- (a) in the case of a natural person—20 penalty units;
- (b) in the case of a body corporate—100 penalty units.

### **Commissioner to report to Minister**

“54C. The Commissioner shall, within 3 months after the end of the financial year, give the Minister a report—

- (a) summarising the extent of compliance by licensees with sections 54A and 54B during the financial year; and
- (b) analysing the extent to which revenue received by licensees is being used to make contributions recorded under subsection 54A (1) during the financial year.

### **Minister to table Commissioner's report**

"54D. The Minister shall cause a copy of a report given to him or her under section 54C to be tabled in the Legislative Assembly within 10 sitting days after he or she receives the report."

### **Audit of records**

**9.** Section 56 of the Principal Act is amended by omitting from paragraph (1) (b) all the words after "statement" and substituting—

"for that year relating to—

- (i) the operation of gaming machines on the licensed premises; and
- (ii) where the licensee is a club—the financial operations of the club."

### **Regulations**

**10.** Section 67 of the Principal Act is amended by omitting "not exceeding a fine of \$500 for offences against the regulations" and substituting—

"for offences against the regulations not exceeding—

- (a) in the case of a natural person—10 penalty units; or
- (b) in the case of a body corporate—50 penalty units."

### **Repeal**

**11.** Part IX of the Principal Act is repealed.

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## **NOTES**

### **Principal Act**

1. Reprinted as at 31 January 1995. See also Acts Nos. 19 and 39, 1995; No. 13, 1997.

### **Penalty units**

See section 33AA of the *Interpretation Act 1967*.

*[Presentation speech made in Assembly on 19 June 1997]*