



AUSTRALIAN CAPITAL TERRITORY

## **Gaming Machine (Amendment) Act (No. 2) 1998**

No. 23 of 1998

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### **An Act to amend the *Gaming Machine Act 1987* and for related purposes**

*[Notified in ACT Gazette S190: 10 July 1998]*

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

**1. Short title**

This Act may be cited as the *Gaming Machine (Amendment) Act (No. 2) 1998*.

**2. Commencement**

This Act commences on the day on which it is notified in the *Gazette*.

**3. Principal Act**

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

**4. Insertion**

After section 23 of the Principal Act the following Division is inserted:

***“Division 2A—Restrictions on gaming machines***

**“23A. Application**

This Division has effect notwithstanding any other provision of this Part.

**“23B. Restriction on gaming machines**

“(1) This section applies to—

- (a) an application for the grant of a licence; or
- (b) a request to vary a licence for the purpose of increasing the number of licensed gaming machines;

made—

- (c) on or before 24 June 1998 but not determined by the Commissioner before that date; or
- (d) after that date.

“(2) The Commissioner shall not—

- (a) grant a licence on an application; or
- (b) vary a licence on a request;

to which this section applies if—

- (c) to grant a licence; or
- (d) to increase the number of licensed gaming machines;

would result in the number of gaming machines on licensed premises exceeding 5,200.

“(3) In determining the number of type of gaming machines to be specified in a licence granted on an application, or varied on a request, to which this section applies, the Commissioner, in addition to the matters about which he or she is to be satisfied or to which he or she is to have regard under this Part, shall also have regard to—

- (a) in the case of a request by a club to vary a licence—the ratio of the membership to the number and types of gaming machines in existing clubs;
- (b) in the case of an application or request made by a club—the extent to which the club is likely to contribute to, support and be beneficial to the community; and
- (c) such other matters as are relevant.

**“23C. Circumstances in which restriction does not apply**

Section 23B does not apply in relation to a club that, on 24 June 1998, did not hold a licence if, having regard to the following criteria, the Commissioner is satisfied that the section should not apply in relation to that club:

- (a) the Commissioner is satisfied that the club has, before that date, made a significant investment in its facilities and has demonstrated a commitment to providing services to the community;
- (b) the importance of the club to the community and the extent to which the club is likely to contribute to, support and be beneficial to the community;
- (c) the corporate and financial relationships with an existing club;
- (d) the extent to which the financial viability of the club would be affected if the licence were not granted;
- (e) such other matters as are relevant.”.

**5. Cessation of effect of amendments**

Division 2A of Part IV of the Principal Act as amended by this Act ceases to have effect at the expiration of 12 months after the date of commencement of this Act, and shall be taken to have been repealed at that expiration.

*Gaming Machine (Amendment) Act (No. 2) 1998* No. 23, 1998

**NOTE**

**Principal Act**

1. Reprinted as at 31 January 1995. See also Acts Nos. 19 and 39, 1995; Nos. 13, 49, 96 and 103, 1997; No. 14, 1998.

*[Presentation speech made in Assembly on 24 June 1998]*

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