



Australian Capital Territory

Gaming Machine Amendment Act 2004

A2004-6

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Australian Capital Territory

Gaming Machine Amendment Act 2004

A2004-6

An Act to amend the *Gaming Machine Act 1987*

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

1 Name of Act

This Act is the *Gaming Machine Amendment Act 2004*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Gaming Machine Act 1987*.

**4 Application for licence
Section 14 (2) (b) (ii)**

omit

5 New section 14 (2) (da) and (db)

insert

- (da) for a corporation (including a club)—must state in relation to each relevant influential person the nature of the person's relationship to the corporation; and
- (db) must be accompanied by a social impact assessment; and

6 New section 14 (3)

insert

- (3) A social impact assessment must comply with the guidelines under section 14AB.

7 Section 14

renumber paragraphs and subparagraphs when Act next republished under Legislation Act

8 New sections 14AA and 14AB

after section 14, insert

14AA Additional requirements for social impact assessments

- (1) This section applies if a person applies for a licence under section 14.
- (2) The applicant must publish an advertisement about the application in a newspaper published and circulating in the ACT.

Note If a form is approved under the Control Act, s 53D for an advertisement, the form must be used.

- (3) The advertisement must state that—
 - (a) the social impact assessment for the application will be available for inspection by members of the public at the commission's office during ordinary business hours; and
 - (b) any written submissions about the social impact assessment may be made to the commission within 6 weeks after the day the advertisement is published.
- (4) The applicant must give a copy of the advertisement and evidence of the date of publication of the advertisement to the commission.
- (5) The commission must not decide the application until the 6-week period has ended.
- (6) The commission must make the social impact assessment available for inspection by members of the public at the commission's office during ordinary business hours during the 6-week period.

14AB Guidelines about social impact assessments

- (1) The Minister may, in writing, make guidelines in relation to social impact assessments, including, for example—
 - (a) the requirements that must be satisfied by a social impact assessment; and

- (b) the matters to be assessed or addressed by a social impact assessment; and
- (c) the information to be given by a social impact assessment.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) Guidelines are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

9 Section 15

substitute

15 Issue or refusal of licences—general and on licensees

- (1) This section applies if the holder of a general licence or an on licence applies for a licence for the premises to which the general licence or on licence applies.
- (2) The commission must issue the licence if satisfied that—
 - (a) the application complies with section 14; and
 - (b) the applicant has complied with any requirement made by the commission under the Control Act, section 22 (Power to require information, instruments or records or attendance for examination) in relation to the application; and
 - (c) the size and layout of the premises are suitable for the installation and use of gaming machines; and
 - (d) for an application by an individual—the applicant is an adult; and
 - (e) for an application by a corporation—the directors of the corporation are adults; and

- (f) the operation of gaming machines on the premises will be conducted in a responsible way; and
 - (g) there will be no adverse impact on any school, community facility, sporting facility, or place of public worship located near the premises; and
 - (h) the overall economic and social impact of issuing the licence will not be harmful to any community that is within 5km of the premises.
- (3) For subsection (2) (f), (g) and (h), the commission must take into account—
- (a) the social impact assessment for the application; and
 - (b) any written submissions made to the commission under section 14AA (Additional requirements for social impact assessments) about the social impact assessment.
- (4) Subsection (3) does not limit the matters the commission may take into account.
- (5) This section is subject to the following sections:
- section 15A (Issue or refusal of licences—relevant influential person)
 - section 16 (Issue of licence)
 - section 18 (Conditions for issue of licences—gaming machines)
 - section 20 (Conditions for issue of licences—premises).

10 Section 15A heading

substitute

15A Issue or refusal of licences—relevant influential person

11 Section 15A (1) (b) (ii)

substitute

- (ii) if the holder is a corporation—to a relevant influential person for the corporation.

**12 Conditions for issue of licences—gaming machines
Section 18 (2) and (3)**

substitute

- (2) A licence must not be issued for premises to which a general licence or on licence applies except for class B gaming machines.
- (3) A licence must not be issued for premises to which a general licence applies—
 - (a) if the premises contain at least 12 rooms that are for use as residential accommodation for lodgers—for more than 10 gaming machines; or
 - (b) if the premises do not contain rooms that are for use as residential accommodation for lodgers, or contain less than 12 of those rooms—for more than 2 gaming machines.
- (4) A licence must not be issued for premises to which an on licence applies for more than 2 gaming machines.
- (5) A licence must not be issued for premises to which an on licence applies unless the on licence is stated to be for the primary purpose of running a tavern/bar.

**13 Application
Section 23A (2)**

omit

2004

substitute

2005

**14 The required community contributions
New section 60G (4) and (5)**

insert

- (4) For every \$3 of women's sport community contributions that a club contributes to an organisation specified under section 60B (1), the club's required community contributions must be worked out as if the club had contributed \$4.
- (5) In subsection (4):

women's sport community contributions means community contributions that the commission is satisfied will have the effect mentioned in section 60B (1) (c).

15 Dictionary, definition of *relevant influential person*

substitute

relevant influential person, for a corporation, means—

- (a) a director or secretary of the corporation; or
- (b) a person who—
 - (i) is substantially concerned in the management of the corporation; or
 - (ii) can control, or substantially influence, the corporation's activities or internal affairs.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 February 2004.

2 Notification

Notified under the Legislation Act on 11 March 2004.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Gaming Machine Amendment Bill 2004 which was passed by the Legislative Assembly on 3 March 2004 a.m.

Clerk of the Legislative Assembly

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