



Australian Capital Territory

Gaming Machine Amendment Act 2005

A2005-17

An Act to amend the *Gaming Machine Act 2004*

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

2004 154B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Gaming Machine Amendment Act 2005*.

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 2004*.

**4 Grounds for refusing initial licence application by club
Section 14**

omit

The commission may refuse

substitute

- (1) The commission may refuse

5 New section 14 (2)

insert

- (2) However, the commission must not refuse to issue a gaming machine licence under subsection (1) (c), (d) or (e) only because—
- (a) the commission is satisfied that the election of a member of the club's management committee or board has been decided, controlled or influenced in a significant way, or to a significant degree, by an associated organisation; or
 - (b) the voting members of the club, taken as a group, do not have complete control over the election of all members of the club's

management committee or board because an associated organisation has some control; or

- (c) each voting member of the club does not have an equal right to elect people, and to nominate or otherwise choose people for election, to the club's management committee or board because an associated organisation has a right to elect, nominate or otherwise choose people for election.

6 Form of licence Section 15 (1) (a)

substitute

- (a) state the number and class of gaming machines that the licensee is allowed to operate; and

Example

3 class B gaming machines

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).

7 Licence amendment applications Section 22 (1) (e) and (f)

substitute

- (e) to change the kind of a licensed gaming machine used under the licence; or

Examples

to change from King of the Thames mk 2 gaming machines to King of the Thames mk 3 gaming machines or to Magnificent Mel gaming machines

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).

- (f) to change any other detail mentioned in the schedule to the licence.

8 **Transfer of licence**
Section 32 (1) (c)

substitute

- (c) if the prospective licensee is a club—the prospective licensee is a licensee or has a certificate of suitability; and

9 **Section 32 (1) (e), new note**

insert

Note Subsection (2) deals with considerations the commission must not take into account.

10 **New section 32 (2)**

insert

- (2) In considering whether a licence would be issued on an initial licence application for subsection (1) (e), the commission—
 - (a) must not take into consideration the requirement under section 11 (1) (g) to provide a social impact assessment; and
 - (b) when considering under section 13 (1) (e) whether the issue of the licence is appropriate—must not take into consideration the lack of a social impact statement and submissions.

11 **Section 32 (2)**

renumber as section 32 (3)

12 **Grounds for disciplinary action**
New section 57 (2)

insert

- (2) In subsection (1) (b), a reference to a ***contravention*** of this Act includes a reference to the following:
- (a) a contravention of the Criminal Code, part 2.4 (Extensions of criminal responsibility) in relation to an offence against this Act or otherwise in relation to this Act;
 - (b) a contravention of the Criminal Code in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act;
 - (c) a contravention of the Criminal Code in relation to anything done, or not done, under or in relation to this Act.

13 **Section 57 (2)**

renumber as section 57 (3)

14 **Cancellation etc of technician's approval**
New section 79 (2)

insert

- (2) In subsection (1) (c), a reference to a ***contravention*** of this Act includes a reference to the following:
- (a) a contravention of the Criminal Code, part 2.4 (Extensions of criminal responsibility) in relation to an offence against this Act or otherwise in relation to this Act;
 - (b) a contravention of the Criminal Code in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act;
 - (c) a contravention of the Criminal Code in relation to anything done, or not done, under or in relation to this Act.

15 Section 79 (2) to (5)

renumber as section 79 (3) to (6)

**16 Cancellation etc of attendant's approval
New section 91 (2)**

insert

- (2) In subsection (1) (c), a reference to a *contravention* of this Act includes a reference to the following:
- (a) a contravention of the Criminal Code, part 2.4 (Extensions of criminal responsibility) in relation to an offence against this Act or otherwise in relation to this Act;
 - (b) a contravention of the Criminal Code in relation to a document completed, kept or given, or required to be completed, kept or given, under or in relation to this Act;
 - (c) a contravention of the Criminal Code in relation to anything done, or not done, under or in relation to this Act.

17 Section 91 (2) to (4)

renumber as section 91 (3) to (5)

**18 Associated organisations
Section 147 (2) (c)**

substitute

- (c) it is incorporated or a registered party; and

19 Section 147 (2) (f)

substitute

- (f) approval of the entity as an associated organisation—
- (i) would not cause the club to stop being conducted mainly to achieve eligible objects; and
 - (ii) would help the club to achieve its eligible objects.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 March 2005.

2 Notification

Notified under the Legislation Act on 13 April 2005.

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 2005, which was passed by the Legislative Assembly on 7 April 2005.

Clerk of the Legislative Assembly

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