

2005

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Racing and Gaming)

## Gaming Machine Amendment Bill 2005

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### A Bill for

An Act to amend the *Gaming Machine Act 2004*

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

**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.

- 1 **15 Section 79 (2) to (5)**
- 2 *renumber as section 79 (3) to (6)*
- 3 **16 Cancellation etc of attendant's approval**
- 4 **New section 91 (2)**
- 5 *insert*
- 6 (2) In subsection (1) (c), a reference to a **contravention** of this Act
- 7 includes a reference to the following:
- 8 (a) a contravention of the Criminal Code, part 2.4 (Extensions of
- 9 criminal responsibility) in relation to an offence against this
- 10 Act or otherwise in relation to this Act;
- 11 (b) a contravention of the Criminal Code in relation to a document
- 12 completed, kept or given, or required to be completed, kept or
- 13 given, under or in relation to this Act;
- 14 (c) a contravention of the Criminal Code in relation to anything
- 15 done, or not done, under or in relation to this Act.
- 16 **17 Section 91 (2) to (4)**
- 17 *renumber as section 91 (3) to (5)*
- 18 **18 Associated organisations**
- 19 **Section 147 (2) (c)**
- 20 *substitute*
- 21 (c) it is incorporated or a registered party; and

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**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.

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2005.

**2 Notification**

Notified under the Legislation Act on 2005.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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