

2007

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

Gaming Machine Amendment Bill 2007 (No 2)

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Gaming Machine Amendment Bill 2007 (No 2)

A Bill for

An Act to amend the *Gaming Machine Act 2004*, and for other purposes

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

1 **1 Name of Act**

2 This Act is the *Gaming Machine Amendment Act 2007 (No 2)*.

3 **2 Commencement**

4 (1) This Act (other than section 17) commences on the day after its
5 notification day.

6 (2) Section 17 commences 6 months after this Act's notification day.

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

9 **3 Legislation amended**

10 This Act amends the *Gaming Machine Act 2004*.

11 *Note* This Act also amends the following legislation:

- 12 • *Casino Control Act 2006* (see sch 1)
- 13 • *Gaming Machine Regulation 2004* (see sch 2).

14 **4 Applications to be dealt with in order of receipt**
15 **New section 10 (5), (6) and (7)**

16 *insert*

17 (5) The commission is not required to make a decision about the
18 number of gaming machines authorised to be operated under a
19 licence if licences that have already been issued authorise the
20 operation of the maximum number of gaming machines allowed on
21 all licensed premises in the ACT.

22 *Note* The maximum number of gaming machines on all licensed premises in
23 the ACT is set under s 35.

- 1 (6) The commission may, by written notice given to the applicant,
2 require an applicant to provide updated information in an
3 application mentioned in subsection (1), including verified updated
4 information, if—
- 5 (a) subsection (5) applied to the application; and
- 6 (b) at a later time, subsection (5) stopped applying to the
7 application.
- 8 (7) To remove any doubt, updated information includes an updated
9 required document.

10 **5 No available gaming machines**
11 **Section 17 (2) (b)**

12 *substitute*

- 13 (b) give the applicant a certificate (a *certificate of suitability*)
14 stating that the commission would otherwise have issued a
15 licence to the applicant and that the number of machines the
16 applicant is to be authorised to operate will be determined
17 when—
- 18 (i) the number of gaming machines allowed to be operated
19 on all licensed premises in the ACT falls below the
20 maximum number of gaming machines allowed on all
21 licensed premises in the ACT; or
- 22 (ii) the commission is considering the transfer of a licence to
23 the applicant under section 32 (Transfer of licence).

1 **6 Eligibility of individuals**
2 **New section 20 (3) (d)**

3 *insert*

4 (d) at any time in the last 12 months the individual had—

5 (i) a licence cancelled under section 58 (Disciplinary
6 action); or

7 (ii) a licence cancelled under section 64 (Cancellation of
8 licences because of cancellation etc of general and on
9 licences); or

10 (iii) an application for approval as a supplier refused, on the
11 basis that the person provided false or misleading
12 information, under section 72 (Application and approval
13 as supplier); or

14 (iv) approval as a supplier cancelled under section 73A
15 (Cancellation etc of supplier's approval); or

16 (v) an application for approval as a technician refused, on the
17 basis that the person provided false or misleading
18 information, under section 75 (Approval of technicians);
19 or

20 (vi) approval as a technician cancelled under
21 section 79 (1) (a) or (c) (Cancellation etc of technician's
22 approval); or

23 (vii) an application for approval as an attendant refused, on the
24 basis that the person provided false or misleading
25 information, under section 86 (Approval of attendants);
26 or

27 (viii) approval as an attendant cancelled under
28 section 91 (1) (a) or (c) (Cancellation etc of attendant's
29 approval).

1 **7 Eligibility of clubs and other corporations**
2 **Section 21 (2)**

3 *substitute*

- 4 (2) Despite subsection (1), the commission may decide that the
5 corporation is an eligible person even though a provision of that
6 subsection does not apply in relation to the corporation.

7 **8 Substantive licence amendments**
8 **Section 24 (3) (b) (iii)**

9 *substitute*

- 10 (iii) if the licensee is a club—the commission is satisfied that
11 the number of club members worked out under the
12 regulations, and the pattern of use of gaming machines by
13 club members, is sufficient to justify the number of extra
14 gaming machines; and

15 **9 Section 24 (4)**

16 *substitute*

- 17 (4) If an application is made under subsection (1) (a), the commission
18 may amend a licence to allow the licensee to operate more gaming
19 machines than the licensee was previously allowed to operate (the
20 ***new number*** of gaming machines), but less than the number applied
21 for, if the commission is satisfied that—
- 22 (a) taking into account the application, and any submissions made
23 in relation to the social impact assessment for the application—
24 amendment of the licence to allow the new number of gaming
25 machines is appropriate; and
- 26 (b) the size and layout of each gaming area is suitable for the
27 installation of the new number of gaming machines; and

- 1 (c) the authorisation of the new number of gaming machines
2 would not exceed the maximum number of gaming machines
3 allowed on all licensed premises in the ACT; and
- 4 (d) if the licensee is a club—the number of club members, and the
5 pattern of use of gaming machines by club members, is
6 sufficient to justify the new number of gaming machines; and
- 7 (e) if the licensee is a club—the extent to which the club has
8 contributed to, or is likely to contribute to, the support and
9 benefit of the community; and
- 10 (f) the licensee does not owe an amount to the Territory under a
11 tax law or a gaming law.

12 **10 Transfer of licence**
13 **Section 32 (3)**

14 *substitute*

- 15 (3) If the commission transfers a licence under this section, the
16 commission must give the prospective licensee—
- 17 (a) the licence as amended to mention—
- 18 (i) the prospective licensee rather than the current licensee;
19 and
- 20 (ii) the number of machines the prospective licensee is
21 authorised to operate; and
- 22 (b) the machine access register for the gaming machines covered
23 by the licence.

1 **11 Approval of gaming machines and peripheral equipment**
2 **Section 69 (3)**

3 *substitute*

- 4 (3) The approval of a gaming machine or any peripheral equipment for
5 a gaming machine is a notifiable instrument.

6 *Note* A notifiable instrument must be notified under the Legislation Act.

7 **12 Application and approval as supplier**
8 **Section 72 (2) (d)**

9 *substitute*

- 10 (d) the person has not, in the last 12 months, provided false or
11 misleading information in an application under subsection (1);
12 and

- 13 (e) the person satisfies any other requirement prescribed by
14 regulation.

15 **13 New section 73A**

16 *in division 6.2, insert*

17 **73A Cancellation etc of supplier's approval**

- 18 (1) This section applies if—
19 (a) the commission stops being satisfied that the supplier meets the
20 conditions for approval stated in section 72 (2); or
21 (b) the commission is satisfied that the supplier has contravened
22 this Act.
23 (2) In subsection (1) (b), a reference to a *contravention* of this Act
24 includes a reference to the following:
25 (a) a contravention of the Criminal Code, part 2.4 (Extensions of
26 criminal responsibility) in relation to an offence against this
27 Act or otherwise in relation to this Act;

- 1 (b) a contravention of the Criminal Code in relation to a document
2 completed, kept or given, or required to be completed, kept or
3 given, under or in relation to this Act;
- 4 (c) a contravention of the Criminal Code in relation to anything
5 done, or not done, under or in relation to this Act.
- 6 (3) The commission may, by written notice given to the approved
7 supplier—
- 8 (a) cancel the supplier's approval; or
9 (b) suspend the supplier's approval; or
10 (c) reprimand the supplier.
- 11 (4) In considering whether to take action under this section, the
12 commission must consider the following:
- 13 (a) whether action has been taken against the approved supplier
14 under this section before;
- 15 (b) the seriousness of any contravention of this Act;
- 16 (c) the likelihood of further action needing to be taken against the
17 supplier;
- 18 (d) the public benefit of suppliers being regulated under this Act.
- 19 (5) The commission may also consider any other relevant matter.

20 **14 Approval of technicians**
21 **Section 75 (1)**

22 *substitute*

- 23 (1) The commission may, on application under section 74, approve the
24 applicant as a technician for 1 or more suppliers if satisfied that—
- 25 (a) the applicant is qualified to exercise the functions of an
26 approved technician; and

- 1 (b) the applicant has not, in the last 12 months, provided false or
2 misleading information in an application under section 74; and
- 3 (c) either—
- 4 (i) the applicant is employed, or will be employed, by each
5 supplier; or
- 6 (ii) the applicant is an approved supplier; or
- 7 (iii) the applicant is employed, or will be employed, by each
8 supplier and is an approved supplier.

9 **15 Approval of attendants**
10 **Section 86 (1)**

11 *substitute*

- 12 (1) The commission may, on application under section 85, approve the
13 applicant as an attendant for 1 or more licensees if satisfied that—
- 14 (a) the applicant is an eligible person; and
- 15 (b) the applicant has not, in the last 12 months, provided false or
16 misleading information in an application under section 85; and
- 17 (c) the applicant is employed, or will be employed, by each
18 licensee.

19 **16 Section 152**

20 *substitute*

21 **152 External signs**

- 22 (1) A licensee commits an offence if the licensee displays an external
23 sign advertising gaming machines or promoting a gambling activity
24 on the licensed premises.

25 Maximum penalty: 50 penalty units.

- 26 (2) An offence against subsection (1) is a strict liability offence.

- 1 (3) In this section:
2 *external sign*, for licensed premises, means a sign that can be seen
3 from outside the licensed premises, but does not include—
4 (a) an advertisement on television (other than closed-circuit
5 television) or on the internet; or
6 (b) a sign consisting mainly of a registered business name; or
7 (c) a sign consisting mainly of a business logo that does not
8 advertise gaming machines or promote a gambling activity.

9 **Example**
10 a written, electronic or physical display, picture or symbol

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

14 *gambling activity* means an activity that requires approval under a
15 gaming law.

16 *registered business name*—see the *Business Names Act 1963*,
17 dictionary.

18 **17 New section 152A**

19 *insert*

20 **152A External visibility of gaming machines**

- 21 (1) A licensee commits an offence if a gaming machine, or any
22 peripheral equipment for a gaming machine, can be seen from
23 outside the licensed premises.

24 Maximum penalty: 50 penalty units.

- 25 (2) An offence against subsection (1) is a strict liability offence.

1 **18 Approval of community contributions**
2 **Section 164 (3) (b) (iv)**

3 *substitute*

- 4 (iv) capital payments for assets owned, controlled or being
5 acquired by the licensee or an associated organisation
6 that are not available to be used by the public;

7 **19 New section 171A**

8 *insert*

9 **171A Problem gambling community contributions**

- 10 (1) For every \$3 of problem gambling community contributions that a
11 licensee contributes to an entity under section 164 (1), the licensee's
12 required community contributions must be worked out as if the
13 licensee had contributed \$4.

- 14 (2) In this section:

15 *problem gambling community contributions* means community
16 contributions that the commission is satisfied will assist in—

- 17 (a) alleviating problem gambling; or
18 (b) alleviating the disadvantages that arise from problem
19 gambling; or
20 (c) providing information about problem gambling.

21 **20 Reviewable decisions**
22 **Schedule 1, new items 9A and 9B**

23 *insert*

- 9A cancelling or suspending a supplier's approval under section 73A
9B reprimanding a supplier under section 73A

1 **Schedule 1 Casino Control Act 2006**

2 (see s 3)

3 **[1.1] New section 7 (2) (f)**

4 *insert*

5 (f) at any time in the last 12 months the individual had—

6 (i) an application for a casino employee licence refused, on
7 the basis that the individual provided false or misleading
8 information, in the application; or

9 (ii) a casino employee licence cancelled under part 4.

