

## **Gaming Machine (Amendment) Bill (No. 2) 1997**

### **Summary**

The Gaming Machine Act 1987 (the Act) provides for the regulation and taxing of gaming machine operations in the Territory.

Under the Act, the Commissioner for ACT Revenue must, when considering an application for gaming machine licence from a hotel or tavern, determine the good fame and character of the applicant. No similar test exists to establish the bona fides of directors or influential persons of clubs which make application for a gaming machine licence.

The Bill proposes to adopt a more objective test that the Commissioner may consider, when deciding to issue, cancel or suspend any class of gaming machine licence, of whether the applicant, or in the case of a club, a relevant influential person, has been convicted of an offence involving dishonesty, unlawful gaming, or a breach of the Act or another taxation law.

This amendment will provide more legal certainty for the Commissioner when considering applications for gaming machine licences from persons who have been convicted of such an offence.

### **Financial implications**

This measure has no financial implications.

Details of the Bill are attached.



## **Details of the Gaming Machine (Amendment) Bill (No. 2) 1997**

### **Title**

*Clause 1* provides for the short title for this Act to be the Gaming Machine (Amendment) Act (No. 2) 1997.

### **Commencement**

*Clause 2* provides that this Act commences on the day it is notified in the Gazette.

### **Principal Act**

*Clause 3* refers to the Principal Act being amended as the Gaming Machine Act 1987.

### **Interpretation**

*Clause 4* amends section 4 of the Principal Act by inserting a definition for 'unlawful game' as having the same meaning as in the *Unlawful Games Act 1984*.

### **Grant or refusal of licences: clubs**

*Clause 5* amends section 14A of the Principal Act by subjecting the grant or refusal of a gaming machine licence to a club to the provisions of the new section 15A.

### **Grant or refusal of licences: General Licensees and On Licensees**

#### *Clause 6*

Amends subsection 15(1) of the Principal Act by subjecting the grant or refusal of a gaming machine licence to a General Licensee or an On Licensee to the provisions of the new section 15A.

Amends paragraphs (1)(d) and (e) of subsection 15(1) by omitting the words 'or is not of good fame and character'.

### **Insertion**

*Clause 7* inserts after section 15 of the Principal Act the following new section 15A:

#### **Grant or refusal of licences - offences**

Section 15A provides that the Commissioner for ACT Revenue may refuse to grant a gaming machine licence to a club, general or on licensee if the applicant, or in the case of a club, a relevant influential person, has been convicted of an offence in the past 5 years involving dishonesty, unlawful gaming, or a breach of the Principal Act or another taxation law.

#### **Suspension and cancellation of licences - general**

*Clause 8* amends section 24 of the Principal Act by providing that the Commissioner for ACT Revenue may suspend or cancel a gaming machine licence if a licensee, or in the case of a club, an influential person in the club operation, is convicted of an offence involving dishonesty, unlawful gaming, or a breach of the Act or another taxation law.

#### **Notice of reviewable decisions**

*Clause 9* amends section 52 of the Principal Act by making a decision made by the Commissioner for ACT Revenue under section 15A reviewable.

