

1997

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1997

EXPLANATORY MEMORANDUM

Circulated by the authority of the Chief Minister and Treasurer

Kate Carnell MLA

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.

The Gaming Machine (Amendment) Bill (No. 2) 1997 amends the Act to require gaming machine licensees to maintain a record in regard to their community contributions; provide the Commissioner for ACT Revenue with a copy of their record of community contributions; and provide for the tabling of an annual report on community contributions by licensees in the Legislative Assembly by the Minister.

The Bill proposes other amendments which deal with the installation and the technical evaluation of gaming machines.

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 for the commences of this Act.

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 omitting the definition of "NSW Liquor Administration Board", and inserting definitions for "charitable organisation" and "contribution".

Variation of licences

Clause 5 amends section 22 of the Principal Act by omitting from paragraph (3)(c) the words "by the NSW Liquor Administration Board".

Acquisition of gaming machines-approval

Clause 6 amends section 36 of the Principal Act by omitting from paragraph (2)(e) the words "by the NSW Liquor Administration Board".

Substitution

Clause 7 repeals sections 42A and 42B of the Principal Act and substitutes the following sections:

Persons who may install gaming machines

Section 43

Section 43 provides that a person may not install a gaming machine on licensed premises unless he or she has a current repairers certificate under subsection 34(2) of the Principal Act; and is either an authorised person under the law of the ACT, a State

or another Territory, or a person who is an employee or agent of the authorised person.

Failure to comply with this section may attract a penalty of 50 penalty units or imprisonment for 6 months, or both, for a natural person or 250 penalty units for a body corporate.

Meter readings-certificate

Section 43A

Section 43A provides that a person who has installed a gaming machine in a licensed premises shall, as soon as practicable, give to the Commissioner a certificate signed by him or her setting out the meter readings on the machine immediately after installation.

Failure to comply with this section may attract a penalty of 20 penalty units for a natural person or 100 penalty units for a body corporate.

Installation certificate

Section 43B

Section 43B provides that a licensee must give to the Commissioner, as soon as practicable, a certificate setting out each particular that the Commissioner has notified to the licensee that is required.

Failure to comply with this section may attract a penalty of 20 penalty units for a natural person or 100 penalty units for a body corporate.

Operation after installation

Section 43C

Section 43C provides that a licensee shall not permit the operation of a gaming machine on the licensed premises until he or she has given the Commissioner a certificate under section 43B.

Failure to comply with this section may attract a penalty of 20 penalty units for a natural person or 100 penalty units for a body corporate.

Insertion

Clause 8 inserts after section 54 of the Principal Act the following sections:

Records of charitable donations

Section 54A

Subsection 54A(1) provides that a gaming machine licensee must keep a record of all contributions, as defined, donated to a charitable organisation, or for a charitable purpose, or to an organisation declared by the Minister by notice in the Gazette for the purposes of this section.

Subsection 54A(2) requires the licensee to specify in the record kept under subsection 54(1), the organisation to whom, or the purpose for which, the contribution is donated and the amount of the contribution and the date it was made.

Subsection 54A(3) provides that a notice under paragraph (1)(c) of this section is a disallowable instrument.

Subsection 54A(3) provides that failure to comply with subsection (1) and (2) of this section may attract a penalty of 20 penalty units for a natural person or 100 penalty units for a body corporate.

Report

Section 54B

Subsection 54B(1) provides that a licensee shall, within 1 month after the end of the financial year, provide the Commissioner with a copy of the record kept under the subsection 54A(1), together with a report specifying any contributions made by the licensee recorded under subsection 54A(1); and the proportion of that gross revenue that is taken from gaming machines, or the proportion of that gross revenue that is derived from gaming machines, on the licensed premises.

Subsection 54B(2) requires the licensee to maintain records sufficient for the Commissioner to verify the proportion specified under subsection 54B(1).

Failure to comply with this section may attract a penalty of 20 penalty units for a natural person or 100 penalty units for a body corporate.

Commissioner to report to Minister

Section 54C

Section 54C provides that the Commissioner shall, within 3 months after the end of the financial year, give the Minister a report which summarises the extent of compliance by licensees with sections 54A and 54B during the financial year; and analyses the extent to which revenue received by licensees is being used to make contributions to charitable organisations or for charitable purposes during the financial year.

Minister to table Commissioner's report

Section 54D

Section 54D causes the Minister to table in the Legislative Assembly, within 10 sitting days, a copy of the report given to him or her by the Commissioner under section 54C.

Audit of accounts

Clause 9 amends paragraph (b) of subsection 56 of the Principal Act by omitting from paragraph (1)(b) all the words after the word "statement" and substituting words that require licensees to prepare an income and expenditure statement relating to the operation of gaming machines on the premises and, where the licensee is a club, a statement on the financial operations of the club.

Regulations

Clause 10 amends section 67 of the Principal Act to update the penalty regime for the gaming machine regulations to penalty units.

Repeal

Clause 11 repeals Part IX of the Principal Act.

