

2012

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

GAMING MACHINE AMENDMENT BILL 2012

EXPLANATORY STATEMENT

**Presented by
Joy Burch MLA
Minister for Racing and Gaming**

Overview

During debate in the Legislative Assembly on 23 August 2012, an amendment was successfully moved to the Government's amendments which, based on intentions recorded in Hansard, referred to the wrong section within the legislation.

As recorded in Hansard, the intention was to increase to 20 the number of gaming machines a licensee might operate before being subject to the proposed Automatic Teller Machine (ATM) withdrawal limit. However, by referring to an incorrect section, the amendment instead redefined a 'small scale relocation amendment' as relating to up to 20 rather than up to 10 machines.

The error in Amendment 18, regarding definition of 'small scale relocation amendments' in effect provides that the Gambling and Racing Commission would have discretion to not require a social impact assessment or a social impact statement for proposals to move up to 20 machines (rather than 10 machines as intended).

The error in Amendment 29, regarding the number of machines a licensee may operate before being subject to the ATM withdrawal limit, in effect provides that the limit does not apply to a licensed premise if the licence authorises the operation of 10 or less gaming machines (rather than 20 machines as was intended).

It is clear that the amendment was intended to ensure that the ATM withdrawal limit did not apply to smaller gaming venues.

Details of the Gaming Machine Amendment Bill 2012

Clause 1 Name of Act

This clause is a formal provision setting out the name of the Act as the *Gaming Machine Amendment Act 2012 (No. 2)*.

Clause 2 Commencement

The amendment relating to Section 22 is scheduled to commence on 1 January 2013.

The amendment relating to Section 153A will commence on a day to be fixed by the Minister.

Clause 3 Legislation amended

This clause provides that the Act amends the *Gaming Machine Act 2004*.

Clause 4 Licence amendment - applications – Section 22 (2) (a)

This clause corrects the current provision so that the relevant number of machines relating to a small-scale relocation amendment or a large-scale machine relocation amendment means the smaller of the following: 10 machines or 10% of the number of machines authorised to be operated under a licence at the licensed premises to which the machines are to be relocated.

Clause 5 Offence – ATM allowing withdrawals exceeding \$250 – Section 153A (2) (b)

This clause corrects the current provision so that the \$250 ATM withdrawal limit does not apply where the licensed premises operate 20 or less gaming machines on the premises.