

2010

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

**GAMING MACHINE (PROBLEM GAMBLING ASSISTANCE)
AMENDMENT BILL 2010**

EXPLANATORY STATEMENT

**Circulated by
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OVERVIEW

The purpose of the Gaming Machine (Problem Gambling Assistance) Amendment Bill 2010 is to provide a fixed percentage of gaming machine revenue to services and initiatives that alleviate problem gambling. The scheme will be administered by the Gambling and Racing Commission. The Bill requires the Gambling and Racing Commission to establish the 'problem gambling assistance fund'. The fund will be used to deliver problem gambling services and the Commissioner is required to report on how the money is distributed. The additional function of the Gambling and Racing Commission is consistent with the existing functions set out in Section 6 of the *Gambling and Racing Control Act 1999*. The changes are in addition to the currently required payments or contributions which remain unchanged by this Bill.

The Bill also maintains the existing regulatory framework for gaming machines and it is intended that all the powers of the Gambling and Racing Commission as set out in the *Gambling and Racing Control Act 1999* will apply to the new scheme.

HUMAN RIGHTS

Section 6 of the Human Rights Act provides that only individuals have human rights. The Bill only creates new obligations on gaming machine license holders – which are all registered entities.

DELEGATION OF LEGISLATIVE POWER

The Bill delegates the power to the Minister to increase the required payment by gaming machine licence holders. The delegation allows a reasonable level of adaptability in the scheme whilst ensuring that the intention and minimum standard set up in the Bill is maintained.

SUMMARY OF CLAUSES

Clause 1 Name of the Act

This clause sets out the name of the proposed Act as the *Gaming Machine (Problem Gambling Assistance) Amendment Act 2010*.

Clause 2 Commencement

This clause provides that the Act (other than section 5) commences on 1 January 2011. Section 5 will commence on 1 July 2011.

Clause 3 Legislation amended

This clause identifies the Act to be amended, namely the *Gaming Machine Act 2004*.

Clause 4 New Division 11.2

This clause creates the Problem Gambling Assistance Fund and sets out that it is to be administered by the Commissioner for Gambling and Racing.

Section 163A - **Required payment to problem gambling assistance fund** - A licensee is liable to pay 0.375% of gross gaming machine revenue for each month from 1 January 2011 to June 30 2011. For each month from 1 July 2011 licensees will be

required to pay 0.75% of gross gaming machine revenue (see clause 5). This is in addition to any liability under either Part 12 or Section 159 of the *Gaming Machine Act 2004*.

Section 163B - Problem gambling assistance fund – The Gambling and Racing Commission must open and maintain the Problem Gambling Assistance Fund. Amounts may only be paid out of the fund for defined purposes. These are:

- to alleviate problem gambling;
- to alleviate the disadvantages that arise from problem gambling;
- research into problem gambling.

The payments are at the Commission's discretion provided they are satisfied that a defined purpose is being achieved. This is consistent with the Commission's existing functions set out in Section 6 of the *Gambling and Racing Control Act 1999*.

Section 163C - Annual reporting about problem gambling assistance fund – the Commission must include the following information in its annual report under the *Annual Reports (Government Agencies) Act 2004*:

- a) the amounts that were paid into the fund during the year;
- b) Who paid the amounts;
- c) The amounts that were paid out of the fund during the year;
- d) Who the amounts were paid to;
- e) The purposes for which the amounts were paid.

This provision ensures that the scheme is managed openly and transparently and that all money that is paid into and out of the fund, and the purposes for which it is paid out, is publicly accounted for.

Clause 5 Section 163A(2)

This clause commences on 1 July 2011 and revises the required payment (initially established in clause 4 of the Bill) by gaming machine licence holders to the Problem Gambling Assistance Fund. The clause also provides that the Minister may increase the required percentage payment and that any such increase is a disallowable instrument.

Clause 6 Dictionary, new definition of problem gambling assistance fund

This clause inserts a new term in the dictionary in light of the new scheme and provides that section 163B includes the exhaustive description and scope of the term.