

2015

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

GAMING MACHINE AMENDMENT REGULATION 2015 (NO 1)

SUBORDINATE LAW SL2015-1

EXPLANATORY STATEMENT

**Circulated by the authority of
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Minister for Racing and Gaming**

Overview

The *Gaming Machine Act 2004* (the Act) regulates the licensing of gaming machine operators and venues, and the administration and operation of all gaming machines. For the purposes of the Act, the *Gambling and Racing Control Act 1999* (the Control Act) provides the overarching legislative framework for gambling in the Territory. The *Gaming Machine Regulation 2004* (the Regulation) has also been made under the Act.

The Control Act establishes the ACT Gambling and Racing Commission (the Commission) with a governing board. The Commission has responsibility for the administration of gaming laws and control, supervision and regulation of gaming in the Territory.

Paragraph 178(2)(a) of the Act provides that the Executive may make a regulation in relation to the operation (including the restriction of the operation) of peripheral equipment for gaming machines. The *Gaming Machine Amendment Regulation 2015* (the Amendment Regulation) provides that a licensee must not operate a gaming machine note acceptor that accepts \$50.00 or \$100.00 notes.

Human Rights Implications

Subsection 75(1) of the Regulation is an existing provision that was included in the original Regulation (Subordinate Law SL2004-30, effective 1 November 2004). The *Gaming Machine Amendment Regulation 2014 (No 2)*, Subordinate Law SL2014-37, effective 23 December 2014, removed the acceptance of \$50.00 notes from the provision. The amendment reinstates the offence in relation to \$50.00 notes, so that it is an offence for a gaming machine note acceptor to accept either \$50.00 or \$100.00 notes.

Subsection 75(2) is a technical amendment only and returns the status quo of the Regulation prior to the *Gaming Machine Amendment Regulation 2014 (No 2)*, Subordinate Law SL2014-37 becoming effective on 23 December 2014. The strict liability offence was created in the original *Gaming Machine Regulation 2004*, Subordinate Law SL2004-30, effective 1 November 2004. The Standing Committee on Legal Affairs (performing the duties of a Scrutiny of Bills Subordinate Legislation Committee), Report No 55, dated 17 August 2004, provided no comment on section 75 of the Regulation being a strict liability offence.

Notes on clauses

Clause 1 – Name of regulation

This is a formal requirement and identifies the regulation as the *Gaming Machine Amendment Regulation 2015 (No 1)*.

Clause 2 – Commencement

The regulation commences on the day after it is notified on the ACT Legislation Register.

Clause 3 – Legislation amended

Provides that the regulation amends the *Gaming Machine Regulation 2004*.

Clause 4 – Section 75

Clause 4 reinstates the effect of section 75 of the *Gaming Machine Regulation 2004* to the position prior to the *Gaming Machine Amendment Regulation 2014 (No 2)*, Subordinate Law SL2014-37 becoming effective on 23 December 2014, so that an offence is committed if a licensee operates a note acceptor that accepts bank notes in denominations of \$50.00 or \$100.00, and the offence is a strict liability offence.