

**2015**

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

**GAMING MACHINE (REFORM) AMENDMENT BILL 2015**

**GOVERNMENT AMENDMENTS**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

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

## **Overview**

This Supplementary Explanatory Statement complements the existing Explanatory Statement that was tabled with the Gaming Machine (Reform) Amendment Bill 2015 (the Bill). A Revised Explanatory Statement has also been prepared.

This Supplementary Explanatory Statement outlines the proposed Government amendments to the Bill introduced in the ACT Legislative Assembly.

The Government amendment inserting clause 7B – new section 39 (3) to the Bill, this Supplementary Explanatory Statement and the Revised Explanatory Statement address issues raised in the Scrutiny Report 33 of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role), dated 26 May 2015.

In addition, a minor and technical amendment inserting clause 7A – section 39 (2) note, has been drafted to amend the existing note within section 39 of the *Gaming Machine Act 2004* (the Act), to reflect that conditions can be imposed on authorisation certificates (as well as on licences).

## **Outline of Amendments**

### **Amendment 1          New clause 7A section 39 (2) note, page 65, line 25**

This amendment replaces the existing note in the Act after section 39 (2) to include conditions on licences and authorisation certificates, in line with the new licensing and authorisation framework. Conditions on licences and authorisation certificates can be imposed by the commission and by other parts of the Act, as well as by part 3.

### **Amendment 2          New clause 7B new section 39 (3), page 65, line 25**

This amendment inserts a “reasonable steps” defence at new subsection 39 (3) of the Bill. The amendment provides that a licensee does not commit an offence if the licensee’s licence and/or authorisation certificate is subject to a condition and the licensee took all reasonable steps to comply with a requirement of the condition.

The amendment also inserts a new note which clarifies that the defendant has an evidential burden in relation to the matters mentioned in subsection 39 (3) (see Criminal Code, section 58).