

**2015**

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

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

**AMENDMENTS MOVED BY THE MINISTER FOR RACING AND  
GAMING TO AMENDMENTS MOVED BY BRENDAN SMYTH MLA**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

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

## **Overview**

This Supplementary Explanatory Statement outlines proposed amendments to the Gaming Machine (Reform) Amendment Bill 2015 (the Bill) to be moved by the Minister for Racing and Gaming in response to amendments proposed by Mr Brendan Smyth MLA.

There is a separate Supplementary Explanatory Statement outlining proposed Government amendments to the Bill introduced in the ACT Legislative Assembly – these insert new clauses 7A and 7B and are separate to the amendments addressed here. A Revised Explanatory Statement has also been prepared to address issues raised in Scrutiny Report 33 of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role), dated 26 May 2015.

This Supplementary Explanatory Statement should be read in the context of the Revised Explanatory Statement which outlines the Bill as a whole.

## **Outline of Amendments**

### **Amendment 1      Proposed new clause 2 (2A)**

This amendment omits the new clause 2 (2A) proposed by Mr Smyth, and substitutes a revised new clause 2 (2A). This amendment provides that the Minister must notify the commencement of schedule 1 – Other amendments – compulsory surrender at least six months before the day fixed for its commencement.

The commencement of schedule 1 implements Phase 2 of the trading scheme and fixes the maximum number of authorisations for gaming machines allowed in the ACT at 15 authorisations per 1,000 adults in the ACT. Under clause 2 (3) of the Bill, schedule 1 will automatically commence three years after the commencement of section 53 (i.e. the commencement of the trading scheme provisions), if it has not already been commenced.

The Minister can commence schedule 1 by written notice prior to its automatic commencement under section 77 (1) of the *Legislation Act 2001*.

This amendment responds to industry's request to have prior notification if schedule 1 is to be commenced earlier than three years from the commencement of the trading scheme. Noting that schedule 1 will commence no later than three years from the start of the trading scheme, providing six months' notice is considered reasonable and proportionate.

### **Amendment 2      Proposed new clause 84A, Proposed new section 179 (1)**

This amendment omits everything before proposed new paragraph 179 (1) (b) in proposed new clause 84A, and substitutes a revised paragraph 179 (1) (a), with consequential revisions to the opening words of subsection 179 (1). This amendment provides that the

Minister must, before the commencement of schedule 1 – Other amendments – compulsory surrender, review the operation of section 127F (Trading authorisations – forfeiture requirement) and subdivision 6.11.3 (Quarantine permits).

Noting that the Bill includes numerous amendments relating to the introduction of the new licensing and authorisation framework underpinning the trading scheme, this amendment narrows the scope of the review as proposed by Mr Smyth from the operation of all amendments made by the Bill to the operation of these key aspects of Phase 1, being the forfeiture of gaming machine authorisations under the trading scheme and quarantine permits.

No amendment is proposed to proposed new paragraph 179 (1) (b), which requires a report of the review to be presented to the Legislative Assembly, or to subsection 179 (2), which is a ‘sunset’ clause for the review provision after five years, noting that schedule 1 will commence no later than three years after the commencement of the trading scheme provisions and the review will have been undertaken by that time.