

**2015**

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

**GAMING MACHINE AMENDMENT REGULATION 2015 (No 2)**

**SUBORDINATE LAW SL2015-40**

**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 licensees and premises, and the administration and operation of all gaming machines in the Territory. 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 administration of gaming laws and control, supervision and regulation of gaming in the Territory.

Paragraph 173D(5)(b) of the Act provides that the Executive may make a regulation in relation to the prescribed number of days under the Act. The Gaming Machine Amendment Regulation 2015 (No 2) (the Amendment Regulation) provides an amendment to the prescribed number of days after which a specified notifiable action will take effect under subsection 173E(a) of the Act. The amendment provides for increased flexibility and is not likely to impose any appreciable costs on the community, or part of the community.

## 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 2)*.

### Clause 2 – Commencement

The regulation commences on 1 December 2015.

### Clause 3 – Legislation amended

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

### Clause 4 – New part 9B

New Part 9B has been inserted to amend the date of effect for specified notifiable actions. Paragraph 173D(5)(b) of the Act provides that a regulation may prescribe a different number of days than the 10 business days specified under paragraph 173D(5)(a) of the Act. Subsection 173E(a) of the Act provides that an action

takes effect on the prescribed number of days after the day the Commission receives notification about a notifiable action.

New section 70B prescribes that the date a notifiable action will take effect under subsection 173E(a) of the Act is 20 business days, for notifiable actions under section 37B – a technical amendment to a gaming machine or paragraph 113A(1)(c) – disposal of a gaming machine where the machine is being replaced with a new machine.

The notifiable actions under section 37B and paragraph 113A(1)(c) of the Act concern internal club operations and are dependent on approved technicians and approved suppliers of gaming machines completing additional statutory requirements under the Act. While the amendment extends the date of effect to 20 business days the operational effect is that the amendment will allow the licensee to complete the action anytime from the 11<sup>th</sup> business day to the 21<sup>st</sup> business day after notification (noting that a licensee cannot undertake the intended action prior to the expiry of the initial 10 business days as during this time the Commission can request additional information about the action).

As these actions require a licensee to provide an installation certificate under section 45 of the Act, the Commission can allow a date of effect earlier than the 21<sup>st</sup> business day in accordance with the existing powers granted under subsection 173E(b) of the Act, once that certificate is received.