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Australian Capital Territory

Gaming Machine (Authorisation Surrender – Fee Waiver) Determination 2022 (No 1)

Disallowable instrument DI2022–34

made under the

Gaming Machine Act 2004, section 177 (Determination of Fees)

EXPLANATORY STATEMENT

This instrument is the *Gaming Machine (Authorisation Surrender – Fee Waiver) Determination 2022 (No 1)*.

The *Gaming Machine Act 2004* (the Gaming Machine Act) regulates the operation of gaming machines in the Territory.

Section 37F of the Gaming Machine Act provides that a licensee may surrender a licence, an authorisation certificate or an authorisation. A gaming machine licensee (licensee) must hold a gaming machine authorisation for each gaming machine they operate in the Australian Capital Territory.

Section 177 of the Gaming Machine Act provides that the Minister may determine fees for the Act. The *Gaming Machine (Fees) Determination 2021* provides for fees in relation to administrative tasks performed under the Act, including applications and notifications for approvals, licences, authorisation certificates, storage permits, permits for linked jackpot arrangements and amendments to those licences, certificates, schedules and permits issued by the ACT Gambling and Racing Commission.

On 17 March 2022 the ACT Government announced the Gaming Machine Authorisation Surrender Incentive which provides an incentive payment for the surrender of gaming machine authorisations to gaming machine licensees until 31 December 2022, at the following amounts:

- \$15,000 per gaming machine authorisation surrendered; or
- \$20,000 per gaming machine authorisation surrendered if an applicant surrenders all the authorisations within a venue and surrenders their authorisation certificate.

The ACT Government also announced the waiver of fees and charges related to the surrender of authorisations and the storage and disposal of gaming machines. This instrument gives effect to the waiver of those fees and charges.

This instrument should be read with section 56 of the *Legislation Act 2001* (Legislation Act). Section 56 (5) (g) of the Legislation Act allows the Minister for Gaming to make provision about waiving, postponing or refunding the fee (completely or partly).

This instrument provides that the fees listed in the schedule are waived where the matter for which the fee is payable is undertaken as a result of the surrender of a gaming machine authorisation to receive an incentive payment under the ACT Government's Gaming Machine Authorisation Surrender Incentive 2022.

A determination under section 177 is a disallowable instrument and must be tabled in the Legislative Assembly.

This instrument will expire on 30 June 2023.