



Australian Capital Territory

Gaming Machine Amendment Act 2012

A2012-42

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Australian Capital Territory

Gaming Machine Amendment Act 2012

A2012-42

An Act to amend the *Gaming Machine Act 2004* and the *Gaming Machine Regulation 2004*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Gaming Machine Amendment Act 2012*.

2 Commencement

- (1) This Act (other than sections 28 and 29) commences on 1 January 2013.
- (2) Sections 28 and 29 commence on a day fixed by the Minister by written notice.
- (3) If sections 28 and 29 have not commenced within 12 months beginning on their notification day, they automatically commence on the first day after that period.
- (4) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to sections 28 and 29.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

3 Legislation amended

This Act amends the *Gaming Machine Act 2004* and the *Gaming Machine Regulation 2004*.

Part 2 Gaming Machine Act 2004

4 Applications to be dealt with in order of receipt Section 10 (1)

substitute

- (1) This section applies to initial licence applications.

5 New section 10A

in division 2.2, insert

10A Initial licence applications—eligibility

A person may make an initial licence application only if the person—

- (a) is not a club; or
- (b) is a club and does not already hold a licence.

6 Section 11 heading

substitute

11 Initial licence applications—contents

7 Issue of licences Section 12 (2) (d)

omit

allowed)

substitute

allowed in ACT)

**8 Issue of licences
Section 12 (5) (c)**

substitute

- (c) if the applicant is a club—
- (i) the number of club members worked out under the regulation; and
 - (ii) the ratio of club members to the number of gaming machines held by the licensee; and
 - (iii) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community;

**9 No available gaming machines
Section 17 (1)**

omit

applicant for an initial licence

substitute

initial licence application

10 Section 17 (1) (a)

substitute

- (a) there are no gaming machines in the pool of available gaming machines; and

11 Section 17 (1), note

substitute

Note *Pool of available gaming machines*—see s 36A.

12 Section 17 (2) (a)

substitute

- (a) tell the applicant that there are no gaming machines in the pool of available gaming machines; and

13 Section 17 (2) (b) (i)

substitute

- (i) there are gaming machines in the pool of available gaming machines; or

**14 Social impact assessment
Section 18 (1) and note**

substitute

- (1) A social impact assessment for an application is a written assessment of the likely economic and social impact of the operation of gaming machines—
- (a) for an initial licence application—under the proposed licence; or
- (b) for a licence amendment application—under the licence as proposed to be amended; or
- (c) for an application for an in-principle approval—under the proposed in-principle approval; or

- (d) for an application for amendment of an in-principle approval—
under the in-principle approval as proposed to be amended.

Note A social impact assessment is required for:

- an initial licence application (see s 11 (2) (a))
- some licence amendment applications (see s 23 (1) and s 26B (2))
- an application for an in-principle approval (see s 38E, which requires applications to comply with s 11 or s 23)
- some applications for amendment of in-principle approvals (see s 38M).

**15 Publication of social impact assessments by applicant
Section 19 (1)**

omit

licence or amendment of a licence

substitute

licence, amendment of a licence, in-principle approval or
amendment of in-principle approval

16 Section 19 (5)

substitute

- (5) The applicant must—
- (a) on or before the day the advertisement is published, place a sign (the **information sign**) containing information about the application in a prominent position—
- (i) for a licence application or licence amendment application—outside each public entrance to the premises to which the application relates; or
 - (ii) for an application for an in-principle approval or amendment of in-principle approval—on the land at the address to which the approval applies; and

- (b) ensure that the sign stays there for the 6-week comment period.
- (5A) However, an applicant for an in-principle approval need not comply with subsection (5) if it would be impractical to do so.

Examples—impractical to place sign at address

- 1 there is no road access to the address
- 2 building work is being carried out at the address

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**17 Eligibility of individuals
Section 20 (3) (d) (i), new note**

insert

Note **Licence** is defined in s 56 and includes:

- in-principle approval
- authorisation to conduct a linked-jackpot arrangement
- multi-user permit.

18 Sections 22 to 26

substitute

22 Licence amendment—applications

- (1) A licensee may apply in writing to the commission for an amendment only to—
- (a) decrease the number of licensed gaming machines allowed under the licence (a ***decrease machines amendment***); or

Note Decreasing machines is also dealt with in par (e) and (g).

- (b) structurally change part of a gaming area at the licensed premises (a *structural change amendment*); or
- (c) enable the licensee to temporarily store gaming machines at other premises (a *temporary storage amendment*); or
- (d) enable the licensee to relocate to a new venue (a *venue relocation amendment*); or
- (e) if the licensee is a club and holds more than 1 licence—decrease the number of gaming machines allowed under 1 or more licences by a total of not more than the relevant number of machines and increase the number of machines allowed under 1 other licence by the same number, to enable the licensee to relocate the gaming machines (a *small-scale machine relocation amendment*); or
- (f) if the licensee is a club and holds more than 1 licence—decrease the number of gaming machines allowed under 1 or more licences by a total of more than the relevant number of machines and increase the number of machines allowed under 1 other licence by the same number, to enable the licensee to relocate the gaming machines (a *large-scale machine relocation amendment*); or
- (g) if the licensee is a club—decrease the number of gaming machines allowed under 1 or more licences to enable the licensee to move the gaming machines to premises for which the licensee is applying for a licence (a *new venue amendment*); or
- (h) make 1 or more of the following changes to a gaming machine operated under the licence (a *technical amendment*):
 - (i) change the percentage payout of the machine;
 - (ii) change the basic stake denomination of the machine;

- (iii) change the kind of machine;

Example

to change from King of the Thames mk 2 gaming machines to King of the Thames mk 3 gaming machines or to Magnificent Mel gaming machines

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (iv) change any other detail mentioned in the schedule to the licence.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

- (2) In this section:

relevant number of machines, for a small-scale machine relocation amendment or a large-scale machine relocation amendment, means the smaller of the following number of machines:

- (a) 20;
- (b) 10% of the number of machines authorised to be operated under a licence at the licensed premises to which the machines are to be relocated (rounded down to the nearest whole number).

23 Licence amendment—contents of applications

- (1) A licence amendment application must—
- (a) be in writing signed by the applicant; and
- (b) set out the proposed amendment of the licence; and
- (c) explain why the applicant is seeking the amendment; and
- (d) for a decrease machines amendment—state the number of machines to be removed from the licence; and

- (e) for a structural change amendment—be accompanied by a plan showing the proposed changes to the gaming area; and
- (f) for a temporary storage amendment—state—
 - (i) the number of machines to be temporarily stored; and
 - (ii) where the machines will be temporarily stored; and
 - (iii) when the machines will need to be temporarily stored; and
- (g) for a venue relocation amendment—
 - (i) state the address, and block and section number, of the new venue; and
 - (ii) be accompanied by—
 - (A) a social impact assessment; and
 - (B) a plan of the new venue, showing the proposed gaming area; and
 - (C) if the applicant is a club—evidence that a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club relocating to the new venue; and
- (h) for a small-scale machine relocation amendment—
 - (i) state the number of machines to be relocated; and
 - (ii) be accompanied by a plan of the licensed premises showing where the gaming machines are to be relocated; and
- (i) for a large-scale machine relocation amendment—
 - (i) state the number of machines to be relocated; and
 - (ii) be accompanied by—
 - (A) a social impact assessment; and

- (B) a plan of the licensed premises showing where the gaming machines are to be relocated; and
 - (C) evidence that a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the stated number of gaming machines to be relocated and the premises they are to be relocated to and from; and
- (j) for a new venue amendment—
- (i) state—
 - (A) the address, and block and section number, of the new venue; and
 - (B) the number of machines to be moved to the new venue; and
 - (C) the class, number, kind, coin denomination and percentage payout of gaming machines for which the new licence is sought; and
 - (ii) be accompanied by—
 - (A) each of the required documents for an initial application under section 11 (2); and
 - Note* **Required documents** include a social impact assessment, a scale plan of the premises and the rules and control procedures for the operation of the gaming machines.
 - (B) a description of the applicant's intended monetary investment in property, buildings and facilities at the new venue; and
 - (C) a description of the amenities and facilities intended for the new venue; and

- (D) evidence that a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having the proposed number of gaming machines at the premises proposed to be licensed.
- (2) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (3) The commission need not decide the licence amendment application if the application is not in accordance with this section.

24 Licence amendment decision—decrease machines amendment

- (1) This section applies if a licensee applies for a decrease machines amendment under section 22 (1) (a).
- (2) The commission must amend the licence in accordance with the application.

25 Licence amendment decision—structural change amendment

- (1) This section applies if a licensee applies for a structural change amendment under section 22 (1) (b).
- (2) The commission must—
 - (a) amend the licence in accordance with the application if satisfied that the gaming area as it is proposed to be changed will be suitable for the operation of gaming machines; and
 - (b) if not satisfied under paragraph (a)—refuse to amend the licence.

- (3) In deciding whether a gaming area will be suitable for the operation of gaming machines, the commission must consider—
 - (a) the safety and comfort of patrons; and
 - (b) harm minimisation strategies for patrons.

26 Licence amendment decision—temporary storage amendment

- (1) This section applies if a licensee applies for a temporary storage amendment under section 22 (1) (c).
- (2) The commission may amend the licence for a stated period in accordance with the application if satisfied that the gaming machines—
 - (a) need to be removed from the licensed premises for a good reason; and
 - (b) will be stored at other appropriate premises temporarily; and
 - (c) will not be operated at the other premises.
- (3) Also, the commission may amend the licence to allow the licensee to temporarily store not more than 10% of the machines authorised under the licence, for not longer than 12 months, if satisfied that no machines under the licence have been stored under this subsection in the 12 months preceding the application.
- (4) Subsection (3) and this subsection expire 3 years after the day this subsection commences.
- (5) To remove any doubt, the temporary storage amendment does not affect the number of gaming machines licensed to the licensee.

26A Licence amendment decision—venue relocation amendment

- (1) This section applies if a licensee applies for a venue relocation amendment under section 22 (1) (d).
- (2) The commission must amend the licence in accordance with the application if satisfied that—
 - (a) the size and layout of both the new venue and the proposed gaming area is suitable for the operation of the machines that would be allowed under the licence; and
 - (b) amendment of the licence to relocate the venue is appropriate; and

Note In deciding whether an amendment of a licence is appropriate, the commission must consider certain things (see s (4)).

 - (c) the licensee does not owe an amount to the Territory under a tax law or a gaming law; and
 - (d) if the applicant is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club relocating to the new venue.
- (3) However, if the commission is not satisfied under subsection (2) in relation to the number of machines stated in the application, but would be satisfied under subsection (2) (a) and (b) in relation to fewer machines, the commission may amend the licence to allow fewer machines at the new venue.
- (4) In deciding whether an amendment of a licence under this section is appropriate, the commission must consider the following things:
 - (a) the application for the amendment;
 - (b) the social impact assessment for the application;

- (c) each submission made about the social impact assessment within the 6-week comment period mentioned in section 19 (3) (Publication of social impact assessments by applicant);
- (d) if the applicant is a club—the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community.

26B Licence amendment decision—small-scale machine relocation amendment

- (1) This section applies if a licensee applies for a small-scale machine relocation amendment under section 22 (1) (e).
- (2) If the commission is concerned that there may be a significant social impact if the licences are amended as proposed in the application, the commission may, by notice in writing to the applicant, require the applicant to provide—
 - (a) a social impact statement for the application; or
 - (b) a social impact assessment for the application.

Examples—concern about possible significant social impact because of licence amendment

- 1 concern that the harm minimisation strategies for the premises may not be sufficient to deal with the increased number of machines at the premises, potentially causing risk to patrons and people in the local community
- 2 concern that multiple previous small-scale machine relocations to the premises may have resulted in a significant increase in the number of machines at the premises, with possible consequential negative social impact
- 3 concern that the local community may be particularly vulnerable to problem gambling, and increasing the number of machines at the premises may have a detrimental effect on people in the local community
- 4 concern that the relocation may result in the number of machines in the area being significantly higher than other comparable areas, with possible consequential negative social impact

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) If a social impact statement or social impact assessment is required under subsection (2), the commission must not decide the application until—
 - (a) for a social impact statement—the applicant provides the statement; or
 - (b) for a social impact assessment—the 6-week comment period under section 19 (Publication of social impact assessments by applicant) has ended.
- (4) The commission must amend the licences in accordance with the application if satisfied that—
 - (a) the size and layout of the premises where the gaming machines are to be relocated is suitable for the operation of the machines that would be allowed under the licence; and
 - (b) if a social impact statement is required under subsection (2)—amendment of the licences in accordance with the application is appropriate, considering—
 - (i) the application; and
 - (ii) the social impact statement; and
 - (c) if a social impact assessment is required under subsection (2)—amendment of the licences in accordance with the application is appropriate, considering—
 - (i) the application; and
 - (ii) the social impact assessment; and
 - (iii) each submission made about the social impact assessment within the 6-week comment period under section 19.
- (5) However, if the commission is not satisfied under subsection (4) in relation to the number of machines stated in the application, but would be satisfied in relation to fewer machines, the commission may amend the licences to relocate fewer machines.

(6) In this section—

social impact statement, for a small-scale machine relocation amendment application means a written assessment of the likely economic and social impact of the operation of gaming machines under the licences as proposed to be amended that—

- (a) satisfies the requirements prescribed by regulation; and
- (b) addresses the matters prescribed by regulation; and
- (c) includes the information prescribed by regulation.

26C Licence amendment decision—large-scale machine relocation amendment

- (1) This section applies if a licensee applies for a large-scale machine relocation amendment under section 22 (1) (f).
- (2) The commission must amend the licences in accordance with the application if satisfied that—
 - (a) the size and layout of the premises where the gaming machines are to be relocated is suitable for the operation of the machines that would be allowed under the licence; and
 - (b) amendment of the licences to move the gaming machines to other licensed premises is appropriate; and

Note In deciding whether an amendment of a licence is appropriate, the commission must consider certain things (see s (4)).

 - (c) the number of club members worked out under the regulation, and the pattern of use of gaming machines by club members, is sufficient to justify the number of extra machines at the licensed premises where the machines would be relocated; and
 - (d) the licensee does not owe an amount to the Territory under a tax law or a gaming law; and

- (e) a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the number of gaming machines stated under section 23 (1) (i) (i) to be relocated and the premises they are to be relocated to and from.
- (3) However, if the commission is not satisfied under subsection (2) in relation to the number of machines stated in the application, but would be satisfied under subsection (2) (a) to (c) in relation to fewer machines, the commission may amend the licences to relocate fewer machines.
- (4) In deciding whether an amendment of licences under this section is appropriate, the commission must consider the following things:
 - (a) the application for the amendment;
 - (b) the social impact assessment for the application;
 - (c) each submission made about the social impact assessment within the 6-week comment period mentioned in section 19 (3) (Publication of social impact assessments by applicant);
 - (d) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community.

26D Licence amendment decision—new venue amendment

- (1) This section applies if a licensee applies for a new venue amendment under section 22 (1) (g).
- (2) The commission must amend the licence or licences, and issue the new licence, in accordance with the application if satisfied that—
 - (a) the application satisfies each additional mandatory requirement under section 13; and
 - (b) it is appropriate to issue the new licence; and

Note In deciding whether it is appropriate to issue the new licence, the commission must consider certain things (see s (6)).

- (c) the licensee does not owe an amount to the Territory under a tax law or a gaming law; and
 - (d) a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having the proposed number of gaming machines at the new venue.
- (3) However, the commission may refuse to amend the licence or licences and issue the new licence if a ground for refusing the new licence exists under section 14 (Grounds for refusing initial licence application by club).
- (4) If the commission is not satisfied under subsection (2) in relation to the number of machines stated in the application, but would be satisfied under subsection (2)(a) and (b) in relation to fewer machines, the commission may amend the licence or licences, and issue the new licence, to move fewer machines to the new venue.
- (5) The new licence may be conditional.
- (6) In deciding whether it is appropriate to issue the new licence, the commission must consider the following things:
- (a) the application;
 - (b) the size and layout of the new venue;
 - (c) the size and layout of the proposed gaming area;
 - (d) the following information about the club:
 - (i) the number of club members worked out under the regulation;
 - (ii) the ratio of club members to the number of gaming machines held by the licensee;
 - (iii) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community;
 - (e) the social impact assessment for the application;

- (f) each submission made about the social impact assessment within the 6-week comment period mentioned in section 19 (3) (Publication of social impact assessments by applicant);
- (g) the applicant's intended monetary investment in property, buildings and facilities at the new venue;
- (h) the amenities and facilities intended for the new venue compared to existing amenities and facilities in the local area around the new venue;
- (i) any other relevant matter.

26E Licence amendment decision—technical amendment

- (1) This section applies if a licensee applies for a technical amendment under section 22 (1) (h).
- (2) The commission must—
 - (a) amend the licence in accordance with the application if satisfied that the change to the gaming machine is technically suitable; and
 - (b) if not satisfied under paragraph (a)—refuse to amend the licence.
- (3) In deciding whether a change to a gaming machine is technically suitable, the commission must take into account each technical evaluation of the gaming machine carried out under section 69 (Approval of gaming machines and peripheral equipment).

**19 Commencement of amendments
Section 28**

omit

under section 24, section 25 or section 26

substitute

under this division

**20 Revocation of uncommenced licence amendments
Section 29 (1) (a)**

omit

under section 24 or section 25

substitute

under this division

21 Section 32 (2) (b)

omit

statement

substitute

assessment

22 Sections 35 and 36

substitute

34A Intention to reduce maximum number of gaming machines to 4 000, then maintain per capita ratio

- (1) It is the intention of the Legislative Assembly that the maximum number of gaming machines allowed on all licensed premises in the ACT be reduced to 4 000 as gaming machines are surrendered or cancelled over time, while keeping a pool of up to 150 available gaming machines (see s 35).
- (2) After the number of gaming machines has been reduced to 4 000, the maximum number of gaming machines allowed on all licensed premises in the ACT is to be maintained at a per capita ratio (to be decided in accordance with section 36) so that the maximum number changes as the population of the Territory changes (see s 36).

35 Maximum number of gaming machines allowed in ACT

- (1) The maximum number of gaming machines allowed on all licensed premises in the ACT is the number worked out as follows:

$$\text{maximum number} = \text{starting number} - \left(\text{number surrendered} + \text{number cancelled} \right)$$

number cancelled means the total number of gaming machines cancelled on or after 1 January 2013.

number surrendered means the total number of gaming machines surrendered on or after 1 January 2013.

starting number means the maximum number of gaming machines allowed on all licensed premises in the ACT at the end of 31 December 2012.

- (2) However, when a machine is surrendered or cancelled, the maximum number is reduced under subsection (1)—
- (a) only if the surrender or cancellation would result in the pool of available gaming machines containing more than 150 gaming machines; and
 - (b) if the pool would contain more than 150 gaming machines—only by the number that would reduce the number of gaming machines in the pool to 150.

Examples

- 1 On 1 April, the maximum number is 5 000 and there are 20 machines in the pool. On 2 April, 100 machines are surrendered. The maximum number is not reduced and there are now 120 machines in the pool.
- 2 On 1 June, the maximum number is 5 000 and there are 120 machines in the pool. On 2 June, 50 machines are surrendered. The maximum number is reduced to 4 980, keeping 150 machines in the pool.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) As soon as practicable after each time the maximum number changes, the commission must prepare a notice stating the new maximum number and the date of the change.
- (4) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (5) In this section:

cancelled—a gaming machine is ***cancelled*** if—

- (a) the licence authorising the operation of the gaming machine is cancelled under—
 - (i) section 62 (Commission may take disciplinary action against licensee); or
 - (ii) section 64 (Cancellation of licences because of cancellation etc of general and on licences); and

(b) the cancellation has become final.

final—a cancellation of a gaming machine licence becomes **final** when—

- (a) for a decision to cancel a licence under section 62—the period within which application can be made to the ACAT to review the decision has passed and no application for review is made within the period; or
- (b) a period of 30 days has passed after 1 of the following decisions and no appeal against the decision is made within the 30-day period:
 - (i) a decision of the ACAT on application for review of the decision to cancel the licence under section 62;
 - (ii) a decision by a court hearing an appeal from—
 - (A) the decision of the ACAT mentioned in paragraph (a); or
 - (B) for cancellation under section 64—the decision of the ACAT to cancel the general or on licence under the *ACT Civil and Administrative Tribunal Act 2008*, section 66 (2) (e) in relation to an application under the *Liquor Act 2010*, section 187 (Application to ACAT for occupational discipline);
 - (iii) a decision by a court hearing an appeal from a decision of a lower court in relation to a decision of the ACAT mentioned in subparagraph (i) or (ii).

surrendered—a gaming machine is **surrendered** if—

- (a) the licensee, under section 22 (1) (a), applies for a decrease machines amendment in relation to the gaming machine and the commission, under section 24, amends the licence in accordance with the application; or

- (b) the licensee, under section 34 (2), surrenders the licence authorising the operation of the gaming machine and the surrender takes effect under section 34 (3).

Note A surrender does not take effect until at least 4 weeks after the licensee gives the commission written notice of the surrender (see s 34 (3)).

36 Review of maximum number when it reaches 4 000

When the maximum number of gaming machines allowed on all licensed premises in the ACT reaches 4 000 or less, the Minister must—

- (a) review the maximum number of gaming machines to be allowed on all licensed premises in the ACT; and
- (b) as part of the review, recommend a per capita ratio to be used to work out the maximum number of gaming machines to be allowed on all licensed premises in the ACT in the future; and
- (c) present a report of the review (including the recommended per capita ratio) to the Legislative Assembly within 6 months after the day the review is started.

36A Meaning of *pool of available gaming machines*

- (1) In this Act:

pool of available gaming machines (or *pool*) means the gaming machines that are available to be—

- (a) reserved under an in-principle approval; or
- (b) authorised under a licence.

- (2) The number of gaming machines in the pool is to be worked out as follows:

number in pool = maximum number – number allocated

maximum number means the maximum number of gaming machines allowed on all licensed premises in the ACT under section 35.

number allocated means the total number of gaming machines—

- (a) reserved under in-principle approvals in the ACT; or
- (b) authorised under licences in the ACT.

23 New part 2A

insert

Part 2A In-principle approvals for licences, venue relocation amendments and new venue amendments

Division 2A.1 Preliminary

38A Object—pt 2A

The object of this part is to allow a person to obtain authority to, if the in-principle approval is later converted into a licence or amendment, install and operate a number of gaming machines at an address at unleased land before—

- (a) the person acquires an interest in the land or premises at the address; or

- (b) plans are prepared for the premises proposed to be licensed at the address; or
- (c) for a club—the voting members of the club vote in a ballot conducted under the regulation for the club having gaming machines at the address.

38B Definitions

In this Act:

approval-holder means a person who is a holder of an in-principle approval under this part.

in-principle approval means an in-principle approval for a—

- (a) licence; or
- (b) venue relocation amendment of a licence; or
- (c) new venue amendment of a licence.

38C What is an *in-principle approval*?

- (1) An in-principle approval for a licence authorises the approval-holder to, if the approval is later converted into a licence under section 38U—
 - (a) acquire and dispose of the gaming machines reserved under the approval; and
 - (b) install and operate the gaming machines reserved under the approval on the licensed premises in accordance with the licence.
- (2) An in-principle approval for a venue relocation amendment authorises the approval-holder to, if the approval is later converted into a venue relocation amendment under section 38V, relocate to the new venue.

- (3) An in-principle approval for a new venue amendment authorises the approval-holder to, if the approval is later converted into a new venue amendment under section 38W—
- (a) decrease the number of gaming machines allowed under 1 licence; and
 - (b) move the gaming machines to premises for which a new licence is to be issued.

Note A regular application for a:

- licence may be made under s 11
- venue relocation amendment may be made under s 22 (1) (d)
- new venue amendment may be made under s 22 (1) (g).

Division 2A.1 Applications for in-principle approvals

38D In-principle approval—applications

- (1) A person may apply for an in-principle approval for a licence only if—
- (a) the person—
 - (i) is not a club; or
 - (ii) is a club and either—
 - (A) does not hold a licence; or
 - (B) holds only 1 licence; and
 - (b) the land at the address for which the approval is sought is suitable land.
- (2) A licensee may apply for an in-principle approval for a venue relocation amendment, or a new venue amendment, if the land at the address for which the approval is sought is suitable land.

(3) In this section:

suitable land means land that is—

- (a) unleased land; and
- (b) to be leased with a purpose clause permitting use of the land for 1 or more of the following:
 - (i) a club;
 - (ii) a drink establishment;
 - (iii) a hotel;
 - (iv) an indoor entertainment facility;
 - (v) a restaurant.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38E In-principle approval—contents of applications

- (1) An in-principle approval application—
 - (a) for a licence—
 - (i) must comply with the requirements for an application for a licence under section 11 (1), (2), (3) and (4); but
 - (ii) need not comply with—
 - (A) section 11 (1) (e) in relation to the kind, coin denomination and percentage payout of the gaming machines sought; or
 - (B) section 11 (2) (b) or (3) (d); and

- (b) for a venue relocation amendment—
 - (i) must comply with the requirements for an application for a venue relocation amendment under section 23 (1) (a), (b), (c), (g) and (2); but
 - (ii) need not comply with section 23 (1) (g) (ii) (B) or (C); and
 - (c) for a new venue amendment—
 - (i) must comply with the requirements for an application for a new venue amendment under section 23 (1) (a), (b), (c), (j) and (2); but
 - (ii) need not comply with—
 - (A) section 23 (1) (j) (ii) (A) in relation to section 11 (2) (b) or (3) (d); or
 - (B) section 23 (1) (j) (ii) (D).
- (2) The commission need not decide the application if the application is not in accordance with this section.

Division 2A.2 Issue of in-principle approvals

38F In-principle approval decision—licence

- (1) This section applies if the commission receives an application for an in-principle approval for a licence under section 38D (1) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if—
 - (a) satisfied that, were the application an application for a licence, the commission would issue the licence under section 12 (Issue of licences); and

- (b) there are enough reservable gaming machines for the approval.

Example—enough machines to reserve number needed

A is issued an in-principle approval for 100 gaming machines at block 10, section 403, Bonner. There are now no gaming machines left in the pool. B applies for an in-principle approval for 80 gaming machines at the same address. The commission may issue the approval to B because 100 machines have already been reserved for that address under A's approval. (Later, whoever gets their approval converted into a licence first will actually get authority to install the gaming machines.)

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) In making a decision under subsection (2) (a), the commission must disregard—

- (a) section 12 (2) (a) in relation to section 20 (2) (a) (ii) and section 21 (1) (c); and

Note Under s 20 (2) (a) (ii) and s 21 (1) (c), a person may only be an **eligible person** if the person holds a general licence or on licence.

- (b) section 12 (2) (b); and

- (c) section 12 (5) (a) and (b).

- (4) However, if there are some, but not enough, reservable gaming machines for the approval, and the commission is satisfied under subsection (2) (a), the commission may issue the in-principle approval in relation to a smaller number of machines.

Note An approval-holder may later apply for an amendment of the in-principle approval to increase the number of machines reserved under the approval under s 38M.

- (5) In this section:

reservable gaming machine, for an in-principle approval, means a gaming machine that is—

- (a) in the pool of available gaming machines; or

Note **Pool of available gaming machines**—see s 36A.

- (b) reserved under another in-principle approval for the same address.

38G In-principle approval decision—licence—no reservable gaming machines

- (1) This section applies to an application for an in-principle approval for a licence if—

- (a) there are no reservable gaming machines for the approval; and
(b) the commission would otherwise have issued an in-principle approval for a licence to the applicant under section 38F.

- (2) The commission must—

- (a) tell the applicant that there are no reservable gaming machines for the approval; and
(b) give the applicant a certificate (a **certificate of suitability**) stating that the commission would otherwise have issued an in-principle approval for the licence to the applicant and that the number of machines to be reserved for the in-principle approval will be decided when—
(i) there are reservable gaming machines for the approval; or
(ii) the commission is considering the transfer of an in-principle approval or licence to the applicant under—
(A) section 38P (In-principle approval—transfer decision); or

(B) section 32 (Transfer of licence).

(3) In this section:

reservable gaming machine, for an in-principle approval—see section 38F (5).

38H In-principle approval decision—venue relocation amendment

- (1) This section applies if the commission receives an application for an in-principle approval for a venue relocation amendment under section 38D (2) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if satisfied that, were the application an application for a venue relocation amendment, the commission would make the amendment under section 26A (Licence amendment decision—venue relocation amendment).
- (3) In making a decision under subsection (2), the commission must disregard section 26A (2) (a) and (d).

38I In-principle approval decision—new venue amendment

- (1) This section applies if the commission receives an application for an in-principle approval for a new venue amendment under section 38D (3) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if satisfied that, were the application an application for a new venue amendment, the commission would make the amendment and issue the new licence under section 26D (Licence amendment decision—new venue amendment).
- (3) In making a decision under subsection (2), the commission must disregard section 26D (2) (a) and (d) and (6) (b) and (c).

38J In-principle approval—form

- (1) An in-principle approval must—
 - (a) be in writing; and
 - (b) state—
 - (i) the name of the approval-holder; and
 - (ii) the address, and block and section number, to which the in-principle approval applies; and
 - (iii) the number and class of gaming machines reserved under the in-principle approval.
- (2) A regulation may prescribe other requirements about the form of an in-principle approval.
- (3) An in-principle approval may include anything else the commission considers relevant.

38K In-principle approval—conditions

- (1) An in-principle approval is subject to the condition that the approval-holder must take reasonable steps, during the term of the approval, to acquire an interest in the land, or premises, at the address to which the in-principle approval applies.
- (2) An in-principle approval is also subject to any other condition—
 - (a) prescribed by regulation; or
 - (b) imposed by the commission when the in-principle approval is issued, extended or amended.

38L In-principle approval—term

- (1) An in-principle approval comes into force on the day when it is issued.
- (2) An in-principle approval expires 3 years after the day when it is issued.

Division 2A.3 Amendment, transfer, extension and surrender of in-principle approvals**38M In-principle approval—amendment**

- (1) An approval-holder may apply to the commission for an amendment only to—
 - (a) increase or decrease the number of gaming machines reserved under the in-principle approval; or
 - (b) remove or change a condition on the in-principle approval.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

- (2) The application must—
 - (a) be in writing signed by the approval-holder; and
 - (b) set out the proposed amendment of the licence; and
 - (c) explain why the approval-holder is seeking the amendment; and
 - (d) for an application under subsection (1) (a) to increase the number of machines—be accompanied by a social impact assessment.

- (3) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (4) The commission need not decide the amendment application if the application is not in accordance with this section.

38N In-principle approval—amendment decision

- (1) This section applies if the commission receives an application to amend an in-principle approval under section 38M.
- (2) The commission must amend the in-principle approval in accordance with the application if satisfied that the commission would issue the in-principle approval, as proposed to be amended, under—
 - (a) for an amendment of an in-principle approval for a licence—section 38F (In-principle approval decision—licence); or
 - (b) for an amendment of an in-principle approval for a venue relocation amendment—section 38H (In-principle approval decision—venue relocation amendment); or
 - (c) for an amendment of an in-principle approval for a new venue amendment—section 38I (In-principle approval decision—new venue amendment).

38O In-principle approval—application to transfer

- (1) An approval-holder may apply to the commission to transfer the in-principle approval to someone else (the *proposed new approval-holder*).
- (2) The application must—
 - (a) be in writing signed by both the approval-holder and the proposed new approval-holder; and

- (b) state the full name and address of—
 - (i) if the proposed new approval-holder is an individual—the proposed new approval-holder; and
 - (ii) if the proposed new approval-holder is a corporation—each executive officer of the corporation.
- (3) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (4) The commission need not decide the application if the application is not in accordance with this section.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38P In-principle approval—transfer decision

- (1) This section applies if the commission receives an application to transfer an in-principle approval under section 38O.
- (2) The commission must transfer the in-principle approval to the proposed new approval-holder if satisfied that, were the application an application for a licence by the proposed new approval-holder, the commission would issue the licence under section 12 (Issue of licences).
- (3) In making a decision under subsection (2), the commission must disregard section 12 (2) (b) and (5) (a) and (b).

38Q In-principle approval—application for extension

- (1) An approval-holder may apply to the commission to extend the term of an in-principle approval.
- (2) The application must—
 - (a) be in writing signed by the approval-holder; and
 - (b) explain why the approval-holder is seeking the extension.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

- (3) If an approval-holder applies to extend an in-principle approval under this section, the in-principle approval remains in force until the application is decided.

38R In-principle approval—extension decision

- (1) This section applies if the commission receives an application for extension of an in-principle approval under section 38Q.
- (2) The commission must extend the in-principle approval for a period not longer than 12 months if satisfied that the extension is needed for a good reason.

38S In-principle approval—surrender

An approval-holder may surrender the in-principle approval by giving written notice of the surrender to the commission.

Division 2A.4 Conversion of in-principle approvals

38T Conversion of in-principle approval to licence or amendment—application

- (1) An approval-holder may apply to the commission to have—
 - (a) an in-principle approval for a licence converted into a licence; or
 - (b) an in-principle approval for a venue relocation amendment converted into a venue relocation amendment; or
 - (c) an in-principle approval for a new venue amendment converted into a new venue amendment.
- (2) The application must—
 - (a) be in writing signed by the applicant; and
 - (b) be accompanied by evidence that the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (c) for a licence—
 - (i) comply with the requirements for an application for a licence under section 11 (2) (b) and (3) (d); and
 - (ii) state the following information for each reserved gaming machine sought under the application:
 - (A) the kind of machine;
 - (B) the machine's basic stake denomination;
 - (C) the percentage payout for the machine; and
 - (d) for a venue relocation amendment—comply with the requirements for an application for a venue relocation amendment under section 23 (1) (g) (ii) (B) and (C); and

- (e) for a new venue amendment—comply with the requirements for an application for a new venue amendment under—
 - (i) section 23 (1) (j) (ii) (A) in relation to section 11 (2) (b); and
 - (ii) section 23 (1) (j) (ii) (D).
- (3) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (4) The commission need not decide the application if the application is not in accordance with this section.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38U Conversion of in-principle approval to licence—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a licence into a licence under section 38T.
- (2) The commission must convert the in-principle approval into a licence if satisfied that—
 - (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the premises proposed to be licensed and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and

- (c) if the approval-holder is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having gaming machines; and
 - (d) were the application an application for a licence under section 11, the commission would issue the licence under section 12 (Issue of licences).
- (3) If an in-principle approval is converted into a licence under this section, the commission must issue a licence to the applicant in the same terms, and subject to the same conditions, as the in-principle approval.
- (4) However, if the commission is not satisfied under subsection (2) (b) in relation to the kind, basic stake denomination or percentage payout of a machine stated in the application, but would be satisfied in relation to a different kind, basic stake denomination or percentage payout, the commission may convert the approval into a licence authorising a different kind, basic stake denomination or percentage payout for the machine.

38V Conversion of in-principle approval into venue relocation amendment—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a venue relocation amendment into a venue relocation amendment under section 38T.
- (2) The commission must convert the in-principle approval into the amendment if satisfied that—
- (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the new venue and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and

- (c) if the approval-holder is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club relocating to the new venue; and
 - (d) were the application an application for a venue relocation amendment under section 22 (1) (d), the commission would make the amendment under section 26A (Licence amendment decision—venue relocation amendment).
- (3) If an in-principle approval is converted into a venue relocation amendment under this section, the commission must amend the licence in the way proposed in the in-principle approval.

38W Conversion of in-principle approval into new venue amendment—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a new venue amendment into a new venue amendment under section 38T.
- (2) The commission must convert the in-principle approval into the amendment if satisfied that—
 - (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the new venue and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and
 - (c) a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having the proposed number of gaming machines at the new venue; and

- (d) were the application an application for a new venue amendment, the commission would make the amendment and issue the new licence under section 26D (Licence amendment decision—new venue amendment).
- (3) If an in-principle approval is converted into a new venue amendment under this section, the commission must—
 - (a) amend the licence in the way proposed in the in-principle approval; and
 - (b) issue a licence to the applicant in the same terms, and subject to the same conditions, as the in-principle approval.

38X Conversion—other in-principle approvals for the land or premises expire

- (1) This section applies if the commission converts an in-principle approval under section 38T, section 38U or section 38V.
- (2) All other in-principle approvals in relation to the land, or premises, to which the in-principle approval applied, expire.
- (3) The commission must tell each approval-holder whose in-principle approval expires under subsection (2) that their in-principle approval has expired.

**24 Licensee to use gaming machines
Section 51 (2) (c), new example**

insert

Example

the commission has granted a temporary storage amendment in relation to the gaming machine

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

25 **Definitions for pt 4**
Section 56, definition of *licence*, new paragraph (aa)

insert

- (aa) in relation to an approval-holder, means the in-principle approval;

Note *Approval-holder* and *in-principle approval*—see s 38B.

26 **Section 56, definition of *licensee***

substitute

licensee includes—

- (a) a permit-holder under part 8; and
- (b) an approval-holder.

Note *Approval-holder*—see s 38B.

27 **Grounds for disciplinary action**
New section 57 (2A) and (2B)

insert

- (2A) In deciding whether an approval-holder is an eligible person under subsection (1) (d) and (e), the commission must disregard section 20 (2) (a) (ii) and section 21 (1) (c).

Note Under s 20 (2) (a) (ii) and s 21 (1) (c), a person may only be an *eligible person* if the person holds a general licence or on licence.

- (2B) Subsection (1) (f) (ii) does not apply to an approval-holder.

28 **Part 10 heading**

substitute

Part 10 **Promoting responsible practices
at licensed premises**

29 New section 153A

insert

153A Offence—ATM allowing withdrawals exceeding \$250

- (1) A licensee commits an offence if—
- (a) there is an automatic teller machine at the licensed premises; and
 - (b) the automatic teller machine allows a person to withdraw more than a total of \$250 from all automatic teller machines at the licensed premises, using a single debit card or credit card, on a gaming day.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to—
- (a) a portable ATM that is located temporarily at the Canberra Racing Club on a day on which a race is to be conducted; or
 - (b) licensed premises if the licence authorises the operation of 10 or less gaming machines on the premises; or
 - (c) licensed premises if the licence authorises the operation of only class B gaming machines.
- (3) An offence against this section is a strict liability offence.
- (4) In this section:

at the licensed premises includes in or on an exterior wall of the licensed premises.

gaming day means—

- (a) the period from when the licensed premises opens to the public on a day until it next closes; but

- (b) if the licensed premises are open to the public for longer than 24 hours continuously—
- (i) each 24-hour period for which it is open to the public; and
 - (ii) if the last period before it closes is less than 24 hours—that period.

**30 Reviewable decisions
Schedule 1, item 3**

substitute

3	25 (2)	refuse to amend licence to allow change to gaming area	licensee
3A	26 (2)	refuse to amend licence to allow temporary storage of machines	licensee
3B	26A (2)	refuse to amend licence to allow venue relocation	licensee
3C	26A (3)	amend licence to allow relocation to new venue of lesser number of machines than applied for	licensee
3CA	26B (2) (a)	require social impact statement	licensee
3CB	26B (2) (b)	require social impact assessment	licensee

3CC	26B (4)	refuse to amend licences to allow relocation of machines	licensee
3CD	26B (5)	amend licences to relocate fewer machines than applied for	licensee
3D	26C (2)	refuse to amend both licences to allow relocation of machines	licensee
3E	26C (3)	amend both licences to relocate lesser number of machines than applied for	licensee
3F	26D (2)	refuse to amend licence, and issue new licence, to allow machines to be moved to new venue	licensee
3G	26D (4)	amend licence, and issue new licence, to move lesser number of machines than applied for to new venue	licensee
3H	26E	refuse to amend licence for technical change	licensee

**31 Reviewable decisions
Schedule 1, new items 6A to 6L**

insert

6A	38F (2)	refuse application for in-principle approval for licence	applicant
6B	38F (4)	issue in-principle approval for smaller number of machines than applied for	approval-holder
6C	38H	refuse application for in-principle approval for venue relocation amendment	applicant
6D	38I	refuse application for in-principle approval for new venue amendment	applicant
6E	38K	issue in-principle approval subject to condition	approval-holder
6F	38N	refuse to amend in-principle approval	approval-holder
6G	38P	refuse to transfer in-principle approval	approval-holder
6H	38R	refuse to extend in-principle approval	approval-holder
6I	38U (2)	refuse to convert in-principle approval into licence	approval-holder

6J	38U (4)	convert in-principle approval into licence authorising machines different to those applied for	approval-holder
6K	38V	refuse to convert in-principle approval into venue relocation amendment	approval-holder
6L	38W	refuse to convert in-principle approval into new venue amendment	approval-holder

32 Dictionary, new definition of *approval-holder*

insert

approval-holder—see section 38B.

33 Dictionary, new definition of *decrease machines amendment*

insert

decrease machines amendment—see section 22 (1) (a).

34 Dictionary, definition of *gaming area*

substitute

gaming area—see section 15 (1) (b).

35 Dictionary, new definitions

insert

in-principle approval—see section 38B.

large-scale machine relocation amendment—see section 22 (1) (f).

new venue amendment—see section 22 (1) (g).

pool of available gaming machines (or *pool*)—see section 36A.

small-scale machine relocation amendment—see section 22 (1) (e).

structural change amendment—see section 22 (1) (b).

technical amendment—see section 22 (1) (h).

temporary storage amendment—see section 22 (1) (c).

venue relocation amendment—see section 22 (1) (d).

36 Dictionary, definition of *proposed gaming area*

omit

application

substitute

initial licence application

Part 3 Gaming Machine Regulation 2004

37 Section 6 heading

substitute

6 Required documents for applications—Act, s 11 (2) (e), s 23 (2) (b), s 31 (2) (c) (ii), s 38M (3) (b) and s 38O (3) (b)

38 Section 6 (1) (b)

substitute

- (b) an application for a venue relocation amendment;
- (ba) an application for a large-scale machine relocation amendment;
- (bb) an application for a new venue amendment;

39 New section 6 (1) (d) and (e)

insert

- (d) an application for amendment of an in-principle approval under the Act, section 38M, to increase the number of gaming machines reserved under the approval;
- (e) an application to transfer an in-principle approval under the Act, section 38O.

Note This section will also apply to applications for in-principle approvals under the Act, s 38E, because those applications need to comply with the requirements of the Act, s 11 (2) or s 23 (2).

40 Section 7 heading

substitute

7 Working out club members—Act, s 12 (5) (c) (i), s 26C (2) (c) and s 26D (6) (d) (i)

41 Section 7 (3), definition of *GM*, paragraph (b)

substitute

- (b) for a new venue amendment application—the number of gaming machines the club is authorised to operate under a licence.

42 Section 7 (3), definition of *TGM*, paragraph (b)

substitute

- (b) for a new venue amendment application—the total number of gaming machines that the club, and each other club with which the club has a membership agreement, is authorised to operate under a licence.

43 Section 7, new note

insert

Note This section will also apply to applications to convert an in-principle approval to—

- (a) a licence under the Act, s 38U, because the commission needs to consider whether it would issue a licence under s 12 (see Act, s 38U (2) (d)); and
- (b) a new venue amendment under the Act, s 38W, because the commission needs to consider whether it would make the amendment and issue the new licence under the Act, s 26D (see Act, s 38W (2) (d)).

**44 Definitions—pt 3
Section 9, definition of *local community***

omit

statement

substitute

assessment

45 **Definitions—pt 3**
Section 9, definition of *relevant premises*

substitute

relevant premises, for a social impact assessment, means—

- (a) for an initial licence application—the premises proposed to be licensed; or
- (b) for a small-scale machine relocation amendment or large-scale machine relocation amendment application—the premises to which the machines are to be relocated; or
- (c) for a venue relocation amendment application or new venue amendment application—the new venue; or
- (d) for an application for an in-principle approval or amendment of an in-principle approval—the land at the address to which the approval applies.

46 **Requirements for social impact assessment—**
Act, s 18 (2) (a)
Section 10 (1)

omit

licence application or licence amendment application

substitute

licence application, licence amendment application, application for in-principle approval or application for amendment of an in-principle approval

47 Section 10 (2)

omit

proposed licence or the licence as proposed to be amended

substitute

proposed licence, the licence as proposed to be amended, the proposed in-principle approval or the in-principle approval as proposed to be amended

**48 Matters to be addressed by social impact assessment—
Act, s 18 (2) (b)
Section 11 (1)**

omit

licence application or licence amendment application

substitute

licence application, licence amendment application, application for in-principle approval or application for amendment of an in-principle approval

**49 Matters to be addressed by social impact assessment—
Act, s 18 (2) (b)
Section 11 (1) (b)**

substitute

- (b) the population profile of people living in the local community, including an analysis of—
 - (i) age and average income; and
 - (ii) projected population, and projected growth rate, of the local community;

**50 Information to be given in social impact assessment—
Act, s 18 (2) (c)
Section 12 (1)**

omit

licence application or licence amendment application

substitute

licence application, licence amendment application, application for in-principle approval or application for amendment of an in-principle approval

51 New part 3A

insert

Part 3A Social impact statements

12A Definitions—pt 3A

In this part:

gaming machine proposal, for a social impact statement—see section 12B (2).

local community, for a social impact statement, means the community within 3km of the premises to which the machines are to be relocated.

**12B Requirements for social impact statements—
Act, s 26B (6) (a)**

A social impact statement for a small-scale machine relocation amendment application must—

- (a) include an objective analysis of the likely economic and social impact of the operation of gaming machines under the licences as proposed to be amended (the *gaming machine proposal*); and
- (b) objectively identify the positive aspects or benefits of the gaming machine proposal as well as the negative aspects or detriments of the proposal.

**12C Matters to be addressed by social impact statements—
Act, s 26B (6) (b)**

- (1) A social impact statement for a small-scale machine relocation amendment application must address the following matters:
 - (a) the likely impact of the gaming machine proposal on the existing local community, including business activity in the local community;
 - (b) the likely impact of the gaming machine proposal on the local community, taking into account the population profile of people living in the local community, including an analysis of age and average income;
 - (c) the current harm minimisation measures taken by the licensee in relation to gaming machine activity, and the harm minimisation measures proposed to be taken in relation to the gaming machine proposal.
- (2) This section does not limit the matters that may be addressed in a social impact statement.

**12D Information to be given in social impact statements—
Act, s 26B (6) (c)**

- (1) A social impact statement for a small-scale machine relocation amendment application must, to the extent that the information is available to the applicant, include—
 - (a) the number and location of existing gambling outlets in the local community; and
 - (b) the following information for the preceding 3 years:
 - (i) the level of gaming machine activity by—
 - (A) the applicant; and
 - (B) other licensees in the local community;
 - (ii) the gaming machine revenue of the applicant;
 - (iii) the community contributions of the applicant;
 - (iv) the percentage of the gaming machine revenue distributed as community contributions; and
 - (c) the following information for the next 3 years if the application were approved:
 - (i) the expected gaming machine activity by the applicant;
 - (ii) the expected gaming machine revenue of the applicant;
 - (iii) the expected community contributions of the applicant;
 - (iv) the percentage of the expected gaming machine revenue expected to be distributed as community contributions.
- (2) This section does not limit the information that may be given in a social impact statement.

52 Conduct of ballots
Section 14, note

substitute

Note The following sections of the Act mention ballots:

- s 11 (3) (d)
- s 12 (2) (b)
- s 23 (1) (g) (ii) (C)
- s 23 (1) (i) (ii) (C)
- s 23 (1) (j) (ii) (D)
- s 26A (2) (d)
- s 26C (2) (e)
- s 26D (2) (d)
- s 32 (1) (d) and (f)
- s 34 (2) (b) (i)
- s 38U (2) (c)
- s 38V (2) (c)
- s 38W (2) (c).

53 Dictionary, note 3

insert

- community contribution
- in-principle approval (see s 38B)
- large-scale machine relocation amendment (see s 22 (1) (f))
- small-scale machine relocation amendment (see s 22 (1) (e))
- new venue amendment (see s 22 (1) (g))
- venue relocation amendment (see s 22 (1) (d));

54 Dictionary, definition of *gaming machine proposal*

substitute

gaming machine proposal—

- (a) for part 3 (Social impact assessments)—see section 10 (2); and
- (b) for part 3A (Social impact statements)—see section 12B (2).

55 Dictionary, definition of *local community*

substitute

local community—

- (a) for part 3 (Social impact assessments)—see section 9; and
- (b) for part 3A (Social impact statements)—see section 12A.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 17 November 2011.

2 Notification

Notified under the Legislation Act on 6 September 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Gaming Machine Amendment Bill 2012, which originated in the Legislative Assembly as the Gaming Machine Amendment Bill 2011 and was passed by the Assembly on 23 August 2012.

Clerk of the Legislative Assembly

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