



Australian Capital Territory

Gaming Machine (Club Refuge) Amendment Act 2023

A2023-28

An Act to amend the *Gaming Machine Act 2004* and the *Gaming Machine Regulation 2004*, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Gaming Machine (Club Refuge) Amendment Act 2023*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

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)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

3 Legislation amended

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

Note This Act also amends the *Gambling and Racing Control (Code of Practice) Regulation 2002* (see sch 1).

Part 2 Gaming Machine Act 2004

4 **Conditions about guests and temporary membership** **New section 54A (1A)**

insert

- (1A) Subsection (1) does not apply if a person attends a club while a club refuge declaration is in force for the club.

5 **Meaning of *community purpose* etc—pt 12** **Section 166 (1), definition of *community purpose*, new** **paragraph (ca)**

insert

- (ca) providing relief or assistance to the community by allowing access to a club for refuge while a club refuge declaration is in force for the club; or

6 **New section 166B**

insert

166B Club refuge declaration

- (1) The Minister may, if the Minister considers it is necessary or desirable for a club to be used as a refuge in relation to an emergency or other hazard, declare the club to be a refuge (a ***club refuge declaration***).
- (2) In making a club refuge declaration, the Minister must take into account any advice of the emergency services commissioner.
- (3) A club refuge declaration—
 - (a) has effect for the period stated in the declaration; and
 - (b) may be subject to any conditions declared by the Minister.
- (4) A club refuge declaration is a disallowable instrument.

(5) In this section:

emergency—see the *Emergencies Act 2004*, dictionary.

hazard—see the *Emergencies Act 2004*, dictionary.

7 Dictionary, new definition of *club refuge declaration*

insert

club refuge declaration—see section 166B (1).

Part 3 Gaming Machine Regulation 2004

8 **New section 66A**

in division 9.2, insert

66A Club declared as refuge

If a club refuge declaration is in force under the Act, section 166B in relation to a club, the following contributions are community purpose contributions:

- (a) the cost of providing anyone accessing the club with free non-alcoholic drinks;
- (b) the cost of the membership fee of a person who is given access to the club without paying the membership fee.

9 **Club's business activities—Act, s 166 (2) (c)** **New section 67 (3)**

insert

- (3) If a club refuge declaration is in force under the Act, section 166B in relation to a club, subsection (1) (f) does not apply to the provision of free non-alcoholic drinks to anyone accessing the club as a refuge.

10 **Dictionary, note 3**

insert

- club refuge declaration (see s 166B (1))

Schedule 1 Gambling and Racing Control (Code of Practice) Regulation 2002— Consequential amendments

(see s 3)

[1.1] Schedule 1, new part 1.5

insert

Part 1.5 Club licensee obligations—club refuge declarations

1.32 Application—pt 1.5

This part applies to a club licensee if a club refuge declaration is in force for the licensee's club.

1.33 Meaning of *club refuge declaration*—pt 1.5

In this part:

club refuge declaration—see the [Gaming Machine Act 2004](#), section 166B (1).

1.34 Club refuge declaration—refuge area

- (1) The club licensee must make an area in the club (a *refuge area*) available to a person who accesses the club as a refuge.
- (2) The refuge area must be separate from the gaming area.
- (3) The club licensee must not serve alcohol in the refuge area.

1.35 Club refuge declaration—information about emergencies and refuges

- (1) If the emergency services commissioner gives information to the community under the *Emergencies Act 2004*, section 149B about an emergency to which the club refuge declaration relates, the club licensee must make that information available to people who access the club as a refuge.
- (2) If the director-general for an administrative unit gives information to the club licensee about other places that may be accessed as a refuge while the club refuge declaration is in force for the licensee's club, the club licensee must make that information available to people who access the club as a refuge.

1.36 Club refuge declaration—gambling contact officers

The club licensee must ensure that a gambling contact officer for the club is present in the club.

1.37 Club refuge declaration—direct marketing

The club licensee must ensure a person accessing the club as a refuge does not receive direct marketing about club membership.

[1.2] Dictionary, note 1

insert

- emergency services commissioner

[1.3] Dictionary, note 2

insert

- club licensee

[1.4] Dictionary, new definition of *club refuge declaration*

insert

club refuge declaration, for schedule 1, part 1.5 (Club licensee obligations—club refuge declarations)—see the *Gaming Machine Act 2004*, section 166B (1).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 1 December 2022.

2 Notification

Notified under the [Legislation Act](#) on 7 July 2023.

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 (Club Refuge) Amendment Bill 2023, which originated in the Legislative Assembly as the Gaming Machine (Club Refuge) Amendment Bill 2022 and was passed by the Assembly on 28 June 2023.

Acting Clerk of the Legislative Assembly