

2018

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Casino and Other Gaming Legislation Amendment Bill 2018

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Casino and Other Gaming Legislation Amendment Bill 2018

A Bill for

An Act to amend legislation about the casino and electronic gaming, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Casino and Other Gaming Legislation Amendment*
4 *Act 2018*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Casino Control Act 2006](#)
- 12 • [Casino \(Electronic Gaming\) Act 2017](#)
- 13 • [Gambling and Racing Control Act 1999](#)
- 14 • [Gaming Machine Act 2004](#)
- 15 • [Gaming Machine \(Reform\) Amendment Act 2015](#).

1 **Part 2** **Casino Control Act 2006**

2 **4 Approval of proposed owner**
3 **Section 13 (2)**

4 *substitute*

5 (2) In deciding whether to approve the sale or other disposal, the
6 Minister must consider any recommendation—

7 (a) made by the commission about the sale or disposal; and

8 (b) made by a casino advisory panel about the sale or disposal,
9 including whether the sale or disposal is in the public interest.

10 **5 Approval of proposed casino lease**
11 **Section 16 (2)**

12 *substitute*

13 (2) In deciding whether to approve the owner entering into the proposed
14 lease with the proposed lessee, the Minister must consider any
15 recommendation—

16 (a) made by the commission about the owner entering into the
17 proposed lease with the proposed lessee; and

18 (b) made by a casino advisory panel about the owner entering into
19 the proposed lease with the proposed lessee, including whether
20 the owner entering into the proposed lease with the proposed
21 lessee is in the public interest.

1 **6 Approval of amendment of casino lease**
2 **Section 18 (2)**

3 *substitute*

- 4 (2) In deciding whether to approve the amendment, the Minister must
5 consider—
- 6 (a) any recommendation made by the commission about the
7 amendment; and
 - 8 (b) any recommendation made by a casino advisory panel about the
9 amendment, including whether the amendment is in the public
10 interest; and
 - 11 (c) the likely effect of the amendment on the control and operation
12 of the casino.

13 **7 Grant of casino licence**
14 **Section 21 (4)**

15 *substitute*

- 16 (4) In deciding whether to grant a casino licence, the Minister must—
- 17 (a) consider any recommendation made by the commission about
18 the eligibility of a corporation nominated as the proposed
19 casino licensee; and
 - 20 (b) consider any recommendation made by a casino advisory panel
21 about the eligibility of a corporation nominated as the proposed
22 casino licensee, including whether granting a casino licence to
23 the proposed casino licensee is in the public interest; and
 - 24 (c) comply with any criteria prescribed by regulation in relation to
25 the grant of the casino licence.

1 **8 Transfer of casino licence**
2 **Section 30 (4) (c), new note**

3 *insert*

4 *Note* The Minister may grant a casino licence to a proposed casino
5 licensee under s 21 if the proposed licensee is—

- 6 (a) a corporation; and
7 (b) an eligible person; and
8 (c) if there is a casino lease—the casino lessee or a corporation
9 nominated by the lessee; and
10 (d) if there is no casino lease—the owner of the casino or a
11 corporation nominated by the owner.

12 In deciding whether to grant a casino licence, the Minister is
13 required to consider any recommendation by the commission and
14 a casino advisory panel in relation to the proposed licensee's
15 eligibility, including any recommendation by an advisory panel
16 about whether granting the casino licence to the proposed licensee
17 is in the public interest.

18 **9 New part 8A**

19 *insert*

20 **Part 8A Casino advisory panels**

21 **136A Meaning of Ministerial decision—pt 8A**

22 In this part:

23 *Ministerial decision* means any of the following:

- 24 (a) a decision to be made under section 13 (Approval of proposed
25 owner) to approve, or refuse to approve, the sale or other
26 disposal of an owner's interest in the lease of the casino, or part
27 of the interest, to the proposed owner;

- 1 (b) a decision to be made under section 16 (Approval of proposed
2 casino lease) to approve, or refuse to approve, the owner of the
3 casino entering into a proposed lease of the casino with
4 someone else;
- 5 (c) a decision to be made under section 18 (Approval of
6 amendment of casino lease) to approve, or refuse to approve,
7 the amendment of the casino lease;
- 8 (d) a decision to be made under section 21 (Grant of casino licence)
9 to grant or refuse to grant a casino licence;
- 10 (e) a decision to be made under section 30 (Transfer of casino
11 licence) to transfer or refuse to transfer the casino licence to
12 another corporation;
- 13 (f) a decision to be made under the *Casino (Electronic Gaming)*
14 *Act 2017*, section 22 (1) (Conversion of restricted
15 authorisations—decision) to approve or refuse to approve the
16 conversion of a restricted authorisation to a casino gaming
17 machine authorisation or casino FATG terminal authorisation.

18 **136B Establishment and functions of casino advisory panel**

- 19 (1) Before making a Ministerial decision, the Minister must establish an
20 advisory panel (a *casino advisory panel*) to make a recommendation
21 about the decision.
- 22 (2) A casino advisory panel may do any of the following to assist it to
23 make a recommendation:
- 24 (a) engage a person who has qualifications or experience relevant
25 to the decision;
- 26 (b) ask any of the following for information:
- 27 (i) the commission;
- 28 (ii) the planning and land authority;

- 1 (iii) the chief police officer;
- 2 (iv) a Commonwealth, State or Territory authority;
- 3 (v) anyone else prescribed by regulation.

4 *Note* A member of a casino advisory panel who acquires confidential
5 documents or information under this Act is a gaming officer for the
6 purposes of the [Control Act](#), div 4.4 (Secrecy) (see [Control Act](#), s 34).

7 (3) In this section:

8 *information* means information, whether true or not, in any form and
9 includes an opinion or advice.

10 **136C Sharing of information**

11 (1) This section applies if any of the following (an *information holder*)
12 receives a request from a casino advisory panel for information to
13 assist the panel to make a recommendation:

- 14 (a) the commission;
- 15 (b) the planning and land authority;
- 16 (c) a Territory authority;
- 17 (d) anyone else prescribed by regulation.

18 (2) The information holder must, as far as practicable, comply with the
19 request.

20 (3) An information holder that gives a casino advisory panel information
21 under this section does not contravene any duty of confidentiality the
22 information holder has under a territory law or agreement, despite
23 anything to the contrary in the law or agreement.

24 **136D Minister to appoint advisory panel members**

25 (1) The Minister must appoint the members of a casino advisory panel.

26 *Note* For the making of appointments (including acting appointments), see the
27 [Legislation Act](#), pt 19.3.

- 1 (2) Each panel member is appointed on a part-time basis.
2 (3) A panel member's conditions of appointment are the conditions
3 stated in the appointment, subject to any determination under the
4 *Remuneration Tribunal Act 1995*.

5 **136E Membership of casino advisory panel**

- 6 (1) A casino advisory panel must have at least 3 members.
7 (2) The Minister must ensure that a member of a casino advisory panel
8 has knowledge of and experience in at least 1 of the following
9 disciplines and areas of expertise:
10 (a) law and governance;
11 (b) integrity and probity assessments in relation to significant
12 changes in highly regulated industries;
13 (c) finance, actuarial science or auditing;
14 (d) risk advisory services;
15 (e) urban design and planning;
16 (f) civil engineering and civil works;
17 (g) property development;
18 (h) building work assessments;
19 (i) construction;
20 (j) building surveying;
21 (k) strategies or services that reduce gambling harm;
22 (l) anything else prescribed by regulation.

- 1 (3) The Minister must not appoint a person to be a member of a casino
2 advisory panel if the Minister is satisfied on reasonable grounds—
- 3 (a) the person or the person’s domestic partner has an interest in a
4 business subject to a gaming law; or
- 5 (b) the person is unlikely to be able to properly exercise the
6 functions of a member because of the person’s business
7 association, financial association or close personal association
8 with someone else; or
- 9 (c) the person has been convicted or found guilty of an offence
10 against a gaming law or a corresponding law; or
- 11 (d) within 5 years before the proposed appointment, the person has
12 been convicted, or found guilty, of an offence in Australia
13 punishable by imprisonment for at least 1 year; or
- 14 (e) within 5 years before the proposed appointment, the person has
15 been convicted, or found guilty, of an offence outside Australia
16 that, if it had been committed in the ACT, would have been
17 punishable by imprisonment for at least 1 year.
- 18 (4) In this section:
- 19 *corresponding law* means a law of another jurisdiction, whether in
20 or outside Australia, that regulates gaming or racing.

21 **136F Casino advisory panel—appointment of chair**

22 The Minister must appoint a member of a casino advisory panel as
23 chair of the advisory panel.

1 **136G Disclosure of interests—advisory panel members**

- 2 (1) This section applies if—
- 3 (a) a member of a casino advisory panel, or a person assisting a
- 4 casino advisory panel, has a direct or indirect financial interest
- 5 or personal interest in a matter in relation to a Ministerial
- 6 decision about which the advisory panel is to make a
- 7 recommendation; and
- 8 (b) the interest could conflict with the proper exercise of the
- 9 advisory panel’s functions in relation to making the
- 10 recommendation.
- 11 (2) As soon as practicable after the member, person assisting the
- 12 advisory panel, or the advisory panel becomes aware of the relevant
- 13 facts, the member, person or advisory panel must disclose the nature
- 14 of the interest to the Minister.
- 15 (3) The member or person must not participate, or further participate, in
- 16 making the recommendation, unless the Minister directs otherwise.

17 **136H Casino advisory panel’s report on recommendation**

- 18 (1) A casino advisory panel must prepare a report of its recommendation in
- 19 relation to a Ministerial decision for the Minister.
- 20 (2) Before giving the Minister the report, the advisory panel must give
- 21 the applicant for the decision—
- 22 (a) a copy of the report; and
- 23 (b) written notice stating that the applicant may give the panel
- 24 written comments about the draft report, or request that an
- 25 inaccuracy be corrected, before the end of the time stated in the
- 26 notice.

- 1 (3) If the advisory panel receives comments or a request to correct an
2 inaccuracy within the time stated in the notice, the advisory panel
3 must consider the comments, and correct the inaccuracy, in
4 preparing the final report for the Minister.

5 **136I Report on casino advisory panel's recommendation to be**
6 **tabled**

- 7 (1) The Minister must present a casino advisory panel's report to the
8 Legislative Assembly within 6 sitting days after the day the Minister
9 tells the applicant for a Ministerial decision about the decision.
- 10 (2) If the report includes information that is contrary to the public
11 interest information, the Minister must divide the report into
12 2 documents, as follows:
- 13 (a) a document (the *protected section*) containing the contrary to
14 the public interest information, or part of that information;
- 15 (b) a document (the *disclosable section*) containing the rest of the
16 report.
- 17 (3) If the Minister divides a report, the Minister must include in the
18 disclosable section—
- 19 (a) a statement to the effect that there is a protected section of the
20 report including contrary to the public interest information; and
- 21 (b) a general description of the contents of the protected section.
- 22 (4) In this section:
- 23 *contrary to the public interest information*—see the *Freedom of*
24 *Information Act 2016*, section 16.

- 1 **136J Casino advisory panel—protection from liability**
- 2 (1) A protected person is not civilly liable for conduct engaged in
- 3 honestly and without recklessness—
- 4 (a) in the exercise of a function under this part; or
- 5 (b) in the reasonable belief that the conduct was in the exercise of a
- 6 function under this part.
- 7 (2) Any civil liability that would, apart from this section, attach to the
- 8 protected person attaches instead to the Territory.
- 9 (3) In this section:
- 10 *conduct* means an act or omission to do an act.
- 11 *protected person* means—
- 12 (a) a member of a casino advisory panel; or
- 13 (b) a person assisting a casino advisory panel.
- 14 **10 Section 141 heading**
- 15 *substitute*
- 16 **141 Recommendations of commission and casino advisory**
- 17 **panel**
- 18 **11 Section 141**
- 19 *after*
- 20 made by the commission
- 21 *insert*
- 22 or a casino advisory panel

1 **12 Section 141 (c)**

2 *after*
3 the commission
4 *insert*
5 or casino advisory panel

6 **13 Regulation-making power**
7 **New section 144 (2) (d)**

8 *insert*
9 (d) casino advisory panels, including in relation to their procedures
10 and reports.

11 **14 Dictionary, note 2**

12 *insert*
13 • chief police officer
14 • Commonwealth
15 • domestic partner (see s 169 (1))
16 • planning and land authority
17 • State

18 **15 Dictionary, new definitions**

19 *insert*
20 *casino advisory panel*—see section 136B.
21 *Ministerial decision*, for part 8A (Casino advisory panels)—see
22 section 136A.

1 **Part 3** **Casino (Electronic Gaming)**
2 **Act 2017**

3 **16** **Restricted status of acquired authorisations**
4 **Section 20, note 2**

5 *omit*
6 the commission
7 *substitute*
8 the Minister

9 **17** **Conversion of restricted authorisations—application**
10 **Section 21 (1)**

11 *omit*
12 the commission
13 *substitute*
14 the Minister for approval

15 **18** **Section 21 (4) and (5)**

16 *omit*
17 commission
18 *substitute*
19 Minister

19 Section 22

substitute

22 Conversion of restricted authorisations—decision

(1) If the Minister receives an application under section 21 for approval to convert a restricted authorisation to a casino gaming machine authorisation or casino FATG terminal authorisation (the *conversion*), the Minister may—

- (a) approve the conversion; or
- (b) refuse to approve the conversion.

Note If additional information in relation to the application is not given to the Minister within the time stated by the Minister, the Minister may refuse to consider the application (see s 21 (4) and (5) (a)). If the Minister refuses to consider the application, it lapses (see s 21 (5) (b)).

(2) In deciding whether to approve the conversion, the Minister must—

- (a) consider any recommendation made by the commission in relation to the application, including whether—
 - (i) the location, boundaries and dimensions of the proposed gaming area are suitable for the installation of the number of casino gaming machines or casino FATG terminals stated in the application; and
 - (ii) the control procedures mentioned in section 21 (3) (d) and the gaming rules the casino licensee has adopted for the purpose of controlling the operation of casino gaming machines are adequate for the purpose; and
 - (iii) the casino has sufficient harm minimisation strategies in place for patrons; and

Section 19

- 1 (b) consider any recommendation made by a casino advisory panel
2 in relation to the decision, including in relation to the casino
3 licensee's compliance with any agreement with the Territory in
4 relation to the redevelopment of the casino and the casino
5 precinct.
- 6 (3) However, the Minister must not approve the conversion unless the
7 planning and land authority has—
- 8 (a) approved a development proposal by the casino licensee in
9 relation to redevelopment of the casino and the casino precinct;
10 and
- 11 (b) certified in writing that the casino licensee has completed the
12 stage of development prescribed by regulation for the maximum
13 number of restricted authorisations sought to be converted.
- 14 (4) If the Minister approves the conversion of a restricted authorisation
15 to a casino gaming machine authorisation or casino FATG terminal
16 authorisation, the commission must convert the restricted
17 authorisation.
- 18 (5) If the application is for the conversion of 2 or more restricted
19 authorisations, the Minister may approve the conversion of fewer
20 than the number stated in the application if the commission
21 recommends that the size and layout of the proposed gaming area are
22 only suitable for the installation of the lower number of casino
23 gaming machines or casino FATG terminals.
- 24 (6) If the Minister refuses to approve the conversion, the Minister must
25 tell the casino licensee, in writing, the reasons for the decision.
- 26 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
27 [Act](#), s 179.
- 28 (7) In this section:
29 *casino advisory panel*—see the [Casino Control Act 2006](#),
30 section 136B.

20 Section 46

substitute

46 Reviewable decision notices

- (1) If a decision-maker makes a reviewable decision, the decision-maker must give a reviewable decision notice to the casino licensee.

Note 1 The decision-maker must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (2) In this section:

decision-maker, for a reviewable decision, means—

- (a) the commission; or
(b) the Minister.

21 New section 54A

in part 11, insert

54A Casino (Electronic Gaming) Regulation 2018—sch 5

- (1) The provisions set out in schedule 5 are taken, on the commencement of this section, to be a regulation made under section 54.
- (2) To remove any doubt and without limiting subsection (1), the provisions set out in schedule 5 may be amended or repealed as if they had been made as a regulation by the Executive under section 54.
- (3) Also to remove any doubt, the regulation is taken—
- (a) to have been notified under the [Legislation Act](#) on the day the *Casino and Other Gaming Legislation Amendment Act 2018* is notified; and

- 1 (b) to have commenced on the commencement of this section; and
2 (c) not to be required to be presented to the Legislative Assembly
3 under the [Legislation Act](#), section 64 (1).
4 (4) Subsections (1) to (3) are laws to which the [Legislation Act](#),
5 section 88 (Repeal does not end effect of transitional laws etc)
6 applies.
7 (5) This section and schedule 5 expire on the day they commence.

8 **22 Reviewable decisions**
9 **Schedule 1, items 6 and 7**

10 *substitute*

6	22 (1)	refuse to approve the conversion of restricted authorisation to casino gaming machine authorisation or casino FATG terminal authorisation
7	22 (5)	approve the conversion of a lower number of restricted authorisations than the number applied for

1 **23** **New schedule 5**

2 *insert*

3 **Schedule 5** **Casino (Electronic Gaming)**
4 **Regulation 2018**

5 (see s 54A)



Australian Capital Territory

6 **Casino (Electronic Gaming)**
7 **Regulation 2018**

8 **Subordinate Law SL2018-**

9 made under the

10 [Casino \(Electronic Gaming\) Act 2017](#)

11 **Part 1** **Preliminary**

12 **1** **Name of regulation**

13 This regulation is the *Casino (Electronic Gaming) Regulation 2018*.

1 **2 Dictionary**

2 The dictionary at the end of this regulation is part of this regulation.

3 *Note 1* The dictionary at the end of this regulation defines certain terms used in
4 this regulation, and includes references (*signpost definitions*) to other
5 terms defined elsewhere in this regulation.

6 For example, the signpost definition '*local community*, for part 2 (Social
7 impact assessments)—see section 4.' means that the term 'local
8 community' is defined in that section for part 2.

9 *Note 2* A definition in the dictionary (including a signpost definition) applies to the
10 entire regulation unless the definition, or another provision of the
11 regulation, provides otherwise or the contrary intention otherwise appears
12 (see [Legislation Act](#), s 155 and s 156 (1)).

13 **3 Notes**

14 A note included in this regulation is explanatory and is not part of this
15 regulation.

16 *Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

17 **Part 2 Social impact assessments**

18 **4 Definitions—pt 2**

19 In this part:

20 *casino electronic gaming proposal*, for a social impact assessment—
21 see section 5 (2).

22 *local community*, for a social impact assessment, means the
23 community within 3km of the casino.

24 *relevant casino electronic gaming application* means an application
25 for—

26 (a) a casino gaming machine authorisation certificate; or

27 (b) a casino FATG authorisation certificate.

1 **5 Requirements for social impact assessment—Act,**
2 **s 8 (2) (a)**

- 3 (1) A social impact assessment for a relevant casino electronic gaming
4 application must satisfy the requirements of this section.
- 5 (2) The assessment must provide an objective analysis of the likely
6 economic and social impact of the operation of casino gaming
7 machines or casino FATG terminals under the proposed
8 authorisation certificate (the *casino electronic gaming proposal*).
- 9 (3) The assessment must identify, and provide an analysis of, the
10 positive aspects or benefits of the casino electronic gaming proposal
11 as well as the negative aspects or detriments of the proposal.
- 12 (4) All statements or material included in the assessment must be—
13 (a) objective rather than subjective or speculative; and
14 (b) based on identifiable factual information.
- 15 (5) The sources of the information must be clearly and specifically
16 identified.

17 **Examples—sources of information**

- 18 • an Australian Bureau of Statistics publication
19 • a commission report

20 *Note* An example is part of the regulation, is not exhaustive and may extend,
21 but does not limit, the meaning of the provision in which it appears (see
22 [Legislation Act](#), s 126 and s 132).

- 23 (6) The assessment must identify—
24 (a) the entities and institutions (the *affected entities and*
25 *institutions*) in both the local community and the broader
26 Canberra community that may be affected by the casino
27 electronic gaming proposal; and

- 1 (b) on a map of the local community included in the assessment,
2 the location of affected entities and institutions in the local
3 community; and
- 4 (c) the likely impact (both positive and negative) on affected
5 entities and institutions in both the local community and the
6 broader Canberra community.
- 7 **Examples—affected entities and institutions**
- 8 • nearby residences, shops and other business
 - 9 • other gambling venues
 - 10 • schools
 - 11 • sporting and community facilities
 - 12 • places of worship

13 **6 Matters to be addressed by social impact assessment—**
14 **Act, s 8 (2) (b)**

- 15 (1) A social impact assessment for a relevant casino electronic gaming
16 application must address the following matters:
- 17 (a) the existing level of gaming activity currently being conducted
18 in the local community and the broader Canberra community;
- 19 (b) the population profile of people living in the local community
20 and the broader Canberra community, including an analysis
21 of—
- 22 (i) age and average income; and
 - 23 (ii) projected population, and projected growth rate, of the
24 local community and the broader Canberra community;

- 1 (c) available relevant information about patrons in relation to the
2 relevant premises;
- 3 **Examples—relevant information**
- 4 • where patrons live
5 • spending patterns of patrons
6 • time spent at the premises by patrons
7 • current and anticipated patronage
- 8 *Note* An example is part of the regulation, is not exhaustive and may
9 extend, but does not limit, the meaning of the provision in which it
10 appears (see [Legislation Act](#), s 126 and s 132).
- 11 (d) the positive aspects or benefits of the casino electronic gaming
12 proposal for—
- 13 (i) the local community; and
14 (ii) the broader Canberra community;
- 15 (e) the negative aspects or detriments of the casino electronic
16 gaming proposal for—
- 17 (i) the local community; and
18 (ii) the broader Canberra community;
- 19 (f) the gambling harm minimisation measures proposed to be taken
20 in relation to the casino electronic gaming proposal;
- 21 (g) the likely overall net economic and social impact of the casino
22 electronic gaming proposal.
- 23 (2) This section does not limit the matters that may be addressed.

- 1 **7 Information to be given in social impact assessment—Act,**
2 **s 8 (2) (c)**
- 3 (1) To the extent that the information is available to the applicant, the
4 following information must be given in a social impact assessment
5 for a relevant casino electronic gaming application:
- 6 (a) the number and location of existing gambling outlets in the
7 local community and the broader Canberra community;
- 8 (b) details of the population of the local community and the
9 broader Canberra community, including the number of adults
10 and average incomes;
- 11 (c) expected casino gaming machine revenue or casino FATG
12 terminal revenue of the applicant for the next 3 years if the
13 application is approved;
- 14 (d) expected table gaming revenue of the applicant for the next
15 3 years if the application is approved;
- 16 (e) expected community benefit for the next 3 years if the
17 application is approved;
- 18 (f) expected contributions to assist in gambling harm prevention
19 for the next 3 years if the application is approved;
- 20 (g) details of the proposed redevelopment of the casino and the
21 casino precinct.
- 22 (2) This section does not limit the information that may be given in a
23 social impact assessment.

1 **Part 3** **Miscellaneous**

2 **8** **Not casino gaming machines—Act, dict, def *casino***
3 ***gaming machine*, par (b)**

4 Each of the following devices is not a casino gaming machine:

- 5 (a) a device for playing a game of skill only;
- 6 (b) an amusement device that usually involves an element of skill
7 and is played for entertainment only;

8 **Example**

9 a pinball machine

10 *Note* An example is part of the regulation, is not exhaustive and may
11 extend, but does not limit, the meaning of the provision in which it
12 appears (see [Legislation Act](#), s 126 and s 132).

- 13 (c) a device that—
- 14 (i) is ordinarily found at fairs, fetes or shows; and
- 15 (ii) usually involves an element of skill; and
- 16 (iii) is played mainly for entertainment, whether or not a prize
17 is offered or given.

18 **Example—par (c)**

19 ‘laughing clowns’ amusement machine

1 Dictionary

2 (see s 2)

3 *Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to
4 this regulation.

5 *Note 2* For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- 6 • ACT
- 7 • Legislation Act
- 8 • may (see s 146)
- 9 • must (see s 146)
- 10 • penalty unit (see s 133)
- 11 • public notice
- 12 • under.

13 *Note 3* Terms used in this regulation have the same meaning that they have in
14 the [Casino \(Electronic Gaming\) Act 2017](#) (see [Legislation Act](#), s 148).
15 For example, the following terms are defined in the [Casino \(Electronic
16 Gaming\) Act 2017](#), dict:

- 17 • authorisation
- 18 • authorisation certificate
- 19 • casino FATG authorisation certificate
- 20 • casino FATG terminal
- 21 • casino FATG terminal authorisation
- 22 • casino gaming machine
- 23 • casino gaming machine authorisation
- 24 • casino gaming machine authorisation certificate
- 25 • FATG
- 26 • FATG terminal
- 27 • social impact statement (see s 8).

28 ***casino electronic gaming proposal***, for a social impact assessment,
29 for part 2 (Social impact assessments)—see section 5 (2).

1 *local community*, for a social impact assessment, for part 2 (Social
2 impact assessments)—see section 4.

3 *relevant casino electronic gaming application*, for part 2 (Social
4 impact assessments)—see section 4.

1 **Part 4** **Gambling and Racing Control Act**
2 **1999**

3 **24** **New part 6B**

4 *insert*

5 **Part 6B** **Licences, authorisation**
6 **certificates and authorisations—**
7 **register and replacement copies**

8 **51** **Definitions—pt 6B**

9 In this part:

10 ***authorisation***, for electronic gaming, means—

11 (a) an authorisation for a gaming machine under the *Gaming*
12 *Machine Act 2004*; and

13 (b) an authorisation for a casino gaming machine or casino FATG
14 terminal under the *Casino (Electronic Gaming) Act 2017*.

15 ***authorisation certificate***, for electronic gaming, means—

16 (a) an authorisation certificate for a gaming machine under the
17 *Gaming Machine Act 2004*; and

18 (b) an authorisation certificate for a casino gaming machine or
19 casino FATG terminal under the *Casino (Electronic Gaming)*
20 *Act 2017*.

21 ***authorisation number***, for electronic gaming, means—

22 (a) an authorisation number for a gaming machine under the
23 *Gaming Machine Act 2004*; and

1 (b) an authorisation number for a casino gaming machine or casino
2 FATG terminal under the *Casino (Electronic Gaming)*
3 *Act 2017*.

4 ***authorisation schedule***, for electronic gaming, means—

5 (a) an authorisation schedule for an authorisation certificate for a
6 licence for a gaming machine under the *Gaming Machine*
7 *Act 2004*; and

8 (b) an authorisation schedule for an authorisation certificate for a
9 casino gaming machine or casino FATG terminal under the
10 *Casino (Electronic Gaming) Act 2017*.

11 ***casino FATG terminal***—see the *Casino (Electronic Gaming)*
12 *Act 2017*, dictionary.

13 ***casino gaming machine***—see the *Casino (Electronic Gaming)*
14 *Act 2017*, dictionary.

15 ***electronic gaming*** means gaming machines, casino gaming
16 machines, casino FATG terminals and fully-automated table game
17 machines.

18 ***gaming machine*** means a gaming machine under the *Gaming*
19 *Machine Act 2004*, dictionary.

20 ***general purpose***, for a storage permit—see the *Gaming Machine*
21 *Act 2004*, dictionary.

22 ***interim purpose***, for a storage permit—see the *Gaming Machine*
23 *Act 2004*, dictionary.

24 ***licence*** means—

25 (a) a casino licence granted under the *Casino Control Act 2006*,
26 section 21; or

1 (b) a licence for a class B or class C gaming machine issued under
2 the *Gaming Machine Act 2004*.

3 *Note* *Licensee* has a meaning corresponding to the meaning of *licence* (see
4 *Legislation Act*, s 157).

5 ***maximum number***, of authorisations—

6 (a) for gaming machines—see the *Gaming Machine Act 2004*,
7 dictionary; and

8 (b) for casino gaming machines—means the maximum number of
9 authorisations for casino gaming machines the casino licensee
10 is allowed under an authorisation certificate; and

11 (c) for casino FATG terminals—means the maximum number of
12 authorisations for casino FATG terminals the casino licensee is
13 allowed under an authorisation certificate.

14 ***permit***—see the *Gaming Machine Act 2004*, dictionary.

15 ***quarantine permit***—see the *Gaming Machine Act 2004*, dictionary.

16 ***storage permit***—see the *Gaming Machine Act 2004*, section 127L.

17 **52 Licences and authorisation certificates—register**

18 (1) The commission must keep a register of licences, authorisation
19 certificates and authorisations.

20 (2) The register must include the following details:

21 (a) the date of issue, amendment or transfer of a licence or
22 authorisation certificate;

23 (b) the date of the suspension or cancellation of a licence or
24 authorisation certificate;

- 1 (c) for each authorisation certificate included in the register—
- 2 (i) for an authorisation certificate in relation to gaming
3 machines—the maximum number of authorisations for
4 gaming machines the licensee may have under the
5 authorisation certificate; and
- 6 (ii) for an authorisation certificate in relation to casino
7 gaming machines or casino FATG terminals—the
8 maximum number of authorisations for casino gaming
9 machines or casino FATG terminals the licensee is
10 allowed under the authorisation certificate; and
- 11 (iii) the authorisation number for each authorisation; and
- 12 (iv) details of any gaming machine, casino gaming machine or
13 casino FATG terminal under each authorisation;
- 14 (d) if a licensee holds a permit—
- 15 (i) whether the permit is—
- 16 (A) a storage permit for a general purpose; or
- 17 (B) a storage permit for an interim purpose; or
- 18 (C) a quarantine permit; and
- 19 (ii) for a storage permit for a general purpose—
- 20 (A) the serial number of each gaming machine to be
21 stored under the permit; and
- 22 (B) the authorisation number for each machine's
23 associated authorisation; and
- 24 (iii) for a storage permit for an interim purpose—the serial
25 number of each gaming machine to be stored under the
26 permit; and

- 1 (iv) for a quarantine permit—
- 2 (A) the authorisation number for each authorisation to be
- 3 stored under the permit; and
- 4 (B) for each authorisation stored with its associated
- 5 gaming machine—the serial number of the
- 6 associated gaming machine;
- 7 (e) anything else prescribed by regulation.
- 8 (3) The register may be kept in any form, including electronically, that
- 9 the commission decides.
- 10 (4) The commission may correct an error or omission in the register.
- 11 (5) A licensee may ask the commission, in writing, to correct an error or
- 12 omission in the register.
- 13 (6) The commission may change a detail included in the register to keep
- 14 the register up-to-date.

15 **Example**

16 A detail in the register may be changed as a consequence of receiving notification

17 under the *Casino (Electronic Gaming) Act 2017*, s 49 or the *Gaming Machine*

18 *Act 2004*, s 173D about a notifiable action.

19 *Note* An example is part of the Act, is not exhaustive and may extend, but

20 does not limit, the meaning of the provision in which it appears (see

21 [Legislation Act](#), s 126 and s 132).

22 **53 Licences, authorisation certificates and authorisation**

23 **schedules—replacement copies**

- 24 (1) This section applies if a licensee's licence, authorisation certificate or
- 25 authorisation schedule is lost, stolen or destroyed.

- 1 (2) The licensee must give the commission a statement verifying the loss,
2 theft or destruction of the licence, authorisation certificate or
3 authorisation schedule as soon as practicable after becoming aware of
4 the loss, theft or destruction.
- 5 *Note* It is an offence to make a false or misleading statement, give false or
6 misleading information or produce a false or misleading document (see
7 [Criminal Code](#), pt 3.4).
- 8 (3) If the commission receives a statement under subsection (2), the
9 commission must give the licensee a replacement licence,
10 replacement authorisation certificate or replacement authorisation
11 schedule.

12 **25 Dictionary, new definitions**

13 *insert*

14 ***authorisation***, for electronic gaming, for part 6B (Licences,
15 authorisation certificates and authorisations—register and
16 replacement copies)—see section 51.

17 ***authorisation certificate***, for electronic gaming, for part 6B
18 (Licences, authorisation certificates and authorisations—register and
19 replacement copies)—see section 51.

20 ***authorisation number***, for electronic gaming, for part 6B (Licences,
21 authorisation certificates and authorisations—register and
22 replacement copies)—see section 51.

23 ***authorisation schedule***, for electronic gaming, for part 6B
24 (Licences, authorisation certificates and authorisations—register and
25 replacement copies)—see section 51.

26 ***casino FATG terminal***, for part 6B (Licences, authorisation
27 certificates and authorisations—register and replacement copies)—
28 see the [Casino \(Electronic Gaming\) Act 2017](#), dictionary.

- 1 **casino gaming machine**, for part 6B (Licences, authorisation
2 certificates and authorisations—register and replacement copies)—
3 see the [Casino \(Electronic Gaming\) Act 2017](#), dictionary.
- 4 **electronic gaming**, for part 6B (Licences, authorisation certificates
5 and authorisations—register and replacement copies)—see
6 section 51.
- 7 **gaming machine**, for part 6B (Licences, authorisation certificates and
8 authorisations—register and replacement copies)—see section 51.
- 9 **general purpose**, for a storage permit, for part 6B (Licences,
10 authorisation certificates and authorisations—register and
11 replacement copies)—see the [Gaming Machine Act 2004](#), dictionary.
- 12 **interim purpose**, for a storage permit, for part 6B (Licences,
13 authorisation certificates and authorisations—register and
14 replacement copies)—see the [Gaming Machine Act 2004](#), dictionary.
- 15 **licence**, for part 6B (Licences, authorisation certificates and
16 authorisations—register and replacement copies)—see section 51.
- 17 **maximum number**, of authorisations, for part 6B (Licences,
18 authorisation certificates and authorisations—register and
19 replacement copies)—see section 51.
- 20 **permit**, for part 6B (Licences, authorisation certificates and
21 authorisations—register and replacement copies)—see the [Gaming
22 Machine Act 2004](#), dictionary.
- 23 **quarantine permit**, for part 6B (Licences, authorisation certificates
24 and authorisations—register and replacement copies)—see the
25 [Gaming Machine Act 2004](#), dictionary.
- 26 **storage permit**, for part 6B (Licences, authorisation certificates and
27 authorisations—register and replacement copies)—see the [Gaming
28 Machine Act 2004](#), section 127L.

1 **Part 5** **Gaming Machine Act 2004**

2 **26 Licences, authorisation certificates and authorisations—**
3 **register and replacement copies**
4 **Division 2B.7**

5 *omit*

6 **27 Licence and authorisation certificate to be kept at**
7 **premises**
8 **Section 41 (2) (b)**

9 *substitute*

10 (b) the licensee has given the commission a statement under the
11 [Control Act](#), section 53 (2) (Licences, authorisation certificates
12 and authorisation schedules—replacement copies); and

13 **28 Licence and authorisation certificate to be available on**
14 **request**
15 **Section 42 (3) (b)**

16 *substitute*

17 (b) the licensee has given the commission a statement under the
18 [Control Act](#), section 53 (2) (Licences, authorisation certificates
19 and authorisation schedules—replacement copies); and

1 **29 New section 52A**

2 *in division 3.3, insert*

3 **52A Application of Casino (Electronic Gaming) Act 2017 to**
4 **gaming machines operated near casino**

- 5 (1) It is a condition of a licence for a club that, if the licensee is related
6 to the casino licensee and operates a gaming machine within 200m of
7 the boundary of the casino, the gaming machine must be operated in
8 accordance with the *Casino (Electronic Gaming) Act 2017*,
9 section 26 (Acquiring casino gaming machine under authorisation)
10 and part 7 (Casino gaming machines—pre-commitment system).
- 11 (2) For subsection (1), the *Casino (Electronic Gaming) Act 2017*,
12 section 26 and part 7 apply to the operation of the gaming machine as
13 if a reference to—
- 14 (a) a casino gaming machine included a reference to a gaming
15 machine; and
- 16 (b) a casino gaming machine authorisation included a reference to
17 an authorisation; and
- 18 (c) a casino licensee included a reference to a class C licensee.
- 19 (3) For this section, a licensee is *related* to the casino licensee if 1 or
20 more of the following apply:
- 21 (a) the licensee and the casino licensee are related bodies corporate
22 under the *Corporations Act*, section 50;
- 23 (b) the licensee and the casino licensee are associated entities under
24 the *Corporations Act*, section 50AAA;
- 25 (c) the same person is an influential person for the licensee and the
26 casino licensee;
- 27 (d) the licensee and the casino licensee have the same registered
28 office;

- 1 (e) the licensee and the casino licensee have an arrangement or
2 agreement with each other to share employees, resources,
3 facilities or services;
- 4 (f) there is a financial interdependency between the licensee and the
5 casino licensee;
- 6 (g) the licensee and the casino licensee have an arrangement or
7 agreement with each other that gives members of each licensee
8 access to reciprocal benefits from the other licensee;
- 9 (h) the licensee and the casino licensee use common branding or
10 advertise publicly as related clubs;
- 11 (i) any other circumstance prescribed by regulation.

12 (4) In this section:

13 *casino* means the casino under the *Casino Control Act 2006*.

14 *casino licensee*—see the *Casino Control Act 2006*, dictionary.

15 **30 Acquisition of gaming machines—amendment of**
16 **authorisation schedule etc**
17 **Section 100 (3), notes**

18 *substitute*

19 *Note* On receiving a notice under this section, the commission must also amend
20 the register of licences and authorisations to include details about the
21 number of authorisations for gaming machines to be held by the licensee
22 after acquiring the gaming machines mentioned in the notice (see
23 [Control Act](#), s 52 (2)).

1 **31 Storage permit—decision on application**
2 **Section 127P (2) (d), note 1**

3 *omit*
4 (see s 37H (2) (d))

5 *substitute*
6 (see [Control Act](#), s 52 (2) (d))

7 **32 Quarantine permits—notification and issue**
8 **Section 127Q (3), note**

9 *omit*
10 (see s 37H (2) (d))

11 *substitute*
12 (see [Control Act](#), s 52 (2) (d))

1 **Part 6** **Gaming Machine (Reform)**
2 **Amendment Act 2015**

3 **33 Commencement**
4 **Section 2 (4)**

5 *substitute*

- 6 (4) If schedule 1 has not commenced within 4 years beginning on the
7 commencement of section 55, it automatically commences on the first
8 day after that period.

Endnotes**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 10 May 2018.

2 Notification

Notified under the [Legislation Act](#) on 2018.

3 Republications of amended laws

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