2022

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Gaming)

Gaming Machine (Club Refuge) Amendment Bill 2022

A Bill for

An Act to amend the [Gaming Machine Act 2004](http://www.legislation.act.gov.au/a/2004-34" \o "A2004-34) and the [Gaming Machine Regulation 2004](http://www.legislation.act.gov.au/sl/2004-30)

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 2022*.

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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2001-14), s 79).

3 Legislation amended

This Act amends the [Gaming Machine Act 2004](http://www.legislation.act.gov.au/a/2004-34) and the [Gaming Machine Regulation 2004](http://www.legislation.act.gov.au/sl/2004-30).

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](http://www.legislation.act.gov.au/a/2004-28), dictionary.

hazard—see the [Emergencies Act 2004](http://www.legislation.act.gov.au/a/2004-28), 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))

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2022.

3 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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