

2014

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

GAMING MACHINE AMENDMENT REGULATION 2014 (No 2)

SUBORDINATE LAW SL2014-37

EXPLANATORY STATEMENT

**Circulated by the authority of
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Minister for Racing and Gaming**

Overview

The *Gaming Machine Act 2004* (the Act) regulates the licensing of gaming machine operators and venues, and the administration and operation of all gaming machines. For the purposes of the Act, the *Gambling and Racing Control Act 1999* (the Control Act) provides the overarching legislative framework for gambling in the Territory. The *Gaming Machine Regulation 2004* (the Regulation) has also been made under the Act.

The Control Act establishes the ACT Gambling and Racing Commission (the Commission) with a governing board. The Commission has responsibility for administration of gaming laws and control, supervision and regulation of gaming in the Territory.

Paragraph 178(2)(a) of the Act provides that the Executive may make a regulation in relation to the operation (including the restriction of the operation) of peripheral equipment for gaming machines. The Gaming Machine Amendment Regulation 2014 (No 2) (the Amendment Regulation) provides an amendment to the regulation of note acceptors.

Human Rights Implications

The amendment made to section 75(1) of the Regulation is an existing provision and has only been amended to remove the offence in relation to \$50.00 notes being accepted. The amendment to subsection 75(2) is a technical amendment only to reflect current drafting practice for a strict liability offence provision. Note that the defences available under the *Criminal Code 2002* still apply.

The strict liability offence was first inserted into the Regulation, notified 1 November 2004. The Standing Committee on Legal Affairs (performing the duties of a Scrutiny of Bills Subordinate Legislation Committee), Report No 55, dated 17 August 2004, provided no comment on section 75 of the Regulation being a strict liability offence.

Notes on clauses

Clause 1 - Name of regulation

This is a formal requirement and identifies the regulation as the *Gaming Machine Amendment Regulation 2014 (No 2)*.

Clause 2 - Commencement

The regulation commences on the day after it is notified on the ACT Legislation Register.

Clause 3 – Legislation amended

Provides that the regulation amends the *Gaming Machine Regulation 2004*.

Clause 4 –Section 75

Clause 4 amends subsection 75(1) of the *Gaming Machine Regulation 2004* so that the offence is now limited to the acceptance of \$100.00 bank notes.

Subsection 75(2) is a technical amendment only. The provision now reflects current Parliamentary Counsel's Office drafting standards in relation to the wording of offences.