

Australian Capital Territory

Gaming Machine (Payment from Gambling Harm Prevention and Mitigation Fund—Minimum Community Contributions) Guidelines 2022 (No 1)

Disallowable instrument DI2022–87

made under the

Gaming Machine Act 2004, section 163D (3) (Payment from gambling harm prevention and mitigation fund – minimum community contributions)

EXPLANATORY STATEMENT

The *Gaming Machine Act 2004* (the Act) provides for the establishment of a Gambling Harm Prevention and Mitigation Fund (the Fund) which is maintained by the ACT Gambling and Racing Commission (the Commission) (Gaming Machine Act section 163B).

The Fund is sourced from a 0.75 percent levy on gaming machine licensees' Gross Gaming Machine Revenue, a 0.4 percent contribution from each club's net revenue, as well as contributions from Tabcorp and Casino Canberra Limited.

There are two sections in the Act under which payments can be made from the Fund:

- a) section 163C, which provides that payments can be made from the Fund in relation to money which comes into the Fund as a required payment or as a community purpose contribution by gaming machine licensees; and
- b) section 163D which provides that payments can be made in relation to money which comes in as a minimum community contribution by gaming machine licensees.

The *Gaming Machine (Payment from Gambling Harm Prevention and Mitigation Fund—Minimum Community Contributions) Guidelines 2022 (No 1)* (the Guidelines) relate to payments made under section 163D of the Act.

Purpose of the Guidelines

The Act provides that the Minister may make Guidelines about gambling harm prevention and mitigation (Gaming Machine Act section 163D (3)).

The Commission may make a payment out of the Fund under section 163D only for a purpose set out in the Guidelines under section 163D(3), and with the written approval from the Minister.

The Guidelines made under section 163D(3) outline the purposes for which payments can be made from the Fund. The purposes specify that funding proposals must:

- a) have a purpose of gambling harm prevention and mitigation, which while not required to be the primary or dominant purpose must in the opinion of the Commission be a material purpose;
- b) be actionable in the ACT and directly or indirectly benefit the ACT community or a group within it;
- c) demonstrate value for money or have a clear return on investment.

The Guidelines also note the funding priority for payments made under s 163D of the Act is projects which support the implementation of one or more of the gaming commitments under Part E (Reducing harm from gaming while supporting sustainable clubs) of the *Parliamentary and Governing Agreement for the 10th Legislative Assembly*. Having regard to this link to the *Parliamentary and Governing Agreement for the 10th Legislative Assembly*, and the anticipated timing of the election for the 11th Legislative Assembly, the Guidelines will expire on 31 August 2024.

The Guidelines are a disallowable instrument and must be presented to the ACT Legislative Assembly.