

Serial 296
Gaming Machine Amendment Bill 2001
Mr Baldwin

**A BILL
for
AN ACT**

to amend the *Gaming Machine Act*



NORTHERN TERRITORY OF AUSTRALIA
GAMING MACHINE AMENDMENT ACT 2001

No. of 2001

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2001

AN ACT

to amend the *Gaming Machine Act*

[Assented to 2001]
[Second reading 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Gaming Machine Amendment Act 2001*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Gaming Machine Act* is in this Act referred to as the Principal Act.

4. New section

The Principal Act is amended by inserting after section 2 the following:

"2A. Objectives

"The objectives of this Act are –

- (a) to promote the responsible operation and use of gaming machines;

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- (b) to ensure the probity and integrity of participants in the gaming industry;
- (c) to ensure the fairness of games, the integrity of gaming systems and the delivery of quality services to game players; and
- (d) in relation to the grant or renewal of a gaming machine licence to a club – to ensure that, as a result of the grant or renewal, the club will improve the amenity of its neighbourhood,

in order to maximise the welfare of the community as a whole."

5. Definitions

Section 3 of the Principal Act is amended by inserting "an authorised person appointed under section 21 and" after "includes" in the definition of "inspector".

6. New section

The Principal Act is amended by inserting after section 20 the following:

"21. Authorised persons

"(1) The Director may, in writing, appoint a person who is not an employee within the meaning of the *Public Sector Employment and Management Act* to be an authorised person for the purposes of this Act.

"(2) An authorised person may exercise the powers and perform the functions of an inspector that are specified in the appointment."

7. Secrecy

Section 22 of the Principal Act is amended –

- (a) by omitting from subsection (2)(a) "disclosure; or" and substituting "disclosure;";
- (b) by omitting from subsection (2)(b)(iv) "person." and substituting "person; or"; and
- (c) by adding at the end of subsection (2) the following:

"(c) the information is about –

- (i) the number of gaming machines on any licensed premises;
- (ii) the performance of gaming machines on any licensed premises; or

- (iii) the profit distribution of a club."

8. Application for gaming machine licence

Section 24 of the Principal Act is amended by inserting after subsection (3)(m) the following:

"(ma) if the applicant is a club, is to be accompanied by –

- (i) a full and reasonable description of the club's neighbourhood;
- (ii) a statement of the proportions in which the club's profits have been, or are proposed to be, allocated or distributed –
 - (A) to improve the club's facilities and services and to the club's reserves;
 - (B) for the purposes of the club as set out in the club's rules, constitution or other incorporating documents or, if the applicant is a federation of clubs, for the purposes of each constituent club as set out in each constituent club's rules, constitution or other incorporating documents;
 - (C) towards development of the club's neighbourhood; and
 - (D) as donations to or funding for community, recreational or service organisations operating in the club's neighbourhood;
- (iii) a statement of –
 - (A) the proportion that the allocation or distribution referred to in subparagraph (ii)(B) bears to the aggregate of the allocations or distributions referred to in subparagraph (ii)(B), (C) and (D); and
 - (B) the proportion that the aggregate of the allocations or distributions referred to in subparagraph (ii)(C) and (D) bears to the aggregate of the allocations or distributions referred to in subparagraph (ii)(B), (C) and (D); and
- (iv) a statement of –

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- (A) the proportion that the number of full members of the club bears to the total number of members of the club; and
- (B) the proportion that the number of members of the club who are not full members bears to the total number of members of the club;"

9. Consideration of application

Section 25 of the Principal Act is amended –

- (a) by inserting after subsection (3)(c) the following:

"(ca) if the applicant is a federation of clubs, the business reputation and financial stability of each constituent club and the general reputation and character of the secretary and executive officers of each constituent club;"

- (b) by inserting after subsection (8) the following:

"(8A) In determining an application for a gaming machine licence by a club, the Commission must have regard to the improvements to the amenity of its neighbourhood that the club will make, or proposes to make, if the licence is granted."; and

- (c) by omitting subsection (14) and substituting the following:

"(14) The number of gaming machines determined under subsection (12) –

- (a) is not to be greater than the number applied for or the maximum number prescribed for the category of licensed premises to which the licensed premises the subject of the application belongs; and
- (b) is not to result in the number of machines in the locality of the licensed premises or in the Territory exceeding the maximum number of machines (if any) prescribed for that locality or for the Territory."

10. Renewal of gaming machine licence

Section 36 of the Principal Act is amended –

- (a) by omitting from subsection (2)(c) "licence; and" and substituting "licence;"
- (b) by inserting after subsection (2)(c) the following:

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"(ca) if the applicant is a club, is to be accompanied by –

(i) a full and reasonable description of the club's neighbourhood;

(ii) a statement of the proportions in which the club's profits have been, or are proposed to be, allocated or distributed –

(A) to improve the club's facilities and services and to the club's reserves;

(B) for the purposes of the club as set out in the club's rules, constitution or other incorporating documents or, if the applicant is a federation of clubs, for the purposes of each constituent club as set out in each constituent club's rules, constitution or other incorporating documents;

(C) towards development of the club's neighbourhood; and

(D) as donations to or funding for community, recreational or service organisations operating in the club's neighbourhood;

(iii) a statement of –

(A) the proportion that the allocation or distribution referred to in subparagraph (ii)(B) bears to the aggregate of the allocations or distributions referred to in subparagraph (ii)(B), (C) and (D); and

(B) the proportion that the aggregate of the allocations or distributions referred to in subparagraph (ii)(C) and (D) bears to the aggregate of the allocations or distributions referred to in subparagraph (ii)(B), (C) and (D); and

(iv) a statement of –

(A) the proportion that the number of full members of the club bears to the total number of members of the club; and

(B) the proportion that the number of members of the club who are not full members bears to the total number of members of the club;"; and

(c) by inserting after subsection (4) the following:

"(4A) In determining an application under subsection (1) by a club, the Director must have regard to the improvements to the amenity of its neighbourhood that the club has made during the term of the licence and will make, or proposes to make, if the licence is renewed."

11. Regulations

Section 194 of the Principal Act is amended –

- (a) by omitting from subsection (2) "Without limiting the generality of subsection (1), the Regulations" and substituting "The Regulations"; and
- (b) by adding at the end the following:

"(3) The Regulations may –

- (a) prescribe the maximum number of gaming machines for a locality or for the Territory or a method of calculating the maximum number of gaming machines for a locality or for the Territory;
- (b) provide for the Commission to declare a number prescribed under paragraph (a) and to declare the period during which that number has effect; or
- (c) make provision in the event that a number prescribed under paragraph (a) is less than the number of gaming machines in a locality or in the Territory.

"(4) The Regulations may –

- (a) prohibit the grant or renewal of a gaming machine licence to a club that is within a specified distance of a casino;
- (b) regulate the transfer of ownership of gaming machines from the Territory to another person, which may include imposing fees or charges in relation to the transfer;
- (c) provide for the rights and obligations of licensees in relation to gaming machines that are not transferred from the Territory to another person, which may include imposing fees or charges in relation to the machines;
- (d) provide for the rights and obligations of licensees in relation to gaming machines owned by the licensees;
- (e) regulate the disposal or transfer of gaming machines by or on behalf of licensees;

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- (f) regulate the financing of gaming machines and finance providers in relation to finance provided for gaming machines;
 - (g) regulate monitoring systems and monitoring providers;
 - (h) prescribe the information to be provided to the Director by monitoring providers, licensed repairers, listed persons or any other persons who are licensed or otherwise authorised under this Act; or
 - (i) prescribe the information to be provided to the Director about licensed premises."
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