



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009–2010–2011–2012

MINUTES OF PROCEEDINGS

No. 156

THURSDAY, 23 AUGUST 2012

1 The Assembly met at 10 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Rattenbury) ordered the bells to be rung. A quorum having been formed, the Speaker took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 PETITION

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Smyth, from 2020 residents, requesting that the Assembly direct the ACT Government to retain Block 2 Section 590 Chisholm as a community park (Pet 139).

3 STATUTORY APPOINTMENTS—CONSIDERATION OF—CONTINUING RESOLUTION

Mr Rattenbury (Speaker), pursuant to notice, moved—That the following continuing resolution be adopted:

Consideration of Statutory Appointments

That:

- (1) recognising that the Executive has a role in making appointments to statutory positions, and that the Legislature has a role in being consulted and, in one case, having a veto over an appointment, both individual members of the Executive and the relevant committee of the Legislative Assembly shall ensure that details of proposed appointments remain confidential until the appointment is made;



- (2) to promote accountability and transparency, the relevant standing committees that consider statutory appointments shall, on a six monthly basis (that is, for the periods 1 January to 30 June and from 1 July to 31 December), make a statement to the Assembly in accordance with standing order 246A and present a schedule listing appointments considered during the relevant period; and
- (3) the list shall include the statutory appointment considered, the date the request for consultation was received and the date the committee's feedback was provided.

Debate ensued.

Question—put and passed.

4 FINANCIAL MANAGEMENT ACT—FINANCIAL MANAGEMENT (CREDIT FACILITY) APPROVAL 2012 (NO. 1)—DISALLOWABLE INSTRUMENT DI2012-208—MOTION TO DISALLOW

Mr Barr (Treasurer), pursuant to notice, moved—That Disallowable Instrument DI2012-208, being the Financial Management (Credit Facility) Approval 2012 (No. 1) be disallowed.

Debate adjourned (Mr Smyth) and the resumption of the debate made an order of the day for a later hour this day.

5 EDUCATION, TRAINING AND YOUTH AFFAIRS—STANDING COMMITTEE—REPORT 9—REPORT ON ANNUAL AND FINANCIAL REPORTS 2010-2011—REPORT NOTED

Ms Bresnan (Chair) presented the following report:

Education, Training and Youth Affairs—Standing Committee—Report 9—*Report on Annual and Financial Reports 2010-2011*, dated 14 August 2012, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

6 EDUCATION, TRAINING AND YOUTH AFFAIRS—STANDING COMMITTEE—REPORT 10—ACCOMMODATION NEEDS OF TERTIARY EDUCATION STUDENTS IN THE A.C.T.—REPORT NOTED

Ms Bresnan (Chair) presented the following report:

Education, Training and Youth Affairs—Standing Committee—Report 10—*Accommodation needs of tertiary education students in the ACT*, dated 14 August 2012, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

7 HEALTH, COMMUNITY AND SOCIAL SERVICES—STANDING COMMITTEE—REPORT 8—THE PROVISION OF SOCIAL HOUSING IN THE A.C.T.—REPORT NOTED

Mr Doszpot (Chair) presented the following report:

Health, Community and Social Services—Standing Committee—Report 8—*The Provision of Social Housing in the ACT*, dated August 2012, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

8 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 28—REVIEW OF AUDITOR-GENERAL'S REPORT NO. 5 OF 2011: 2010-11 FINANCIAL AUDITS—REPORT NOTED

Ms Le Couteur (Chair) presented the following report:

Public Accounts—Standing Committee—Report 28—*Review of Auditor-General's Report No. 5 of 2011: 2010-11 Financial Audits*, dated 31 July 2012, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate ensued.

Question—put and passed.

9 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

10 GAMING MACHINE AMENDMENT BILL 2011

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put.

The Assembly voted—

AYES, 11

Mr Barr
Dr Bourke
Ms Burch
Mr Coe
Mr Corbell
Mr Doszpot

Ms Gallagher
Mr Hanson
Mr Hargreaves
Mr Seselja
Mr Smyth

NOES, 4

Ms Bresnan
Ms Hunter
Ms Le Couteur
Mr Rattenbury

And so it was resolved in the affirmative.

Detail Stage

Bill, by leave, taken as a whole—

Ms Burch (Minister for Gaming and Racing), by leave, moved her amendments Nos. 1 to 64 together (*see* Schedule 1).

Paper: Ms Burch presented a supplementary explanatory statement to the Government amendments.

Debate continued.

Mr Smyth moved his amendment No. 1 (*see* Schedule 2) to Ms Burch's proposed amendment No. 13.

Debate continued.

Mr Smyth's amendment to Ms Burch's amendment No. 13 agreed to.

Ms Burch's amendments, as amended, agreed to.

Question—That the Bill, as a whole, as amended, be agreed to—put.

Debate continued.

Question—put and passed.

Question—That this Bill, as amended, be agreed to—put and passed.

11 ROAD TRANSPORT (THIRD-PARTY INSURANCE) AMENDMENT BILL 2011

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

Detail Stage

Clause 1—

Debate adjourned (Mr Barr—Treasurer) and the resumption of the debate made an order of the day for the next sitting.

12 PUBLIC INTEREST DISCLOSURE BILL 2012

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Ms Hunter, by leave, her amendments Nos. 1 to 3 (*see* Schedule 3) were made together, after debate.

Bill, as a whole, as amended, agreed to.

Question—That this Bill, as amended, be agreed to—put and passed.

13 QUESTIONS

Questions without notice were asked.

14 PRESENTATION OF PAPERS

Ms Gallagher (Chief Minister) presented the following papers:

Intergovernmental Agreements—

List of agreements signed by the ACT Government—As at August 2012.

Ministerial level negotiations—Schedule—As at August 2012.

15 CLIMATE CHANGE, ENVIRONMENT AND WATER—STANDING COMMITTEE—REPORT 6—INQUIRY INTO THE ECOLOGICAL CARRYING CAPACITY OF THE A.C.T. AND REGION—GOVERNMENT RESPONSE

Ms Gallagher (Chief Minister) presented the following paper:

Climate Change, Environment and Water—Standing Committee—Report 6—*Inquiry into the ecological carrying capacity of the ACT and region*—Government response, dated August 2012.

16 PRESENTATION OF PAPER

Ms Gallagher (Minister for Health) presented the following paper:

Health Act, pursuant to subsection 15(4)—ACT Local Hospital Network Council—Annual report to the ACT Minister for Health—2011-2012 Financial Year.

17 PRESENTATION OF PAPERS

Mr Barr (Treasurer) presented the following papers:

Territory-owned Corporations Act—

Pursuant to subsection 19(3)—Statements of Corporate Intent—

ACTTAB—1 July 2012 to 30 June 2013.

ACTEW Corporation Ltd—2012-2013 to 2015-2016.

Pursuant to subsection 9(2)—ACTEW Corporation Limited—Amendments to the company constitution—Statement.

18 PRESENTATION OF PAPER

Mr Corbell (Attorney-General) presented the following paper:

Protection of Public Participation Act, pursuant to subsection 11(2)—Review of Act—ACT Government Report.

19 PRESENTATION OF PAPERS

Mr Corbell (Minister for the Environment and Sustainable Development) presented the following papers:

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—ACT Greenhouse Gas Abatement Scheme—Compliance and Operation of the Scheme for the 2011 Compliance Year—Report 5 of 2012, dated June 2012.

Planning and Development Act, pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 April to 30 June 2012.

20 PRESENTATION OF PAPER

Dr Bourke (Minister for Education and Training) presented the following paper:

Canberra Institute of Technology—WorkSafe ACT report—Implementation of actions arising from the WorkSafe ACT Improvement Notice issued to Canberra Institute of Technology on 11 April 2012—Progress report.

21 PRESENTATION OF PAPER

Dr Bourke (Minister for Industrial Relations) presented the following paper:

OHS Liaison Officer Funding—Review—Government response, dated August 2012.

22 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

Detail Stage

Bill, by leave, taken as a whole—

Mrs Dunne, by leave, moved her amendments Nos. 1 and 2 together (*see* Schedule 4).

Debate continued.

Question—put.

The Assembly voted—

AYES, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

NOES, 11

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher
Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

And so it was negatived.

Debate continued.

Bill, as a whole, agreed to.

Question—That this Bill be agreed to—put and passed.

23 SUSPENSION OF STANDING ORDERS—ASSEMBLY BUSINESS—CONSIDERATION OF ORDER OF THE DAY

Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent order of the day, Assembly business, relating to the disallowance of Disallowable Instrument DI2012-208 being called on forthwith.

Question—put and passed, with the concurrence of an absolute majority.

24 FINANCIAL MANAGEMENT ACT—FINANCIAL MANAGEMENT (CREDIT FACILITY) APPROVAL 2012 (NO. 1)—DISALLOWABLE INSTRUMENT DI2012-208—MOTION TO DISALLOW

The order of the day having been read for the resumption of the debate on the motion of Mr Barr (Treasurer) (*see* [entry 4](#))—

Debate resumed.

Question—put and negatived.

25 SUSPENSION OF STANDING ORDERS—CONSIDERATION OF ASSEMBLY BUSINESS

Mr Corbell (Manager of Government business) moved—That so much of the standing orders be suspended as would prevent orders of the day Nos. 1 and 10, Assembly business, relating to the Report of the Select Committee on Estimates 2012-2013 and the Government response, being called on and debated cognately with orders of the day Nos. 5 and 6, Executive business, relating to the Appropriation Bill 2012-2013 and the Appropriation (Office of the Legislative Assembly) Bill 2012-2013.

Question—put and passed, with the concurrence of an absolute majority.

26 APPROPRIATION BILL 2012-2013 AND APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2012-2013—ALLOTMENT OF TIME

Mr Corbell (Manager of Government Business), by leave, moved—That the following times be allotted for consideration of the Appropriation Bill 2012-2013 and Appropriation (Office of the Legislative Assembly) Bill 2012-2013:

Appropriation Bill 2012-2013

Part 1.1	ACT Executive	15 minutes
Part 1.2	Auditor-General	20 minutes
Part 1.3	Chief Minister and Cabinet Directorate	45 minutes
Part 1.4	Health Directorate	1 hour
Part 1.5	ACT Local Hospital Network	30 minutes
Part 1.6	Territory and Municipal Services Directorate	1 hour
Part 1.7	Treasury Directorate	1 hour
Part 1.8	Shared Services Centre	30 minutes
Part 1.9	Superannuation Provision Account	10 minutes
Part 1.10	Territory Banking Account	10 minutes
Part 1.11	Economic Development Directorate	1 hour
Part.1.12	Justice and Community Safety Directorate	1 hour
Part 1.13	Environment and Sustainable Development Directorate	1 hour
Part 1.14	Community Services Directorate	1 hour
Part 1.15	Housing ACT	1 hour
Part 1.16	Education and Training Directorate	1 hour
Part 1.17	ACT Gambling and Racing Commission	20 minutes

Part 1.18	ACT Public Cemeteries Authority	10 minutes
Part 1.19	ACTEW Corporation	30 minutes
Part 1.20	Canberra Institute of Technology	40 minutes
Part 1.21	Cultural Facilities Corporation	30 minutes
Part 1.22	Exhibition Park Corporation	30 minutes
Part 1.23	Independent Competition and Regulatory Commission	20 minutes
Part 1.24	Legal Aid Commission (ACT)	30 minutes
Part 1.25	Public Trustee for the ACT	10 minutes
Part 1.26	Treasurer's Advance	20 minutes
Appropriation (Office of the Legislative Assembly) Bill 2012-2013		40 minutes
Question—put and passed.		

27 APPROPRIATION BILL 2012-2013

The Assembly, according to order, resumed consideration at the detail stage.

Detail Stage

Schedule 1—Appropriations—Proposed expenditure—

Part 1.1—ACT Executive—\$6 639 000 (payments on behalf of Territory), totalling \$6 639 000—debated and agreed to.

Part 1.2—Auditor-General—\$2 545 000 (net cost of outputs), totalling \$2 545 000—debated and agreed to.

Part 1.3—Chief Minister and Cabinet Directorate—\$36 919 000 (net cost of outputs), \$2 946 000 (capital injection), totalling \$39 865 000—debated and agreed to.

Part 1.4—Health Directorate—\$365 860 000 (net cost of outputs), \$237 882 000 (capital injection), \$746 000 (payments on behalf of Territory), totalling \$604 488 000—debated and agreed to.

Part 1.5—ACT Local Hospital Network—\$429 135 000 (net cost of outputs), totalling \$429 135 000—debated.

Suspension of standing orders—Appropriation Bill 2012-2013—Vote on proposed expenditure Part 1.5: Mr Corbell (Manager of Government Business) moved—That so much of the standing orders be suspended as would prevent the Assembly proceeding to a vote on the question—That Part 1.5—ACT Local Hospital Network—be agreed to.

Debate ensued.

Question—put and passed, with the concurrence of an absolute majority

Question—put.

The Assembly voted—

AYES, 17		NOES, 0
Mr Barr	Mr Hanson	
Dr Bourke	Mr Hargreaves	
Ms Bresnan	Ms Hunter	
Ms Burch	Ms Le Couteur	
Mr Coe	Ms Porter	
Mr Corbell	Mr Rattenbury	
Mr Doszpot	Mr Seselja	
Mrs Dunne	Mr Smyth	
Ms Gallagher		

And so it was resolved in the affirmative—Proposed expenditure agreed to.

Part 1.6—Territory and Municipal Services Directorate—\$291 511 000 (net cost of outputs), \$266 508 000 (capital injection), totalling \$558 019 000—debated.

Adjournment negatived: It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Ms Gallagher (Minister for Territory and Municipal Services) requiring the question to be put forthwith without debate—

Question—put and negatived.

Debate continued.

Proposed expenditure agreed to.

Part 1.7—Treasury Directorate—\$43 366 000 (net cost of outputs), \$81 479 000 (capital injection), \$17 782 000 (payments on behalf of Territory), totalling \$142 627 000—debated.

Question—put.

The Assembly voted—

AYES, 11		NOES, 6
Mr Barr	Mr Hargreaves	Mr Coe
Dr Bourke	Ms Hunter	Mr Doszpot
Ms Bresnan	Ms Le Couteur	Mrs Dunne
Ms Burch	Ms Porter	Mr Hanson
Mr Corbell	Mr Rattenbury	Mr Seselja
Ms Gallagher		Mr Smyth

And so it was resolved in the affirmative—Proposed expenditure agreed to.

Part 1.8—Shared Services Centre—\$12 173 000 (net cost of outputs), \$8 616 000 (capital injection), totalling \$20 789 000—debated and agreed to.

Part 1.9—Superannuation Provision Account—\$147 649 000 (capital injection), totalling \$147 649 000—debated and agreed to.

Part 1.10—Territory Banking Account—\$214 000 (capital injection), \$33 261 000 (payments on behalf of Territory), totalling \$33 475 000—debated and agreed to.

Part 1.11—Economic Development Directorate—\$75 236 000 (net cost of outputs), \$182 145 000 (capital injection), \$7 772 000 (payments on behalf of Territory), totalling \$265 153 000—debated and agreed to.

Part 1.12—Justice and Community Safety Directorate—\$246 937 000 (net cost of outputs), \$30 530 000 (capital injection), \$151 497 000 (payments on behalf of Territory), totalling \$428 964 000—debated.

The time allotted for debate on proposed expenditure Part 1.12 having expired—

Question—put and passed—Proposed expenditure agreed to.

Part 1.13—Environment and Sustainable Development Directorate—\$74 824 000 (net cost of outputs), \$21 052 000 (capital injection), \$1 767 000 (payments on behalf of Territory), totalling \$97 643 000—debated.

The time allotted for debate on proposed expenditure Part 1.13 having expired—

Question—put and passed—Proposed expenditure agreed to..

Part 1.14—Community Services Directorate—\$229 199 000 (net cost of outputs), \$30 993 000 (capital injection), \$41 658 000 (payments on behalf of Territory), totalling \$301 850 000—

Debate adjourned (Mr Corbell—Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

28 ADJOURNMENT

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

The Assembly continuing to sit until after midnight—
Friday, 24 August 2012

Debate continued.

Question—put and passed.

And then the Assembly, at 12.05 a.m., adjourned until 10 a.m. this day.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

GAMING MACHINE AMENDMENT BILL 2011

Amendments circulated by the Minister for Gaming and Racing

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2

Commencement

- (1) This Act (other than sections 13 and 14) commences on 1 January 2013.
- (2) Sections 13 and 14 commence on a day fixed by the Minister by written notice.
- (3) If sections 13 and 14 have not commenced within 12 months beginning on their notification day, they automatically commence on the first day after that period.
- (4) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to sections 13 and 14.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, 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, s 77 (1)).

2

Clause 4

Page 3, line 2—

omit clause 4, substitute

4

Applications to be dealt with in order of receipt Section 10 (1)

substitute

- (1) This section applies to initial licence applications.

3

Proposed new clause 4A

Page 3, line 4—

insert

4A New section 10A*in division 2.2, insert***10A Initial licence applications—eligibility**

A person may make an initial licence application only if the person—

- (a) is not a club; or
- (b) is a club and does not already hold a licence.

4
Proposed new clause 4B
Page 3, line 4—

*insert***4B Section 11 heading***substitute***11 Initial licence applications—contents**

5
Proposed new clause 4C
Page 3, line 4—

*insert***4C Issue of licences
Section 12 (2) (d)***omit*

allowed)

substitute

allowed in ACT)

6
Clause 6
Page 3, line 16—

*omit clause 6, substitute***6 No available gaming machines
Section 17 (1)***omit*

applicant for an initial licence

substitute

initial licence application

7

Proposed new clauses 6A to 6D

Page 3, line 18—

*insert***6A Section 17 (1) (a)***substitute*

- (a) there are no gaming machines in the pool of available gaming machines; and

6B Section 17 (1), note*substitute*

Note *Pool of available gaming machines*—see s 36A.

6C Section 17 (2) (a)*substitute*

- (a) tell the applicant that there are no gaming machines in the pool of available gaming machines; and

6D Section 17 (2) (b) (i)*substitute*

- (i) there are gaming machines in the pool of available gaming machines; or

8

Clause 7

Page 3, line 19—

*omit clause 7, substitute***7 Social impact assessment
Section 18 (1) and note***substitute*

- (1) A social impact assessment for an application is a written assessment of the likely economic and social impact of the operation of gaming machines—
 - (a) for an initial licence application—under the proposed licence; or
 - (b) for a licence amendment application—under the licence as proposed to be amended; or
 - (c) for an application for an in-principle approval—under the proposed in-principle approval; or
 - (d) for an application for amendment of an in-principle approval—under the in-principle approval as proposed to be amended.

Note A social impact assessment is required for:

- an initial licence application (see s 11 (2) (a))
- some licence amendment applications (see s 23 (1) and s 26AA (2))
- an application for an in-principle approval (see s 38E, which requires applications to comply with s 11 or s 23)
- some applications for amendment of in-principle approvals (see s 38M).

9

Proposed new clause 7A

Page 3, line 24—

insert

**7A Publication of social impact assessments by applicant
Section 19 (1)**

omit

licence or amendment of a licence

substitute

licence, amendment of a licence, in-principle approval or amendment of in-principle approval

10

Proposed new clause 7B

Page 3, line 24—

insert

7B Section 19 (5)

substitute

(5) The applicant must—

- (a) on or before the day the advertisement is published, place a sign (the *information sign*) containing information about the application in a prominent position—
 - (i) for a licence application or licence amendment application—outside each public entrance to the premises to which the application relates; or
 - (ii) for an application for an in-principle approval or amendment of in-principle approval—on the land at the address to which the approval applies; and
- (b) ensure that the sign stays there for the 6-week comment period.

- (5A) However, an applicant for an in-principle approval need not comply with subsection (5) if it would be impractical to do so.

Examples—impractical to place sign at address

- 1 there is no road access to the address
- 2 building work is being carried out at the address

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

11

Proposed new clause 7C

Page 3, line 24—

insert

7C

**Eligibility of individuals
Section 20 (3) (d) (i), new note**

insert

Note **Licence** is defined in s 56 and includes:

- in-principle approval
- authorisation to conduct a linked-jackpot arrangement
- multi-user permit.

12

Clause 8

Proposed new section 22 (e)

Page 4, line 15—

omit proposed new section 22 (e), substitute

- (e) if the licensee is a club and holds more than 1 licence—decrease the number of gaming machines allowed under 1 or more licences by a total of not more than the relevant number of machines and increase the number of machines allowed under 1 other licence by the same number, to enable the licensee to relocate the gaming machines (*a small-scale machine relocation amendment*); or
- (ea) if the licensee is a club and holds more than 1 licence—decrease the number of gaming machines allowed under 1 or more licences by a total of more than the relevant number of machines and increase the number of machines allowed under 1 other licence by the same number, to enable the licensee to relocate the gaming machines (*a large-scale machine relocation amendment*); or

13

Clause 8

Proposed new section 22 (2)

Page 5, line 13—

insert

(2) In this section:

relevant number of machines, for a small-scale machine relocation amendment or a large-scale machine relocation amendment, means the smaller of the following number of machines:

- (a) 10;
- (b) 10% of the number of machines authorised to be operated under a licence at the licensed premises to which the machines are to be relocated (rounded down to the nearest whole number).

14

Clause 8

Proposed new section 23 (1) (g) (ii) (B)

Page 6, line 6—

omit proposed new section 23 (1) (g) (ii) (B), substitute

- (B) a plan of the new venue, showing the proposed gaming area; and

15

Clause 8

Proposed new section 23 (1) (ga)

Page 6, line 11—

insert

- (ga) for a small-scale machine relocation amendment—
 - (i) state the number of machines to be relocated; and
 - (ii) be accompanied by a plan of the licensed premises showing where the gaming machines are to be relocated; and

16

Clause 8

Proposed new section 23 (1) (h)

Page 6, line 12—

omit

machine relocation amendment

substitute

large-scale machine relocation amendment

17
Clause 8**Proposed new section 23 (2) (a) and (b)****Page 7, line 22—***omit*

particular

substitute

stated

18
Clause 8**Proposed new section 26 (2A) and (2B)****Page 9, line 11—***insert*

- (2A) Also, the commission may amend the licence to allow the licensee to temporarily store not more than 10% of the machines authorised under the licence, for not longer than 12 months, if satisfied that no machines under the licence have been stored under this subsection in the 12 months preceding the application.
- (2B) Subsection (2A) and this subsection expire 3 years after the day this subsection commences.

19
Clause 8**Proposed new section 26A (2) (a)****Page 9, line 20—***omit*

the new venue

substitute

both the new venue and the proposed gaming area

20
Clause 8**Proposed new section 26AA****Page 10, line 18—***insert***26AA Licence amendment decision—small-scale machine relocation amendment**

- (1) This section applies if a licensee applies for a small-scale machine relocation amendment under section 22 (e).
- (2) If the commission is concerned that there may be a significant social impact if the licences are amended as proposed in the application, the commission may, by notice in writing to the applicant, require the applicant to provide—

- (a) a social impact statement for the application; or
- (b) a social impact assessment for the application.

Examples—concern about possible significant social impact because of licence amendment

- 1 concern that the harm minimisation strategies for the premises may not be sufficient to deal with the increased number of machines at the premises, potentially causing risk to patrons and people in the local community
- 2 concern that multiple previous small-scale machine relocations to the premises may have resulted in a significant increase in the number of machines at the premises, with possible consequential negative social impact
- 3 concern that the local community may be particularly vulnerable to problem gambling, and increasing the number of machines at the premises may have a detrimental effect on people in the local community
- 4 concern that the relocation may result in the number of machines in the area being significantly higher than other comparable areas, with possible consequential negative social impact

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) If a social impact statement or social impact assessment is required under subsection (2), the commission must not decide the application until—
 - (a) for a social impact statement—the applicant provides the statement; or
 - (b) for a social impact assessment—the 6-week comment period under section 19 (Publication of social impact assessments by applicant) has ended.
- (4) The commission must amend the licences in accordance with the application if satisfied that—
 - (a) the size and layout of the premises where the gaming machines are to be relocated is suitable for the operation of the machines that would be allowed under the licence; and
 - (b) if a social impact statement is required under subsection (2)—amendment of the licences in accordance with the application is appropriate, considering—
 - (i) the application; and
 - (ii) the social impact statement; and
 - (c) if a social impact assessment is required under subsection (2)—amendment of the licences in accordance with the application is appropriate, considering—
 - (i) the application; and
 - (ii) the social impact assessment; and

- (iii) each submission made about the social impact assessment within the 6-week comment period under section 19.
- (5) However, if the commission is not satisfied under subsection (4) in relation to the number of machines stated in the application, but would be satisfied in relation to fewer machines, the commission may amend the licences to relocate fewer machines.
- (6) In this section—
- social impact statement*, for a small-scale machine relocation amendment application means a written assessment of the likely economic and social impact of the operation of gaming machines under the licences as proposed to be amended that—
- (a) satisfies the requirements prescribed by regulation; and
 - (b) addresses the matters prescribed by regulation; and
 - (c) includes the information prescribed by regulation.

21

Clause 8

Proposed new section 26B heading

Page 10, line 19—

omit the heading, substitute

26B

Licence amendment decision—large-scale machine relocation amendment

22

Clause 8

Proposed new section 26B (1)

Page 10, line 21—

omit proposed new section 26B (1), substitute

- (1) This section applies if a licensee applies for a large-scale machine relocation amendment under section 22 (ea).

23

Clause 11

Page 14, line 18—

[oppose the clause]

24

Proposed new clause 11A

Page 14, line 21—

insert

11A Section 32 (2) (b)*omit*

statement

substitute

assessment

25**Clause 12****Proposed new section 34A****Page 15, line 3—***omit proposed new section 34A, substitute***34A Intention to reduce maximum number of gaming machines to 4 000, then maintain per capita ratio**

- (1) It is the intention of the Legislative Assembly that the maximum number of gaming machines allowed on all licensed premises in the ACT be reduced to 4 000 as gaming machines are surrendered or cancelled over time, while keeping a pool of up to 150 available gaming machines (see s 35).
- (2) After the number of gaming machines has been reduced to 4 000, the maximum number of gaming machines allowed on all licensed premises in the ACT is to be maintained at a per capita ratio (to be decided in accordance with section 36) so that the maximum number changes as the population of the Territory changes (see s 36).

26**Clause 12****Proposed new section 35 (1), definition of *number cancelled*****Page 15, line 15—***omit*

2012

substitute

2013

27**Clause 12****Proposed new section 35 (1), definition of *number surrendered*****Page 15, line 17—***omit*

2012

substitute

2013

28**Clause 12****Proposed new section 35 (1), definition of *starting number*****Page 15, line 20—***omit*

2011

substitute

2012

29**Clause 12****Proposed new section 35 (1A)****Page 15, line 20—***insert*

- (1A) However, when a machine is surrendered or cancelled, the maximum number is reduced under subsection (1)—
- (a) only if the surrender or cancellation would result in the pool of available gaming machines containing more than 150 gaming machines; and
 - (b) if the pool would contain more than 150 gaming machines—only by the number that would reduce the number of gaming machines in the pool to 150.

Examples

- 1 On 1 April, the maximum number is 5 000 and there are 20 machines in the pool. On 2 April, 100 machines are surrendered. The maximum number is not reduced and there are now 120 machines in the pool.
- 2 On 1 June, the maximum number is 5 000 and there are 120 machines in the pool. On 2 June, 50 machines are surrendered. The maximum number is reduced to 4 980, keeping 150 machines in the pool.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

30**Clause 12****Proposed new section 36 (ab)****Page 17, line 20—***insert*

- (ab) as part of the review, recommend a per capita ratio to be used to work out the maximum number of gaming machines to be allowed on all licensed premises in the ACT in the future; and
-

31
Clause 12**Proposed new section 36 (b)****Page 17, line 21—***omit proposed new section 36 (b), substitute*

- (b) present a report of the review (including the recommended per capita ratio) to the Legislative Assembly within 6 months after the day the review is started.

32
Clause 12**Proposed new section 36A****Page 17, line 22—***insert***36A Meaning of *pool of available gaming machines***

- (1) In this Act:

pool of available gaming machines (or *pool*) means the gaming machines that are available to be—

- (a) reserved under an in-principle approval; or
 (b) authorised under a licence.

- (2) The number of gaming machines in the pool is to be worked out as follows:

number in pool = maximum number – number allocated

maximum number means the maximum number of gaming machines allowed on all licensed premises in the ACT under section 35.

number allocated means the total number of gaming machines—

- (a) reserved under in-principle approvals in the ACT; or
 (b) authorised under licences in the ACT.

33
Proposed new clause 12A**Page 17, line 22—***insert***12A New part 2A***insert*

Part 2A In-principle approvals for licences, venue relocation amendments and new venue amendments

Division 2A.1 Preliminary

38A Object—pt 2A

The object of this part is to allow a person to obtain authority to, if the in-principle approval is later converted into a licence or amendment, install and operate a number of gaming machines at an address at unleased land before—

- (a) the person acquires an interest in the land or premises at the address; or
- (b) plans are prepared for the premises proposed to be licensed at the address; or
- (c) for a club—the voting members of the club vote in a ballot conducted under the regulation for the club having gaming machines at the address.

38B Definitions

In this Act:

approval-holder means a person who is a holder of an in-principle approval under this part.

in-principle approval means an in-principle approval for a—

- (a) licence; or
- (b) venue relocation amendment of a licence; or
- (c) new venue amendment of a licence.

38C What is an *in-principle approval*?

- (1) An in-principle approval for a licence authorises the approval-holder to, if the approval is later converted into a licence under section 38U—
 - (a) acquire and dispose of the gaming machines reserved under the approval; and
 - (b) install and operate the gaming machines reserved under the approval on the licensed premises in accordance with the licence.
- (2) An in-principle approval for a venue relocation amendment authorises the approval-holder to, if the approval is later converted into a venue relocation amendment under section 38V, relocate to the new venue.

- (3) An in-principle approval for a new venue amendment authorises the approval-holder to, if the approval is later converted into a new venue amendment under section 38W—
- (a) decrease the number of gaming machines allowed under 1 licence; and
 - (b) move the gaming machines to premises for which a new licence is to be issued.

Note A regular application for a:

- licence may be made under s 11
- venue relocation amendment may be made under s 22 (d)
- new venue amendment may be made under s 22 (f).

Division 2A.1 Applications for in-principle approvals

38D In-principle approval—applications

- (1) A person may apply for an in-principle approval for a licence only if—
- (a) the person—
 - (i) is not a club; or
 - (ii) is a club and either—
 - (A) does not hold a licence; or
 - (B) holds only 1 licence; and
 - (b) the land at the address for which the approval is sought is suitable land.
- (2) A licensee may apply for an in-principle approval for a venue relocation amendment, or a new venue amendment, if the land at the address for which the approval is sought is suitable land.
- (3) In this section:

suitable land means land that is—

- (a) unleased land; and
- (b) to be leased with a purpose clause permitting use of the land for 1 or more of the following:
 - (i) a club;
 - (ii) a drink establishment;
 - (iii) a hotel;
 - (iv) an indoor entertainment facility;
 - (v) a restaurant.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38E In-principle approval—contents of applications

- (1) An in-principle approval application—
 - (a) for a licence—
 - (i) must comply with the requirements for an application for a licence under section 11 (1), (2), (3) and (4); but
 - (ii) need not comply with—
 - (A) section 11 (1) (e) in relation to the kind, coin denomination and percentage payout of the gaming machines sought; or
 - (B) section 11 (2) (b) or (3) (d); and
 - (b) for a venue relocation amendment—
 - (i) must comply with the requirements for an application for a venue relocation amendment under section 23 (1) (a), (b), (c), (g) and (2); but
 - (ii) need not comply with section 23 (1) (g) (ii) (B) or (C); and
 - (c) for a new venue amendment—
 - (i) must comply with the requirements for an application for a new venue amendment under section 23 (1) (a), (b), (c), (i) and (2); but
 - (ii) need not comply with—
 - (A) section 23 (1) (i) (ii) (A) in relation to section 11 (2) (b) or (3) (d); or
 - (B) section 23 (1) (i) (ii) (D).
- (2) The commission need not decide the application if the application is not in accordance with this section.

Division 2A.2 Issue of in-principle approvals**38F In-principle approval decision—licence**

- (1) This section applies if the commission receives an application for an in-principle approval for a licence under section 38D (1) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if—
 - (a) satisfied that, were the application an application for a licence, the commission would issue the licence under section 12 (Issue of licences); and
 - (b) there are enough reservable gaming machines for the approval.

Example—enough machines to reserve number needed

A is issued an in-principle approval for 100 gaming machines at block 10, section 403, Bonner. There are now no gaming machines left in the pool. B applies for an in-principle approval for 80 gaming machines at the same address. The commission may issue the approval to B because 100 machines have already been reserved for that address under A's approval. (Later, whoever gets their approval converted into a licence first will actually get authority to install the gaming machines.)

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(3) In making a decision under subsection (2) (a), the commission must disregard—

(a) section 12 (2) (a) in relation to section 20 (2) (a) (ii) and section 21 (1) (c); and

Note Under s 20 (2) (a) (ii) and s 21 (1) (c), a person may only be an *eligible person* if the person holds a general licence or on licence.

(b) section 12 (2) (b); and

(c) section 12 (5) (a) and (b).

(4) However, if there are some, but not enough, reservable gaming machines for the approval, and the commission is satisfied under subsection (2) (a), the commission may issue the in-principle approval in relation to a smaller number of machines.

Note An approval-holder may later apply for an amendment of the in-principle approval to increase the number of machines reserved under the approval under s 38M.

(5) In this section:

reservable gaming machine, for an in-principle approval, means a gaming machine that is—

(a) in the pool of available gaming machines; or

Note ***Pool of available gaming machines***—see s 36A.

(b) reserved under another in-principle approval for the same address.

38G In-principle approval decision—licence—no reservable gaming machines

(1) This section applies to an application for an in-principle approval for a licence if—

(a) there are no reservable gaming machines for the approval; and

(b) the commission would otherwise have issued an in-principle approval for a licence to the applicant under section 38F.

- (2) The commission must—
- (a) tell the applicant that there are no reservable gaming machines for the approval; and
 - (b) give the applicant a certificate (a *certificate of suitability*) stating that the commission would otherwise have issued an in-principle approval for the licence to the applicant and that the number of machines to be reserved for the in-principle approval will be decided when—
 - (i) there are reservable gaming machines for the approval; or
 - (ii) the commission is considering the transfer of an in-principle approval or licence to the applicant under—
 - (A) section 38P (In-principle approval—transfer decision); or
 - (B) section 32 (Transfer of licence).
- (3) In this section:
- reservable gaming machine*, for an in-principle approval—see section 38F (5).

38H In-principle approval decision—venue relocation amendment

- (1) This section applies if the commission receives an application for an in-principle approval for a venue relocation amendment under section 38D (2) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if satisfied that, were the application an application for a venue relocation amendment, the commission would make the amendment under section 26A (Licence amendment decision—venue relocation amendment).
- (3) In making a decision under subsection (2), the commission must disregard section 26A (2) (a) and (d).

38I In-principle approval decision—new venue amendment

- (1) This section applies if the commission receives an application for an in-principle approval for a new venue amendment under section 38D (3) (In-principle approval—applications).
- (2) The commission must issue the in-principle approval if satisfied that, were the application an application for a new venue amendment, the commission would make the amendment and issue the new licence under section 26C (Licence amendment decision—new venue amendment).
- (3) In making a decision under subsection (2), the commission must disregard section 26C (2) (a) and (d) and (6) (b) and (c).

38J In-principle approval—form

- (1) An in-principle approval must—
 - (a) be in writing; and
 - (b) state—
 - (i) the name of the approval-holder; and
 - (ii) the address, and block and section number, to which the in-principle approval applies; and
 - (iii) the number and class of gaming machines reserved under the in-principle approval.
- (2) A regulation may prescribe other requirements about the form of an in-principle approval.
- (3) An in-principle approval may include anything else the commission considers relevant.

38K In-principle approval—conditions

- (1) An in-principle approval is subject to the condition that the approval-holder must take reasonable steps, during the term of the approval, to acquire an interest in the land, or premises, at the address to which the in-principle approval applies.
- (2) An in-principle approval is also subject to any other condition—
 - (a) prescribed by regulation; or
 - (b) imposed by the commission when the in-principle approval is issued, extended or amended.

38L In-principle approval—term

- (1) An in-principle approval comes into force on the day when it is issued.
- (2) An in-principle approval expires 3 years after the day when it is issued.

Division 2A.3 Amendment, transfer, extension and surrender of in-principle approvals**38M In-principle approval—amendment**

- (1) An approval-holder may apply to the commission for an amendment only to—
 - (a) increase or decrease the number of gaming machines reserved under the in-principle approval; or
 - (b) remove or change a condition on the in-principle approval.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

- (2) The application must—
 - (a) be in writing signed by the approval-holder; and
 - (b) set out the proposed amendment of the licence; and
 - (c) explain why the approval-holder is seeking the amendment; and
 - (d) for an application under subsection (1) (a) to increase the number of machines—be accompanied by a social impact assessment.
- (3) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (4) The commission need not decide the amendment application if the application is not in accordance with this section.

38N In-principle approval—amendment decision

- (1) This section applies if the commission receives an application to amend an in-principle approval under section 38M.
- (2) The commission must amend the in-principle approval in accordance with the application if satisfied that the commission would issue the in-principle approval, as proposed to be amended, under—
 - (a) for an amendment of an in-principle approval for a licence—section 38F (In-principle approval decision—licence); or
 - (b) for an amendment of an in-principle approval for a venue relocation amendment—section 38H (In-principle approval decision—venue relocation amendment); or
 - (c) for an amendment of an in-principle approval for a new venue amendment—section 38I (In-principle approval decision—new venue amendment).

38O In-principle approval—application to transfer

- (1) An approval-holder may apply to the commission to transfer the in-principle approval to someone else (the *proposed new approval-holder*).
- (2) The application must—
 - (a) be in writing signed by both the approval-holder and the proposed new approval-holder; and

- (b) state the full name and address of—
 - (i) if the proposed new approval-holder is an individual—the proposed new approval-holder; and
 - (ii) if the proposed new approval-holder is a corporation—each executive officer of the corporation.
- (3) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (4) The commission need not decide the application if the application is not in accordance with this section.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38P In-principle approval—transfer decision

- (1) This section applies if the commission receives an application to transfer an in-principle approval under section 38O.
- (2) The commission must transfer the in-principle approval to the proposed new approval-holder if satisfied that, were the application an application for a licence by the proposed new approval-holder, the commission would issue the licence under section 12 (Issue of licences).
- (3) In making a decision under subsection (2), the commission must disregard section 12 (2) (b) and (5) (a) and (b).

38Q In-principle approval—application for extension

- (1) An approval-holder may apply to the commission to extend the term of an in-principle approval.
- (2) The application must—
 - (a) be in writing signed by the approval-holder; and
 - (b) explain why the approval-holder is seeking the extension.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

- (3) If an approval-holder applies to extend an in-principle approval under this section, the in-principle approval remains in force until the application is decided.

38R In-principle approval—extension decision

- (1) This section applies if the commission receives an application for extension of an in-principle approval under section 38Q.

- (2) The commission must extend the in-principle approval for a period not longer than 12 months if satisfied that the extension is needed for a good reason.

38S In-principle approval—surrender

An approval-holder may surrender the in-principle approval by giving written notice of the surrender to the commission.

Division 2A.4 Conversion of in-principle approvals

38T Conversion of in-principle approval to licence or amendment—application

- (1) An approval-holder may apply to the commission to have—
- (a) an in-principle approval for a licence converted into a licence; or
 - (b) an in-principle approval for a venue relocation amendment converted into a venue relocation amendment; or
 - (c) an in-principle approval for a new venue amendment converted into a new venue amendment.
- (2) The application must—
- (a) be in writing signed by the applicant; and
 - (b) be accompanied by evidence that the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (c) for a licence—
 - (i) comply with the requirements for an application for a licence under section 11 (2) (b) and (3) (d); and
 - (ii) state the following information for each reserved gaming machine sought under the application:
 - (A) the kind of machine;
 - (B) the machine's basic stake denomination;
 - (C) the percentage payout for the machine; and
 - (d) for a venue relocation amendment—comply with the requirements for an application for a venue relocation amendment under section 23 (1) (g) (ii) (B) and (C); and
 - (e) for a new venue amendment—comply with the requirements for an application for a new venue amendment under—
 - (i) section 23 (1) (i) (ii) (A) in relation to section 11 (2) (b); and
 - (ii) section 23 (1) (i) (ii) (D).

- (3) A regulation may require an application to—
 - (a) include stated information; or
 - (b) be accompanied by stated documents.
- (4) The commission need not decide the application if the application is not in accordance with this section.

Note 1 If a form is approved under the Control Act, s 53D for an application, the form must be used.

Note 2 A fee may be determined under s 177 for an application.

38U Conversion of in-principle approval to licence— decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a licence into a licence under section 38T.
- (2) The commission must convert the in-principle approval into a licence if satisfied that—
 - (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the premises proposed to be licensed and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and
 - (c) if the approval-holder is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having gaming machines; and
 - (d) were the application an application for a licence under section 11, the commission would issue the licence under section 12 (Issue of licences).
- (3) If an in-principle approval is converted into a licence under this section, the commission must issue a licence to the applicant in the same terms, and subject to the same conditions, as the in-principle approval.
- (4) However, if the commission is not satisfied under subsection (2) (b) in relation to the kind, basic stake denomination or percentage payout of a machine stated in the application, but would be satisfied in relation to a different kind, basic stake denomination or percentage payout, the commission may convert the approval into a licence authorising a different kind, basic stake denomination or percentage payout for the machine.

38V Conversion of in-principle approval into venue relocation amendment—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a venue relocation amendment into a venue relocation amendment under section 38T.
- (2) The commission must convert the in-principle approval into the amendment if satisfied that—
 - (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the new venue and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and
 - (c) if the approval-holder is a club—a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club relocating to the new venue; and
 - (d) were the application an application for a venue relocation amendment under section 22 (d), the commission would make the amendment under section 26A (Licence amendment decision—venue relocation amendment).
- (3) If an in-principle approval is converted into a venue relocation amendment under this section, the commission must amend the licence in the way proposed in the in-principle approval.

38W Conversion of in-principle approval into new venue amendment—decision

- (1) This section applies if the commission receives an application for conversion of an in-principle approval for a new venue amendment into a new venue amendment under section 38T.
- (2) The commission must convert the in-principle approval into the amendment if satisfied that—
 - (a) the approval-holder has acquired an interest in the land, or premises, at the address to which the in-principle approval applies; and
 - (b) the size and layout of both the new venue and the proposed gaming area are suitable for the operation of the gaming machines to be authorised under the licence; and
 - (c) a majority of the voting members of the club who voted in a ballot conducted under the regulation voted for the club having the proposed number of gaming machines at the new venue; and

- (d) were the application an application for a new venue amendment, the commission would make the amendment and issue the new licence under section 26C (Licence amendment decision—new venue amendment).
- (3) If an in-principle approval is converted into a new venue amendment under this section, the commission must—
- (a) amend the licence in the way proposed in the in-principle approval; and
 - (b) issue a licence to the applicant in the same terms, and subject to the same conditions, as the in-principle approval.

38X Conversion—other in-principle approvals for the land or premises expire

- (1) This section applies if the commission converts an in-principle approval under section 38T, section 38U or section 38V.
- (2) All other in-principle approvals in relation to the land, or premises, to which the in-principle approval applied, expire.
- (3) The commission must tell each approval-holder whose in-principle approval expires under subsection (2) that their in-principle approval has expired.

34

Proposed new clause 12B
Page 17, line 22—

insert

12B Licensee to use gaming machines
Section 51 (2) (c), new example

insert

Example

the commission has granted a temporary storage amendment in relation to the gaming machine

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

35

Proposed new clause 12C
Page 17, line 22—

insert

12C Definitions for pt 4
Section 56, definition of *licence*, new paragraph (aa)

insert

- (aa) in relation to an approval-holder, means the in-principle approval;

Note *Approval-holder* and *in-principle approval*—see s 38B.

36

Proposed new clause 12D

Page 17, line 22—

insert

12D Section 56, definition of *licensee*

substitute

licensee includes—

- (a) a permit-holder under part 8; and
- (b) an approval-holder.

Note *Approval-holder*—see s 38B.

37

Proposed new clause 12E

Page 17, line 22—

insert

**12E Grounds for disciplinary action
New section 57 (2A) and (2B)**

insert

- (2A) In deciding whether an approval-holder is an eligible person under subsection (1) (d) and (e), the commission must disregard section 20 (2) (a) (ii) and section 21 (1) (c).

Note Under s 20 (2) (a) (ii) and s 21 (1) (c), a person may only be an *eligible person* if the person holds a general licence or on licence.

- (2B) Subsection (1) (f) (ii) does not apply to an approval-holder.

38

Clause 14

Proposed new section 153A (1A)

Page 18, line 11—

insert

- (1A) This section does not apply to—
- (a) a portable ATM that is located temporarily at the Canberra Racing Club on a day on which a race is to be conducted; or
 - (b) licensed premises if the licence authorises the operation of 10 or less gaming machines on the premises; or
 - (c) licensed premises if the licence authorises the operation of only class B gaming machines.

39**Clause 15****Schedule 1, proposed new items 3CA to 3CD****Page 19—***insert*

3CA	26AA (2) (a)	require social impact statement	licensee
3CB	26AA (2) (b)	require social impact assessment	licensee
3CC	26AA (4)	refuse to amend licences to allow relocation of machines	licensee
3CD	26AA (5)	amend licences to relocate fewer machines than applied for	licensee

40**Proposed new clause 15A****Page 20, line 1—***insert*

15A	Reviewable decisions
	Schedule 1, new items 6A to 6L

insert

6A	38F (2)	refuse application for in-principle approval for licence	applicant
6B	38F (4)	issue in-principle approval for smaller number of machines than applied for	approval-holder
6C	38H	refuse application for in-principle approval for venue relocation amendment	applicant
6D	38I	refuse application for in-principle approval for new venue amendment	applicant
6E	38K	issue in-principle approval subject to condition	approval-holder
6F	38N	refuse to amend in-principle approval	approval-holder
6G	38P	refuse to transfer in-principle approval	approval-holder

6H	38R	refuse to extend in-principle approval	approval-holder
6I	38U (2)	refuse to convert in-principle approval into licence	approval-holder
6J	38U (4)	convert in-principle approval into licence authorising machines different to those applied for	approval-holder
6K	38V	refuse to convert in-principle approval into venue relocation amendment	approval-holder
6L	38W	refuse to convert in-principle approval into new venue amendment	approval-holder

41

Clause 16

Page 20, line 1—

[oppose the clause]

42

Proposed new clause 16A

Page 20, line 2—

insert

16A Dictionary, new definition of *approval-holder*

insert

approval-holder—see section 38B.

43

Clause 19

Proposed new dictionary definition of *in-principle approval*

Page 20, line 11—

insert

in-principle approval—see section 38B.

44**Clause 19****Proposed new dictionary definition of *machine relocation amendment*****Page 20, line 12—***omit the definition, substitute**large-scale machine relocation amendment*—see section 22 (ea).

45**Clause 19****Proposed new dictionary definition of *pool of available gaming machines*****Page 20, line 13—***insert**pool of available gaming machines* (or *pool*)—see section 36A.

46**Clause 19****Proposed new dictionary definition of *small-scale machine relocation amendment*****Page 20, line 13—***insert**small-scale machine relocation amendment*—see section 22 (e).

47**Proposed new clause 19A****Page 20, line 17—***insert*

19A Dictionary, definition of *proposed gaming area**omit*

application

substitute

initial licence application

48**Proposed new clause 19B****Page 21, line 1—***insert*

19B Section 6 heading*substitute*

**6 Required documents for applications—Act,
s 11 (2) (e), s 23 (2) (b), s 31 (2) (c) (ii), s 38M (3) (b)
and s 38O (3) (b)**

49
Clause 20 heading
Page 21, line 2—

omit the heading, substitute

20 Section 6 (1) (b)

50
Clause 20
Proposed new section 6 (1) (ba)
Page 21, line 7—

omit proposed new section 6 (1) (ba), substitute

- (ba) an application for a large-scale machine relocation amendment;

51
Proposed new clause 20A
Page 21, line 8—

insert

20A New section 6 (1) (d) and (e)

insert

- (d) an application for amendment of an in-principle approval under the Act, section 38M, to increase the number of gaming machines reserved under the approval;
- (e) an application to transfer an in-principle approval under the Act, section 38O.

Note This section will also apply to applications for in-principle approvals under the Act, s 38E, because those applications need to comply with the requirements of the Act, s 11 (2) or s 23 (2).

52
Proposed new clause 23A
Page 21, line 23—

insert

23A Section 7, new note

insert

Note This section will also apply to applications to convert an in-principle approval to—

- (a) a licence under the Act, s 38U, because the commission needs to consider whether it would issue a licence under s 12 (see Act, s 38U (2) (d)); and

- (b) a new venue amendment under the Act, s 38W, because the commission needs to consider whether it would make the amendment and issue the new licence under the Act, s 26C (see Act, s 38W (2) (d)).

53**Proposed new clause 23B****Page 21, line 23—***insert***23B****Definitions—pt 3****Section 9, definition of *local community****omit*

statement

substitute

assessment

54**Clause 24****Proposed new definition of *relevant premises*, paragraph (b)****Page 22, line 7—***omit*

machine relocation amendment

substitute

small-scale machine relocation amendment or large-scale machine relocation amendment

55**Clause 24****Proposed new definition of *relevant premises*, new paragraph (d)****Page 22, line 10—***insert*

- (d) for an application for an in-principle approval or amendment of an in-principle approval—the land at the address to which the approval applies.

56**Proposed new clauses 24A and 24B****Page 22, line 10—***insert***24A****Requirements for social impact assessment—****Act, s 18 (2) (a)****Section 10 (1)***omit*

licence application or licence amendment application

substitute

licence application, licence amendment application, application for in-principle approval or application for amendment of an in-principle approval

24B Section 10 (2)

omit

proposed licence or the licence as proposed to be amended

substitute

proposed licence, the licence as proposed to be amended, the proposed in-principle approval or the in-principle approval as proposed to be amended

57

Proposed new clause 24C

Page 22, line 10—

insert

**24C Matters to be addressed by social impact assessment—Act, s 18 (2) (b)
Section 11 (1)**

omit

licence application or licence amendment application

substitute

licence application, licence amendment application, application for in-principle approval or application for amendment of an in-principle approval

58

Proposed new clause 25A

Page 22, line 19—

insert

**25A Information to be given in social impact assessment—
Act, s 18 (2) (c)
Section 12 (1)**

omit

licence application or licence amendment application

substitute

licence application, licence amendment application, application for in-principle approval or application for amendment of an in-principle approval

59

Proposed new clause 25B

Page 22, line 19—

*insert***25B New part 3A***insert***Part 3A Social impact statements****12A Definitions—pt 3A**

In this part:

gaming machine proposal, for a social impact statement—see section 12B (2).

local community, for a social impact statement, means the community within 3km of the premises to which the machines are to be relocated.

12B Requirements for social impact statements—Act, s 26AA (6) (a)

A social impact statement for a small-scale machine relocation amendment application must—

- (a) include an objective analysis of the likely economic and social impact of the operation of gaming machines under the licences as proposed to be amended (the *gaming machine proposal*); and
- (b) objectively identify the positive aspects or benefits of the gaming machine proposal as well as the negative aspects or detriments of the proposal.

12C Matters to be addressed by social impact statements—Act, s 26AA (6) (b)

- (1) A social impact statement for a small-scale machine relocation amendment application must address the following matters:
 - (a) the likely impact of the gaming machine proposal on the existing local community, including business activity in the local community;
 - (b) the likely impact of the gaming machine proposal on the local community, taking into account the population profile of people living in the local community, including an analysis of age and average income;
 - (c) the current harm minimisation measures taken by the licensee in relation to gaming machine activity, and the harm minimisation measures proposed to be taken in relation to the gaming machine proposal.

- (2) This section does not limit the matters that may be addressed in a social impact statement.

**12D Information to be given in social impact statements—
Act, s 26AA (6) (c)**

- (1) A social impact statement for a small-scale machine relocation amendment application must, to the extent that the information is available to the applicant, include—
- (a) the number and location of existing gambling outlets in the local community; and
 - (b) the following information for the preceding 3 years:
 - (i) the level of gaming machine activity by—
 - (A) the applicant; and
 - (B) other licensees in the local community;
 - (ii) the gaming machine revenue of the applicant;
 - (iii) the community contributions of the applicant;
 - (iv) the percentage of the gaming machine revenue distributed as community contributions; and
 - (c) the following information for the next 3 years if the application were approved:
 - (i) the expected gaming machine activity by the applicant;
 - (ii) the expected gaming machine revenue of the applicant;
 - (iii) the expected community contributions of the applicant;
 - (iv) the percentage of the expected gaming machine revenue expected to be distributed as community contributions.
- (2) This section does not limit the information that may be given in a social impact statement.

60
Clause 26
Proposed new section 14, note, new dot points
Page 23, line 5—

insert

- s 38U (2) (c)
 - s 38V (2) (c)
 - s 38W (2) (c).
-

61**Clause 27****Proposed new note 3, new dot points****Page 23, line 7—***insert*

- community contribution
- in-principle approval (see s 38B)

62**Clause 27****Proposed new note 3, first dot point****Page 23, line 8—***omit the dot point, substitute*

- large-scale machine relocation amendment (see s 22 (ea))
- small-scale machine relocation amendment (see s 22 (e))

63**Proposed new clause 28****Page 23, line 10—***insert*

28 Dictionary, definition of *gaming machine proposal**substitute****gaming machine proposal*—**

- (a) for part 3 (Social impact assessments)—see section 10 (2);
and
- (b) for part 3A (Social impact statements)—see
section 12B (2).

64**Proposed new clause 29****Page 23, line 10—***insert*

29 Dictionary, definition of *local community**substitute****local community*—**

- (a) for part 3 (Social impact assessments)—see section 9; and
 - (b) for part 3A (Social impact statements)—see section 12A.
-

Schedule 2

GAMING MACHINE AMENDMENT BILL 2011

Amendment circulated by Mr Smyth

1

Amendment 13

Proposed new section 22 (2) (a)

omit proposed new section 22 (2) (a), substitute

(a) 20;

Schedule 3

PUBLIC INTEREST DISCLOSURE BILL 2012

Amendments circulated by Ms Hunter

1

Proposed new clause 9 (3)

Page 7, line 18—

insert

- (3) Subject to any disallowance or amendment under the Legislation Act, chapter 7, a regulation made for subsection (2) commences—
- (a) if there is a motion to disallow the regulation and the motion is negated by the Legislative Assembly—on the day after the day the motion is negated; or
 - (b) on the day after the 6th sitting day after the day it is presented to the Legislative Assembly under that chapter; or
 - (c) if the regulation provides for a later date or time of commencement—on that date or at that time.
-

2

Clause 27 (4)

Page 22, line 15—

omit clause 27 (4), substitute

- (4) In making a disclosure under this section, the person —
- (a) must disclose sufficient information to show that the conduct is disclosable conduct, but not more than is reasonably necessary to show that the conduct is disclosable conduct; and
 - (b) if a public interest disclosure was made to a person mentioned in section 15—may inform the member of the Legislative Assembly or journalist about the progress and outcome of any investigation
-

3

Clause 30 (3)

Page 25, line 2—

omit

15

substitute

9

Schedule 4

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012

Amendments circulated by Mrs Dunne

1

Clause 12

Proposed new section 46 (1), penalty, paragraph (b)

Page 5, line 7—

omit proposed new section 46 (1), penalty, paragraph (b), substitute

- (b) for a computer game classified R 18+ or an unclassified computer game that is subsequently classified R 18+—
100 penalty units.
-

2

Clause 14

Proposed new section 47 (1), penalty, paragraph (ab)

Page 5, line 18—

omit proposed new section 47 (1), penalty, paragraph (ab), substitute

- (ab) for a computer game classified R 18+ or an unclassified computer game that is subsequently classified R 18+—
100 penalty units, imprisonment for 6 months or both; or
-