

TASMANIA

GAMING CONTROL (ENSURE PARLIAMENT OVERSIGHT OF POKER MACHINES CAP) AMENDMENT BILL 2003

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**GAMING CONTROL (ENSURE PARLIAMENT OVERSIGHT OF
POKER MACHINES CAP) AMENDMENT BILL 2003**

(Brought in by Kim Dion Booth MHA)

A BILL FOR

An Act to amend the *Gaming Control Act 1993* to establish an immediate cap on statewide numbers of poker machines, and to reinstate Parliament's oversight role in reviewing and amending poker machine caps whenever the Parliament deems necessary.

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 - PRELIMINARY

Short Title

1. This Act may be cited as the *Gaming Control (Ensure Parliament Oversight of Poker Machines Cap) Act 2003*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

PART 2 - GAMING CONTROL ACT 1993 AMENDED

3. In this Act the *Gaming Control Act 1993* is referred to as the Principal Act.

Section 7 amended (provisions of this Act to prevail over Deed)

4. Section 7 of the Principal Act is repealed and the following is inserted:

7 (1) If there is an inconsistency between a provision of this Act and a provision or term of the Deed, the provision of this Act prevails.

7 (2) Notwithstanding the provisions of the Deed as referred to in Schedule 1 of the Principal Act the Crown can instigate at any time any review of the maximum number of Gaming Machines in any Club or Hotel in accordance with subsection 7 (3).

7 (3) The Minister can act at any time to implement any recommendations made by the biennial social and economic impact study as established in Section 7C.

Part 2A Inserted

5. After section 7 of the Principal Act, the following Part is inserted:

PART 2A - LIMITATION ON GAMING MACHINE NUMBERS

Cap on licensed premises gaming licences

Section 7A. (1) The Gaming Commission shall not issue a licensed premises gaming licence which authorises the holder of the licence to possess gaming machines at a licensed premises.

(2) The Gaming Commission cannot amend a condition of a licensed premises gaming licence to authorise the possession and operation of gaming machines at the licensed premises or which authorises the holder of the licence to possess additional gaming machines at the licensed premises.

Cap on Gaming Machine Numbers

Section 7B. There shall be no further gaming machines allowed in licensed premises.

Independent Review of Maximum Gaming Machine Numbers in Clubs and Hotels

Section 7C (1). Following the commencement of this Act the Minister is to commission a biennial independent social and economic impact study on the expanded operation of gaming machines in hotels and clubs.

(2) The biennial independent social and economic impact study established in subsection 7C (1) must include, but not be restricted to, a review of the maximum number of Gaming Machines in any one Club or Hotel.

(3) The biennial independent social and economic impact study established in subsection 7C (1) is to advertise the review and to call for public submissions.

Coin Denomination Limitation

Section 7D. To limit coin denominations used in gaming machines operated in licensed premises to five, ten and twenty cent coins and to impose a maximum bet limitation being 20 cents per game for 5 cent machines, 30 cents per game for 10 cent machines and 20 cents per game for 20 cent machines.

Regional limits on gaming machines

Section 7E. (1) The Minister may on occasion, by order in writing published in the Government Gazette—

- (a) determine regions in the State for the purposes of this Act; and
- (b) in respect of each region, specify the criteria by which the Commission must use to determine the maximum permissible number of gaming machines available for gaming in that region.

(2) Within 90 days of an order being published under sub-section (1) in the Government Gazette, the Commission must in writing to the Government Gazette, determine the maximum permissible number of gaming machines available for gaming in a region

determined and in force under sub-section (1)(a) but so that at all times the total for the State does not exceed the State limit.

(3) Within 5 working days after publication of a determination under sub-section (2), the Commission must—

- (a) serve on each gaming operator a copy of the determination; and
- (b) give to each gaming operator a written direction requiring compliance with the regional limits determined under sub-section (2) by any means specified by the Commission in the direction.

(4) Without limiting sub-section (3)(b), a direction under that sub-section may--

- (a) require the number of gaming machines in a region to be reduced by the gaming operators on a pro rata or percentage basis or on any other basis, subject to compliance with directions given by the Minister; or
- (b) specify a period or date, being not later than 4 years after the date on which the direction is given, within which or by which one or more regional limits must be met.

(5) A gaming operator must comply with a direction under sub-section (3) as soon as it takes effect.

(6) A direction takes effect when the direction is given to the gaming operator or on a later date specified in the direction.

(7) Not later than 4 years after the publication of a determination under sub-section (2) and thereafter at intervals not exceeding 4 years, the Commission must--

- (a) review the regional limits; and
- (b) if a regional limit is no longer appropriate, determine, by instrument published in the Government Gazette, a new regional limit in accordance with the criteria specified under sub-section (1)(b) but so that the total for the State does not exceed the State limit.

(8) This section applies to a determination under sub-section (7)(b) as if it were a determination under sub-section (2).

In this section 'regional limit' means -the maximum permissible number of gaming machines available for gaming in a region of the State determined and in force under section 7CA.

No compensation payable

S7F. No compensation is payable by the Crown in respect of any direction given or anything done under or arising out of any direction given by the Commission under Part 2 A.

Section 44 amended (repeal of subsection 3)

6. Section 44 of the Principal Act is amended by repealing subsection 3.

Section 89A inserted (Access to Cash Facilities)

7. After Section 89 of the Principal Act, the following section is inserted:

(1) Within an approved venue, access to a cash facility shall be limited to the area outside of the approved gaming area.

Penalty: Fine not exceeding 200 Penalty Units

(2) The Minister may by instrument in writing, exempt a licensee who has, on the commencement of this section, a cash facility within a gaming area on the licensed premises from the operation of this section.

(3) An exemption may be granted under subsection (2) only for such period as the Minister thinks necessary for the purpose of the removal of the cash facility from the gaming area and as is specified in the instrument of exemption.

(4) The Minister may, if he or she thinks exceptional circumstances exist for doing so, exempt a licensee (conditionally or unconditionally) from the operation of this section.

(5) A licensee who contravenes a condition of an exemption granted under subsection (4) is guilty of an offence.

Penalty: Fine not exceeding 500 penalty units

(6) In this section, " cash facility " means-

(a) an automatic teller machine; or

(b) an EFTPOS facility; or

(c) any other facility, prescribed by regulation, that enables a person to gain access to his or her funds or to credit.

Section 92A inserted (Warning signs)

8. After Section 92 of the Principal Act, the following section is inserted:

92A. (1) A licensed premises gaming operator must display on all gaming machine at the licensed premises in respect of which a licensed premises gaming licence relates a warning sign with the following information:

(i) the odds of winning for each gaming machine; and

(ii) contact details of organisations who assist problem gamblers.

(2) A licensed premises gaming operator must enforce or cause to be enforced the requirement for a warning sign to be displayed under section 92A.

Penalty: Fine not exceeding 200 Penalty units.

Section 124(1) amended (Membership of the Commission)

9. Section 124(1) of the Principal Act is amended by omitting "3 persons" and substituting "7 persons".

Section 124(1)(A) inserted (Community Representation on the Commission)

10. After Section 124(1) of the Principal Act, the following section is inserted:

124(1)(A) The Minister must recommend for appointment 4 persons who represent the community.

Section 151(4) amended (Community Support Levy)

11. Section 151(4) of the Principal Act is repealed

Section 151A inserted (Distribution of Community Support Levy Foundation)

12. After Section 151 of the Principal Act, the following sections are inserted:

Community Support Levy Foundation

Section 151A(1) The Community Support Levy Foundation is established.

Membership of the Community Support Levy Foundation

Section 151A(2)

(1) The Community Support Levy Foundation consists of 9 people appointed by the Minister.

(2) A person is not eligible to be appointed as a member of the Community Support Levy Foundation if that person has been employed by or significantly associated with a licensed premises gaming operator, casino operator or gaming operator at any time within the preceding 2 years.

(3) One of the members of the Community Support Levy Foundation is to be appointed by the Minister to be the chairperson of the Commission.

Functions of Community Support Levy Foundation

Section 151A(3) The function of the Community Support Levy Foundation is to distribute the Community Support Levy.

Distribution of the Community Support Levy

Section 151A(4)

(1) The Treasurer must provide the Community Support Levy Foundation with monthly reports as to the quantum of the Community Support Levy.

(2) The Community Support Levy Foundation must annually advertise calling for submissions from the public for allocation of the Levy.

(3) The Community Support Levy Foundation must distribute the levy as follows:

- (a) 25% for the benefit of sport and recreation clubs;
- (b) 25% for the benefit of charitable organizations; and
- (c) 50% for the provision of
 - (i) research into gambling; and

- (ii) services for the prevention of compulsive gambling; and
- (iii) treatment or rehabilitation of compulsive gamblers; and
- (iv) community education concerning gambling; and
- (v) other health services.

(d) If the Community Support Levy Foundation does not allocate all the Levy, the remainder of funds must be placed in an account at an authorised deposit-taking institution.

- (4) The costs of the Community Support Levy Foundation must be met from the consolidated revenue fund.

Report to Parliament by the Community Support Levy Foundation

Section 151A.(5) The Community Support Levy Foundation must report on the income and distribution of the Levy for the relevant financial year by 30 September each year to both Houses of Parliament.