

TASMANIA

LOCAL GOVERNMENT (POWERS TO REGULATE ELECTRONIC GAMING MACHINES) AMENDMENT BILL 2012

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LOCAL GOVERNMENT (POWERS TO REGULATE ELECTRONIC GAMING MACHINES) AMENDMENT BILL 2012

(Brought in by Kim Dion Booth MP)

A BILL FOR

An Act to amend the current definition of functions and powers of councils under the *Local Government Act 1993*, to allow municipal regulation of the operation of electronic gaming machines, and to amend the *Gaming Control Act 1993* to require applications for electronic gaming machines licenses to comply with any relevant local council planning or by-law restrictions.

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:

1. Short title

This Act may be cited as the *Local Government (Powers to Regulate Electronic Gaming Machines) Amendment Act 2012*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the *Local Government Act 1993* is referred to as the Principal Act.*

4. Inconsistency with other Acts

If any provisions of this Act are inconsistent with any provisions of any other Act, the provisions of this Act prevail to the extent of the inconsistency.

* No. 95 of 1993.

PART 2 – SECTION 20 AMENDED (FUNCTIONS AND POWERS)

5. New Section 20AA

The Principle Act is amended by inserting after Section 20 the following new Section 20AA:

20AA (1) It is consistent with the functions or powers of a council to incorporate into its planning approvals assessment process consideration of applications for a gaming operator's licence (for the purpose of operating electronic gaming machines), as defined under Section 3 of the *Gaming Control Act 1993*;

(2) Councils may issue by-laws to regulate the number and location of electronic gaming machines in accordance with Part 2 of the Principal Act.

PART 3 – COUNCIL APPROVALS REQUIRED (AMENDMENTS TO GAMING CONTROL ACT 1993)

6. Amendments to *Gaming Control Act 1993*

The *Gaming Control Act 1993* is amended as follows:

(a) repealing Section 23 (1) and replacing with new section (1):

(1) The Commission must not grant an application for a casino licence or a gaming operator's licence unless satisfied that the applicant, and each associate of the applicant has obtained all relevant local government planning permissions, is a suitable person to be concerned in or associated with the management and operation of a casino or a gaming operation.

(b) by inserting after paragraph (g) of Section 23 (2) the following paragraph:

(h) the application is in accordance with any by-laws in force under Part 2 of the *Local Government Act 1993*.

(c) by inserting after subsection (5) of Section 28 the following subsection:

(6) The application must comply with any relevant municipal restrictions on electronic gaming machines not located within casinos, and be in accordance with any by-laws in force under Part 2 of the *Local Government Act 1993*.

(d) by inserting after Section 36 (2) the following paragraph:

(a)The application must be rejected if it contravenes any Local Council restrictions relating to electronic gaming machines in force for the municipality in which the premise is located, and must be in accordance with any by-laws in force under Part 2 of the *Local Government Act 1993*.

(e) by inserting after paragraph (c) of Section 37(1) the following paragraph:

(d) that the application is not in accordance with relevant Local Council planning or other restrictions, or by-laws, relating to electronic gaming machines.

(f) by inserting after paragraph (b) of Section 38 the following paragraph:

(c) the application does not breach any Local Council planning restrictions or by-laws, in force for the municipality in which the proposed premise is located.

(g) by inserting after paragraph (d) of section 76C (2) the following paragraph:

(e) comply with any relevant municipal restrictions on electronic gaming machines not located within casinos, and be in accordance with any by-laws in force under Part 2 of the *Local Government Act 1993*.

(h) by inserting after paragraph (b) of Section 101C the following paragraph:

(c) the number of gaming machines approved for any one club or any one hotel may be subject to municipal planning restrictions, and any by-laws in force under Part 2 of the *Local Government Act 1993*, but must not exceed the maximum numbers specified in 101C (a) or 101C (b).