

Legislative Council—No 93

As introduced and read a first time, 6 July 2005

South Australia

**Gaming Machines (Prohibition from Council Area
Following Referendum) Amendment Bill 2005**

A BILL FOR

An Act to amend the *Gaming Machines Act 1992*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Gaming Machines Act 1992*

- 4 Insertion of Part 2A
 - Part 2A—Prohibition from council area following referendum
 - 12 Interpretation
 - 13 Petition for referendum
 - 13A Referendum
 - 13B Prohibition
 - 13C Crown not liable to compensate any person

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Gaming Machines (Prohibition from Council Area Following Referendum) Amendment Act 2005*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Gaming Machines Act 1992*

4—Insertion of Part 2A

After Part 2 insert:

Part 2A—Prohibition from council area following referendum

15 12—Interpretation

In this Part—

council means a council constituted under the *Local Government Act 1999*;

elector has the same meaning as in the *Local Government (Elections) Act 1999*;

Metropolitan Adelaide has the same meaning as in the *Development Act 1993*.

5 **13—Petition for referendum**

(1) Electors for a council whose area is wholly outside Metropolitan Adelaide have the right to initiate a referendum for the prohibition of gaming machines from hotels and clubs within the council area by petition.

10 (2) The petition—

(a) must clearly state its purpose; and

(b) must be signed by not less than 10% of the total number of electors for the council; and

15 (c) must comply with any other requirement prescribed by the regulations; and

(d) must be submitted to the Electoral Commissioner.

(3) Only an elector who signs a petition within 3 months before the date of delivery of the petition to the Electoral Commissioner and who was an elector at the time he or she signed the petition is to be taken into account for the purposes of subsection (2)(b).

20 (4) The following particulars of signatories are required on a petition:

(a) the full name of the person;

(b) the address of the person (which should be as shown on the relevant electoral roll);

25 (c) the date of birth of the person;

(d) the signature of the person;

(e) the date on which the person signs the petition;

(f) any other information required by the regulations.

(5) The required particulars (other than the signature) must appear in legible form.

30 **13A—Referendum**

(1) A referendum is to be held if a petition conforming with this Part is submitted, together with the prescribed fee, to the Electoral Commissioner.

35 (2) The referendum is to be held on a date determined by the Electoral Commissioner falling not less than 6 months, and not more than 12 months, after the date on which the petition is submitted.

- (3) The following question is to be submitted to the referendum of electors for the council:

Are you in favour of the prohibition of gaming machines (ie pokies) from hotels and clubs within the area of [*council name*]?

- (4) The Electoral Commissioner is responsible for the conduct of the referendum.
- (5) The *Electoral Act 1985* applies to the referendum with adaptations, exclusions and modifications prescribed by the regulations as if the referendum were a general election of members of the House of Assembly.
- (6) When the result of the referendum is known, the Electoral Commissioner must declare the result by notice in the Gazette.

13B—Prohibition

If a referendum has been held in accordance with this Part on the prohibition of gaming machines from hotels and clubs within a council area outside Metropolitan Adelaide and a majority of the electors casting valid votes at the referendum vote in the affirmative, the following provisions apply:

- (a) on the fifth anniversary of the date of the referendum, a gaming machine licence held for premises wholly or partly within the council area is void and of no effect;
- (b) despite any other provision of this Act, the Commissioner cannot, after the fifth anniversary of the date of the referendum, grant an application for a gaming machine licence for premises wholly or partly within the council area.

13C—Crown not liable to compensate any person

The Crown is not liable to compensate any person for loss that might arise out of an affirmative vote in the referendum.