

## **Gaming Machines Amendment (Transfer of Poker Machine Entitlements) Bill 2006**

### **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

#### **Overview of Bill**

Section 19 of the *Gaming Machines Act 2001* provides for the transfer of poker machine entitlements allocated in respect of a hotelier's licence or the premises of a registered club. An application to transfer a poker machine entitlement allocated in respect of a hotelier's licence must (among other things) demonstrate, to the satisfaction of the Liquor Administration Board, that the proposed transfer is supported by each person who, in the opinion of the Board, has a financial interest in the hotelier's licence.

Currently, a person is taken to have a financial interest in a hotelier's licence if the person is entitled to receive any income derived from the business carried on under the authority of the licence or any other financial benefit or financial advantage from the carrying on of the business (whether the entitlement arises at law or in equity or otherwise).

The object of this Bill is to provide that a person is also taken to have a financial interest in the hotelier's licence if the person is the owner of a hotel for which there is a lease or other arrangement the terms of which expressly provide for an application to be made to transfer the licence to the owner, or the owner's nominee, on the expiration of the lease or arrangement. The owner of a hotel in this case also includes a sublessor.

#### **Outline of provisions**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision that gives effect to the amendments to the *Gaming Machines Act 2001* set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

#### **Schedule 1 Amendments**

**Schedule 1 [1]–[3]** amend section 19 of the *Gaming Machines Act 2001* to give effect to the object set out in the above Overview.

**Schedule 1 [4]** enables savings and transitional regulations to be made as a consequence of the proposed Act.

**Schedule 1 [5]** inserts a savings and transitional provision as a consequence of the enactment of the proposed Act.