

Gaming Machines Amendment (Shutdown Periods) Bill 2003

Explanatory note

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

Overview of Bill

Division 2 of Part 4 of the *Gaming Machines Act 2001* imposes requirements on hoteliers and registered clubs to shut down their gaming machines for a certain time on each day of operation. Section 39 of the Act provides that a general 6-hour shutdown period (4 am to 10 am) operates on and from 1 May 2003.

However, the operation of the general 6-hour shutdown period is subject to section 40 of the Act, which enables the Liquor Administration Board to approve of a hotel or club having a 3-hour shutdown period (6 am to 9 am) on weekends and public holidays. In the case of hotels and clubs that are “early openers”, section 41 of the Act provides that different times can be approved by the Board so long as the relevant shutdown period (ie the general 6-hour period or the approved 3-hour period on weekends and public holidays) is not reduced.

The object of this Bill is to amend the *Gaming Machines Act 2001* to enable the Board to approve of a hotel or club having a 3-hour shutdown period of between 6 am and 9 am on any day of the week so long as the hotel or club can establish that the financial viability of the hotel or club will be seriously threatened by the operation of the general 6-hour shutdown period. The Board will be required to take into consideration the guidelines approved by the Minister before it gives such an approval.

At present under the Act, section 40 (3) (a) provides that the Board’s approval of a hotel or club having the 3-hour shutdown period on weekends and public holidays may be given only if the Board is satisfied that the relevant local council has agreed to the hotel or club operating gaming machines between certain times on those days when the 3-hour shutdown period is to operate. Instead of this provision, the Bill provides that the Board’s approval under section 40 may be given only if the Board has taken into consideration the guidelines approved by the Minister.

Outline of provisions

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

Clause 2 provides that the proposed Act commences on a day or days to be appointed by proclamation.

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

Schedule 1 amends the *Gaming Machines Act 2001* in the manner described in the Overview above.