



New South Wales

Liquor Amendment (Gaming Machine Restrictions) Bill 2001

Explanatory note

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

Overview of Bill

At present, clause 46AA of the *Liquor Regulation 1996* imposes a freeze on the number of approved gaming devices (eg poker machines) that can be acquired, kept, or used or operated in a hotel. This freeze, which runs for a 3-month period that started on 19 April 2001, limits the number of approved gaming devices in each hotel to the number authorised immediately before the commencement of the freeze.

The object of this Bill is to restate clause 46AA in proposed Division 2B of Part 11 of the *Liquor Act 1982*. The new Division will extend the freeze past the expiration of clause 46AA to a date to be appointed by proclamation, and also provide that damages or compensation are not payable by or on behalf of the Crown because of the imposition of the freeze (as effected by clause 46AA and the proposed Division).

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 giving effect to the amendment to the *Liquor Act 1982* set out in Schedule 1.

Clause 4 repeals clause 46AA of the *Liquor Regulation 1996*.

Schedule 1 amends the *Liquor Act 1982* in the manner described in the overview above.

First print



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New South Wales

Liquor Amendment (Gaming Machine Restrictions) Bill 2001

No. , 2001

A Bill for

An Act to amend the *Liquor Act 1982* to restrict the keeping of additional gaming machines in hotels; and for related purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Liquor Amendment (Gaming Machine Restrictions) Act 2001</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Liquor Act 1982 No 147	7
The <i>Liquor Act 1982</i> is amended as set out in Schedule 1.	8
4 Consequential amendment of Liquor Regulation 1996	9
The <i>Liquor Regulation 1996</i> is amended by omitting clause 46AA.	10

Schedule 1	Amendment of Liquor Act 1982	1
	(Section 3)	2
Part 11, Division 2B		3
Insert after Division 2A of Part 11:		4
Division 2B	Freeze on number of approved gaming devices in hotels	5
		6
182D	Definitions	7
(1)	In this Division:	8
	<i>application for additional gaming devices</i> means an application by a hotelier to the court or the Board to impose, vary or revoke a condition of the hotelier's licence so as to authorise the acquisition, keeping, or the use or operation of more approved gaming devices than were lawfully acquired, kept in the hotel and used or operated in the hotel immediately before the period of the freeze.	9 10 11 12 13 14 15
	<i>period of the freeze</i> means the period:	16
(a)	commencing on 19 April 2001 (being the date on which clause 46AA of the <i>Liquor Regulation 1996</i> took effect), and	17 18 19
(b)	ending on the date appointed by proclamation.	20
(2)	The date appointed for the end of the period of the freeze may be altered by a further proclamation or proclamations published before the date so appointed.	21 22 23
182E	Number of approved gaming devices in hotels not to be increased during the period of the freeze	24 25
(1)	It is a condition of a hotelier's licence that the hotelier cannot acquire, keep in the hotel, or permit the use or operation in the hotel of, any approved gaming device so as to exceed the maximum number of approved gaming devices that were lawfully acquired, kept in the hotel and used or operated in the hotel immediately before the period of the freeze.	26 27 28 29 30 31

- (2) A hotelier cannot, during the period of the freeze, make an application for additional gaming devices. 1
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- (3) The court or the Board cannot, during the period of the freeze, determine an application for additional gaming devices. 3
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- (4) This section is subject to the other provisions of this Division. 5
- 182F Miscellaneous provisions** 6
- (1) This Division does not prevent the acquisition, keeping, use or operation of: 7
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- (a) an approved gaming device in accordance with: 9
- (i) a condition imposed before the period of the freeze under section 171F (2) (a), or 10
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- (ii) an application granted before the period of the freeze under section 171F (2) (b), or 12
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- (b) a poker machine in accordance with a permit issued before the period of the freeze by the Minister under section 182C. 14
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- (2) This Division applies to approved gaming devices even if they are part of an authorised linked gaming system under Part 12. 17
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- (3) Damages or compensation are not payable by or on behalf of the Crown: 19
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- (a) because of the enactment or operation of this Division or the operation of clause 46AA of the *Liquor Regulation 1996*, or 21
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- (b) for the consequences of that enactment or any such operation, or 24
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- (c) because of a representation or conduct of any kind about any limitation on the keeping of approved gaming devices by hoteliers. 26
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- (4) In subsection (3), ***the Crown*** means the Crown within the meaning of the *Crown Proceedings Act 1988*, and includes the Board or any officer, employee or agent of the Crown or the Board.
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