



New South Wales

Gaming Machines Amendment (Shutdown Periods) Act 2003 No 16

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Gaming Machines Amendment (Shutdown Periods) Act 2003 No 16

Act No 16, 2003

An Act to amend the *Gaming Machines Act 2001* to make further provision with respect to the requirement to shut down gaming machines in hotels and registered clubs for certain periods. [Assented to 30 June 2003]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Gaming Machines Amendment (Shutdown Periods) Act 2003*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Gaming Machines Act 2001 No 127

The *Gaming Machines Act 2001* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 39 General 6-hour shutdown period after 1 May 2003

Insert “, 40A” after “40” in section 39 (2).

[2] Section 40 Approval of 3-hour shutdown period on weekends and public holidays

Omit “a shutdown period of between 6 am and 9 am on each day occurring on or after 1 May 2003” from section 40 (1).

Insert instead “, with effect on and from 1 May 2003 or from any time after that date, a shutdown period of between 6 am and 9 am on each day”.

[3] Section 40 (3)

Omit “the Board is satisfied”.

[4] Section 40 (3) (a)

Omit the paragraph. Insert instead:

- (a) the Board has taken into consideration such guidelines as may be approved by the Minister for the purposes of this section, and

[5] Section 40 (3) (b)

Insert “the Board is satisfied” before “that”.

[6] Section 40 (4)

Omit the subsection.

[7] Section 40A

Insert after section 40:

40A Approval of limited shutdown period on hardship grounds

- (1) The Board may, on application by a hotelier or registered club, approve of the hotel or club having a shutdown period of between 6 am and 9 am on each day of the week (*the limited shutdown period*).

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- (2) If the limited shutdown period is approved for the time being in respect of a hotel or registered club, the hotelier or club must ensure that each approved gaming machine that is kept in the hotel or club is not operated for the purposes of gambling during the limited shutdown period.

Maximum penalty: 100 penalty units.

- (3) The Board's approval of a hotel or registered club having the limited shutdown period may be given only if the Board is satisfied that the hotel or club will suffer hardship to the extent specified in the guidelines approved by the Minister for the purposes of this section if its approval is not given.

[8] Section 41 Approval of different shutdown periods for "early openers"

Omit section 41 (2) (b). Insert instead:

- (b) with effect on and from 1 May 2003 or from any time after that date:
- (i) a different 6-hour shutdown period to the general 6-hour shutdown period referred to in section 39, or
 - (ii) a different 3-hour shutdown period on Saturdays, Sundays and public holidays to the 3-hour shutdown period referred to in section 40, or
 - (iii) a different 3-hour shutdown period to the limited shutdown period referred to in section 40A.

[9] Section 41 (6)

Omit the subsection.

[10] Section 42 General provisions

Insert after section 42 (2):

- (3) An approval by the Board under this Division:
- (a) is to be in writing, and
 - (b) is subject to such conditions as the Board thinks fit to impose, and
 - (c) may be revoked at any time by the Board for such reasons as the Board thinks fit.

[11] Schedule 1 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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[12] Schedule 1, Part 5

Insert after Part 4:

**Part 5 Provisions consequent on enactment of
Gaming Machines Amendment
(Shutdown Periods) Act 2003**

20 Existing approvals in relation to shutdown periods

- (1) The amendments made by the *Gaming Machines Amendment (Shutdown Periods) Act 2003* to sections 40 and 41 do not affect the operation of any approval given by the Board under those sections before the commencement of those amendments.
- (2) Section 42 (3) (as inserted by the *Gaming Machines Amendment (Shutdown Periods) Act 2003*) extends to an approval given by the Board under section 40 or 41 before the commencement of that subsection.

[Second reading speech made in—

Legislative Assembly on 7 May 2003

Legislative Council on 24 June 2003]

BY AUTHORITY