

[Act 2000 No 13]



New South Wales

# **Gambling Legislation Amendment (Gaming Machine Restrictions) Bill 2000**

## **Explanatory note**

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

### **Overview of Bill**

The object of this Bill is to restrict the keeping of additional poker or other gaming machines in clubs and hotels. In particular, the Bill:

- (a) imposes a freeze for at least 12 months on the installation of additional gaming machines in clubs, and
- (b) prohibits the use of gaming machines in hotels within retail shopping centres, and
- (c) requires a social impact assessment to be made before additional gaming machines are installed in a club, or before gaming machines are installed in a new hotel or a hotel whose licence is transferred from another locality.

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\* Amended in committee—see table at end of volume.

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## 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 *Registered Clubs Act 1976* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the amendments to the *Liquor Act 1982* set out in Schedule 2.

**Clause 5** is a formal provision giving effect to the amendment to the *Casino Control Act 1992* set out in Schedule 3.

**Schedule 1** contains an amendment to the *Registered Clubs Act 1976*.

The Schedule inserts Part 10B into that Act to impose a freeze on the keeping of additional poker machines or other gaming machines by a club. The freeze will take effect from the date of the announcement of the proposal (namely, 12 pm on 28 March 2000). The freeze will continue for at least 12 months and will terminate at a time appointed by the Governor by proclamation. The freeze will not affect the keeping of additional machines if the club can establish that its financial viability will be seriously threatened if it is not able to do so. The freeze will not prevent the replacement of existing machines.

The Schedule also inserts Part 10C into the Act as one of the means of giving effect to the primary objects of the Act referred to in section 3A, namely, gambling harm minimisation and the responsible conduct of gambling activities in clubs. The Part requires the Licensing Court and the Liquor Administration Board to take into account a social impact assessment of applications that concern the keeping of additional such machines (including applications relating to the building or extension of premises in which machines are proposed to be used as well as applications for authority to keep gaming machines). The requirement for an assessment will not apply, in the case of an application for authority to keep gaming machines, until after the lifting of the freeze imposed by proposed Part 10B. An assessment is to be made of the likely impact on the local community of the granting of the application, which is to address social and economic impacts and set out any net social and economic benefits to the local community. The Court or Board will be authorised to refuse an application in whole or in part or impose conditions on the grant of the application as a result of its consideration of the social impact assessment.

**Schedule 2** contains amendments to the *Liquor Act 1982*.

**Schedule 2 [1]** inserts proposed section 161A into the Act to prohibit poker machines and other gaming machines in hotels that are within retail shopping centres (including in any adjoining building). The prohibition will apply as from 12 pm on 28 March 2000, but will not affect the keeping of gaming machines in any such hotel that was authorised before that time.

**Schedule 2 [2]** inserts proposed Division 1A into Part 11 of the Act as one of the means of giving effect to the primary objects of the Act referred to in section 2B, namely, gambling harm minimisation and the responsible conduct of gambling activities in hotels. The Division makes similar requirements for social impact assessment to those proposed for clubs. The Division requires the Licensing Court and the Liquor Administration Board to take into account a social impact assessment of applications that concern the keeping of machines in a new hotel or in a re-located hotel whose licence is removed from existing premises in a different neighbourhood.

**Schedule 3** contains an amendment to section 115 of the *Casino Control Act 1992*. That section provides for the payment by the casino operator of a casino community benefit levy and for expenditure of the money for the benefit of the community in accordance with the recommendations (approved by the Minister) of trustees under the trust deed that applies to the money. The amendment will enable the Minister to issue policy guidelines to be taken into account by the trustees for the purposes of giving effect to the provisions of the trust deed relating to expenditure for the benefit of the community.