



New South Wales

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.



New South Wales

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

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Gaming Machines Act 2001 No 127	2
4 Repeal of Act	2
Schedule 1 Amendments	3



New South Wales

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

No. , 2006

A Bill for

An Act to amend the *Gaming Machines Act 2001* to make further provision in relation to the transfer of poker machine entitlements allocated in respect of a hotelier's licence.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Gaming Machines Amendment (Transfer of Poker Machine Entitlements) Act 2006</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Gaming Machines Act 2001 No 127	7
The <i>Gaming Machines Act 2001</i> is amended as set out in Schedule 1.	8
4 Repeal of Act	9
(1) This Act is repealed on the day following the day on which this Act commences.	10 11
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	12 13

Schedule 1 Amendments

	1
	(Section 3)
[1] Section 19 Transfer of poker machine entitlements	3
Omit section 19 (5). Insert instead:	4
(5) For the purposes of subsection (3) (c), a person is taken to have a financial interest in a hotelier's licence if:	5
(a) 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), or	6
(b) in the case where the hotel to which the licence relates is subject to a lease or other arrangement the terms of which expressly provide for an application to be made to transfer the licence to the owner of the hotel (or the owner's nominee) on the expiration of the lease or arrangement—the person is the owner of the hotel.	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
[2] Section 19 (6)	18
Omit "However". Insert instead "Subject to subsection (5) (b)".	19
[3] Section 19 (7)	20
Insert after section 19 (6):	21
(7) A reference in subsection (5) (b) to the owner of a hotel includes, in the case where the hotel is subject to a sublease, a reference to the sublessor.	22
23	23
24	24
[4] Schedule 1 Savings, transitional and other provisions	25
Insert at the end of clause 1 (1):	26
<i>Gaming Machines Amendment (Transfer of Poker Machine Entitlements) Act 2006</i>	27
28	28

[5] Schedule 1, Part 9	1
Insert after Part 8:	2
Part 9 Provisions consequent on enactment of Gaming Machines Amendment (Transfer of Poker Machine Entitlements) Act 2006	3 4 5
33 Definition	6
In this Part:	7
<i>amending Act</i> means the <i>Gaming Machines Amendment (Transfer of Poker Machine Entitlements) Act 2006</i> .	8 9
34 Pending applications for approval of transfer of poker machine entitlements	10 11
The amendments made to this Act by the amending Act extend to any application for the Board's approval of the transfer of a poker machine entitlement made under section 19 that was pending immediately before the date on which the Bill for the amending Act was introduced into Parliament.	12 13 14 15 16