



New South Wales

Gaming Machines Amendment (Leasing and Assessment) Act 2018 No 9

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New South Wales

Gaming Machines Amendment (Leasing and Assessment) Act 2018 No 9

Act No 9, 2018

An Act to amend the *Gaming Machines Act 2001* to provide for the leasing of gaming machine entitlements and to make further provision in respect of transfers of gaming machine entitlements, local impact assessment, caps on the number of gaming machine entitlements and special provisions for country hotels; and for other purposes. [Assented to 21 March 2018]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Gaming Machines Amendment (Leasing and Assessment) Act 2018*.

2 Commencement

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

Schedule 1 Amendment of Gaming Machines Act 2001 No 127 relating to local impact assessment

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

local statistical area means a geographical area defined for the time being as a Statistical Area Level 2 under the Australian Statistical Geography Standard published by the Australian Bureau of Statistics.

threshold increase application—see section 34.

venue means a hotel or the premises of a club.

[2] Section 4 (3)

Insert after section 4 (2):

- (3) A reference in this Act to a gaming machine entitlement held by a hotel or club, or to a gaming machine entitlement of a hotel or club, is a reference to a gaming machine entitlement held in respect of the hotel or club licence.

[3] Section 20 General requirements relating to transfer of gaming machine entitlements

Insert “(referred to in this Division as the *transfer block and forfeiture requirements*)” after “requirements” in section 20 (3).

[4] Section 20 (5)

Omit section 20 (5) and (6). Insert instead:

- (5) Section 20A provides exceptions to the transfer block and forfeiture requirements of subsection (3) for country hotels.

[5] Section 20A

Insert after section 20:

20A Exceptions for transfers of country hotel gaming machine entitlements

- (1) A gaming machine entitlement held by a country hotel (the *transferring hotel*) may be transferred as authorised by this section despite the transfer block and forfeiture requirements of section 20 (3), and those requirements do not apply to a transfer authorised by this section.
- (2) The transfer of one gaming machine entitlement in any period of 12 months is authorised by this section if:
 - (a) the transfer is to another hotel licence that is held in relation to a country hotel, and
 - (b) the gaming machine threshold for the transferring hotel is not more than 8.
- (3) The transfer of up to 6 gaming machine entitlements at the one time is authorised by this section if:
 - (a) the gaming machine threshold for the transferring hotel is not more than 6, and
 - (b) the transfers of those gaming machine entitlements are all completed at the same time (whether or not pursuant to separate transactions), and
 - (c) the transfers of those gaming machine entitlements will result in the number of gaming machine entitlements held by the transferring hotel being reduced to zero.

- (4) The transfer block and forfeiture requirements of section 20 (3) continue to apply in respect of any subsequent transfer of gaming machine entitlements of the transferring hotel in any period of 12 months in which the transferring hotel transfers one gaming machine entitlement as authorised by this section.
- (5) When a transfer of 2 or more gaming machine entitlements at the same time as authorised by this section reduces the number of gaming machine entitlements held by the transferring hotel to zero, the transferring hotel is not permitted to acquire any gaming machine entitlements for 24 months after the transfer.

[6] Section 21 Other provisions relating to transfer of gaming machine entitlements

Omit “no more than one block of gaming machine entitlements” from section 21 (1).

Insert instead “no more than 2 blocks of gaming machine entitlements”.

[7] Section 21 (1A)

Omit the subsection. Insert instead:

- (1A) The forfeiture to the Authority of one gaming machine entitlement per transfer block is not required when gaming machine entitlements held in respect of the premises from which a hotel or club licence is removed under the *Liquor Act 2007* are transferred to other premises if:
 - (a) those other premises are situated in the same local statistical area as the previous premises, or
 - (b) those other premises are situated in the same local government area as the previous premises and the classification of the local statistical area in which those other premises are situated is the same as or ranked lower than the classification of the local statistical area in which the previous premises were situated.

[8] Section 32A

Insert after section 32:

32A Caps on gaming machine entitlements in particular areas

- (1) In this section:
 - Fairfield LGA* means the Fairfield local government area.
 - restricted increase area* means any local statistical area of the State that is classified as a Band 3 LSA (not being an area within Fairfield LGA) and that the Authority determines from time to time to be a restricted increase area for the purposes of this section.
- (2) The Authority may determine from time to time the maximum number of gaming machine entitlements to be permitted in Fairfield LGA or a restricted increase area and that number is the *area cap* for the area concerned.
- (3) The following restrictions apply to a threshold increase application for a venue in an area for which there is an area cap if granting the application would result in the total of the gaming machine thresholds for all the venues in the area exceeding the area cap:
 - (a) if the venue is in Fairfield LGA the application must not be granted,
 - (b) if the venue is in a restricted increase area the application can only be granted if the threshold increase application is not required to be accompanied by an LIA (as provided by section 35).

- (4) For the purposes of a determination under this section of the total of the gaming machine thresholds for venues in an area, the gaming machine threshold for a venue is not to be reduced by a lease of gaming machine entitlements by the venue (with the result that for the purposes of this section the venue's gaming machine threshold is to be determined as if no gaming machine entitlements had been leased by the venue).

Note. Section 25B (Effect of lease of gaming machine entitlements) would otherwise result in the gaming machine threshold for the lessor venue being reduced by the number of entitlements leased.

- (5) The following arrangements apply to determinations under this section:
- (a) the Authority may vary or revoke a determination at any time,
 - (b) a determination and any variation or revocation of a determination must be notified by the Authority on a publicly available website.

[9] Section 33

Omit the section. Insert instead:

33 Classification of local statistical areas

- (1) For the purposes of this Act, each local statistical area of the State is to be classified by the Authority as:
- (a) a Band 1 LSA, or
 - (b) a Band 2 LSA, or
 - (c) a Band 3 LSA.
- (2) For the purposes of this Act there is a hierarchy of classification of local statistical areas under this section as follows:
- (a) Band 1 LSA is ranked lower than both Band 2 LSA and Band 3 LSA,
 - (b) Band 2 LSA is ranked lower than Band 3 LSA.
- Note.** The ranking of bands is relevant for section 35 (2).
- (3) The Authority is to specify the classification of local statistical areas on a publicly available website.
- (4) The classification of any local statistical area under this section may be varied from time to time by the Authority.

[10] Section 34 Application to increase gaming machine threshold

Insert after section 34 (4):

- (4A) The Authority must determine a threshold increase application within the time required by the regulations.

[11] Section 35 Requirements relating to threshold increase applications

Omit "LGA" wherever occurring. Insert instead "LSA".

[12] Section 35 (1), (2), (6) (a)–(c) and (8)

Omit "A LIA" and "a LIA" wherever occurring.

Insert instead "An LIA" and "an LIA", respectively.

[13] Section 35 (2)

Omit “if the application is made together with a transfer application and either or both of the following apply”.

Insert instead “if the application is made together with a transfer or lease application and any one or more of the following apply”.

[14] Section 35 (2) (b)–(d)

Omit section 35 (2) (b). Insert instead:

- (b) the relevant venue and the hotel or club from which the gaming machine entitlements or permits are proposed to be transferred or leased by the transfer or lease application (the *transferring/lessor venue*) are situated in the same local statistical area,
- (c) the relevant venue and the transferring/lessor venue are situated in the same local government area and the classification of the local statistical area in which the transferring/lessor venue is situated is the same as or ranked higher than the classification of the local statistical area in which the relevant venue is situated,
- (d) the relevant venue and the transferring/lessor venue are situated in adjoining local statistical areas (whether or not in the same local government area) and the classification of the local statistical area in which the transferring/lessor venue is situated is the same as or ranked higher than the classification of the local statistical area in which the relevant venue is situated.

[15] Section 35 (2A)

Omit “*transfer application*”. Insert instead “*transfer or lease application*”.

[16] Section 35 (2A) (a)

Omit the paragraph. Insert instead:

- (a) an application under section 19 or 25 for the Authority’s approval of the transfer or lease of gaming machine entitlements to the relevant venue,

[17] Section 35 (2B)

Insert after section 35 (2A):

- (2B) If a threshold increase application that is not required to be accompanied by an LIA is approved, the applicant must within 1 month after the approval provide a local impact statement for the venue (containing such information about the venue and the impact of the approved increase as the Authority may determine) to such persons and bodies as the applicant would have been required to notify of the proposed application had it been required to be accompanied by a class 2 LIA.

[18] Section 35 (6) (b)

Insert “, which may include a requirement to verify any information by statutory declaration” after “LIA”.

[19] Section 36 Approval of LIA by Authority

Omit “a LIA” wherever occurring. Insert instead “an LIA”.

[20] Section 36 (3) (e)

Insert at the end of section 36 (3) (d):

, and

- (e) it is otherwise appropriate that the LIA be approved.

[21] Sections 36A and 36B

Insert after section 36:

36A Community benefit requirement—payment of money to Responsible Gambling Fund

- (1) A community benefit requirement cannot be wholly or partly satisfied by a payment of money except a payment to the Secretary under the *Casino Control Act 1992* for payment into the Responsible Gambling Fund as a **community benefit payment** under this Act.

Note. Section 115B of the *Casino Control Act 1992* provides that a payment under this Act into the Responsible Gambling Fund is to be applied for such purposes as the Minister determines for the benefit of local communities in which gaming machine thresholds for venues have increased.

- (2) A community benefit payment by a venue is to be taken into account by the Authority in the determination of a threshold increase application as if it were a contribution to the local community where the venue is situated.
- (3) In this section, **community benefit requirement** means a requirement under section 36 that a proposed increase in the gaming machine threshold for a venue will:
- (a) provide a positive contribution towards the local community where the venue is situated, or
 - (b) have an overall positive impact on the local community where the venue is situated.

36B Community benefit requirement—consideration of additional positive contributions

- (1) In determining a threshold increase application, the Authority is to have regard to additional positive contributions by the venue in connection with the proposed increase and may decide to treat those additional positive contributions as being in partial satisfaction of a community benefit requirement (so as to reduce what is required to satisfy a community benefit requirement).
- (2) In this section: **additional positive contributions** means any of the following actions by a venue:
- (a) the putting in place of harm minimisation and responsible gambling measures that are in addition to measures already required by law,
 - (b) the application of funds by a club to community development and support that constitutes Category 1 harm minimisation expenditure in excess of the amount that entitles the club to the maximum reduction in gaming machine tax under section 17 of the *Gaming Machine Tax Act 2001*,
 - (c) the payment of money by a club into the ClubGRANTS Fund (established under section 17A of the *Gaming Machine Tax Act 2001*),

- (d) such other actions as the regulations prescribe as additional positive contributions for the purposes of this section.

Category 1 harm minimisation expenditure means expenditure for projects or services that constitute Category 1 projects and services under the ClubGRANTS guidelines (referred to in section 16 of the *Gaming Machine Tax Act 2001*) and that in the opinion of the Authority are concerned with harm minimisation.

community benefit requirement has the same meaning as in section 36A.

[22] Section 36C

Insert before section 37:

36C Guidelines for threshold increase applications

- (1) The Authority may publish guidelines about the operation of this Division for the purpose of providing guidance in respect of the requirements of this Division relating to threshold increase applications.
- (2) Without limitation, the guidelines may provide guidance about the following:
 - (a) what the Authority considers to be a positive contribution towards a local community or an overall positive impact on a local community,
 - (b) conditions that the Authority may impose on its approval of an LIA.
- (3) The guidelines do not limit the Authority's discretion when deciding in a particular case what constitutes a positive contribution towards a local community or an overall positive impact on a local community, or in deciding to impose conditions on an approval.

[23] Section 37

Omit the section. Insert instead:

37 Limited period for acquiring gaming machine entitlements

- (1) If a threshold increase application is approved, the relevant venue is permitted to acquire gaming machine entitlements for the number of gaming machines by which the venue's gaming machine threshold is increased (its **approved increase in gaming machine entitlements**) but can only do so during the limited period provided for by this section.
- (2) The limited period during which a venue can acquire its approved increase in gaming machine entitlements is:
 - (a) for a threshold increase application required to be accompanied by a class 1 LIA—2 years from the date of approval of the application, or
 - (b) for a threshold increase application required to be accompanied by a class 2 LIA—5 years from the date of approval of the application, or
 - (c) for any other threshold increase application—12 months from the date of approval of the application.
- (3) The Authority may in a particular case extend or further extend the limited period during which a venue can acquire its approved increase in gaming machine entitlements.
- (4) If a relevant venue has not acquired its approved increase in gaming machine entitlements before the end of the limited period for doing so, the Authority is to decrease the gaming machine threshold for the venue by the number of gaming machine entitlements by which the number acquired fell short of the approved increase.

- (5) If a gaming machine entitlement is acquired by lease, the limited period in which the entitlement can be acquired under this section stops running during the term of the lease.
- (6) A reference in this section to a gaming machine entitlement includes, if the relevant venue is a hotel, a reference to a permit.

[24] Section 37A Special provision for clubs establishing in new development areas

Omit “Band 1 LGA” from section 37A (1). Insert instead “Band 1 LSA or Band 2 LSA”.

[25] Section 37A (2) (b)

Omit “local government area”. Insert instead “local statistical area”.

[26] Section 37C Special provision relating to de-amalgamated clubs

Omit “if the relevant premises” from section 37C (1). Insert instead “if”.

[27] Section 37C (1) (a)–(a2)

Omit section 37C (1) (a). Insert instead:

- (a) the relevant premises are situated in the same local statistical area as the premises of the amalgamated club from which gaming machine entitlements are proposed to be transferred to the relevant premises, or
- (a1) the premises of the amalgamated club and the relevant premises are situated in the same local government area and the classification of the local statistical area in which the premises of the amalgamated club are situated is the same as or ranked higher than the classification of the local statistical area in which the relevant premises are situated, or
- (a2) the premises of the amalgamated club and the relevant premises are situated in adjoining local statistical areas (whether or not in the same local government area) and the classification of the local statistical area in which the premises of the amalgamated club are situated is the same as or ranked higher than the classification of the local statistical area in which the relevant premises are situated, or

[28] Section 37C (1) (b) and (c)

Insert “the relevant premises” before “are situated” wherever occurring.

[29] Section 37C (1) (b) and (c)

Omit “LGA” wherever occurring. Insert instead “LSA”.

[30] Section 37C (1) and (2)

Omit “a LIA” wherever occurring. Insert instead “an LIA”.

[31] Section 61A Limit on number of MTGMs in clubs

Omit “a MTGM” from section 61A (1). Insert instead “an MTGM”.

[32] Section 205 Additional functions of Authority

Omit “local government areas” from section 205 (1) (b).

Insert instead “local statistical areas”.

[33] Schedule 1 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering:

Part Provisions consequent on enactment of Gaming Machines Amendment (Leasing and Assessment) Act 2018

Definition

In this Part:

amending Act means the *Gaming Machines Amendment (Leasing and Assessment) Act 2018*.

Threshold increase applications

- (1) An amendment made by the amending Act extends to a threshold increase application and any related transfer application made on or after the date of introduction into Parliament of the Bill for the amending Act and before the commencement of the amendment (not being an application determined before the commencement of the amendment).
- (2) For the purposes of this Part, a *related transfer application* is an application for the Authority's approval of the transfer of a gaming machine entitlement that is made together with a threshold increase application.

Transitional arrangements for local statistical areas

An amendment made by the amending Act to change a reference in this Act or the regulations from a reference to local government area to a reference to local statistical area does not apply to or in respect of an application for the Authority's approval of the transfer of a gaming machine entitlement made before the commencement of the amendment (unless the application is made together with a threshold increase application and so is a related transfer application).

Schedule 2 Amendment of Gaming Machines Act 2001 No 127 relating to leasing of gaming machine entitlements

[1] Section 14 Restrictions on number of gaming machine entitlements and permits held

Insert at the end of the section:

Note. When gaming machine entitlements are leased, the gaming machine threshold for the lessor is reduced by the number of entitlements leased, and the gaming machine entitlements are considered to be held by the lessee during the lease. See Division 2A.

[2] Section 19 Transfer of gaming machine entitlements

Insert at the end of section 19 (1):

Note. Division 2A also provides for the leasing of gaming machine entitlements.

[3] Part 3, Division 2A

Insert after Division 2:

Division 2A Leasing of gaming machine entitlements

24 Leasing of gaming machine entitlements permitted

- (1) An eligible hotel or eligible club can lease any (or all) of the gaming machine entitlements held by it.
- (2) A gaming machine entitlement held by an eligible hotel can only be leased to another hotel (whether or not an eligible hotel), and a gaming machine entitlement held by an eligible club can only be leased to another club (whether or not an eligible club).
- (3) A club is an *eligible club* if the gaming machine threshold for the club premises does not exceed 30.
- (4) A hotel is an *eligible hotel* if the gaming machine threshold for the hotel does not exceed 10.
- (5) The leasing of a gaming machine entitlement is not a transfer of the gaming machine entitlement and a gaming machine entitlement cannot be transferred while it is leased.
Note. The requirements of Division 2 for the transfer of gaming machine entitlements (including requirements for the forfeiture of entitlements on transfer) do not apply to the leasing of gaming machine entitlements.
- (6) The subleasing of a gaming machine entitlement is not permitted.

25 Lease requires approval of Authority

- (1) A lease of a gaming machine entitlement does not have any effect unless the lease is approved by the Authority and complies with the requirements of this Division and any requirements of the regulations.
- (2) A lease of a gaming machine entitlement cannot be varied so as to change the term of the lease or the number of gaming machine entitlements leased except with the approval of the Authority.
- (3) The termination of a lease of a gaming machine entitlement otherwise than by expiration of the term of the lease does not have effect until written notice of the termination has been given to the Authority by the lessor and lessee.

- (4) An application for the Authority's approval of the lease of a gaming machine entitlement must:
 - (a) be accompanied by the fee (if any) prescribed by the regulations, and
 - (b) be accompanied by such particulars or other matter as may be required by the Authority in relation to the proposed lease, and
 - (c) in the case of an application for the lease of an entitlement held by a hotel—demonstrate, to the satisfaction of the Authority, that the proposed lease is supported by each person who, in the opinion of the Authority, has a financial interest in the hotel licence, and
 - (d) be in the form and made in the manner determined by the Authority from time to time.
- (5) A person is taken to have a financial interest in a hotel licence for the purposes of this section 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). However, a person is not to be considered as having a financial interest in a hotel licence by reason only of being the owner of the hotel.

25A Standard form of lease

- (1) The Authority may approve a standard form of lease of gaming machine entitlements.
- (2) The Authority may refuse to approve a lease of gaming machine entitlements for which there is an approved standard form if the lease is not in that form.
- (3) The Authority's approval of a standard form of lease may provide for the following:
 - (a) the terms of the lease,
 - (b) more than one standard form of lease for use for different classes of venues or in different circumstances,
 - (c) the addition of terms to, or the omission or variation of terms in, a standard form of lease in specified circumstances.
- (4) A lease of gaming machine entitlements for which a standard form is approved may include additional terms that are not inconsistent with the terms set out in the standard form.

25B Effect of lease of gaming machine entitlements

- (1) The following provisions apply to a lease of a gaming machine entitlement held by a hotel or club (the *lessor venue*) to another hotel or club (the *lessee venue*):
 - (a) the lease operates as a lease by the licensee for the time being of the lessor venue to the licensee for the time being of the lessee venue (with the result that a transfer of the licence of the lessor venue or lessee venue does not affect the operation or continuation of the lease and does not require any assignment of lease),
 - (b) during the lease the lessee venue has the benefit of the gaming machine entitlement and the lessor venue does not have the benefit of the gaming machine entitlement,
 - (c) during the lease the gaming machine entitlement is considered to be a gaming machine entitlement acquired and held by the lessee venue and

counts towards the total number of gaming machine entitlements held by the lessee venue,

- (d) the gaming machine entitlement is not considered to be held by the lessor venue during the lease,
- (e) during the lease the gaming machine threshold for the lessor venue is reduced by the number of entitlements leased.

Note. Section 32A (Caps on gaming machine entitlements in particular areas) provides that for the purposes of a cap under that section the gaming machine threshold for a venue is not to be reduced by a lease of gaming machine entitlements.

Gaming machine tax (which is imposed on profits from a gaming machine) is payable by the hotel or club where the gaming machine is kept. When a gaming machine entitlement is leased, it is the lessee venue that is liable for that tax because the gaming machine is kept by the lessee venue.

- (2) At the end of the lease, the gaming machine threshold for the lessee venue is reduced by the number of entitlements leased unless a threshold increase application that was made together with an application for approval of the lease was accompanied by an LIA, or was not required to be accompanied by an LIA because of section 35 (2) (a).
- (3) While any gaming machine entitlement of a hotel or club is leased, the hotel or club licence cannot be removed under the *Liquor Act 2007* to other premises unless:
 - (a) those other premises are situated in the same local statistical area as the previous premises, or
 - (b) those other premises are situated in the same local government area as the previous premises and the classification of the local statistical area in which those other premises are situated is the same as or ranked lower than the classification of the local statistical area in which the previous premises were situated.
- (4) The Authority is not to decrease the gaming machine threshold for a venue because the venue has not acquired its approved increase in gaming machine entitlements before the end of the limited period for doing so (as required by section 37) to the extent that the gaming machine threshold has already been reduced under this section at the end of a lease of gaming machine entitlements.

25C Levy payable for lease of gaming machine entitlement

- (1) A levy is to be paid in respect of a lease of a gaming machine entitlement approved by the Authority.
- (2) The amount of the levy is the amount fixed by or determined in accordance with the regulations.
- (3) The levy is payable by the lessee to the Secretary under the *Casino Control Act 1992* for payment into the Responsible Gambling Fund as gaming machine lease levy under this Act.

Note. Section 115B of the *Casino Control Act 1992* provides that a payment under this section into the Responsible Gambling Fund is to be applied for such purposes as the Minister determines for the benefit of local communities in which gaming machine thresholds for venues have increased.
- (4) The levy is payable at the time of the application for the Authority's approval of the lease (for which purpose the proposed lessee is considered to be the lessee) or in accordance with such other arrangements as the Authority may approve.

- (5) A levy paid under this section in respect of a lease is not refundable on account of early termination of the lease.

[4] Section 32 Gaming machine thresholds for venues

Insert “or a gaming machine entitlement held by the hotel or club has been leased (whether or not the lease is still in force)” after “increased” in section 32 (6).

[5] Section 61A Limit on number of MTGMs in clubs

Insert after section 61A (4):

- (5) An application for authorisation to keep an MTGM on the premises of a club cannot be granted if the application relies on an increase in the number of gaming machine entitlements held by the club that results from a lease of those gaming machine entitlements.

Schedule 3 Amendment of Gaming Machines Regulation 2010

[1] Clause 37 Threshold increase applications—consultation requirements

Omit “local government area” from clause 37 (2) (e).

Insert instead “local statistical area”.

[2] Clause 37 (2) (f)

Insert after clause 37 (2) (e):

- (f) such other organisations (*community services organisations*) as are listed by the local council for the area in which the relevant venue is situated as organisations engaged in the provision in the local community of services relating to welfare, emergency relief, financial assistance, Aboriginal health, Aboriginal legal assistance, or gambling and addiction counselling or treatment.

[3] Clause 37 (3) (d) and (e)

Omit clause 37 (3) (d). Insert instead:

- (d) the date (referred to as the *date for close of submissions*) by which submissions about the proposed application may be made, being a date that is not earlier than 90 days after the date of the notification,
- (e) the date on which the proposed application is intended to be made to the Authority, being a date that is not less than 21 days after the date for close of submissions.

[4] Clause 37 (4)

Omit the subclause. Insert instead:

- (4) The class 2 LIA that is provided with a threshold increase application must include:
 - (a) a report on the results of the consultation process under this clause (with details of any meetings or discussions held in relation to the proposed application and the outcomes of those meetings or discussions), and
 - (b) a list (verified by statutory declaration of the hotelier or secretary of the club concerned) of the community services organisations notified of the proposed application.

[5] Clause 38 Class 1 LIA—information to be provided

Insert after clause 38 (c):

- (d) details of any additional positive contributions by the venue (as referred to in section 36B of the Act) in connection with the threshold increase application.

[6] Clause 39 Class 2 LIA—information to be provided

Omit “local government area” from clause 39 (1) (c) wherever occurring.

Insert instead “local statistical area”.

- [7] **Clause 39 (2) (f)**
Omit the paragraph. Insert instead:
(f) details of any additional positive contributions by the venue (as referred to in section 36B of the Act) in connection with the threshold increase application.
- [8] **Clause 40A Special provision for clubs establishing adjacent to new development areas**
Omit “Band 1 LGA” from clause 40A (1). Insert instead “Band 1 LSA or Band 2 LSA”.
- [9] **Clause 40A (2) (b)**
Omit “local government area”. Insert instead “local statistical area”.
- [10] **Clause 40A (3)**
Omit “(1) and (2)”.
- [11] **Clause 41 Consultation and advertising requirements**
Insert after clause 41 (2) (b) (iii):
(iv) such other organisations (*community services organisations*) as are listed by the local council for the area in which the relevant venue is situated as organisations engaged in the provision in the local community of services relating to welfare, emergency relief, financial assistance, Aboriginal health, Aboriginal legal assistance, or gambling and addiction counselling or treatment.
- [12] **Clause 41 (3)**
Omit the subclause. Insert instead:
(3) The applicant must advise each of the persons and bodies referred to in subclause (2) that they may make a written submission to the Authority in relation to the application and the LIA within 60 days (for a class 1 LIA) or 90 days (for a class 2 LIA) after the date notified on the Liquor & Gaming NSW website as the date on which the application was posted on that website.
- [13] **Clause 41 (3A)**
Insert after clause 41 (3):
(3A) The applicant must provide the Authority with a list (verified by statutory declaration of the hotelier or secretary of the club concerned) of the community services organisations that have been provided with a copy of the application.
- [14] **Clause 41 (5) (d)**
Omit the paragraph. Insert instead:
(d) advise that any person may make a submission to the Authority in relation to the application and the LIA within 60 days (for a class 1 LIA) or 90 days (for a class 2 LIA) after the date notified on the Liquor & Gaming NSW website as the date on which the application was posted on that website.
- [15] **Clause 42 LIA not required with certain threshold increase applications that involve “excess” permits**
Omit the clause.

[16] Clause 44A

Insert after clause 44:

44A Time within which threshold increase applications to be dealt with

- (1) The Authority must determine a threshold increase application:
 - (a) in the case of an application that is not required to be accompanied by an LIA—within 60 days after the application is made, or
 - (b) in the case of an application that is required to be accompanied by a class 1 LIA—within 150 days after the date notified on the Liquor & Gaming NSW website as the date on which the application was posted on that website, or
 - (c) in the case of an application that is required to be accompanied by a class 2 LIA—within 180 days after the last day for the making of submissions on the application.
- (2) An application is not considered to have been made until the Authority has accepted the application as being complete and properly made.
- (3) The period within which an application must be determined by the Authority is extended by any period allowed by the Authority for the provision of additional information by the applicant.

[17] Clause 45B

Insert after clause 45A:

45B Gaming machine lease levy

The amount of the levy payable under section 25C of the Act in respect of a lease of a gaming machine entitlement approved by the Authority is the amount equal to 5% of the total of all lease payments due under the lease for the full term of the lease.

[18] Clause 147AA

Insert after clause 147:

147AA Application for Authority's approval of lease of gaming machine entitlements

For the purposes of section 25 (4) (a) of the Act, the prescribed application fee is \$250.

[19] Clause 156A

Omit the clause. Insert instead:

156A Meaning of "metropolitan area"

For the purposes of the Act, the area of each of the following local councils is described as a metropolitan area:

Bayside Council, Blacktown City Council, Blue Mountains City Council, Burwood Council, Camden Council, Campbelltown City Council, Canterbury-Bankstown Council, Central Coast Council, City of Canada Bay Council, City of Parramatta Council, Council of the City of Sydney, Cumberland Council, Fairfield City Council, Georges River Council, Hawkesbury City Council, Inner West Council, Ku-ring-gai Council, Lake Macquarie City Council, Lane Cove Municipal Council, Liverpool City Council, Mosman Municipal Council, Newcastle City Council, North Sydney

Council, Northern Beaches Council, Penrith City Council, Randwick City Council, Ryde City Council, Strathfield Municipal Council, Sutherland Shire Council, The Council of the Municipality of Hunters Hill, The Council of the Shire of Hornsby, The Hills Shire Council, Waverley Council, Willoughby City Council, Wollongong City Council, Woollahra Municipal Council.

Schedule 4 Amendment of Casino Control Act 1992 No 15

[1] Section 115 Responsible gambling levy and fund

Omit “and a separate account is to be kept for the levies paid in respect of each casino licence” from section 115 (4).

[2] Section 115B

Insert after section 115A:

115B Payments under Gaming Machines Act 2001 to Responsible Gambling Fund

- (1) Money paid to the Secretary as a community benefit payment or gaming machine lease levy under the *Gaming Machines Act 2001* is to be paid into the Responsible Gambling Fund (established as referred to in section 115 of this Act) and dealt with as provided by this section.
- (2) That money (together with any proceeds of its investment) is to be applied for such purposes as the Minister determines for the benefit of local communities in which gaming machine thresholds for venues have increased.

Note. The provisions of section 115 with respect to money paid into the Responsible Gambling Fund as responsible gambling levy do not apply to money paid into that fund under the *Gaming Machines Act 2001*.

[Second reading speech made in—
Legislative Assembly on 6 March 2018
Legislative Council on 14 March 2018]