



New South Wales

Liquor Further Amendment (Approved Gaming Devices) Regulation 2001

under the

Liquor Act 1982

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

J. RICHARD FACE, M.P.,

Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to clarify the application of clause 46AA of the *Liquor Regulation 1996*. Clause 46AA imposed a 3-month freeze, commencing on 19 April 2001, on the number of approved gaming devices that could be acquired by a hotelier, kept in the hotel, or used or operated in the hotel.

This Regulation clarifies the application of clause 46AA in two respects. First, it makes it clear that a hotelier is not prevented from replacing an approved gaming device, either with a device of the same kind or of a different kind, or from making changes to a device. Secondly, it provides that the freeze does not apply to

- (a) an approved gaming device authorised before 19 April 2001 under section 171F (2) (Consideration of social impact assessment and submissions) of the *Liquor Act 1982*, or
- (b) a poker machine that is the subject of a permit issued before 19 April 2001 by the Minister under section 182C (Limitation on number of poker machines in hotels) of the *Liquor Act 1982*.

This Regulation is made under the *Liquor Act 1982*, including section 4 (1) (the definition of *this Act*), the power to prescribe conditions of licences under section 20 (2) (a) and (c1), section 156 (1) and (1A), section 160 and section 164 (3).

2001 No 284

Clause 1 Liquor Further Amendment (Approved Gaming Devices) Regulation 2001

Liquor Further Amendment (Approved Gaming Devices) Regulation 2001

1 Name of Regulation

This Regulation is the *Liquor Further Amendment (Approved Gaming Devices) Regulation 2001*.

2 Amendment of Liquor Regulation 1996

The *Liquor Regulation 1996* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 46AA Number of approved gaming devices

Omit subclause (1). Insert instead:

- (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 commencement of this clause.

[2] Clause 46AA (3A)

Insert after subclause (3):

- (3A) This clause does not prevent the acquisition, keeping, use or operation of:
 - (a) an approved gaming device in accordance with:
 - (i) a condition imposed before the commencement of this clause under section 171F (2) (a) of the Act, or
 - (ii) an application granted before the commencement of this clause under section 171F (2) (b) of the Act, or
 - (b) a poker machine in accordance with a permit issued before the commencement of this clause by the Minister under section 182C of the Act.