



New South Wales

Registered Clubs Amendment (Gaming Machines) Regulation 2002

under the

Registered Clubs Act 1976

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Registered Clubs Act 1976*.

J. RICHARD FACE, M.P.,

Minister for Gaming and Racing

Explanatory note

The *Gaming Machines Act 2001*, which commences on 2 April 2002, contains amendments to the *Registered Clubs Act 1976* that remove the provisions in that Act relating to the keeping and operation of gaming machines in registered clubs.

The object of this Regulation is amend the *Registered Clubs Regulation 1996* as a consequence of those amendments to the *Registered Clubs Act 1976*.

This Regulation also provides that registered clubs that were committed, before 26 July 2001, to an amalgamation with another club are taken to have complied with the new amalgamation requirements under sections 17AD and 17AE of the Act (which require a deed of amalgamation to be entered into, and club members to be notified, before the amalgamation can be approved by the Licensing Court). In addition, section 17AH of the Act (which will restrict club amalgamations to clubs situated in the same area) will not apply to or in respect of proposed amalgamations by “pre-committed” clubs.

This Regulation is made under the *Registered Clubs Act 1976*, including section 73 (the general regulation-making power) and clause 1A of Schedule 2.

2002 No 196

Clause 1 Registered Clubs Amendment (Gaming Machines) Regulation 2002

**Registered Clubs Amendment (Gaming Machines)
Regulation 2002**

1 Name of Regulation

This Regulation is the *Registered Clubs Amendment (Gaming Machines) Regulation 2002*.

2 Commencement

This Regulation commences on 2 April 2002.

3 Amendment of Registered Clubs Regulation 1996

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

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit the definition of *gaming-related licence* from clause 3 (1).

[2] Clause 7 Definition

Omit paragraph (g) of the definition of *application*.

[3] Clause 9 Fixing of copies of applications to premises

Omit clause 9 (1) (e).

[4] Clause 10 Service of copies of applications on local authorities

Omit clause 10 (1) (d).

[5] Clause 12 Prescribed notices

Omit clause 12 (2) and (4).

[6] Clause 12 (3)

Omit “or poker machine area”.

[7] Part 4 Approved gaming devices

Omit the Part.

[8] Clause 31 Application fees

Omit the matter relating to poker machine dealers’ licences and other gaming-related licences.

[9] Part 5, Divisions 3 and 4

Omit the Divisions.

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Registered Clubs Amendment (Gaming Machines) Regulation 2002

Schedule 1

Amendments

[10] Clause 53A

Insert after clause 53:

53A Transitional provision—application of club amalgamation provisions to “pre-committed” clubs

- (1) A registered club that is a party to a proposed amalgamation under section 17A of the Act is taken to have complied with the requirements of sections 17AD and 17AE of the Act (as inserted by Schedule 3 [15] to the *Gaming Machines Act 2001*) with respect to the proposed amalgamation if:
 - (a) an application under section 17A of the Act in relation to the proposed amalgamation was made before 26 July 2001, or
 - (b) the Board is satisfied that the members of the clubs proposing to amalgamate had voted, before that date, in support of the proposed amalgamation, or
 - (c) the Board is satisfied that there is documentary evidence, made or prepared before that date, of an intention to amalgamate (such as a memorandum of understanding between the clubs proposing to amalgamate).
- (2) Accordingly, sections 17AD and 17AE of the Act do not apply to an application under section 17A of the Act if the parties to the proposed amalgamation are taken, as provided by subclause (1), to have complied with the requirements of those sections.
- (3) Section 17AH of the Act (as inserted by Schedule 3 [15] to the *Gaming Machines Act 2001*) does not apply to an application under section 17A of the Act if the parties to the proposed amalgamation are taken, as provided by subclause (1), to have complied with the requirements of sections 17AD and 17AE of the Act.

[11] Clause 55 Transitional provision—assessment of duty for period 1 March 1997 to 30 November 1997

Omit the clause.

[12] Clause 56 Transitional provision—registered clubs authorised to keep approved amusement devices before 1 April 1997

Omit the clause.

[13] Clause 56B Transitional provision—clubs receiving concession under section 87G not to be taken to be separate clubs under section 85 (1A)

Omit the clause.

[14] Clause 56C Transitional provision—multi-game machines

Omit the clause.

[15] Part 8 Inter-club linked gaming systems

Omit the Part.

[16] Schedule 1 Prescribed changes and particulars

Omit the Schedule.

[17] Schedule 2 Conditions relating to approved gaming devices

Omit the Schedule.

[18] Schedule 3 Penalty notice offences

Omit the matter relating to sections 48A (3), 50A, 51 (1) (d) and (e), 78 and 79 of the *Registered Clubs Act 1976* and all of the matter relating to the *Registered Clubs Regulation 1996*.

[19] Schedule 3

Omit “/poker machine area” from the matter relating to section 50B (1) of the *Registered Clubs Act 1976*.

[20] Schedule 4 Provisions of Liquor Act 1982 relating to approved amusement devices

Omit the Schedule.

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Schedule 1 Amendments

[21] Schedule 5 The applied provisions

Omit the Schedule.

BY AUTHORITY