



Gaming Machines Amendment Regulation (No 2) 2002

under the

Gaming Machines Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

J. RICHARD FACE, M.P.,

Minister for Gaming and Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) To provide that gaming machine advertising that appears as part of a problem gambling campaign conducted by or on behalf of the State is excluded from the operation of section 43 of the *Gaming Machines Act 2001*. Under that section, it is an offence to publish any form of advertising that gives publicity to the playing of gaming machines in hotels and clubs unless the advertising is excluded by the regulations.
- (b) To exclude retail shopping centres with less than 40 shops (and which contain a hotel) from the operation of section 60 of the Act. Under that section, gaming machines cannot be authorised to be kept in a hotel or club that is part of a retail shopping centre if the authorisation would result in an increase in the number of gaming machines to be kept in the hotel or club concerned. That section also provides that the authorisation to keep gaming machines in a hotel or club ceases when the hotel or club premises are moved or extended to a retail shopping centre. The exclusion provided by this Regulation will not apply in relation to any registered club that is part of a retail shopping centre with less than 40 shops.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 43 (6), 60 and 210 (the general regulation-making power).

2002 No 773

Clause 1 Gaming Machines Amendment Regulation (No 2) 2002

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment Regulation (No 2) 2002*.

2 Amendment of Gaming Machines Regulation 2002

The *Gaming Machines Regulation 2002* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 41 Gaming machine advertising and signs—exclusions

Insert at the end of clause 41 (1) (c):

, or

- (d) as part of an advertising campaign conducted by or on behalf of the State in relation to problem gambling,

[2] Clause 138A

Insert after clause 138:

138A Exclusion of retail shopping centres with less than 40 shops

- (1) A retail shopping centre is excluded from the definition of *retail shopping centre* in section 60 of the Act if:
- (a) the retail shopping centre comprises less than 40 shops, and
 - (b) the retail shopping centre contains one, but not more than one, hotel:
 - (i) that was part of the shopping centre as at the commencement of this clause, or
 - (ii) that becomes part of the shopping centre as the result of the granting of an application under the *Liquor Act 1982* (being an application that was made on or before 28 March 2000 but not determined by that date).
- (2) If an application to which Division 1 of Part 4 of the Act applies is made with respect to a hotel that is or becomes part of a retail shopping centre that is excluded under subclause (1) from the operation of section 60 of the Act, a class 2 social impact assessment is required to be provided in connection with the application.
- (3) Subclause (2) has effect despite anything to the contrary in section 34 (2) of the Act or clause 33 (2) of this Regulation.