



Gaming Machines Amendment (SIA Exemption) Regulation 2004

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*.

GRANT McBRIDE, M.P.,

Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to exempt certain registered clubs from the requirement to provide a class 2 social impact assessment in connection with an application to keep approved gaming machines. The exemption will be limited to a registered club that has emerged as the result of the “de-amalgamation” of a dissolved club and will only apply if the exempt club will end up with no more gaming machines than were previously kept on the premises of the dissolved club. The exempt club will still be required to provide a class 1 SIA in connection with its application to keep gaming machines.

This Regulation is made under the *Gaming Machines Act 2001*, including section 210 (4).

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Clause 1 Gaming Machines Amendment (SIA Exemption) Regulation 2004

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (SIA Exemption) Regulation 2004*.

2 Amendment of Gaming Machines Regulation 2002

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

Schedule 1 Amendment

(Clause 2)

Clause 40A

Insert after clause 40:

40A Exemption from social impact assessment process in certain circumstances

(1) In this clause:

amalgamation means an amalgamation of the kind referred to in section 17A (1) (b) of the *Registered Clubs Act 1976*.

dissolved club means a club that has been dissolved as the result of an amalgamation.

eligible club means a registered club that:

- (a) has been granted a certificate of registration under the *Registered Clubs Act 1976* in respect of the premises occupied by a dissolved club immediately before its amalgamation, or
- (b) has, in accordance with section 19 of that Act, moved from the premises occupied by the club to the premises occupied by a dissolved club immediately before its amalgamation.

relevant application means an application by an eligible club under Part 5 of the Act that would, if granted by the Board:

- (a) initially authorise the eligible club to keep approved gaming machines on the premises occupied by a dissolved club immediately before its amalgamation, and
 - (b) result in the eligible club keeping no more approved gaming machines than the number that were authorised to be kept on the premises of the dissolved club immediately before the de-amalgamation of the dissolved club.
- (2) For the purposes of this clause, a dissolved club is ***de-amalgamated*** when the Board gives its approval in writing for the parent club (within the meaning of section 17AC of the *Registered Clubs Act 1976*) to redefine its premises so as to exclude the premises of the dissolved club.

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Schedule 1 Amendment

- (3) If a relevant application is made by an eligible club, the club is exempt from the requirement under section 33 of the Act to provide a social impact assessment in connection with the application but only if the application is made within 12 months (or such longer period as may be approved by the Board) of the de-amalgamation of the dissolved club concerned.
- (4) The exemption under subclause (3) does not extend to the requirement to provide a class 1 social impact assessment in connection with a relevant application.

BY AUTHORITY
