



## Gaming Machines Amendment (Miscellaneous) 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 objects of this Regulation are as follows:

- (a) to make it clear that a registered club which has emerged as the result of the de-amalgamation of a dissolved club will only be required to provide a class 1 social impact assessment in connection with an application to keep gaming machines on the premises that were occupied by the dissolved club (so long as the application does not result in the club having more gaming machines than were previously kept on the premises of the dissolved club),
- (b) to make it clear that section 24A of the *Gaming Machines Act 2001* (which requires a registered club that has ceased to trade on any of its premises to forfeit any of the poker machine entitlements allocated in respect of those premises that have not been transferred within 12 months of the cessation of trade) will apply only if the club ceases to trade on the premises on or after 1 December 2003 (being the date of commencement of section 24A),
- (c) to provide for a number of additional offences under the *Gaming Machines Act 2001* and the *Gaming Machines Regulation 2002* to be dealt with by way of penalty notice,
- (d) to make other miscellaneous amendments to the *Gaming Machines Regulation 2002* that are of a minor or consequential nature.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 34, 203 and 210 (the general regulation-making power) and clause 1 (1) of Schedule 1.

## **2004 No 295**

Clause 1            Gaming Machines Amendment (Miscellaneous) Regulation 2004

---

# **Gaming Machines Amendment (Miscellaneous) Regulation 2004**

under the

Gaming Machines Act 2001

### **1 Name of Regulation**

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

### **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 33 Classes of social impact assessment**

Omit “A class” from clause 33 (3).

Insert instead “Except as provided by clause 40A (3), a class”.

**[2] Clause 40A Provision of class 1 social impact assessment in certain circumstances**

Omit clause 40A (3) and (4). Insert instead:

- (3) A class 1 social impact assessment is required to be provided in connection with a relevant application if the application is made by an eligible club within 12 months (or such longer period as may be approved by the Board) of the de-amalgamation of the dissolved club concerned.

**[3] Clause 46 Provision of problem gambling counselling services**

Omit “area of the hotel or club in which” from clause 46 (5).

Insert instead “part of the hotel or club in which approved”.

**[4] Clause 136B**

Insert after clause 136A:

**136B Savings and transitional provision—transfer of poker machine entitlements when club ceases to trade**

Section 24A of the Act applies in relation to the premises of a registered club only if the club ceases to trade on those premises on or after 1 December 2003.

**[5] Clause 147 Penalty notice offences**

Omit “Column 3” from clause 147 (1) (b). Insert instead “Column 2”.

**[6] Clause 147 (2)**

Omit the subclause.

## 2004 No 295

Gaming Machines Amendment (Miscellaneous) Regulation 2004

Schedule 1 Amendments

---

### [7] Schedule 3

Omit the Schedule. Insert instead:

### Schedule 3 Penalty notice offences

(Clause 147)

#### Offences under the Act

Column 1	Column 2
Offence	Penalty
Section 38 (1)	\$1,100
Section 39 (1)	\$1,100
Section 40 (2)	\$1,100
Section 40A (2)	\$1,100
Section 41 (4)	\$1,100
Section 43 (1) and (3)	\$1,100
Section 44 (1) and (3)	\$1,100
Section 45 (2) and (4)	\$1,100
Section 47A	\$1,100
Section 50 (1)	\$55
Section 51 (1)	\$550
Section 52 (1)	\$55
Section 52 (2)	\$550
Section 52 (3)	\$220
Section 53 (2) (a)	\$55

## Gaming Machines Amendment (Miscellaneous) Regulation 2004

Amendments

Schedule 1

---

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Section 53 (2) (b)	\$110
Section 54 (2)	\$110
Section 56 (1)	\$1,100
Section 57 (2)	\$550
Section 59 (5)	\$1,100
Section 61 (4)	\$1,100
Section 68	\$1,100
Section 69 (1)	\$1,100
Section 70 (1)	\$1,100
Section 71 (1), (2) and (4)	\$1,100
Section 71 (3)	\$550
Section 75	\$1,100
Section 76 (1)	\$1,100
Section 77 (1), (2), (3) and (5)	\$1,100
Section 78 (1) and (2)	\$1,100
Section 79 (1)	\$550
Section 84 (1) and (2)	\$1,100
Section 85 (1) and (4)	\$1,100
Section 87 (1) and (2)	\$1,100
Section 92	\$220

---

## 2004 No 295

### Gaming Machines Amendment (Miscellaneous) Regulation 2004

#### Schedule 1 Amendments

---

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Section 104 (3)	\$1,100
Section 106 (3)	\$550
Section 109 (2)	\$55
Section 121 (1)	\$1,100
Section 122	\$220
Section 123	\$220
Section 124	\$220
Section 125	\$220
Section 126 (1)	\$220
Section 133 (2) and (3)	\$1,100
Section 134 (1)	\$1,100
Section 135	\$1,100
Section 139 (1)	\$550
Section 139 (2)	\$1,100
Section 140 (1), (3) and (4)	\$1,100
Section 146	\$1,100
Section 151	\$1,100
Section 156 (1) and (5)	\$1,100
Section 157	\$1,100
Section 158	\$1,100

## Gaming Machines Amendment (Miscellaneous) Regulation 2004

Amendments

Schedule 1

---

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Section 180 (6) and (7)	\$550
Section 182 (2)	\$550
Section 183 (11)	\$550
Section 183 (12)	\$1,100
Section 199 (2)	\$220
Section 206A	\$1,100

---

**Offences under this Regulation**

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 5 (2)	\$550
Clause 10 (1)	\$1,100
Clause 12	\$550
Clause 13 (1)	\$1,100
Clause 14	\$550
Clause 15	\$550
Clause 17	\$550
Clause 18 (1)	\$550
Clause 19 (1)	\$550
Clause 20	\$550

---

## 2004 No 295

### Gaming Machines Amendment (Miscellaneous) Regulation 2004

#### Schedule 1 Amendments

---

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 21 (1)	\$550
Clause 23 (1)	\$550
Clause 24 (2)	\$550
Clause 25 (2)	\$550
Clause 26 (1)	\$550
Clause 27 (1)	\$550
Clause 28	\$550
Clause 29 (1)	\$550
Clause 30 (1) and (2)	\$550
Clause 31	\$550
Clause 41A	\$1,100
Clause 43	\$550
Clause 44 (2) and (3)	\$1,100
Clause 46 (5)	\$550
Clause 48	\$550
Clause 49 (3)	\$550
Clause 50 (1)	\$550
Clause 51 (2), (3) and (4)	\$550
Clause 56 (1)	\$550
Clause 57	\$220

---



## Gaming Machines Amendment (Miscellaneous) Regulation 2004

Amendments

Schedule 1

---

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 58	\$220
Clause 59	\$220
Clause 60	\$550
Clause 61 (1)	\$220
Clause 62	\$220
Clause 66	\$220
Clause 68	\$550
Clause 69	\$550
Clause 70	\$550
Clause 71 (1) and (2)	\$550
Clause 72 (1)	\$550
Clause 73	\$550
Clause 74 (1)	\$550
Clause 75 (1)	\$550
Clause 76 (1)	\$550
Clause 77 (1)	\$550
Clause 78 (1)	\$550
Clause 79	\$550
Clause 81	\$550
Clause 87A	\$550

---

## 2004 No 295

### Gaming Machines Amendment (Miscellaneous) Regulation 2004

#### Schedule 1 Amendments

---

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 89	\$1,100
Clause 92	\$550
Clause 105 (1)	\$550
Clause 106 (1)	\$550
Clause 114 (3)	\$550
Clause 115 (2)	\$550
Clause 117 (2)	\$550
Clause 120 (3)	\$550
Clause 121 (2)	\$550
Clause 122 (3)	\$550
Clause 125 (2)	\$550
Clause 137 (2)	\$220

---

BY AUTHORITY