



New South Wales

Gaming Machines Amendment Regulation 2005

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 increase the class 1 social impact assessment (or *SIA*) threshold from 4 gaming machines over a 3-year period to 10 gaming machines over a 10-year period,
- (b) to provide that an approved class 1 SIA operates for up to 10 years (in which time the venue may acquire its class 1 SIA quota) and that an approved class 2 SIA operates for up to 5 years (in which time the venue may acquire its class 2 SIA quota),
- (c) to prohibit hoteliers and registered clubs from offering or providing promotional prizes, or from offering inducements to play gaming machines, if the prize or inducement is indecent or offensive.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 34, 37 and 210 (the general regulation-making power).

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Clause 1 Gaming Machines Amendment Regulation 2005

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment Regulation 2005*.

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 clause 33 (1). Insert instead:

- (1) For the purposes of section 34 (2) (a) of the Act:
 - (a) the prescribed period is 10 years, and
 - (b) the prescribed number of approved gaming machines in relation to that 10-year period is 11.
- (1A) The 10-year period referred to in subclause (1) commences, in the case of any particular hotel or premises of a registered club, on the date on which the first class 1 social impact assessment provided in relation to that hotel or those premises is approved (regardless of whether that date is before or after the commencement of this subclause).

[2] Clause 33 (4) (a)

Omit “3 years”. Insert instead “10 years”.

[3] Clause 33 (4) (b)

Omit “3-year period”. Insert instead “10-year period”.

[4] Clause 33 (4) (b)

Omit “4”. Insert instead “10”.

[5] Clause 33 (5)

Insert after clause 33 (4):

- (5) The 10-year period referred to in subclause (4) commences, in the case of any particular hotel or premises of a registered club, on the date on which the first social impact assessment provided in relation to that hotel or those premises is approved (regardless of whether that date is before or after the commencement of this subclause).

[6] Clauses 39 and 39A

Omit clause 39. Insert instead:

39 Operation of approval of class 1 social impact assessment

- (1) If a class 1 social impact assessment is approved under section 37 of the Act, the hotelier or registered club concerned has up to 10

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Schedule 1 Amendments

years from the date of the approval in which to acquire poker machine entitlements for the number of gaming machines to which the approval relates (referred to as its *class 1 SIA quota*).

- (2) If, at the end of the 10-year period, the hotelier or club has not acquired poker machine entitlements for its class 1 SIA quota, the approval ceases to apply in relation to the portion of the class 1 SIA quota that is not used during that period.
- (3) This clause extends to a class 1 social impact assessment approved before the commencement of this clause (as substituted by the *Gaming Machines Amendment Regulation 2005*). Accordingly, in the case of any such approval, the 10-year period referred to in this clause is taken to have commenced on the date of the approval.

39A Operation of approval of class 2 social impact assessment

- (1) If a class 2 social impact assessment is approved under section 37 of the Act, the hotelier or registered club concerned has up to 5 years from the date of the approval in which to acquire poker machine entitlements for the number of gaming machines to which the approval relates (referred to as its *class 2 SIA quota*).
- (2) If, at the end of the 5-year period, the hotelier or club has not acquired poker machine entitlements for its class 2 SIA quota, the approval ceases to apply in relation to the portion of the class 2 SIA quota that is not used during that period.
- (3) This clause extends to a class 2 social impact assessment approved before the commencement of this clause (as inserted by the *Gaming Machines Amendment Regulation 2005*). Accordingly, in the case of any such approval, the 5-year period referred to in this clause is taken to have commenced on the date of the approval.

[7] Clause 42A

Insert after clause 42:

42A Prohibition on certain promotional prizes

- (1) A hotelier or registered club must not offer or provide a promotional prize that is indecent or offensive.
Maximum penalty: 100 penalty units.
- (2) In this clause, *promotional prize* means any prize or reward connected with any promotional activity involving approved gaming machines.

[8] Clause 48 Offering of inducements to gamble

Insert at the end of clause 48 (b):

, or

- (c) offer or provide, as an inducement to play approved gaming machines in the hotel or club, any prize or free give-away that is indecent or offensive.