



New South Wales

# Gaming Machines Amendment (Miscellaneous) 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 make it clear that certain notices which are currently required to be displayed on gaming machines, ATMs and cash-back terminals in hotels and on club premises are positioned so as to enable persons to clearly see the notices while playing or using the machine or terminal concerned (such notices relate to information about the chances of winning on gaming machines, the dangers of gambling and the availability of problem gambling counselling services),
- (b) to provide that the social impact assessment (*SIA*) that is required to be provided in connection with an application to keep gaming machines in a venue is to be a class 1 *SIA* in certain circumstances (eg when a hotelier, whose licence has been cancelled because of non-payment of the annual licence fee under the *Liquor Act 1982* but has been subsequently reinstated, applies to have the hotel's *SIA* threshold reinstated, or when the adjoining or adjacent premises of 2 clubs are redefined as a single set of premises and an application is made by the amalgamated club to keep the same number of gaming machines on the redefined premises as were previously kept on the premises before they were redefined),
- (c) to require information about gaming machine density, and level of expenditure on gaming machines, to be included in a class 2 *SIA*,
- (d) to ensure, in the case where a venue is situated in a retail shopping centre that is excluded from the operation of section 60 of the *Gaming Machines Act 2001*, that the Liquor Administration Board takes that fact into account when determining a class 2 *SIA* provided in connection with an application to keep gaming machines in the venue,

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- (e) to make it clear that employees or officers of the Crown, persons who provide advice to the Board about SIAs and certain employees of clubs or hoteliers are not required to hold a gaming machine adviser's licence under the *Gaming Machines Act 2001*,
- (f) to exempt certain clubs from the operation of section 60 of the Act (which prevents gaming machines from being kept in retail shopping centres).

This Regulation is made under the *Gaming Machines Act 2001*, including sections 35, 47 (2) and 210 (the general regulation-making power), in particular section 210 (2) (p) and (4).

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## **Gaming Machines Amendment (Miscellaneous) Regulation 2005**

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### **1 Name of Regulation**

This Regulation is the *Gaming Machines Amendment (Miscellaneous) Regulation 2005*.

### **2 Amendment of Gaming Machines Regulation 2002**

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

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 2)

- [1] **Clause 21 Display of information concerning chances of winning prizes on gaming machines**  
Omit clause 21 (3) (b). Insert instead:
- (b) displayed on each approved gaming machine kept in the hotel or on the premises of the club.
- [2] **Clause 21 (3A)**  
Insert after clause 21 (3):
- (3A) Any such notice that is required to be displayed on an approved gaming machine must be positioned so as to enable a person to clearly see the notice while playing the gaming machine.
- [3] **Clause 25 Dangers of gambling—notice to be displayed on gaming machines**  
Omit clause 25 (3). Insert instead:
- (3) The gambling warning notice and problem gambling notice must be displayed on each approved gaming machine kept in the hotel or on the premises of the club.
  - (3A) Each such notice must be positioned so as to enable a person to clearly see the notice while playing the gaming machine.
- [4] **Clause 25 (10)**  
Omit “, or placed on top of,”.
- [5] **Clause 27 Signage to be displayed on ATMs and cash-back terminals**  
Omit “in a prominent position on the front or on top of” from clause 27 (1).  
Insert instead “on”.
- [6] **Clause 27 (1A)**  
Insert after clause 27 (1):
- (1A) The notice must be positioned so as to enable a person to clearly see the notice while using the ATM or cash-back terminal.

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**[7] Clause 33 Classes of social impact assessment**

Insert after clause 33 (2A):

- (2B) If:
- (a) a hotelier's licence is cancelled under section 56C of the *Liquor Act 1982* but is subsequently reinstated under that section, and
  - (b) the hotelier applies under Part 5 of the Act for authorisation to keep a number of approved gaming machines that is no more than the SIA threshold for the hotel immediately before the licence was cancelled,
- the social impact assessment that is required to be provided in connection with the application is to be a class 1 social impact assessment.

**[8] Clause 33 (3)**

Omit "clause 40A (3)". Insert instead "clauses 40A (3) and 40B".

**[9] Clause 35 Class 2 social impact assessment**

Omit clause 35 (3) (f). Insert instead:

- (f) a statement, supported by data provided in the social impact assessment, indicating:
  - (i) the number of persons (aged 18 years or over) per gaming machine that would be available in the local community if the application were granted, and
  - (ii) the level of expenditure per person (aged 18 years or over) on gaming machines in the local community over a period of time specified by the Board,
- (g) if it is impracticable to provide the information referred to in paragraph (f)—a statement, supported by data provided in the social impact assessment, indicating:
  - (i) the number of persons (aged 18 years or over) per gaming machine that would be available, if the application were granted, in the local government area in which the venue is situated, and
  - (ii) the level of expenditure per person (aged 18 years or over) on gaming machines in the local government area in which the venue is situated over a period of time specified by the Board,

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#### Schedule 1 Amendments

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- (h) a comparison of the gaming machine density and level of gaming machine expenditure (as referred to in paragraph (f) or (g)) with other relevant areas, as specified by the Board, and with the State as a whole.

#### [10] **Clause 35 (6) (a1)**

Insert after clause 35 (6) (a):

- (a1) in the case of a class 2 social impact assessment provided in accordance with clause 138A (2)—the fact that the hotel is, or the premises of the club are, part of a retail shopping centre, and

#### [11] **Clause 40B**

Insert after clause 40A:

#### **40B Provision of class 1 social impact assessment in relation to amalgamated club premises**

If:

- (a) 2 registered clubs amalgamate under section 17A of the *Registered Clubs Act 1976*, and
- (b) the premises of one of those clubs were, immediately before the amalgamation, adjoining or adjacent to any of the other club's premises, and
- (c) the amalgamated club applies for the premises that are adjoining or adjacent to each other to be redefined under that Act as a single set of premises, and
- (d) a social impact assessment is required to be provided in connection with an application under Part 5 of the Act to keep approved gaming machines on the redefined premises, and
- (e) the application under Part 5 of the Act would, if granted by the Board, result in the amalgamated club keeping, on the redefined premises, no more approved gaming machines than the number that were authorised to be kept on each of the premises that were adjoining or adjacent to each other immediately before the application to redefine the premises was made,

the social impact assessment is to be a class 1 social impact assessment.

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**[12] Clause 135A**

Insert after clause 135:

**135A Exclusion of certain persons from definition of “gaming machine adviser”**

The following persons are, to the extent that they give advice or issue or publish analyses or reports about poker machines or approved amusement devices, exempt from the definition of *gaming machine adviser* in section 82 of the Act in the circumstances as specified:

- (a) any person providing advice to the Board, at the Board’s request, in relation to social impact assessments,
- (b) an officer or employee of the Crown when carrying out his or her duties as such an officer or employee,
- (c) an employee of a hotelier or registered club whose giving of any such advice, or whose issuing or publishing of any such analyses or reports, is incidental to, and not the main part of, the employee’s duties as such an employee.

**[13] Clause 138B**

Insert after clause 138A:

**138B Exemption from operation of section 60 of the Act (Gaming machines not permitted in retail shopping centres)**

- (1) If:
  - (a) the premises of a registered club were part of a retail shopping centre as at 2 April 2002, and
  - (b) the club moves to other premises that are part of (or that adjoin) the shopping centre or extends its premises into another part of the shopping centre,the club is exempt from the operation of section 60 of the Act (but only in relation to the premises of the club that are part of the shopping centre concerned).
- (2) If a social impact assessment is required to be provided in connection with an application to keep approved gaming machines on the new or extended premises (as referred to in subclause (1) (b)), the social impact assessment is to be a class 1 social impact assessment.
- (3) Subclause (2) has effect despite any other provision of this Regulation.