



New South Wales

# Gaming Machines Amendment (Miscellaneous) Regulation 2006

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 provision for the special allocation of poker machine entitlements by the Liquor Administration Board under section 15AA of the *Gaming Machines Act 2001* (as inserted by the *Gaming Machines Amendment Act 2005*),
- (b) to provide for a number of new offences under the *Gaming Machines Act 2001* to be dealt with by way of penalty notice,
- (c) to exempt Tabcorp from the operation of section 69 of the Act (which relates to possession of poker machines that have not been approved by the Liquor Administration Board) to the extent that Tabcorp is operating (in New South Wales) subsidiary equipment used for the purposes of monitoring gaming operations in Victoria,
- (d) to make a number of amendments that are consequential on the enactment of the *Gaming Machines Amendment Act 2005*.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 15AA and 210 (the general regulation-making power).

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Clause 1            Gaming Machines Amendment (Miscellaneous) Regulation 2006

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# **Gaming Machines Amendment (Miscellaneous) Regulation 2006**

under the

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### **1 Name of Regulation**

This Regulation is the *Gaming Machines Amendment (Miscellaneous) Regulation 2006*.

### **2 Commencement**

This Regulation commences on 3 February 2006.

### **3 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

(Clause 3)

**[1] Clause 8B**

Insert after clause 8A:

**8B Special allocation of poker machine entitlements under section 15AA of Act**

- (1) In this clause:  
*relevant freeze date* means:
  - (a) in relation to a hotel—19 April 2001, or
  - (b) in relation to the premises of a registered club—28 March 2000.*venue* means a hotel or the premises of a registered club.
- (2) If a venue was, as at the relevant freeze date:
  - (a) closed for renovations, or
  - (b) in the process of moving to other premises,but has since re-opened before the commencement of this clause, the Board may, under section 15AA of the Act, allocate one poker machine entitlement for each approved poker machine that was authorised to be kept by or in the venue immediately before the relevant freeze date (whether or not the poker machines concerned were actually installed in the venue as at the relevant freeze date).
- (3) The Board may not allocate poker machine entitlements under section 15AA of the Act to a venue referred to in subclause (2) unless the Board is satisfied that:
  - (a) there has been continuity of the business in relation to the venue, and
  - (b) any excessive delay on the part of the hotelier or registered club in re-opening the premises is justified in the circumstances.
- (4) In the case of any other venue to which section 15AA of the Act applies, the Board may allocate poker machine entitlements under that section in such circumstances as the Board thinks appropriate and having regard to the administrative arrangements in place under section 15 (2) of the Act before 14 February 2003.

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#### Schedule 1 Amendments

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- (5) In determining the allocation of poker machine entitlements under section 15AA of the Act, the following matters are to be disregarded:
  - (a) the fact that the venue concerned has, since the relevant freeze date, kept and operated approved poker machines in the venue,
  - (b) any issues raised by the venue with respect to the financial hardship that will be suffered if the venue is not allocated the poker machine entitlements.
- (6) A venue that is eligible to be allocated poker machine entitlements under section 15AA of the Act may be allocated the entitlements only if it applies to the Board for an allocation under that section within 3 months of the commencement of this clause. If the venue fails to apply for the allocation within the 3-month period, the venue forfeits any future claim to be allocated poker machine entitlements under section 15 or 15AA of the Act.
- (7) If, in the case of a venue that is to be allocated poker machine entitlements under section 15AA of the Act, the Board has approved the keeping of hardship gaming machines in the venue, the Board may, in allocating the entitlements, convert the whole or part of the approval for keeping the hardship gaming machines into the corresponding number of poker machine entitlements and revoke the approval (or part of the approval) accordingly.
- (8) Despite any other provision of this clause, poker machine entitlements may be allocated under section 15AA of the Act to a venue only if:
  - (a) the venue was, following the relevant freeze date, notified by the Board of the Board's assessment of the venue's allocation entitlement, and
  - (b) the venue advised the Board before 14 February 2003 that it disagreed with the assessment, and
  - (c) the disputed assessment had not been determined by the Board as at 14 February 2003.
- (9) The Board is not required to allocate a poker machine entitlement under section 15AA of the Act for an approved poker machine unless the Board is satisfied that the venue concerned:
  - (a) was lawfully in a position to keep the poker machine when the authorisation to keep the poker machine was granted, or

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- (b) would have been lawfully in a position to keep the poker machine by the date nominated in the application for the authorisation.
  - (10) Nothing in this clause entitles any venue to be allocated a poker machine entitlement for an approved poker machine if:
    - (a) a poker machine entitlement has already been allocated for that poker machine under Part 3 of the Act, or
    - (b) it is a poker machine for which a Liquor Act poker machine permit is held.

**[2] Clauses 36 (1) (f) and 46 (2) (d)**

Omit “Casino Community Benefit Fund” wherever occurring.

Insert instead “Responsible Gambling Fund”.

**[3] Clause 47 Self-exclusion schemes**

Omit clause 47 (2) (f). Insert instead:

- (f) requiring the hotelier or club to make available, on request by any patron of the hotel or club, the standard self-exclusion form (if any) referred to in paragraph (b),

**[4] Clause 67 Definitions**

Omit “issued by the Board” from paragraph (b) of the definition of *progressive gaming machine*.

Insert instead “approved by the Director”.

**[5] Clause 134A**

Insert after clause 134:

**134A Exemption for Tabcorp to possess certain subsidiary equipment**

Section 69 (1) of the Act does not apply to Tabcorp to the extent that it is in possession of subsidiary equipment that is used for the purposes of monitoring gaming machine operations in Victoria.

**[6] Schedule 3 Penalty notice offences**

Insert in appropriate order under the heading “**Offences under the Act**” in Columns 1 and 2 respectively:

Section 46 (1)	\$1,100
Section 49 (3)	\$1,100
Section 69A (2) and (3)	\$1,100

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Schedule 1 Amendments

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Section 133A (1) and (4)	\$1,100
Section 133A (3)	\$110
Section 182A (2)	\$1,100

**[7] Schedule 3**

Omit the matter relating to sections 77, 106 and 133 under the heading "**Offences under the Act**".

Insert instead:

Section 77 (1), (2), (2D), (3) and (5)	\$1,100
Section 77 (2A) and (2C)	\$110
Section 106 (3) and (4)	\$550
Section 133 (1), (2) and (4)	\$1,100

BY AUTHORITY

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