



New South Wales

Gaming Machines Amendment (Retail Shopping Centres) 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

Under section 60 of the *Gaming Machines Act 2001*, gaming machines cannot be authorised to be kept in a hotel or on the premises of a registered club that is part of a retail shopping centre if the authorisation would result in an increase in the number of gaming machines to be kept in the hotel or premises concerned. That section also provides that the authorisation to keep gaming machines in a hotel or club premises ceases when the hotel or premises are moved or extended to a retail shopping centre.

The objects of this Regulation are:

- (a) to exclude the retail shopping centre situated within the area of land bounded by Victoria Road, Darling Street, Waterloo Street and Moodie Street, Rozelle from the definition of *retail shopping centre* in section 60 of the Act, but only if certain requirements are met in relation to that shopping centre, and
- (b) to enable a registered club to extend its premises to an adjacent retail shopping centre that has less than 40 shops without the club losing its authorisation to keep gaming machines on its premises, but only if certain requirements are met.

This Regulation also removes a provision that limits the types of machines and devices that the Liquor Administration Board may approve under the *Gaming Machines Act 2001* as approved gaming machines. The limitation of the Board's approval functions may instead be achieved by way of Ministerial directions under section 205 of the Act.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 60 and 210 (the general regulation-making power).

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Clause Gaming Machines Amendment (Retail Shopping Centres) Regulation 2006

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (Retail Shopping Centres) Regulation 2006*.

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 4 Limitation on Board's approval of certain gaming machines

Omit the clause.

[2] Clause 138AA

Insert after clause 138:

138AA Exclusion from definition of "retail shopping centre"

A retail shopping centre that is situated within the area of land bounded by Victoria Road, Darling Street, Waterloo Street and Moodie Street, Rozelle (*the site*) is excluded from the definition of *retail shopping centre* in section 60 of the Act, but only if:

- (a) the retail shopping centre comprises less than 40 shops, and
- (b) the retail shopping centre contains no more than one set of premises of a registered club, and
- (c) patrons will not be able to gain access to those premises directly from the retail shopping centre, and
- (d) the number of approved gaming machines authorised to be kept on those premises is no more than the number authorised to be kept on any premises that were located on the site immediately before the commencement of this clause.

[3] Clause 138C

Insert after clause 138B:

138C Exemption from operation of section 60 (5) of the Act

Section 60 (5) of the Act does not apply in relation to a registered club that extends its premises to a retail shopping centre or proposed retail shopping centre if:

- (a) the retail shopping centre is or will be directly adjacent to the club's existing premises, and
- (b) the retail shopping centre comprises or will comprise less than 40 shops, and
- (c) patrons will not be able to gain access to the club's premises directly from the retail shopping centre, and

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Schedule 1 Amendments

- (d) the club's premises remain predominantly where they were before the extension, and
- (e) the number of approved gaming machines authorised to be kept on the club's premises is no more than the number authorised to be kept on those premises immediately before the commencement of this clause.

BY AUTHORITY
