



New South Wales

Gaming Machines Amendment (Exemptions) Regulation 2009

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*.

KEVIN GREENE, MP
Minister for Gaming and Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) to require a registered club that has amalgamated with another club to provide a class 1 local impact assessment (rather than the more stringent class 2 LIA) when it applies for an increase in the number of gaming machines it can have on its main premises (this exemption from the requirement to provide a class 2 LIA will apply only if the increase is due to the transfer of poker machine entitlements from the dissolved club, the premises of the dissolved club are no more than 5 kilometres from the amalgamated club's main premises and trading has ceased on the dissolved club's premises),
- (b) to provide an exemption from the rule that requires the gaming machine threshold of a registered club to be set at zero when the club moves or extends into a retail shopping centre (this exemption will apply only if the club's premises were already part of the same shopping centre as at 2 April 2002, patrons will not be able to gain access to the club's premises directly from the shopping centre and the move or extension does not involve any increase in the number of gaming machines the club can have on the premises).

This Regulation is made under the *Gaming Machines Act 2001*, including sections 35 (7) and 210 (4).

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Clause 1 Gaming Machines Amendment (Exemptions) Regulation 2009

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (Exemptions) Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Gaming Machines Regulation 2002

[1] Clause 38A

Insert after clause 38:

38A Provision of class 1 LIA in relation to amalgamated club premises in certain circumstances

- (1) A local impact assessment that is required to be provided with a threshold increase application by a parent club in relation to its main premises is to be a class 1 LIA if:
 - (a) the gaming machine threshold of the main premises is being increased as a result of the transfer of poker machine entitlements from the premises of the dissolved club, and
 - (b) the premises of the dissolved club are situated within a radius of 5 kilometres of the main premises of the parent club, and
 - (c) trading on the premises of the dissolved club has ceased permanently.
- (2) In this clause:

dissolved club, in relation to the amalgamation of registered clubs, means the club whose club licence is transferred under section 60 of the *Liquor Act 2007* to another registered club.

main premises of a parent club means the premises that are, in the opinion of the Authority, the main premises of the club.

parent club, in relation to the amalgamation of registered clubs, means the registered club to which the club licence of another club is transferred under section 60 of the *Liquor Act 2007*.
- (3) This clause has effect despite section 35 (4) of the Act.

[2] Clause 40B Exemption from operation of section 37B (4) of the Act for club premises in retail shopping centres

Insert at the end of the clause:

- (2) If an application is granted under the *Liquor Act 2007* that results in the removal of a club licence, or the extension of the premises of a registered club, to premises that are part of a retail shopping centre, the registered club is exempt from the operation of section 37B (4) of the Act in relation to those premises if:
 - (a) the club was occupying premises in that same retail shopping centre as at 2 April 2002, and

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- (b) patrons will not be able to gain access to the club's premises directly from the retail shopping centre, and
- (c) the gaming machine threshold for the club's premises is no more than the gaming machine threshold for the club's premises immediately before the club licence was removed or the premises were extended.