



New South Wales

Gaming Machines Amendment (Miscellaneous) Regulation 2012

under the

Gaming Machines Act 2001

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

GEORGE SOURIS, MP
Minister for Tourism, Major Events, Hospitality and Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) to modify the circumstances in which a local impact assessment is not required in connection with a gaming machine threshold application by a hotel that involves permits issued under section 182C of the former Liquor Act,
- (b) to extend, to 30 March 2013, the date on which the Independent Liquor and Gaming Authority is to decrease a venue's gaming machine threshold by the number of any approved amusement devices that have previously been surrendered or disposed of by the venue,
- (c) to require training providers who are approved to provide responsible conduct of gaming (*RCG*) training courses to comply with the conditions of their approval,
- (d) to prohibit certain fraudulent activities in relation to RCG training courses,
- (e) to make a number of miscellaneous amendments that are consequential on the commencement of the *Clubs, Liquor and Gaming Machines Legislation Amendment Act 2011*.

This Regulation is made under the *Gaming Machines Act 2001* (as amended by the *Clubs, Liquor and Gaming Machines Legislation Amendment Act 2011*), including sections 35 (7), 47 (3) and 210 (the general regulation-making power) and clause 53 of Schedule 1.

2012 No 129

Clause 1 Gaming Machines Amendment (Miscellaneous) Regulation 2012

Gaming Machines Amendment (Miscellaneous) Regulation 2012

under the

Gaming Machines Act 2001

1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (Miscellaneous) Regulation 2012*.

2 Commencement

This Regulation commences on 30 March 2012 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Gaming Machines Regulation 2010

[1] Clause 5 Limitation on types of gaming machines in hotels

Omit clause 5 (3).

[2] Clause 34 Interpretation

Omit clause 34 (3) (including the note).

[3] Clauses 39 (3) (a), 40 (1) (a), 40A (2) (b) and (3), 147 (heading) and 148

Omit “poker” wherever occurring. Insert instead “gaming”.

[4] Clause 42

Omit the clause. Insert instead:

42 LIA not required with certain threshold increase applications that involve “excess” permits

(1) In this clause:

permit means a permit issued and in force under section 182C of the *Liquor Act 1982* before its repeal.

(2) A threshold increase application by a hotelier is not required to be accompanied by a LIA if:

- (a) the Authority is satisfied that the proposed increase only involves the utilisation of permits that were held in respect of the hotel licence immediately before the date on which the application was made but that were not included in the gaming machine threshold for the hotel as at that date, and
- (b) the hotel is situated in a Band 1 LGA, and
- (c) the threshold increase application, if approved, would not result in the gaming machine threshold for the hotel being increased, over any period of 12 months, by a number that is more than the number corresponding to a low-range increase for the hotel.

(3) A threshold increase application by a hotelier is not required to be accompanied by a LIA if:

- (a) the gaming machine threshold for the hotel has been decreased as a result of the transfer of gaming machine entitlements or permits from the hotel, and
- (b) the Authority is satisfied that the proposed increase only involves the utilisation of permits that were held in respect

2012 No 129

Gaming Machines Amendment (Miscellaneous) Regulation 2012

Schedule 1 Amendment of Gaming Machines Regulation 2010

of the hotel licence immediately before the date on which the application was made but that were not included in the gaming machine threshold for the hotel as at that date, and

- (c) the threshold increase application, if approved, would not result in the gaming machine threshold for the hotel being increased by more than the number by which the threshold was decreased as a result of the transfer of gaming machine entitlements or permits from the hotel.

[5] **Clause 45A**

Insert after clause 45:

45A Date on which gaming machine threshold is to be decreased by number of AADs previously surrendered or disposed of

Despite clause 53 of Schedule 1 to the Act, the date on which the Authority is to decrease a venue's gaming machine threshold under and in accordance with that clause is 30 March 2013.

[6] **Clause 46 Gaming machine advertising and signs—exclusions**

Omit clause 46 (8). Insert instead:

- (8) The mention of the name of a dealer who supplies, sells or manufactures gaming machines does not, in itself, constitute gaming machine advertising for the purposes of section 43 of the Act.

[7] **Clause 60 Approval of training providers**

Insert after clause 60 (6):

- (6A) An approved training provider must comply with the conditions to which the training provider's approval is subject.
Maximum penalty: 100 penalty units.

[8] **Clause 60 (7) and (8)**

Omit "it" wherever occurring. Insert instead "the Director-General".

[9] **Clauses 60A and 60B**

Insert after clause 60:

60A Prohibition on granting interim RCG certificates to unqualified persons

An approved training provider must not grant an interim RCG certificate to any person who has not successfully completed an

approved RCG training course conducted by the training provider.

Maximum penalty: 100 penalty units.

60B Prohibition on providing training courses without approval

A person must not:

- (a) provide or offer to provide any training course that is held out, whether directly or indirectly, to be a course that will satisfy the requirements imposed by clause 59, or
- (b) advertise, state or imply in any way that the person is qualified to provide any such course,

unless the person is an approved training provider.

Maximum penalty: 100 penalty units.

[10] Clause 77 Consignment of gaming machines for development and testing before approval

Omit “a poker machine or a device that is in the nature of an approved amusement device”.

Insert instead “a gaming machine”.

[11] Clause 77

Omit “the poker machine or device” wherever occurring.

Insert instead “the gaming machine”.

[12] Clause 150 Authorised possession of gaming machines before approval

Omit “the poker machine or device” wherever occurring.

Insert instead “the gaming machine”.

[13] Clause 152 Transitional provision—hardship applications (hotels)

Omit the clause.

[14] Clause 156A

Insert after clause 156:

156A Definition of “metropolitan area”

For the purposes of the Act, a *metropolitan area* comprises the following local government areas:

Ashfield, Auburn, Bankstown, Blacktown, Blue Mountains, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby,

2012 No 129

Gaming Machines Amendment (Miscellaneous) Regulation 2012

Schedule 1 Amendment of Gaming Machines Regulation 2010

Hunter's Hill, Hurstville, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, Newcastle, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, The Hills, Warringah, Waverley, Willoughby, Wollondilly, Wollongong, Woollahra, Wyong.

[15] Clause 162A Transitional provision—construction of certain references relating to poker machine entitlements

Omit the clause.

[16] Clause 163 General savings provision

Omit clause 163 (2).

[17] Schedule 3 Penalty notice offences

Insert after the matter relating to clause 59 (4):

Clause 60 (6A)	\$1,100
Clause 60A	\$1,100
Clause 60B	\$1,100