



Gaming Machines Amendment (LIA Exemption for Certain Clubs) Regulation 2012

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*.

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

Explanatory note

Under section 37A of the *Gaming Machines Act 2001* a club that is situated in a new development area is only required to provide a class 1 local impact assessment (rather than a more stringent class 2 LIA) when it applies to increase its gaming machine threshold by up to 150 gaming machines. The club is also only required to forfeit one in 6 poker machine entitlements (rather than the usual one in 2 or 3 ratio) when it acquires entitlements to meet its increased threshold once the LIA is approved.

The object of this Regulation is to provide that clubs situated within 1 kilometre of a new development area will also be exempt from the requirement to provide a class 2 LIA when increasing their gaming machine threshold by up to 150 gaming machines and will also get the same forfeiture concessions in relation to the acquisition of poker machine entitlements.

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

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Clause 1

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (LIA Exemption for Certain Clubs) Regulation 2012*.

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 2010

Clause 40A

Insert after clause 40:

40A **Special provision for clubs establishing adjacent to new development areas**

- (1) In this clause:
adjacent area means an area of land in a Band 1 LGA that:
 - (a) is within 1 kilometre of a new development area within the meaning of section 37A of the Act, and
 - (b) does not, in the opinion of the Authority, have the full benefit of the services and facilities of the kind provided by registered clubs.
- (2) Despite section 35 (4) of the Act, a class 1 local impact assessment may be provided with a threshold increase application in relation to the premises of a registered club that are situated in an adjacent area if:
 - (a) the number to which the application relates is not more than 150, and
 - (b) the Authority is satisfied that the acquisition of a corresponding number of poker machine entitlements in respect of those premises would not increase the density of gaming machines in the local government area in which the premises are situated to the extent that the classification of the area is affected.
- (3) If any such class 1 LIA is approved, the following provisions apply, to the exclusion of sections 20 (3) and 37 (1) and (2) of the Act, in relation to the registered club concerned:
 - (a) only one poker machine entitlement for every 2 transfer blocks is required to be forfeited to the Authority under the Act in respect of the first 50 poker machine entitlements that are transferred to the premises after the approval of the LIA,
 - (b) the club has up to 5 years from the date of the approval in which to acquire poker machine entitlements for the number of gaming machines to which the threshold increase relates (the club's *special class 1 quota*),
 - (c) if, at the end of that 5-year period the club has not acquired poker machine entitlements for its special class 1 quota,

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the Authority is to decrease the gaming machine threshold for the premises in accordance with the portion of the special class 1 quota that is not used during that period.