



New South Wales

Gaming Machines Amendment Regulation 2008

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*.

GRAHAM WEST, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to amend the *Gaming Machines Regulation 2002* to update references and repeal obsolete provisions as a consequence of the enactment of the *Liquor Act 2007*, the *Casino, Liquor and Gaming Control Authority Act 2007* and the *Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007*.

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

2008 No 234

Clause 1 Gaming Machines Amendment Regulation 2008

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Gaming Machines Regulation 2002

The *Gaming Machines Regulation 2002* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

- [1] **The whole Regulation (except clauses 8, 8A and 136A and except where otherwise amended by this Schedule)**
Omit “Board” and “Board’s” wherever occurring.
Insert instead “Authority” and “Authority’s”, respectively.
- [2] **Clauses 3 (1) (definition of “technician’s place of business”) and 61 (1)**
Omit “Licensing Court” wherever occurring. Insert instead “Authority”.
- [3] **Clauses 9 (1), 29 (3) and (4) and 33 (2) (a) (i)**
Omit “hotelier’s licence” wherever occurring.
Insert instead “hotel licence”.
- [4] **Clause 9 Hotel gaming rooms**
Omit clause 9 (2) (a). Insert instead:
(a) the gaming room must be located in a bar area of the hotel, and it must not be in a part of the hotel in respect of which a minors area authorisation under section 121 of the *Liquor Act 2007*, or a minors functions authorisation under section 122 of that Act, is in force,
- [5] **Clause 10 Location and operation of gaming machines in hotels**
Omit “restricted area (within the meaning of the *Liquor Act 1982*)” from clause 10 (1) (a).
Insert instead “bar area (within the meaning of the *Liquor Act 2007*)”.
- [6] **Clause 10 (1) (b)**
Omit “*Liquor Act 1982* in the restricted area”.
Insert instead “*Liquor Act 2007* in the bar area”.
- [7] **Clauses 12 and 18 (2)**
Omit “kept by the hotelier or club” wherever occurring.
Insert instead “kept by the hotelier or on the premises of the club”.

2008 No 234

Gaming Machines Amendment Regulation 2008

Schedule 1 Amendments

- [8] **Clauses 13 (1), 14 (1) and (2), 21 (1), 27 (1), 34 (1) (a), 46 (6), 47 (2) (b), 48, 51 (4), 67 (definitions of “authorised progressive gaming machine” and “authorised progressive system”), 71 (2), 80 (definitions of “account card” and “player account”), 87 (3), 96 (1), 97 (5), 100 (1) and 101 (1) (b)**
Omit “in the hotel or club” wherever occurring.
Insert instead “in the hotel or on the premises of the club”.
- [9] **Clauses 15, 18 (5), 19 (1) and 134 (2)**
Omit “kept by the club” wherever occurring.
Insert instead “kept on the premises of the club”.
- [10] **Clauses 17 (1), 49 (5), 78 (6) and 79**
Omit “in a registered club” wherever occurring.
Insert instead “on the premises of a registered club”.
- [11] **Clause 18 Meters**
Omit “kept by a registered club” from clause 18 (8).
Insert instead “kept on the premises of a registered club”.
- [12] **Clauses 20 and 77 (2) and (4)**
Omit “kept in the club” wherever occurring.
Insert instead “kept on the premises of the club”.
- [13] **Clauses 20 (1) (c) and (3) (c), 70 (c), 89 (1) (c), 102 (3) and 114 (2)**
Omit “a special inspector” wherever occurring. Insert instead “an inspector”.
- [14] **Clauses 21 (3) (a) and 23 (2)**
Omit “each part of the hotel or registered club” wherever occurring.
Insert instead “each part of the hotel, or each part of the premises of the registered club,”.
- [15] **Clauses 21 (3) (a), 23 (3), 28 (a) and 46 (5)**
Omit “part of the hotel or club” wherever occurring.
Insert instead “part of the hotel, or part of the premises of the club,”.

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- [16] Clauses 22 (1) (c) and 35 (2) and (6) (b)**
Omit “Department of Gaming and Racing” wherever occurring.
Insert instead “NSW Office of Liquor, Gaming and Racing, Department of the Arts, Sport and Recreation”.
- [17] Clause 26 Counselling signage—notice to be displayed**
Omit “to the hotel or club” wherever occurring in clause 26 (1).
Insert instead “to the hotel or the premises of the club”.
- [18] Clause 28 Display of clocks**
Omit “part of the hotel or club” from clause 28 (b).
Insert instead “part of the hotel or premises of the club”.
- [19] Clause 31 Location of cash dispensing facilities away from gaming machines**
Omit “part of the hotel or club” wherever occurring.
Insert instead “part of the hotel, or a part of the premises of the club,”.
- [20] Clause 33 Classes of social impact assessment**
Omit clause 33 (2B).
- [21] Clauses 41 (2) (a), 47 (4), 50 (1) (a) and 97 (6)**
Insert “on the premises of a” after “a hotel or” wherever occurring.
- [22] Clause 41 Gaming machine advertising and signs—exclusions**
Omit clause 41 (4) and (5).
- [23] Clause 46 Provision of problem gambling counselling services**
Omit “nominated area of the hotel or club” from clause 46 (6) (b).
Insert instead “nominated area of the hotel or premises of the club”.
- [24] Clause 53**
Omit the clause. Insert instead:
- 53 Submissions in relation to licence applications and applications for variation or revocation of licence conditions**
- (1) Any submission to the Authority in relation to an application for a gaming-related licence, or an application for the variation or revocation of a condition of a gaming-related licence, must:

2008 No 234

Gaming Machines Amendment Regulation 2008

Schedule 1 Amendments

- (a) specify details of the application to which the submission relates, and
 - (b) be made within 30 days of the date on which the application was made.
- (2) Despite subclause (1), the Authority may, in such cases as the Authority thinks fit, extend the period in which persons may make submissions in relation to any particular application or class of applications.

[25] **Clauses 54 and 54A**

Omit clause 54. Insert instead:

54 Applications by dealers

- (1) If an application is made to the Authority for a dealer's licence, the applicant must, within 2 working days of making the application, notify each of the following that the application has been made:
- (a) the local police,
 - (b) the local consent authority,
 - (c) if the premises to which the application relates are, or will be, situated within 500 metres of the boundary of another local government area—the local consent authority for that other area.
- (2) The notice must be in the form, and be given in the manner, approved by the Authority.

54A Notice relating to applications by dealers to be fixed to premises

- (1) If an application is made to the Authority for a dealer's licence, a notice relating to the application that is in the form approved by the Authority must, within 2 working days of making the application, be fixed by the applicant to the premises to which the application relates.
- (2) The notice must be fixed to the premises until such time as the application is determined by the Authority.
- (3) If premises have not been erected, the requirement to fix a notice relating to an application may be satisfied by fixing the notice to a notice board erected on the land on which it is proposed to erect the premises.
- (4) A notice is not fixed to premises or land in accordance with this clause unless:

- (a) it is fixed to the premises or land in such a position that it is legible to members of the public passing the premises or land, and
- (b) if the Authority has directed that it also be fixed in another specified position—it is also fixed in that other position.

54B Advertisement relating to applications by dealers to be published

- (1) If an application is made to the Authority for a dealer’s licence, the applicant must advertise the application:
 - (a) in a newspaper that circulates throughout New South Wales, and
 - (b) in a local newspaper that circulates in the area in which the premises to which the application relates are located.
- (2) The advertisement must:
 - (a) be published within 7 days of the date on which the application was made, and
 - (b) be in the form approved by the Authority.

[26] Clause 77 Authorised progressive gaming machines—reading and recording of meters and jackpot reconciliations

Omit “in the club” from clause 77 (8). Insert instead “on the premises of the club”.

[27] Clause 78 Authorised progressive systems—reading and recording of meters and jackpot reconciliations

Omit “operated in the club” wherever occurring in clause 78 (2) and (4).

Insert instead “operated on the premises of the club”.

[28] Clause 78 (7) and (9)

Omit “in the club” wherever occurring.

Insert instead “on the premises of the club”.

[29] Clause 87 Player activity statements—player accounts

Omit “in the hotel or club” from clause 87 (3) (g).

Insert instead “in the hotel or on the premises of the club”.

[30] Clause 87 (3) (h)

Omit “in hotel or club”.

Insert instead “in the hotel or on the premises of the club”.

2008 No 234

Gaming Machines Amendment Regulation 2008

Schedule 1 Amendments

[31] Clause 105 Removal of authorised CMS

Omit “any hotel or registered club” from clause 105 (1).

Insert instead “any hotel or on the premises of any registered club”.

[32] Clause 114 Minister may require information relating to licensees and other persons

Omit “special” wherever occurring in clause 114 (5) and (6).

[33] Clause 132A

Insert after clause 132:

132A Application fee for variation or revocation of condition of gaming-related licence

For the purposes of section 104 (5) (b), the fee prescribed for an application by a licensee to vary or revoke a licence condition imposed by the Authority is:

- (a) in relation to a dealer’s licence—\$200,
- (b) in relation to a seller’s licence—\$50,
- (c) in relation to a technician’s licence—\$50,
- (d) in relation to an adviser’s licence—\$50,
- (e) in relation to a testing facility licence—\$100.

[34] Clause 138A Exclusion of retail shopping centres with less than 40 shops

Omit “or registered club” from clause 138A (2).

Insert instead “or the premises of a registered club”.

[35] Section 138D

Insert after clause 138C:

138D Denial of allegation as to age

For the purposes of section 194 (2) of the Act, an allegation in relation to any proceedings for an offence under the Act or this Regulation is denied as prescribed if it is denied:

- (a) at any adjournment prior to the commencement of the proceedings—by informing the court, the informant or a person appearing for the informant in writing of the denial, or

- (b) at any time not later than 14 days before the hearing of the charge—by informing the informant or a person appearing for the informant in writing of the denial.

[36] Clause 140 Disclosure of information

Omit “Casino Control Authority” from clause 140 (1) (c).

Insert instead “Casino, Liquor and Gaming Control Authority”.

[37] Clauses 141–145

Omit the clauses.

[38] Schedule 3 Penalty notice offences

Omit the matter under the heading “**Offences under the Act**”.

Insert instead:

Column 1	Column 2
Offence	Penalty
Section 39 (1)	\$1,100
Section 40 (2)	\$1,100
Section 40A (2)	\$1,100
Section 41 (4)	\$1,100
Section 43 (1) and (3)	\$1,100
Section 44 (1) and (3)	\$1,100
Section 45 (2) and (4)	\$1,100
Section 46 (1)	\$1,100
Section 47A	\$1,100
Section 49 (3)	\$1,100
Section 50 (1)	\$55
Section 51 (1)	\$550
Section 52 (1)	\$55
Section 52 (2)	\$550
Section 52 (3)	\$220
Section 53 (2) (a)	\$55
Section 53 (2) (b)	\$110
Section 56 (1)	\$1,100

2008 No 234

Gaming Machines Amendment Regulation 2008

Schedule 1 Amendments

Column 1	Column 2
Offence	Penalty
Section 57 (2)	\$550
Section 59 (5)	\$1,100
Section 61 (4)	\$1,100
Section 68	\$1,100
Section 69 (1)	\$1,100
Section 69A (2) and (3)	\$1,100
Section 70 (1)	\$1,100
Section 71 (1), (2) and (4)	\$1,100
Section 71 (3)	\$550
Section 75	\$1,100
Section 76 (1)	\$1,100
Section 77 (1), (2), (2D), (3) and (5)	\$1,100
Section 77 (2A) and (2C)	\$110
Section 78 (1) and (2)	\$1,100
Section 79 (1)	\$550
Section 84 (1) and (2)	\$1,100
Section 85 (1) and (4)	\$1,100
Section 87 (1) and (2)	\$1,100
Section 92	\$220
Section 104 (2)	\$1,100
Section 106 (3) and (4)	\$550
Section 109 (2)	\$55
Section 121 (1)	\$1,100
Section 122	\$220
Section 123	\$220
Section 124	\$220
Section 125	\$220
Section 126 (1)	\$220
Section 133 (1), (2) and (4)	\$1,100

Column 1	Column 2
Offence	Penalty
Section 133A (1) and (4)	\$1,100
Section 133A (3)	\$110
Section 134 (1)	\$1,100
Section 135	\$1,100
Section 139 (1)	\$550
Section 139 (2)	\$1,100
Section 140 (1), (3) and (4)	\$1,100
Section 146	\$1,100
Section 151	\$1,100
Section 156 (1) and (5)	\$1,100
Section 157	\$1,100
Section 158	\$1,100
Section 199 (2)	\$220
