



New South Wales

# Gaming Machines Amendment (Leasing and Assessment) Bill 2018

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Liquor and Gaming Legislation Amendment Bill 2018*.

## Overview of Bill

The object of this Bill is to amend the *Gaming Machines Act 2001*, the *Gaming Machines Regulation 2010* and the *Casino Control Act 1992* as follows:

- (a) by changing the geographical area used for classifying local communities in the context of the local impact assessment scheme for gaming machines so that smaller local statistical areas will be used instead of local government areas,
- (b) by broadening various exemptions affecting the transfer of gaming machine entitlements within a local government area as a consequence of the proposed use of smaller local statistical areas to classify local communities,
- (c) by extending an existing exemption to allow a country hotel to transfer up to 6 gaming machine entitlements at the one time without forfeiture if the transfer will result in the venue's gaming machine threshold falling to zero (at present only one entitlement may be transferred in a 12-month period without forfeiture and may only be transferred to another country hotel),
- (d) by authorising the transfer of 2 blocks of gaming machine entitlements held by a country hotel in any period of 12 months to a hotel that is situated in a metropolitan area (at present only one block can be transferred),
- (e) by allowing the Independent Liquor and Gaming Authority (the **Authority**) to impose a cap on the number of gaming machine entitlements in certain areas of the State with that cap to prevent an increase in the overall gaming machine threshold for venues in the Fairfield local government area and to prevent an increase in the overall gaming machine threshold for

- venues in other designated areas unless a local impact assessment for the increase is not required,
- (f) by requiring venues that are exempt from the local impact assessment process to provide community organisations with a local impact statement if their application for an increase in gaming machine threshold is successful,
  - (g) by authorising the Authority to publish guidelines about the local impact assessment process,
  - (h) by allowing the Authority to have regard to additional positive contributions by a venue in connection with a proposed increase in gaming machine entitlements to reduce what is required to satisfy a community benefit requirement for the proposed increase,
  - (i) by providing that where a venue is not required to undertake a local impact assessment in connection with a gaming machine threshold increase the approved increase expires if it is not taken up after 12 months,
  - (j) by giving the Authority the discretion to extend the time that a venue has to acquire additional gaming machine entitlements following the approval of an increase in gaming machine threshold,
  - (k) by extending to Band 2 areas an existing exemption that reduces the community consultation and forfeiture requirements on a club that is establishing in a new development area,
  - (l) by adding certain community organisations to the list of organisations and agencies required to be notified and consulted about a threshold increase application and to require verification by statutory declaration of the organisations that have been notified,
  - (m) by introducing a 90-day consultation period in respect of a proposed threshold increase application that required to be accompanied by a class 2 local impact assessment,
  - (n) by increasing from 30 to 60 days the community consultation period for a threshold increase application required to be accompanied by a local impact assessment,
  - (o) by authorising the leasing of gaming machine entitlements with a lease of gaming machine entitlements to operate as a transfer of the entitlement for the term of the lease with a commensurate reduction in the gaming machine threshold for the lessor venue,
  - (p) by requiring the lessee of a gaming machine entitlement to pay a levy into the Responsible Gambling Fund (established under the *Casino Control Act 1992*),
  - (q) by requiring money paid into the Responsible Gambling Fund as a community benefit payment in connection with local impact assessment or the levy payable by a lessee of a gaming machine entitlement to be applied for such purposes as the Minister determines for the benefit of local communities in which gaming machine thresholds for venues have increased,
  - (r) by making miscellaneous minor amendments.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

## **Schedule 1      Amendment of Gaming Machines Act 2001 No 127 relating to local impact assessment**

### **Classification of local statistical areas**

**Schedule 1 [1]** (section 4 (1)) inserts definitions of terms used in other proposed amendments, including a definition of *local statistical area*, which is defined as a geographical area defined for

the time being as a Statistical Area Level 2 under the Australian Statistical Geography Standard published by the Australian Bureau of Statistics.

**Schedule 1 [9]** (section 33) changes the system of band classification of areas in the State (for the purposes of the provisions of the Act about local impact assessment) so that band classification will be based on the division of the State into local statistical areas rather than local government areas as at present. Band classification has an impact on whether or not a local impact assessment will be required to accompany any threshold increase application, on what information that assessment must contain and on the criteria the Authority will apply in the Authority's determination as to whether or not to approve the assessment and threshold increase. The amendment also establishes a hierarchy of band classification under which Band 1 LSA is ranked lower than both Band 2 LSA and Band 3 LSA, and Band 2 LSA is ranked lower than Band 3 LSA.

**Schedule 1 [7], [11], [25] and [32]** (sections 21 (1A), 35, 37A (2) (b) and 205 (1) (b)) make amendments that are consequential on the changes to the scheme for the classification of areas that will now be based on smaller local statistical areas instead of local government areas. The amendments change references to local government area to references to local statistical area and broaden certain existing concessions to balance the impact of classification based on smaller areas.

**Schedule 1 [33]** (Schedule 1) makes transitional arrangements for the proposed amendments to be made by the Bill. The amendments to be made by the Bill will extend to a threshold increase application made before the commencement of the amendments but on or after the date of introduction of the Bill into Parliament. Amendments relating to classification based on local statistical areas will not apply to an application for the Authority's approval of the transfer of gaming machine entitlements made before the commencement of the amendments unless the application that is made together with a threshold increase application.

### **Threshold increase applications and local impact assessment**

**Schedule 1 [10]** (section 34 (4A)) requires the Authority to determine a threshold increase application within the time required by the regulations. At present there is no time limit for the Authority's determination of applications.

**Schedule 1 [14]** (section 35 (2) (b)–(d)) amends the circumstances in which a threshold increase application is not required to be accompanied by a local impact assessment if the application is made together with an application for approval of a transfer or lease of gaming machine entitlements. The amendments are consequential on the changes to the system of band classification under which band classification will be based on the division of the State into local statistical areas rather than local government areas. The existing exemption for a transfer within a local government area will become an exemption for a transfer within a local statistical area. There will be an additional exemption where the venue that proposes to increase entitlements and the transferring/lessor venue are in the same local government area, or are in adjoining local statistical areas, and the classification of the local statistical area of the transferring/lessor venue is the same as or ranked lower than the classification of the local statistical area in which the venue that proposes to increase entitlements is situated.

**Schedule 1 [13], [15] and [16]** (section 35 (2) and (2A)) make consequential amendments.

**Schedule 1 [17]** (section 35 (2B)) requires venues that were exempt from the local impact assessment process and that have had their threshold increase application approved to provide a local impact statement for the venue (containing the information required by the Authority) to the persons and bodies that the applicant would have been required to notify of the proposed application had it been required to be accompanied by a class 2 LIA.

**Schedule 1 [20]** (section 36 (3) (e)) adds, as a requirement that must be satisfied before a local impact assessment can be approved, the requirement that the Authority be satisfied that it is otherwise appropriate that the assessment be approved.

**Schedule 1 [21]** (sections 36A and 36B) inserts the following provisions about community benefit requirements for the purposes of section 36 (which provides that the Authority cannot approve a local impact assessment unless it is satisfied that the proposed increase in the gaming machine threshold for a venue will provide a positive contribution towards the local community where the

venue is situated or have an overall positive impact on the local community where the venue is situated):

- (a) **Proposed section 36A** provides that a community benefit requirement cannot be wholly or partly satisfied by a payment of money except a payment into the Responsible Gambling Fund under the *Casino Control Act 1992* and that such a payment is to be taken into account by the Authority in the determination of a threshold increase application as if it were a contribution to the local community where the venue is situated.
- (b) **Proposed section 36B** provides that, in determining a threshold increase application, the Authority is to have regard to certain additional positive contributions by the venue in connection with the proposed increase and may decide to treat those additional positive contributions as being in partial satisfaction of a community benefit requirement (so as to reduce what is required to satisfy a community benefit requirement).

**Schedule 1 [22]** (section 36C) gives the Authority the power to publish guidelines about the operation of the gaming machine threshold scheme, for the purpose of providing guidance in respect of the requirements of the scheme relating to threshold increase applications.

**Schedule 1 [24]** (section 37A (1)) extends the operation of a section that makes special provision for clubs establishing in new development areas, so that it applies to such areas of land in either a Band 1 LSA or Band 2 LSA. At present the section applies only to new development areas in a Band 1 LGA.

**Schedule 1 [27]** (section 37C (1) (a)–(a2)) amends the circumstances in which a threshold increase application is not required to be accompanied by a local impact assessment if the application is by a de-amalgamated club in respect of the premises that are transferred to it under the de-amalgamation. The amendment is consequential on the changes to the system of band classification under which band classification will be based on the division of the State into local statistical areas rather than local government areas. The existing exemption for a transfer within a local government area will become an exemption for a transfer within a local statistical area. There will be an additional exemption where the club that proposes to increase entitlements and the amalgamated club from which entitlements will be transferred are in the same local government area, or are in adjoining local statistical areas, and the classification of the local statistical area of the transferring club is the same as or ranked lower than the classification of the local statistical area in which the club to which entitlements will be transferred is situated. **Schedule 1 [26], [28] and [29]** (section 37C (1)) make consequential amendments.

**Schedule 1 [33]** (Schedule 1) provides that an amendment made to section 35 (by **Schedule 1 [11]–[18]**) does not apply in respect of a threshold increase application made before the commencement of the amendment.

### **Cap on gaming machine entitlements in certain areas**

**Schedule 1 [8]** (section 32A) provides for the Authority to determine a cap on gaming machine entitlements for the Fairfield local government area and any Band 3 LSA that the Authority determines to be a restricted increase area. The consequences of the cap are that if granting a threshold increase application for a venue would result in the total of the gaming machine thresholds for all the venues in the area exceeding the area cap, the application must not be granted if the venue is in the Fairfield local government area and must not be granted for a venue in a restricted increase area unless the application is not required to be accompanied by a local impact assessment.

**Schedule 1 [33]** (Schedule 1) provides that an area cap does not apply in respect of a threshold increase application made before the area cap was determined under the proposed section 32A.

### **Time limits for acquiring gaming machine entitlements**

**Schedule 1 [23]** (section 37) substitutes a section that limits the period within which gaming machine entitlements can be acquired by a venue pursuant to an approved increase in the venue's gaming machine threshold. The period is currently 2 years for a class 1 LIA or 5 years for a

class 2 LIA with no limit if the threshold increase application was not required to be accompanied by a local impact assessment.

The substituted section:

- (a) imposes a limit of 12 months on the acquisition of gaming machine entitlements for an approved threshold increase application that was not required to be accompanied by a local impact assessment, and
- (b) permits the Authority to allow additional time for a venue to acquire gaming machine entitlements, and
- (c) provides that if a gaming machine entitlement is acquired by lease, the limited period for acquiring gaming machine entitlement stops running during the term of the lease.

### **Country hotels**

**Schedule 1 [5]** (section 20A) authorises a country hotel to transfer up to 6 gaming machine entitlements if the gaming machine threshold for the transferring hotel is not more than 6, the transfers of those gaming machine entitlements are all completed at the same time and will result in the number of gaming machine entitlements held by the transferring hotel being reduced to zero. Such a transfer will be exempt from the existing transfer block and forfeiture requirements of the Act which would otherwise require a transfer of gaming machine entitlements to comprise one or more blocks of 2 or 3 gaming machine entitlements and require one of those entitlements to be forfeited to the Authority.

The proposed section also contains an existing exemption to the transfer block and forfeiture requirements, which is transferred from section 20. That exemption applies to the transfer of one gaming machine entitlement in any period of 12 months if the transfer is to another country hotel and the gaming machine threshold for the transferring hotel is not more than 8.

The proposed section also provides that, when a transfer of 2 or more gaming machine entitlements authorised by the section reduces the number of gaming machine entitlements held by the transferring hotel to zero, the transferring hotel is not permitted to acquire any gaming machine entitlements for 24 months after the transfer.

**Schedule 1 [3] and [4]** (section 20 (3), (5) and (6)) make amendments that are consequential on the new provisions about country hotels, including by inserting a note directing the reader to the exception to the transfer block and forfeiture requirements for country hotels established by proposed section 20A.

**Schedule 1 [6]** (section 21 (1)) provides that no more than 2 blocks of gaming machine entitlements held in respect of a country hotel licence may be transferred in any period of 12 months to a hotel in a metropolitan area. At present the limit is one block.

### **Minor amendments**

**Schedule 1 [2]** (section 4 (3)) makes it clear that a reference to a gaming machine entitlement held by a hotel or club, or to a gaming machine entitlement of a hotel or club, is a reference to a gaming machine entitlement held in respect of the hotel or club licence.

**Schedule 1 [12], [19], [30] and [31]** (sections 35, 36, 37C and 61A) make grammatical changes.

**Schedule 1 [18]** (section 35 (6) (b)) provides for the regulations to include a requirement to verify any information in a local impact assessment by statutory declaration.

## **Schedule 2      Amendment of Gaming Machines Act 2001 No 127 relating to leasing of gaming machine entitlements**

### **Leasing of gaming machine entitlements**

**Schedule 2 [3]** (Division 2A of Part 3) establishes a scheme for the leasing of gaming machine entitlements, as follows:

- (a) **Proposed section 24** limits the circumstances in which gaming machine entitlements can be leased as follows:
  - (i) a hotel that has a gaming machine threshold not exceeding 10 can lease gaming machine entitlements to another hotel,
  - (ii) a club that has a gaming machine threshold not exceeding 30 can lease gaming machine entitlements to another club.
- (b) **Proposed section 25** requires a lease of entitlements to be approved by the Authority and imposes requirements relating to an application for the Authority's approval.
- (c) **Proposed section 25A** allows the Authority to approve a standard form of lease of gaming machine entitlements.
- (d) **Proposed section 25B** provides for the effect of a lease of gaming machine entitlements, including that the venue that has leased the entitlements has the benefit of the entitlements (which are treated as entitlements acquired and held by that venue and count towards the total number of entitlements that it holds).
- (e) **Proposed section 25C** requires a levy to be paid in respect of a lease of a gaming machine entitlement at the time that it is approved by the Authority or at a later time specified by the Authority. The levy is to be paid into the Responsible Gambling Fund under the *Casino Control Act 1992*.

**Schedule 2 [4]** (section 32 (6)) provides that, for the purposes of the gaming machine threshold scheme, a hotel or club ceases to be a new hotel or club once a gaming machine entitlement held by the hotel or club has been leased.

**Schedule 2 [5]** (section 61A (5)) provides that an application for authorisation to keep a multi-terminal gaming machine (an *MTGM*) on the premises of a club cannot be granted if the application relies on an increase in the number of gaming machine entitlements held by the club that results from a lease to the club of those entitlements.

### **Minor consequential amendments**

**Schedule 2 [1]** (section 14) inserts a note in a provision that imposes restrictions on the number of gaming machine entitlements that can be held, so as to direct the reader to the proposed provisions that describe the effect of a lease of entitlements on the number of entitlements that are held by the lessor and the lessee.

**Schedule 2 [2]** (section 19) inserts a note in a provision that provides for the transfer of gaming machine entitlements, so as to direct the reader to the proposed provisions that authorise the leasing of gaming machine entitlements.

## **Schedule 3      Amendment of Gaming Machines Regulation 2010**

### **Consultation requirements for threshold increase applications**

**Schedule 3 [2]** (clause 37 (2) (f)) requires a person who proposes to make a threshold increase application for which a class 2 LIA is required to first notify certain community services organisations. Those organisations are in addition to the other organisations that are already required to be notified.

**Schedule 3 [3]** (clause 37 (3)) requires a person who proposes to make a threshold increase application for which a class 2 LIA is required to invite submissions when notifying the local council, local police and the other organisations that are required to be notified, and to allow at least 90 days for those submissions to be made. The notice must also specify the date on which the person intends to make the application, which must allow at least 21 days after the deadline for submissions. At present, there is no obligation to invite submissions before an application is made.

**Schedule 3 [4]** (clause 37 (4)) requires a class 2 LIA that is provided with a threshold increase application to include a list (verified by statutory declaration of the hotelier or secretary of the club concerned) of the community services organisations notified of the proposed application. This is in addition to the existing requirement to include a report on the results of the consultation process.

### **Information to be provided with local impact assessments**

**Schedule 3 [5]** (clause 38 (d)) requires a class 1 LIA to include details of any additional positive contributions by the venue that have been made in connection with the threshold increase application. Additional positive contributions may be taken into account by the Authority under proposed section 36B of the Act, which is inserted by **Schedule 1 [21]**.)

**Schedule 3 [7]** (clause 39 (2) (f)) requires a class 2 LIA to include details of any additional positive contributions by the venue that have been made in connection with the threshold increase application. This replaces a current requirement to specify details of appropriate harm minimisation and responsible gambling measures in addition to those already required by law that are in place at the venue.

### **Consultation after threshold increase applications are made**

**Schedule 3 [10]** (clause 40A (3)) makes a consequential amendment.

**Schedule 3 [11]** (clause 41 (2) (b) (iv)) requires a person who has made a threshold increase application to notify certain community services organisations.

**Schedule 3 [12] and [14]** (clause 41 (3) and (5) (d)) extend, from 30 days to 60 days (for a class 1 LIA) or 90 days (for a class 2 LIA), the period for making submissions on a threshold increase application that has been lodged with the Authority.

**Schedule 3 [13]** (clause 41 (3A)) requires a person who has made a threshold increase application to provide the Authority with a list (verified by statutory declaration) of the community services organisations that have been provided with a copy of the application.

### **Handling of threshold increase applications**

**Schedule 3 [15]** (clause 42) omits a spent transitional provision that made provision for the local impact assessment required to accompany certain threshold increase applications that involve a number of permits issued and in force under the *Liquor Act 1982* before its repeal.

**Schedule 3 [16]** (clause 44A) fixes the period within which the Authority is required to determine a threshold increase application, with provision for the period to be extended during periods allowed for an applicant to provide additional information. At present there is no time limit for the Authority's determination of applications.

### **Levies and fees**

**Schedule 3 [17]** (clause 45B) fixes the amount of the levy that is payable in respect of a lease of a gaming machine entitlement. The amount fixed is the amount equal to 5% of the total of all lease payments due under the lease for the full term of the lease.

**Schedule 3 [18]** (clause 147AA) prescribes \$250 as the fee for an application for the Authority's approval of a lease of gaming machine entitlements.

### **Amendments consequential on proposed classification based on local statistical areas**

**Schedule 3 [1], [6] and [9]** (clauses 37 (2) (e), 39 (1) (c) and 40A (2) (b)) make amendments that are consequential on the changes to the scheme for the classification of areas that will now be based on local statistical areas rather than local government areas (by changing references to local government area to references to local statistical area). **Schedule 3 [8]** (clause 40A (1)) also extends the operation of a concession for clubs establishing adjacent to new development areas so that the concession will operate in a Band 2 LSA in the same way as the concession in the Act for clubs establishing in new development areas is proposed to operate.

**Schedule 3 [19]** (clause 156A) updates the list of local government areas that comprise a metropolitan area for the purposes of the Act.

## **Schedule 4      Amendment of Casino Control Act 1992 No 15**

**Schedule 4 [1]** (section 115 (4)) omits a requirement that any responsible gambling levy paid into the Responsible Gambling Fund in respect of a casino licence must be kept in a separate account in the Fund.

**Schedule 4 [2]** (section 115B) inserts a provision that is consequential on proposed provisions of the *Gaming Machines Act 2001* for payment of community benefit payments and gaming machine lease levy into the Responsible Gambling Fund under the *Casino Control Act 1992*. Money paid into the Responsible Gambling Fund as a community benefit payment or gaming machine lease levy will be required to be applied for such purposes as the Minister determines for the benefit of local communities in which gaming machine thresholds for venues have increased.



New South Wales

# Gaming Machines Amendment (Leasing and Assessment) Bill 2018

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New South Wales

# Gaming Machines Amendment (Leasing and Assessment) Bill 2018

No. , 2018

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## **A Bill for**

An Act to amend the *Gaming Machines Act 2001* to provide for the leasing of gaming machine entitlements and to make further provision in respect of transfers of gaming machine entitlements, local impact assessment, caps on the number of gaming machine entitlements and special provisions for country hotels; and for other purposes.

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**The Legislature of New South Wales enacts:**

1

**1 Name of Act**

2

This Act is the *Gaming Machines Amendment (Leasing and Assessment) Act 2018*.

3

**2 Commencement**

4

This Act commences on a day or days to be appointed by proclamation.

5

<b>Schedule 1</b>	<b>Amendment of Gaming Machines Act 2001</b>	1
	<b>No 127 relating to local impact assessment</b>	2
<b>[1] Section 4 Definitions</b>		3
	Insert in alphabetical order in section 4 (1):	4
	<i>local statistical area</i> means a geographical area defined for the time being as a Statistical Area Level 2 under the Australian Statistical Geography Standard published by the Australian Bureau of Statistics.	5
	<i>threshold increase application</i> —see section 34.	7
	<i>venue</i> means a hotel or the premises of a club.	8
<b>[2] Section 4 (3)</b>		10
	Insert after section 4 (2):	11
	(3) A reference in this Act to a gaming machine entitlement held by a hotel or club, or to a gaming machine entitlement of a hotel or club, is a reference to a gaming machine entitlement held in respect of the hotel or club licence.	12
		13
		14
<b>[3] Section 20 General requirements relating to transfer of gaming machine entitlements</b>		15
	Insert “(referred to in this Division as the <i>transfer block and forfeiture requirements</i> )” after “requirements” in section 20 (3).	16
		17
<b>[4] Section 20 (5)</b>		18
	Omit section 20 (5) and (6). Insert instead:	19
	(5) Section 20A provides exceptions to the transfer block and forfeiture requirements of subsection (3) for country hotels.	20
		21
<b>[5] Section 20A</b>		22
	Insert after section 20:	23
<b>20A Exceptions for transfers of country hotel gaming machine entitlements</b>		24
	(1) A gaming machine entitlement held by a country hotel (the <i>transferring hotel</i> ) may be transferred as authorised by this section despite the transfer block and forfeiture requirements of section 20 (3), and those requirements do not apply to a transfer authorised by this section.	25
		26
		27
		28
	(2) The transfer of one gaming machine entitlement in any period of 12 months is authorised by this section if:	29
		30
	(a) the transfer is to another hotel licence that is held in relation to a country hotel, and	31
		32
	(b) the gaming machine threshold for the transferring hotel is not more than 8.	33
		34
	(3) The transfer of up to 6 gaming machine entitlements at the one time is authorised by this section if:	35
		36
	(a) the gaming machine threshold for the transferring hotel is not more than 6, and	37
		38
	(b) the transfers of those gaming machine entitlements are all completed at the same time (whether or not pursuant to separate transactions), and	39
		40
	(c) the transfers of those gaming machine entitlements will result in the number of gaming machine entitlements held by the transferring hotel being reduced to zero.	41
		42
		43

(4)	The transfer block and forfeiture requirements of section 20 (3) continue to apply in respect of any subsequent transfer of gaming machine entitlements of the transferring hotel in any period of 12 months in which the transferring hotel transfers one gaming machine entitlement as authorised by this section.	1 2 3 4
(5)	When a transfer of 2 or more gaming machine entitlements at the same time as authorised by this section reduces the number of gaming machine entitlements held by the transferring hotel to zero, the transferring hotel is not permitted to acquire any gaming machine entitlements for 24 months after the transfer.	5 6 7 8
[6]	<b>Section 21 Other provisions relating to transfer of gaming machine entitlements</b>	9
	Omit “no more than one block of gaming machine entitlements” from section 21 (1).	10
	Insert instead “no more than 2 blocks of gaming machine entitlements”.	11
[7]	<b>Section 21 (1A)</b>	12
	Omit the subsection. Insert instead:	13
(1A)	The forfeiture to the Authority of one gaming machine entitlement per transfer block is not required when gaming machine entitlements held in respect of the premises from which a hotel or club licence is removed under the <i>Liquor Act 2007</i> are transferred to other premises if:	14 15 16 17
(a)	those other premises are situated in the same local statistical area as the previous premises, or	18 19
(b)	those other premises are situated in the same local government area as the previous premises and the classification of the local statistical area in which those other premises are situated is the same as or ranked lower than the classification of the local statistical area in which the previous premises were situated.	20 21 22 23 24
[8]	<b>Section 32A</b>	25
	Insert after section 32:	26
<b>32A</b>	<b>Caps on gaming machine entitlements in particular areas</b>	27
(1)	In this section: <b><i>Fairfield LGA</i></b> means the Fairfield local government area. <b><i>restricted increase area</i></b> means any local statistical area of the State that is classified as a Band 3 LSA (not being an area within Fairfield LGA) and that the Authority determines from time to time to be a restricted increase area for the purposes of this section.	28 29 30 31 32 33
(2)	The Authority may determine from time to time the maximum number of gaming machine entitlements to be permitted in Fairfield LGA or a restricted increase area and that number is the <b><i>area cap</i></b> for the area concerned.	34 35 36
(3)	The following restrictions apply to a threshold increase application for a venue in an area for which there is an area cap if granting the application would result in the total of the gaming machine thresholds for all the venues in the area exceeding the area cap:	37 38 39 40
(a)	if the venue is in Fairfield LGA the application must not be granted,	41
(b)	if the venue is in a restricted increase area the application can only be granted if the threshold increase application is not required to be accompanied by an LIA (as provided by section 35).	42 43 44

(4)	For the purposes of a determination under this section of the total of the gaming machine thresholds for venues in an area, the gaming machine threshold for a venue is not to be reduced by a lease of gaming machine entitlements by the venue (with the result that for the purposes of this section the venue’s gaming machine threshold is to be determined as if no gaming machine entitlements had been leased by the venue).	1 2 3 4 5 6
	<b>Note.</b> Section 25B (Effect of lease of gaming machine entitlements) would otherwise result in the gaming machine threshold for the lessor venue being reduced by the number of entitlements leased.	7 8 9
(5)	The following arrangements apply to determinations under this section:	10
(a)	the Authority may vary or revoke a determination at any time,	11
(b)	a determination and any variation or revocation of a determination must be notified by the Authority on a publicly available website.	12 13
<b>[9]</b>	<b>Section 33</b>	14
	Omit the section. Insert instead:	15
	<b>33 Classification of local statistical areas</b>	16
(1)	For the purposes of this Division, each local statistical area of the State is to be classified by the Authority as:	17 18
(a)	a Band 1 LSA, or	19
(b)	a Band 2 LSA, or	20
(c)	a Band 3 LSA.	21
(2)	For the purposes of this Division there is a hierarchy of classification of local statistical areas under this section as follows:	22 23
(a)	Band 1 LSA is ranked lower than both Band 2 LSA and Band 3 LSA,	24
(b)	Band 2 LSA is ranked lower than Band 3 LSA.	25
	<b>Note.</b> The ranking of bands is relevant for section 35 (2).	26
(3)	The Authority is to specify the classification of local statistical areas on a publicly available website.	27 28
(4)	The classification of any local statistical area under this section may be varied from time to time by the Authority.	29 30
<b>[10]</b>	<b>Section 34 Application to increase gaming machine threshold</b>	31
	Insert after section 34 (4):	32
(4A)	The Authority must determine a threshold increase application within the time required by the regulations.	33 34
<b>[11]</b>	<b>Section 35 Requirements relating to threshold increase applications</b>	35
	Omit “LGA” wherever occurring. Insert instead “LSA”.	36
<b>[12]</b>	<b>Section 35 (1), (2), (6) (a)–(c) and (8)</b>	37
	Omit “A LIA” and “a LIA” wherever occurring.	38
	Insert instead “An LIA” and “an LIA”, respectively.	39

<b>[13] Section 35 (2)</b>	1
Omit “if the application is made together with a transfer application and either or both of the following apply”.	2 3
Insert instead “if the application is made together with a transfer or lease application and any one or more of the following apply”.	4 5
<b>[14] Section 35 (2) (b)–(d)</b>	6
Omit section 35 (2) (b). Insert instead:	7
(b) the relevant venue and the hotel or club from which the gaming machine entitlements or permits are proposed to be transferred or leased by the transfer or lease application (the <i>transferring/lessor venue</i> ) are situated in the same local statistical area,	8 9 10 11
(c) the relevant venue and the transferring/lessor venue are situated in the same local government area and the classification of the local statistical area in which the transferring/lessor venue is situated is the same as or ranked lower than the classification of the local statistical area in which the relevant venue is situated,	12 13 14 15 16
(d) the relevant venue and the transferring/lessor venue are situated in adjoining local statistical areas (whether or not in the same local government area) and the classification of the local statistical area in which the transferring/lessor venue is situated is the same as or ranked lower than the classification of the local statistical area in which the relevant venue is situated.	17 18 19 20 21 22
<b>[15] Section 35 (2A)</b>	23
Omit “ <i>transfer application</i> ”. Insert instead “ <i>transfer or lease application</i> ”.	24
<b>[16] Section 35 (2A) (a)</b>	25
Omit the paragraph. Insert instead:	26
(a) an application under section 19 or 25 for the Authority’s approval of the transfer or lease of gaming machine entitlements to the relevant venue,	27 28
<b>[17] Section 35 (2B)</b>	29
Insert after section 35 (2A):	30
(2B) If a threshold increase application that is not required to be accompanied by an LIA is approved, the applicant must within 1 month after the approval provide a local impact statement for the venue (containing such information about the venue and the impact of the approved increase as the Authority may determine) to such persons and bodies as the applicant would have been required to notify of the proposed application had it been required to be accompanied by a class 2 LIA.	31 32 33 34 35 36 37
<b>[18] Section 35 (6) (b)</b>	38
Insert “, which may include a requirement to verify any information by statutory declaration” after “LIA”.	39 40
<b>[19] Section 36 Approval of LIA by Authority</b>	41
Omit “a LIA” wherever occurring. Insert instead “an LIA”.	42

<b>[20] Section 36 (3) (e)</b>	1
Insert at the end of section 36 (3) (d):	2
, and	3
(e) it is otherwise appropriate that the LIA be approved.	4
<b>[21] Sections 36A and 36B</b>	5
Insert after section 36:	6
<b>36A Community benefit requirement—payment of money to Responsible Gambling Fund</b>	7
	8
(1) A community benefit requirement cannot be wholly or partly satisfied by a payment of money except a payment to the Secretary under the <i>Casino Control Act 1992</i> for payment into the Responsible Gambling Fund as a <b>community benefit payment</b> under this Act.	9
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<b>Note.</b> Section 115B of the <i>Casino Control Act 1992</i> provides that a payment under this Act into the Responsible Gambling Fund is to be applied for such purposes as the Minister determines for the benefit of local communities in which gaming machine thresholds for venues have increased.	13
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(2) A community benefit payment by a venue is to be taken into account by the Authority in the determination of a threshold increase application as if it were a contribution to the local community where the venue is situated.	17
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(3) In this section, <b>community benefit requirement</b> means a requirement under section 36 that a proposed increase in the gaming machine threshold for a venue will:	20
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(a) provide a positive contribution towards the local community where the venue is situated, or	23
	24
(b) have an overall positive impact on the local community where the venue is situated.	25
	26
<b>36B Community benefit requirement—consideration of additional positive contributions</b>	27
	28
(1) In determining a threshold increase application, the Authority is to have regard to additional positive contributions by the venue in connection with the proposed increase and may decide to treat those additional positive contributions as being in partial satisfaction of a community benefit requirement (so as to reduce what is required to satisfy a community benefit requirement).	29
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(2) In this section:	35
<b>additional positive contributions</b> means any of the following actions by a venue:	36
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(a) the putting in place of harm minimisation and responsible gambling measures that are in addition to measures already required by law,	38
	39
(b) the application of funds by a club to community development and support that constitutes Category 1 harm minimisation expenditure in excess of the amount that entitles the club to the maximum reduction in gaming machine tax under section 17 of the <i>Gaming Machine Tax Act 2001</i> ,	40
	41
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	44
(c) the payment of money by a club into the ClubGRANTS Fund (established under section 17A of the <i>Gaming Machine Tax Act 2001</i> ),	45
	46

(d)	such other actions as the regulations prescribe as additional positive contributions for the purposes of this section.	1 2
	<i>Category 1 harm minimisation expenditure</i> means expenditure for projects or services that constitute Category 1 projects and services under the ClubGRANTS guidelines (referred to in section 16 of the <i>Gaming Machine Tax Act 2001</i> ) and that in the opinion of the Authority are concerned with harm minimisation.	3 4 5 6 7
	<i>community benefit requirement</i> has the same meaning as in section 36A.	8
[22]	<b>Section 36C</b>	9
	Insert before section 37:	10
	<b>36C Guidelines for threshold increase applications</b>	11
(1)	The Authority may publish guidelines about the operation of this Division for the purpose of providing guidance in respect of the requirements of this Division relating to threshold increase applications.	12 13 14
(2)	Without limitation, the guidelines may provide guidance about the following:	15
(a)	what the Authority considers to be a positive contribution towards a local community or an overall positive impact on a local community,	16 17
(b)	conditions that the Authority may impose on its approval of an LIA.	18
(3)	The guidelines do not limit the Authority's discretion when deciding in a particular case what constitutes a positive contribution towards a local community or an overall positive impact on a local community, or in deciding to impose conditions on an approval.	19 20 21 22
[23]	<b>Section 37</b>	23
	Omit the section. Insert instead:	24
	<b>37 Limited period for acquiring gaming machine entitlements</b>	25
(1)	If a threshold increase application is approved, the relevant venue is permitted to acquire gaming machine entitlements for the number of gaming machines by which the venue's gaming machine threshold is increased (its <i>approved increase in gaming machine entitlements</i> ) but can only do so during the limited period provided for by this section.	26 27 28 29 30
(2)	The limited period during which a venue can acquire its approved increase in gaming machine entitlements is:	31 32
(a)	for a threshold increase application required to be accompanied by a class 1 LIA—2 years from the date of approval of the application, or	33 34
(b)	for a threshold increase application required to be accompanied by a class 2 LIA—5 years from the date of approval of the application, or	35 36
(c)	for any other threshold increase application—12 months from the date of approval of the application.	37 38
(3)	The Authority may in a particular case extend or further extend the limited period during which a venue can acquire its approved increase in gaming machine entitlements.	39 40 41
(4)	If a relevant venue has not acquired its approved increase in gaming machine entitlements before the end of the limited period for doing so, the Authority is to decrease the gaming machine threshold for the venue by the number of gaming machine entitlements by which the number acquired fell short of the approved increase.	42 43 44 45 46

(5)	If a gaming machine entitlement is acquired by lease, the limited period in which the entitlement can be acquired under this section stops running during the term of the lease.	1 2 3
(6)	A reference in this section to a gaming machine entitlement includes, if the relevant venue is a hotel, a reference to a permit.	4 5
<b>[24]</b>	<b>Section 37A Special provision for clubs establishing in new development areas</b>	6
	Omit “Band 1 LGA” from section 37A (1). Insert instead “Band 1 LSA or Band 2 LSA”.	7
<b>[25]</b>	<b>Section 37A (2) (b)</b>	8
	Omit “local government area”. Insert instead “local statistical area”.	9
<b>[26]</b>	<b>Section 37C Special provision relating to de-amalgamated clubs</b>	10
	Omit “if the relevant premises” from section 37C (1). Insert instead “if”.	11
<b>[27]</b>	<b>Section 37C (1) (a)–(a2)</b>	12
	Omit section 37C (1) (a). Insert instead:	13
	(a) the relevant premises are situated in the same local statistical area as the premises of the amalgamated club from which gaming machine entitlements are proposed to be transferred to the relevant premises, or	14 15 16
	(a1) the premises of the amalgamated club and the relevant premises are situated in the same local government area and the classification of the local statistical area in which the premises of the amalgamated club are situated is the same as or ranked lower than the classification of the local statistical area in which the relevant premises are situated, or	17 18 19 20 21
	(a2) the premises of the amalgamated club and the relevant premises are situated in adjoining local statistical areas (whether or not in the same local government area) and the classification of the local statistical area in which the premises of the amalgamated club are situated is the same as or ranked lower than the classification of the local statistical area in which the relevant premises are situated, or	22 23 24 25 26 27
<b>[28]</b>	<b>Section 37C (1) (b) and (c)</b>	28
	Insert “the relevant premises” before “are situated” wherever occurring.	29
<b>[29]</b>	<b>Section 37C (1) (b) and (c)</b>	30
	Omit “LGA” wherever occurring. Insert instead “LSA”.	31
<b>[30]</b>	<b>Section 37C (1) and (2)</b>	32
	Omit “a LIA” wherever occurring. Insert instead “an LIA”.	33
<b>[31]</b>	<b>Section 61A Limit on number of MTGMs in clubs</b>	34
	Omit “a MTGM” from section 61A (1). Insert instead “an MTGM”.	35
<b>[32]</b>	<b>Section 205 Additional functions of Authority</b>	36
	Omit “local government areas” from section 205 (1) (b).	37
	Insert instead “local statistical areas”.	38

<b>[33] Schedule 1 Savings, transitional and other provisions</b>	1
Insert at the end of the Schedule, with appropriate Part and clause numbering:	2
<b>Part Provisions consequent on enactment of Gaming Machines Amendment (Leasing and Assessment) Act 2018</b>	3
	4
	5
<b>Definition</b>	6
In this Part:	7
<i>amending Act</i> means the <i>Gaming Machines Amendment (Leasing and Assessment) Act 2018</i> .	8
	9
<b>Threshold increase applications</b>	10
(1) An amendment made by the amending Act extends to a threshold increase application and any related transfer application made on or after the date of introduction into Parliament of the Bill for the amending Act and before the commencement of the amendment (not being an application determined before the commencement of the amendment).	11
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(2) For the purposes of this Part, a <i>related transfer application</i> is an application for the Authority's approval of the transfer of a gaming machine entitlement that is made together with a threshold increase application.	16
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<b>Transitional arrangements for local statistical areas</b>	19
An amendment made by the amending Act to change a reference in this Act or the regulations from a reference to local government area to a reference to local statistical area does not apply to or in respect of an application for the Authority's approval of the transfer of a gaming machine entitlement made before the commencement of the amendment (unless the application is made together with a threshold increase application and so is a related transfer application).	20
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<b>Schedule 2</b>	<b>Amendment of Gaming Machines Act 2001</b>	1
	<b>No 127 relating to leasing of gaming machine entitlements</b>	2
		3
<b>[1]</b>	<b>Section 14 Restrictions on number of gaming machine entitlements and permits held</b>	4
	Insert at the end of the section:	5
	<b>Note.</b> When gaming machine entitlements are leased, the gaming machine threshold for the lessor is reduced by the number of entitlements leased, and the gaming machine entitlements are considered to be held by the lessee during the lease. See Division 2A.	6 7 8 9
<b>[2]</b>	<b>Section 19 Transfer of gaming machine entitlements</b>	10
	Insert at the end of section 19 (1):	11
	<b>Note.</b> Division 2A also provides for the leasing of gaming machine entitlements.	12
<b>[3]</b>	<b>Part 3, Division 2A</b>	13
	Insert after Division 2:	14
	<b>Division 2A Leasing of gaming machine entitlements</b>	15
<b>24</b>	<b>Leasing of gaming machine entitlements permitted</b>	16
(1)	An eligible hotel or eligible club can lease any (or all) of the gaming machine entitlements held by it.	17 18
(2)	A gaming machine entitlement held by an eligible hotel can only be leased to another hotel (whether or not an eligible hotel), and a gaming machine entitlement held by an eligible club can only be leased to another club (whether or not an eligible club).	19 20 21 22
(3)	A club is an <i>eligible club</i> if the gaming machine threshold for the club premises does not exceed 30.	23 24
(4)	A hotel is an <i>eligible hotel</i> if the gaming machine threshold for the hotel does not exceed 10.	25 26
(5)	The leasing of a gaming machine entitlement is not a transfer of the gaming machine entitlement and a gaming machine entitlement cannot be transferred while it is leased.	27 28 29
	<b>Note.</b> The requirements of Division 2 for the transfer of gaming machine entitlements (including requirements for the forfeiture of entitlements on transfer) do not apply to the leasing of gaming machine entitlements.	30 31 32
(6)	The subleasing of a gaming machine entitlement is not permitted.	33
<b>25</b>	<b>Lease requires approval of Authority</b>	34
(1)	A lease of a gaming machine entitlement does not have any effect unless the lease is approved by the Authority and complies with the requirements of this Division and any requirements of the regulations.	35 36 37
(2)	A lease of a gaming machine entitlement cannot be varied so as to change the term of the lease or the number of gaming machine entitlements leased except with the approval of the Authority.	38 39 40
(3)	The termination of a lease of a gaming machine entitlement otherwise than by expiration of the term of the lease does not have effect until written notice of the termination has been given to the Authority by the lessor and lessee.	41 42 43

(4)	An application for the Authority’s approval of the lease of a gaming machine entitlement must:	1
		2
(a)	be accompanied by the fee (if any) prescribed by the regulations, and	3
(b)	be accompanied by such particulars or other matter as may be required by the Authority in relation to the proposed lease, and	4
		5
(c)	in the case of an application for the lease of an entitlement held by a hotel—demonstrate, to the satisfaction of the Authority, that the proposed lease is supported by each person who, in the opinion of the Authority, has a financial interest in the hotel licence, and	6
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(d)	be in the form and made in the manner determined by the Authority from time to time.	10
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(5)	A person is taken to have a financial interest in a hotel licence for the purposes of this section if the person is entitled to receive any income derived from the business carried on under the authority of the licence or any other financial benefit or financial advantage from the carrying on of the business (whether the entitlement arises at law or in equity or otherwise). However, a person is not to be considered as having a financial interest in a hotel licence by reason only of being the owner of the hotel.	12
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<b>25A</b>	<b>Standard form of lease</b>	19
(1)	The Authority may approve a standard form of lease of gaming machine entitlements.	20
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(2)	The Authority may refuse to approve a lease of gaming machine entitlements for which there is an approved standard form if the lease is not in that form.	22
		23
(3)	The Authority’s approval of a standard form of lease may provide for the following:	24
		25
(a)	the terms of the lease,	26
(b)	more than one standard form of lease for use for different classes of venues or in different circumstances,	27
		28
(c)	the addition of terms to, or the omission or variation of terms in, a standard form of lease in specified circumstances.	29
		30
(4)	A lease of gaming machine entitlements for which a standard form is approved may include additional terms that are not inconsistent with the terms set out in the standard form.	31
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<b>25B</b>	<b>Effect of lease of gaming machine entitlements</b>	34
(1)	The following provisions apply to a lease of a gaming machine entitlement held by a hotel or club (the <i>lessor venue</i> ) to another hotel or club (the <i>lessee venue</i> ):	35
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(a)	the lease operates as a lease by the licensee for the time being of the lessor venue to the licensee for the time being of the lessee venue (with the result that a transfer of the licence of the lessor venue or lessee venue does not affect the operation or continuation of the lease and does not require any assignment of lease),	38
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(b)	during the lease the lessee venue has the benefit of the gaming machine entitlement and the lessor venue does not have the benefit of the gaming machine entitlement,	43
		44
		45
(c)	during the lease the gaming machine entitlement is considered to be a gaming machine entitlement acquired and held by the lessee venue and	46
		47

	counts towards the total number of gaming machine entitlements held by the lessee venue,	1 2
(d)	the gaming machine entitlement is not considered to be held by the lessor venue during the lease,	3 4
(e)	during the lease the gaming machine threshold for the lessor venue is reduced by the number of entitlements leased.	5 6
	<b>Note.</b> Section 32A (Caps on gaming machine entitlements in particular areas) provides that for the purposes of a cap under that section the gaming machine threshold for a venue is not to be reduced by a lease of gaming machine entitlements.	7 8 9
	Gaming machine tax (which is imposed on profits from a gaming machine) is payable by the hotel or club where the gaming machine is kept. When a gaming machine entitlement is leased, it is the lessee venue that is liable for that tax because the gaming machine is kept by the lessee venue.	10 11 12 13
(2)	At the end of the lease, the gaming machine threshold for the lessee venue is reduced by the number of entitlements leased unless a threshold increase application that was made together with an application for approval of the lease was accompanied by an LIA, or was not required to be accompanied by an LIA because of section 35 (2) (a).	14 15 16 17 18
(3)	While any gaming machine entitlement of a hotel or club is leased, the hotel or club licence cannot be removed under the <i>Liquor Act 2007</i> to other premises unless:	19 20 21
	(a) those other premises are situated in the same local statistical area as the previous premises, or	22 23
	(b) those other premises are situated in the same local government area as the previous premises and the classification of the local statistical area in which those other premises are situated is the same as or ranked lower than the classification of the local statistical area in which the previous premises were situated.	24 25 26 27 28
(4)	The Authority is not to decrease the gaming machine threshold for a venue because the venue has not acquired its approved increase in gaming machine entitlements before the end of the limited period for doing so (as required by section 37) to the extent that the gaming machine threshold has already been reduced under this section at the end of a lease of gaming machine entitlements.	29 30 31 32 33 34
<b>25C</b>	<b>Levy payable for lease of gaming machine entitlement</b>	35
(1)	A levy is to be paid in respect of a lease of a gaming machine entitlement approved by the Authority.	36 37
(2)	The amount of the levy is the amount fixed by or determined in accordance with the regulations.	38 39
(3)	The levy is payable by the lessee to the Secretary under the <i>Casino Control Act 1992</i> for payment into the Responsible Gambling Fund as gaming machine lease levy under this Act.	40 41 42
	<b>Note.</b> Section 115B of the <i>Casino Control Act 1992</i> provides that a payment under this section into the Responsible Gambling Fund is to be applied for such purposes as the Minister determines for the benefit of local communities in which gaming machine thresholds for venues have increased.	43 44 45 46
(4)	The levy is payable at the time of the application for the Authority's approval of the lease (for which purpose the proposed lessee is considered to be the lessee) or in accordance with such other arrangements as the Authority may approve.	47 48 49 50

(5)	A levy paid under this section in respect of a lease is not refundable on account of early termination of the lease.	1 2
<b>[4]</b>	<b>Section 32 Gaming machine thresholds for venues</b>	3
	Insert “or a gaming machine entitlement held by the hotel or club has been leased (whether or not the lease is still in force)” after “increased” in section 32 (6).	4 5
<b>[5]</b>	<b>Section 61A Limit on number of MTGMs in clubs</b>	6
	Insert after section 61A (4):	7
(5)	An application for authorisation to keep an MTGM on the premises of a club cannot be granted if the application relies on an increase in the number of gaming machine entitlements held by the club that results from a lease of those gaming machine entitlements.	8 9 10 11

<b>Schedule 3</b>	<b>Amendment of Gaming Machines Regulation</b>	1
	<b>2010</b>	2
<b>[1]</b>	<b>Clause 37 Threshold increase applications—consultation requirements</b>	3
	Omit “local government area” from clause 37 (2) (e).	4
	Insert instead “local statistical area”.	5
<b>[2]</b>	<b>Clause 37 (2) (f)</b>	6
	Insert after clause 37 (2) (e):	7
	(f) such other organisations ( <i>community services organisations</i> ) as are listed by the local council for the area in which the relevant venue is situated as organisations engaged in the provision in the local community of services relating to welfare, emergency relief, financial assistance, Aboriginal health, Aboriginal legal assistance, or gambling and addiction counselling or treatment.	8 9 10 11 12 13
<b>[3]</b>	<b>Clause 37 (3) (d) and (e)</b>	14
	Omit clause 37 (3) (d). Insert instead:	15
	(d) the date (referred to as the <i>date for close of submissions</i> ) by which submissions about the proposed application may be made, being a date that is not earlier than 90 days after the date of the notification,	16 17 18
	(e) the date on which the proposed application is intended to be made to the Authority, being a date that is not less than 21 days after the date for close of submissions.	19 20 21
<b>[4]</b>	<b>Clause 37 (4)</b>	22
	Omit the subclause. Insert instead:	23
	(4) The class 2 LIA that is provided with a threshold increase application must include:	24 25
	(a) a report on the results of the consultation process under this clause (with details of any meetings or discussions held in relation to the proposed application and the outcomes of those meetings or discussions), and	26 27 28
	(b) a list (verified by statutory declaration of the hotelier or secretary of the club concerned) of the community services organisations notified of the proposed application.	29 30 31
<b>[5]</b>	<b>Clause 38 Class 1 LIA—information to be provided</b>	32
	Insert after clause 38 (c):	33
	(d) details of any additional positive contributions by the venue (as referred to in section 36B of the Act) in connection with the threshold increase application.	34 35 36
<b>[6]</b>	<b>Clause 39 Class 2 LIA—information to be provided</b>	37
	Omit “local government area” from clause 39 (1) (c) wherever occurring.	38
	Insert instead “local statistical area”.	39

<b>[7] Clause 39 (2) (f)</b>	1
Omit the paragraph. Insert instead:	2
(f) details of any additional positive contributions by the venue (as referred to in section 36B of the Act) in connection with the threshold increase application.	3 4 5
<b>[8] Clause 40A Special provision for clubs establishing adjacent to new development areas</b>	6 7
Omit “Band 1 LGA” from clause 40A (1). Insert instead “Band 1 LSA or Band 2 LSA”.	8
<b>[9] Clause 40A (2) (b)</b>	9
Omit “local government area”. Insert instead “local statistical area”.	10
<b>[10] Clause 40A (3)</b>	11
Omit “(1) and (2)”.	12
<b>[11] Clause 41 Consultation and advertising requirements</b>	13
Insert after clause 41 (2) (b) (iii):	14
(iv) such other organisations ( <i>community services organisations</i> ) as are listed by the local council for the area in which the relevant venue is situated as organisations engaged in the provision in the local community of services relating to welfare, emergency relief, financial assistance, Aboriginal health, Aboriginal legal assistance, or gambling and addiction counselling or treatment.	15 16 17 18 19 20
<b>[12] Clause 41 (3)</b>	21
Omit the subclause. Insert instead:	22
(3) The applicant must advise each of the persons and bodies referred to in subclause (2) that they may make a written submission to the Authority in relation to the application and the LIA within 60 days (for a class 1 LIA) or 90 days (for a class 2 LIA) after the date notified on the Liquor & Gaming NSW website as the date on which the application was posted on that website.	23 24 25 26 27
<b>[13] Clause 41 (3A)</b>	28
Insert after clause 41 (3):	29
(3A) The applicant must provide the Authority with a list (verified by statutory declaration of the hotelier or secretary of the club concerned) of the community services organisations that have been provided with a copy of the application.	30 31 32 33
<b>[14] Clause 41 (5) (d)</b>	34
Omit the paragraph. Insert instead:	35
(d) advise that any person may make a submission to the Authority in relation to the application and the LIA within 60 days (for a class 1 LIA) or 90 days (for a class 2 LIA) after the date notified on the Liquor & Gaming NSW website as the date on which the application was posted on that website.	36 37 38 39 40
<b>[15] Clause 42 LIA not required with certain threshold increase applications that involve “excess” permits</b>	41 42
Omit the clause.	43

<b>[16] Clause 44A</b>	1
Insert after clause 44:	2
<b>44A Time within which threshold increase applications to be dealt with</b>	3
(1) The Authority must determine a threshold increase application:	4
(a) in the case of an application that is not required to be accompanied by an LIA—within 60 days after the application is made, or	5 6
(b) in the case of an application that is required to be accompanied by a class 1 LIA—within 150 days after the date notified on the Liquor & Gaming NSW website as the date on which the application was posted on that website, or	7 8 9 10
(c) in the case of an application that is required to be accompanied by a class 2 LIA—within 180 days after the last day for the making of submissions on the application.	11 12 13
(2) An application is not considered to have been made until the Authority has accepted the application as being complete and properly made.	14 15
(3) The period within which an application must be determined by the Authority is extended by any period allowed by the Authority for the provision of additional information by the applicant.	16 17 18
<b>[17] Clause 45B</b>	19
Insert after clause 45A:	20
<b>45B Gaming machine lease levy</b>	21
The amount of the levy payable under section 25C of the Act in respect of a lease of a gaming machine entitlement approved by the Authority is the amount equal to 5% of the total of all lease payments due under the lease for the full term of the lease.	22 23 24 25
<b>[18] Clause 147AA</b>	26
Insert after clause 147:	27
<b>147AA Application for Authority’s approval of lease of gaming machine entitlements</b>	28
For the purposes of section 25 (4) (a) of the Act, the prescribed application fee is \$250.	29 30
<b>[19] Clause 156A</b>	31
Omit the clause. Insert instead:	32
<b>156A Meaning of “metropolitan area”</b>	33
For the purposes of the Act, the area of each of the following local councils is described as a metropolitan area:	34 35
Bayside Council, Blacktown City Council, Blue Mountains City Council, Burwood Council, Camden Council, Campbelltown City Council, Canterbury-Bankstown Council, Central Coast Council, City of Canada Bay Council, City of Parramatta Council, Council of the City of Sydney, Cumberland Council, Fairfield City Council, Georges River Council, Hawkesbury City Council, Inner West Council, Ku-ring-gai Council, Lake Macquarie City Council, Lane Cove Municipal Council, Liverpool City Council, Mosman Municipal Council, Newcastle City Council, North Sydney	36 37 38 39 40 41 42 43

Council, Northern Beaches Council, Penrith City Council, Randwick City	1
Council, Ryde City Council, Strathfield Municipal Council, Sutherland Shire	2
Council, The Council of the Municipality of Hunters Hill, The Council of the	3
Shire of Hornsby, The Hills Shire Council, Waverley Council, Willoughby	4
City Council, Wollongong City Council, Woollahra Municipal Council.	5

<b>Schedule 4</b>	<b>Amendment of Casino Control Act 1992 No 15</b>	1
<b>[1]</b>	<b>Section 115 Responsible gambling levy and fund</b>	2
	Omit “and a separate account is to be kept for the levies paid in respect of each casino licence” from section 115 (4).	3 4
<b>[2]</b>	<b>Section 115B</b>	5
	Insert after section 115A:	6
<b>115B</b>	<b>Payments under Gaming Machines Act 2001 to Responsible Gambling Fund</b>	7
(1)	Money paid to the Secretary as a community benefit payment or gaming machine lease levy under the <i>Gaming Machines Act 2001</i> is to be paid into the Responsible Gambling Fund (established as referred to in section 115 of this Act) and dealt with as provided by this section.	8 9 10 11
(2)	That money (together with any proceeds of its investment) is to be applied for such purposes as the Minister determines for the benefit of local communities in which gaming machine thresholds for venues have increased.	12 13 14
	<b>Note.</b> The provisions of section 115 with respect to money paid into the Responsible Gambling Fund as responsible gambling levy do not apply to money paid into that fund under the <i>Gaming Machines Act 2001</i> .	15 16 17