



**GAMING MACHINES (GAMING VENUES IN SHOPPING CENTRES)
AMENDMENT ACT 1997**

No. 72 of 1997

SUMMARY OF PROVISIONS

1. **Short title**
2. **Commencement**
3. **Insertion of s. 15A**
 - 15A. **Gaming venues not to be located under same roof as shops or within shopping complexes**
4. **Statute law revision amendments**

SCHEDULE

Statutes Law Revision Amendments



ANNO QUADRAGESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1997

No. 72 of 1997

An Act to amend the Gaming Machines Act 1992.

[Assented to 18 December 1997]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Gaming Machines (Gaming Venues in Shopping Centres) Amendment Act 1997*.

(2) The *Gaming Machines Act 1992* is referred to in this Act as "the principal Act".

Commencement

2. (1) This Act, except for section 3, will come into operation on assent.

(2) Section 3 will be taken to have come into operation on 17 August 1997.

Insertion of s. 15A

3. The following section is inserted after section 15 of the principal Act:

Gaming venues not to be located under same roof as shops or within shopping complexes

15A. (1) Despite any other provision of this Act, the Commissioner cannot after the commencement of this section grant an application for a gaming machine licence in respect of licensed premises, or grant any other application under this Act in respect of licensed premises that are subject to a gaming machine licence, if to do so would result in the licensed premises, or the whole or part of a gaming area of the licensed premises, being located—

- (a) under the same roof as a shop, whether or not on the same level or floor as the shop; or
- (b) anywhere within the boundaries of a shopping complex.

(2) Subsection (1) applies only in respect of an application made after the commencement of this section (and any grant by the Commissioner of such an application will be taken to be void and of no effect).

(3) Subsection (1) does not apply where the shop—

- (a) is a part of the licensed premises set aside for the purpose of selling liquor in bottles to the public; or
- (b) is intended primarily for the use of guests staying on the licensed premises.

(4) For the purposes of subsection (1), licensed premises will be regarded as falling within the boundaries of a shopping complex if the land on which the premises are situated—

- (a) formed part of the complex immediately prior to the granting of the development authorisation (or the first such authorisation if more than one) for the establishment of the licensed premises on the land; or
- (b) shares a common boundary with the complex and the licensed premises are, in the opinion of the Commissioner, so linked to or integrated with the complex that they may properly be regarded as forming part of the complex.

(5) In this section—

"shop" means a shop at which goods are sold to the public by retail;

"shopping centre" means a cluster of premises where—

- (a) at least one of the premises is a shop; and
- (b) the premises are located in the one building or in 2 or more buildings that are adjoining or are separated only by the grounds of the centre; and
- (c) the cluster of premises is promoted as, or generally regarded as constituting, a shopping centre, shopping mall, shopping court or shopping arcade;

"shopping complex" means a shop, or shopping centre, together with all parking and other areas adjacent and ancillary to, and intended primarily for the use of persons attending, the shop or shopping centre.

Statute law revision amendments

4. The principal Act is further amended in the manner indicated in the schedule.

SCHEDULE

Statutes Law Revision Amendments

Provision Amended	How Amended
Section 2	Strike out this section
Section 3(1)	
definition of "club licence"	Strike out "1985" and substitute "1997".
definition of "the Commissioner"	Strike out "Licensing" and substitute "and Gaming".
definition of "general facility licence"	Strike out this definition.
definition of "hotel licence"	Strike out "1985" and substitute "1997".
definition of "liquor licence"	Strike out "general facility" and substitute "special circumstances".
	After the definition of "prescribed gaming machine licence" insert the following definition:
	"special circumstances licence" means a special circumstances licence under the <i>Liquor Licensing Act 1997</i> ;
Section 4(1)	Strike out "1983" and substitute "1997".
Section 4(2)	Strike out "Notwithstanding" and substitute "Despite".
Section 6(2)	Strike out the penalty provision and substitute the following:
	Maximum penalty: \$10 000 or imprisonment for 6 months.
Section 11(2)	Strike out "Penalty" and substitute "Maximum penalty".
	Strike out from paragraph (a) of the penalty provision "Division 2 fine or Division 4 imprisonment" and substitute "\$50 000 or imprisonment for 4 years".
	Strike out from paragraph (b) of the penalty provision "Division 3 fine or Division 5 imprisonment" and substitute "\$35 000 or imprisonment for 2 years".
Section 15(1)(b)	Strike out "(whether restricted or unrestricted)".
Section 15(1)(c)	Strike out "general facility" wherever occurring and substitute, in each case, "special circumstances".
Section 15(1)(d)	Strike out "80 or 81 of the <i>Liquor Licensing Act 1985</i> " and substitute "73 or 74 of the <i>Liquor Licensing Act 1997</i> ".
Section 17(2)(a)	Strike out "restricted".
Section 28(1)	Strike out "general facility" wherever occurring and substitute, in each case, "special circumstances".
Section 28(5)	Strike out "general facility" and substitute "special circumstances".
Section 34	Strike out "1985" and substitute "1997".
Section 45	Strike out the penalty provision and substitute the following:
	Maximum penalty: \$35 000 or imprisonment for 2 years.

- Section 46 Strike out "Penalty" and substitute "Maximum penalty".
Strike out from the penalty provision "Division 2 fine or division 4 imprisonment" and substitute "\$50 000 or imprisonment for 4 years."
Strike out from the penalty provision "Division 3 fine or division 5 imprisonment" and substitute "\$35 000 or imprisonment for 2 years".
- Section 47 Strike out the penalty provision and substitute the following:
Maximum penalty: \$35 000 or imprisonment for 2 years.
- Section 48(1) Strike out the penalty provision and substitute the following:
Maximum penalty: \$35 000 or imprisonment for 2 years.
- Section 48(2) Strike out the penalty provision and substitute the following:
Maximum penalty: \$35 000 or imprisonment for 2 years.
- Section 49 Strike out the penalty provision and substitute the following:
Maximum penalty: \$10 000 or imprisonment for 6 months.
- Section 50 Strike out the penalty provision and substitute the following:
Maximum penalty: \$2 500.
- Section 51(1) Strike out the penalty provision and substitute the following:
Maximum penalty: \$10 000 or imprisonment for 6 months.
- Section 51(2) Strike out the penalty provision and substitute the following:
Maximum penalty: \$10 000 or imprisonment for 6 months.
- Section 51(3) Strike out the penalty provision and substitute the following:
Maximum penalty: \$10 000 or imprisonment for 6 months.
- Section 51(4) Strike out the penalty provision and substitute the following:
Maximum penalty: \$10 000 or imprisonment for 6 months.
- Section 51(5) Strike out the penalty provision and substitute the following:
Maximum penalty: \$10 000 or imprisonment for 6 months.
- Section 51A(1) Strike out the penalty provision and substitute the following:
Maximum penalty: \$35 000.
- Section 51A(5) Strike out the penalty provision and substitute the following:
Maximum penalty: \$35 000.
- Section 52 Strike out the penalty provision and substitute the following:
Maximum penalty: \$35 000 or imprisonment for 2 years.
- Section 53 Strike out the penalty provision and substitute the following:
Maximum penalty: \$35 000 or imprisonment for 2 years.
- Section 54 Strike out the penalty provision and substitute the following:
Maximum penalty: \$2 500.

Section 55	Strike out the penalty provision and substitute the following: Maximum penalty: \$10 000 or imprisonment for 6 months.
Section 56(1)	Strike out the penalty provision and substitute the following: Maximum penalty: \$2 500.
Section 56(2)	Strike out the penalty provision and substitute the following: Maximum penalty: \$10 000.
Section 56(4)	Strike out the penalty provision and substitute the following: Maximum penalty: \$20 000.
Section 57(3)	Strike out the penalty provision and substitute the following: Maximum penalty: \$5 000.
Section 58(2)	Strike out the penalty provision and substitute the following: Maximum penalty: \$2 500.
Section 59(1)	Strike out the penalty provision and substitute the following: Maximum penalty: \$2 500.
Section 59(4)	Strike out the penalty provision and substitute the following: Maximum penalty: \$10 000.
Section 62	Strike out the penalty provision and substitute the following: Maximum penalty: \$20 000 or imprisonment for 4 years.
Section 63	Strike out the penalty provision and substitute the following: Maximum penalty: \$20 000 or imprisonment for 4 years.
Section 64	Strike out the penalty provision and substitute the following: Maximum penalty: \$5 000 or imprisonment for 3 months.
Section 65	Strike out the penalty provision and substitute the following: Maximum penalty: \$5 000 or imprisonment for 3 months.
Section 66	Strike out the penalty provision and substitute the following: Maximum penalty: \$20 000 or imprisonment for 1 year.
Section 67(2)	Strike out the penalty provision and substitute the following: Maximum penalty: \$2 500.
Section 67(4)	Strike out the penalty provision and substitute the following: Maximum penalty: \$2 500.
Section 68(1)	Strike out the penalty provision and substitute the following: Maximum penalty: \$20 000 or imprisonment for 1 year.
Section 68(4)	Strike out the penalty provision and substitute the following: Maximum penalty: \$20 000 or imprisonment for 1 year.
Section 71(7)	Strike out the penalty provision and substitute the following: Maximum penalty: \$20 000.

Section 73(4)	Strike out the penalty provision and substitute the following: Maximum penalty: \$10 000 or imprisonment for 2 years.
Section 73A(3)	Strike out "Recreation, Sport and Racing" and substitute "Industry and Trade".
Section 73A(4)	Strike out "Recreation, Sport and Racing" and substitute "Industry and Trade".
Section 73A(5)	Strike out "Office for Recreation, Sport and Racing" and substitute "Department of Industry and Trade".
Section 73B(3)	Strike out "Family and Community" and substitute "Human".
Section 73B(5)	Strike out "Family and Community" and substitute "Human".
Section 77(1)	Strike out the penalty provision and substitute the following: Maximum penalty: \$10 000.
Section 77(2)	Strike out the penalty provision and substitute the following: Maximum penalty: \$10 000.
Section 77(3)	Strike out the penalty provision and substitute the following: Maximum penalty: \$20 000.
Section 78	Strike out the penalty provision and substitute the following: Maximum penalty: \$10 000 or imprisonment for 2 years.
Section 79(1)	Strike out the penalty provision and substitute the following: Maximum penalty: \$20 000 or imprisonment for 4 years.
Section 79(2)	Strike out the penalty provision and substitute the following: Maximum penalty: \$20 000 or imprisonment for 4 years.
Section 80	Strike out the penalty provision and substitute the following: Maximum penalty: \$2 500.
Section 84	Strike out this section and substitute the following section: Prosecution of offences 84. Proceedings for an offence against this Act must be commenced— (a) in the case of an expiable offence - within the time limits prescribed for expiable offences by the <i>Summary Procedure Act 1921</i> ; (b) in any other case - within 5 years of the date on which the offence is alleged to have been committed.
Section 87(2)(e)	Strike out "a division 7 fine" and substitute "\$2 500".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor