



New South Wales

Liquor Amendment (Prizes) Regulation 1998

under the
Liquor Act 1982

His Excellency the Governor, with the advice of the Executive Council., has made the following Regulation under the *Liquor Act 1982*.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing.

Explanatory note

The objects of this Regulation are as follows:

- (a) to provide that a prize won by a person from the playing of an approved gaming device may be awarded in a non-monetary form or paid as money, as long as the person has a choice of being paid money instead of any non-monetary prize awarded,
- (b) to prevent certain items being awarded as non-monetary prizes,
- (c) to make provision for the time in which a prize is to be awarded or paid,
- (d) to prescribe that, for the purposes of calculating duty on approved gaming devices, the value of credits accumulated by a person from playing an approved gaming device, that are redeemed by the award of a non-monetary prize, is an outgoing in respect of that device,
- (e) to ensure that a hotelier makes material, containing certain information relating to the prizes offered, readily accessible in any area where approved gaming devices are located,
- (f) to ensure that any item purchased to be offered as a prize is purchased directly from a person whose business comprises the production or sale of items of that kind.

This Regulation is made under the *Liquor Act 1982*, including sections 20, 86JA, 156 (the general regulation-making power) and 165.

Liquor Amendment (Prizes) Regulation 1998

1 Name of Regulation

This Regulation is the *Liquor Amendment (Prizes) Regulation 1998*.

2 Commencement

This Regulation commences on 9 October 1998.

3 Amendment of Liquor Regulation 1996

The *Liquor Regulation 1996* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 39AA Definition of "outgoings": section 86JA

Omit "This clause" from clause 39AA (1).

Insert instead "Subclause (2)".

[2] Clause 39AA (2)

Omit "clause". Insert instead "subclause".

[3] Clause 39AA (3)

Insert after clause 39AA (2):

- (3) For the purposes of the definition of *outgoings* in section 86JA (1) of the Act, the monetary value of the credits accumulated by an approved gaming device player in the course of play that are redeemed by the award of a non-monetary prize is prescribed as an outgoing in respect of that approved gaming device.

[4] Clause 52

Omit the clause. Insert instead:

52 Prizes

- (1) It is a condition of a hotelier's licence that the hotelier must award or pay a prize that is won from the playing of a device kept by the hotelier to a player who is entitled to the prize (the *prize-winner*) on request by the prize-winner and in accordance with subclauses (2)–(7).
- (2) A prize may be awarded in a non-monetary form or paid as money.

- (3) If a prize is awarded in a non-monetary form, the hotelier must give the prize-winner the choice to be paid money instead.
- (4) If a hotelier pays a monetary prize to a prize-winner, the hotelier must pay an amount equal to (but not exceeding) the value of the credits accumulated by the prize-winner from playing the relevant device.
- (5) A non-monetary prize must not consist of or include:
 - (a) more than 20 litres of liquor, or
 - (b) tobacco in any form, or
 - (c) knives or knife blades, or
 - (d) firearms or ammunition (within the meaning of the *Firearms Act 1996*).
- (6) The hotelier, or an employee of the hotelier, need not award or pay a prize immediately after a prize-winner requests it, but:
 - (a) in the case of a monetary prize—must pay the prize within 48 hours of the request, and
 - (b) in the case of a non-monetary prize—must award the prize:
 - (i) within the time as stated in the information provided under subclause (8) (e), or
 - (ii) if no such time is stated—within 48 hours of the request.
- (7) If a prize is not awarded or paid immediately after the prize-winner has requested it, the hotelier, or an employee of the hotelier, must give the prize-winner a written acknowledgment of the prize-winner's entitlement to the prize.
- (8) A hotelier must make material, containing the following information, readily accessible in any area where a device kept by the hotelier is located:
 - (a) the nature or form of prizes offered.

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- (b) the terms on which prizes are awarded or paid,
 - (c) the right of a prize-winner to choose to receive money instead of any non-monetary prize awarded,
 - (d) any option available to a prize-winner to transfer a non-monetary prize for another non-monetary item or right,
 - (e) if the award of a non-monetary prize will not be made within 48 hours of the request for the prize—the time in which the hotelier will award the prize.
- (9) A hotelier must not, except with the Board's approval, vary the prize schedules of devices kept by the hotelier on the licensed premises.
 - (10) A hotelier must not permit a device that is kept by the hotelier on the licensed premises to be used or operated unless the device has been adjusted so that the value of the prizes won by players of the device is not less than 85% of the total money invested by the players of the device.
 - (11) Any hotelier, or any person acting on behalf of the hotelier, who purchases an item to be offered as a prize must purchase the item directly from a person whose business comprises the production or sale of items of that kind, unless the Board approves otherwise.
- Maximum penalty (subclauses (8)-(11)): 50 penalty units.

[5] Clause 58B Records and requirements relating to prizewinners

Insert “award or” before “payment” wherever occurring.

[6] Clause 58B (1)

insert “monetary” after “other than”

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Schedule 1 Amendments

[7] Clause 58B (1) (c)

Insert “or the number of credits accumulated that are to be redeemed” after “combination”.

[8] Clause 58B (1) (d)

Insert “or the value of the credits” after “prize”.

[9] Clause 58B (2)

Insert “awarding or” after “before”.

[10] Clause 58B (3)

Insert “monetary” after “any”.