



New South Wales

Registered Clubs Amendment (Prizes) Regulation 1998

under the
Registered Clubs Act 1976

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Registered Clubs Act 1976*.

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

Explanatory note

The object of this Regulation is to provide for additional conditions, relating to approved gaming devices, to which the certificate of registration of a registered club is subject. These conditions:

- (a) 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, and
- (b) prevent certain items being awarded as non-monetary prizes, and
- (c) make provision for the time in which a prize is to be awarded or paid, and
- (d) require a registered club to make material containing certain information relating to the prizes offered, readily accessible in any area where approved gaming devices are located, and
- (e) require 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.

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This Regulation also prescribes 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.

This Regulation is made under the *Registered Clubs Act 1976*, including sections 9A, 73 (the general regulation-making power) and 86.

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1 Name of Regulation

This Regulation is the *Registered Clubs Amendment (Prizes) Regulation 1998*.

2 Commencement

This Regulation commences on 9 October 1998.

3 Amendment of Registered Clubs Regulation 1996

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

4 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments

(Clause 3)

[1] Clause 23A Definition of “outgoings”: section 86 (1)

Omit “This clause” from clause 23A (1).
Insert instead “Subclause (2)”.

[2] Clause 23A (2)

Omit “clause”. Insert instead “subclause”.

[3] Clause 23A (3)

Insert after clause 23A (2):

(3) For the purposes of the definition of *outgoings* in section 86 (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] Schedule 2 Conditions relating to approved gaming devices

Omit clause 2 (4) and (5). Insert instead:

- (4) The registered club must award or pay a prize that is won from the playing of an approved gaming device kept by the registered club to a player who is entitled to the prize (the *prize-winner*) on request by the prize-winner and in accordance with subclauses (5)–(10).
- (5) A prize may be awarded in a non-monetary form or paid as money.
- (6) If a prize is awarded in a non-monetary form, the registered club must give the prize-winner the choice to be paid money instead.

- (7) If a registered club pays a monetary prize to a prize-winner, the club must pay an amount equal to (but not exceeding) the value of the credits accumulated by the prize-winner from playing the relevant approved gaming device.
- (8) 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*).
- (9) The registered club, or an employee of the club, 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 (13) (e), or
 - (ii) if no such time is stated—with 48 hours of the request.
- (10) If a prize is not awarded or paid immediately after the prize-winner has requested it, the registered club, or an employee of the club, must give the prize-winner a written acknowledgment of the prize-winner's entitlement to the prize.
- (11) The registered club must keep or cause to be kept a written record, with respect to the awarding or payment of each prize and the payment of short-pay of an approved gaming device kept by the club (other than monetary payments released directly by the device or prizes awarded or paid by way of redemption of a gaming machine ticket), containing the following particulars:

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- (a) the date of the award or payment,
- (b) the serial number of the device in respect of which the award or payment was made,
- (c) the prize-winning combination or the number of credits accumulated that are to be redeemed,
- (d) the amount of the prize, the value of the credits or the amount of the short-pay,
- (e) the name and signature of the person to whom the award or payment was made,
- (f) the signature of 2 other persons who are members or employees of the club certifying that each has sighted the prize-winning combination or the number of credits and that the record made in accordance with this clause is correct in all details.

(12) A record referred to in subclause (1) must be retained by the registered club for not less than 3 years after the record is made.

(13) A registered club must make material, containing the following information, readily accessible in any area where an approved gaming device kept by the club is located:

- (a) the nature or form of prizes offered.
- (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 non-monetary prize will not be made within 48 hours of the request for the prize—the time in which the club will award the prize.

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(14) Any registered club, or any person acting on behalf of the club, 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.