



New South Wales

Gaming Machines Regulation 2002

under the

Gaming Machines Act 2001

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

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Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to provide for the following matters for the purposes of the *Gaming Machines Act 2001*:

- (a) the general regulation and management of gaming machines in hotels and clubs,
- (b) requirements in relation to responsible gambling practices in hotels and clubs and other related harm minimisation measures, including requirements in relation to the social impact assessment of gaming machines in hotels and clubs,
- (c) requirements in relation to gaming-related licences (eg gaming machine dealers' licences),
- (d) the regulation of intra-venue progressive gaming machines and systems,
- (e) the regulation of player cards and accounts in relation to gaming machines,
- (f) gaming machine tickets issued by hoteliers and clubs,
- (g) regulating the operation of the authorised centralised monitoring system and the operation of linked inter-venue gaming systems,
- (h) the fees applicable to gaming-related licences and work permits and the transfer of poker machine entitlements,
- (i) other matters of a procedural or administrative nature.

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Explanatory note

This Regulation is made under the *Gaming Machines Act 2001*, including section 210 (the general regulation-making power) and the various sections of the Act that are referred to in this Regulation.

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Clause 1 Gaming Machines Regulation 2002

Part 1 Preliminary

Gaming Machines Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Gaming Machines Regulation 2002*.

2 Commencement

This Regulation commences on 2 April 2002.

3 Definitions

(1) In this Regulation:

dealer means the holder of a dealer's licence.

dealer's premises, in relation to a dealer, means the premises or part of premises on or from which the dealer is authorised by the dealer's licence to carry on the business or other activity authorised by the licence.

logic board means a logic board of, or for incorporation into, an approved gaming machine.

memory chip means the verifiable read-only memory component of an approved gaming machine that stores the executable program or other fixed data.

multi-terminal gaming machine has the same meaning as in section 61 of the Act.

seller means the holder of a seller's licence.

serial number of an approved gaming machine means the serial number allocated by a dealer to the gaming machine under Part 4.

technician means the holder of a technician's licence.

technician's place of business, in relation to a technician, means the premises:

- (a) approved by the Licensing Court at the time of grant of the technician's licence, or

(b) subsequently approved by the Board under Part 4,
as the premises on or from which the activities authorised by the
licence are carried on.

the Act means the *Gaming Machines Act 2001*.

(2) Notes in the text of this Regulation do not form part of this Regulation.

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Clause 4 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

Part 2 Regulation and management of gaming machines—general provisions

4 Limitation on Board's approval of certain gaming machines

- (1) The only type of device that the Board may approve under the Act as an approved amusement device is one by means of which player interactive draw poker, or some player interactive game derived from draw poker, is the only game that can be played.
- (2) The Board cannot approve a poker machine as an approved poker machine if it is one by means of which player interactive draw poker, or some player interactive game derived from draw poker, is the only game that can be played.
- (3) Subclause (1) does not prevent the Board from authorising the keeping or use of an approved amusement device with features supplementary to a draw poker game, or a game derived from the draw poker game.

5 Limitation on types of gaming machines in hotels

- (1) The Board cannot authorise a multi-terminal gaming machine to be kept or operated in a hotel.
- (2) A hotelier must not install or keep a multi-terminal gaming machine in the hotel.
Maximum penalty (subclause (2)): 50 penalty units.
- (3) The Board may authorise approved gaming machines that are multi-game machines (that is, gaming machines that feature standard poker machine games and the draw poker game or some player interactive game derived from draw poker) to be kept and operated in a hotel. Any such approved gaming machine is to be treated as an approved poker machine for the purposes of the Act.

6 Amendment of specification documents for gaming machines

The Board may, from time to time, amend the specification document for an approved gaming machine by endorsing on it such modifications to the specifications as the Board may allow.

7 Transfer of Board's functions to CMS licensee

- (1) In accordance with section 67 of the Act, any function of the Board under the Act (except under Part 10) in relation to the authorisation to keep approved gaming machines that are connected to an authorised CMS may, to the extent that those functions are carried out by electronic means through the operation of an authorised CMS, be exercised by the CMS licensee who is operating the authorised CMS.
- (2) The CMS licensee may not exercise any of the Board's functions that would result in an approved gaming machine being required to be withdrawn from operation unless the CMS licensee has the Board's approval to do so.
- (3) In exercising the functions of the Board as referred to in this clause, the CMS licensee must:
 - (a) keep such records with respect to the authorisation of approved gaming machines as may be required by the Board, and
 - (b) make such reports to the Board with respect to the authorisation of approved gaming machines as may be required by the Board, and
 - (c) comply with such directions as may be issued by the Board.
- (4) Compliance with subclause (3) is a condition of the CMS licence.

8 Reduction of number of gaming machines in large-scale clubs

- (1) For the purposes of section 13 of the Act, the following Table specifies:
 - (a) by reference to the name of a large-scale club and the premises number allocated by the Board, the relevant premises of the large-scale clubs to which the requirement under section 13 (1) of the Act applies, and
 - (b) the number of approved gaming machines (*the target number*) that a large-scale club is required to dispose of in respect of its relevant premises before the end of the 5-year period referred to in that section:

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Clause 8 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

Table

Name of club	Relevant premises number	Target number
Bankstown District Sports Club Ltd	225550	74
Blacktown Workers Club Ltd	225828	8
Bulldogs Leagues Club Ltd	226174	65
Club Marconi of Bossley Park Social Recreation and Sporting Club Ltd	226484	53
Commercial Club Ltd	235068	40
Eastern Suburbs Leagues Club Ltd	227103	19
Mingara Recreation Club Ltd	245764	54
Mount Pritchard & District Community Club Ltd	231135	56
Parramatta Leagues Club Ltd	229459	41
Penrith Rugby League Club Ltd	241858	117
Revesby Workers Club Ltd	229823	50
Rooty Hill RSL Club Ltd	241866	78
St Marys Rugby League Club Ltd	200183	16
Seagulls Rugby League Football Club Ltd	244954	53
South Sydney Junior Rugby League Club Ltd	230317	57
Twin Towns Services Club Ltd	239802	55
Western Suburbs Leagues Club Ltd	230929	58
Western Suburbs (Newcastle) Leagues Club Ltd	241386	59

- (2) The total target number is 953 approved gaming machines. If the relevant premises of a large-scale club cease to operate, the total target number is to be varied accordingly.
- (3) For each year of the 5-year period referred to in section 13 of the Act, and until such time as the target number concerned is reached, a reduction of at least 20% of the total target number must be achieved (*the 20% annual target*).

Note. The 5-year period referred to in section 13 of the Act starts on the commencement of Part 2 of the Act, namely 2 April 2002. Therefore, each year of the 5-year period is the year beginning 2 April and ending 1 April in the following year. The 5-year period will end on 1 April 2007.

- (4) The Board is, before the end of each year of the 5-year period, to assess the number of approved gaming machines that have been disposed of in that year and determine whether the 20% annual target for that year has been achieved.
- (5) If the 20% annual target has not been achieved for the year concerned, the Board may, by notice in writing, direct a large-scale club to dispose of a specified number of approved gaming machines (as determined by the Board) in order for the 20% annual target to be achieved. Any such specified number cannot exceed the 20% annual target in respect of the club.
- (6) A large-scale club must comply with any such direction by the Board.
Maximum penalty (subclause (6)): 100 penalty units.

9 Hotel gaming rooms

- (1) In accordance with section 68 of the Act, this clause only applies in respect of a hotelier's licence if more than 10 approved gaming machines are kept in the hotel concerned.
- (2) If, because of section 68 of the Act, a hotelier is required to locate approved gaming machines in a gaming room, the gaming room must conform to the following requirements:
 - (a) the gaming room must be located in a restricted area of the hotel, and it must not be in a part of the hotel in respect of which a minors function authority under section 111A of the *Liquor Act 1982*, or an authorisation under section 112 of that Act, is in force,

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Clause 9 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

- (b) the gaming room must be physically separated from the general bar area by a permanent floor to ceiling wall with at least the bottom half of such wall being constructed of opaque material, and any building approval for any work that is required to be done must be obtained before the approved gaming machines may be kept in the hotel,
 - (c) patrons must not be compelled to pass through the gaming room in order to enter or leave the hotel or in order to gain access to another part of the hotel,
 - (d) entry to the gaming room must be provided free of charge,
 - (e) any approved gaming machine in the gaming room must be situated so that it cannot be seen from any place outside the hotel that is used by the public or to which the public has access,
 - (f) all approved gaming machines in the gaming room must be suitably spaced in order to facilitate access to the gaming machines,
 - (g) the gaming room must at all times be supervised by the hotelier or an employee of the hotelier by way of electronic means or physical presence, or both,
 - (h) the gaming room must have a doorway or space that provides reasonable access to and from the gaming room to at least one operating bar, and at least one toilet for each gender, elsewhere in the hotel without the need for a patron to go on to a public street, or to any other area not forming part of the hotel, when moving from the gaming room to that bar or toilet or from that bar or toilet to the gaming room,
 - (i) if the gaming room can be accessed directly from a public street, each doorway or space in the gaming room that provides access to and from the rest of the hotel must be clearly marked as providing such access and be evident to patrons in the gaming room.
- (3) The requirement under subclause (2) (b) for a gaming room to be physically separated from the general bar area of a hotel does not:
- (a) prevent the provision of a doorway or equivalent space to facilitate access by patrons to and from the gaming room, and

- (b) operate so as to require the permanent wall to extend beyond any counter that is designed to serve patrons in both the gaming room and the general bar area.
- (4) More than one gaming room may be provided by a hotelier in the hotel.

10 Location and operation of gaming machines in hotels

- (1) A hotelier must not:
 - (a) keep an approved gaming machine in the hotel unless the gaming machine is located in a restricted area (within the meaning of the *Liquor Act 1982*) of the hotel, or
 - (b) permit an approved gaming machine in the hotel to be operated at any time other than a time when liquor may be lawfully sold or supplied under the *Liquor Act 1982* in the restricted area in which the gaming machine is kept.

Maximum penalty: 100 penalty units.

- (2) Subclause (1) (a) does not apply in relation to an approved gaming machine that is stored by the hotelier at such place (whether or not in the hotel) and in such circumstances as may be approved by the Board.

11 Terms and conditions of contracts in relation to gaming machines

For the purposes of section 72 of the Act, the prescribed terms and conditions of a contract for the keeping or modification of an approved gaming machine are terms and conditions setting out:

- (a) the serial number of the gaming machine, and
- (b) the place where the gaming machine is or is to be installed, and
- (c) the period the contract is to be in force, and
- (d) the consideration and the interest rate (if any) chargeable, and
- (e) if there is an option to purchase, the residual value required to exercise that option.

12 Faulty gaming machines

If a hotelier or registered club finds a fault that affects the playing or result of any game playable by means of an approved gaming machine, or the accuracy of any reading of any meter in an approved gaming machine, kept by the hotelier or club, the hotelier or club:

- (a) must switch off the gaming machine, and

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Clause 12 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

- (b) must cause a notice to be attached to the gaming machine indicating that it is faulty, and
- (c) must not permit a member of the public to play or attempt to play a game by means of the gaming machine until the fault has been rectified, and
- (d) must cause the gaming machine to be repaired as soon as practicable.

Maximum penalty: 50 penalty units.

13 General requirement to award or pay prizes

- (1) A hotelier or registered club must award or pay a prize that is won from the playing of an approved gaming machine kept in the hotel or club to a player who is entitled to the prize (the *prizewinner*) on request by the prize-winner and in accordance with subclauses (2)–(7).

Maximum penalty: 100 penalty units.

- (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 or registered club must give the prizewinner the choice to be paid money instead.
- (4) If a hotelier or registered club pays a monetary prize to a prizewinner, the hotelier or club must pay an amount equal to (but not exceeding) the value of the credits accumulated by the prizewinner from playing the relevant approved gaming machine.
- (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 registered club, or an employee of the hotelier or club, need not award or pay a prize immediately after a prizewinner requests it, but:
 - (a) in the case of a monetary prize—must pay the prize within 48 hours of the request (except where the prize is a jackpot prize under a linked gaming system operated under Part 10 of the Act, in which case the prize is to be paid in accordance with the rules under the links licence concerned), and

- (b) in the case of a non-monetary prize—must award the prize:
 - (i) within the time stated in the information provided under clause 14 (3) (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 prizewinner has requested it, the hotelier or registered club, or an employee of the hotelier or club, must give the prizewinner a written acknowledgment of the prizewinner's entitlement to the prize.

14 Other requirements relating to prizes

- (1) A hotelier or registered club must not, except with the Board's approval, vary the prize schedule of any approved gaming machine kept in the hotel or club.
- (2) A hotelier or registered club must not permit an approved gaming machine kept in the hotel or club to be operated unless the gaming machine has been adjusted so that the value of the prizes won by players of the gaming machine is not less than 85% of the total money paid by the players of the gaming machine.
- (3) If a hotelier or registered club offers or provides non-monetary prizes, the hotelier or club must make the following information readily accessible in any area of the hotel or club in which approved gaming machines are located:
 - (a) the nature or form of prizes offered,
 - (b) the terms on which prizes are awarded or paid,
 - (c) the right of a prizewinner to choose to receive money instead of any non-monetary prize awarded,
 - (d) any option available to a prizewinner 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 or club will award the prize.

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Part 2 Regulation and management of gaming machines—general provisions

- (4) A hotelier or registered club, or a person acting on behalf of the hotelier or club, who purchases an item to be offered as a prize must, unless the Board approves otherwise, purchase the item directly from a person whose business comprises the production or sale of items of that kind.

Maximum penalty: 50 penalty units.

15 Records relating to prizes to be kept by clubs

A 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 machine kept by the club (other than monetary payments released directly by the gaming machine or prizes awarded or paid by way of redemption of a gaming machine ticket within the meaning of Part 7) that contains the following particulars:

- (a) the date of the award or payment,
- (b) the serial number of the gaming machine 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 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.

Maximum penalty: 50 penalty units.

16 Bet and prize limits on multi-terminal gaming machines

For the purposes of section 61 (4) of the Act:

- (a) \$100 is prescribed as the maximum amount for any single bet on a multi-terminal gaming machine, and
- (b) \$500,000 is prescribed as the maximum amount of any prize that may be won from playing a multi-terminal gaming machine.

17 Guarantee of prize payments from multi-terminal gaming machines

- (1) If the maximum jackpot prize that may be won on a multi-terminal gaming machine kept in a registered club exceeds \$20,000, the club must:
- (a) establish with a financial institution a special account which is to have a balance equal to or greater than the total value of the jackpot prizes that may be won on each such gaming machine, or
 - (b) obtain a formal guarantee from a bank or recognised financial institution, or from a person or body approved by the Board, for an amount equal to the total value of the jackpot prizes that may be won on each such gaming machine.
- (2) The registered club must cause to be kept a written record, in a form approved by the Board, of:
- (a) any special account established under subclause (1) (a), or
 - (b) any guarantee obtained under subclause (1) (b).

Maximum penalty: 50 penalty units.

18 Meters

- (1) A hotelier or registered club must ensure that the requirements of this clause are complied with to the extent that they apply to the hotelier or club.

Maximum penalty: 50 penalty units.

- (2) A hotelier or registered club must cause to be read, at monthly intervals, the following meters of the approved gaming machines kept by the hotelier or club:
- (a) turnover meters,
 - (b) coins out or (if applicable) credit wins meters,
 - (c) money to cashbox meters,
 - (d) cancelled credits payments meters,
 - (e) book jackpot wins meters (if applicable),
 - (f) where fitted, money in meters (ie money transferred into gaming machines through the use of centralised cash control equipment),

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Clause 18 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

- (g) where fitted, money out meters (ie money transferred out of gaming machines through the use of centralised cash control equipment),
 - (h) where fitted, cash in meters (ie cumulative total representing the value of money inserted into the gaming machine),
 - (i) where fitted, cash out meters (ie cumulative total representing the value of coins released from the gaming machine's hopper).
- (3) A hotelier or registered club must keep or cause to be kept a written record, with respect to each meter reading, containing the following particulars:
- (a) the serial number of the approved gaming machine,
 - (b) the date of the reading,
 - (c) the meter reading.
- (4) If a turnover meter has malfunctioned since the last reading, an estimated reading must be recorded and any record of the reading must be clearly endorsed "Estimate" and indicated as such in any return or other information lodged with the Board.
- (5) In addition to the requirements of subclauses (2)–(4), a registered club must, at monthly intervals, record the following information in respect of each approved gaming machine kept by the club:
- (a) a cash flow analysis,
 - (b) a comparison of cancelled credits payments and book jackpot wins meter readings with the corresponding entries in the club's payout sheets,
 - (c) a comparison of the money out meter reading (in the case of an approved gaming machine that issues gaming machine tickets by means of equipment subsidiary to the gaming machine), or the cancelled credits payments meter reading (in the case of an approved gaming machine that issues gaming machine tickets otherwise than by means of subsidiary equipment), with the total of:
 - (i) the value of the gaming machine tickets issued from the gaming machine, being gaming machine tickets that have been redeemed, and
 - (ii) the value of the unclaimed gaming machine tickets issued from the gaming machine.

- (6) The cash flow analysis must be in or to the effect of a form approved for the purpose by the Board.
- (7) The information contained in a record referred to in subclause (5) must be reported to the club's board or committee at monthly intervals.
- (8) If a meter of an approved gaming machine kept by a registered club ceases to function or malfunctions, the club must cause it to be repaired as soon as practicable after it so ceases or malfunctions.

19 Additional records by clubs

- (1) A registered club must make, on or before the 21st day in each month with respect to each approved gaming machine kept by the club, a record in or to the effect of a form approved for the purpose by the Board relating to the previous month and to that part of the previous 12 months for which information is available.

Maximum penalty: 50 penalty units.

- (2) A record under this clause is to be examined by the club's board or committee within 1 month after the last date on which the record was made.

20 Clearance and refilling of gaming machines in clubs

- (1) A registered club must ensure that the approved gaming machines kept in the club are cleared of money by at least 2 of the following persons:
 - (a) an authorised person within the meaning of Part 7,
 - (b) the holder of a gaming-related licence who is exercising functions authorised by the licence,
 - (c) a special inspector.
- (2) A registered club must cause to be kept a written record, with respect to each clearance of an approved gaming machine kept in the club, containing the following particulars:
 - (a) the date of the clearance,
 - (b) the serial number of the gaming machine cleared,
 - (c) the amount cleared,
 - (d) the signatures of the persons who cleared the gaming machine certifying that the record made in accordance with this clause is correct in all details.

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Clause 20 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

- (3) A registered club must ensure that approved gaming machines kept in the club are refilled with money by at least 2 of the following persons:
- (a) an authorised person within the meaning of Part 7,
 - (b) the holder of a gaming-related licence who is exercising functions authorised by the licence,
 - (c) a special inspector.
- (4) A registered club must cause to be kept a written record, with respect to each refill of an approved gaming machine kept in the club, containing the following particulars:
- (a) the date of the refill,
 - (b) the serial number of the gaming machine refilled,
 - (c) the signatures of the persons who refilled the gaming machine certifying that the record made in accordance with this clause is correct in all details,
 - (d) in the event of a refill becoming necessary following a short-pay, the name and address of the player.

Maximum penalty: 50 penalty units.

Part 3 Responsible gambling practices and other harm minimisation measures

Division 1 Provisions relating to player information

21 Display of information concerning chances of winning prizes on gaming machines

- (1) A hotelier or registered club must display, in accordance with this clause, notices providing information about the chances of winning a major prize from the operation of any approved gaming machine in the hotel or club.

Maximum penalty: 50 penalty units.

- (2) The information contained in the notices must be in the following form:

Your chance of winning the maximum prize on a gaming machine is generally no better than one in a million.

- (3) The notices must be:

- (a) displayed in each part of the hotel or registered club where approved gaming machines are located in such manner and in such a place that it would be reasonable to expect that a person entering the part of the hotel or club in which the notices are displayed would be alerted to their contents, and
- (b) prominently displayed on the front or top of each approved gaming machine kept in the hotel or club.

- (4) The matter contained in a notice must be:

- (a) in the case of a notice displayed as referred to in subclause (3) (a)—in letters of not less than one centimetre in height, and
- (b) in the case of a notice displayed as referred to in subclause (3) (b)—in letters of not less than 0.4 centimetres in height.

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Clause 22 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures

Division 1 Provisions relating to player information

22 Approval of English and other community language player information brochures

(1) In this clause:

player information means the following:

- (a) information concerning the use of approved gaming machines,
 - (b) information concerning the chances of winning prizes from the playing of approved gaming machines,
 - (c) the G-line (NSW) help line phone number operated under contractual arrangements made by the Department of Gaming and Racing.
- (2) The Minister may approve one or more pamphlets or brochures containing player information in the English language (a *player information brochure*).
- (3) The Minister may approve one or more pamphlets or brochures containing advice in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages that:
- (a) indicates the substance of the player information contained in a player information brochure, and
 - (b) advises that the information will be supplied by the hotelier or registered club in the relevant language on request by a patron of the hotel or club.
- (4) A pamphlet or brochure approved under subclause (3) may be combined with the player information brochure to which it relates.
- (5) The Minister may approve one or more pamphlets or brochures (a *community language player information brochure*) containing player information in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages.
- (6) The Minister may vary or withdraw any approval given under this clause.

23 Provision of player information brochures

- (1) If a hotelier or registered club is authorised to keep approved gaming machines, the hotelier or club must make copies of at least one player information brochure approved by the Minister under clause 22 available to patrons of the hotel or club in accordance with this clause.
- Maximum penalty: 50 penalty units.
- (2) The brochures must be made available in each part of the hotel or registered club in which approved gaming machines are located.
- (3) The brochures must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the hotel or club in which the brochures are required to be available would be alerted to their presence.

24 Provision of player information brochures in community languages

- (1) A patron of a hotel or registered club in which approved gaming machines are authorised to be kept may request the hotelier or club to supply to the patron a community language player information brochure approved under clause 22 (5) in one of the languages specified in that subclause.
- (2) The hotelier or registered club must supply a brochure in accordance with a request made under subclause (1) as soon as practicable after being requested to do so.
- Maximum penalty: 50 penalty units.

25 Dangers of gambling—notice to be displayed on gaming machines

- (1) In this clause:
- gambling warning notice* means a notice containing one or more of the statements listed in subclause (5).
- problem gambling notice* is a notice containing the matter required by subclause (6).
- (2) A hotelier or registered club who or which is authorised to keep approved gaming machines must display in accordance with this clause:
- (a) a gambling warning notice, and
 - (b) a problem gambling notice.
- Maximum penalty: 50 penalty units.

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Clause 25 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures
Division 1 Provisions relating to player information

- (3) The gambling warning notice and problem gambling notice must be prominently displayed on the front or top of each approved gaming machine kept in the hotel or registered club.
- (4) The wording required to appear in a gambling warning notice may appear (as a separate and distinct statement) in a problem gambling notice or with any other notice displayed on an approved gaming machine, provided that the requirements of this clause in relation to the gambling warning notice and the problem gambling notice are otherwise complied with.
- (5) The statements referred to in the definition of ***gambling warning notice*** in subclause (1) are as follows:
- DON'T LET GAMBLING TAKE CONTROL OF YOUR LIFE
GAMBLING CAN BECOME ADDICTIVE
EXCESSIVE GAMBLING CAN RUIN LIVES
EXCESSIVE GAMBLING CAN DESTROY FAMILIES AND FRIENDSHIPS
EXCESSIVE GAMBLING CAN LEAD TO THE LOSS OF YOUR HOME OR OTHER ASSETS
EXCESSIVE GAMBLING CAN AFFECT YOUR HEALTH
- (6) The notice referred to in the definition of ***problem gambling notice*** in subclause (1) must contain the following:
- Is gambling a problem for you?
CALL G-line (NSW)
counselling service
1800 633 635
- (7) Subclause (6) does not prevent a problem gambling notice containing other information.
- (8) The matter contained in a problem gambling notice must be in letters and figures of not less than 0.2 centimetres in height.
- (9) The matter contained in a gambling warning notice must be in capital letters of not less than 0.4 centimetres in height.
- (10) The notices may be attached to, or placed on top of, an approved gaming machine or may consist of a permanently visible light emitting display that forms part of the gaming machine.

26 Counselling signage—notice to be displayed

- (1) If a hotelier or registered club is authorised to keep approved gaming machines, the hotelier or club must:
- (a) display a notice that complies with this clause in the vicinity of the main entrance to the hotel or club, and
 - (b) display the notice in such a manner and in such a place that it would be reasonable to expect that a person using the main entrance to the hotel or club in which the notice is displayed would be alerted to its contents.

Maximum penalty: 50 penalty units.

- (2) The notice must contain the following:

IS GAMBLING A PROBLEM FOR YOU?

Are you in control of your gambling?

Do you gamble more than you can afford?

Do you borrow money to gamble?

Do you gamble to win back losses?

Does your gambling affect your family and friends?

FOR INFORMATION, COUNSELLING AND REFERRAL

CALL G-line (NSW)

24 hours a day, 365 days a year

1800 633 635

- (3) Subclause (2) does not prevent a notice under this clause containing other information.
- (4) The notice must be at least 42 centimetres by 29.5 centimetres in size, and the matter contained in the notice must be in letters and figures of not less than 0.6 centimetres in height.

27 ATM signage

- (1) If a hotelier or registered club is authorised to keep approved gaming machines, the hotelier or club must display a notice in accordance with this clause in a prominent position on the front or on top of each automatic teller machine (*ATM*) installed in the hotel or club.

Maximum penalty: 50 penalty units.

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Clause 27 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures
Division 1 Provisions relating to player information

- (2) The notice must contain the following:
Is gambling a problem for you?
CALL G-line (NSW)
counselling service
1800 633 635
- (3) Subclause (2) does not prevent a notice under this clause containing other information.
- (4) The matter contained in the notice must be in letters and figures of not less than 0.2 centimetres in height.
- (5) The notice may be attached to an ATM or may consist of a permanently visible light emitting display that forms part of the ATM.

28 Display of clocks

A hotelier or registered club must ensure:

- (a) that a clock in good working order and that is set to, or within 10 minutes of, the correct time is kept in each part of the hotel or club where approved gaming machines are located, and
- (b) that the time shown on that clock can be readily viewed by any person operating an approved gaming machine in that part of the hotel or club.

Maximum penalty: 50 penalty units.

Division 2 Cheques and cash dispensing facilities

29 Prohibitions on dealings with cheques

- (1) If a hotelier or registered club is authorised to keep approved gaming machines, the hotelier or club must not:
 - (a) exchange a cheque for cash unless the cheque is made out to:
 - (i) the hotelier or the hotel owner, or
 - (ii) to the club, or
 - (b) exchange a cheque for more than \$400 in cash, or
 - (c) exchange more than one cheque for the same person on a single day for cash, or

- (d) exchange a cheque for cash if a cheque previously exchanged for the person who tendered the cheque has not been met on presentation (unless the amount of the cheque not met was subsequently paid to the hotelier or club).

Maximum penalty: 50 penalty units.

- (2) If a hotelier or registered club is authorised to keep approved gaming machines, the hotelier or club must bank any cheque that the hotelier or club has exchanged for cash within 2 working days after the day on which the cheque is accepted.

Maximum penalty: 50 penalty units.

- (3) For the purposes of this clause, a cheque is considered to be made out to a hotelier or a hotel owner only if the hotelier or the hotel owner is the person specified in the cheque (originally and not by endorsement) as payee, whether by name or by indication by use of a name under which the business authorised by the hotelier's licence is conducted.
- (4) In this clause:

cash includes credits that can be used to play an approved gaming machine.

cheque has the same meaning as it has in the *Cheques Act 1986* of the Commonwealth, but does not include a traveller's cheque.

hotel owner means a person who owns (whether or not together with, or on behalf of, any other person) the business conducted under the authority of the hotelier's licence concerned.

30 Payment of prize money by cheque or electronic funds transfer

- (1) A hotelier or registered club must pay so much of the total prize money payable to a person as exceeds \$1,000:
- (a) by means of a crossed cheque payable to the person, or
 - (b) if the person so requests, by means of electronic funds transfer (if those means are available to the hotelier or club) to an account nominated by the person.

Maximum penalty: 50 penalty units.

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Clause 30 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures

Division 2 Cheques and cash dispensing facilities

- (2) If the total prize money payable to a person exceeds \$1,000, a hotelier or registered club must, if the person so requests, pay the component of the prize that is below \$1,000 in the same manner as is required under subclause (1).

Maximum penalty: 50 penalty units.

- (3) In this clause:

crossed cheque means a cheque crossed as referred to in section 53 of the *Cheques Act 1986* of the Commonwealth.

total prize money means the total amount of money payable to a person as a result of the person winning money on an approved gaming machine, or accumulating credits on an approved gaming machine, or both, on a single occasion.

31 Location of cash dispensing facilities away from gaming machines

A hotelier or registered club must not permit a facility for the withdrawal or transfer of money from a bank or authorised deposit-taking institution (such as an ATM or EFTPOS terminal) to be located in a part of the hotel or club in which approved gaming machines are located.

Maximum penalty: 50 penalty units.

32 Exemption

- (1) The Board may, in accordance with guidelines approved by the Minister, exempt a hotelier or registered club in writing from the operation of clause 29 or 31.
- (2) The exemption may be limited in duration and may be subject to such conditions as may be specified in the exemption.
- (3) The Board may cancel or vary the terms of an exemption at any time by means of a written notice served on the hotelier or registered club concerned.

Division 3 Social impact assessment of gaming machines

33 Classes of social impact assessment

- (1) For the purposes of section 34 (2) (a) of the Act:
- (a) the prescribed period is 3 years, and

- (b) the prescribed number of approved gaming machines in relation to that period is 5.
- (2) In accordance with section 35 (b) of the Act, a class 1 social impact assessment is to be provided if:
 - (a) the application for authorisation to keep approved gaming machines relates to a new hotel or new club, and
 - (b) the premises of the new hotel or new club have been removed from other premises (*the previous premises*) situated within 1 kilometre of the premises of the new hotel or new club, and
 - (c) the number of approved gaming machines proposed to be kept in the new hotel or new club is no more than the number kept in the previous premises.
- (3) A class 2 social impact assessment is required in connection with any other application to which Division 1 of Part 4 of the Act applies.
- (4) Without limiting subclause (3), a class 2 social impact assessment is required in connection with such an application if:
 - (a) one or more social impact assessments have, in the period of 3 years preceding the date of the application, been approved in respect of the hotel or registered club concerned, and
 - (b) were the application to be granted and added to the number of additional gaming machines approved in that 3-year period—the total number of additional gaming machines so approved would be more than 4.

34 Class 1 social impact assessment

- (1) The following information must be included in a class 1 social impact assessment:
 - (a) details of the measures that the hotelier or registered club has taken, or proposes to take, to ensure that gambling activities in the hotel or club will be conducted in a responsible manner,
 - (b) the internal floor space (in square metres) of the hotel or the premises of the club,

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Part 3 Responsible gambling practices and other harm minimisation measures
Division 3 Social impact assessment of gaming machines

- (c) in the case of an application by a new hotel or new club—a list of the schools, places of public worship and hospitals that may reasonably be considered to be in the immediate vicinity of the hotel or club premises, including a map showing the location of the hotel or club premises and the location of those schools, places of public worship and hospitals.
- (2) For the purposes of this Division, the internal floor space of a hotel or the premises of a registered club includes any outdoor dining area or other unenclosed seating area.

35 Class 2 social impact assessment

- (1) The following information must be included in a class 2 social impact assessment:
 - (a) the information referred to in clause 34 (1),
 - (b) the total number of gaming machines that are authorised to be kept for the time being in the local government area in which the hotel or registered club is situated,
 - (c) the total number of gaming machines resulting from the Board's approval of social impact assessments in respect of hotels and clubs in that area but which are not yet be authorised to be kept,
 - (d) the total gaming machine expenditure for that area,
 - (e) an estimate of median individual wage and salary income for that area,
 - (f) the unemployment level for that area,
 - (g) an estimate of the resident population in that area of persons aged 18 years or over.
- (2) The information referred to in subclause (1) (b)–(d) is to be provided to the applicant by the Department of Gaming and Racing. The information referred to in subclause (1) (e)–(g) is to be provided from such sources as are specified by the Board.
- (3) A class 2 social impact assessment must also include the following:
 - (a) a map indicating where the hotel or club is situated,
 - (b) an identification of the negative social and economic impact on the local community that would or might result from the granting of the application to which the social impact assessment relates,

- (c) an identification of the social and economic benefit to the local community that would or might result from the granting of the application,
 - (d) a statement, supported by data provided in the social impact assessment, addressing whether there is likely to be an overall net social and economic benefit to the local community if the application were granted,
 - (e) a statement outlining and identifying the source and date of all data and information provided in the social impact assessment,
 - (f) a statement, supported by data provided in the social impact statement, estimating the following:
 - (i) the number of gaming machines per person aged 18 years or over that would be available in the local government area in which the hotel or club is situated if the application were granted,
 - (ii) the average expenditure on gaming machines per person aged 18 years or over in that area if the application were granted.
- (4) For the purposes of subclause (3) and section 37 (3) (d) of the Act, the local community comprises the people living in the local government area in which the hotel or registered club is situated.
- (5) The Board may require the applicant to provide further information if it considers the information to be relevant to its determination under section 37 (3) (d) of the Act. Such further information may relate to adjoining local government areas.
- (6) In determining a class 2 social impact assessment in accordance with section 37 (3) (d) of the Act, the Board is to take into consideration:
- (a) the information provided under this clause, and
 - (b) any relevant information provided by the Department of Gaming and Racing concerning the level of utilisation of gambling-related counselling services in the local government area in which the hotel or registered club is situated, and
 - (c) such other matters as the Board thinks relevant.

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Clause 36 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures

Division 3 Social impact assessment of gaming machines

36 Submissions in relation to class 2 social impact assessment

- (1) If a class 2 social impact assessment is provided to the Board in connection with an application as referred to in Division 1 of Part 4 of the Act, the applicant must provide a copy of the social impact assessment to each of the following:
 - (a) the local council for the area in which the hotel or registered club is situated,
 - (b) the Council of Social Service of New South Wales,
 - (c) the Department of Community Services,
 - (d) the area health service in respect of which the hotel or club is situated,
 - (e) the Director,
 - (f) any body that receives funding from the Casino Community Benefit Fund under the *Casino Control Act 1992* for the specific purpose of providing gambling-related counselling or treatment services in the area in which the hotel or registered club is situated.
- (2) Any such body is to be given an opportunity to make submissions to the Board on the social impact assessment within 30 days of receiving the copy of the assessment or such later time as the Board may approve.
- (3) The Board may also invite submissions on the social impact assessment from such other persons or bodies as it thinks relevant.
- (4) In determining the social impact assessment, the Board is to take into account any submissions made to it under this clause.

37 Floor space requirements

- (1) The Board cannot approve a social impact assessment in connection with an application for authorisation to keep approved gaming machines in a hotel or the premises of a registered club (*the relevant application*) if:
 - (a) in the case of a hotel or club premises with an internal floor space of less than 250 square metres—the approval would result in the hotelier or club being authorised to keep more than 2 approved gaming machines at any one time in the hotel or club premises, or

- (b) in the case of a hotel or club premises with an internal floor space of more than 250 square metres but less than 300 square metres—the approval would result in the hotelier or club being authorised to keep more than 4 approved gaming machines at any one time in the hotel or club premises, or
 - (c) in the case of a hotel or club premises with an internal floor space of more than 300 square metres but less than 350 square metres—the approval would result in the hotelier or club being authorised to keep more than 6 approved gaming machines at any one time in the hotel or club premises, or
 - (d) in the case of a hotel or club premises with an internal floor space of more than 350 square metres but less than 400 square metres—the approval would result in the hotelier or club being authorised to keep more than 8 approved gaming machines at any one time in the hotel or club premises.
- (2) For the purposes of subclause (1), any such maximum number of approved gaming machines in respect of a hotel or club premises includes the number of approved gaming machines already authorised to be kept in the hotel or club premises at the time the relevant application is made.
- (3) Subclause (1) does not limit the Board's discretion under section 37 (6) of the Act to partly approve a social impact assessment.

38 Exhibition of certain applications and accompanying social impact assessments

- (1) This clause applies to an application under Part 5 of the Act for authorisation to keep approved gaming machines in a new hotel or a new club if the premises the subject of the application are not yet erected or are not occupied by the applicant.
- (2) For the purposes of section 36 (2) of the Act, section 36 (1) (a) of the Act is complied with in relation to an application to which this clause applies if the application and the social impact assessment prepared in connection with the application are dealt with as follows:
- (a) by placing a copy of the application and social impact assessment on exhibition at premises within the area in which the premises the subject of the application are situated,
 - (b) by allowing for inspection of the application and assessment by any person at those premises, at least between the hours of 9 am and 5 pm on Monday to Friday at no cost,

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Clause 38 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures
Division 3 Social impact assessment of gaming machines

- (c) by attaching a notice to the outside of the premises the subject of the application, or to the perimeter of any vacant site on which the premises will be erected, in such a way that the notice can be easily seen and read by a member of the public passing the premises or site, being a notice that sets out the following information:
- (i) the fact that an application has been made to the Board in relation to the premises,
 - (ii) an explanation of the nature of the application,
 - (iii) a statement that the application and social impact assessment can be inspected by any member of the public at no cost,
 - (iv) where and when the application and social impact assessment can be inspected by the public.

39 Operation of approval of social impact assessment

- (1) If a social impact assessment is approved by the Board under section 37 of the Act, the hotelier or registered club concerned has a period of 3 years from the date of the approval in which to acquire poker machine entitlements in respect of the number of gaming machines to which the approval relates (the *SIA quota*).
- (2) If, at the end of that 3-year period, the hotelier or club has not acquired poker machine entitlements in respect of the SIA quota, a new social impact assessment is required before the hotelier or club can acquire poker machine entitlements in respect of the portion of the SIA quota that is not used during the 3 year period.
- (3) For the purposes of section 37 (5) of the Act, the prescribed period in relation to a social impact assessment is 3 years from the date of the Board's approval of the assessment.

40 Transitional provision—certain hardship applications exempt from social impact assessment requirement

- (1) In this clause:
relevant hotel means a hotel in respect of which the licence under the *Liquor Act 1982* was or is removed after 26 July 2001 to other premises within the same neighbourhood as the previous premises.

- (2) If a hardship application as referred to in Division 3 of Part 3 of the Act is made in relation to a relevant hotel, the applicant is exempt from the requirement under section 33 of the Act to provide a social impact assessment in connection with the application.

Division 4 Miscellaneous

41 Gambling-related advertising and signs—exclusions

- (1) Any gambling-related advertising that appears:
- (a) in a gaming machine industry trade journal, or
 - (b) in a publication for a trade convention involving the gaming machine industry,
- is excluded from the operation of section 43 of the Act.
- (2) Any gambling-related advertising (including any such advertising that is also a gambling-related sign as referred to in section 44 of the Act) that:
- (a) appears or is stated inside a hotel or registered club, and
 - (b) cannot be seen or heard from outside the hotel or club,
- is excluded from the operation of section 43 of the Act.
- (3) If the name (including the registered business name) of a registered club, as at 2 April 2002, constitutes gambling-related advertising under section 43 of the Act or a gambling-related sign under section 44 of the Act, the club is exempt from those sections to the extent that the publishing or displaying of the name is an offence under those sections.
- (4) If the name of a hotel (as required to appear and be maintained on the front of the hotel in accordance with section 91 of the *Liquor Act 1982*) constitutes gambling-related advertising under section 43 of the Act or a gambling-related sign under section 44 of the Act, the hotelier is exempt from those sections to the extent that the publishing or displaying of the name of the hotel is an offence under those sections.
- (5) An exemption under subclause (4) applies in respect of a hotelier only:
- (a) until 11 July 2002, or

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Division 4 Miscellaneous

- (b) if an application is made before that date to have the name of the hotel changed under section 91 of the *Liquor Act 1982*—until such time as the Board deals with the application.
- (6) An approved gaming machine does not, in itself, constitute a gambling-related sign for the purposes of section 44 of the Act.

42 Provision of player activity statements under player reward schemes

- (1) Player activity statements are required to be provided by a hotelier or registered club under section 45 (4) of the Act only if the player reward scheme being conducted by the hotelier or club is one in which a participant's activity in relation to playing gaming machines is recorded by electronic means.

Note. Section 45 (4) of the Act provides that it is an offence (maximum penalty 100 units) for hoteliers and clubs that conduct player reward schemes not to provide player activity statements in accordance with the regulations. Because of section 45 (6) of the Act, the requirement to provide player activity statements in accordance with this clause does not apply to hoteliers and clubs until 2 October 2002.

- (2) For the purposes of section 45 (4) and (5) of the Act, player activity statements relating to the playing of approved gaming machines by the participants in a player reward scheme conducted by the hotelier or club must:
 - (a) be made available, on request by the participant to whom any such statement relates, on a monthly basis, and
 - (b) include, as a minimum, the information referred to in subclause (3).
- (3) The following information, provided in the form approved by the Board, is the minimum information that must be included in a participant's player activity statement:
 - (a) the total amount of turnover by the participant during the monthly period covered by the statement,
 - (b) the total wins recorded during the monthly period,
 - (c) the net expenditure (ie turnover less wins) during the monthly period,
 - (d) the total points earned and redeemed during the monthly period as the result of playing gaming machines under the scheme,

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- (e) the total length of time over each 24-hour period during the monthly period when the participant's player card was inserted in gaming machines under the scheme (*the daily record*),
 - (f) the total length of time that the participant's player card was inserted in gaming machines under the scheme during the monthly period.
- (4) The daily record is required to be included in the player activity statement only in respect of those days that the participant's player card was used.
- (5) A player activity statement is to also include a note stating that the information detailed in the statement:
- (a) only relates to the occasions on which the participant used his or her player card under the player reward scheme to play a gaming machine, and
 - (b) does not necessarily relate to all of the participant's gaming machine activity during the monthly period, and
 - (c) may not include information about wins from playing gaming machines that are part of a linked gaming system within the meaning of Part 10 of the Act.
- (6) Information to the effect that player activity statements are available on request must:
- (a) be given to each participant at the time the participant joins the player reward scheme conducted by the hotelier or registered club, and
 - (b) be included in any promotional material relating to the player reward scheme.
- (7) A player activity statement must include the G-line information referred to in clause 25 (6).
- (8) Player activity statements must be provided free of charge by the hotelier or registered club. However, if a participant requests a subsequent player activity statement to be provided in respect of a monthly period, the hotelier or club may charge for providing the subsequent statement in accordance with the scale of charges approved by the Board.

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Division 4 Miscellaneous

43 Requirement to keep record or copy of player activity statement

A hotelier or registered club must keep a record or copy of each player activity statement provided by the hotelier or club under section 45 (4) of the Act.

Maximum penalty: 50 penalty units.

44 Disclosure of information in player activity statements

- (1) This clause applies in relation to a player activity statement that relates to the playing of approved gaming machines under a player reward scheme (within the meaning of section 45 of the Act) conducted by a hotelier or registered club regardless of whether the player activity statement is provided under section 45 (4) of the Act.
- (2) A hotelier or club must not disclose any information contained in a player activity statement to any person unless that person:
 - (a) is the person to whom the information relates, or
 - (b) is lawfully entitled to have access to the information.
- (3) A person who acquires any information contained in a player activity statement provided by a hotelier or registered club must not disclose the information to any person unless the person disclosing the information:
 - (a) is the person to whom the information relates, or
 - (b) is authorised or required to do so by law.

Maximum penalty: 100 penalty units.

45 Transitional exemption—redeeming existing player reward scheme bonus points for cash

A hotelier or registered club is, until 2 July 2002, exempt from section 45 (2) (d) of the Act with respect to any bonus or reward points accumulated by a patron of the hotel or club before 2 April 2002 under a player reward scheme.

46 Provision of problem gambling counselling services

- (1) This clause commences on 2 July 2002.

-
- (2) The classes of persons who are to provide problem gambling counselling services as referred to in section 46 of the Act are persons who are employed or engaged by, or whose services are accessed through, any of the following bodies (referred to in this clause as *service providers*):
- (a) Australian Hotels Association (NSW),
 - (b) Clubs NSW,
 - (c) BetSafe,
 - (d) any other body that receives funding from the Casino Community Benefit Fund under the *Casino Control Act 1992* for the specific purpose of providing gambling-related counselling or treatment services.
- (3) A hotelier or registered club is required to make available at all times to the patrons of the hotel or club information as to the name and contact details of a problem gambling counselling service made available by or through a service provider.
- (4) The hotelier or registered club must also provide the information referred to in subclause (3):
- (a) to each person who is a participant in a self-exclusion scheme conducted by the hotelier or club under section 49 of the Act at the time the participant undertakes to be part of the scheme or as soon as practicable after that time, and
 - (b) to any other person whenever requested to do so.
- (5) A hotelier or registered club must display a notice that complies with subclause (6) in any area of the hotel or club in which gaming machines are located.
- Maximum penalty: 50 penalty units.
- (6) The notice must contain the following information:
- (a) the name and contact details of the problem gambling counselling service referred to in subclause (3),
 - (b) a statement advising patrons that a self-exclusion scheme is available in the hotel or club for the benefit of patrons who wish to be prevented from entering or remaining in any nominated area of the hotel or club for the purposes of assisting patrons to control their gambling,

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- (c) the name and contact details of a person or body who is able to assist patrons with becoming participants in a self-exclusion scheme conducted in the hotel or club.

47 Self-exclusion schemes

- (1) Section 49 (3) of the Act does not apply to a hotelier or registered club until 2 July 2002.
- (2) For the purposes of section 49 of the Act, the prescribed requirements for the conduct of a self-exclusion scheme by a hotelier or registered club are that the scheme makes provision for the following:
 - (a) preventing the hotelier or registered club, or an employee of the hotelier or club, from refusing a participant's request to participate in the scheme,
 - (b) requiring the participant to give an undertaking that he or she will not gamble in the hotel or club for a period specified in the undertaking (such undertaking may be in a standard form as approved by the Director-General from time to time),
 - (c) requiring the participant to be given an opportunity to seek independent legal or other professional advice at his or her own expense as to the meaning and effect of the undertaking before it is given,
 - (d) requiring a participant who enters into an undertaking to be provided by the hotelier or club (or an employee of the hotelier or club) with written information outlining the name and contact details of the problem gambling counselling service referred to in clause 46 (3),
 - (e) requiring the hotelier or club to ensure that responsible persons for the hotel or the club can readily identify the participant, whether by means of access to a recent photograph of the participant or otherwise,
 - (f) requiring the hotelier or club:
 - (i) to publicise the availability of the scheme and information as to how it operates to the patrons of the hotel or club, and
 - (ii) to make available, on request by any patron of the hotel or club, the standard self-exclusion form (if any) referred to in paragraph (b),
 - (g) preventing a participant from withdrawing from the scheme within 3 months after requesting participation in the scheme.

(3) The requirements prescribed by this clause constitute the minimum requirements for a self-exclusion scheme.

(4) In this clause:

participant means a person who has requested that he or she be prevented from entering or remaining on any area of a hotel or registered club that is nominated by the person.

48 Gambling inducements

A hotelier or registered club must not:

- (a) offer or supply any free or discounted liquor as an inducement to play, or to play frequently, approved gaming machines in the hotel or club, or
- (b) offer free credits to players, or as an inducement to persons to become players, of approved gaming machines in the hotel or club by means of letter box flyers, shopper dockets or any other similar means.

Maximum penalty: 50 penalty units.

49 Signs relating to gaming machine areas in clubs

(1) A sign that contains the following words in letters of not less than one centimetre in height must be conspicuously displayed in each gaming machine area of a registered club:

The Gaming Machines Act 2001 prohibits any person under the age of 18 years being in this part of the club.

(2) If a registered club has a gaming machine area, a sign that contains the following words in letters of not less than one centimetre in height must be conspicuously displayed in the vicinity of the place where the register referred to in section 30 (2) (k) of the *Registered Clubs Act 1976* is kept:

The Gaming Machines Act 2001 prohibits any member permitting a person under the age of 18 years to be in a part of the club defined under that Act as a gaming machine area.

(3) If subclause (1) or (2) is not complied with in relation to a registered club, the club and the secretary of the club are each guilty of an offence.

Maximum penalty: 50 penalty units.

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- (4) Despite subclauses (1) and (2), notices (*the existing notices*) complying with clause 12 (2) and (3) of the *Registered Clubs Regulation 1996*, as in force immediately before 2 April 2002, may continue to be used:
- (a) until such time as the existing notices are replaced by the signs referred to in subclauses (1) and (2), or
 - (b) until 2 April 2003,
- whichever occurs first.
- (5) If the existing notices continue to be used in a registered club in accordance with subclause (4), subclause (3) does not apply to the club or the secretary of the club during the period in which the existing notices are so used.

50 Publicity for prizewinners

- (1) A hotelier, registered club or licensee, or an employee of a hotelier, registered club or licensee, must not publish or cause to be published anything which identifies any person who:
- (a) wins a prize of more than \$1,000 in value from playing an approved gaming machine in a hotel or club, and
 - (b) when claiming the prize, requests in writing to the hotelier, club or licensee, or to an employee of the hotelier, club or licensee, that anything disclosing the person's identity not be published.

Maximum penalty: 50 penalty units.

Note. Publishing the identity of a prizewinner (regardless of whether the publication complies with this clause) is gambling-related advertising for the purposes of section 43 of the Act, and accordingly the publication cannot be seen or heard otherwise than inside the venue concerned.

- (2) A person who makes a request referred to in subclause (1) (b) may at any time revoke the request.
- (3) Subclause (1) does not apply to:
- (a) a request that has been revoked by the prizewinner concerned, or
 - (b) the publication, inside the venue where the prize is won, of information:
 - (i) relating to the type or value of the prize won, and
 - (ii) that identifies the venue, or geographic location of the venue, where it was won.

(4) In this clause:

licensee means the holder of a links licence or investment licence.

publish includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the Internet or television).

51 Training of hoteliers, club secretaries and employees associated with gaming machine activities

(1) The Board is to refuse any application by a hotelier or registered club under section 57 of the Act:

- (a) to keep an approved gaming machine, or
- (b) to vary an existing authorisation to keep an approved gaming machine,

unless the Board is satisfied that the hotelier or the secretary of the club has satisfactorily completed the approved training course.

(2) If a hotelier keeps any approved gaming machines, the hotelier is guilty of an offence unless the hotelier has satisfactorily completed the approved training course.

Maximum penalty: 50 penalty units.

(3) If a registered club keeps any approved gaming machines, the club and the secretary of the club are each guilty of an offence unless the secretary has satisfactorily completed the approved training course.

Maximum penalty: 50 penalty units.

(4) A hotelier or registered club must not employ, or continue to employ, a person whose duties are concerned in the conduct of activities involving approved gaming machines in the hotel or club unless the person has satisfactorily completed the approved training course.

Maximum penalty: 50 penalty units.

(5) In a provision of this clause, *approved training course* means a course of training approved by the Board for the purposes of the provision concerned and conducted by a training provider approved by the Board under clause 52.

(6) The Board may, for the purposes of a provision of this clause, approve any course of training that the Board considers will promote responsible practices in the conduct of activities involving approved gaming machines in hotels and registered clubs.

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Division 4 Miscellaneous

52 Approval of training providers

- (1) A registered provider may apply to the Board to be approved as a training provider for the purposes of clause 51.
- (2) The Board may, after considering an application for approval:
 - (a) grant the application, or
 - (b) refuse the application.
- (3) The Board may impose conditions on an approval.
- (4) In addition to any conditions imposed by the Board on an approval, it is a condition of an approval that any person conducting the approved training course under the approval must:
 - (a) hold a Certificate IV in Assessment and Workplace Training awarded by a registered provider, or have such other qualification as the Board considers to be equivalent, and
 - (b) have at least 3 years experience as the holder of a managerial or supervisory position in a hotel or registered club (being a position with duties in relation to the conduct of gaming machine activities), or have such other experience as the Board considers to be equivalent, and
 - (c) have attended a seminar, conducted by or on behalf of the Board, on the appropriate delivery of the course.
- (5) If the Board grants an approval, it must issue the applicant with a written approval that sets out any conditions to which the approval is subject.
- (6) If the Board refuses an application for approval, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.
- (7) The Board may vary any condition imposed by the Board on an approval under this clause, or suspend or cancel such an approval, but only after giving the holder of the approval an opportunity to make submissions.
- (8) However, an opportunity to make submissions is not required to be given if the registered provider concerned no longer employs or engages a person who has the qualifications and experience referred to in subclause (4).

- (9) A variation of the conditions of, or the suspension or cancellation of, an approval under this clause:
- (a) must be by notice in writing, and
 - (b) must be served on the person to whom the approval relates, and
 - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.
- (10) Except during any period of suspension, an approval under this clause remains in force unless sooner cancelled.
- (11) In this clause, **registered provider** has the same meaning as in the *Vocational Education and Training Accreditation Act 1990*.

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Clause 53 Gaming Machines Regulation 2002

Part 4 Gaming-related licences

Part 4 Gaming-related licences

53 Lodgment of applications for gaming-related licences generally

- (1) An application for a gaming-related licence must be lodged with the Principal Registrar in triplicate.
- (2) If the application is required to be advertised, the notice of hearing of the application must be lodged in quadruplicate.
- (3) An application must be accompanied by an affidavit setting out the facts on which the applicant proposes to rely.
- (4) Any affidavit required by this Regulation or the Act to accompany an application must be lodged in triplicate.
- (5) Immediately after fixing the date for the hearing of an application, the Principal Registrar or registrar must send a copy of the application to the Commissioner of Police and the Director.

54 Applications by dealers

- (1) In this clause:
application means an application for a dealer's licence.
relevant premises means the premises from which an applicant proposes to carry on the business or other activity authorised by a dealer's licence.
- (2) An applicant must advertise the application:
 - (a) in a newspaper that circulates throughout New South Wales, and
 - (b) in a local newspaper that circulates in the area in which the relevant premises are located.
- (3) The advertisement must:
 - (a) be published 14 clear days before the date fixed by the registrar for the hearing of the application, and
 - (b) include the following:
 - (i) the full name and address of the applicant,
 - (ii) the purpose of the application,
 - (iii) the name and location of the relevant premises,
 - (iv) the date and place fixed for the hearing of the application.

-
- (4) An applicant must serve a copy of the application, with the date of hearing inserted in it, on the local council for the area in which the relevant premises are located. The copy must be served not later than 14 days before the date of hearing of the application.
 - (5) A copy of an application, with the hearing date inserted in it, must be fixed by the applicant to the relevant premises. The copy must be at least of the same print and paper size as the application.
 - (6) The copy must be fixed to the relevant premises for the whole of the period of 14 days before the hearing date.
 - (7) If the relevant premises have not been erected, the requirement to fix a copy of an application to the relevant premises may be satisfied by fixing the copy to a notice board erected on the land on which it is proposed to erect the premises.
 - (8) A copy of an application is not fixed to premises or land in accordance with this clause unless:
 - (a) it is fixed to the relevant premises or land in such a position that it is legible to members of the public passing the premises or land, and
 - (b) if the Board has directed that it also be fixed in another specified position—it is also fixed in that other position.

55 Applications for technician’s or adviser’s licences

In accordance with section 88 (5) of the Act, an application for a technician’s licence or adviser’s licence may be made only by a natural person.

56 Allocation of serial numbers for gaming machines

- (1) A dealer must allocate a serial number to each approved gaming machine manufactured, assembled or sold by the dealer.
Maximum penalty: 50 penalty units.
- (2) The Board is, from time to time, to allocate to a dealer a code consisting of 2 alphabetical characters that are unique to the dealer.
- (3) For the purpose of this clause, serial numbers consist of 8 alphanumeric characters (preceded by the letter “X”) of the form “DDnnnnnn”. “DD” represents the unique dealer code referred to in subclause (2), and “nnnnnn” represents unique numbers allocated by the dealer.

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- (4) Under special circumstances the Board may require additional information to be included in a serial number.

57 Manufacture, assembly and repair of gaming machines

- (1) A dealer must not permit the manufacture, assembly or repair of an approved gaming machine to be undertaken on the dealer's premises except under the supervision of a technician.
- (2) A person must not remove a memory chip from a logic board unless the person is a technician employed by a dealer and does so in the course of the person's employment.

Maximum penalty: 20 penalty units.

58 Records and returns

- (1) A dealer must keep a record, in the form approved by the Board, in respect of every approved gaming machine or logic board sold by the dealer.
- (2) The record must contain such of the following information as is relevant to the activities carried on by the dealer under the authority of the licence:
- (a) the serial number of each approved gaming machine,
 - (b) the month and year of manufacture and assembly of each approved gaming machine or logic board,
 - (c) the name of the person to whom each approved gaming machine or logic board is sold,
 - (d) the date of sale, and the sale price, of each approved gaming machine or logic board,
 - (e) if an approved gaming machine or logic board that has not been sold leaves the dealer's premises:
 - (i) the reason why it is not on the premises, and
 - (ii) the name of the person who took it away, and
 - (iii) a description of any licence or other authority which authorises that person to have possession of the gaming machine or logic board under the Act.
- (3) At such times as the Board may determine and notify by notice in writing served on the dealer, a dealer must:
- (a) extract from the record made by the dealer under this clause such particulars as may be required by the notice, and

- (b) furnish to the Board:
 - (i) those particulars, and
 - (ii) a certificate that they are true and correct.

Maximum penalty: 20 penalty units.

59 Use of gaming machines or logic boards for sales promotions

A dealer must not permit the sales promotion, by a seller, of an approved gaming machine or logic board under an arrangement by which the dealer parts with possession of the gaming machine or board for more than one month.

Maximum penalty: 20 penalty units.

60 Dealers must notify Board of defects, malfunctions and other irregularities

A dealer must, in respect of any approved gaming machine manufactured, assembled or sold by the dealer, notify the Board as soon as the dealer becomes aware of either or both of the following:

- (a) any defect or malfunction in any such gaming machine that could adversely affect the security or integrity of the gaming machine,
- (b) if any such gaming machine has been manipulated by any person for fraudulent purposes.

Maximum penalty: 50 penalty units.

61 Technician's place of business

- (1) A technician must not, without the approval of the Board, conduct the technician's business on or from premises other than the premises approved by the Licensing Court, at the time of grant of the technician's licence, as being the premises on or from which the activities authorised by the licence are to be carried on.

Maximum penalty: 20 penalty units.

- (2) This clause does not prevent:
 - (a) a technician from conducting business at or from premises approved by the Board, or

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- (b) a technician from carrying out the service, repair or maintenance of an approved gaming machine at a place where the gaming machine is lawfully in the possession of:
 - (i) the holder of a gaming-related licence, or
 - (ii) a hotelier or registered club.

62 Replacement of malfunctioning meters

A technician must not, except with the approval of the Board, remove and replace any meter that has been installed in respect of an approved gaming machine unless the meter is not working properly.

Maximum penalty: 20 penalty units.

63 Security of gaming machines

A gaming-related licence is subject to a condition that the licensee must take all reasonable steps to ensure that approved gaming machines in the licensee's possession are stored in a secure manner.

64 Notification of cessation of employment of licensee

For the purposes of section 123 of the Act, the prescribed notification is a notification in writing containing the following particulars:

- (a) the name of the employer concerned,
- (b) if the employer is a registered club:
 - (i) its registration number, and
 - (ii) the name of its secretary,
- (c) the date of termination of the contract and the reason for termination.

65 Notification of change in the state of affairs of gaming-related licensee

For the purposes of section 125 of the Act:

- (a) a prescribed change in the state of affairs of the holder of a gaming-related licence is any change referred to in Column 1 of Schedule 1 that the licensee is aware of, and
- (b) the prescribed particulars in respect of that change are those particulars set out next to the change concerned in Column 2 of Schedule 1 that the licensee knows or could find out by reasonable inquiry.

66 Consignment of poker machines and devices for development and testing before approval

A dealer who consigns a poker machine or a device that is in the nature of an approved amusement device to a person for the provision of services in relation to its (or its components') development and testing before it is submitted to the Board for approval must, in respect of the poker machine or device, make and keep a written record of the following:

- (a) a description of the poker machine or device,
- (b) the name and address of the person who is to provide the services,
- (c) the date and time of the delivery of the poker machine or device from the dealer to the person,
- (d) the nature of the work to be undertaken in relation to the poker machine or device,
- (e) the premises where the work is to be performed,
- (f) the date and time of the return of the poker machine or device from the person to the dealer.

Maximum penalty: 20 penalty units.

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Clause 67 Gaming Machines Regulation 2002

Part 5 Intra-venue progressive gaming machines and progressive systems
Division 1 Preliminary

Part 5 Intra-venue progressive gaming machines and progressive systems

Division 1 Preliminary

67 Definitions

In this Part:

authorised progressive gaming machine means a progressive gaming machine which the Board has authorised a hotelier or registered club to keep in the hotel or club.

authorised progressive system means a progressive system which the Board has authorised a hotelier or registered club to operate in the hotel or club.

instalment period means an instalment period within the meaning of the *Gaming Machine Tax Act 2001*.

progressive gaming machine means an approved gaming machine that:

- (a) contributes a percentage of the money wagered on it to a separate progressive jackpot pool or pools, and
- (b) complies with the technical standards for progressive gaming machines issued by the Board, and
- (c) is specially approved by the Board for the purposes of this Part, and
- (d) has not been declared by the Board as having ceased to be a progressive gaming machine.

progressive system means 2 or more approved gaming machines that:

- (a) are linked electronically to contribute a percentage of the money wagered on them to a separate progressive jackpot pool, and
- (b) comply with the guidelines for linked progressive systems of approved gaming machines issued by the Board, and

- (c) are specially approved by the Board for the purposes of this Part, or are within a class of linked progressive systems of approved gaming machines specially approved by the Board for the purposes of this Part, and
 - (d) have not been declared by the Board as having ceased to be a progressive system,
- but does not include an authorised linked gaming system within the meaning of Part 10 of the Act.

Division 2 General provisions

68 Keeping of progressive gaming machines and progressive systems

A hotelier or registered club must not:

- (a) keep a progressive gaming machine that is not an authorised progressive gaming machine, or
- (b) keep a progressive system that is not an authorised progressive system, or
- (c) deliberately remove from play an authorised progressive gaming machine or authorised progressive system and in so doing deny players the opportunity to win existing progressive jackpots, unless removed under clause 69 or 71.

Maximum penalty: 50 penalty units.

69 Malfunction of progressive gaming machines or progressive systems

- (1) A hotelier or registered club must not permit the operation of an authorised progressive gaming machine or authorised progressive system that does not function properly.
- (2) In the event of malfunction, the hotelier or club must cause the gaming machine or system to be removed from play immediately and to be repaired as soon as practicable.

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Clause 69 Gaming Machines Regulation 2002

Part 5 Intra-venue progressive gaming machines and progressive systems
Division 2 General provisions

- (3) If a turnover or progressive meter of an approved gaming machine that is an authorised progressive gaming machine or is linked to an authorised progressive system operated by a hotelier or registered club ceases to function or malfunctions, the hotelier or club must cause the approved gaming machine to be removed from play immediately and to be repaired as soon as practicable.

Maximum penalty: 50 penalty units.

70 Access to authorised progressive gaming machines or systems

A hotelier or registered club must not permit a person to access an authorised progressive gaming machine or authorised progressive system to correct minor faults, clear money or carry out any of the other functions required by or under any Act or regulation unless that person:

- (a) has been nominated by the hotelier or by the club's board or committee or its delegate, or
- (b) is a technician, or
- (c) is a special inspector, or
- (d) has the prior written approval of the Board to do so.

Maximum penalty: 50 penalty units.

71 Disposal of authorised progressive gaming machines or systems

- (1) A hotelier or registered club must not:
- (a) dispose of an authorised progressive gaming machine, or
 - (b) dispose of an authorised progressive system, or
 - (c) dispose of any accumulated progressive jackpot amounts on any such gaming machine or system, or
 - (d) make alternative use of any such progressive jackpot amounts, unless the hotelier or club has received the Board's written approval to do so.

Maximum penalty: 50 penalty units.

- (2) A hotelier or registered club must not dispose of an authorised progressive gaming machine or authorised progressive system unless:
- (a) all progressive jackpot amounts accumulated on the progressive gaming machine or progressive system have been won, or

- (b) any accumulated progressive jackpot amounts are transferred to another authorised progressive gaming machine or other authorised progressive system in the hotel or club, or
- (c) any accumulated progressive jackpot amounts are, in accordance with subclause (3), applied to pay additional prizes on another approved gaming machine in the hotel or club, or
- (d) the Board, in exceptional circumstances, approves of an alternative proposal to use any accumulated progressive jackpot amounts and the Board is satisfied that those amounts are to be used in accordance with that proposal.

Maximum penalty: 50 penalty units.

- (3) The application of accumulated progressive jackpot amounts under subclause (2) (c) is subject to the following:
 - (a) the hotelier or registered club must deduct from the value of the accumulated jackpot prize the amount provided by the hotelier or club to initially start up the prize offered,
 - (b) the hotelier or registered club must ensure that adequate safeguards exist to control any scheme devised,
 - (c) the hotelier or registered club must include information as to the method of dispersing accumulated progressive jackpot amounts from the prize pool of the authorised progressive gaming machine or authorised progressive system being disposed of with the records required to be reported to the Board in accordance with this Division.

72 Details to be provided to Board in connection with the disposal of authorised progressive gaming machines or systems

- (1) A hotelier or registered club must comply with the requirements of this clause.

Maximum penalty: 50 penalty units.

- (2) In seeking approval to dispose of an authorised progressive gaming machine or authorised progressive system, or for an alternative proposal for use of accumulated progressive jackpot amounts, a hotelier or registered club must submit details of each proposal to the Board.

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Clause 72 Gaming Machines Regulation 2002

Part 5 Intra-venue progressive gaming machines and progressive systems
Division 2 General provisions

- (3) Any application by a hotelier or registered club to dispose of an authorised progressive gaming machine or authorised progressive system and to disperse accumulated progressive jackpot amounts must clearly indicate the proposed method of dispersing the amounts and include a time frame for the dispersal. The time frame is to be within 6 months of the disposal of the gaming machine or system.
- (4) In seeking approval for an alternative proposal for use of accumulated progressive jackpot amounts, a hotelier or registered club must also describe the nature of any exceptional circumstances on which basis the proposal is made.

Division 3 Provisions applying specifically to hoteliers

73 Records and requirements relating to prizewinners

A hotelier must keep or cause to be kept a written record with respect to the award or payment of each progressive jackpot prize won on any authorised progressive gaming machine or authorised progressive system kept or operated by the hotelier (other than monetary payments released directly by the gaming machine or system) and that contains the following particulars:

- (a) the date of the award or payment,
- (b) the serial number of the gaming machine on 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 or the value of the credits,
- (e) the name, address and signature of the person to whom the award or payment was made,
- (f) the names and signatures of 2 nominees of the hotelier certifying that each of them has seen the prize-winning combination and that the record made in accordance with this clause is correct in all details.

Maximum penalty: 50 penalty units.

74 Authorised progressive gaming machines—reading and recording of meters and jackpot reconciliations

- (1) A hotelier must comply with the requirements of this clause.
Maximum penalty: 50 penalty units.
- (2) A hotelier must cause to be read and recorded in a form and manner approved by the Board:
 - (a) monthly, the turnover meters (both electro-mechanical and electronic) of the authorised progressive gaming machines that are kept in the hotel, and
 - (b) monthly, the amount shown on the progressive meters of those authorised progressive machines, and
 - (c) the amount shown on the progressive meter of each such authorised progressive machine at the time the progressive jackpot is won.
- (3) A hotelier must carry out a monthly progressive jackpot reconciliation in respect of the authorised progressive machines that are kept in the hotel.
- (4) A record of the progressive jackpot reconciliation must be made and kept by the hotelier in a form approved by the Board.
- (5) If the reconciliation referred to in subclause (3) indicates that a malfunction has occurred with an authorised progressive gaming machine, the Board may determine and direct the hotelier to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable. The hotelier must comply with any such direction.
- (6) The information contained in a record referred to in subclause (4) must be reported by the hotelier to the Board in the form approved by the Board within 21 days after the end of each instalment period.

75 Authorised progressive systems—reading and recording of meters and jackpot reconciliations

- (1) A hotelier must comply with the requirements of this clause.
Maximum penalty: 50 penalty units.

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Clause 75 Gaming Machines Regulation 2002

Part 5 Intra-venue progressive gaming machines and progressive systems
Division 3 Provisions applying specifically to hoteliers

- (2) A hotelier must cause to be read and recorded in a form and manner approved by the Board:
 - (a) monthly, the turnover meters (both electro-mechanical and electronic) of an authorised progressive system that is operated in the hotel, and
 - (b) monthly, the amount shown on the progressive meters of any such authorised progressive system, and
 - (c) the amount shown on the progressive meter of any such authorised progressive system at the time the progressive jackpot is won.
- (3) A hotelier must carry out a monthly progressive jackpot reconciliation in respect of an authorised progressive system that is operated by the hotelier.
- (4) The progressive jackpot reconciliation must be in or to the effect of a form approved by the Board and must be retained by the hotelier for not less than 3 years after the reconciliation is carried out.
- (5) On installation of a variation of an authorised progressive system, reconciliations of the jackpots accumulated as at the close of business on the first day of its operation in the hotel must be carried out by the hotelier on or by the next day on which the hotel is open for business. In addition, the first jackpots of each type paid and subsequent start-up values must be fully reconciled and accord with the characteristics of the system as approved and authorised by the Board.
- (6) If the reconciliation referred to in subclause (3) indicates that a malfunction has occurred with an authorised progressive system, the Board may determine and direct the hotelier to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable. The hotelier must comply with any such direction.
- (7) The information referred to in subclause (4) must be reported by the hotelier to the Board in a form approved by the Board within 21 days after the end of each instalment period.

76 Guarantee of prize payments from authorised progressive machines and systems

- (1) A hotelier must comply with the requirements of this clause.
Maximum penalty: 50 penalty units.

- (2) If the prize pool on an authorised progressive gaming machine or authorised progressive system in a hotel exceeds \$10,000, the hotelier must:
 - (a) establish with a financial institution a special account which is to have, at the time of each progressive jackpot reconciliation that is required under this Division, a balance equal to or greater than the total value of the progressive meters on each such authorised progressive gaming machine or system, or
 - (b) obtain, on the installation of the authorised progressive gaming machine or system, a formal guarantee from a financial institution, or from a person or body approved by the Board, for an amount equal to the maximum jackpot on each such gaming machine or system, or
 - (c) enter into such other arrangements, as may be approved by the Board, in order to guarantee the payment of prizes.
- (3) A hotelier must keep a written record, in a form approved by the Board, of:
 - (a) any special account established under subclause (2) (a), or
 - (b) any guarantee obtained under subclause (2) (b), or
 - (c) any arrangement entered into under subclause (2) (c).
- (4) The information contained in a record referred to in subclause (3) must be reported by the hotelier to the Board in a form approved by the Board within 21 days after the end of each instalment period.

Division 4 Provisions applying specifically to clubs

77 Authorised progressive gaming machines—reading and recording of meters and jackpot reconciliations

- (1) A registered club must comply with the requirements of this clause.
Maximum penalty: 50 penalty units.
- (2) A registered club must cause to be read and recorded in a form and manner approved by the Board:
 - (a) monthly, the turnover meters (both electro-mechanical and electronic) of the authorised progressive gaming machines kept in the club, and

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Division 4 Provisions applying specifically to clubs

- (b) monthly, the amount shown on the progressive meters of those authorised progressive machines, and
 - (c) the amount shown on the progressive meter of each such authorised progressive machine at the time the progressive jackpot is won.
- (3) A registered club must keep or cause to be kept a monthly written record of the readings made under subclause (2) (a) and (b) in a form approved by the Board containing the following particulars:
- (a) the serial number of each authorised progressive machine,
 - (b) the date of the reading,
 - (c) the turnover meter reading,
 - (d) the amount shown on the progressive meter.
- (4) A registered club must carry out a monthly progressive jackpot reconciliation in respect of the authorised progressive machines kept in the club.
- (5) The progressive jackpot reconciliation must be in or to the effect of a form approved by the Board and must be retained by the registered club for not less than 3 years after the reconciliation is carried out.
- (6) If the reconciliation referred to in subclause (4) indicates that a malfunction has occurred with an authorised progressive gaming machine, the Board may determine and direct the registered club to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable. The club must comply with any such direction.
- (7) The information referred to in subclause (5) must be reported to the registered club's board or committee at least once in each month.
- (8) The registered club must ensure the results of authorised progressive gaming machines are, in any net analysis report, kept separate from the results of all other approved gaming machines in the club.

78 Authorised progressive systems—reading and recording of meters and jackpot reconciliations

- (1) A registered club must comply with the requirements of this clause.
Maximum penalty: 50 penalty units.

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- (2) A registered club must cause to be read and recorded in a form and manner approved by the Board:
 - (a) monthly, the turnover meters (both electro-mechanical and electronic) of the approved gaming machines comprising any authorised progressive system operated in the club, and
 - (b) monthly, the amount shown on the progressive meters of the authorised progressive system, and
 - (c) the amount shown on the progressive meter of the authorised progressive system at the time the progressive jackpot is won.
 - (3) A registered club must keep or cause to be kept a monthly written record of the readings made under subclause (2) (a) and (b) in a form approved by the Board containing the following particulars:
 - (a) the serial numbers of the approved gaming machines comprising the authorised progressive system,
 - (b) the date of the reading,
 - (c) the turnover meter reading,
 - (d) the amount shown on the progressive meters.
 - (4) A registered club must carry out a monthly progressive jackpot reconciliation in respect of any authorised progressive system operated in the club.
 - (5) The progressive jackpot reconciliation must be in or to the effect of a form approved by the Board and must be retained by the registered club for not less than 3 years after the reconciliation is carried out.
 - (6) On installation of a variation of any authorised progressive system in a registered club, reconciliations of the jackpots accumulated as at the close of business on the first day of its operation in the club must be carried out by the club on or by the next day on which the club is open for business. In addition, the first jackpots of each type paid and subsequent start-up values must be fully reconciled and accord with the characteristics of the system as approved and authorised by the Board.
 - (7) If the reconciliation referred to in subclause (4) indicates that a malfunction has occurred with an authorised progressive system in the club, the Board may determine and direct the registered club to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable. The club must comply with any such direction.
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Part 5 Intra-venue progressive gaming machines and progressive systems

Division 4 Provisions applying specifically to clubs

- (8) The information referred to in subclause (5) must be reported to the registered club's board or committee at least once in each month.
- (9) A registered club must ensure that the results of approved gaming machines in respect of an authorised progressive system in the club are, in any net analysis report, kept separate from the results of all other approved gaming machines in the club.

79 Guarantee of prize payments from authorised progressive machines and systems

If the prize pool on an authorised progressive gaming machine or authorised progressive system in a registered club exceeds \$20,000, the club must:

- (a) establish with a financial institution a special account which is to have, at the time of each progressive jackpot reconciliation required under this Division, a balance equal to or greater than the total value of the progressive meters on each such authorised progressive gaming machine or system, or
- (b) obtain, on the installation of the authorised progressive gaming machine or system, a formal guarantee from a financial institution for an amount equal to the maximum jackpot on each such gaming machine or system.

Maximum penalty: 50 penalty units.

Part 6 Player cards and accounts

80 Definitions

In this Part:

account card means a card:

- (a) issued by a hotelier or registered club to a person when the person opens up a player account with the hotelier or club, and
- (b) through which the person can access money held in the player account for the purposes of operating electronic payment gaming machines in the hotel or club.

electronic payment gaming machine means an approved gaming machine that can be operated by means of a player card.

player account means an account opened by a person with a hotelier or registered club for the purposes of operating electronic payment gaming machines in the hotel or club.

player card means:

- (a) an account card, or
- (b) a Smartcard.

Smartcard means a card:

- (a) issued by a hotelier or registered club, and
- (b) on which information and credit in relation to the operation of electronic payment gaming machines can be stored electronically.

81 Compliance with requirements of this Part

A hotelier or registered club must comply with the requirements of this Part.

Maximum penalty: 50 penalty units.

82 Issuing of player cards

- (1) A player card must not be issued to a person who is under the age of 18 years.
- (2) A player card must not be issued to a person unless the person provides a responsible person for the hotel or registered club with documentary proof of the person's identity.

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Part 6 Player cards and accounts

- (3) Only one player card per person may be issued by a hotelier or registered club. However, this subclause does not prevent a hotelier or club from issuing a person with another player card as a replacement for one that has been lost, stolen or destroyed.
- (4) A hotelier or registered club must not issue a player card to a person unless the warning and information contained in the gambling warning notice and problem gambling notice under clause 25 is provided to the person.
- (5) A hotelier or registered club must not issue a player card to a person unless the G-line information referred to in clause 25 (6) appears on the card.

83 Participation in player reward schemes

- (1) If:
 - (a) a hotelier or registered club conducts a player reward scheme within the meaning of section 45 of the Act, and
 - (b) any of the approved gaming machines used in connection with the player reward scheme are electronic payment gaming machines,any person to whom the hotelier or club issues a player card must be given the option of choosing whether or not to participate in the player reward scheme.
- (2) The option must be made available at all times to the person.

84 Player accounts

- (1) A hotelier or registered club must not allow a person to open more than one player account with the hotelier or club at the one time.
- (2) The hotelier or registered club must not extend a cash advance or any other form of credit in respect of a player account.
- (3) The following information must be provided to a person in writing at the time the person opens a player account:

The security of money in player accounts is the responsibility of the both the *hotelier/*registered club (**delete whichever is inapplicable*) and the account holder. The government and its agencies take no responsibility for any losses that might occur from the account.

An account holder is solely responsible for ensuring that the account holder's personal identification number ("PIN") is kept confidential and that no other person has access to the account holder's player card. The account holder is liable for any losses that might arise from, or in connection with, the account holder's failure to comply with such responsibilities.

- (4) Player information (within the meaning of clause 22) must be provided to a person when the person opens a player account.
- (5) Any money that is held by a hotelier or registered club in a player account must:
 - (a) be kept separate from any other funds or accounts held or maintained by the hotelier or registered club, and
 - (b) not be used by the hotelier or registered club for any purpose.

85 Maximum amount held in player accounts or stored on Smartcards

- (1) The amount of money that can be held in a player account or stored on a Smartcard must not exceed \$200.
- (2) However, the Board may, on application by a hotelier or registered club, increase the maximum amount of money that can be held in a player account or stored on a Smartcard to an amount exceeding \$200 (but not exceeding \$1,000) but only if the Board is satisfied that the hotelier or club has in place a system, as approved by the Board, for the safeguarding of the money held or stored.

86 Transaction records—player accounts

- (1) A transaction record must be provided on each occasion any money is paid into or withdrawn from a player account.
- (2) The transaction record must include the following information:
 - (a) the type of transaction completed,
 - (b) the amount of money involved,
 - (c) the time and date of the transaction,
 - (d) the current balance in the player account.
- (3) Subclause (2) does not limit the information that may be included in a transaction record.

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Part 6 Player cards and accounts

87 Player activity statements—player accounts

- (1) Information to the effect that player activity statements are available on request must:
 - (a) be given to each person at the time the person is issued with a player card, and
 - (b) be included in any promotional material displayed in the hotel or registered club in relation to electronic payment gaming machines.
- (2) A player activity statement must, on the request of a person who has a player account with a hotelier or registered club, be provided by the hotelier or club on a monthly basis.
- (3) The following information, provided in the form approved by the Board, is the minimum information that must be included in a player activity statement for the period covered by the statement:
 - (a) a list of each transaction involving the depositing of money into the player account at the cashier,
 - (b) a list of each transaction involving the paying of credits into the player account as a result of playing electronic payment gaming machines,
 - (c) a list of each transaction involving the withdrawal of money from the player account at the cashier,
 - (d) the total amount of turnover by the player during the monthly period covered by the statement,
 - (e) the total wins recorded during the monthly period,
 - (f) the net expenditure (ie turnover less wins) during the monthly period,
 - (g) the total length of time over each 24-hour period during the monthly period when the person's player card was inserted in electronic payment gaming machines in the hotel or club (*the daily record*),
 - (h) the total length of time that the person's player card was inserted in electronic payment gaming machines in hotel or club during the monthly period.
- (4) The daily record is required to be included in the player activity statement only in respect of those days that the person's player card was used.

- (5) A player activity statement is to also include a note stating that the information detailed in the statement:
 - (a) only relates to the occasions on which the player used his or her player account to play an electronic payment gaming machine, and
 - (b) does not necessarily relate to all of the player's gaming machine activity during the monthly period, and
 - (c) may not include information about wins from playing gaming machines that are part of a linked gaming system within the meaning of Part 10 of the Act.
- (6) A player activity statement, if requested to be provided, is to be available from the cashier or other appropriate outlet at the hotel or club concerned.
- (7) A player activity statement is to be provided in respect of a monthly period only if the player account has actually been used during that period.
- (8) Player activity statements must be provided free of charge by the hotelier or registered club. However, if a player requests a subsequent player activity statement to be provided in respect of a monthly period, the hotelier or club may charge for providing the subsequent statement in accordance with the scale of charges approved by the Board.

88 Weekly account limits

- (1) A person who opens a player account may, by written notice to the hotelier or registered club, set a limit on the amount of net expenditure (ie turnover less wins) per week from the account (***weekly account limit***). The setting of a weekly account limit may also include arrangements for the deactivation of the account card.
- (2) The person is to be advised in writing at the time the player account is opened that a weekly account limit may be set.
- (3) If a weekly account limit is set, the person may alter the limit by written notice to the hotelier or registered club.
- (4) If the notice is to decrease the weekly account limit, the hotelier or registered club is to give effect to alteration as soon as practicable (but not later than 24 hours in any case).

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Part 6 Player cards and accounts

- (5) If the notice is to increase the weekly account limit, the increase does not take effect until 48 hours after the notice is given to the hotelier or registered club.
- (6) Information about altering the weekly account limit is to be provided to the person in writing at the time the player account is opened.

89 Disclosure of information in relation to players

- (1) Any information obtained by a hotelier or registered club in relation to any person to whom the hotelier or club has issued a player card must not be disclosed except:
 - (a) with the consent of the person to whom the information relates, or
 - (b) for the purposes of law enforcement, or
 - (c) to any person (including a special inspector) who is lawfully entitled to have access to the information.
- (2) Any person who acquires any information contained in a player activity statement under this Part must not disclose the information to any person unless the person disclosing the information:
 - (a) is the person to whom the information relates, or
 - (b) is authorised or required to do so by law.

Maximum penalty: 100 penalty units.

90 Report by Director-General on operation of this Part

The Director-General is, as soon as practicable after 2 April 2003, to provide a written report to the Minister on the operation of this Part.

Part 7 Gaming machine tickets

91 Definitions

(1) In this Part:

authorised person means a person who:

- (a) is authorised in writing by a hotelier to redeem gaming machine tickets issued in the hotel, or
- (b) is authorised in writing by a registered club to redeem gaming machine tickets on its behalf.

gaming machine ticket means a ticket that:

- (a) is issued from an approved gaming machine (or equipment subsidiary to the gaming machine that is installed for the purpose of issuing tickets) to a player of the gaming machine, and
- (b) shows the value of the credits accumulated and not otherwise redeemed in the course of play on that gaming machine.

unclaimed gaming machine ticket means a gaming machine ticket that has not been redeemed.

(2) For the purposes of this Part, a hotelier or registered club ***redeems*** a gaming machine ticket if the hotelier or club causes money to the total value of the accumulated credits represented by the ticket to be paid to a person claiming (whether by way of presentation of the ticket or otherwise) in respect of the ticket.

92 Compliance with this Part

A hotelier or registered club is guilty of an offence if the requirements of this Part with respect to any gaming machine ticket issued by the hotelier or club are not complied with.

Maximum penalty: 50 penalty units.

93 Information on gaming machine tickets

The following must be clearly legible on a gaming machine ticket:

- (a) the value, in dollars and cents, of the accumulated credits represented by the gaming machine ticket,
- (b) the unique identification number of the gaming machine ticket.

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Clause 94 Gaming Machines Regulation 2002

Part 7 Gaming machine tickets

94 Issue of certain gaming machine tickets

- (1) An approved gaming machine (or equipment subsidiary to the gaming machine that is installed for the purpose of issuing gaming machine tickets) must be so designed and constructed as to require the release of a lock or other security mechanism on the machine or equipment before the machine or equipment can issue a gaming machine ticket representing accumulated credits to a monetary value of more than \$10,000.
- (2) In the case of a hotel, only the hotelier or an authorised person may release such security mechanisms.
- (3) In the case of a registered club, only an authorised person may release such security mechanisms.

95 Records of gaming machine tickets issued

- (1) The approved gaming machine (or subsidiary equipment) from which a gaming machine ticket is issued must keep a record of the following:
 - (a) the Gaming Machine Identification number issued by the Board in respect of that gaming machine,
 - (b) the unique identification number of the gaming machine ticket,
 - (c) the value, in dollars and cents, of the accumulated credits represented by the gaming machine ticket,
 - (d) the date and time of issue of the gaming machine ticket.
- (2) A gaming machine ticket must include the following information:
 - (a) the name of the hotel or registered club issuing the ticket,
 - (b) the G-line information as referred to in clause 25 (6).

96 Redemption of gaming machine tickets

- (1) A hotelier or registered club must designate (whether by signs or otherwise) a place in the hotel or club as a place at which gaming machine tickets may be redeemed.
- (2) In the case of a registered club, a gaming machine ticket may be redeemed by payment in the form of cash or a cheque, or both cash and a cheque.

- (3) A hotelier or registered club may refuse to redeem a gaming machine ticket if:
- (a) the hotelier or club is not satisfied that the person claiming in respect of the ticket is entitled to the ticket, or
 - (b) the person claiming in respect of the ticket does not provide the relevant information, documentary proof of identity and signature required for the records referred to in this Part.

97 Persons authorised to redeem gaming machine tickets

- (1) In the case of a hotel, only the hotelier or an authorised person may redeem a gaming machine ticket issued in the hotel.
- (2) A registered club may authorise persons from any one or more of the following categories to redeem gaming machine tickets on its behalf:
 - (a) the secretary of the club,
 - (b) a member of the governing body of the club,
 - (c) an employee of the club,
 - (d) a member of the club.
- (3) Only a person so authorised may redeem gaming machine tickets on behalf of the registered club. However, an authorised person referred to in subclause (2) (d) may not redeem gaming machine tickets on behalf of the club except at a time when no duly authorised person referred to in subclause (2) (a), (b) or (c) is available to do so.
- (4) A hotelier or registered club must keep a record (whether or not as part of another record) of the name, address and date of birth of each person who is authorised by the hotelier or club as an authorised person.
- (5) A hotelier or registered club must ensure that, at all times during which the hotel or club is trading, there is at least one person available in the hotel or club to redeem gaming machine tickets.

98 Records to be made on redemption

- (1) A hotelier or registered club must cause a record to be made in accordance with this clause when a gaming machine ticket is redeemed.

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Part 7 Gaming machine tickets

- (2) The record:
 - (a) must contain the name, address and signature of the person claiming in respect of the ticket, and
 - (b) must specify the nature and identifying numbers or letters of the documentary proof of identity produced by that person, and
 - (c) must specify the time and date of the redemption, and
 - (d) must contain the name and signature of the person who redeems the ticket.
- (3) However, if a gaming machine ticket is redeemed on the day on which it was issued or on the next day:
 - (a) a record is not required to be made under this clause unless the total value of the accumulated credits represented by the ticket is \$500 or more, and
 - (b) documentary proof of the identity of the claimant is not required.

99 Separate records of certain gaming machine tickets

A hotelier or registered club must keep or cause to be kept a separate monthly record of each of the following:

- (a) all gaming machine tickets redeemed on the day on which they were issued or on the next day,
- (b) all gaming machine tickets redeemed after that time,
- (c) all unclaimed gaming machine tickets.

100 Unclaimed gaming machine tickets

- (1) A hotelier or registered club must post in a conspicuous place in the hotel or club a notice, in a form approved by the Board, listing all unclaimed gaming machine tickets that were issued more than 12 months previously.
- (2) The notice must be displayed for at least 7 consecutive days.
- (3) The notice must make it clear that a claim in respect of an unclaimed gaming machine ticket may be made against the hotel or club at any time.

101 Disposal of money payable in respect of unclaimed gaming machine tickets

- (1) A hotelier or registered club must not dispose of money payable in respect of an unclaimed gaming machine ticket for any purpose unless:
 - (a) at least 12 months have elapsed since the ticket was issued, and
 - (b) a notice concerning the ticket has been displayed in the hotel or club in accordance with clause 100, and
 - (c) the Board has approved in writing of the disposal of the money for that purpose.
- (2) Disposal of money under this clause in respect of an unclaimed gaming machine ticket does not extinguish the right of any person to make a claim in respect of the ticket.

102 Records and other material

- (1) A record required by this Part must be in a form approved by the Board.
- (2) Gaming machine tickets that have been redeemed on presentation are taken to be records for the purposes of this Regulation and are required to be kept by the hotelier or registered club concerned.
- (3) Any such records and gaming machine tickets must be made available for inspection by a special inspector during the period that they are required to be retained by the hotelier or club.

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Clause 103 Gaming Machines Regulation 2002

Part 8 Provisions relating to authorised CMS and inter-venue linked gaming systems

Division 1 Authorised CMS

Part 8 Provisions relating to authorised CMS and inter-venue linked gaming systems

Division 1 Authorised CMS

103 Control of information obtained by CMS licensee

In accordance with section 139 of the Act, the divulging of CMS information to any of the following persons or bodies is authorised:

- (a) the Board,
- (b) the Director,
- (c) an inspector,
- (d) the Commissioner of Police,
- (e) the Director-General,
- (f) the Minister,
- (g) the hotelier or registered club from whom the CMS information has been acquired in the course of the operation of the authorised CMS,
- (h) the holder of a links licence (but only to the extent that the CMS information relates to approved gaming machines that are part of the linked gaming system operated by the licensee),
- (i) the holder of a testing facility licence (but only to the extent that the CMS information is disclosed to the licensee for the purposes of exercising the functions authorised under the licence),
- (j) the holder of a work permit issued under section 89 of the Act in relation to an application for a testing facility licence (but only to the extent that the CMS information is disclosed to the permit holder for the purposes of exercising the functions authorised under the permit).

104 Illegal advantage with respect to authorised CMS

- (1) A person must not, during the design, manufacture, assembly, installation, maintenance or repair of an authorised CMS, dishonestly make provision to gain an advantage (whether or not for another person) in the operation of the CMS.
- (2) A person who, as a result of gross negligence during the design, manufacture, assembly, installation, maintenance or repair of an authorised CMS, makes provision to gain an advantage (whether or not for another person) in the operation of the CMS is guilty of an offence.
- (3) A person must not do anything to an authorised CMS in order to conceal anything that is an offence under subclause (1) or (2).
- (4) A person must not authorise or permit another person to act in a way that is an offence under another provision of this clause.

Maximum penalty: 50 penalty units.

105 Removal of authorised CMS

- (1) A person (including a hotelier or registered club) must not, without the consent of the Minister, remove, or cause to be removed, an authorised CMS that has been installed in any hotel or registered club.

Maximum penalty: 50 penalty units.

- (2) Subclause (1) does not apply to:
 - (a) the CMS licensee who is operating the authorised CMS, or
 - (b) a person approved by the CMS licensee to remove the CMS.

106 Disposing or failing to keep safe part of authorised CMS

- (1) A hotelier, registered club or other person (other than the CMS licensee) who has possession or control of any device or equipment that forms part of an authorised CMS:
 - (a) must store, and keep safe, the device or equipment in accordance with the approved directions of the CMS licensee, and
 - (b) must not dispose of the device or equipment otherwise than in accordance with the approved directions of the CMS licensee.

Maximum penalty: 50 penalty units.

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Clause 106 Gaming Machines Regulation 2002

Part 8 Provisions relating to authorised CMS and inter-venue linked gaming systems

Division 1 Authorised CMS

- (2) In this clause, *approved directions* of the CMS licensee means directions, approved by the Minister, relating to the storage, safety and disposal of devices or equipment that form part of an authorised CMS:
- (a) to a hotelier, registered club or other person who has possession or control of any such device or equipment, or
 - (b) to a class of hoteliers, registered clubs or other persons who have possession or control of any such device or equipment.

Division 2 Inter-hotel and inter-club linked gaming systems

107 Specially approved gaming machines

An approved gaming machine is a specially approved gaming machine for the purposes of Part 10 of the Act if it is of a class of gaming machines that is for the time being specially approved by the Board in accordance with this Division.

108 Application for special approval

- (1) A person may apply to the Board for the Board's special approval of a class of approved gaming machines for the purposes of Part 10 of the Act.
- (2) The Board may:
 - (a) investigate the application, or authorise its investigation, in order to determine whether the class of approved gaming machines is suitable for special approval, and
 - (b) require the applicant to meet the costs of the investigation as determined by the Board.
- (3) This clause does not:
 - (a) confer a right to have a class of approved gaming machines investigated, or
 - (b) prevent the Board from terminating at its discretion an investigation of a class of approved gaming machines.

109 Approval process

- (1) The Board may:
 - (a) specially approve a class of approved gaming machines for the purposes of Part 10 of the Act, or
 - (b) refuse to specially approve a class of approved gaming machines that is the subject of an application under clause 108.
- (2) The special approval of a class of approved gaming machines may be an interim approval pending final determination of an application under clause 108.
- (3) Without affecting the Board's discretion, the Board may have regard to the following matters in determining whether or not to specially approve a class of approved gaming machines for the purposes of Part 10 of the Act:
 - (a) whether, in the opinion of the Board, the class of approved gaming machines concerned meets such technical standards as the Board considers necessary to ensure gaming integrity,
 - (b) any guidelines issued by the Board relating to linked gaming systems.

110 Revocation of special approval

- (1) The Board may revoke the special approval of a class of approved gaming machines under this Division:
 - (a) if the Board considers that it should do so in the public interest, or
 - (b) if the Board is satisfied that any one of the approved gaming machines of the class so specially approved has been modified without the approval of the Board, or
 - (c) for such other reason as the Board thinks appropriate.
- (2) Subclause (1) (b) does not apply if, in the opinion of the Board, the modification is of a minor or insignificant nature and does not affect the approved gaming machine's security or integrity or the manner in which the approved gaming machine was designed and programmed to function.

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- (3) Revocation of the Board's special approval of a class of approved gaming machines takes effect when written notice of the revocation is given to the holder of the links licence concerned and to the participating hoteliers or registered club concerned, or on a later date specified in the notice.

111 Submissions by applicant

- (1) The Board may not:
 - (a) terminate the investigation of an application by a person for the Board's special approval of a class of approved gaming machines for the purposes of Part 10 of the Act, or
 - (b) refuse any such application, or
 - (c) revoke the special approval of any such class of approved gaming machines,unless this clause is complied with before it decides to do so.
- (2) The Board must serve on the applicant a notice in writing that:
 - (a) specifies the reasons why the Board is considering taking the action specified in the notice, and
 - (b) gives the applicant an opportunity to show cause within such period of at least 14 days as is specified in the notice why the Board should not take that action.
- (3) The applicant may, within the period allowed by the notice, arrange with the Board for the making of submissions to the Board as to why the proposed action should not be taken. The Board is to consider any such submissions.
- (4) After considering any submissions made by the applicant, or if no submissions are made, the Board may proceed with the proposed action, or refrain from taking the proposed action.
- (5) The Board's decision takes effect when written notice of its decision is given to the applicant, or on a later date specified in the notice.

Division 3 Regulation of operation of authorised CMS and linked gaming systems

112 Definitions

In this Division:

authorised linked gaming system means:

- (a) an authorised inter-hotel linked gaming system, or
- (b) an authorised inter-club linked gaming system.

contractor means a person who:

- (a) under a contract or other arrangement with a CMS licensee, performs any service in connection with the operation of an authorised CMS (whether or not the service is performed for fee, gain or reward) and includes an employee of the CMS licensee and an agent of the CMS licensee, or
- (b) under a contract or other arrangement with the holder of a links licence, performs any service in connection with the operation of an authorised linked gaming system (whether or not the service is performed for fee, gain or reward) and includes an employee of the holder of the links licence concerned and an agent of the holder of that licence.

key employee means a person (whether or not appointed under a contract of service) who is:

- (a) employed:
 - (i) by a CMS licensee or contractor in a managerial or supervisory capacity in relation to the operation of an authorised CMS, or
 - (ii) by the holder of a links licence, or by a participating hotelier or participating club, in a managerial or supervisory capacity in relation to the operation of an authorised linked gaming system, or
- (b) authorised to make decisions, involving the exercise of his or her discretion, that regulate the operations of:
 - (i) a CMS licensee in relation to an authorised CMS conducted by the CMS licensee or contractor, or

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- (ii) the holder of a links licence, or a participating hotelier or participating club, in relation to an authorised linked gaming system operated by the holder of the licence, or
- (c) otherwise concerned or engaged in the operation of:
 - (i) an authorised CMS by a CMS licensee or contractor, or
 - (ii) an authorised linked gaming system by the holder of a links licence.

licensee means:

- (a) a CMS licensee, or
- (b) the holder of a links licence.

relevant contract means any kind of agreement or arrangement relating to the supply of goods or services to a licensee in connection with the operation of an authorised CMS or authorised linked gaming system and that is:

- (a) for the purchase or servicing (or both) of any device or equipment used in connection with the authorised CMS or linked gaming system or the security arrangements in relation to the operation of the authorised CMS or linked gaming system, or
- (b) for a total consideration of more than \$1,000,000, or
- (c) a contract, or class of contract, that the Minister has specified in the conditions of the CMS licence or links licence because it involves the public interest.

113 Licensee to inform Minister of changed circumstances

If a change of a kind specified in the Table to this clause occurs in the circumstances that existed in relation to a licensee at the time the licensee was granted the licence concerned, the licensee must notify the Minister in writing, not later than 14 days after the change occurs, of the particulars relating to the change that are specified in the Table in respect of that kind of change.

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Table

Kinds of change	Particulars to be notified
Any change in the name of the licensee, the licensee's principal business address or postal address, telephone number or facsimile number.	Particulars of those matters as changed.
Any change in the membership of the board of directors of the licensee.	Particulars of the name, address and date of birth of any new director.
Any change in the name or address of any member of the board of directors of the licensee.	Particulars of the new name or address of the director.
Any change in any direct or indirect financial interest held by the licensee in any business or enterprise, including the acquisition or disposal of such an interest.	Particulars of the interest both before and after the change.

114 Minister may require information relating to licensees and other persons

(1) In this clause:

party means any person who is a party to a relevant contract.

(2) The Minister may, by notice in writing, require a licensee, party or contractor, or a person who, in the opinion of the Minister, has a direct or indirect association with a licensee, party or contractor:

- (a) to provide the Minister or a special inspector, in accordance with directions in the notice, with the information relevant to the licensee, party or contractor or to that association, that is specified in the notice, or
- (b) to produce to the Minister or a special inspector, in accordance with directions in the notice, the documents relevant to the licensee, party or contractor or to that association that are specified in the notice and to permit examination of the documents, the taking of extracts and notes from the documents, and the making of copies of them, or

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- (c) to attend before the Minister or a special inspector for examination in relation to any matters relevant to the licensee, party or contractor or to that association and to answer any questions relating to those matters.
- (3) A person who fails to comply with a requirement of a notice under this clause is guilty of an offence.
Maximum penalty: 50 penalty units.
- (4) A natural person is not excused from complying with a notice under this clause on the ground that compliance might tend to incriminate the person. However, if the person claims, before complying with the notice, that compliance might tend to incriminate the person, information provided in compliance with the notice is not admissible in evidence against the person in criminal proceedings other than proceedings under the Act.
- (5) If documents are produced under this clause, the Minister or special inspector to whom they are produced may retain possession of them for a reasonable period so that they may be examined and extracts taken from, or copies made of, them.
- (6) The Minister or special inspector must permit inspection of the documents, at any reasonable time during which they are retained under this clause, by a person who would be entitled to inspect them if they were not in the possession of the Minister or inspector.
- (7) A person who complies with a requirement of a notice under this clause does not on that account incur a liability to another person.

115 Minister may require particulars concerning key employees

- (1) The Minister may, by notice in writing served on a person (including a licensee or contractor), require the person to provide the Minister, within a reasonable time specified in the notice, with the following:
 - (a) the names of all persons who are key employees of the person,
 - (b) the positions held by, and the duties of, those employees,
 - (c) any other relevant particulars relating to those employees as are specified in the notice.
- (2) A person who fails to comply with a requirement of a notice under this clause is guilty of an offence.
Maximum penalty: 50 penalty units.

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Clause 116

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116 Minister may require key employees to provide information

- (1) The Minister may, by notice in writing served on a key employee, require the key employee:
 - (a) to consent, in accordance with directions in the notice, to having his or her photograph, finger prints and palm prints taken, and
 - (b) to provide, in accordance with directions in the notice, the information (verified by statutory declaration) relevant to the key employee that is specified in the notice, and
 - (c) to produce, in accordance with directions in the notice, the documents relevant to the key employee that are specified in the notice and to permit examination of the documents and the taking of extracts from, and the making of copies of, them, and
 - (d) to provide any consent that the Minister may require for the purpose of obtaining further information (including financial and other confidential information) from other persons and institutions.
- (2) The Minister is to refer to the Commissioner of Police copies of photographs, finger prints and palm prints obtained in respect of a key employee under this clause and with any supporting information that the Minister considers should be referred to the Commissioner.
- (3) The Commissioner of Police is to inquire into, and report to the Minister on, any matters concerning the key employee that the Minister may request.
- (4) A key employee is not excused from complying with a notice under this clause on the ground that compliance might tend to incriminate the employee. However, if the employee claims, before complying with the notice, that compliance might tend to incriminate the employee, information provided in compliance with the notice is not admissible in evidence against the employee in any criminal proceedings other than proceedings under the Act.
- (5) A key employee who complies with a requirement of a notice under this clause does not on that account incur a liability to another person.

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Clause 117	Gaming Machines Regulation 2002
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117 Failure of key employee to provide information

- (1) The Minister may, if a key employee refuses or fails to comply with a requirement of a notice served on the key employee under clause 116, by notice in writing, direct the licensee or other person concerned to terminate immediately and not to renew the employment or arrangement by reason of which the key employee is a key employee of the licensee or other person.
- (2) A person who does not give effect to a direction given to the person under this clause is guilty of an offence.

Maximum penalty: 50 penalty units.

118 Power to terminate employment of key employee at Minister's direction

- (1) This clause applies in respect of a direction given by the Minister under this Division to an employer to terminate the employment of a key employee or the other arrangement by reason of which a key employee is a key employee of the employer.
- (2) It is taken to be a condition of any agreement or other arrangement entered into between an employer and a key employee that the employer has the rights required to enable the employer to give effect to a direction to which this clause applies.
- (3) Any such termination of an employment or arrangement has effect accordingly, and the employer or the State does not incur any liability by reason of that termination.
- (4) In this clause, *employer* means a licensee, contractor or other person to whom a direction to which this clause applies is given.

119 Destruction of finger and palm prints of former key employees

- (1) Any finger prints or palm prints obtained under this Division, and any copies of them, are to be destroyed as soon as the key employee from whom they were obtained is no longer a key employee.
- (2) A person:
 - (a) who has possession of finger prints or palm prints obtained by the Minister under this Division, or copies of them, and

- (b) who fails to deliver them to the Minister, in accordance with the written directions of the Minister, to enable subclause (1) to be complied with,

is guilty of an offence.

Maximum penalty: 20 penalty units.

120 Prejudice to integrity of operation of authorised CMS or linked gaming systems

- (1) The Minister may give a direction under this clause if the Minister is of the opinion that the integrity or apparent integrity of an authorised CMS or authorised linked gaming system is likely to be seriously prejudiced because of:

- (a) any irregularity or alleged irregularity of any kind, or
- (b) the character or reputation of any person concerned in the operation of the authorised CMS or authorised linked gaming system, or
- (c) any other fact or circumstance reported to the Minister.

- (2) The Minister may, for the purpose of avoiding the prejudice referred to in this clause, by notice in writing, direct:

- (a) the licensee, or
- (b) a contractor, or
- (c) any other person concerned, in whatever capacity, in the management or supervision of an authorised CMS or authorised linked gaming system,

to take (or to refrain from taking) any action specified in the notice.

- (3) A person who does not comply with a direction given to the person under this clause is guilty of an offence.

Maximum penalty: 50 penalty units.

121 Minister may direct licensee to terminate certain contractual arrangements

- (1) If a person who is a contractor of a licensee does not comply with a direction given to the person under clause 120, the Minister may, by notice in writing, direct the licensee to terminate, within a time specified in the notice, the contract or other arrangement under which the person is a contractor of the licensee.

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Clause 121	Gaming Machines Regulation 2002
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- (2) A licensee who does not comply with a notice given to the licensee under this clause is guilty of an offence.
Maximum penalty: 50 penalty units.
- (3) It is taken to be a condition of any contract or other arrangement entered into between a licensee and a contractor that the licensee has the rights required to enable the licensee to give effect to a direction to which this clause applies.
- (4) Any such termination of a contract or other arrangement has effect accordingly, and neither the State nor the Minister incurs any liability by reason of that termination.
- (5) The Minister may exempt specified contracts or other arrangements or specified classes of contracts or other arrangements from the operation of this clause. The effect of such an exemption is that a contract or other arrangement to which the exemption applies cannot be the subject of a direction under this clause.

122 Prejudice to integrity of authorised CMS or linked gaming system involving key employee

- (1) The Minister may give a direction under this clause if the Minister is of the opinion that the integrity or apparent integrity of an authorised CMS or authorised linked gaming system operated by a licensee is likely to be seriously prejudiced because of:
 - (a) the criminal record of a key employee, or
 - (b) the character or reputation of a key employee.
- (2) The Minister may, by notice in writing, direct:
 - (a) the licensee, or
 - (b) a contractor, or
 - (c) any other appropriate person,to terminate immediately and not to renew the employment or arrangement by reason of which the key employee is a key employee of the licensee, contractor or other person.
- (3) A person who does not comply with a direction given to the person under this clause is guilty of an offence.
Maximum penalty: 50 penalty units.

123 Notice of proposed relevant contracts or variations of relevant contracts to be given

- (1) This clause applies only to relevant contracts that the conditions of the CMS licence or links licence require to be notified to the Minister.
- (2) A licensee must not enter into or become a party to a relevant contract, or the variation of a relevant contract, to which this clause applies until the licensee has given the Minister written notice of the details of the proposed contract or variation of contract that are specified in the conditions of the licence and the investigation time that the Minister is allowed by this clause has elapsed.
- (3) The notice must be accompanied by the fee (if any) specified by the conditions of the licence.
- (4) The Minister may object to the proposed contract or variation of contract by notice in writing given to the licensee during the investigation time that the Minister is allowed by this clause, in which case the licensee must not enter into or become a party to the contract or variation of contract.
- (5) The Minister is not required, despite any rule of law to the contrary, to give reasons for an objection made under subclause (4).
- (6) The Minister is allowed 28 days investigation time (starting from when the notice under subclause (2) is given to the Minister) but that time can be shortened or extended in a particular case by the Minister by notice in writing to the licensee.
- (7) Investigation time is not to be extended unless the Minister is of the opinion that the special circumstances of the case (such as, for example, the complex nature of the inquiries that need to be made or the need to consult other persons or bodies) make the extension necessary or desirable and that public interest considerations justify the extension.
- (8) Investigation time can be extended more than once but cannot in any case be extended to more than 6 months after the notice was given to the Minister.
- (9) It is a condition of a CMS licence or links licence that the licensee must comply with this clause.
- (10) Failure to comply with this clause does not affect the validity of any contract or variation of contract.

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Clause 124	Gaming Machines Regulation 2002
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124 Notice to show cause why relevant contract should not be terminated

- (1) The Minister may serve on each party to a relevant contract a notice in writing giving the party an opportunity to show cause within 14 days why the contract should not be terminated on the ground that it is not in the public interest for the contract to remain in force.
- (2) The notice is to specify the reasons why it is considered that it is not in the public interest for the contract to remain in force.
- (3) A party to the contract may, within the period specified in the notice, arrange with the Minister for the making of submissions as to why the contract should not be terminated.
- (4) The Minister may:
 - (a) after considering any submissions so made, or
 - (b) if no arrangements are made within the period specified in the notice, or no submissions are received in accordance with arrangements made,by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.
- (5) If a contract is not terminated as required by a notice, it is terminated as and from the expiration of the time specified in the notice for the termination of the contract.
- (6) This clause applies to relevant contracts whether entered into before or after 2 April 2002.

125 Effect of termination

- (1) If a relevant contract is terminated in accordance with this Division:
 - (a) the termination does not affect a right acquired, or a liability incurred, before the termination by a person who was a party to the contract, as a result of the performance before the termination of any obligation imposed by the contract, and
 - (b) no liability for breach of contract is, by reason only of that termination, incurred by a person who was a party to the contract, and
 - (c) neither the State nor the Minister incurs any liability by reason of that termination.

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- (2) A party to a relevant contract terminated in accordance with this Division who gives further effect to the contract is guilty of an offence.
Maximum penalty: 50 penalty units.

126 Investigations

- (1) The Minister may appoint a person to investigate and report on matters and circumstances specified by the Minister relating to:
- (a) the operation of an authorised CMS or authorised linked gaming system, or
 - (b) a licensee, or a person who, in the opinion of the Minister, is an associate of a licensee, or
 - (c) a specified person who, or a specified class of persons which includes persons who, in the opinion of the Minister, could affect the operation of an authorised CMS or authorised linked gaming system, or
 - (d) a specified person who, or a specified class of persons which includes persons who, in the opinion of the Minister, could be in a position to exercise direct or indirect control over a licensee in relation to the operation of an authorised CMS or authorised linked gaming system.
- (2) A person appointed to carry out an investigation may, for the purpose of the investigation, exercise:
- (a) the functions conferred by clause 114 on the Minister, and
 - (b) any other functions of the Minister specified by the Minister in the instrument of appointment.
- (3) The exercise of functions under this clause by a person other than the Minister has effect as if the functions had been exercised by the Minister.

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Clause 127 Gaming Machines Regulation 2002

Part 9 Fees

Division 1 Gaming-related licences and work permits

Part 9 Fees

Division 1 Gaming-related licences and work permits

127 Application fee for gaming-related licence

For the purposes of section 88 (3) (b) of the Act, the fee to accompany an application for:

- (a) a dealer's licence is \$1,000, or
- (b) any other type of gaming-related licence is \$100.

128 Fees for grant of gaming-related licence

- (1) In accordance with section 101 (1) (a) of the Act, the following fees are prescribed:
 - (a) for the grant of a dealer's licence—\$10,000,
 - (b) for the grant of a seller's licence—\$500,
 - (c) for the grant of a technician's licence—\$200,
 - (d) for the grant of an adviser's licence—\$500,
 - (e) for the grant of a testing facility licence—\$1,000.
- (2) The fee payable for the grant of a gaming-related licence is to be reduced by the amount of the fee lodged with the application for the licence.

129 Periods in respect of which periodic licence fees are payable (licensing periods)

For the purposes of section 108 (1) of the Act, a period of one year that commences on 16 February (other than the period of one year during which the gaming-related licence concerned is granted) is prescribed in respect of gaming-related licences.

130 Amount of periodic licence fees

- (1) In accordance with section 108 (2) of the Act, the following periodic licence fees are prescribed:
 - (a) for a dealer's licence—\$10,000,
 - (b) for a seller's licence—\$500,

- (c) for a technician's licence—\$200,
 - (d) for an adviser's licence—\$500,
 - (e) for a testing facility licence—\$1,000.
- (2) A periodic licence fee payable in respect of a licensing period must be paid in full on or before the commencement of that period.

131 Periods in respect of which periodic work permit fees are payable

For the purposes of section 108 (1) of the Act, the following periods are prescribed in respect of a work permit:

- (a) a period that commences on the date of issue of the work permit and ends on the following 15 February,
- (b) a period of one year that commences on 16 February (other than the period of one year during which the permit was issued).

132 Amount of periodic work permit fees

- (1) In accordance with section 108 (2) of the Act, \$50 is prescribed as the periodic fee payable for a work permit.
- (2) A periodic permit fee payable in respect of a permit period must be paid in full on or before the commencement of that period.

Division 2 Other fees

133 Application for Board's approval of transfer of poker machine entitlements

For the purposes of section 19 (3) (a) of the Act, the prescribed application fee is \$250.

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Clause 134 Gaming Machines Regulation 2002

Part 10 Miscellaneous provisions

Part 10 Miscellaneous provisions

134 Clubs exempt from requirement for authorisation to keep certain poker machines

- (1) This clause applies to an approved poker machine:
 - (a) that is electro-mechanical or mechanical, and
 - (b) that is not operated for paying out money or tokens or for registering a right to an amount of money or money's worth available to be paid out or claimed, and
 - (c) the reel strips of which have been changed to numerical cards.
- (2) A registered club is exempt from the requirement under section 56 of the Act to be authorised to keep an approved poker machine to which this clause applies but only if no more than 2 such poker machines are kept by the club at any one time.

135 Authorised possession of poker machines and devices before approval

For the purposes of section 69 (2) (d) of the Act, the following circumstances are prescribed:

- (a) the person in possession of the poker machine or device has been requested by a dealer to provide services in relation to the development or testing of the poker machine or device, or its components, before it is submitted to the Board for approval,
- (b) the person has possession of the poker machine or device in order to provide those services,
- (c) the person has written evidence of the request to provide the services.

136 Board's approval

If the Board is required or permitted by a provision of this Regulation to approve of any matter or thing or the form of any matter or thing, the Board:

- (a) may approve of the matter, thing or form generally in relation to all persons to whom the provision applies, or
- (b) may approve of different matters, things or forms according to different circumstances specified in relation to persons to whom the provision applies, or

- (c) if, in relation to any such provision, an approval in accordance with paragraph (a) or (b) has not been given in relation to a particular person, may approve of the matter, thing or form in relation to that person, or
- (d) may withdraw any such approval.

137 General requirement for records to be kept for 3 years

- (1) A person who is required by this Regulation to keep a record must keep the record for a period of at least 3 years after it is made and provide for its safe keeping throughout that time.

Maximum penalty: 20 penalty units.

- (2) A person who is a dealer, hotelier or technician must keep any records relating to the person's business (in so far as the person's business relates to approved gaming machines) at the dealer's premises, the hotelier's licensed premises or the technician's place of business, or at such other place as the Board approves.

Maximum penalty: 20 penalty units.

- (3) Subclause (1) does not apply to the keeping of a record under a provision of this Regulation that provides for the record to be kept for a different period.

138 Exclusion of Sydney CBD from definition of "retail shopping centre"

- (1) A retail shopping centre that fronts onto any part of the boundary specified in Schedule 2 (Sydney Central Business District) or that is situated within the boundary specified in that Schedule is excluded from the definition of *retail shopping centre* in section 60 of the Act.
- (2) For the purposes of this clause, a retail shopping centre that fronts onto any part of the boundary specified in Schedule 2 includes a retail shopping centre built over water that is joined to any part of the Sydney Harbour waterfront that is part of the boundary.

139 Furnishing of records, reports or other information

- (1) Any requirement under this Regulation to furnish particulars of any record or to furnish a report or any other information, or any certificate, to the Board may be complied with by delivering or posting a written statement of the particulars or the report or other information, or the certificate, to the Secretary of the Board.

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Clause 139 Gaming Machines Regulation 2002

Part 10 Miscellaneous provisions

- (2) Any particulars that are stored wholly or partly by electronic means must be reduced to writing before being furnished to the Board.
- (3) The particulars, information, report or certificate must be furnished in a form approved by the Board if the Board so requires.

140 Disclosure of information

- (1) For the purposes of section 206 (2) (c) of the Act, the following persons and authorities are prescribed:
 - (a) the Director,
 - (b) the Director-General,
 - (c) the Casino Control Authority.
- (2) For the purposes of section 206 (5) (e) of the Act, a person who makes or is proposing to make an application to which Division 1 of Part 4 of the Act applies is prescribed but only in relation to the disclosure of such information as is necessary to enable the person to provide a social impact assessment in accordance with the Act and this Regulation.

141 Evidence of age

A document of one of the following classes is, for the purposes of section 54 of the Act, acceptable evidence that a person holding the document is at least 18 years of age, but only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age (and only if the document has not expired and otherwise appears to be in force):

- (a) a motor vehicles drivers licence or riders licence or permit issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth, of some other State or Territory or of some other country,
- (b) a "proof of age" card issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth of some other State or Territory,
- (c) a passport issued by the Commonwealth or under the law of some other country.

142 Appeals to Licensing Court

- (1) An appeal under section 189 of the Act must be made by:
 - (a) lodging written notice of the appeal with the Principal Registrar not later than 21 days after the adjudication appealed against, and
 - (b) serving copies of that notice on all other parties to the proceedings.
- (2) The copies of the notice must be served not later than 7 days after lodgment of the appeal.
- (3) A fee of \$100 is payable on lodgment of an appeal.

143 Affidavits

- (1) An affidavit for use in proceedings before the Licensing Court must:
 - (a) identify the proceedings to which it relates, and
 - (b) if a solicitor is acting in the proceedings for the party who files the affidavit—contain the name, address and telephone number of the solicitor, and
 - (c) be signed at the end, and on each page, by the deponent and the person before whom it is sworn, and
 - (d) have each alteration, interlineation or erasure initialled by the deponent and the person before whom it is sworn, and
 - (e) have any annexure or attachment certified by the person before whom it is sworn.
- (2) The name of the person before whom an affidavit is sworn must be written or printed legibly below the person's signature at the end of the affidavit.
- (3) The Licensing Court may order any material in an affidavit to be struck out.
- (4) Except to the extent that the Licensing Court otherwise directs, an affidavit may be admitted in evidence despite any irregularity in its form.

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Clause 144 Gaming Machines Regulation 2002

Part 10 Miscellaneous provisions

144 Admissions

- (1) A party to proceedings before the Licensing Court (other than proceedings for an offence) may, by notice served on another party, admit, in favour of that other party and for the purpose only of the proceedings, facts specified in the notice.
- (2) A party to proceedings before the Licensing Court (other than proceedings for an offence) may, by notice served on another party, require that other party to admit, in favour of the party serving the notice and for the purpose only of the proceedings, facts specified in the notice.
- (3) A fact specified in a notice served under subclause (2) is, in favour of the party who served the notice and for the purpose only of the proceedings to which the notice relates, admitted by the party on whom the notice was served unless, within the period of 14 days after that service, that party serves on the party who served the notice a notice disputing the fact.
- (4) A party to proceedings who serves a notice disputing a fact which is later proved in the proceedings is liable for the costs of proving the fact (except to the extent that the Licensing Court otherwise directs).
- (5) An admission under this clause for the purpose of any proceedings must not be used:
 - (a) against the admitting party in any other proceedings, or
 - (b) in favour of any person other than the person in whose favour the admission is made.

145 Procedural directions

- (1) In relation to any proceedings before the Licensing Court (other than proceedings for an offence):
 - (a) a licensing magistrate may, before hearing the proceedings, and
 - (b) the Licensing Court may, of its own motion or on application, give such directions (not inconsistent with the Act or this Regulation) as the licensing magistrate or Court thinks necessary or desirable for the proper disposal of the proceedings.
- (2) The directions may include a direction that an application be heard and determined with any other specified application, even though the applications to which the direction relates:
 - (a) are subject to objections that are based on different grounds, or

- (b) are subject to objections that are based on the same grounds for different reasons, or
 - (c) were made on different dates.
- (3) The Licensing Court may give directions under this clause in respect of a class of proceedings.

146 Remedial orders

- (1) For the purposes of section 199 of the Act, offences under the following provisions of this Regulation are prescribed offences:
- (a) clause 21 (Display of information concerning chances of winning prizes on gaming machines),
 - (b) clause 23 (Provision of player information brochures),
 - (c) clause 24 (Provision of player information brochures in community languages),
 - (d) clause 25 (Dangers of gambling—notice to be displayed on gaming machines),
 - (e) clause 26 (Counselling signage—notice to be displayed),
 - (f) clause 27 (ATM signage),
 - (g) clause 28 (Display of clocks),
 - (h) clause 29 (Prohibitions on dealings with cheques),
 - (i) clause 30 (Payment of prize money by cheque or electronic funds transfer),
 - (j) clause 31 (Location of cash dispensing facilities away from gaming machines),
 - (k) clause 48 (Gambling inducements),
 - (l) clause 50 (Publicity for prizewinners).

147 Penalty notice offences

- (1) For the purposes of section 203 of the Act:
- (a) each offence created by a provision of the Act or this Regulation specified in Column 1 of Schedule 3 is stated to be an offence to which that section applies (*a penalty notice offence*), and

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Clause 147 Gaming Machines Regulation 2002

Part 10 Miscellaneous provisions

- (b) the prescribed penalty payable for a penalty notice offence if dealt with under section 203 of the Act is the amount specified in Column 3 of Schedule 3.
- (2) The expression set out in Column 2 of Schedule 3 in relation to a penalty notice offence (or so much of the expression as is relevant to the offence concerned) may be used to describe the penalty notice offence in general terms.

148 General savings provision

Any thing done under a provision of the *Liquor Regulation 1996* or the *Registered Clubs Regulation 1996* that had any force or effect immediately before 2 April 2002 is, to the extent that it could have been done or given effect to under this Regulation, taken to be in force under this Regulation.

Schedule 1 Gaming-related licensees—prescribed changes and particulars

(Clause 65)

Column 1	Column 2
Prescribed change	Prescribed particulars
<p>A change in:</p> <ul style="list-style-type: none"> (a) the name of the licensee, or (b) the principal residential address of the licensee, or (c) the business or private telephone number of the licensee. 	Particulars of those matters as changed.
<p>In the case of a seller or technician, a change in the business address of the seller or technician.</p>	Particulars of the address as changed.
<p>The commencement, settlement, discontinuance or finalisation of civil or criminal proceedings to which the licensee is a party.</p>	<p>Particulars of:</p> <ul style="list-style-type: none"> (a) the nature of the proceedings, and (b) the names and addresses of the other parties to the proceedings, and (c) the date of the commencement, settlement, discontinuance or finalisation of the proceedings, and (d) the terms of the settlement (unless the terms of settlement are prohibited from being disclosed) or the result of the finalisation of the proceedings (including the making of an order under section 10 of the <i>Crimes (Sentencing Procedure) Act 1999</i>).
<p>A change consisting of:</p> <ul style="list-style-type: none"> (a) the obtaining of judgment against the licensee, or (b) the creation of a charge over any property of the licensee, or (c) repossession of any property of the licensee. 	<p>Particulars giving:</p> <ul style="list-style-type: none"> (a) the terms of the judgment or charge, and (b) the reasons for and circumstances of the repossession, and (c) a description of the property affected.

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Schedule 1 Gaming-related licensees—

Column 1	Column 2
Prescribed change	Prescribed particulars
The licensee: (a) becomes bankrupt, or (b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or (c) compounds with creditors or makes an assignment of remuneration for their benefit, or (d) enters into a compromise or scheme of arrangement with creditors.	Particulars of: (a) the terms, and (b) the date, of the bankruptcy, application, compounding, assignment, compromise or scheme of arrangement.
A person obtains a direct or indirect interest in the business that is carried on under the authority of the licence.	Particulars of: (a) the name of the person obtaining the direct or indirect interest, and (b) that person's date of birth, and (c) that person's residential address, and (d) the nature of that person's interest, and (e) the details of any offence that person has been convicted of (in New South Wales or elsewhere), other than parking and traffic offences, and (f) the details of any charges pending against that person (in New South Wales or elsewhere), other than parking or traffic charges.

Schedule 2 Sydney Central Business District

(Clause 138)

The boundary referred to in clause 138 is as follows:

Wentworth Avenue, from its intersection with Elizabeth Street, north and east to its intersection with Liverpool Street, Oxford Street and College Street,

College Street, from its intersection with Wentworth Avenue, Liverpool Street and Oxford Street, north to its intersection with Prince Albert Road,

Prince Albert Road, from its intersection with College Street, generally northwest to its intersection with St James Road and Macquarie Street,

Macquarie Street, from its intersection with Prince Albert Road and St James Road, to its northern extent,

a line running due west, from the northern extent of Macquarie Street, to its point of intersection with the Sydney Harbour waterfront,

along the Sydney Harbour waterfront (including along the Sydney Cove waterfront to the Dawes Point waterfront, the Dawes Point waterfront to the Millers Point waterfront, and the Millers Point waterfront to the Cockle Bay waterfront), from that point of intersection, to the point at which the western end of Pyrmont Bridge crosses over the Cockle Bay waterfront,

Pyrmont Bridge, from that point, west to its western extent,

a line running generally southeast, from the western extent of Pyrmont Bridge, to its most northernmost point of intersection with Darling Drive and the line of the route of the Darling Harbour monorail transport system,

Darling Drive, from that point of intersection, generally south to its intersection with the route of the Ultimo/Pyrmont Light Rail Transit System,

the route of the Ultimo/Pyrmont Light Rail Transit System, from its intersection with Darling Drive, east to its intersection with Hay Street,

Hay Street, from its intersection with the route of the Ultimo/Pyrmont Light Rail Transit System, east to its intersection with Elizabeth Street,

Elizabeth Street, from its intersection with Hay Street, north to its intersection with Wentworth Avenue.

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Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Schedule 3 Penalty notice offences

(Clause 147)

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 38 (1)	Allow gaming machine to operate during interim shutdown period	\$1,100
Section 39 (1)	Allow gaming machine to operate during general shutdown period	\$1,100
Section 40 (2)	Allow gaming machine to operate during 3-hour shut down period	\$1,100
Section 41 (4)	Allow gaming machine to operate during approved shutdown period	\$1,100
Section 43 (1)	Publish gambling related advertising	\$1,100
Section 43 (3)	Enter into/extend duration of contract/arrangement for gambling-related advertising	\$1,100
Section 44 (1) (a)	Display gambling-related sign outside/in vicinity of hotel/club	\$1,100
Section 44 (1) (b)	Display gambling-related sign inside hotel/club that is visible outside hotel/club	\$1,100
Section 44 (3)	Enter into/extend duration of contract/arrangement for gambling-related sign	\$1,100
Section 45 (2) (a)	Offer/present promotional prize as cash	\$1,100
Section 45 (2) (b)	Offer/present promotional prize over \$1,000 in value	\$1,100
Section 45 (2) (c)	Permit patron to exchange promotional prize for cash	\$1,100

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 45 (2) (d)	Permit bonus or reward points under player reward scheme to be redeemed for cash	\$1,100
Section 45 (4)	Fail to provide player activity statement	\$1,100
Section 50 (1)	Minor operate gaming machine in hotel/club	\$55
Section 51 (1) (a)	Minor operate gaming machine in hotel (offence by hotelier)	\$550
Section 51 (1) (b)	Minor operate gaming machine in club (offence by club and secretary of club)	\$550
Section 52 (1)	Minor enter/being in club gaming machine area	\$55
Section 52 (2)	Fail to remove minor from club gaming machine area	\$550
Section 52 (3)	Minor in club gaming machine area (offence by member)	\$220
Section 53 (2) (a)	Suspected minor refuse/fail to state name or address	\$55
Section 53 (2) (b)	Suspected minor refuse/fail to produce evidence of age	\$110
Section 54 (2)	Minor provide false/misleading information to obtain age evidence	\$110
Section 56 (1)	Unlawful keeping/disposal of gaming machine	\$1,100
Section 57 (2)	Fail to provide particulars of change in information provided in application for authorisation/variation of authorisation	\$550
Section 59 (5)	Fail to comply with direction	\$1,100

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Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 61 (4)	Keep MTGM that exceeds bet/prize limit	\$1,100
Section 68 (a)	Keep more than 5 gaming machines in general bar area of hotel	\$1,100
Section 68 (b)	Fail to locate gaming machines in hotel gaming room	\$1,100
Section 69 (1) (a)	Possess poker machine that is not approved	\$1,100
Section 69 (1) (b)	Possess amusement device that is not approved	\$1,100
Section 70 (1)	Unauthorised possession of gaming machine	\$1,100
Section 71 (1)	Supply/offer to supply gaming machine except by way of sale	\$1,100
Section 71 (2)	Unauthorised purchase/offer to purchase gaming machine	\$1,100
Section 71 (3)	Supply gaming machine to hotelier/club if keeping unlawful	\$550
Section 71 (4)	Supply/offer to supply gaming machine if possession unlawful	\$1,100
Section 75	Gaming machine capable of providing cash or credit otherwise than as prize	\$1,100
Section 76 (1)	Gaming machine fails to function as designed and programmed	\$1,100
Section 77 (1) (a)	Break seal securing computer cabinet/gain access to computer cabinet	\$1,100
Section 77 (1) (b)	Affix seal to computer cabinet	\$1,100
Section 77 (1) (c)	Remove/replace/interfere with computer cabinet	\$1,100

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 77 (1) (d)	Break seal protecting integrity of game program	\$1,100
Section 77 (1) (e)	Remove/interfere with security device on gaming machine	\$1,100
Section 77 (1) (f)	Remove/interfere with housing protecting meters of gaming machine	\$1,100
Section 77 (1) (g)	Remove/disconnect/interfere with meter of gaming machine	\$1,100
Section 77 (1) (h)	Interfere with information received/stored/transmitted by gaming machine	\$1,100
Section 77 (1) (i)	Remove/interfere with mark/seal affixed to gaming machine	\$1,100
Section 77 (2)	Fail to replace broken seal	\$1,100
Section 77 (3)	Remove/alter/interfere with compliance plate	\$1,100
Section 77 (5)	Authorise/permit other person to act unlawfully	\$1,100
Section 78 (1)	Unlawful modification of gaming machine	\$1,100
Section 78 (2)	Fail to return converted components to supplier	\$1,100
Section 79 (1)	Fail to notify Director of particulars of consignment or movement of gaming machine	\$550
Section 85 (1)	Sale of gaming machine by unlicensed person	\$1,100
Section 85 (4)	Sale of gaming machine by dealer/seller/adviser not authorised	\$1,100

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Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 87 (1)	Act as gaming machine adviser without licence	\$1,100
Section 87 (2)	Dealer/adviser act as gaming machine adviser without authority	\$1,100
Section 92	Fail to notify of change in information provided in application for gaming-related licence	\$220
Section 104 (3)	Fail to comply with conditions of gaming-related licence	\$1,100
Section 106 (3)	Fail to allow dealer/technician access to gaming machine	\$550
Section 109 (2)	Fail to return cancelled gaming-related licence	\$55
Section 121 (1)	Compliance plate not attached to gaming machine	\$1,100
Section 122 (1)	Enter into transaction without Board approval	\$220
Section 122 (2)	Vary term or condition of transaction without Board approval	\$220
Section 122 (3)	Fail to notify Board of change in approved financial arrangements approved by Board	\$220
Section 123	Fail to notify Board of termination of contract of service	\$220
Section 124	Fail to notify Principal Registrar of commencement/cessation of employment	\$220
Section 125	Fail to notify Director of change in state of affairs of licence holder	\$220

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 126 (1)	Fail to wear approved form of identification	\$220
Section 133 (2)	Fail to ensure gaming machine connected to authorised CMS	\$1,100
Section 133 (3)	Fail to permit employee or agent of CMS licensee to have access to gaming machines/fail to assist employee or agent of CMS licensee	\$1,100
Section 134 (1)	Fail to pay CMS monitoring fee	\$1,100
Section 180 (6)	Delay or obstruct police officer/Director/special inspector	\$550
Section 180 (7)	Refuse to permit/assist exercise of powers of police officer/Director/special inspector	\$550
Section 182 (2)	Fail to comply with requirement of special inspector	\$550
Section 183 (11)	Fail to comply with summons	\$550
Section 183 (12)	Break temporary seal affixed to gaming machine	\$1,100
Section 199 (2)	Fail to comply with order	\$220

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 5 (2)	Install/keep MTGM in hotel	\$550
Clause 10 (1) (a)	Gaming machine not located in restricted area of hotel	\$1,100

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Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 10 (1) (b)	Permit gaming machine to be operated outside hotel trading hours	\$1,100
Clause 12 (a)	Fail to switch off faulty gaming machine	\$550
Clause 12 (b)	Fail to attach notice to faulty gaming machine	\$550
Clause 12 (c)	Permit faulty gaming machine to be played	\$550
Clause 12 (d)	Fail to repair faulty gaming machine	\$550
Clause 13 (1)	Fail to award/pay gaming machine prize	\$1,100
Clause 14 (1)	Vary prize schedule without approval	\$550
Clause 14 (2)	Value of gaming machine prizes below required percentage	\$550
Clause 14 (3)	Information about non-monetary prizes not accessible	\$550
Clause 14 (4)	Fail to purchase item as required	\$550
Clause 15	Fail to keep record of prize	\$550
Clause 17 (1)	Fail to establish account/obtain guarantee to cover MTGM jackpot prizes	\$550
Clause 17 (2)	Fail to keep record of account/guarantee	\$550
Clause 18 (1)	Fail to comply with meter requirements	\$550
Clause 19 (1)	Fail to make gaming machine record	\$550
Clause 20 (1)	Gaming machines not cleared	\$550
Clause 20 (2)	Fail to make record of clearance	\$550
Clause 20 (3)	Gaming machines not refilled	\$550
Clause 20 (4)	Fail to make record of refill	\$550

Gaming Machines Regulation 2002

Penalty notice offences

Schedule 3

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 21 (1)	Fail to display winning chances	\$550
Clause 23 (1)	Fail to make player information available	\$550
Clause 24 (2)	Fail to supply community language player information	\$550
Clause 25 (2)	Fail to display gambling warning notice/problem gambling notice	\$550
Clause 26 (1)	Fail to display counselling notice	\$550
Clause 27 (1)	Fail to display notice on ATM	\$550
Clause 28	Fail to display clock	\$550
Clause 29 (1) (a)	Exchange cheque not made out to hotelier/owner/club	\$550
Clause 29 (1) (b)	Exchange cheque for more than \$400 cash	\$550
Clause 29 (1) (c)	Exchange more than one cheque per person per day for cash	\$550
Clause 29 (1) (d)	Exchange cheque for cash if previous cheque not met	\$550
Clause 30 (1)	Fail to pay prize money by cheque/EFT	\$550
Clause 30 (2)	Fail to pay prize money below \$1,000 by cheque/EFT at request of prizewinner	\$550
Clause 31	Cash dispensing facilities located in gaming area	\$550
Clause 43	Fail to keep record or copy of player activity statement	\$550
Clause 44 (2)	Disclose information in player activity statement (offence by hotelier/club)	\$1,100

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Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 44 (3)	Disclose information in player activity statement (offence by other person)	\$1,100
Clause 46 (5)	Fail to display counselling service notice	\$550
Clause 48 (a)	Offer/supply free/discounted liquor as inducement to play gaming machines	\$550
Clause 48 (b)	Offer free credits as inducement to play gaming machines	\$550
Clause 49 (3)	Fail to display sign relating to gaming machine area of club	\$550
Clause 50 (1)	Publish/cause to be published prizewinner's identity	\$550
Clause 51 (2)	Hotelier fail to complete approved training course	\$550
Clause 51 (3)	Club secretary fail to complete approved training course	\$550
Clause 51 (4)	Employ unqualified gaming staff	\$550
Clause 56 (1)	Fail to allocate serial number to gaming machine	\$550
Clause 57 (1)	Permit manufacture/assembly/repair of gaming machine without supervision	\$220
Clause 57 (2)	Unauthorised removal of memory chip from logic board	\$220
Clause 58 (1)	Fail to keep record of gaming machine/logic board sold by dealer	\$220
Clause 58 (2)	Fail to record required information	\$220
Clause 58 (3)	Fail to extract particulars/furnish particulars/furnish certificate	\$220

Gaming Machines Regulation 2002

Penalty notice offences

Schedule 3

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 59	Permit use of gaming machine/logic board for sales promotion	\$220
Clause 60	Fail to notify Board of defect or malfunction/of fraudulent manipulation of gaming machine	\$550
Clause 61 (1)	Business premises not approved	\$220
Clause 62	Remove and replace meter in gaming machine	\$220
Clause 66	Fail to make/keep consignment record	\$220
Clause 68 (a)	Keep unauthorised progressive gaming machine	\$550
Clause 68 (b)	Keep unauthorised progressive system	\$550
Clause 68 (c)	Remove progressive gaming machine/system from play	\$550
Clause 69 (1)	Permit operation of malfunctioning progressive gaming machine/system	\$550
Clause 69 (2)	Fail to remove malfunctioning progressive gaming machine/system from play	\$550
Clause 69 (3)	Fail to remove gaming machine from play/repair gaming machine	\$550
Clause 70	Permit unauthorised person to access progressive gaming machine/system	\$550
Clause 71 (1) (a)	Dispose of progressive gaming machine	\$550
Clause 71 (1) (b)	Dispose of progressive system	\$550
Clause 71 (1) (c)	Dispose of progressive jackpots	\$550
Clause 71 (1) (d)	Make use of progressive jackpots	\$550

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Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 71 (2)	Fail to comply with requirements for disposal of progressive gaming machine/system	\$550
Clause 72 (1)	Fail to comply with requirements to provide details relating to disposal of progressive gaming machine/system	\$550
Clause 73	Fail to keep record relating to prizes won on progressive gaming machine/system	\$550
Clause 74 (1)	Fail to comply with requirements relating to progressive gaming machines	\$550
Clause 75 (1)	Fail to comply with requirements relating to progressive systems	\$550
Clause 76 (1)	Fail to comply with requirements relating to prize payments from progressive machine/system	\$550
Clause 77 (1)	Fail to comply with requirements relating to progressive gaming machines	\$550
Clause 78 (1)	Fail to comply with requirements relating to progressive systems	\$550
Clause 79	Fail to establish account/obtain guarantee to cover prizes won on progressive machines/systems	\$550
Clause 81	Fail to comply with player card and account requirements	\$550
Clause 89 (1)	Disclose information in player activity statement (offence by hotelier/club)	\$1,100
Clause 89 (2)	Disclose information in player activity statement (offence by other person)	\$1,100
Clause 92	Fail to comply with gaming machine ticket requirements	\$550

Gaming Machines Regulation 2002

Penalty notice offences

Schedule 3

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 137 (2)	Fail to keep records at place of business/approved place	\$220