



New South Wales

Gaming Machines Amendment Regulation 2002

under the

Gaming Machines Act 2001

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

J. RICHARD FACE, M.L.C.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to make a number of amendments to clarify the operation of the *Gaming Machines Regulation 2002* or that are consequential on the recent amendments to the *Gaming Machines Act 2001* made by the *Gaming Machines Amendment Act 2002*.

In particular, this Regulation:

- (a) exempts certain advertising by gaming machine dealers (including manufacturers) from sections 43 and 44 of the Act (which prohibit gaming machine advertising and signs), and
- (b) requires cash-back terminals in hotels and clubs to display counselling signage, and
- (c) provides that a social impact assessment (which is required to be provided when a hotelier or club applies for authorisation to keep additional gaming machines) cannot be approved if the application involves any approved amusement devices, and
- (d) provides for certain offences to be dealt with by way of penalty notices.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 43 (6), 44 (6) and 210 (the general regulation making power).

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Clause 1 Gaming Machines Amendment Regulation 2002

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment Regulation 2002*.

2 Commencement

This Regulation commences on 1 July 2002.

3 Amendment of Gaming Machines Regulation 2002

The *Gaming Machines Regulation 2002* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 20 Clearance and refilling of gaming machines in clubs

Omit “address” from clause 20 (4) (d). Insert instead “signature”.

[2] Clause 27 Signage to be displayed on ATMs and cash-back terminals

Insert “or cash-back terminal” after “(ATM)” in clause 27 (1).

[3] Clause 27 (3A)

Insert after clause 27 (3):

(3A) In the case of a cash-back terminal, the notice must also contain the following:

Your player activity statement is available from the cashier

[4] Clause 27 (5)

Insert “or cash-back terminal” after “ATM” wherever occurring.

[5] Clause 27 (6)

Insert after clause 27 (5):

(6) In this clause:

cash-back terminal means a customer-operated payment machine that enables gaming machine players to cash in their credits or winnings.

[6] Clause 33 Classes of social impact assessment

Omit clause 33 (2). Insert instead:

(2) A class 1 social impact assessment is required to be provided if:

(a) the application for authorisation to keep approved gaming machines is made in connection with:

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- (i) the removal of a hotelier's licence to other premises situated within 1 kilometre of the previous premises, or
- (ii) the removal of a registered club to other premises situated within 1 kilometre of the previous premises,

and the number of approved gaming machines that are proposed to be kept in the other premises is no more than the number kept in the previous premises, or

- (b) the application is made in connection with the transfer of poker machines entitlements from another hotel, or from other premises of a registered club, and the other hotel is, or the other premises are, situated within 1 kilometre of the hotel or club premises to which the application relates.

(2A) Subclause (2):

- (a) applies instead of section 34 (2) (b) of the Act, and
- (b) is subject to subclause (4).

[7] Clause 35 Class 2 social impact assessment

Insert "in all hotels and registered clubs" after "being" in clause 35 (1) (b).

[8] Clause 35 (1) (c)

Omit "be authorised". Insert instead "authorised".

[9] Clause 35 (1) (d)

Insert "all hotels and registered clubs in" after "for".

[10] Clause 35 (3) (a)

Omit the paragraph. Insert instead:

- (a) a map of the local government area in which the hotel or club is situated indicating the location of the hotel or club,

[11] Clause 36 Submissions in relation to class 2 social impact assessment

Omit clause 36 (1) (f). Insert instead:

- (f) any body that is located in the local government area in which the hotel or registered club is situated and 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.

[12] Clause 36 (2)

Omit “Any such body”.

Insert instead “A person or body that is provided with a copy of the social impact assessment”.

[13] Clause 37A

Insert after clause 37:

37A Requirements as to the type of gaming machines to which social impact assessments relate

The Board cannot approve a social impact assessment in connection with an application to which Division 1 of Part 4 of the Act applies if any of the gaming machines to which the application relates are approved amusement devices.

[14] Clause 39 Operation of approval of social impact assessment

Omit clause 39 (3).

[15] Clause 41 Gaming machine advertising and signs—exclusions

Omit “gambling-related” wherever occurring.

Insert instead “gaming machine”.

[16] Clause 41 (1) (a)

Insert “that is not ordinarily available to the general public” after “journal”.

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[17] Clause 41 (1) (c)

Insert at the end of clause 41 (1) (b):

, or

- (c) at a trade convention involving the gaming machine industry,

[18] Clause 41 (1A) and (1B)

Insert after clause 41 (1):

- (1A) Without limiting subclause (1), gaming machine advertising is excluded from the operation of section 43 of the Act if the advertising:
 - (a) relates to the supply, sale or manufacture of an approved gaming machine, and
 - (b) is directed to or at a person or body in the gaming machine industry, and
 - (c) is not on public display or accessible to the general public.
- (1B) Nothing in section 43 or 44 of the Act prohibits any of the following:
 - (a) the use or display of the corporate name or logo (or other corporate identifier such as a brand name) of or belonging to a corporation that is the holder of a gaming machine dealer's licence (including the use or display of any such name, logo or identifier on the corporation's business premises or property (including vehicles), on corporate clothing worn by staff or on any other corporate merchandise),
 - (b) the publishing of an annual report, or other similar corporate report or material, of any such corporation,
 - (c) the operation of the website of any such corporation or of an industry association of which any such corporation is a member,
 - (d) the use by any such corporation of call-waiting telephone messages that advertise gaming machines,

- (e) any advertising by any such corporation in a telephone or internet directory,
- (f) the publication of analysts' reports, newspaper reports or academic articles relating to any such corporation.

[19] Clause 41 (6)

Insert "gaming machine advertising for the purposes of section 43 of the Act or" after "constitute".

[20] Clause 41A

Insert after clause 41:

41A Display of outdoor signs advertising gaming machines

- (1) A person must not, on and from 1 October 2002, display or cause to be displayed any outdoor sign that advertises approved gaming machines.
Maximum penalty: 100 penalty units.
- (2) Subclause (1) extends to any such sign the display of which commenced before 1 October 2002.

[21] Clause 43 Requirement to keep record or copies of player activity statements

Omit "each player activity statement provided by the hotelier or club under section 45 (4) of the Act".

Insert instead "any player activity statement made available by the hotelier or club (whether or not provided under section 45 (4) of the Act)".

[22] Clause 46 Provision of problem gambling counselling services

Omit "2 July 2002" from clause 46 (1). Insert instead "2 October 2002".

[23] Clause 46 (2)

Omit "classes of".

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[24] Clause 47 Self-exclusion schemes

Omit “2 July 2002” from clause 47 (1). Insert instead “2 October 2002”.

[25] Clause 47 (2)

Omit “by a hotelier or registered club”.

[26] Clause 47 (2) (b)

Omit “an undertaking”. Insert instead “a written and signed undertaking”.

[27] Clause 72 Details to be provided to Board in connection with disposal of authorised progressive gaming machines or systems

Insert “(or such later time as may be approved by the Board generally or in a particular case)” after “or system” in clause 72 (3).

[28] Clause 87 Player activity statements—player accounts

Omit clause 87 (3) (a)–(c).

[29] Clause 87 (3A)

Insert after clause 87 (3):

(3A) In addition to subclause (3), the following information in relation to the period covered by a player activity statement must be kept by the hotelier or club and be provided to the player on request:

- (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.

[30] Clause 87A

Insert after clause 87:

87A Requirement to keep record or copy of player activity statement under this Part

A hotelier or registered club must keep a record or copy of any player activity statement made available by the hotelier or club under this Part.

Maximum penalty: 50 penalty units.

[31] Schedule 3 Penalty notice offences

Insert in appropriate order under the heading “**Offences under the Act**”:

Section 47A	Accept transfer of prize winning cheque	\$1,100
Section 206A	Make statement that is false or misleading/omits material matter	\$1,100

[32] Schedule 3

Insert in appropriate order under the heading “**Offences under this Regulation**”:

Clause 41A	Display advertising sign	\$1,100
Clause 87A	Fail to keep record or copy of player activity statement	\$550