



Gaming Machines Amendment Regulation (No 3) 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.P.,

Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to amend the *Gaming Machines Regulation 2002*:

- (a) to create offences relating to:
 - (i) the installation of equipment (referred to as a *coin blanking plate*) designed to prevent persons from operating approved gaming machines by means of inserting coins, and
 - (ii) the operation of approved gaming machines equipped with coin blanking plates, and
- (b) to clarify the basis on which the local community is comprised for the purposes of the social impact assessment of applications in connection with gaming machines, and
- (c) to exclude certain kinds of accidental or incidental gaming machine advertising from the operation of section 43 of the Act which prohibits persons from publishing, or causing to be published, gaming machine advertising, and
- (d) to allow gaming machine tickets to be redeemed through the use of customer-operated payment machines, and

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- (e) to provide for the continuation of the conditions to which existing gaming-related licences were subject before 2 April 2002, and
- (f) to make consequential amendments.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 35, 43 and 210 (the general regulation-making power).

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Gaming Machines Act 2001

1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (Miscellaneous) Regulation 2002*.

2 Commencement

- (1) This Regulation commences on 1 January 2003, except as provided by subclause (2).
- (2) Schedule 1 [2]–[6] are taken to have commenced on 2 April 2002.

3 Amendment of Gaming Machines Regulation 2002

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

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

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

coin blanking plate means subsidiary equipment designed to prevent a person from operating an approved gaming machine by means of inserting a coin.

[2] Clause 8 Reduction of number of poker machine entitlements (large-scale clubs)

Omit “section 13” wherever occurring in clause 8 (1) and (3) and in the note to clause 8 (3).

Insert instead “section 15A”.

[3] Clause 8 (1) (b), (2), (4) and (5)

Omit “approved gaming machines” wherever occurring.

Insert instead “poker machine entitlements”.

[4] Clause 8 (1) (b)

Omit “dispose of in respect of”. Insert instead “transfer from”.

[5] Clause 8 (4)

Omit “disposed of”. Insert instead “transferred”.

[6] Clause 8 (5)

Omit “dispose of”. Insert instead “transfer”.

[7] Clause 20A

Insert after clause 20:

20A Requirements for gaming machines equipped with coin blanking plate

A hotelier or registered club must not permit an approved gaming machine that is equipped with a coin blanking plate to be operated in the hotel or club unless the gaming machine:

- (a) is connected to centralised cash control equipment, or
- (b) is an electronic payment gaming machine within the meaning of Part 6, or
- (c) is capable of issuing (by means of subsidiary equipment or otherwise) gaming machine tickets within the meaning of Part 7.

Maximum penalty: 50 penalty units.

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

Insert “that can be operated by means of a player card” after “terminal” in clause 27 (3A).

[9] Clause 27 (6)

Omit the subclause.

[10] Clause 35 Class 2 social impact assessment

Omit clause 35 (4). Insert instead:

- (4) For the purposes of subclause (3) and section 37 (3) (d) of the Act, the local community includes, in addition to the people in the area or group from which the persons utilising the services and facilities of the hotel or registered club concerned are likely to be drawn, those people in the area or who belong to a group:
 - (a) that is to derive, or that the Board considers is likely to derive, social or economic benefit if the application to which the social impact assessment relates is granted, or

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Schedule 1 Amendments

- (b) that is to suffer, or that the Board considers is likely to suffer, social or economic detriment if the application is granted.

Note. Examples of areas that may benefit or suffer from the approval of an application to which the social impact assessment relates are the local government area in which the hotel or registered club is situated and any adjoining local government area or part of an adjoining local government area.

[11] **Clause 41 Gaming machine advertising and signs—exclusions**

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

or

- (e) as an accidental or incidental accompaniment to advertising of other matter and for which the person publishing, or causing to publish, the advertising of the other matter does not receive any direct or indirect benefit (whether financial or not),

[12] **Clause 41 (5A)**

Insert after clause 41 (5):

- (5A) The mention of the name of a dealer who supplies, sells or manufactures poker machines, or devices in the nature of approved amusement devices, does not, in itself, constitute gaming machine advertising for the purposes of section 43 of the Act.

[13] **Clause 57A**

Insert after clause 57:

57A Installation of coin blanking plates

A person must not install a coin blanking plate on a poker machine or on a device that is in the nature of an approved amusement device unless the person is a dealer or technician.

Maximum penalty: 20 penalty units.

[14] Clause 97 Persons or machines that may redeem gaming machine tickets

Insert after clause 97 (5):

- (6) Despite anything in this clause, gaming machine tickets issued in a hotel or registered club may be redeemed through the use of cash-back terminals approved, or of a class approved, by the Board for the purposes of this subclause.

[15] Clause 149

Insert after clause 148:

149 Saving of existing gaming-related licences

- (1) An existing gaming-related licence (within the meaning of clause 3 of Schedule 1 to the Act) that is taken to be a gaming-related licence of the kind determined by the Board is subject to the same conditions as it was subject under a provision of the *Liquor Act 1982* or the *Registered Clubs Act 1976* immediately before 2 April 2002.
- (2) The conditions to which an existing gaming-related licence is subject may be varied or revoked in accordance with the Act.

[16] Schedule 3 Penalty notice offences

Insert after the matter relating to clause 57 (2) under the heading “**Offences under this Regulation**”:

| | | |
|------------|--|-------|
| Clause 57A | Unauthorised installing of coin blanking plate | \$500 |
|------------|--|-------|