



New South Wales

Gaming Machines Regulation 2010

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*.

KEVIN GREENE, MP
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to remake, without any changes in substance, the provisions of the *Gaming Machines Regulation 2002* which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (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 harm minimisation measures, including requirements for staff to undertake responsible gambling training courses,
- (c) requirements relating to gaming machine threshold increase applications (including details relating to the provision of local impact assessments by venues seeking to increase their gaming machine numbers),
- (d) requirements in relation to gaming-related licences (such as gaming machine dealers' licences),
- (e) the regulation of intra-venue progressive gaming machines and systems,
- (f) the regulation of player cards and accounts,
- (g) gaming machine tickets issued by venues,
- (h) regulating the operation of the centralised monitoring system and the operation of linked inter-venue gaming systems,
- (i) the fees applicable to gaming-related licences and work permits and the transfer of poker machine entitlements,

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- (j) other matters of a procedural or administrative nature (including specifying the offences under the Act and the Regulation that may be dealt with by way of penalty notice).

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 2010

Part 1 Preliminary

Gaming Machines Regulation 2010

under the

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Gaming Machines Regulation 2010*.

2 Commencement

This Regulation commences on 1 September 2010 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Gaming Machines Regulation 2002* which is repealed on 1 September 2010 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

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

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

- (a) approved by the Authority at the time of grant of the technician's licence, or
- (b) subsequently approved by the Authority 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.

4 Definition of "subsidiary equipment"

For the purposes of the definition of *subsidiary equipment* in section 4 (1) of the Act, the following equipment, devices and systems are prescribed:

- (a) a player reward scheme within the meaning of section 45 of the Act,
- (b) a cash-back terminal,
- (c) any device used to display the rules relating to approved gaming machines (including multi-terminal gaming machines).

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Clause 5 Gaming Machines Regulation 2010

Part 2 Regulation and management of gaming machines—general provisions

Part 2 Regulation and management of gaming machines—general provisions

5 Limitation on types of gaming machines in hotels

- (1) The Authority 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: 50 penalty units.
- (3) The Authority 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 Authority 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 Authority may allow.

7 Transfer of Authority's functions to CMS licensee

- (1) In accordance with section 67 of the Act, any function of the Authority 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 Authority's functions that would result in an approved gaming machine being required to be withdrawn from operation unless the CMS licensee has the Authority's approval to do so.
- (3) In exercising the functions of the Authority 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 Authority, and
 - (b) make such reports to the Authority with respect to the authorisation of approved gaming machines as may be required by the Authority, and
 - (c) comply with such directions as may be issued by the Authority.

- (4) Compliance with subclause (3) is a condition of the CMS licence.

8 Hotel gaming rooms

- (1) In accordance with section 68 of the Act, this clause only applies in respect of a hotel 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 bar area of the hotel, and it must not be in a part of the hotel in respect of which a minors area authorisation under section 121 of the *Liquor Act 2007*, or a minors functions authorisation under section 122 of that Act, is in force,
 - (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,

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Part 2 Regulation and management of gaming machines—general provisions

- (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.

9 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 bar area (within the meaning of the *Liquor Act 2007*) 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 2007* in the bar 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 Authority.

10 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.

11 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 on the premises of the club, the hotelier or club:

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

12 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 on the premises of the club to a player who is entitled to the prize (the *prizewinner*) on request by the prizewinner 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*.

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Part 2 Regulation and management of gaming machines—general provisions

- (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 13 (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.

13 Other requirements relating to prizes

- (1) A hotelier or registered club must not, except with the Authority's approval, vary the prize schedule of any approved gaming machine kept in the hotel or on the premises of the club.
- (2) A hotelier or registered club must not permit an approved gaming machine kept in the hotel or on the premises of the 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.

- (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 Authority 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.

14 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 on the premises of 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.

15 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.

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Part 2 Regulation and management of gaming machines—general provisions

16 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 on the premises of 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 Authority, 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 Authority, of:
 - (a) any special account established under subclause (1) (a), or
 - (b) any guarantee obtained under subclause (1) (b).Maximum penalty: 50 penalty units.

17 Clubs required to record certain information in relation to gaming machines

- (1) A registered club must ensure that the requirements of this clause are complied with to the extent that they apply to the club.
Maximum penalty: 50 penalty units.
- (2) A registered club must, at monthly intervals, record the following information in respect of each approved gaming machine kept on the premises of the club:
 - (a) a cash flow analysis,
 - (b) a comparison of cancelled credit and 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.

- (3) The cash flow analysis must be in or to the effect of a form approved by the Director-General.
- (4) The information contained in a record referred to in subclause (2) must be reported to the club's board or committee at monthly intervals.
- (5) If a meter of an approved gaming machine kept on the premises of a registered club ceases to function or malfunctions, the club must cause it to be repaired as soon as practicable after it so ceases to function or malfunctions.

18 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 on the premises of the club, a record in or to the effect of a form approved for the purpose by the Authority 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.

19 Record of work done by technicians

For the purposes of section 76B of the Act:

- (a) the following work is prescribed:
 - (i) the installation of an approved gaming machine,
 - (ii) the servicing or repair of an area or part of an approved gaming machine that is an area or part referred to in section 77 (1) of the Act,
 - (iii) the servicing or repair of an approved gaming machine that involves the resetting of an electronic meter, and
- (b) the details required to be recorded are as follows:
 - (i) the date the work was carried out,
 - (ii) the technician's name and licence number,
 - (iii) the name and serial number of the gaming machine on which the work was carried out.

20 Clearance and refilling of gaming machines in clubs

- (1) A registered club must ensure that the approved gaming machines kept on the premises of the club are cleared of money by at least 2 of the following persons:
 - (a) an authorised person within the meaning of Part 7,

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Part 2 Regulation and management of gaming machines—general provisions

- (b) the holder of a gaming-related licence who is exercising functions authorised by the licence,
 - (c) an inspector.
- (2) A registered club must cause to be kept a written record, with respect to each clearance of an approved gaming machine kept on the premises of 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.
- (3) A registered club must ensure that approved gaming machines kept on the premises of 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) an inspector.
- (4) A registered club must cause to be kept a written record, with respect to each refill of an approved gaming machine kept on the premises of 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 signature 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 on the premises of the club.
Maximum penalty: 50 penalty units.
- (2) The notices must contain the following:
 - (a) in respect of a notice displayed in accordance with subclause (3) (a):
Think! What are the odds of hitting the jackpot? Your chance of hitting the jackpot on a gaming machine is no better than a million to one.
 - (b) in respect of a notice displayed in accordance with subclause (3) (b):
What are the odds of hitting the jackpot? No better than a million to one.
- (3) The notices must be:
 - (a) displayed in each part of the hotel, or each part of the premises of the 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 part of the premises of the club, in which the notices are displayed would be alerted to their contents, and
 - (b) displayed on each approved gaming machine kept in the hotel or on the premises of the club.
- (4) Any such notice that is required to be displayed on an approved gaming machine must be positioned so as to enable a person to clearly see the notice while playing the gaming machine.
- (5) The notices must be in a form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

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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 Gambling Help line phone number operated under contractual arrangements made by the NSW Office of Liquor, Gaming and Racing.
- (2) The Authority may approve one or more pamphlets or brochures containing player information in the English language (a *player information brochure*).
- (3) The Authority may approve one or more pamphlets or brochures containing advice in the Arabic, Chinese, Korean, 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 Authority may approve one or more pamphlets or brochures (a *community language player information brochure*) containing player information in the Arabic, Chinese, Korean, Turkish and Vietnamese languages.
- (6) The Authority 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 Authority 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 each part of the premises of the 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 part of the premises of the club, in which the brochures are required to be available would be alerted to their presence.
- (4) The brochures must be in a form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

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.
- (3) The brochures must be in a form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

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 (6).
problem gambling notice is a notice containing the matter required by subclause (7).
- (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.
- (3) The gambling warning notice and problem gambling notice must be displayed on each approved gaming machine kept in the hotel or on the premises of the club.
- (4) Each such notice must be positioned so as to enable a person to clearly see the notice while playing the gaming machine.
- (5) 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

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machine, provided that the requirements of this clause in relation to the gambling warning notice and the problem gambling notice are otherwise complied with.

- (6) The statements referred to in the definition of *gambling warning notice* in subclause (1) are as follows:
- Think! About tomorrow
 - Think! About your choices
 - Think! About getting help
 - Think! About your family
 - Think! About your limits
- (7) The notice referred to in the definition of *problem gambling notice* in subclause (1) must contain the following:
- Think! About your choices
 - Call Gambling Help
 - 1800 858 858
 - www.gamblinghelp.nsw.gov.au
- (8) The notices may be attached to an approved gaming machine or may consist of a permanently visible light emitting display that forms part of the gaming machine.
- (9) The notices must be in a form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

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 the premises of the 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 the premises of the 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:
Think! About your choices
Gambling More, enjoying it less?
For free and confidential information and advice about problem gambling, please contact Gambling Help
1800 858 858
www.gamblinghelp.nsw.gov.au
- (3) The notice must be in a form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

27 Signage to be displayed on ATMs and cash-back terminals

- (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 on each automatic teller machine (*ATM*) or cash-back terminal installed in the hotel or on the premises of the club.
Maximum penalty: 50 penalty units.
- (2) The notice must be positioned so as to enable a person to clearly see the notice while using the ATM or cash-back terminal.
- (3) The notice must contain the following:
Think! About your choices
Call Gambling Help
1800 858 858
www.gamblinghelp.nsw.gov.au
- (4) Subclause (2) does not prevent a notice under this clause containing other information.
- (5) In the case of a cash-back terminal that can be operated by means of a player card, the notice must also contain the following:
Your player activity statement is available from the cashier
- (6) The matter contained in the notice must be in letters and figures of not less than 0.2 centimetres in height.
- (7) The notice may be attached to an ATM or cash-back terminal or may consist of a permanently visible light emitting display that forms part of the ATM or cash-back terminal.

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

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part of the premises of the 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 premises of the 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 hotel 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 hotel 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 \$2,000:
 - (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.

- (2) If the total prize money payable to a person exceeds \$2,000, a hotelier or registered club must, if the person so requests, pay the whole of the total prize money 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 monetary value of credits displayed on an approved gaming machine at the end of a session of play on that machine. To avoid doubt, the total monetary value of credits is not subject to any deduction for the value of money inserted into the machine by the player.

31 Requirements relating to prize winning cheques

The following statement is prescribed for the purposes of section 47B (b) of the Act:

Prize winning cheque—cashing rules apply

32 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 a part of the premises of the club, in which approved gaming machines are located.

Maximum penalty: 50 penalty units.

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33 Exemption

- (1) The Authority may, in accordance with guidelines approved by the Minister, exempt a hotelier or registered club in writing from the operation of clause 29 or 32.
- (2) The exemption may be limited in duration and may be subject to such conditions as may be specified in the exemption.
- (3) The Authority 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 Gaming machine threshold scheme

34 Interpretation

- (1) In this Division:
 - LIA guidelines* means the guidelines (as in force from time to time) that are issued by the Authority for the purposes of this Division.
 - threshold increase application* means an application under section 34 of the Act.
 - venue* (or *relevant venue*), in relation to a threshold increase application, means the hotel or club premises to which the application relates.
- (2) For the purposes of this Division, the *internal floor space* of a venue includes any outdoor dining area or other unenclosed seating area.
- (3) For the purposes of this Division, a reference to a new club includes a reference to a club whose premises are removed under the *Liquor Act 2007* to other premises (whether or not in the same neighbourhood as the previous premises).

Note. The definition of *new hotel* in the Act includes a hotel to which a licence is removed under the *Liquor Act 2007*.

35 Threshold increase ranges

For the purposes of section 35 of the Act:

- (a) a low-range increase is any number from 1 to 20, and
- (b) a mid-range increase is any number from 21 to 40, and
- (c) a high-range increase is any number above 40.

36 Threshold increase applications—general requirements

- (1) A threshold increase application must:
 - (a) specify the internal floor space (in square metres) of the venue, and

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- (b) in the case of an application made by or in relation to a new hotel or new club—provide a map showing the location of the venue and the location of any school, place of public worship or hospital within 200 metres of the venue.
 - (2) The gaming machine threshold for a new hotel or the premises of a new club cannot be increased if the hotel or club premises are situated in the immediate vicinity of a school, place of public worship or hospital.
 - (3) In the case of a threshold increase application by a registered club, the application must, if the club is proposing to increase the gaming machine threshold for the venue to a number above 450 and the application is not required to be accompanied by a local impact assessment because of section 35 (2) of the Act, demonstrate the following to the satisfaction of the Authority:
 - (a) that consideration has been given to assessing the impact of the additional gaming machines on the amenity of the local area and the action that will be taken to manage any negative impact,
 - (b) that appropriate harm minimisation and responsible gambling measures (in addition to those already required by law) are in place at the venue,
 - (c) that the proposed increase will result in additional benefits to club members or the community.

37 Threshold increase applications—consultation requirements

- (1) This clause applies in relation to a threshold increase application that is required to be accompanied by a class 2 LIA.
- (2) Before any such threshold increase application is made, the proposed applicant must notify each of the following about the proposed application:
 - (a) the local council for the area in which the relevant venue is situated,
 - (b) the local police,
 - (c) the Council of Social Service of New South Wales,
 - (d) the area health service for the area in which the relevant venue is situated,
 - (e) any organisation that is located in the local government area in which the relevant venue is situated and that receives funding from the Responsible Gambling Fund under the *Casino Control Act 1992* for the specific purpose of providing gambling-related counselling or treatment services.

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- (3) The notice must specify the following:
 - (a) the name and address of the venue,
 - (b) an explanation of the nature of the proposed application,
 - (c) the contact details of the person to whom submissions or inquiries about the proposed application may be made,
 - (d) the date on which the proposed application is intended to be made to the Authority.
- (4) If the threshold increase application is made to the Authority, the class 2 LIA that is provided with the application must include a report on the results of the consultation process under subclause (1). Such a report is to include details of any meetings or discussions held in relation to the proposed application and the outcomes of those meetings or discussions.

38 Class 1 LIA—information to be provided

A class 1 LIA must include the following:

- (a) if the threshold increase application to which the LIA relates is made in relation to a new hotel or a new club—a map showing the location of the venue and the location of any school, place of public worship or hospital within 200 metres of the venue,
- (b) details of the benefits that the venue will provide to the local community if the threshold increase application is approved,
- (c) details of the harm minimisation and responsible gambling measures that are in place at the venue.

39 Class 2 LIA—information to be provided

(1) General information

A class 2 LIA must include the following information:

- (a) the gaming machine threshold for the venue and the number by which it is proposed to be increased,
- (b) the name, address and licence number of the venue,
- (c) the name of the local government area in which the venue is situated and the name of any other local government area within 5 kilometres of the venue,
- (d) a map of the area within a radius of 1 kilometre of the venue that shows the location of the venue and the location and name of any of the following that are situated in that area:
 - (i) any other licensed premises,
 - (ii) any school, hospital or place of public worship,

- (iii) any sporting or community facility,
- (e) the name and address of the owner of the business carried on under the licence for the venue (referred to as *the business owner*),
- (f) the contact details of the business owner or person representing the business owner.

(2) **Specific information about the relevant venue**

A class 2 LIA must include the following information:

- (a) a description of the facilities provided by the venue and the activities conducted at the venue,
- (b) the trading hours of the venue,
- (c) details (including a floor plan) of the area or areas of the venue set aside or proposed to be set aside for playing gaming machines,
- (d) a current patron profile (based on a survey of patrons conducted in accordance with the LIA guidelines) that shows the distribution of places of residence, gender, occupation and age of patrons and other relevant information (such as cultural or ethnic background) relating to the venue's patrons,
- (e) an outline of any expected increase in patronage should the threshold increase application be approved,
- (f) details of appropriate harm minimisation and responsible gambling measures (in addition to those already required by law) that are in place at the venue.

(3) **Gaming machine data and social profile information**

A class 2 LIA must include the following information (as provided to the applicant by the NSW Office of Liquor, Gaming and Racing):

- (a) information relating to gaming machines and poker machine entitlements in the relevant area for the venue,
 - (b) demographic and other social and economic information relating to the relevant area for the venue.
- (4) For the purposes of subclause (3), the *relevant area* for a venue is:
- (a) the local government area in which the venue is situated, and
 - (b) any other local government area within 5 kilometres of the venue.

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(5) **Assessment**

A class 2 LIA must:

- (a) specify the positive impact (both social and economic) that the proposed increase in the gaming machine threshold for the relevant venue will have on the local community (including details of the benefits that the venue will provide), and
 - (b) specify any negative social or economic impact that the proposed increase may have on the local community and the action that will be taken to address that impact.
- (6) For the purposes of subclause (5), the **local community** comprises the following:
- (a) the people in the area (or in the group) from which the persons using the services and facilities of the venue concerned are likely to be drawn,
 - (b) the people in the area (or in the group):
 - (i) that is to derive, or that the Authority considers is likely to derive, social or economic benefit if the threshold increase application is approved, or
 - (ii) that is to suffer, or that the Authority considers is likely to suffer, social or economic detriment if the threshold increase application is approved.

40 Provision of class 1 LIA in relation to amalgamated club premises in certain circumstances

- (1) A local impact assessment that is required to be provided with a threshold increase application by a parent club in relation to its main premises is to be a class 1 LIA if:
- (a) the gaming machine threshold of the main premises is being increased as a result of the transfer of poker machine entitlements from the premises of the dissolved club, and
 - (b) the premises of the dissolved club are situated within a radius of 5 kilometres of the main premises of the parent club, and
 - (c) trading on the premises of the dissolved club has ceased permanently.
- (2) In this clause:
- dissolved club**, in relation to the amalgamation of registered clubs, means the club whose club licence is transferred under section 60 of the *Liquor Act 2007* to another registered club.
- main premises** of a parent club means the premises that are, in the opinion of the Authority, the main premises of the club.

parent club, in relation to the amalgamation of registered clubs, means the registered club to which the club licence of another club is transferred under section 60 of the *Liquor Act 2007*.

- (3) This clause has effect despite section 35 (4) of the Act.

41 Consultation and advertising requirements

- (1) This clause applies in relation to a threshold increase application if a local impact assessment is required to be provided with the application.
- (2) If such an application is made to the Authority, the applicant must, within 2 working days of making the application:
- (a) provide a copy of the application and the LIA to each of the following:
 - (i) the local council for the area in which the relevant venue is situated,
 - (ii) the local police, and
 - (b) notify each of the following that the application has been made, that the LIA has been provided with the application and that the application and the LIA may be inspected on the website of the NSW Office of Liquor, Gaming and Racing:
 - (i) the Council of Social Service of New South Wales,
 - (ii) the area health service for the area in which the relevant venue is situated,
 - (iii) any organisation that is located in the local government area in which the relevant venue is situated and that receives funding from the Responsible Gambling Fund under the *Casino Control Act 1992* for the specific purpose of providing gambling-related counselling or treatment services.
- (3) The applicant must advise any such person or body referred to in subclause (2) that the person or body may, within 30 days after receiving (or being notified of) the application and the LIA, make a written submission to the Authority in relation to the application and the LIA.
- (4) In addition to subclause (2), the applicant must, within 2 working days of making the application:
- (a) place an advertisement in a local newspaper circulating in the area in which the relevant venue is situated, and
 - (b) display a notice in a conspicuous area outside the relevant venue (or on the perimeter of the site if the venue has not been built).

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- (5) The advertisement and notice must:
- (a) state that the application has been made and that the LIA has been provided with the application, and
 - (b) explain the nature of the application, and
 - (c) advise that the application and the LIA may be inspected on the website of the NSW Office of Liquor, Gaming and Racing, and
 - (d) advise that any person may make a submission to the Authority in relation to the application and the LIA within 30 days following the date on which the advertisement is published or the notice is displayed (as the case requires).

42 LIA not required with certain threshold increase applications relating to Liquor Act poker machine permits

- (1) A threshold increase application is not required to be accompanied by a LIA if:
- (a) the application is made together with an application under and in accordance with the arrangements referred to in clause 5 of Schedule 1 to the Act for the acquisition by the relevant venue of Liquor Act poker machine permits, and
 - (b) the relevant venue is situated in a Band 1 LGA and the threshold increase application, if approved, would not result in the gaming machine threshold for the venue being increased, over any period of 12 months, by a number that is more than the number corresponding to a low-range increase for the venue.
- (2) A threshold increase application is not required to be accompanied by a LIA if:
- (a) the Authority is satisfied that the proposed increase relates only to the use of Liquor Act poker machine permits that are, at the time of the application, held by the relevant venue in a dormant capacity, and
 - (b) the relevant venue is situated in a Band 1 LGA, and
 - (c) the threshold increase application, if approved, would not result in the gaming machine threshold for the venue being increased, over any period of 12 months, by a number that is more than the number corresponding to a low-range increase for the venue.
- (3) A threshold increase application is not required to be accompanied by a LIA if:
- (a) the gaming machine threshold for the relevant venue has been decreased as a result of the transfer of poker machine entitlements from the venue, and

- (b) the Authority is satisfied that the proposed increase in the venue's gaming machine threshold relates only to the use of Liquor Act poker machine permits that are, at the time of the application, held by the relevant venue in a dormant capacity, and
 - (c) the threshold increase application, if approved, would not result in the gaming machine threshold for the venue being increased by more than the number by which the threshold was decreased as a result of the transfer of poker machine entitlements from the venue.
- (4) For the purposes of subclauses (2) and (3), a Liquor Act poker machine permit is held in a dormant capacity if an approved gaming machine is not authorised to be kept under the Act in relation to the permit.

43 Restriction on approving threshold increase applications for small venues—floor space requirements

The Authority may not approve a threshold increase application:

- (a) in the case of a venue with an internal floor space of less than 250 square metres—if the approval would result in the gaming machine threshold for the venue being increased to more than 2, or
- (b) in the case of a venue with an internal floor space of more than 250 square metres but less than 300 square metres—if the approval would result in the gaming machine threshold for the venue being increased to more than 4, or
- (c) in the case of a venue with an internal floor space of more than 300 square metres but less than 350 square metres—if the approval would result in the gaming machine threshold for the venue being increased to more than 6, or
- (d) in the case of a venue with an internal floor space of more than 350 square metres but less than 400 square metres—if the approval would result in the gaming machine threshold for the venue being increased to more than 8.

44 Exemption from operation of section 37B (4) of the Act for club premises in retail shopping centres

- (1) For the purposes of section 37B (5) (a) of the Act, the prescribed number of shops is 40.

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- (2) If an application is granted under the *Liquor Act 2007* that results in the removal of a club licence, or the extension of the premises of a registered club, to premises that are part of a retail shopping centre, the registered club is exempt from the operation of section 37B (4) of the Act in relation to those premises if:
- (a) the club was occupying premises in that same retail shopping centre as at 2 April 2002, and
 - (b) patrons will not be able to gain access to the club's premises directly from the retail shopping centre, and
 - (c) the gaming machine threshold for the club's premises is no more than the gaming machine threshold for the club's premises immediately before the club licence was removed or the premises were extended.

45 Transitional provision—threshold increase applications by prospective hoteliers

- (1) The reference in section 34 (7) of the Act to premises that are the subject of an application for a licence under the *Liquor Act 2007* that has not yet been granted is taken to include a reference to premises that are the subject of an application that was made under the former *Liquor Act* before 1 July 2008, being an application that:
- (a) was conditionally granted before that date, or
 - (b) is, in accordance with clause 25 of Schedule 1 to the *Liquor Act 2007*, conditionally granted after that date.
- (2) In this clause:
former Liquor Act means the *Liquor Act 1982* as in force immediately before its repeal by the *Liquor Act 2007*.

Division 4 Miscellaneous

46 Gaming machine advertising and signs—exclusions

- (1) Any gaming machine advertising that appears:
- (a) in a gaming machine industry trade journal that is not ordinarily available to the general public, or
 - (b) in any promotional material provided by a registered club to a member of the club in accordance with subclause (4), or
 - (c) in a publication for a trade convention involving the gaming machine industry, or
 - (d) at a trade convention involving the gaming machine industry, or
 - (e) as part of an advertising campaign conducted by or on behalf of the State in relation to problem gambling, or

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- (f) as an accidental or incidental accompaniment to publishing of other matter and for which the person publishing the other matter does not receive any direct or indirect benefit (whether financial or not) for publishing the gaming machine advertising (in addition to any direct or indirect benefit that the person received for publishing the other matter), or
 - (g) in a publication advertising a public exhibition held at a State-owned museum or similar public institution, or
 - (h) in a publication advertising a touring public exhibition of gaming machines entitled “Gambling in Australia: thrills, spills and social ills” conducted by the Powerhouse Museum, or
 - (i) in the publication entitled “Responsible Gaming Machine Play” published by the Gaming Technologies Association in August 2008, or
 - (j) in the video presentation known as “Gaming Machine Information” produced by the Gaming Technologies Association in August 2008,

is excluded from the operation of section 43 of the Act.

- (2) 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.
- (3) 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,

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- (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.
- (4) A registered club may send (whether by post or electronic means) promotional material that contains gaming machine advertising (as referred to in section 43 (6) of the Act) to a member of the club but only if:
 - (a) the member has expressly consented to receiving the promotional material and that consent has not been withdrawn, and
 - (b) the promotional material contains a statement to the effect that player activity statements are available on request in accordance with clause 48, and
 - (c) the promotional material contains a problem gambling notice as referred to in clause 25, and
 - (d) the promotional material contains a statement to the effect that the member may at any time withdraw his or her consent to receiving any further promotional material, and
 - (e) the promotional material includes information or advertising apart from gaming machine advertising, and
 - (f) the club keeps a written record of the member's consent to receiving the promotional material.
- (5) Unless withdrawn by the member concerned, any such consent by a member of a registered club continues until the end of the membership period but may be renewed at the time the membership is renewed.
- (6) Any gaming machine advertising (including any such advertising that is also a gaming machine sign as referred to in section 44 of the Act) that:
 - (a) appears or is stated inside a hotel or on the premises of a 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.
- (7) If the name (including the registered business name) of a registered club, as at 2 April 2002, constitutes gaming machine advertising under section 43 of the Act or a gaming machine 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.
- (8) 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.

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- (9) An approved gaming machine does not, in itself, constitute gaming machine advertising for the purposes of section 43 of the Act or a gaming machine sign for the purposes of section 44 of the Act.

47 Display of outdoor signs advertising gaming machines

A person must not display or cause to be displayed any outdoor sign that advertises approved gaming machines.

Maximum penalty: 100 penalty units.

48 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.

- (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 Authority, 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,
 - (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*),

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- (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 a problem gambling notice as referred to in clause 25.
- (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 Authority.

49 Prohibition on certain promotional prizes

- (1) A hotelier or registered club must not offer or provide a promotional prize that is indecent or offensive.
Maximum penalty: 100 penalty units.
- (2) In this clause, *promotional prize* means any prize or reward connected with any promotional activity involving approved gaming machines.

50 Requirement to keep record or copy of player activity statement

A hotelier or registered club must keep a record or copy of any player activity statement made available by the hotelier or club (whether or not provided under section 45 (4) of the Act).

Maximum penalty: 50 penalty units.

51 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.

52 Provision of problem gambling counselling services

- (1) The 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 Responsible Gambling Fund under the *Casino Control Act 1992* for the specific purpose of providing gambling-related counselling or treatment services.
- (2) 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.

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- (3) The hotelier or registered club must also provide the information referred to in subclause (2):
 - (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.
- (4) A hotelier or registered club must display a notice that complies with subclause (5) in any part of the hotel, or part of the premises of the club, in which approved gaming machines are located.

Maximum penalty: 50 penalty units.
- (5) The notice must contain the following information:
 - (a) the name and contact details of the problem gambling counselling service referred to in subclause (2),
 - (b) a statement advising patrons that a self-exclusion scheme is available in the hotel or on the premises of the club for the benefit of patrons who wish to be prevented from entering or remaining in any nominated area of the hotel or premises of the club for the purposes of assisting patrons to control their gambling,
 - (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 on the premises of the club.

53 Self-exclusion schemes

- (1) For the purposes of section 49 of the Act, the prescribed requirements for the conduct of a self-exclusion scheme 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 a written and signed undertaking that he or she will not gamble in the hotel or on the premises of the 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 52 (2),

- (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 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.
- (2) The requirements prescribed by this clause constitute the minimum requirements for a self-exclusion scheme.
- (3) 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 on the premises of a registered club that is nominated by the person.

54 Provision of gambling contact cards

- (1) A hotelier or registered club must display gambling contact cards in a card holder that is securely attached to each bank of approved gaming machines and that is positioned so as to enable a person to clearly see the gambling contact cards:
- (a) while playing a gaming machine that is part of the bank of gaming machines, or
 - (b) when approaching the bank of gaming machines.
- Maximum penalty: 50 penalty units.
- (2) In this clause:
- card holder* means a clear, plastic, see-through container.
- gambling contact card* means a card displaying information in relation to:
- (a) self-exclusion from any area of a hotel or the premises of a registered club, and
 - (b) contact details for problem gambling help options,
- and that is in a form approved by the Authority and obtained from the NSW Office of Liquor, Gaming and Racing.

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55 Offering of inducements to gamble

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 on the premises of the 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 on the premises of the club by means of letter box flyers, shopper dockets or any other similar means, or
- (c) offer or provide, as an inducement to play approved gaming machines in the hotel or on the premises of the club, any prize or free give-away that is indecent or offensive.

Maximum penalty: 50 penalty units.

56 Notices relating to gaming machine areas in clubs

- (1) A notice that complies with clause 33 of the *Liquor Regulation 2008* must be conspicuously displayed in each gaming machine area of a registered club.
- (2) If subclause (1) 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.

57 Location of jackpot prize monitors for linked gaming systems under Part 10 of Act

- (1) A hotelier or registered club must not permit any monitor that is used to display the jackpot prize from a linked gaming system operating in the hotel or on the club premises to be located in any part of the hotel or club premises other than:
 - (a) the bar area (within the meaning of the *Liquor Act 2007*) of the hotel or club premises, or
 - (b) in the case of a hotel that is required to have a gaming room under section 68 of the Act—the gaming room.

Maximum penalty: 50 penalty units.

- (2) In this clause:

linked gaming system means an authorised inter-hotel linked gaming system, or an authorised inter-club linked gaming system, within the meaning of Part 10 of the Act, but does not include an authorised progressive system within the meaning of Part 5 of this Regulation.

58 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 on the premises of a 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).

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

- (1) The Authority 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 Authority is satisfied that the hotelier or the secretary of the club has satisfactorily completed the approved training course.

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Part 3 Responsible gambling practices and other harm minimisation measures

- (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 on the premises of the 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 Authority for the purposes of the provision concerned and conducted by a training provider approved by the Authority under clause 60.
- (6) The Authority may, for the purposes of a provision of this clause, approve any course of training that the Authority considers will promote responsible practices in the conduct of activities involving approved gaming machines in hotels and registered clubs.

60 Approval of training providers

- (1) A registered training organisation may apply to the Authority to be approved as a training provider for the purposes of clause 59.
- (2) An application under subclause (1) must be accompanied by a fee of \$995.
- (3) The Authority may, after considering an application for approval:
 - (a) grant the application, or
 - (b) refuse the application.
- (4) The Authority may impose conditions on an approval.
- (5) In addition to any conditions imposed by the Authority 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 Training and Assessment awarded by a registered training organisation, or have such other qualification as the Authority 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 Authority considers to be equivalent.
- (6) An approval under this clause is also subject to the following conditions:
 - (a) the approved training provider must issue each person who successfully completes an approved training course conducted by the training provider with a certificate (a *recognised RCG certificate*) that has been provided by the Authority to the training provider,
 - (b) the approved training provider must pay the Authority a fee of \$15 for each recognised RCG certificate provided by the Authority to the training provider.
- (7) If the Authority grants an approval, it must issue the applicant with a written approval that sets out any conditions to which the approval is subject.
- (8) If the Authority refuses an application for approval, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.
- (9) The Authority may vary any condition imposed by the Authority 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.
- (10) However, an opportunity to make submissions is not required to be given if the registered training organisation concerned no longer employs or engages a person who has the qualifications and experience referred to in subclause (5).
- (11) 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.
- (12) An approval under this clause does not have effect while it is suspended.
- (13) An approval under this clause may be renewed on application to the Authority and payment of a fee of \$550.

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Part 3 Responsible gambling practices and other harm minimisation measures

- (14) Unless it is sooner cancelled or is renewed, an approval under this clause ceases to have effect on 30 June following the date on which it is granted or renewed.
- (15) In this clause, **registered training organisation** has the same meaning as in the *Vocational Education and Training Act 2005*.

61 Hoteliers and clubs to keep register of recognised RCG certificates for staff

- (1) If a hotelier or registered club keeps any approved gaming machines, the hotelier or secretary of the club must:
 - (a) keep a register containing a copy of the recognised RCG certificate for each relevant staff member, and
 - (b) make the register available for inspection on request by a police officer or special inspector.

Maximum penalty: 50 penalty units.

- (2) In this clause:
relevant staff member, in relation to a hotel or registered club, means any person who is employed in the hotel or by the club and whose duties are concerned in the conduct of activities involving approved gaming machines in the hotel or on the club premises.

Part 4 Gaming-related licences

62 Submissions in relation to licence applications and applications for variation or revocation of licence conditions

- (1) Any submission to the Authority in relation to an application for a gaming-related licence, or an application for the variation or revocation of a condition of a gaming-related licence, must:
 - (a) specify details of the application to which the submission relates, and
 - (b) be made within 30 days of the date on which the application was made.
- (2) Despite subclause (1), the Authority may, in such cases as the Authority thinks fit, extend the period in which persons may make submissions in relation to any particular application or class of applications.

63 Applications by dealers

- (1) If an application is made to the Authority for a dealer's licence, the applicant must, within 2 working days of making the application, notify each of the following that the application has been made:
 - (a) the local police,
 - (b) the local consent authority,
 - (c) if the premises to which the application relates are, or will be, situated within 500 metres of the boundary of another local government area—the local consent authority for that other area.
- (2) The notice must be in the form, and be given in the manner, approved by the Authority.

64 Notice relating to applications by dealers to be fixed to premises

- (1) If an application is made to the Authority for a dealer's licence, a notice relating to the application that is in the form approved by the Authority must, within 2 working days of making the application, be fixed by the applicant to the premises to which the application relates.
- (2) The notice must be fixed to the premises until such time as the application is determined by the Authority.
- (3) If premises have not been erected, the requirement to fix a notice relating to an application may be satisfied by fixing the notice to a notice board erected on the land on which it is proposed to erect the premises.

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Part 4 Gaming-related licences

- (4) A notice is not fixed to premises or land in accordance with this clause unless:
- (a) it is fixed to the 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 Authority has directed that it also be fixed in another specified position—it is also fixed in that other position.

65 Advertisement relating to applications by dealers to be published

- (1) If an application is made to the Authority for a dealer's licence, the 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 premises to which the application relates are located.
- (2) The advertisement must:
- (a) be published within 7 days of the date on which the application was made, and
 - (b) be in the form approved by the Authority.

66 Application for technician's licence

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

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

68 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.

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- (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.

69 Records and returns

- (1) A dealer must keep a record, in the form approved by the Authority, 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 Authority 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 Authority:
 - (i) those particulars, and
 - (ii) a certificate that they are true and correct.

Maximum penalty: 20 penalty units.

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Part 4 Gaming-related licences

70 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.

71 Dealers must notify Authority 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 Authority 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.

72 Technician's place of business

- (1) A technician must not, without the approval of the Authority, conduct the technician's business on or from premises other than the premises approved by the Authority, 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 Authority, or
 - (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.

73 Replacement of malfunctioning meters

A technician must not, except with the approval of the Authority, 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.

74 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.

75 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.

76 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.

77 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 Authority 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,

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Part 4 Gaming-related licences

- (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.

Part 5 Intra-venue progressive gaming machines and progressive systems

Division 1 Preliminary

78 Definitions

In this Part:

authorised progressive gaming machine means a progressive gaming machine which the Authority has authorised a hotelier or registered club to keep in the hotel or on the premises of the club.

authorised progressive system means a progressive system which the Authority has authorised a hotelier or registered club to operate in the hotel or on the premises of the 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 approved by the Director-General, and
- (c) is specially approved by the Authority for the purposes of this Part, and
- (d) has not been declared by the Authority 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 Authority, and
- (c) are specially approved by the Authority for the purposes of this Part, or are within a class of linked progressive systems of approved gaming machines specially approved by the Authority for the purposes of this Part, and
- (d) have not been declared by the Authority 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.

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Clause 79 Gaming Machines Regulation 2010

Part 5 Intra-venue progressive gaming machines and progressive systems

Division 2 General provisions

79 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 82 or 84.

Maximum penalty: 50 penalty units.

80 Display of information in relation to progressive systems

A hotelier or registered club must ensure that each approved gaming machine that is part of an authorised progressive system operated in the hotel or on the premises of club clearly indicates:

- (a) the progressive system to which the gaming machine is linked, and
- (b) the identifying number of the gaming machine in relation to the progressive system.

Maximum penalty: 50 penalty units.

81 Location of jackpot prize monitors for progressive systems

A hotelier or registered club must not permit any monitor that is used to display the jackpot prize from an authorised progressive system kept in the hotel or on the club premises to be located in any part of the hotel or club premises other than:

- (a) the bar area (within the meaning of the *Liquor Act 2007*) of the hotel or club premises, or
- (b) in the case of a hotel that is required to have a gaming room under section 68 of the Act—the gaming room.

Maximum penalty: 50 penalty units.

82 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.
- (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.

83 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 an inspector, or
- (d) has the prior written approval of the Authority to do so.

Maximum penalty: 50 penalty units.

84 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 Authority'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

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- (b) any accumulated progressive jackpot amounts are transferred to another authorised progressive gaming machine or other authorised progressive system in the hotel or on the premises of the 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 on the premises of the club, or
- (d) the Authority, in exceptional circumstances, approves of an alternative proposal to use any accumulated progressive jackpot amounts and the Authority 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 Authority in accordance with this Division.

85 Details to be provided to Authority in connection with 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 Authority.
- (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 (or such later time as may be approved by the Authority generally or in a particular case).

- (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.

86 Unclaimed jackpot prizes

- (1) If a jackpot prize won on any authorised progressive gaming machine or authorised progressive system kept or operated by a hotelier or registered club is not claimed by the prizewinner within the period of 12 months after the prize was won, the hotelier or registered club must, within 3 months after the end of that 12-month period, pay the amount of the unclaimed jackpot prize to the Director-General.

Maximum penalty: 50 penalty units.

- (2) Any amount paid to the Director-General under this clause is to be paid into the Community Development Fund.

Division 3 Provisions applying specifically to hoteliers

87 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.

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88 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 Authority:
 - (a) monthly, the electronic turnover meters 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 Authority.
- (5) If the reconciliation referred to in subclause (3) indicates that a malfunction has occurred with an authorised progressive gaming machine, the Authority 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 Authority in the form approved by the Authority within 21 days after the end of each instalment period.

89 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.
- (2) A hotelier must cause to be read and recorded in a form and manner approved by the Authority:
 - (a) monthly, the electronic turnover meters 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 Authority 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 Authority.
- (6) If the reconciliation referred to in subclause (3) indicates that a malfunction has occurred with an authorised progressive system, the Authority 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 Authority in a form approved by the Authority within 21 days after the end of each instalment period.

90 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 Authority,

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- 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 Authority, in order to guarantee the payment of prizes.
- (3) A hotelier must keep a written record, in a form approved by the Authority, 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 Authority in a form approved by the Authority within 21 days after the end of each instalment period.

Division 4 Provisions applying specifically to clubs

91 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 Authority:
- (a) monthly, the electronic turnover meters of the authorised progressive gaming machines kept on the premises of the club, 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 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 Authority 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.

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- (4) A registered club must carry out a monthly progressive jackpot reconciliation in respect of the authorised progressive machines kept on the premises of the club.
 - (5) The progressive jackpot reconciliation must be in or to the effect of a form approved by the Authority 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 Authority 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 on the premises of the club.

92 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.
- (2) A registered club must cause to be read and recorded in a form and manner approved by the Authority:
 - (a) monthly, the electronic turnover meters of the approved gaming machines comprising any authorised progressive system operated on the premises of 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 Authority 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.

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- (4) A registered club must carry out a monthly progressive jackpot reconciliation in respect of any authorised progressive system operated on the premises of the club.
- (5) The progressive jackpot reconciliation must be in or to the effect of a form approved by the Authority 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 on the premises of 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 Authority.
- (7) If the reconciliation referred to in subclause (4) indicates that a malfunction has occurred with an authorised progressive system on the premises of the club, the Authority 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.
- (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 on the premises of the club are, in any net analysis report, kept separate from the results of all other approved gaming machines on the premises of the club.

93 Guarantee of prize payments from authorised progressive machines and systems

If the prize pool on an authorised progressive gaming machine or authorised progressive system on the premises of 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

94 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 on the premises of the 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 on the premises of the 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.

95 Compliance with requirements of this Part

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

Maximum penalty: 50 penalty units.

96 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.
- (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.

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Part 6 Player cards and accounts

- (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 Gambling Help Line referred to in clause 25 (7) appears on the card.

97 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.

98 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.

99 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 Authority 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 Authority is satisfied that the hotelier or club has in place a system, as approved by the Authority, for the safeguarding of the money held or stored.

100 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.

101 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.

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Part 6 Player cards and accounts

- (3) The following information, provided in the form approved by the Authority, is the minimum information that must be included in a player activity statement for the period covered by the statement:
 - (a) the total amount of turnover by the player 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 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 on the premises of the club (*the daily record*),
 - (e) the total length of time that the person's player card was inserted in electronic payment gaming machines in the hotel or on the premises of the club during the monthly period.
- (4) 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.
- (5) 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.
- (6) 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.

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- (7) 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.
 - (8) 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.
 - (9) 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 Authority.

102 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.

103 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).
- (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.

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Part 6 Player cards and accounts

104 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 an 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.

Part 7 Gaming machine tickets

105 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.

106 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.

107 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.

108 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

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Part 7 Gaming machine tickets

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.

109 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 Authority 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 information contained in the problem gambling notice under clause 25.

110 Redemption of gaming machine tickets

- (1) A hotelier or registered club must designate (whether by signs or otherwise) a place in the hotel or on the premises of the 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.

111 Persons or machines that may 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 on the premises of the club to redeem gaming machine tickets.
- (6) Despite anything in this clause, gaming machine tickets issued in a hotel or on the premises of a registered club may be redeemed through the use of cash-back terminals approved, or of a class approved, by the Authority for the purposes of this subclause.

112 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.
- (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.

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- (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.

113 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.

114 Expiry of unclaimed gaming machine tickets

- (1) An unclaimed gaming machine ticket expires 12 months after the date on which it was issued and cannot be redeemed after it expires.
- (2) A hotelier or registered club must, for the period of at least 1 month immediately before the date on which an unclaimed gaming machine ticket is due to expire, post in a conspicuous place in the hotel or on the premises of the club a notice, in a form approved by the Authority, indicating:
 - (a) that the unclaimed gaming machine ticket is due to expire on the date specified in the notice, and
 - (b) that a claim in respect of the ticket cannot be made after it expires.
- (3) If an unclaimed gaming machine ticket is not redeemed before it expires, the hotelier or registered club must, within 3 months of the expiration of the ticket, pay to the Director-General the amount that the hotelier or club would have paid had the ticket been redeemed.
- (4) Any amount paid to the Director-General under this clause is to be paid into the Community Development Fund.

115 Records and other material

- (1) A record required by this Part must be in a form approved by the Authority.
- (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 an inspector during the period that they are required to be retained by the hotelier or club.

2010 No 476

Clause 116 Gaming Machines Regulation 2010

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

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

Division 1 Authorised CMS

116 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 Authority,
- (b) an inspector,
- (c) the Commissioner of Police,
- (d) the Director-General,
- (e) the Minister,
- (f) the hotelier or registered club from whom the CMS information has been acquired in the course of the operation of the authorised CMS,
- (g) 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),
- (h) 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),
- (i) 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).

117 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.

118 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 on the premises of any 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.

119 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.
- (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**120 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 Authority in accordance with this Division.

2010 No 476

Clause 121 Gaming Machines Regulation 2010

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

121 Application for special approval

- (1) A person may apply to the Authority for the Authority's special approval of a class of approved gaming machines for the purposes of Part 10 of the Act.
- (2) The Authority 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 Authority.
- (3) This clause does not:
 - (a) confer a right to have a class of approved gaming machines investigated, or
 - (b) prevent the Authority from terminating at its discretion an investigation of a class of approved gaming machines.

122 Approval process

- (1) The Authority 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 121.
- (2) The special approval of a class of approved gaming machines may be an interim approval pending final determination of an application under clause 121.
- (3) Without affecting the Authority's discretion, the Authority 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 Authority, the class of approved gaming machines concerned meets such technical standards as the Authority considers necessary to ensure gaming integrity,
 - (b) any guidelines issued by the Authority relating to linked gaming systems.

123 Revocation of special approval

- (1) The Authority may revoke the special approval of a class of approved gaming machines under this Division:
 - (a) if the Authority considers that it should do so in the public interest, or
 - (b) if the Authority is satisfied that any one of the approved gaming machines of the class so specially approved has been modified without the approval of the Authority, or
 - (c) for such other reason as the Authority thinks appropriate.
- (2) Subclause (1) (b) does not apply if, in the opinion of the Authority, 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.
- (3) Revocation of the Authority'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.

124 Submissions by applicant

- (1) The Authority may not:
 - (a) terminate the investigation of an application by a person for the Authority'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 Authority must serve on the applicant a notice in writing that:
 - (a) specifies the reasons why the Authority 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 Authority should not take that action.
- (3) The applicant may, within the period allowed by the notice, arrange with the Authority for the making of submissions to the Authority as to why the proposed action should not be taken. The Authority is to consider any such submissions.

2010 No 476

Clause 125 Gaming Machines Regulation 2010

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

- (4) After considering any submissions made by the applicant, or if no submissions are made, the Authority may proceed with the proposed action, or refrain from taking the proposed action.
- (5) The Authority'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

125 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

- (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.

126 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.

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.

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Clause 127 Gaming Machines Regulation 2010

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

Kinds of change	Particulars to be notified
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.

127 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 an 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 an 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
 - (c) to attend before the Minister or an 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 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 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.

128 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.

129 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.

2010 No 476

Clause 130 Gaming Machines Regulation 2010

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

- (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.

130 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 129, 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.

131 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.

132 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.

133 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.

2010 No 476

Clause 134 Gaming Machines Regulation 2010

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

134 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 133, 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.
- (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.

135 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.

136 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.

2010 No 476

Clause 137 Gaming Machines Regulation 2010

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

137 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.

138 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.
- (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.

139 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 127 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.

2010 No 476

Clause 140 Gaming Machines Regulation 2010

Part 9 Fees

Part 9 Fees

Division 1 Gaming-related licences and work permits

140 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.

141 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 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.

142 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.

143 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 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.

144 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).

145 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.

146 Application fee for variation or revocation of condition of gaming-related licence

For the purposes of section 104 (5) (b), the fee prescribed for an application by a licensee to vary or revoke a licence condition imposed by the Authority is:

- (a) in relation to a dealer's licence—\$200,
- (b) in relation to a seller's licence—\$50,
- (c) in relation to a technician's licence—\$50,
- (d) in relation to a testing facility licence—\$100.

Division 2 Other fees**147 Application for Authority'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.

2010 No 476

Clause 148 Gaming Machines Regulation 2010

Part 10 Miscellaneous provisions

Part 10 Miscellaneous provisions

148 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 on the premises of the club at any one time.

149 Exemption for Tabcorp to possess certain subsidiary equipment

Section 69 (1) of the Act does not apply to Tabcorp to the extent that it is in possession of subsidiary equipment that is used for the purposes of monitoring gaming machine operations in Victoria.

150 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 Authority 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.

151 Authority's approval

If the Authority 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 Authority:

- (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

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- (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.

152 Transitional provision—hardship applications (hotels)

The Board may proceed to deal with a hardship application (as referred to in section 26 of the Act) that has been made by a person other than a hotelier or prospective hotelier if the Board is satisfied that:

- (a) the person:
 - (i) has a financial interest in the hotel to which the application relates, or
 - (ii) made the application on behalf of a hotelier or prospective hotelier, and
- (b) the application would, had it been made by a hotelier or prospective hotelier, have been an application made in accordance with sections 26 and 27 of the Act.

153 General requirement for records to be kept for 3 years

- (1) A person who is required by the Act or 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 Authority 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.

154 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 4 (1) of the Act.

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- (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.

155 Exclusion of retail shopping centres with less than 40 shops

- (1) A retail shopping centre is excluded from the definition of *retail shopping centre* in section 4 (1) of the Act if:
- (a) the retail shopping centre comprises less than 40 shops, and
 - (b) the retail shopping centre contains or adjoins no more than one hotel or one registered club (or no more than one of each), and
 - (c) any such hotel or registered club:
 - (i) was part of (or was adjoining) the retail shopping centre as at 18 October 2002, or
 - (ii) has become part of (or has become adjoined to) the retail shopping centre as a result of the granting of an application under the *Liquor Act 1982* or the *Registered Clubs Act 1976* (being an application that was made on or before 28 March 2000 but not determined by that date).
- (2) Any threshold increase application under section 34 of the Act in respect of any such hotel or premises of a registered club must be accompanied by a class 2 LIA under section 35 of the Act.
- (3) Subclause (2) has effect despite anything to the contrary in section 35 of the Act.

156 Exclusion of unenclosed pedestrian malls from definition of “retail shopping centre”

An outdoor or unenclosed pedestrian mall consisting of:

- (a) a road that is closed to vehicular traffic, and
- (b) retail shops,

is excluded from the definition of *retail shopping centre* in section 4 (1) of the Act.

157 Denial of allegation as to age

For the purposes of section 194 (2) of the Act, an allegation in relation to any proceedings for an offence under the Act or this Regulation is denied as prescribed if it is denied:

- (a) at any adjournment prior to the commencement of the proceedings—by informing the court, the informant or a person appearing for the informant in writing of the denial, or

- (b) at any time not later than 14 days before the hearing of the charge—by informing the informant or a person appearing for the informant in writing of the denial.

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

159 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-General,
 - (b) the Casino, Liquor and Gaming Control Authority.
- (2) For the purposes of section 206 (5) (e) of the Act, a person who makes a threshold increase application under section 35 of the Act is prescribed, but only in relation to the disclosure of such information as is necessary to enable the person to provide a local impact assessment with the threshold increase application.

160 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 (Signage to be displayed on ATMs and cash-back terminals),
 - (g) clause 28 (Display of clocks),

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- (h) clause 29 (Prohibitions on dealings with cheques),
- (i) clause 30 (Payment of prize money by cheque or electronic funds transfer),
- (j) clause 32 (Location of cash dispensing facilities away from gaming machines),
- (k) clause 55 (Offering inducements to gamble),
- (l) clause 58 (Publicity for prizewinners).

161 Penalty notice offences

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
- (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 2 of Schedule 3.

162 Savings provision—construction of certain references to Licensing Court and Liquor Administration Board

A reference to the Licensing Court or to the Liquor Administration Board in the arrangements referred to in clause 5 of Schedule 1 to the Act is to be construed as a reference to the Authority.

163 General savings provision

- (1) Any act, matter or thing that, immediately before the repeal of the *Gaming Machines Regulation 2002*, had effect under that Regulation is taken to have effect under this Regulation.
- (2) Without limiting subclause (1), the Authority may, despite the repeal of clause 8B of the *Gaming Machines Regulation 2002*, allocate poker machine entitlements under section 15AA of the Act in respect of a venue if the requirements of that clause were complied with in relation to the venue.

Schedule 1 Gaming-related licensees—prescribed changes and particulars

(Clause 76)

Column 1	Column 2
Prescribed change	Prescribed particulars
A change in:	Particulars of those matters as changed.
(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.	
In the case of a seller or technician, a change in the business address of the seller or technician.	Particulars of the address as changed.
The commencement, settlement, discontinuance or finalisation of civil or criminal proceedings to which the licensee is a party.	Particulars of: <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>).
A change consisting of:	Particulars giving:
(a) the obtaining of judgment against the licensee, or	(a) the terms of the judgment or charge, and
(b) the creation of a charge over any property of the licensee, or	(b) the reasons for and circumstances of the repossession, and
(c) repossession of any property of the licensee.	(c) a description of the property affected.

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Schedule 1 Gaming-related licensees—prescribed changes and particulars

Column 1	Column 2
Prescribed change	Prescribed particulars
The licensee:	Particulars of:
(a) becomes bankrupt, or	(a) the terms, and
(b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or	(b) the date, of the bankruptcy, application, compounding, assignment, compromise or scheme of arrangement.
(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.	
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 154)

The boundary referred to in clause 154 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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Schedule 3 Penalty notice offences

Schedule 3 Penalty notice offences

(Clause 161)

Offences under the Act

Column 1	Column 2
Offence	Penalty
Section 39 (1)	\$1,100
Section 40 (2)	\$1,100
Section 40A (2)	\$1,100
Section 41 (4)	\$1,100
Section 43 (1) and (3)	\$1,100
Section 44 (1) and (3)	\$1,100
Section 44A (2)	\$550
Section 45 (2) and (4)	\$1,100
Section 46 (1) and (3)	\$1,100
Section 47A (1)	\$1,100
Section 47B	\$550
Section 47C (1)	\$1,100
Section 49 (3)	\$1,100
Section 50 (1)	\$55
Section 51 (1)	\$550
Section 52 (1)	\$55
Section 52 (2)	\$550
Section 52 (3)	\$220
Section 53 (2) (a)	\$55
Section 53 (2) (b)	\$110
Section 56 (1)	\$1,100
Section 57 (2)	\$550
Section 59 (5)	\$1,100
Section 61 (4)	\$1,100
Section 68	\$1,100
Section 69 (1)	\$1,100

Column 1	Column 2
Offence	Penalty
Section 69A (2) and (3)	\$1,100
Section 70 (1)	\$1,100
Section 71 (1), (2) and (4)	\$1,100
Section 71 (3)	\$550
Section 75	\$1,100
Section 76 (1)	\$1,100
Section 76A (1)	\$1,100
Section 76B (1)	\$550
Section 77 (1), (2), (3) and (5)	\$1,100
Section 77 (2A) and (2C)	\$110
Section 78	\$1,100
Section 79 (1)	\$550
Section 84 (1) and (2)	\$1,100
Section 85 (1) and (4)	\$1,100
Section 92	\$220
Section 104 (2)	\$1,100
Section 106 (3) and (4)	\$550
Section 109 (2)	\$55
Section 121 (1)	\$1,100
Section 122	\$550
Section 123	\$220
Section 124	\$220
Section 125	\$220
Section 126 (1)	\$220
Section 133 (1), (2) and (4)	\$1,100
Section 133A (1)	\$1,100
Section 133A (3)	\$110
Section 134 (1)	\$1,100
Section 135	\$1,100

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Gaming Machines Regulation 2010

Schedule 3 Penalty notice offences

Column 1	Column 2
Offence	Penalty
Section 139 (1)	\$550
Section 139 (2)	\$1,100
Section 146	\$1,100
Section 151	\$1,100
Section 156A (1) and (3)	\$1,100
Section 158	\$1,100
Section 158A	\$1,100
Section 199 (2)	\$220

Offences under this Regulation

Column 1	Column 2
Offence	Penalty
Clause 5 (2)	\$550
Clause 9	\$1,100
Clause 11	\$550
Clause 12 (1)	\$1,100
Clause 13	\$550
Clause 14	\$550
Clause 16	\$550
Clause 17 (1)	\$550
Clause 18 (1)	\$550
Clause 20	\$550
Clause 21 (1)	\$550
Clause 23 (1)	\$550
Clause 24 (2)	\$550
Clause 25 (2)	\$550
Clause 26 (1)	\$550
Clause 27 (1)	\$550
Clause 28	\$550
Clause 29	\$550

Column 1	Column 2
Offence	Penalty
Clause 30	\$550
Clause 32	\$550
Clause 47	\$1,100
Clause 49	\$1,100
Clause 50	\$550
Clause 51	\$1,100
Clause 52 (4)	\$550
Clause 54	\$550
Clause 55	\$550
Clause 56 (2)	\$550
Clause 57	\$550
Clause 58 (1)	\$550
Clause 59 (2)–(4)	\$550
Clause 61	\$550
Clause 67 (1)	\$550
Clause 68	\$220
Clause 69	\$220
Clause 70	\$220
Clause 71	\$550
Clause 72 (1)	\$220
Clause 73	\$220
Clause 77	\$220
Clause 79	\$550
Clause 80	\$550
Clause 81	\$550
Clause 82	\$550
Clause 83	\$550
Clause 84 (1) and (2)	\$550
Clause 85 (1)	\$550

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Schedule 3 Penalty notice offences

Column 1	Column 2
Offence	Penalty
Clause 86 (1)	\$500
Clause 87	\$550
Clause 88 (1)	\$550
Clause 89 (1)	\$550
Clause 90 (1)	\$550
Clause 91 (1)	\$550
Clause 92 (1)	\$550
Clause 93	\$550
Clause 95	\$550
Clause 102	\$550
Clause 104	\$1,100
Clause 106	\$550
Clause 118	\$550
Clause 119	\$550
Clause 127 (3)	\$550
Clause 128 (2)	\$550
Clause 130 (2)	\$550
Clause 133 (3)	\$550
Clause 134 (2)	\$550
Clause 135 (3)	\$550
Clause 138 (2)	\$550
Clause 153 (2)	\$220
