



New South Wales

Gaming Machines Amendment (Miscellaneous) Regulation 2015

under the

Gaming Machines Act 2001

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

TROY GRANT, MP
Minister for Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) to remove the requirement that a faulty gaming machine be repaired as soon as practicable (the primary requirement that the machine be removed from play is retained),
- (b) to amend the prescribed limit for prizes comprising liquor to reflect the differing concentrations of alcohol,
- (c) to require only one employee or authorised person (instead of two) to sight the number of credits won and sign the written record relating to prizes kept by clubs,
- (d) to increase the amount above which prize money must be paid by crossed cheque or electronic funds transfer,
- (e) to change the minimum period of self-exclusion from a hotel or club from 3 months to 6 months,
- (f) to provide for the payment of accumulated jackpot amounts that are not won into the Community Development Fund or ClubGRANTS Fund (as an alternative to existing options),
- (g) to ensure consistency between Smartcard limits and limits for player accounts,
- (h) to simplify record-keeping requirements and administrative processes,
- (i) to make other miscellaneous amendments of a law revision nature or that are consequential on advances in gaming machine technology.

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

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1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (Miscellaneous) Regulation 2015*.

2 Commencement

This Regulation commences on 3 July 2015 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Gaming Machines Regulation 2010

- [1] **The whole Regulation (except where otherwise amended by this Schedule)**
Omit “Director-General” wherever occurring. Insert instead “Secretary”.
- [2] **Clause 3 Definitions**
Insert in alphabetical order in clause 3 (1):
Secretary means the Secretary of the Department of Justice.
- [3] **Clause 4 Definition of “subsidiary equipment”**
Omit clause 4 (a). Insert instead:
(a) a device or interface that connects a gaming machine to:
(i) a player reward scheme within the meaning of section 45 of the Act, or
(ii) a system relating to a promotional prize within the meaning of section 45 of the Act,
- [4] **Clause 11 Faulty gaming machines**
Omit “rectified, and” from clause 11 (c). Insert instead “rectified.”.
- [5] **Clause 11 (d)**
Omit the paragraph.
- [6] **Clause 12 General requirement to award or pay prizes**
Omit clause 12 (5) (a). Insert instead:
(a) more than the following total amount of liquor:
(i) in the case of liquor with an alcohol content not exceeding 20% by volume, 20 litres, or
(ii) in the case of liquor with an alcohol content exceeding 20% by volume, 5 litres, or
- [7] **Clause 14 Records relating to prizes to be kept by clubs**
Omit “the prize-winning combination or” from clause 14 (c).
- [8] **Clause 14 (f)**
Omit the paragraph. Insert instead:
(f) the name and signature of an employee or person authorised by the club certifying that the employee or person has sighted the number of credits and that the record made in accordance with this clause is correct in all details.
- [9] **Clause 17 Clubs required to record certain information in relation to gaming machines**
Omit “and jackpot wins” from clause 17 (2) (b).

[10] Clause 17 (5)

Omit the subclause. Insert instead:

- (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 removed from play immediately and cause a notice to be attached to it indicating that it is faulty.

[11] Clause 19 Record of work done by technicians

Insert at the end of the clause:

- (2) A technician who carries out work described in subclause (1) (a) must provide a written description of that work to the relevant hotelier or registered club as soon as practicable after completion of the work.
Maximum penalty: 20 penalty units.

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

Insert after clause 20 (4) (d):

- (e) the amount refilled.

[13] Clause 25 Dangers of gambling—notice to be displayed on gaming machines

Omit “Think! About your choices” from clause 25 (7).

[14] Clause 30 Payment of prize money by cheque or electronic funds transfer

Omit “\$2,000” wherever occurring in clause 30 (1) and (2). Insert instead “\$5,000”.

[15] Clause 30 (3)

Insert in alphabetical order:

account means an account with a financial institution.

[16] Clause 39 Class 2 LIA—information to be provided

Omit clause 39 (3). Insert instead:

(3) Gaming machine data and social profile information

A class 2 LIA must include the following information:

- (a) information relating to gaming machines and gaming machine entitlements in the relevant area for the venue (as provided to the applicant by the Authority),
- (b) demographic and other social and economic information relating to the relevant area for the venue (as obtained by the applicant from the Australian Bureau of Statistics).

[17] Clause 46 Gaming machine advertising and signs—exclusions

Insert at the end of clause 46 (4) (f):

- , and
- (g) the member is not a participant in a self-exclusion scheme with the club.

[18] Clause 46 (8)

Insert “or licensed auctioneer” after “dealer”.

[19] Clause 53 Self-exclusion schemes

Omit “3 months” from clause 53 (1) (g). Insert instead “6 months”.

[20] Clause 55 Offering of inducements to gamble

Insert “, or cause or permit to be offered or supplied,” after “offer or supply” in clause 55 (a).

[21] Clause 55 (b)

Insert “, or cause or permit to be offered,” after “offer”.

[22] Clause 55 (c)

Insert “, or cause or permit to be offered or provided” after “offer or provide”.

[23] Clause 58 Publicity for prizewinners

Omit “gambling-related” from the note to clause 58 (1). Insert instead “gaming machine”.

[24] Clause 78 Definitions

Omit “Director-General” from paragraph (b) of the definition of *progressive gaming machine*.

Insert instead “Authority”.

[25] Clause 82 Malfunction of progressive gaming machines or progressive systems

Omit clause 82 (2). Insert instead:

- (2) In the event of such malfunction, the hotelier or club must cause the gaming machine or system to be removed from play immediately and cause a notice to be attached to the gaming machine or system indicating that it is faulty.

[26] Clause 82 (3)

Omit “and to be repaired as soon as practicable”.

[27] Clause 84 Disposal of authorised progressive gaming machines or systems

Omit clause 84 (2) (c). Insert instead:

- (c) any accumulated progressive jackpot amounts are paid to the Secretary,
or

[28] Clause 84 (3)

Omit the subclause. Insert instead:

- (3) An amount paid to the Secretary under subclause (2) (c) is:
 - (a) in the case of an amount paid by a hotelier, to be paid into the Community Development Fund, or
 - (b) in the case of an amount paid by a registered club, to be paid into the ClubGRANTS Fund established under section 17A of the *Gaming Machine Tax Act 2001*.

[29] Clause 87 Records and requirements relating to prizewinners

Omit “the prize-winning combination or” from clause 87 (c).

[30] Clause 87 (f)

Omit the paragraph. Insert instead:

- (f) the name and signature of a nominee of the hotelier certifying that the nominee has seen the number of credits accumulated that are to be redeemed and that the record made in accordance with this clause is correct in all details.

[31] Clause 88 Authorised progressive gaming machines—reading and recording of meters and jackpot reconciliations

Omit the clause.

[32] Clause 89 Authorised progressive systems—reading and recording of meters and jackpot reconciliations

Omit “system, and” from clause 89 (2) (b). Insert instead “system.”.

[33] Clause 89 (2) (c)

Omit the paragraph.

[34] Clause 91 Authorised progressive gaming machines—reading and recording of meters and jackpot reconciliations

Omit the clause.

[35] Clause 92 Authorised progressive systems—reading and recording of meters and jackpot reconciliations

Omit “system, and” from clause 92 (2) (b). Insert instead “system.”.

[36] Clause 92 (2) (c)

Omit the paragraph.

[37] Clause 92 (3)

Omit “subclause (2) (a) and (b)”. Insert instead “subclause (2)”.

[38] Clause 99

Omit the clause. Insert instead:

99 Maximum amount held in player accounts or stored on Smartcards

The amount of money that can be held in a player account or stored on a Smartcard must not exceed \$5,000.

[39] Clause 103 Weekly account limits

Insert “the” after “effect to” in clause 103 (4).

[40] Clause 112 Records to be made on redemption

Omit “\$500” from clause 112 (3) (a). Insert instead “\$5,000”.

[41] Clause 113 Separate records of certain gaming machine tickets

Omit clause 113 (a)–(c). Insert instead:

- (a) all redeemed gaming machine tickets,
- (b) all unclaimed gaming machine tickets.

[42] Clause 114 Expiry of unclaimed gaming machine tickets

Insert “with a value exceeding \$10” after “an unclaimed gaming machine ticket” in clause 114 (2).

[43] Clause 122 Approval process

Omit “Authority” from clause 122 (3) (b). Insert instead “Minister”.

[44] Clause 141 Fees for grant of gaming-related licence

Omit “section 101 (1) (a)” from clause 141 (1). Insert instead “section 101 (2)”.

[45] Clause 153 General requirement for records to be kept for 3 years

Omit clause 153 (2). Insert instead:

- (2) A person who is the holder of a gaming-related licence or a hotelier must keep any records relating to the person’s business (in so far as the person’s business relates to approved gaming machines) at:
- (a) the person’s business premises, or
 - (b) if the person is a seller who is an employee of a dealer, at the person’s business premises or dealer’s business premises, or
 - (c) at such other place as the Authority approves.
- Maximum penalty: 20 penalty units.

[46] Clause 153, note

Insert at the end of the clause:

Note. Section 11 (2) of the *Electronic Transactions Act 2000* allows for hard copy documents that are required to be retained for a particular period to be retained in electronic format in certain circumstances.

[47] Clause 158 Furnishing of records, reports or other information

Omit “Secretary of the” from clause 158 (1).

[48] Schedule 3 Penalty notice offences

Insert the following in appropriate order:

Clause 19 (2)	\$220
Clause 153 (1)	\$220

[49] Schedule 3

Omit “\$500” from the matter relating to clause 86 (1). Insert instead “\$550”.

[50] Schedule 3

Omit the matter relating to clauses 88 (1) and 91 (1).