

# Registered Clubs Regulation 1996

[1996-428]



New South Wales

## Status Information

### Currency of version

Historical version for 21 December 2001 to 1 April 2002 (accessed 12 November 2024 at 10:11)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

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File last modified 24 December 2001

# Registered Clubs Regulation 1996



New South Wales

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# Registered Clubs Regulation 1996



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Registered Clubs Regulation 1996*.

### 2 Commencement

This Regulation commences on 1 September 1996.

### 3 Definitions

(1) In this Regulation:

**Board** means the Liquor Administration Board constituted by the *Liquor Act 1982*.

**gaming-related licence** means a poker machine adviser's licence, a poker machine dealer's licence, a poker machine seller's licence, a poker machine technician's licence or a poker machine testing facility licence.

**local consent authority**, in relation to premises or proposed premises, means:

(a) (unless paragraph (b) applies) the council in whose area (within the meaning of the *Local Government Act 1993*) the premises are, or will be, situated, or

(b) if consent to the carrying out of development on the land concerned is required from a person or body other than the council—that person or body.

**local court district** means a district appointed under section 6 (1) of the *Local Courts Act 1982* for which a local court may be held.

**Principal Registrar** means the registrar of the Licensing Court at Sydney.

**Sydney Metropolitan Area** means the local court districts of Eastern Metropolitan, Manly-Warringah, Northern Metropolitan, Parramatta, Southern Metropolitan and Western Metropolitan.

**the Act** means the *Registered Clubs Act 1976*.

- (2) Expressions used in this Regulation which are defined in the Act have the meanings set out in the Act.

#### **4 Notes**

The explanatory note and table of contents do not form part of this Regulation.

## **Part 2 Applications**

### **Division 1 Lodgment of applications**

#### **5 Form of applications**

- (1) An application under the Act must be made in a form approved by the Board.
- (2) An application must be lodged in triplicate. If the application is required to be advertised, the notice of hearing of the application must be lodged in quadruplicate.
- (3) An application must be accompanied by an affidavit setting out the facts on which the applicant proposes to rely.
- (4) Any affidavit required by this Regulation or the Act must be lodged in triplicate.

#### **6 Lodgment of applications**

- (1) An application must be lodged with the Principal Registrar if the premises to which the application relates are, or will be, in the Sydney Metropolitan Area.
- (2) Any other application must be lodged:
  - (a) with the registrar at the prescribed place at, or nearest to which, the premises to which the application relates are, or will be, located, or
  - (b) with the consent of the Principal Registrar—with the Principal Registrar, or
  - (c) as the Licensing Court directs.
- (3) Immediately after fixing the date for the hearing of an application, the Principal Registrar or registrar must send a copy of the application to the Commissioner of Police and the Director of Liquor and Gaming.

### **Division 2 Advertisement of applications**

#### **7 Definition**

In this Division:

**application** means:

- (a) an application for a certificate of registration of a club (section 7 of the Act), or

- (b) a conditional application for approval of the amalgamation of 2 or more registered clubs or an application for the variation of the grant of such an application (section 17A of the Act), or
- (c) a conditional application in relation to a club's new premises or club premises to be added to or altered (section 18 (1) of the Act), or
- (d) an application for the endorsement of a certificate of registration of a club on the club moving to other premises (section 19 (1) of the Act), or
- (e) an application for an order for the endorsement of a certificate of registration indicating that additional premises are part of the premises of a club (section 19A of the Act), or
- (f) an application for authority for a club to move to temporary premises (section 21 (1) of the Act), or
- (g) an application for a poker machine dealer's licence (section 90 (1) (a) of the Act).

#### **8 Applications to be advertised in newspapers**

- (1) An applicant must advertise the application in:
  - (a) a newspaper that circulates throughout New South Wales, and
  - (b) a local newspaper that circulates in the area in which the premises to which the application relates are, or will be, located.
- (2) The advertisement must be published 14 clear days before the date fixed by the registrar for the hearing of the application.
- (3) The advertisement must include the following:
  - (a) the full name and address of the applicant,
  - (b) the purpose of the application,
  - (c) the name and location of the premises or proposed premises,
  - (d) the date and place fixed for the hearing of the application.

#### **9 Fixing of copies of applications to premises**

- (1) A copy of an application, with the date for hearing inserted in it, must be fixed by the applicant:
  - (a) in the case of an application under section 7 of the Act—to the premises to which the application relates, and
  - (b) in the case of an application under section 17A of the Act—to each of the premises

affected by the amalgamation, and

- (c) in the case of an application under section 18 (1) of the Act—to a notice board on the land on which the new premises are to be erected or to the premises proposed to be added to or altered, as the case may be, and
- (d) in the case of an application under section 19 (1) or 21 (1) of the Act—to the premises from which, and the premises to which, it is proposed to move the club to which the application relates, and
- (e) in the case of an application for a licence under section 90 (1) (a) of the Act—to the premises on or from which the activity to be authorised by the licence is proposed to be carried on.

- (2) The copy must be at least of the same print and paper size as the application.
- (3) The copy must be fixed to the premises or notice board for the whole of the period of 14 days preceding the date for hearing.
- (4) If premises have not been erected, the requirement to fix a copy of an application to premises may be satisfied by fixing the copy to a notice board erected on the land on which it is proposed to erect the premises.
- (5) A copy of an application 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 Board has directed that it also be fixed in another specified position—it is also fixed in that other position.

#### **10 Service of copies of applications on local authorities**

- (1) An applicant must serve a copy of the application, with the date of hearing inserted in it:
  - (a) in the case of an application under section 7 or 18 (1) (a) or (b1) of the Act—on the local consent authority for the area in which the premises to which the application relates are, or will be, situated, and
  - (b) in the case of an application under section 17A of the Act—on the local consent authority for the area or the local consent authorities for the areas in which the premises affected by the amalgamation are situated, and
  - (c) in the case of an application under section 18 (1) (b), 19 (1) or 21 (1) of the Act—on the local consent authority for the area in which the premises from which it is proposed to move the club are situated and on the local consent authority for

any other area in which the premises to which it is proposed to move the club are, or will be, situated, and

(d) in the case of an application under section 90 (1) (a) of the Act—on the local consent authority for the area in which the premises on or from which the activity to be authorised by the licence is proposed to be carried on are situated.

(2) The copy must be served not later than 14 days before the date of hearing of the application.

### **Division 3 Advertisement of other applications**

#### **11 Other applications**

A licensing magistrate or the Licensing Court hearing the application may, in relation to an application not covered by Division 2, give any or all of the following directions:

- (a) that specified particulars relating to the application be published in a specified newspaper, or in specified newspapers, in accordance with the direction,
- (b) that a copy of the application be fixed to premises or land in accordance with the direction,
- (c) that a copy of the application be served on a local consent authority in accordance with the direction.

### **Part 3 Minors**

#### **12 Prescribed notices**

(1) For the purposes of section 50B (1) of the Act, the particulars and requirements prescribed, in the case of the notice in a bar, are that the notice, apart from any heading and signature, contain the following words, and no others, in capital letters not less than one centimetre in height:

THE REGISTERED CLUBS ACT 1976 PROHIBITS ANY PERSON UNDER THE AGE OF 18 YEARS BEING IN THIS PART OF THE CLUB.

(2) For the purposes of section 50B (1) of the Act, the particulars and requirements prescribed, in the case of the notice in a poker machine area, are that the notice, apart from any heading and signature, contain the following words, and no others, in capital letters not less than one centimetre in height:

THE REGISTERED CLUBS ACT 1976 PROHIBITS ANY PERSON UNDER THE AGE OF 18 YEARS BEING IN THIS PART OF THE CLUB.

(3) For the purposes of section 50B (2) of the Act, the particulars and requirements prescribed are that the notice, apart from any heading and signature, contain the

following words, and no others, in capital letters not less than one centimetre in height:

THE REGISTERED CLUBS ACT 1976 PROHIBITS ANY MEMBER ENTERING THE NAME OF A PERSON UNDER THE AGE OF 18 YEARS IN THE GUEST REGISTER OR PERMITTING ANY SUCH PERSON TO BE IN A PART OF THE CLUB PREMISES DEFINED UNDER THE ACT AS A BAR OR POKER MACHINE AREA.

- (4) Despite subclauses (1)–(3), a notice that complied with clause 27 of the *Registered Clubs Regulation 1983*, as in force immediately before 1 September 1996, may continue to be used until the expiration of 4 years and 6 months from that date or until the date the notice is replaced, whichever happens first.

### **13 Evidence of age**

A document of one of the following classes is, for the purposes of section 57 of the Act, acceptable evidence that a person holding the document is at least 18 years of age, but only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age (and only if the document has not expired and otherwise appears to be in force):

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

### **14 Denial of allegation as to age**

For the purposes of section 63 (3) of the Act, an allegation in an information is denied as prescribed if it is denied:

- (a) at any adjournment prior to the commencement of the hearing of the information—by informing the Licensing 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 information—by informing the informant or a person appearing for the informant in writing of the denial.

## **Part 3A Approvals for access to club premises by junior members**

### **14A Conditions of approval**

- (1) For the purposes of section 22A of the Act, an approval to allow members of a

registered club who are under the age of 18 years access to areas of the club that would otherwise be restricted is subject to the following conditions:

- (a) the club is to keep a register of the dates on which members under the age of 18 years have been granted access to those areas of the club in accordance with the approval,
  - (b) the club is to give written notice to the appropriate member of the Police Service of each date on which members under the age of 18 years are to be granted such access at least 7 clear days before that date.
- (2) For the purposes of this clause, the appropriate member of the Police Service is a police officer who holds or is for the time being acting in the position of Patrol Commander of the area in which the registered club that holds the approval is located.

#### **14B (Repealed)**

### **Part 3B Functions authorities**

#### **14C Conditions of functions authorities applying to functions for persons under the age of 18 years**

- (1) In this clause:

**function** means a function for persons under the age of 18 years.

- (2) For the purposes of section 23AA of the Act, a functions authority is subject to the following conditions:
- (a) no liquor in the possession or under the control of the registered club that holds the authority is to be located in any function area or access area specified in the authority while a function is being held under the authority unless it is kept in a locked storage facility to which only the club or any employee of the club has access,
  - (b) the registered club is to take all reasonable steps to prevent liquor from being brought into any function area or access area specified in the authority while a function is being held under the authority,
  - (c) the registered club and any employee of the club must refuse to admit a person under the age of 18 years to a function being held under the authority if the club or the employee reasonably suspects that the person has recently consumed liquor,
  - (d) the registered club is to ensure that, while a function is being held under the authority, signs are displayed at any means of access from a function area or access area specified in the authority to any other area of the premises of the club indicating that persons under the age of 18 years attending the function must not

enter that other area,

- (e) the registered club is to ensure that, while a function is being held under the authority, signs are displayed at any means of access to a function area or access area specified in the authority from any other area of the premises of the club indicating that liquor must not be brought into the function area or access area,
- (f) the registered club must ensure that no person (other than an adult who will be supervising the function, a person providing services for the function or an employee of the club) is admitted to a function held under the authority without a ticket purchased from the registered club or an agent of the club before the function,
- (g) any function held under the authority is to end no later than midnight on the day on which the function is held unless the Licensing Court imposes a condition on the authority requiring such functions to end earlier than that time,
- (h) the registered club is to ensure that all persons under the age of 18 years attending the function leave the club premises within 15 minutes after the end of the function,
- (i) any advertising for a function to be held under the authority is to indicate that the function will be alcohol-free, that adult supervision will be provided, that entry will be by way of pre-sold ticket only and that any person under the age of 18 years who is suspected of having consumed alcohol will not be admitted to the function,
- (j) the registered club is to include in the record kept for the purposes of section 23AA (2) (e) of the Act in respect of a function held under the authority the nature of the function, the number of persons under the age of 18 years who attended the function and the number of adults supervising the function,
- (k) the registered club is to give written notice of the holding of a function under the authority to the appropriate member of the Police Service referred to in clause 14E at least 7 clear days before the function is held.

#### **14D Condition of functions authorities applying to all functions**

For the purposes of section 23AA of the Act, a functions authority is subject to a condition that the registered club that holds the authority must ensure that at any time during a function held under the authority the number of persons in any function area or access area specified in the authority does not contravene any requirement of the relevant approval of the area as a place of public entertainment under the [Local Government Act 1993](#).

#### **14E Notification of grant of functions authority**

For the purposes of section 23A (3) (c) of the Act, the appropriate member of the Police



Service is a police officer who holds or is for the time being acting in the position of Patrol Commander of the area in which the registered club that is granted the functions authority is located.

**14F Date for payment of annual fee for functions authority**

For the purposes of section 23A (4) of the Act, the prescribed date is 15 January.

**Part 4 Approved gaming devices**

**Division 1 Gaming-related licences**

**15 Applications for technician's or adviser's licence**

For the purposes of section 92 (3) (a) of the Act, the prescribed class of persons by which an application for a technician's or an adviser's licence may only be made is the class consisting only of natural persons.

**16 Objections to the grant of applications for licences**

For the purposes of section 97 (1) of the Act, an objection to the granting by the Licensing Court of an application for a gaming-related licence may be made by lodging with the Court a notice in a form approved for the purpose by the Board.

**17 Notification of cessation of employment of licensee**

For the purposes of section 118 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.

**18 Notification of change in the state of affairs of gaming-related licensee**

For the purposes of section 122A 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.

## **19 Consignment of poker machines for development and testing before approval**

- (1) A holder of a dealer's licence (a **dealer**) who consigns a poker machine to a person for the provision of services in relation to its (or its components') development and testing before it is submitted to the Board for approval must create in respect of the machine a written record of:
  - (a) a description of the machine, including its serial number, and
  - (b) the name and address of the person who is to provide the services, and
  - (c) the date and time of the delivery of the machine from the dealer to the person, and
  - (d) the nature of the work to be undertaken in relation to the machine, and
  - (e) the premises where the work is to be performed, and
  - (f) the date and time of the return of the machine from the person to the dealer.
- (2) The dealer must keep the record at the dealer's principal office or place of business for at least 3 years after the date of consignment.

Maximum penalty (subclauses (1) and (2)): 20 penalty units.

## **19A Dealers must notify Board of defects, malfunctions and other irregularities**

It is a condition of a dealer's licence that the holder of the licence (**the licensee**) must, in respect of any poker machine manufactured or assembled by the licensee, notify the Board immediately the licensee becomes aware:

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

## **Division 2 General**

### **20 Conditions relating to approved gaming devices**

In accordance with section 9A (6) of the Act, the conditions relating to approved gaming devices set out in Schedule 2 are prescribed as conditions to which the certificate of registration of a registered club is subject.

### **20A Requirement to provide certain information when disposing of non "X" standard gaming machines**

- (1) In this clause:

**“X” standard gaming machine** means an approved gaming device that:

- (a) in the opinion of the Board conforms to the relevant standards set out in the document called *Technical Standards for Gaming Machines and Subsidiary Equipment in New South Wales*, issued by the Board and as in force from time to time, and
  - (b) is commonly known as an “X” standard gaming machine in the gaming machine industry.
- (2) The certificate of registration of a registered club is subject to the condition that, before the registered club sells or otherwise disposes of an approved gaming device that is not an “X” standard gaming machine, the club must inform the person intending to acquire the device in writing that the device is not an “X” standard gaming machine. The registered club is not required to do so if the person is the holder of a dealer’s licence or the employee of the holder of such a licence.
- (3) It is a condition of every gaming-related licence that, before the licensee sells or otherwise disposes of an approved gaming device that is not an “X” standard gaming machine, the licensee must inform the person intending to acquire the device in writing that the device is not an “X” standard gaming machine. The licensee is not required to do so if the person is the holder of a dealer’s licence or the employee of the holder of such a licence.

## **21 Qualifications for acquisition or modification of poker machines**

For the purposes of section 79 (5) of the Act, the prescribed terms and conditions for a contract to acquire or modify a poker machine are terms and conditions setting out:

- (a) the serial number of the machine, and
- (b) the place where the machine 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.

## **22 Club may possess certain poker machines that are not authorised machines**

For the purposes of section 84 of the Act, a registered club may be in possession of not more than 2 poker machines that are not authorised poker machines if:

- (a) the machines are not used 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
- (b) the reel strips of the machines have been changed to numerical cards, and

- (c) the machines are electro-mechanical or mechanical.

### **23 Types of gaming machines in registered clubs**

- (1) The Board cannot approve a gaming machine as an approved poker machine if it is one by means of which player interactive draw poker, or some player interactive game derived from draw poker, is the only game that can be played.
- (2) (Repealed)

### **23AA Separate premises taken to be separate clubs: section 85 (1A)**

For the purposes of section 85 (1A) of the Act, two or more areas of the defined premises of a registered club are to be taken to be separate and distinct premises, if:

- (a) on application to the Board by the club in a form approved by the Board and on such evidence as it thinks appropriate the Board determines that they should be treated as separate and distinct premises with effect from such date (not being earlier than 1 February 1998) as is specified by the Board, or
- (b) the areas belong to a club whose profits were, at any time, notionally divided and assessed in accordance with section 87G of the Act.

### **23A Definition of “outgoings”: section 86 (1)**

- (1) Subclause (2) applies to any approved gaming device that:
  - (a) is a specially approved gaming device within the meaning of Part 12 of the Act, and
  - (b) is part of an authorised linked gaming system within the meaning of that Part.
- (2) For the purposes of the definition of **outgoings** in section 86 (1) of the Act, the amount that is deducted from an approved gaming device to which this subclause applies in order to build a prize for the authorised linked gaming system is prescribed as an outgoing in respect of that gaming device.
- (3) For the purposes of the definition of **outgoings** in section 86 (1) of the Act, the monetary value of the credits accumulated by an approved gaming device player in the course of play that are redeemed by the award of a non-monetary prize is prescribed as an outgoing in respect of that approved gaming device.

### **24 Authorised possession of poker machines before approval**

For the purposes of section 122 (1) of the Act, a person may be in possession of a poker machine that is not an approved poker machine or an established poker machine if the person:

- (a) has been requested by the holder of a dealer’s licence to provide services in relation

to the development or testing of the poker machine or its components before it is submitted to the Board for approval, and

- (b) has possession of the poker machine in order to provide those services, and
- (c) has written evidence of the request to provide the services.

**24A Application of provisions of [Liquor Act 1982](#) relating to approved amusement devices**

Schedules 4 and 5 have effect.

**24AB Transfer of Board's functions to CMS licensee: section 133A**

- (1) (Repealed)
- (2) In accordance with section 133A of the Act, any function of the Board under the Act relating to:
  - (a) the assessment of duty payable under Part 10 of the Act in respect of any approved gaming device that is connected to an authorised centralised monitoring system, or
  - (b) the authorisation of any such gaming device (but only to the extent that those authorisation functions are carried out by electronic means through the operation of an authorised CMS),may be exercised by the CMS licensee who is operating the authorised centralised monitoring system.
- (3) Those functions include, subject to subclause (2) (b), any of the Board's functions under sections 78, 78A, 79 and 87H (5) of the Act. However, those functions do not include any of the Board's functions under Part 12 of the Act.
- (3A) In accordance with section 78A (4), the fee payable in respect of an imposition or variation by the CMS licensee of an authority to acquire and keep an approved gaming device is:
  - (a) \$50 per approved gaming device to which the imposition or variation of the authority relates, or
  - (b) if the CMS licensee and the registered club concerned have entered into an arrangement regarding the payment of fees under that subsection—the fee as provided for in accordance with that arrangement.
- (4) The CMS licensee may not exercise any function of the Board that would result in an approved gaming device being required to be withdrawn from operation unless the CMS licensee has the Board's approval to do so.
- (5) In exercising the functions of the Board as referred to in this clause, the CMS licensee

must:

- (a) keep such records with respect to the authorisation of approved gaming devices as may be required by the Board, and
- (b) make such reports to the Board with respect to the authorisation of approved gaming devices as may be required by the Board, and
- (c) comply with such directions as may be issued by the Board.

## **Division 2A Board may grant exemption from, or deferral of, payment of duty on approved gaming devices**

### **24B Exemption or deferral in certain cases of hardship**

- (1) The Board may by order in writing exempt a club from its liability to pay, or defer a club's liability to pay, the whole or part of an instalment of duty payable by the club under Part 10 of the Act, but only if the Board is satisfied that:
  - (a) the club is suffering serious financial hardship, and
  - (b) the exemption or deferral is necessary to alleviate or assist in the alleviation of that hardship.
- (2) An order under this clause deferring a club's liability to pay duty may provide that the deferred duty is payable in instalments in the amounts, and on or before the dates, specified in the order.
- (3) The Board may make an order under this clause even if:
  - (a) an application for a similar order in respect of an instalment of duty could be (but has not been) made to the Committee under Division 3, or
  - (b) the Committee has refused to make such an order under that Division.

### **24C Interest on deferred duty**

- (1) Interest is payable by a club on any amount of duty the payment of which is deferred under this Division.
- (2) Interest is payable from the time the duty concerned would have become due and payable (had payment not been deferred) on so much of the deferred duty as from time to time remains unpaid.
- (3) The rate of interest is that specified in section 22 of the [Taxation Administration Act 1996](#).
- (4) Clause 24B applies to interest on deferred duty in the same way as it applies to the deferred duty itself.

**24D Notification and operation of exemption or deferral**

- (1) An order under clause 24B is to be given to the club concerned.
- (2) The Board may impose such conditions as it thinks fit on a deferral of duty or interest.

**24E Revocation, amendment or extension of deferral**

- (1) A deferral of duty or interest (and any conditions to which it is subject) may be revoked, amended or extended by the Board at any time by a further order in writing, notice of which is given to the club concerned.
- (2) The effect of the revocation of a deferral of duty or interest is that the duty or interest deferred becomes immediately due and payable.

**24F Application for exemption or deferral**

- (1) An exemption or deferral under this Division can be granted only on application by the club concerned. An application (and any exemption or deferral granted on the application) can relate to one instalment of duty only. Further applications relating to that instalment, and applications relating to any other instalment, can be made.
- (2) An application is to be in writing and accompanied by such information and documentation as the Board may request, being information and documentation that it reasonably requires to determine the application.
- (3) The Board may require an application and the details and information accompanying an application to be verified by statutory declaration.

**Division 3 Committee may grant exemption from, or deferral of, payment of duty on approved gaming devices**

**25 The Committee**

- (1) There is to be a Committee for the purposes of this Division consisting of:
  - (a) the Auditor-General or a senior officer of the Auditor-General's Office appointed by the Auditor-General, and
  - (b) the Secretary of the Treasury or a senior officer of the Treasury appointed by the Secretary, and
  - (c) the Director-General of the Department of Gaming and Racing or a senior officer of the Department appointed by the Director-General, and
  - (d) a person appointed by the Club Industry Advisory Council established by the Minister.
- (2) If a person is not appointed for the purposes of subclause (1) (d), the Minister may

appoint a person to be a member of the Committee for the purposes of that paragraph.

- (3) A member of the Committee may appoint a person to act in the place of that member at meetings of the Committee.
- (4) Each member of the Committee has a deliberative vote and, in the event of an equality of votes, the member referred to in subclause (1) (a) has a second or casting vote.
- (5) The procedure for the calling of meetings of the Committee and the conduct of business at those meetings is to be as determined by the Committee. The Minister may call the first meeting of the Committee.

## **26 Exemption or deferral in certain cases of hardship**

The Committee may by order in writing exempt a club from its liability to pay, or defer for a specified period a club's liability to pay, the whole or part of an instalment of duty payable by the club under Part 10 of the Act, but only if the Committee is satisfied that:

- (a) a casino was in operation (under the [Casino Control Act 1992](#)) during the whole or part of the instalment period concerned and the whole or any part of that casino was within 10 kilometres of any part of the defined premises of the club, and
- (b) the club first became registered under the Act before 23 April 1993, and
- (c) the club is suffering serious financial hardship as a result of a reduction in the profits from poker machines kept by the club during that period, and
- (d) the reduction in profits is reasonably attributable to the availability of poker machines in the casino during that period, and
- (e) the exemption or deferral is necessary to alleviate or assist in the alleviation of that hardship.

## **26A Effect of previous exemption or deferral decision of Board**

The Committee cannot grant an exemption or deferral under this Division in respect of the payment of an instalment of duty by a club if the Board has previously refused to grant the club an exemption or deferral under Division 2A in respect of that instalment of duty.

## **27 Interest in deferred duty**

- (1) Interest is payable by a club on any amount of duty the payment of which is deferred under this Division.
- (2) Interest is payable from the time the duty concerned would have become due and payable (had payment not been deferred) on so much of the deferred duty as from time to time remains unpaid.



- (3) The rate of interest is that specified in section 22 of the *Taxation Administration Act 1996*.
- (4) Clause 26 applies to interest on deferred duty in the same way as it applies to the deferred duty itself.
- (5) (Repealed)

## **28 Notification and operation of exemption or deferral**

- (1) An order under clause 26 is to be given to the club concerned.
- (2) The Committee may impose such conditions as it thinks fit on a deferral of duty or interest.
- (3) (Repealed)

## **29 Revocation, amendment or extension of deferral**

- (1) A deferral of duty or interest (and any conditions to which it is subject) may be revoked, amended or extended by the Committee at any time by a further order in writing, notice of which is given to the club concerned.
- (2) The effect of the revocation of a deferral of duty or interest is that the duty or interest deferred becomes immediately due and payable.

## **30 Application for exemption or deferral**

- (1) An exemption or deferral under this Division can only be granted on application by the club concerned. An application (and any exemption or deferral granted on the application) can relate to one instalment of duty only. Further applications relating to an instalment can be made.
- (2) An application is to be in writing and accompanied by:
  - (a) a copy of the income and expenditure statement and balance sheet for the club in respect of the 3 financial years immediately preceding the application, and
  - (b) such other information and documentation as the Committee may request, being information and documentation that it reasonably requires to determine the application.
- (3) The Committee may require an application and the details and information accompanying an application to be verified by statutory declaration.

## **Division 4 Multi-terminal gaming machines**

### **30A (Repealed)**

### **30B Bet and prize limits on multi-terminal gaming machines**

For the purposes of section 87I 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 can be won from playing a multi-terminal gaming machine.

### **30C Guarantee of prize payments from MTGMs**

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

Maximum penalty (subclauses (2) and (3)): 20 penalty units.

## **Division 5 Monitoring of approved gaming devices**

### **30D Operation of Division**

This Division takes effect on and from the date referred to in the definition of **exclusive licence period** in section 200A of the [Liquor Act 1982](#) as the operative date for the purposes of Division 4 of Part 11 of that Act.

### **30E Functions of CMS licensee: section 86A**

- (1) In accordance with section 86A of the Act, the following provisions apply in relation to the approved gaming devices to which that section applies:
  - (a) within 14 days of the end of each instalment period, the CMS licensee is to issue a notice to each registered club that keeps any approved gaming device that is

connected to the authorised CMS,

(b) the notice is to specify:

- (i) the profits for the quarter as based on aggregated meter profit, and
- (ii) the break-up of that profit as per each approved gaming device, and
- (iii) the amount of duty payable by the registered club for the quarter,

(c) the registered club must:

- (i) deposit that amount in a bank account before the end of the 21 day period referred to in section 87A (5) of the Act, and
- (ii) make arrangements with the Board that enable the Board to access that amount.

(2) It is a condition of the certificate of registration of the registered club that the club comply with subclause (1) (c).

(3) It is a condition of the licence of the CMS licensee that a copy of each notice issued under subclause (1) is provided to the Board in accordance with such arrangements as may be made by the Board.

### **30F Payment of monitoring fee to CMS licensee: section 87HB**

The monitoring fee payable by a registered club under section 87HB of the Act is to be paid by the registered club to the CMS licensee who is operating the authorised CMS:

- (a) in accordance with such arrangements as may be made between the club and the CMS licensee (eg by way of electronic transfer from a nominated account), or
- (b) if no such arrangements are made, in accordance with such other arrangements as may be approved by the Board.

### **30FA Condition on certificate of registration—connecting to authorised CMS**

The certificate of registration of a registered club is subject to a condition that the club must, to the extent reasonably necessary to enable any approved gaming device that is kept, used or operated on the club's premises to be connected to an authorised CMS:

- (a) permit the employees and agents of the CMS licensee access to those premises, and
- (b) give assistance to the employees and agents of the CMS licensee.

### **30FB Requirement for gaming devices to be connected to authorised CMS**

For the purposes of section 87HA (2) (c) of the Act:

- (a) registered clubs at which approved gaming devices to which that section applies are

kept, used or operated, being devices that were not connected to an authorised CMS on or before 1 January 2001, are a prescribed class of registered clubs, and

- (b) 1 July 2001 is specified as the date by which approved gaming devices kept, used or operated at registered clubs of that class must be connected to an authorised CMS.

## **Division 6 Responsible gambling practices**

### **Subdivision 1 Provisions relating to player information**

#### **30G Operation of this Subdivision**

This Subdivision has effect on and from the day that is 2 months after the commencement of this clause.

#### **30H Display of information concerning chances of winning prizes on approved gaming devices**

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

Maximum penalty: 50 penalty units.

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

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

- (3) The notices must be:

(a) displayed in each part of the premises of the registered club where approved gaming devices 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 premises of the registered club in which the notices are displayed would be alerted to their contents, and

(b) prominently displayed on the front or top of each approved gaming device kept in the registered club or displayed by means of a permanently visible light emitting display that forms part of each such device.

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

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

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

### 30I Approval of English and other community language player information brochures

(1) In this clause:

**player information** means the following:

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

### 30J Provision of player information brochures

(1) A registered club that is authorised to keep approved gaming devices must make copies of at least one player information brochure approved by the Minister under clause 30I (2) available to patrons at the registered club in accordance with this clause.

Maximum penalty: 50 penalty units.

- (2) The brochures must be made available in each part of the registered club in which approved gaming devices 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 registered club in which the brochures are required to be available would be alerted to their presence.

### **30K Provision of player information brochures in community languages**

- (1) A patron of a registered club that is authorised to keep approved gaming devices may request the club to supply to the patron a community language player information brochure approved under clause 30I (5) in one of the languages specified in that subclause.
- (2) A registered club that is authorised to keep approved gaming devices must supply a brochure in accordance with a request under subclause (1) as soon as practicable after being requested to do so.

Maximum penalty: 50 penalty units.

### **30L Dangers of gambling—notice to be displayed on approved gaming devices**

- (1) In this clause:

**gambling warning notice** means a notice containing one or more of the statements listed in subclause (5).

**problem gambling notice** means a notice in a form set out in subclause (6) (a) or (b).

- (2) A registered club that is authorised to keep approved gaming devices 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 prominently displayed on the front or on top of each approved gaming device kept at the club.
- (4) The wording required to appear in a gambling warning notice may appear (as a separate and distinct statement) in a problem gambling notice or with any other notice displayed on an approved gaming device, provided that the requirements of this clause in relation to the gambling warning and the problem gambling notice are otherwise complied with.
- (5) The statements referred to in the definition of **gambling warning notice** in subclause (1) are as follows:

DON'T LET GAMBLING TAKE CONTROL OF YOUR LIFE

GAMBLING CAN BECOME ADDICTIVE

EXCESSIVE GAMBLING CAN RUIN LIVES

EXCESSIVE GAMBLING CAN DESTROY FAMILIES AND FRIENDSHIPS

EXCESSIVE GAMBLING CAN LEAD TO THE LOSS OF YOUR HOME OR OTHER ASSETS

EXCESSIVE GAMBLING CAN AFFECT YOUR HEALTH

(6) The notice referred to in the definition of ***problem gambling notice*** must be in one of the following forms:

(a)

**Is gambling a  
problem for you?**

**CALL G-line (NSW)**

**A confidential,  
anonymous & free  
counselling service**

**FREE CALL  
1800 633 635**

, or

(b)

**Is gambling a problem for you?**

**CALL G-line (NSW)**

**A confidential, anonymous & free counselling service**

**FREE CALL 1800 633 635**

(7) The matter contained in a problem gambling notice must be in letters and figures of not less than 0.2 centimetres in height.

(8) The matter contained in a gambling warning notice must be in capital letters of not less than 0.4 centimetres in height.

(9) The notices may be attached to, or placed on top of, an approved gaming device or may consist of a permanently visible light emitting display that forms part of the device.

### **30M Counselling signage—notice to be displayed**

(1) A registered club that is authorised to keep approved gaming devices must display a notice in the following form in the vicinity of the main entrance to the club in accordance with this clause:

**IS GAMBLING A PROBLEM FOR YOU?**

**Are you in control of your gambling?**

**Do you gamble more than you can afford?**

**Do you borrow money to gamble?**

**Do you gamble to win back losses?**

**Does your gambling affect your family and friends?**

**FOR INFORMATION, COUNSELLING AND REFERRAL**

**CALL G-line (NSW)**

**24 hours a day, 365 days a year**

**FREE CALL 1800 633 635**

**CONFIDENTIAL, ANONYMOUS AND FREE**

Maximum penalty: 50 penalty units.

- (2) The notice must be at least 42 centimetres by 29.5 centimetres in size, and the matter contained in the notice must be in letters and figures of not less than 0.6 centimetres in height.
- (3) The notice must be displayed 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 registered club in which the notice is displayed would be alerted to its contents.

**30N ATM signage**

- (1) A registered club that is authorised to keep approved gaming devices must display in accordance with this clause a notice in the form set out in paragraph (a) or (b) in a prominent position on the front or on top of each automatic teller machine (ATM) installed at the club:

(a)

**Is gambling a  
problem for you?**

**CALL G-line (NSW)**

**A confidential,  
anonymous & free  
counselling service**

**FREE CALL  
1800 633 635**



, or

(b)

**Is gambling a problem for you?**

**CALL G-line (NSW)**

**A confidential, anonymous & free counselling service**

**FREE CALL 1800 633 635**

Maximum penalty: 50 penalty units.

- (2) The matter contained in the notice must be in letters and figures of not less than 0.2 centimetres in height.
- (3) The notice may be attached to an automatic teller machine or may consist of a permanently visible light emitting display that forms part of the machine.

### **300 Display of clocks**

A 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 club where approved gaming devices are located, and
- (b) that the time shown on that clock can be readily viewed by any person operating an approved gaming device in that part of the club.

Maximum penalty: 50 penalty units.

## **Subdivision 2 Cheques and cash dispensing facilities**

### **30P Prohibitions on dealings with cheques**

- (1) A registered club that is authorised to keep approved gaming devices must not do any of the following:
  - (a) exchange a cheque payable to the order of any person other than the club for cash,
  - (b) exchange a cheque for a sum exceeding \$400 for cash,
  - (c) exchange more than one cheque for the same person on a single day for cash,
  - (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 club).

Maximum penalty: 50 penalty units.

- (2) A registered club that is authorised to keep approved gaming devices must bank a cheque that the club has exchanged for cash within 2 working days after the day on which the cheque is accepted.

Maximum penalty: 50 penalty units.

- (3) In this clause:

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

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

- (4) This clause has effect on and from the day that is 6 months after the commencement of this clause.

### **30Q Payment of prize money by cheque**

- (1) A registered club must pay so much of the total prize money payable to a person as exceeds \$1,000 by means of a crossed cheque payable to the person.

Maximum penalty: 50 penalty units.

- (2) In this clause:

**crossed cheque** means a cheque crossed as referred to in section 53 of the [Cheques Act 1986](#) of the Commonwealth as in force on the commencement of this clause.

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

- (3) This clause has effect on and from the day that is 6 months after the commencement of this clause.

### **30R Location of cash dispensing facilities away from approved gaming devices**

- (1) A 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 automatic teller machine or EFTPOS terminal) to be located in a part of the club premises in which approved gaming devices are located.

Maximum penalty: 50 penalty units.

- (2) Until 12 months after the commencement of subclause (1), a registered club does not commit an offence under that subclause in relation to a facility located at that commencement date in a part of the club in which approved gaming devices are located.

### **30S Exemption**

- (1) The Board may, in accordance with guidelines approved by the Minister, exempt a registered club in writing from the operation of clause 30P or 30R.
- (2) The exemption may be limited in duration and may be subject to such conditions as may be specified in the exemption.
- (3) The Board may cancel, or vary the terms of, an exemption in writing at any time.

## **Subdivision 3 Advertising**

### **30T Definitions**

In this Subdivision:

**gambling advertising** means advertising that gives publicity to, or otherwise promotes or is intended to promote, participation in gambling activities.

**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).

### **30U Prohibitions on gambling-related advertising**

- (1) A registered club or an employee of a registered club must not publish, or cause to be published, any gambling advertising relating to the club:
  - (a) that encourages a breach of the law, or
  - (b) that depicts children, or
  - (c) that is false, misleading or deceptive, or
  - (d) that suggests that winning a prize is a likely outcome of participating in gambling activities, or
  - (e) that suggests that participation in gambling activities is likely to improve a person's social standing or financial prospects, or
  - (f) that suggests that a player's skill can influence the outcome of a game that is purely a game of chance, or
  - (g) that depicts or promotes the consumption of alcohol while engaging in gambling activities, or
  - (h) that is not conducted in accordance with decency, dignity and good taste and in accordance with the Commercial Television Code of Practice as in force at the time the gambling advertising is published.

Maximum penalty: 50 penalty units.

- (2) Any gambling advertising in writing published, or caused to be published, after the commencement of this clause by a registered club in a newspaper, magazine, poster or other printed form must contain the following statement in capital letters:

IS GAMBLING A PROBLEM FOR YOU?

G-LINE (NSW) IS A CONFIDENTIAL, ANONYMOUS AND FREE COUNSELLING SERVICE

FREE CALL 1800 633 635.

Maximum penalty: 50 penalty units.

- (3) A person other than a registered club or an employee of a registered club must not publish any advertising that does any of the things referred to in subclause (1) (a)-(h) after the commencement of this clause.

Maximum penalty: 50 penalty units.

- (4) Subclause (3) does not apply if the advertising relates to a registered club and the registered club or an employee of the registered club approved in writing of the advertising.

- (5) A registered club must remove any gambling advertising displayed at the club that does not comply with this clause within 2 months after the commencement of this clause.

Maximum penalty: 50 penalty units.

- (6) This clause does not apply to the publication of any gambling advertising under a contract or arrangement entered into before the commencement of this clause.

- (7) A registered club must not after the commencement of this clause enter into or extend the duration of any contract or arrangement for the publication of gambling advertising that does not comply with this clause. Any such contract or arrangement is of no effect.

Maximum penalty: 50 penalty units.

### **30V Publicity for prize-winners**

- (1) A registered club or an employee of the club 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 device located on the club premises, and

(b) when claiming the prize, requests in writing given to the registered club or an employee of the club that anything disclosing his or her identity not be published.

Maximum penalty: 50 penalty units.

- (2) A prize-winner 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 prize-winner, or
  - (b) the publication of information relating to the type or value of the prize won and the venue or geographic location where it was won.

## **Subdivision 4 Miscellaneous**

### **30W Gambling inducements**

A registered club must not:

- (a) offer or supply any free or discounted liquor as an inducement to participate, or to participate frequently, in any gambling activity at the club, or
- (b) offer free credits to players, or as an inducement to persons to become players, of approved gaming devices at the club, by means of letter box flyers, shopper docketts or any other means.

Maximum penalty: 50 penalty units.

### **30X Remedial orders**

- (1) For the purposes of section 65B of the Act, offences against the following sections of the Act are prescribed offences against the Act:
  - (a) section 54C (Prohibition on extension of credit for gambling),
  - (b) section 54D (Misrepresentation or misdescription of credit transactions).
- (2) For the purposes of section 65B of the Act, offences against the following provisions of the regulations are prescribed offences against the regulations:
  - (a) clause 30H (Display of information concerning chances of winning prizes on approved gaming devices),
  - (b) clause 30J (Provision of player information brochures),
  - (c) clause 30K (Provision of player information brochures in community languages),
  - (d) clause 30L (Dangers of gambling—notice to be displayed on approved gaming devices),
  - (e) clause 30M (Counselling signage—notice to be displayed),

- (f) clause 30N (ATM signage),
- (g) clause 30O (Display of clocks),
- (h) clause 30P (Prohibitions on dealings with cheques),
- (i) clause 30Q (Payment of prize money by cheque),
- (j) clause 30R (Location of cash dispensing facilities away from approved gaming devices),
- (k) clause 30U (Prohibitions on gambling-related advertising),
- (l) clause 30V (Publicity for prize-winners),
- (m) clause 30W (Gambling inducements).

**30Y Training of club secretaries and employees associated with gambling activities**

- (1) In this clause, **relevant commencement day** means the day on which the Board, by notice published in the Gazette, first notifies its approval of a course of training for the purposes of this subclause.
- (2) The Board is to refuse any application under section 79 of the Act:
  - (a) to acquire and keep an approved gaming device, or
  - (b) to vary an existing authority to keep an approved gaming device,made on or after the day that is 6 months after the relevant commencement day unless it is satisfied that the secretary of the club has satisfactorily completed the approved training course.
- (3) An approval under section 33 of the Act for a person to act as the secretary of a registered club that is authorised to keep approved gaming devices is of no force or effect on or after the day that is 18 months after the relevant commencement day unless the person has satisfactorily completed the approved training course.
- (4) Subclause (3) applies whether the approval is granted before or after the day that is 18 months after the relevant commencement day.
- (5) A registered club must not commence to employ a person whose duties are concerned in the conduct of gaming device activities at the club on or after the day that is 6 months after the relevant commencement day unless the person has satisfactorily completed the approved training course.

Maximum penalty: 50 penalty units.
- (6) A registered club must not continue to employ a person whose duties are concerned in the conduct of gaming device activities at the club on or after the day that is 18

months after the relevant commencement day unless the person has satisfactorily completed the approved training course.

Maximum penalty: 50 penalty units.

- (7) In a provision of this clause, **approved training course** means a course of training approved by the Board for the purposes of the provision concerned and conducted by a training provider approved by the Board under clause 30YA.
- (8) The Board may, for the purposes of a provision of this clause, approve any course of training that the Board considers will promote responsible practices in the conduct of gambling activities at registered clubs.

### **30YA Approval of training providers**

- (1) A registered provider may apply to the Board to be approved as a training provider for the purposes of clause 30Y (7).
- (2) The Board may, after considering an application for approval:
  - (a) grant the application, or
  - (b) refuse the application.
- (3) The Board may impose conditions on an approval.
- (4) In addition to any conditions imposed by the Board on an approval, it is a condition of an approval that any person conducting the approved training course under the approval must:
  - (a) hold a Certificate IV in Assessment and Workplace Training awarded by a registered provider, or have such other qualification as the Board considers to be equivalent, and
  - (b) have at least 3 years experience as the holder of a managerial or supervisory position in a hotel or registered club (being a position with duties in relation to the conduct of gaming device activities), or have such other experience as the Board considers to be equivalent, and
  - (c) have attended a seminar, conducted by or on behalf of the Board, on the appropriate delivery of the course.
- (5) If the Board grants an approval, it must issue the applicant with a written approval that sets out any conditions to which the approval is subject.
- (6) If the Board refuses an application for approval, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.
- (7) The Board may vary any condition imposed by the Board on an approval under this

clause, or suspend or cancel such an approval, but only after giving the holder of the approval an opportunity to make submissions.

- (8) 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.
- (9) Except during any period of suspension, an approval under this clause remains in force unless sooner cancelled.
- (10) In this clause, **registered provider** has the same meaning as in the *Vocational Education and Training Accreditation Act 1990*.

### **30Z Self-exclusion schemes**

- (1) For the purposes of section 132A of the Act, the prescribed requirements for the conduct of a scheme by a registered club are that the scheme makes provision:
  - (a) preventing the registered club from refusing a participant's request, and
  - (b) for the participant to be required to give a written and signed undertaking that he or she will not gamble at the registered club for a period specified in the undertaking, and
  - (c) for 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, and
  - (d) for a participant who enters an undertaking to be provided by the registered club with information about the availability of gambling-related counselling and treatment services, and
  - (e) for the registered club to ensure that responsible persons for the registered club can readily identify the participant, whether by means of access to a recent photograph of the participant or otherwise, and
  - (f) for the registered club to publicise the availability of the scheme and information as to how it operates to patrons of the registered club, and
  - (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 part or parts of a registered club used for gambling.

## Part 5 Fees

### Division 1 Application fees

#### 31 Application fees

The fees to be lodged with applications to the Licensing Court under the Act are as follows:

<b>Application</b>	<b>Fee</b>
Application for a certificate of registration (section 7 of the Act)	\$200
Conditional application in relation to a club's new premises or club premises to be added to or altered (section 18 (1) of the Act)	\$200
Application for the endorsement of a certificate of registration of a club on the club moving to other premises (section 19 (1) of the Act)	\$200
Application for a functions authority (section 23A (1) of the Act)	\$50
Application for a duplicate certificate of registration or authority (section 29 of the Act)	\$25
Application for a variation of the hours during which liquor may be carried away from a registered club on a Sunday (section 46 (6) of the Act)	\$50
Application for a poker machine dealer's licence (section 90 (1) of the Act)	\$500
Application for any other gaming-related licence (section 90 (1) of the Act)	\$50
Any other application (not being an application under section 33, 34 or 41 of the Act or an application for a final order in respect of an application conditionally granted)	\$50

### Division 2

#### 32-34 (Repealed)

## **Division 3 Gaming-related licence fees**

### **35 Fees for the grant of licences**

(1) In accordance with section 103 (1) of the Act, the following fees are prescribed:

- (a) for the grant of a poker machine dealer's licence—\$5,000,
- (b) for the grant of a poker machine seller's licence—\$250,
- (c) for the grant of a poker machine technician's licence—\$100,
- (d) for the grant of a poker machine adviser's licence—\$250,
- (e) for the grant of a poker machine testing facility licence—\$450.

(2) The fee payable for the grant of a licence is to be reduced by the amount of the fee lodged with the application for the licence.

### **36 Periods in respect of which periodic licence fees are payable (licensing periods)**

For the purposes of section 105 (1) of the Act, a period of one year that commences on 16 February (other than the period of one year during which the licence concerned is granted) is prescribed in respect of gaming-related licences.

### **37 Amount of periodic licence fees**

In accordance with section 105 (2) of the Act, the following periodic licence fees are prescribed:

- (a) for a poker machine dealer's licence—\$5,000,
- (b) for a poker machine seller's licence—\$250,
- (c) for a poker machine technician's licence—\$100,
- (d) for a poker machine adviser's licence—\$250,
- (e) for a poker machine testing facility licence—\$500.

### **38 Time for payment of periodic licence fees (section 105 (2) (a))**

A periodic licence fee payable in respect of a licensing period must be paid in full on or before the commencement of that period.

## **Division 4 Work permit fees**

### **39 Periods in respect of which periodic permit fees are payable (permit periods)**

For the purposes of section 105 (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).

#### **40 Amount of periodic permit fees**

In accordance with section 105 (2) of the Act, \$50 is prescribed as the periodic fee payable for a work permit.

#### **41 Time for payment of periodic permit fees (section 105 (2) (a))**

A periodic permit fee payable in respect of a permit period must be paid in full on or before the commencement of that period.

### **Division 5 Functions authority fees**

#### **42 Fee payable for functions authority**

- (1) For the purposes of 23A (4) of the Act, the prescribed fee for the issue of a functions authority is \$50.
- (2) The fee payable for the issue of a functions authority is to be reduced by the amount of the fee lodged with the application for the authority.

### **Part 6 Licensing Court proceedings**

#### **43 Hearing of applications**

- (1) At the hearing of an application, the applicant and any person who has lodged an objection to the application may appear in person or by the person's counsel or attorney.
- (2) The business of the Licensing Court may be conducted in the absence of the public:
  - (a) in the case of an application to which no objection has been taken (as provided in section 12 (6) (a) of the [Liquor Act 1982](#)), and
  - (b) in the case of an application to which all objections taken have subsequently been withdrawn.

#### **44 Affidavits**

- (1) An affidavit for use in proceedings before the Licensing Court must:
  - (a) identify the proceedings to which it relates, and
  - (b) if a solicitor is acting in the proceedings for the party who files the affidavit—contain the name, address and telephone number of the solicitor, and

- (c) be signed at the end, and on each page, by the deponent and the person before whom it is sworn, and
  - (d) have each alteration, interlineation or erasure initialled by the deponent and the person before whom it is sworn, and
  - (e) have any annexure or attachment certified by the person before whom it is sworn.
- (2) The name of the person before whom an affidavit is sworn must be written or printed legibly below the person's signature at the end of the affidavit.
  - (3) The Licensing Court may order any material in an affidavit to be struck out.
  - (4) Except to the extent that the Licensing Court otherwise directs, an affidavit may be admitted in evidence despite any irregularity in its form.

#### **45 Admissions**

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

#### **46 Procedural directions**

- (1) In relation to any proceedings before the Licensing Court under the Act (other than proceedings for an offence):

- (a) a licensing magistrate may, before hearing the proceedings, and
  - (b) the Licensing Court may, of its own motion or on application,  
give such directions (not inconsistent with the Act or this Regulation) as the magistrate or Court thinks necessary or desirable for the proper disposal of the proceedings.
- (2) The directions may include a direction that an application be heard and determined with any other specified application, even though the applications to which the direction relates:
- (a) are subject to objections that are based on different grounds, or
  - (b) are subject to objections that are based on the same grounds for different reasons, or
  - (c) were made on different dates.
- (3) The Licensing Court may give directions under this clause in respect of a class of proceedings.

#### **47 Appeals to the Licensing Court**

- (1) An appeal under section 42B of the Act must be made by:
- (a) lodging written notice of the appeal with the Principal Registrar not later than 21 days after the adjudication appealed against, and
  - (b) serving copies of that notice on all other parties to the proceedings.
- (2) The copies of the notice must be served not later than 7 days after lodgment of the appeal.
- (3) A fee of \$100 is payable on lodgment of the notice.

### **Part 7 Miscellaneous**

#### **48 Maximum period for which court may order closure of premises**

The period prescribed for the purposes of section 17AAD (5) of the Act is 6 months.

#### **48A Maintenance of records**

For the purposes of clause 72 of Schedule 2 to the Act, the prescribed date is 31 December 1998.

#### **49 Notification of cessation as secretary**

For the purposes of section 32 (3) of the Act, the prescribed notification is a notification in

writing containing the following particulars:

- (a) the name and address of the registered club,
- (b) the registration number,
- (c) the former secretary's name,
- (d) the date on which the former secretary ceased to be the secretary and the reason for the cessation.

**50 Submission of regular statements of income and expenditure to club's board or committee**

The statement of income and expenditure referred to in section 40 (1) (a) of the Act must be in a form approved for the purpose by the Board.

**50A Sale of undesirable liquor products**

For the purposes of section 57C of the Act, the following are declared to be undesirable liquor products:

- (a) alcoholic iceblock—a product that is sold in an individual package or individual packages for consumption in frozen form and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
- (b) a product that is sold in an aerosol container for consumption by humans and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume.

**51 Penalty notice offences**

For the purposes of section 66 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, and
- (b) the prescribed penalty payable for such an offence if dealt with under that section is:
  - (i) in the case of a person other than a minor—the amount specified in Column 4 of Schedule 3 (if any), or
  - (ii) in the case of a minor—the amount specified in Column 5 of Schedule 3 (if any).

**52 Short descriptions of offences**

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 3 consists of the IPB Code (if any) set out in relation to that offence in Column 3 of Schedule 3 and:
  - (a) the text set out in relation to the offence in Column 2 of Schedule 3, or

(b) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.

- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 3, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.
- (5) In this clause:

***Infringement Processing Bureau*** means the Infringement processing bureau within the Police Service.

***IPB Code***, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

### **53 Divulging of information**

- (1) For the purposes of section 72C (2) (c) of the Act, the following persons are prescribed:
  - (a) the Director of Liquor and Gaming,
  - (b) the Casino Control Authority.
- (2) For the purposes of section 72C (2) (c) of the Act, the following persons are prescribed, but only in relation to the divulging of information necessary to enable them to carry out the services referred to in the following paragraphs for which they were engaged or employed:
  - (a) persons who the Minister is satisfied have been engaged as consultants by the government to carry out a survey of the registered clubs industry and an analysis of the results of the survey and who are designated in writing by the Minister for the purposes of this subclause,
  - (b) persons engaged or employed by those consultants to perform services in relation to that survey and analysis and who are designated in writing by the Minister for the purposes of this subclause.

#### **54 Repeal**

- (1) The *Registered Clubs Regulation 1983* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Registered Clubs Regulation 1983*, had effect under that Regulation continues to have effect under this Regulation.

#### **55 Transitional provision—assessment of duty for period 1 March 1997 to 30 November 1997**

- (1) The purpose of this clause is to provide for an adjustment in the assessment of the duty payable under the Act for the period commencing on 1 March 1997 and ending on 30 November 1997 so as to facilitate the phasing-in of the changes in the rates of duty resulting from the amendments to the Act made by the *Liquor and Registered Clubs Legislation Further Amendment Act 1996*.
- (2) The duty payable for the period commencing on 1 March 1997 and ending on 30 November 1997 is assessed as follows:
  - (a) If the profits from all approved gaming devices kept by a registered club in that period do not exceed \$75,000, no duty is payable on the profits.
  - (b) If the profits from all approved gaming devices kept by a registered club in that period exceed \$75,000 but do not exceed \$150,000, duty is payable on so much of the profits as exceed \$75,000 but do not exceed \$150,000 at the rate of 1%.
  - (c) If the profits from all approved gaming devices kept by a registered club in that period exceed \$150,000 but do not exceed \$1,875,000, duty is payable:
    - (i) in the sum of \$750, and
    - (ii) on so much of the profits as exceed \$150,000 but do not exceed \$1,875,000—at the rate of 22.5%.
  - (d) If the profits from all approved gaming devices kept by a registered club in that period exceed \$1,875,000, duty is payable:
    - (i) in the sum of \$388,875, and
    - (ii) on so much of the profits as exceed \$1,875,000—at the rate of 24.75%.

#### **55A Transitional provision—existing rules relating to full members' entitlement to vote at election of club directors**

If, immediately before 1 August 1997, the rules of a registered club provided, in accordance with section 30 (9) (a) of the Act, that a certain class or classes of the full members of the club only are entitled to vote at the annual election of the governing body of the club, those rules are taken to also apply to and in respect of the election of the



club's governing body on a biennial basis in accordance with section 30 (1) (a) (ii) of the Act (as amended by the *Registered Clubs and Liquor Legislation Amendment Act 1997*).

**56 Transitional provision—registered clubs authorised to keep approved amusement devices before 1 April 1997**

- (1) The purpose of this clause is to enable approved amusement devices to be installed in registered clubs before 1 April 1997 so as to facilitate the use and operation of such devices on the defined premises of registered clubs on or after that date.
- (2) Subject to this clause, and despite any other law, it is lawful for a registered club to keep an approved amusement device on the defined premises of the registered club before 1 April 1997 but only if the Board has authorised the device to be used and operated on those premises on or after that date.
- (3) The Board's authorisation is subject to the following conditions, and the failure to comply with those conditions operates to make the keeping of the device by the club before 1 April 1997 unlawful:
  - (a) the device must not be used or operated on the defined premises of the registered club before that date,
  - (b) the logic board of the device must be removed from the device before it is installed,
  - (c) the logic board of the device must not be placed back in the device before 1 April 1997,
  - (d) while it is removed, the logic board must not be kept on the defined premises of the registered club, and it must be kept by a licensed dealer, seller or technician.

**56B Transitional provision—clubs receiving concession under section 87G not to be taken to be separate clubs under section 85 (1A)**

Despite clause 23AA (b), separate and distinct premises of a registered club, whose profits are notionally divided and assessed in accordance with section 87G of the Act after the commencement of this clause and before the repeal of that section, are not to be taken to be separate clubs under section 85 (1A) of the Act before that repeal.

**56C Transitional provision—multi-game machines**

A multi-game machine that was authorised to be kept and operated on the defined premises of a registered club under clause 23 (2) of this Regulation, as in force immediately before the commencement of the *Registered Clubs Amendment (Liquor Act Application) Regulation 1999*, is taken to be an authorised poker machine.

## **Part 8 Inter-club linked gaming systems**

### **Division 1 Preliminary**

#### **57 Operation of Part**

This Part takes effect on and from the date referred to in the definition of **exclusive licence period** in section 134 of the Act as the operative date for the purposes of Part 12 of the Act.

#### **58 Interpretation**

Without limiting the generality of clause 3 (2), expressions used in this Part which are defined in Part 12 of the Act have the meanings set out in that Part.

### **Division 2 Approval of gaming devices**

#### **59 Specially approved gaming devices**

A gaming device is a specially approved gaming device for the purposes of Part 12 of the Act if it is of a class of gaming devices that is for the time being approved by the Board in accordance with this Division.

#### **60 Application for approval**

- (1) A person may apply to the Board for the Board's approval of a class of gaming devices for the purposes of Part 12 of the Act.
- (2) The Board may:
  - (a) investigate the application, or authorise its investigation, in order to determine whether the class of gaming devices is suitable for approval, and
  - (b) require the applicant to meet the costs of the investigation as determined by the Board.
- (3) This clause does not:
  - (a) confer a right to have a class of gaming devices investigated, or
  - (b) prevent the Board from terminating at its discretion an investigation of a class of gaming devices.

#### **61 Approval process**

- (1) The Board may:
  - (a) approve a class of gaming devices for the purposes of Part 12 of the Act, or
  - (b) refuse to approve a class of gaming devices that is the subject of an application

under clause 60.

- (2) The approval of a class of gaming devices may be an interim approval pending final determination of an application under clause 60.
- (3) Without affecting the Board's discretion, the Board may have regard to the following matters in determining whether or not to approve a class of gaming devices for the purposes of Part 12 of the Act:
  - (a) whether, in the opinion of the Board, the class of gaming devices concerned meets such technical standards as the Board considers necessary to ensure gaming integrity,
  - (b) any guidelines issued by the Board relating to linked gaming systems.

## **62 Revocation of approval**

- (1) The Board may revoke the approval of a class of gaming devices under this Division:
  - (a) if the Board considers that it should do so in the public interest, or
  - (b) if the Board is satisfied that any one of the gaming devices of the class so approved has been modified without the approval of the Board, or
  - (c) for such other reason as the Board thinks appropriate.
- (2) Subclause (1) (b) does not apply if, in the opinion of the Board, the modification is of a minor or insignificant nature and does not affect the gaming device's security or integrity or the manner in which the device was designed and programmed to function.
- (3) Revocation of the Board's approval of a class of gaming devices takes effect when written notice of the revocation is given to the licensee and participating clubs concerned, or on a later date specified in the notice.

## **63 Submissions by applicant**

- (1) The Board may not:
  - (a) terminate the investigation of an application by a person for the Board's approval of a class of gaming devices for the purposes of Part 12 of the Act, or
  - (b) refuse any such application, or
  - (c) revoke the approval of any such class of gaming devices,unless this clause is complied with before it decides to do so.
- (2) The Board must serve on the applicant a notice in writing that:

- (a) specifies the reasons why the Board is considering taking the action specified in the notice, and
  - (b) gives the applicant an opportunity to show cause within such period of at least 14 days as is specified in the notice why the Board should not take that action.
- (3) The applicant may, within the period allowed by the notice, arrange with the Board for the making of submissions to the Board as to why the proposed action should not be taken. The Board is to consider any such submissions.
- (4) After considering any submissions made by the applicant, or if no submissions are made, the Board may proceed with the proposed action, or refrain from taking the proposed action.
- (5) The Board's decision takes effect when written notice of its decision is given to the applicant, or on a later date specified in the notice.

### **Division 3 Supervision of operation of linked gaming system**

#### **64 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, 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**

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

#### **65 Minister may require information relating to licensees, participating clubs and other**

**persons**

- (1) The Minister may, by notice in writing, require a licensee or a participating club, or a person who, in the opinion of the Minister, has a direct or indirect association with a licensee or a participating club:
  - (a) to provide the Minister or a special inspector, in accordance with directions in the notice, with such information relevant to the licensee, the club or that association as is specified in the notice, or
  - (b) to produce to the Minister or a special inspector, in accordance with directions in the notice, such documents relevant to the licensee, the club or that association as 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 a special inspector for examination in relation to any matters relevant to the licensee, the club or that association to answer any questions relating to those matters.
- (2) A person who fails to comply with a requirement of a notice under this clause is guilty of an offence.

Maximum penalty (subclause (2)): 50 penalty units.

- (3) 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.
- (4) If documents are produced under this clause, the Minister or special inspector to whom they are produced may retain possession of them for a reasonable period so that they may be examined and extracts taken from, or copies made of, them.
- (5) The Minister or special inspector must permit inspection of the documents, at any reasonable time during which they are retained under this clause, by a person who would be entitled to inspect them if they were not in the possession of the Minister or inspector.
- (6) A person who complies with a requirement of a notice under this clause does not on that account incur a liability to another person.

**66 Minister may require person to provide particulars concerning key employees**

- (1) The Minister may, by notice in writing served on a person, 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.

### **67 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 furnish the authorities and consent that the Minister may require for the purpose of obtaining further information (including financial and other confidential information) from other persons and institutions.

(2) The Minister is to refer to the Commissioner of Police copies of photographs, finger prints and palm prints obtained in respect of a key employee under this clause and with any supporting information that the Minister considers should be referred to the Commissioner.

(3) The Commissioner of Police is to inquire into, and report to the Minister on, any matters concerning the key employee that the Minister may request.

(4) A key employee is not excused from complying with a notice under this clause on the ground that compliance might tend to incriminate the employee. However, if the employee claims, before complying with the notice, that compliance might tend to incriminate the employee, information provided in compliance with the notice is not admissible in evidence against the employee in any criminal proceedings other than

proceedings under the Act.

- (5) A key employee who complies with a requirement of a notice under this clause does not on that account incur a liability to another person.

#### **68 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 67, 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.

#### **69 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 a contract or other arrangement has effect accordingly, and neither the State nor the Minister incurs any liability by reason of that termination.
- (4) In this clause, **employer** means a licensee or other person to whom a direction to which this clause applies is given.

#### **70 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 (subclause (2)): 20 penalty units.

**71 Prejudice to integrity of operation of linked gaming system**

- (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 linked gaming system operated by a licensee 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 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 licensee, participating club or key employee to take (or to refrain from taking) any action specified in the notice in relation to the operation of the linked gaming system.
- (3) A person who does not comply with a direction given to the person under this clause is guilty of an offence.

Maximum penalty (subclause (3)): 50 penalty units.

**72 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 69, 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 section.



(6) In this clause:

**contractor** means a person who, under a contract or other arrangement with a licensee, 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 licensee and an agent of the licensee.

### **73 Prejudice to integrity of authorised 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 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 within the meaning of clause 72, 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 (subclause (3)): 50 penalty units.

## **Division 4 Notification, control and termination of certain contracts relating to linked gaming systems**

### **74 Definitions**

In this Division:

**contract** includes any kind of agreement or arrangement.

**relevant contract** means a contract relating to the supply of goods or services to a licensee or participating club in connection with the operation of a linked gaming system and that is:

- (a) for the purchase or servicing (or both) of any gaming device or equipment used in connection with the linked gaming system or the security arrangements in relation to the operation of the 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 licence because it involves the public interest.

**75 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 a licence require to be notified to the Minister and so applies in respect of:
  - (a) such relevant contracts that are entered into after the commencement of this clause, and
  - (b) variations of such relevant contracts, whether the contracts were entered into before or after that commencement.
- (2) A licensee or participating club 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 or club has given the Minister written notice of the details of the proposed contract or variation of contract that are specified in the conditions of a 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 or participating club during the investigation time that the Minister is allowed by this clause, in which case the licensee or club 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 subsection (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 or participating club.
- (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 licence that the licensee must comply with this clause.

(10) The certificate of registration of a participating club is subject to the condition that the club complies with this clause.

(11) Failure to comply with this clause does not affect the validity of any contract or variation of contract.

#### **76 Notice to show cause why relevant contract should not be terminated**

(1) The Minister may serve on each party to a relevant contract a notice in writing giving the party an opportunity to show cause within 14 days why the contract should not be terminated on the ground that it is not in the public interest for the contract to remain in force.

(2) The notice is to specify the reasons why it is considered that it is not in the public interest for the contract to remain in force.

(3) A party to the contract may, within the period specified in the notice, arrange with the Minister for the making of submissions as to why the contract should not be terminated.

(4) The Minister may:

(a) after considering any submissions so made, or

(b) if no arrangements are made within the period specified in the notice, or no submissions are received in accordance with arrangements made,

by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.

(5) If a contract is not terminated as required by a notice, it is terminated as and from the expiration of the time specified in the notice for the termination of the contract.

(6) This clause applies to relevant contracts whether entered into before or after the commencement of this clause.

#### **77 Effect of termination**

If a 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.

### **78 Parties to terminated contract must not give effect to it**

A party to a contract terminated in accordance with this Division who gives further effect to the contract is guilty of an offence.

Maximum penalty: 50 penalty units.

### **79 Parties to contract may be required to provide information**

Clause 65 applies to a party to a relevant contract in the same way as it applies to a licensee.

## **Division 5 Miscellaneous provisions**

### **80 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 linked gaming system, or
  - (b) a licensee, participating club or a person who, in the opinion of the Minister, is an associate of a licensee or participating club, 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 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 or participating club, in relation to the operation of an 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 65 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.

### **81 Unlawful interference with linked gaming systems**

- (1) A person must not:
  - (a) possess any equipment that is made or adapted, or intended by the person to be used, for interfering with the normal operation of an authorised linked gaming

system (including any gaming device that is part of the system), or

- (b) do anything calculated, or likely, to interfere with the normal operation of an authorised linked gaming system (including any gaming device that is part of the system), or
- (c) do anything calculated to render a gaming device that is part of an authorised linked gaming system incapable, even temporarily, of producing a winning combination.

Maximum penalty: 50 penalty units.

- (2) Subclause (1) does not apply to or in respect of the possession of any equipment, or to anything done in good faith, in connection with the installation, alteration, adjustment, maintenance or repair of an authorised linked gaming system by:
  - (a) the licensee operating the authorised linked gaming system, or
  - (b) a technician within the meaning of Part 5 of the *Liquor Regulation 1996*, or
  - (c) any other person approved by the licensee.
- (3) A person must not, with intent to dishonestly obtain money or a financial advantage for himself or herself or another person, insert in a gaming device that is part of an authorised linked gaming system anything other than:
  - (a) a coin or token of the denomination or type displayed on the gaming device as that to be used to operate the device, or
  - (b) a banknote of a denomination approved by the Board for use in order to operate the gaming device, or
  - (c) a card of a type approved by the Board for use in order to operate the gaming device.
- (4) A person must not gain, whether personally or for another person, an advantage in the operation of a gaming device that is part of an authorised linked gaming system as the result of knowing about any faulty or fraudulent computer programming in relation to the system.
- (5) 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 (subclauses (3)–(5)): 50 penalty units.

## **82 Illegal advantage with respect to linked gaming systems**

- (1) A person must not, during the design, manufacture, assembly, installation, maintenance or repair of an authorised linked gaming system, dishonestly make

provision to gain an advantage (whether or not for another person) in the operation of the linked gaming system.

Maximum penalty: 50 penalty units.

- (2) A person who, as a result of gross negligence during the design, manufacture, assembly, installation, maintenance or repair of an authorised linked gaming system, makes provision to gain an advantage (whether or not for another person) in the operation of the linked gaming system is guilty of an offence.

Maximum penalty: 50 penalty units.

- (3) A person must not do anything to an authorised linked gaming system in order to conceal anything that is an offence under subclause (1) or (2).

Maximum penalty: 50 penalty units.

- (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.

### **83 Removal of linked gaming system from registered club**

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

Maximum penalty: 50 penalty units.

- (2) Subclause (1) does not apply to:

- (a) the licensee who is operating the authorised linked gaming system, or
- (b) a person approved by the licensee to remove the linked gaming system.

## **Schedule 1 Prescribed changes and particulars**

(Clause 18)

<b>Column 1</b>	<b>Column 2</b>
<b>Prescribed change</b>	<b>Prescribed particulars</b>
A change in: (a) the name of the licensee, or  (b) the principal residential address of the licensee, or  (c) the business or private telephone number of the licensee.	Particulars of those matters as changed.

In the case of the holder of an adviser's licence, a seller's licence or a technician's licence, a change in business address of the licensee.

Particulars of the address as changed.

Particulars of:

- (a) the nature of the proceedings, and
- (b) the names and addresses of the other parties to the proceedings, and

The commencement, settlement, discontinuance or finalisation of civil or criminal proceedings to which the licensee is a party.

- (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 556A of the *Crimes Act 1900*).

A change consisting of:

- (a) the obtaining of judgment against the licensee, or
- (b) the creation of a charge over any property of the licensee, or
- (c) repossession of any property of the licensee.

Particulars giving:

- (a) the terms of the judgment or charge, and
- (b) the reasons for and circumstances of the repossession, and
- (c) a description of the property affected.

The licensee:

- (a) becomes bankrupt, or
- (b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or
- (c) compounds with creditors or makes an assignment of remuneration for their benefit, or
- (d) enters into a compromise or scheme of arrangement with creditors.

Particulars of:

- (a) the terms, and
- (b) the date, of the bankruptcy, application, compounding, assignment, compromise or scheme of arrangement.

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.

A person obtains a direct or indirect interest in the business or in the profits of the business that is carried on under the authority of the licence.

## Schedule 2 Conditions relating to approved gaming devices

(Clause 20)

### Part 1 General conditions

#### 1AA Definitions

(1) In this Schedule:

***gaming machine ticket*** means a ticket that:

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

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

(2) For the purposes of this Schedule, a registered club ***redeems*** a gaming machine ticket if the 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.

#### 1 Keys

The registered club must comply with all directions and instructions determined from time to time by the Board in relation to the custody of the keys of approved gaming devices kept by the club.



## 2 Prizes

- (1) The registered club must not, except with the Board's approval, vary the prize schedules of approved gaming devices kept by the club.
- (2) An approved gaming device kept by the registered club must not be used or operated unless the device has been adjusted so that the value of the prizes (not including prizes other than prizes normally advertised on each device) won by players of the device is not less than:
  - (a) if the club commenced to keep the device on or after 1 April 1983—85 per cent of the total money invested by players, or
  - (b) if the club commenced to keep the device before that date—80 per cent of the total money invested by players.
- (3) Subclause (2) does not apply to the following types of approved gaming devices:
  - (a) multi-coin machines first kept by the registered club before 1 January 1979,
  - (b) hold-and-draw machines.
- (4) The registered club must award or pay a prize that is won from the playing of an approved gaming device kept by the registered club to a player who is entitled to the prize (the **prize-winner**) on request by the prize-winner and in accordance with subclauses (5)–(10).
- (5) A prize may be awarded in a non-monetary form or paid as money.
- (6) If a prize is awarded in a non-monetary form, the registered club must give the prize-winner the choice to be paid money instead.
- (7) If a registered club pays a monetary prize to a prize-winner, the club must pay an amount equal to (but not exceeding) the value of the credits accumulated by the prize-winner from playing the relevant approved gaming device.
- (8) 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](#)).
- (9) The registered club, or an employee of the club, need not award or pay a prize immediately after a prize-winner requests it, but:
  - (a) in the case of a monetary prize—must pay the prize within 48 hours of the

request, and

(b) in the case of a non-monetary prize—must award the prize:

(i) within the time as stated in the information provided under subclause (13) (e),  
or

(ii) if no such time is stated—within 48 hours of the request.

(10) If a prize is not awarded or paid immediately after the prize-winner has requested it, the registered club, or an employee of the club, must give the prize-winner a written acknowledgment of the prize-winner's entitlement to the prize.

(11) The 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 device kept by the club (other than monetary payments released directly by the device or prizes awarded or paid by way of redemption of a gaming machine ticket), containing the following particulars:

(a) the date of the award or payment,

(b) the serial number of the device 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 who are members or employees of the club 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.

(12) A record referred to in subclause (11) must be retained by the registered club for not less than 3 years after the record is made.

(13) A registered club must make material, containing the following information, readily accessible in any area where an approved gaming device kept by the club is located:

(a) the nature or form of prizes offered,

(b) the terms on which prizes are awarded or paid,

(c) the right of a prize-winner to choose to receive money instead of any non-monetary prize awarded,

- (d) any option available to a prize-winner 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 club will award the prize.
- (14) Any registered club, or any person acting on behalf of the club, who purchases an item to be offered as a prize must purchase the item directly from a person whose business comprises the production or sale of items of that kind, unless the Board approves otherwise.

### **3 Clearance and refilling of approved gaming devices**

- (1) Approved gaming devices kept by the registered club must be cleared of money by at least 2 of any of the following persons:
- (a) a person authorised under clause 20 to redeem gaming machine tickets,
  - (b) the holder of a gaming-related licence who is exercising functions authorised by the licence,
  - (c) a special inspector exercising the functions of a special inspector.
- (2) The registered club must keep or cause to be kept a written record, with respect to each clearance of an approved gaming device kept by the club, containing the following particulars:
- (a) the date of the clearance,
  - (b) the serial number of the device cleared,
  - (c) the amount cleared,
  - (d) the signatures of the persons who cleared the device certifying that the record made in accordance with this clause is correct in all details.
- (3) Approved gaming devices kept by the registered club must be refilled with money by at least 2 of any of the following persons:
- (a) a person authorised under clause 20 to redeem gaming machine tickets,
  - (b) the holder of a gaming-related licence who is exercising functions authorised by the licence,
  - (c) a special inspector exercising the functions of a special inspector.
- (4) The registered club must keep or cause to be kept a written record, with respect to each refill of an approved gaming device, containing the following particulars:
- (a) the date of the refill,

- (b) the serial number of the device refilled,
  - (c) the signatures of the persons who refilled the device 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.
- (5) Records referred to in subclauses (2) and (4) must be retained by the registered club for not less than 3 years after the record is made.
- (6) Clause 20 (5) applies to and in respect of a person referred to in subclause (1) (a) or (3) (a) in the same way as it applies to and in respect of a person authorised under clause 20.

#### **4 Progressive approved gaming devices**

- (1) This condition applies to approved gaming devices of a progressive type kept by a registered club.
- (2) The registered club must display on the club premises, in respect of approved gaming devices to which this clause applies, notices containing the following particulars:
- (a) the minimum value at which a progressive meter is set after a prize of the amount previously appearing in the meter has been paid,
  - (b) the rate of progress of the progressive meter as a result of the device being played,
  - (c) a statement that the higher value appearing in the 2 progressive meters will be paid in the event of the appropriate jackpot occurring.
- (3) On the clearance of an approved gaming device to which this clause applies, in addition to the information required by clause 3, there must be recorded the amount shown on the progressive meter of each device.
- (4) Records referred to in subclause (3) must be retained by the registered club for not less than 3 years after the record is made.

#### **5 Meters**

- (1) The registered club must cause to be read, at intervals not exceeding 7 days, the following meters of approved gaming devices kept by the club:
- (a) turnover meters,
  - (b) in addition, in the case of approved gaming devices other than established poker machines:

- (i) coins out or (if applicable) credit wins meters, and
  - (ii) money to cashbox meters, and
  - (iii) cancelled credits payments meters, and
  - (iv) book jackpot wins meters (if applicable), and
  - (v) where fitted, money in meters (money transferred into devices through the use of centralised cash control equipment), and
  - (vi) where fitted, money out meters (money transferred out of devices through the use of centralised cash control equipment), and
  - (vii) where fitted, cash in meters (cumulative total representing the value of money inserted into the device), and
  - (viii) where fitted, cash out meters (cumulative total representing the value of coins released from the device's hopper).
- (2) A registered club must keep or cause to be kept a written record, with respect to each meter reading, containing the following particulars:
- (a) the serial number of the device,
  - (b) the date of the reading,
  - (c) the meter reading.
- (3) If a turnover meter has malfunctioned since the last reading, an estimated reading must be recorded and any record of the reading must be clearly endorsed "Estimate" and indicated as such in any return or other information lodged with the Board.
- (4) The registered club must, at intervals not exceeding one month, in respect of each approved gaming device kept by the club, record the following information:
- (a) a cash flow analysis,
  - (b) a comparison of cancelled credits payments and book jackpot wins meter readings with the corresponding entries in the club's payout sheets,
  - (c) a comparison of the money out meter reading (in the case of an approved gaming device that issues gaming machine tickets by means of equipment subsidiary to the device), or the cancelled credits payments meter reading (in the case of an approved gaming device 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 device, being gaming machine tickets that have been redeemed, and

- (ii) the value of the unclaimed gaming machine tickets issued from the device.
- (5) The cash flow analysis must be in or to the effect of a form approved for the purpose by the Board.
- (6) A record referred to in subclause (2) or (4) must be retained by the club for not less than 3 years after the record is made.
- (7) The information contained in a record referred to in subclause (4) must be reported to the club's board or committee at intervals not exceeding one month.
- (8) If a meter of an approved gaming device kept by the registered club ceases to function or malfunctions, the club must cause it to be repaired as soon as practicable after it so ceases or malfunctions.
- (9) Subparagraphs (v)-(viii) of subclause (1) (b) commence on 1 November 1996.

## 6 Records

- (1) The registered club is to make, on or before the 21st day in each month, with respect to each approved gaming device kept by the club, a record in or to the effect of a form approved for the purpose by the Board relating to the previous month and to that part of the previous 12 months for which information is available.
- (2) Each record is to be examined by the club's board or committee within one month after the last date on which the record was required to be made.
- (3) The registered club is to retain each record for a period of not less than 3 years after the last date on which it was required to be made.

## Part 2 Additional conditions applicable to progressive machines and intra-club progressive systems

### 7 Definitions

- (1) In this Part:

**authorised progressive machine** means a progressive machine which the Board has authorised a registered club to install.

**authorised progressive system** means a progressive system which the Board has authorised a registered club to install.

**progressive machine** means an approved gaming device that:

- (a) contributes a percentage of the money wagered on it to a separate progressive jackpot pool, and
- (b) complies with the guidelines for progressive machines issued by the Board, and

- (c) is specially approved by the Board for the purposes of this Part, and
- (d) has not been declared by the Board as having ceased to be a progressive machine.

**progressive system** means 2 or more approved gaming devices 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 devices issued by the Board, and
  - (c) are specially approved by the Board for the purposes of this Part or are within a class of linked progressive systems of devices specially approved by the Board for the purposes of this Part, and
  - (d) have not been declared by the Board as having ceased to be a progressive system.
- (2) For the purposes of this Part, a multi-terminal gaming machine cannot be included in an authorised progressive system that consists of devices other than multi-terminal gaming machines.

## **8 Keeping of progressive machines and systems**

The registered club must not:

- (a) keep a progressive machine that is not an authorised progressive machine, or
- (b) keep a progressive system that is not an authorised progressive system, or
- (c) dispose of an authorised progressive machine or authorised progressive system without the authority of the Board or without complying with clauses 13–15 of this Schedule, or
- (d) deliberately remove from play an authorised progressive machine or authorised progressive system thereby denying members or their guests the opportunity to win existing progressive jackpots (unless removed under clause 9 of this Schedule).

## **9 Malfunction of progressive machines or systems**

- (1) The registered club must not permit the operation of an authorised progressive machine or authorised progressive system that does not function properly. In the event of malfunction, the registered club must cause the machine or system to be removed from play immediately and be repaired as soon as practicable.
- (2) If a turnover or progressive meter of an approved gaming device which is an authorised progressive machine or is linked to an authorised progressive system

operated by the registered club ceases to function or malfunctions, the registered club must cause the device to be removed from play immediately and be repaired as soon as practicable.

**10 Authorised progressive machines—reading and recording of meters and jackpot reconciliations**

- (1) The registered club must cause to be read and recorded:
  - (a) weekly, the turnover meters (both electro-mechanical and electronic) of all authorised progressive machines operated by the club, and
  - (b) weekly, the amount shown on all progressive meters on all authorised progressive machines operated by the club, and
  - (c) the amount shown on the progressive meter of an authorised progressive machine at the time the progressive jackpot is won.
- (2) The registered club must keep or cause to be kept a weekly written record of the readings made under subclause (1) (a) and (b) in an accountable document containing the following particulars:
  - (a) the serial number of each device,
  - (b) the date of the reading,
  - (c) the turnover meter reading,
  - (d) the amount shown on the progressive meter.
- (3) The registered club must carry out a weekly progressive jackpot reconciliation in respect of all authorised progressive machines operated by the club.
- (4) The progressive jackpot reconciliation must be in or to the effect of a form approved for the purpose by the Board and must be retained by the registered club for not less than 3 years after the reconciliation is carried out.
- (5) If the reconciliation referred to in subclause (3) indicates that a malfunction has occurred with the machine, the Board may determine and direct the registered club to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable.
- (6) The information contained in a record referred to in subclause (4) must be reported to the registered club's board or committee at least once each month.
- (7) The registered club must ensure the results of each authorised progressive machine are separated from the results of all other approved gaming devices operated by the club in all net analysis reports.



- (8) If the prize pool on an authorised progressive machine may exceed \$20,000 the registered club must:
- (a) establish with a recognised financial institution a special account which is to have at the time of each weekly progressive jackpot reconciliation a balance equal to or greater than the total value of the prize pool on each authorised progressive machine within the club, or
  - (b) obtain, on the installation of the authorised progressive machine, a formal guarantee from a bank or recognised financial institution for an amount equal to the maximum jackpot on each such machine.

**11 Authorised progressive systems—reading and recording of meters and jackpot reconciliations**

- (1) The registered club must cause to be read and recorded:
- (a) daily, the turnover meters (both electro-mechanical and electronic) of all approved gaming devices on all authorised progressive systems operated by the club, and
  - (b) daily, the amount shown on all progressive meters on all authorised progressive systems operated by the club, and
  - (c) the amount shown on the progressive meter of an authorised progressive system at the time the progressive jackpot is won.
- (2) The registered club must keep or cause to be kept a daily written record of the readings made under subclause (1) (a) and (b) in an accountable document containing the following particulars:
- (a) the serial number of each device,
  - (b) the date of the reading,
  - (c) the turnover meter reading,
  - (d) the amount shown on the progressive meter.
- (3) The registered club must carry out a daily progressive jackpot reconciliation in respect of all authorised progressive systems operated by the club.
- (4) The functions in subclauses (1)–(3) which are required to be performed daily may be performed weekly if:
- (a) the system is one which specifically limits the maximum jackpot generated and paid on the system to not more than \$2,000, or
  - (b) the meter reading for every unwon progressive jackpot on the system does not currently exceed \$2,000.

- (5) The progressive jackpot reconciliation must be in or to the effect of a form approved for the purpose by the Board and must be retained by the registered club for not less than 3 years after the reconciliation is carried out.
- (6) On installation of a variation of any authorised progressive system, reconciliations of the jackpots accumulated as at the close of business on the first day of operation in the club must be carried out on or by the next day on which the club is open for business. In addition, the first jackpots of each type paid and subsequent start-up values must be fully reconciled and accord with the characteristics of the system as approved and authorised by the Board.
- (7) If the reconciliation referred to in subclause (3) indicates that a malfunction has occurred with the system, the Board may determine and direct the registered club to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable.
- (8) The information contained in a record referred to in subclause (5) must be reported to the registered club's board or committee at least once in each month.
- (9) The registered club must ensure the results of approved gaming devices on each authorised progressive system are separated from the results of all other approved gaming devices operated by the club in all net analysis reports.
- (10) If an authorised progressive system jackpot amount may exceed \$20,000, the registered club must:
  - (a) establish with a recognised financial institution a special account which is to have at the time of each weekly progressive jackpot reconciliation a balance equal to or greater than the total value of progressive meters on each authorised progressive system within the club, or
  - (b) obtain, on the installation of the authorised progressive system, a formal guarantee from a bank or recognised financial institution for an amount equal to the maximum jackpot on each such system.

## **12 Access to progressive machines or systems**

- (1) A registered club must not permit a person to access an authorised progressive machine or authorised progressive system to correct minor faults, clear money or carry out any of the other functions required by these or any other conditions or legislation unless that person:
  - (a) has been nominated by the club's board or committee or its delegate, or
  - (b) is the holder of a poker machine technician's licence in the case of work involving a poker machine, or is the holder of an amusement device technician's licence granted under the [Liquor Act 1982](#) in the case of work involving an approved

amusement device, or

(c) is a special inspector holding office under section 109 of the *Liquor Act 1982*, or

(d) has the prior written approval of the Board to do so.

(2) The registered club must keep a record where such access to the authorised progressive machine or authorised progressive system necessitates the breaking of any security seal. The record must include the date and time of and reason for the access, the name and qualification of the person accessing the machine or system and the number of the replacement seal.

### **13 Disposal of authorised progressive machines or systems**

(1) A registered club must not dispose of an authorised progressive machine unless:

(a) all progressive jackpot amounts accumulated on the machine have been won, or

(b) any accumulated progressive jackpot amounts are to be transferred to another authorised progressive machine or other authorised progressive system within the club, or

(c) any accumulated progressive jackpot amounts are to be used to pay additional prizes on another approved gaming device within the club, or

(d) the Board, in exceptional circumstances, approves of an alternative proposal to use any accumulated progressive jackpot amounts and those amounts are to be used in accordance with that proposal.

(2) A registered club must not dispose of an authorised progressive system unless:

(a) all progressive jackpot amounts accumulated on the system have been won, or

(b) any accumulated progressive jackpot amounts are to be transferred to another authorised progressive machine or other authorised progressive system within the club, or

(c) any accumulated progressive jackpot amounts are to be used to pay additional prizes on another approved gaming device within the club, or

(d) the Board, in exceptional circumstances, approves of an alternative proposal to use any accumulated progressive jackpot amounts and those amounts are to be used in accordance with that proposal.

(3) If the progressive jackpot amount is paid as an additional prize on another approved gaming device in accordance with subclause (1) (c) or (2) (c):

(a) it must be paid in conjunction with a combination paying at least 300 credits, and

- (b) the registered club must keep a written record of the date, serial number of the approved gaming device on which the additional prize was paid, the prize-winning combination, the amount of the additional prize, the name and signature of the person to whom the payment was made and the names and signatures of 2 other persons who are members or employees of the club certifying the prize-winning combination is correct.
- (4) Any application of accumulated progressive jackpot amounts in accordance with subclause (1) (b) or (c) or (2) (b) or (c) is subject to the following conditions:
- (a) the registered club may deduct from the value of the accumulated jackpot prize the amount provided by the club to initially start up the prize offered,
  - (b) the registered club must ensure that adequate safeguards exist to control any scheme devised (in particular, that there must be no double deduction of prizes so paid for the purposes of calculation of duty),
  - (c) the registered club must include information as to the method of disbursing accumulated progressive jackpot amounts from the prize pool of the authorised progressive machine or system to be disposed of as a note to its quarterly accounts and to inform its members.

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

- (1) When seeking approval to dispose of an authorised progressive machine or authorised progressive system, or for an alternative proposal for use of accumulated progressive jackpot amounts, the registered club must submit details of each proposal to the Board.
- (2) Any application by a registered club to delicense an authorised progressive machine or system and 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 machine or system.
- (3) When seeking approval for an alternative proposal for use of accumulated progressive jackpot amounts, the registered club must also describe the nature of any exceptional circumstances on which basis the proposal is made.

**15 Authorised progressive machines or systems and accumulated progressive jackpot amounts not to be disposed of until approved by the Board**

A registered club must not dispose of an authorised progressive machine or authorised progressive system or any accumulated progressive jackpot amounts, or make alternative use of any such amounts, until written approval has been received by the club from the Board.

## **Part 3 Additional conditions applicable to gaming machine tickets**

### **16 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.
- (c) (Repealed)

### **17 Issue of certain gaming machine tickets**

- (1) An approved gaming device (or equipment subsidiary to the gaming device 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 device or equipment before the device or equipment can issue a gaming machine ticket representing accumulated credits to a monetary value of more than \$10,000.
- (2) Only a person authorised under clause 20 to redeem gaming machine tickets may release such security mechanisms.

### **18 Records of gaming machine tickets issued**

The approved gaming device (or subsidiary equipment) from which a gaming machine ticket is issued must keep a record of the following:

- (a) the Gaming Machine Identification number issued by the Board in respect of that gaming device,
- (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.

### **19 Redemption of gaming machine tickets**

- (1) A registered club must designate (whether by signs or otherwise) a place on its premises as a place at which gaming machine tickets may be redeemed.
- (2) 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 registered club may refuse to redeem a gaming machine ticket if:
  - (a) the club is not satisfied that the person claiming in respect of the ticket is entitled

to the ticket, or

- (b) that person does not provide the relevant information, documentary proof of identity and signature required for the records referred to in this Part.

## **20 Persons authorised to redeem gaming machine tickets**

- (1) 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 registered club,
  - (b) a member of the governing body of the registered club,
  - (c) an employee of the registered club,
  - (d) a member of the registered club.
- (2) The authorisation must be in writing.
- (3) Only a person so authorised may redeem gaming machine tickets on behalf of the registered club.
- (4) However, a person referred to in subclause (1) (d) who is authorised in accordance with this clause may not redeem gaming machine tickets on behalf of the registered club except at a time when no duly authorised person referred to in subclause (1) (a), (b) or (c) is available to do so.
- (5) A 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 (other than the secretary of the club) who is authorised by the club in accordance with this clause.
- (6) A registered club must ensure that, at all times during which the club is trading in accordance with its certificate of registration, there is at least one person available on the premises of the club to redeem gaming machine tickets.

## **21 Records to be made on redemption**

- (1) A 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.

(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.

## **22 Separate records of certain gaming machine tickets**

A 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.

## **23 Unclaimed gaming machine tickets**

(1) A registered club must post in a conspicuous place in the club a notice (in a form approved by the Board) listing all unclaimed gaming machine tickets that were issued more than 12 months previously.

(2) The notice must be displayed for at least 7 consecutive days.

(3) The notice must make it clear that a claim in respect of an unclaimed gaming machine ticket may be made against the club at any time.

## **24 Disposal of money payable in respect of unclaimed gaming machine tickets**

(1) A registered club must not dispose of money payable in respect of an unclaimed gaming machine ticket for any purpose unless:

(a) at least 12 months have elapsed since the ticket was issued, and

(b) a notice concerning the ticket has been posted in the club in accordance with clause 23, and

(c) the Board has approved in writing of the disposal of the money for that purpose.

(2) Disposal of money under this clause in respect of an unclaimed gaming machine ticket does not extinguish the right of any person to make a claim in respect of the ticket.

## 25 Records and other material

- (1) All records required by this Part must be in a form approved by the Board.
- (2) All records, and all gaming machine tickets that have been redeemed on presentation:
  - (a) must be retained for at least 3 years, and
  - (b) must be made available, at the request of an authorised person, for inspection by the person during that time.

## Schedule 3 Penalty notice offences

(Clauses 51 and 52)

### Offences under the Act

Column 1	Column 2	Column 3	Column 4	Column 5
Offence	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 27A (1)	Fail to make/keep liquor acquisition record	5597, 1615	\$220	—
Section 27A (2)	Fail to keep liquor acquisition record as required	5598, 1616	\$220	—
Section 27A (3)	Fail to retain club business document/record as required	5599, 1617	\$220	—
Section 27A (5)	Fail to comply with inspector's requirement	6492, 1618	\$220	—
Section 27B (1)	Fail to keep low alcohol liquor payments record	1619	\$220	—
Section 37 (1)	Fail to lodge AGM document	6479	\$110	—
Section 39 (1) (a)	Fail to disclose interest of governing body of registered club	5599, 0693	\$110	—
Section 39 (1) (b)	Fail to exhibit particulars for 14 days	5600, 0694	\$110	—
Section 39 (1) (c)	Fail to lodge annual report	5601, 0698	\$110	—
Section 40 (3)	Club fail to prepare, submit and display statements as required	5802, 0699	\$110	—



Section 44 (1)	Supply/dispose of/cause/ suffer supply/disposal of liquor off defined premises (club)	6480, 1621	\$220	—
Section 44 (2)	Supply/dispose of/cause/ suffer supply/disposal of liquor off defined premises (person)	6493, 1622	\$110	—
Section 44A (1) (a)	Secretary permit intoxication in club	6482, 1623	\$550	—
Section 44A (1) (b)	Secretary permit indecent/ violent/quarrelsome conduct in club	6483, 1624	\$550	—
Section 44A (2)	Sell/supply liquor to intoxicated person in club	6494	\$550	—
Section 45 (1)	Non-member/temp member using club accommodation/ facilities/ amenities	6498	\$110	\$55
Section 45A	Make entry relating to a minor in guest register	6495	\$110	\$55
Section 47 (a)	Club breaching club rule referred to in section 30 (1)/(2)/(2A)	6481, 1628	\$110	—
Section 47 (b)	Secretary breaching club rule referred to in section 30 (2)/(2A)	6484, 1629	\$55	—
Section 48 (6)	Use prohibited name for premises or advertising material	5603, 0700	\$55	—
Section 48A (3)	Cause/permit use of the word "casino" to advertise club	5604, 0711	\$55	—
Section 49	Fail to lodge amended rules of club	5605, 0715	\$55	—
Section 50 (1) (a)	Sale/supply/disposal of liquor to minor on club premises	6485, 1630	\$550	—
Section 50 (1) (b)	Fail to remove minor from bar	6486, 1631	\$550	—
Section 50 (2)	Supply/disposal of liquor to minor on club premises	6496, 1632	\$220	—

Section 50 (2A)	Minor (guest of member) in bar (offence by member)	6499, 1633	\$220	—
Section 50A (1)	Fail to remove minor from poker machine area of club	6487, 1634	\$550	—
Section 50A (2)	Minor (as guest) in poker machine area (offence by member)	6500, 1635	\$220	—
Section 50B (1)	Fail to display minors notice in bar/poker machine area	6488, 1636	\$220	—
Section 50B (2)	Fail to display notice about members' obligations (minors)	6489, 1637	\$220	—
Section 51 (1) (a)	Permit minor to consume liquor on club premises	6501, 1638	—	\$55
Section 51 (1) (b)	Minor obtaining/attempting to obtain liquor to consume on premises	6502, 1639	—	\$55
Section 51 (1) (c)	Minor carrying away/ attempting to carry away liquor from premises	6503, 1640	—	\$55
Section 51 (1) (d)	Minor using/operating poker machines in premises	6504, 1641	—	\$55
Section 51 (1) (e)	Minor entering/being in poker machine area	6505, 1642	—	\$55
Section 52 (1)	Minor entering/in a bar	6506, 1643	—	\$55
Section 52A (2) (a)	Suspected minor refusing/ failing to state name or address	5606, 0716, 6507, 1644	\$110	\$55
Section 52A (2) (b)	Suspected minor refusing/ failing to produce evidence of age	5607, 0733, 6508, 1645	\$110	\$55
Section 52B (1)	Secretary/employee permit entry to minor	6490, 1646	\$550	—
Section 52B (2)	Secretary/employee supply liquor to minor	6491, 1647	\$550	—
Section 52C	Minor using false evidence of age	6509, 1648	—	\$55
Section 54B (1) (a)	Club permit unlawful gaming on club premises	5608, 0741	\$220	—

Section 54B (1) (b)	Secretary permit unlawful gaming on club premises	5609, 0751	\$110	—
Section 54B (2)	Employee permit unlawful gaming on club premises	5610, 0755	\$110	—
Section 55 (1)	Make false or misleading statement in/omit material matter from an official document	5611, 0767, 5612, 0786	\$550	\$55
Section 57 (2)	Minor providing false/misleading information to get age evidence	6510, 1649	—	\$110
Section 57 (3)	Providing/certifying false/misleading information for age evidence	6497, 1650, 5613, 1106	\$220	\$110
Section 67A (4)	Fail to leave club premises	6067, 1168, 5614, 0779	\$550	\$55
Section 78 (a)	Keep an unauthorised poker machine	5615, 0772	\$1,100	—
Section 78 (a1)	Keep an authorised poker machine without complying with conditions	5615, 0773	\$1,100	—
Section 78 (b)	Acquisition of an unauthorised poker machine	5619, 0774	\$1,100	—
Section 78 (c)	Unauthorised disposal of poker machine	5620, 0777	\$1,100	—
Section 79 (2)	Fail to provide particulars of a change in information provided in or accompanying an application	5621, 0789	\$220	—
Section 79 (5)	Unauthorised acquisition or modification of a poker machine	5622, 0798	\$550	—

**Offences under this Regulation**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Offence</b>	<b>Short Description</b>	<b>IPB Code</b>	<b>Penalty (other than minors)</b>	<b>Penalty (minors)</b>
Clause 30H (1)	Fail to display winning chances	5623, 0799	\$550	—

Clause 30J (1)	Fail to make player information available	5624, 0814	\$550	—
Clause 30K	Fail to make player information available (other language)	5625, 0820	\$550	—
Clause 30L (2) (a)	Fail to display gambling warning notice	5626, 0823	\$550	—
Clause 30L (2) (b)	Fail to display problem gambling notice		\$550	—
Clause 30M (1)	Fail to display counselling notice	5627, 0837	\$550	—
Clause 30N (1)	Fail to display notice on ATM	5628, 0838	\$550	—
Clause 30O	Fail to display clock	5629, 0839	\$550	—
Clause 30P (1)	Exchange cheque contrary to requirement	5630, 0840	\$550	—
Clause 30P (2)	Fail to bank cheque within 2 days	5636, 0841	\$550	—
Clause 30Q (1)	Fail to pay prize money by required cheque	5637, 0875	\$550	—
Clause 30R (1)	ATM/EFTPOS in gaming area	5639, 0877	\$550	—
Clause 30U (1)	Publish/cause to be published unacceptable gambling advertisement	5641, 0878	\$550	—
Clause 30U (2)	Gambling advertisement without warning	5643, 0879	\$550	—
Clause 30U (3)	Publish non-complying gambling advertisement		\$550	—
Clause 30U (5)	Fail to remove non-complying gambling advertisement	5644, 0880	\$550	—
Clause 30U (7)	Enter into/extend unlawful contract/arrangement	5645, 0881	\$550	—
Clause 30V (1)	Publish/cause to be published winner's details contrary to request	5678, 0883	\$550	—
Clause 30W	Offer gambling inducement	5610, 0884	\$550	—
Clause 30Y (5)	Employ unqualified gaming staff	5812, 0889	\$550	—

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Clause 30Y (6)	Continue to employ unqualified gaming staff	5824, 0891	\$550	—
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## Schedule 4 Provisions of **Liquor Act 1982** relating to approved amusement devices

(Clause 24A)

### 1 Excluded provisions

In accordance with section 88AA (1) (b) of the *Registered Clubs Act 1976*, the following provisions of the *Liquor Act 1982* relating to approved amusement devices do not apply to and in respect of registered clubs:

- sections 45 (6), 161 (10) and 162 (5).

### 2 Application to registered clubs of provisions of **Liquor Act 1982** relating to approved amusement devices

- (1) The provisions of the *Liquor Act 1982* relating to approved amusement devices that are set out in Schedule 5 (modified in accordance with section 88AA of the *Registered Clubs Act 1976* to read in the manner as set out in Schedule 5) apply to and in respect of registered clubs. Those provisions are referred to in this clause and in the heading to Schedule 5 as the **applied provisions**.
- (2) Expressions used in the applied provisions which are defined in the *Liquor Act 1982* have, for the purposes of their application to and respect of registered clubs, the same meanings set out in that Act (except that any reference in those definitions to a hotelier or a hotel is to be read as a reference to a registered club).
- (3) For the avoidance of any doubt:
  - (a) any reference in the applied provisions to this Act is a reference to the *Liquor Act 1982*, and
  - (b) an offence against any of the applied provisions is an offence arising under the *Liquor Act 1982*.

## Schedule 5 The applied provisions

(Clause 24A)

### 20 Conditions of certificate of registration

- (2) A certificate of registration of a registered club is subject to:
  - (c1) a condition that is imposed under Part 11 of this Act in relation to an approved amusement device.
- (4A) It is a condition of a certificate of registration of a registered club that the club is not

to provide a cash advance on the defined premises of the club, or permit or suffer a cash advance to be provided on the defined premises on behalf of the club, otherwise than as a prize or bonus won as a direct or indirect consequence of operating an approved amusement device in accordance with this Act and the *Registered Clubs Act 1976* and the other conditions to which the certificate of registration of the club is subject.

## **86 Records to be kept**

- (1) A registered club must make and keep up-to-date in the manner and form approved by the Board records in the English language specifying the information required by the form relating to approved amusement devices (if any) kept by the registered club.

Maximum penalty: 20 penalty units.

- (2) A record made under subsection (1) shall, until the day that is 3 years after its making, be kept by the secretary of the registered club on the defined premises of the registered club or in some other place approved by the Board.

Maximum penalty: 20 penalty units.

- (3) The Commissioner of Police or a special inspector may, after giving reasonable notice of his intention so to do, require the secretary or person for the time being in charge of a registered club:

(a) to produce to the Commissioner or the special inspector, or at a place specified in the notice, a record referred to in subsection (1), and

(b) to permit the Commissioner or the special inspector to inspect any such record and:

(i) make copies thereof or take extracts therefrom, or do both, or

(ii) remove it from the registered club or other place approved under subsection (2) and keep it in his custody or under his control for such period as he considers necessary.

- (4) A person shall not, without reasonable excuse, fail to comply with a requirement applicable to the person that is made by an inspector under subsection (3).

Maximum penalty: 20 penalty units.

- (5) Where the Commissioner of Police or a special inspector removes a record under subsection (3) (b) (ii):

(a) the record shall, for the purposes of subsection (2) and during the period that elapses before it is returned to the registered club or other place approved under subsection (2), be deemed to be kept on the defined premises of the registered club or other place approved under subsection (2),

- (b) the Commissioner or the special inspector shall, at all reasonable times, permit inspection of the record, or the making of additions thereto, by any person who, if the record were not in the possession of the Commissioner or the special inspector, would be entitled to inspect the record or, as the case may be, make those additions, and
- (c) the Commissioner or the special inspector shall, as soon as practicable, return the record, or cause it to be returned, to the person required by subsection (1) to keep it.

### **110 Powers of entry, inspection and seizure**

- (1) If the Commissioner of Police believes on reasonable grounds:
  - (a) ...
  - (b) that a breach of this Act in relation to an approved amusement device has been, or is being, committed on the defined premises of a registered club,  
  
the Commissioner may, at any time of the day or night, enter the premises with or without another member of the police force.
- (1A) If a special inspector believes on reasonable grounds that a breach of this Act in relation to an approved amusement device has been, or is being, committed on the defined premises of a registered club, the special inspector may, at any time of the day or night, enter the premises with or without a police officer.
- (2) In exercising the power conferred by subsection (1), the Commissioner of Police may, with or without assistance, break into the premises if entry is refused or unreasonably delayed (whether or not by the absence of a person able to permit entry to the premises).
- (3) A member of the police force or a special inspector may, at any reasonable time, enter and examine any part of the defined premises of a registered club and may:
  - (a) ...
  - (b) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to approved amusement devices have been, or are being, complied with, or
  - (c) having required the secretary of the club (or any other person having them in his or her custody) to produce any registers, books, records or documents relating to approved amusement devices kept by the registered club, make copies of, or take extracts from, entries in the registers, books, records or other documents, or
  - (d) examine any device in the nature of an approved amusement device and take readings from the device.

- (3A) In the exercise of a power conferred under this section, the Commissioner of Police, a police officer or a special inspector may:
- (a) if the Commissioner, police officer or special inspector considers it necessary to do so for the purposes of obtaining evidence of the commission of an offence, seize any registers, books, records or other documents relating to approved amusement devices kept by the registered club, and
  - (b) require any person to answer any question relating to any such registers, books, records or other documents or any other relevant matter.
- (5) The secretary or the person for the time being in charge of the registered club must not refuse or fail to admit to the registered club a person requiring entrance under subsection (1), (1A) or (3) or obstruct or delay the person in the exercise of his or her powers.

Maximum penalty: 50 penalty units.

#### **110A Dealing with seized documents**

- (1) If the Commissioner of Police, a police officer or a special inspector seizes any document under section 110 on the defined premises of a registered club, the Commissioner, police officer or inspector must issue the secretary or person apparently in charge of the club with a written receipt for the document.
- (2) The Commissioner of Police, police officer or special inspector may retain any document seized under section 110 until the completion of any proceedings (including proceedings on appeal) in which it may be evidence.
- (3) A document may only be retained under subsection (2) if the person from whom the document was seized is provided, within a reasonable time after the seizure, with a copy of the document certified by the Commissioner of Police, police officer or special inspector as a true copy.
- (4) The copy is, as evidence, of equal validity to the document of which it is certified to be a copy.

#### **111 Obstruction**

A person who hinders or obstructs a special inspector, member of the police force or any other person in the exercise by him of a function conferred on him by or under this Act is guilty of an offence and liable, where no other penalty or punishment is provided therefor, to a penalty not exceeding 50 penalty units.

#### **117C Registered club liable for use of approved amusement device by minor**

- (1) If a person under the age of 18 years uses or operates an approved amusement device on the defined premises of a registered club, the registered club is guilty of an



offence.

Maximum penalty: 50 penalty units.

(2) It is a defence to a prosecution for an offence under this section if it is proved that the person under the age of 18 years was over the age of 14 years and that:

(a) before the commission of the offence, or

(b) while the offence was being committed,

there was produced to an employee of the registered club, documentary evidence that might reasonably be accepted as applying to the person and as proving that the person was at least 18 years of age.

#### **117D Use of approved amusement device by minor prohibited**

(1) A person who, while under the age of 18 years, uses or operates an approved amusement device kept on the defined premises of a registered club is guilty of an offence.

Maximum penalty: 5 penalty units.

(2) It is a defence to a prosecution for an offence under this section if it is proved that the person who used or operated the approved amusement device did so under the supervision of the holder of an amusement device technician's licence for the purpose only of receiving training and instruction in respect of the servicing, repair or maintenance of approved amusement devices.

#### **140 Averments**

(1) In any proceedings under this Act, an allegation in an application, objection, information or complaint:

(d3) that a specified device is or is not an approved amusement device, or

(d4) that a specified registered club is authorised to keep and to permit the use and operation of an approved amusement device or a specified number of approved amusement devices, or

(d5) that a specified registered club is not authorised to keep or to permit the use or operation of an approved amusement device,

is evidence of the truth of the allegation.

#### **143A Additional penalties**

(1) In addition to any other penalty it may impose on a registered club for an offence under this Act, the court may, if it thinks fit, do any one or more of the following:

- (a) cancel the certificate of registration or functions authority of the club,
  - (b) suspend the functions authority of the club,
  - (c) subject the certificate of registration or functions authority of the club to a specified condition,
  - (d) declare (subject to section 17AAA and subsection (3)) that each person specified in the declaration is, for such period as is specified in the declaration, ineligible to stand for election or to be appointed to, or to hold office in, the position of secretary or member of the governing body (or both of those positions) of:
    - (i) the club, and
    - (ii) if the court so declares—all other registered clubs or such other registered clubs as are specified or as are of a class specified in the declaration.
- (2) In addition to any other penalty it may impose for an offence committed by the holder of a gaming-related licence under this Act, a court may, if it thinks it appropriate, do any one or more of the following:
- (a) reprimand the licensee,
  - (b) impose a condition to which a licence is to be subject, or revoke or vary a condition to which a licence is subject,
  - (c) suspend a licence for such period, not exceeding 12 months, as the court thinks fit,
  - (d) cancel a licence,
  - (e) disqualify a licensee from holding a gaming-related licence for such period as the court thinks fit.
- (3) Section 17AAA (2) and (5)–(8) apply to a court exercising a power under subsection (1) (d) in the same way as they apply to the Licensing Court exercising its power under section 17 (2) (f).

## **156 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to any of the following:
- (a) the manufacture and assembly of approved amusement devices,
  - (b) the supply, offering to supply, sale, acquisition, ownership, possession, keeping, use, operation, transport, control, management, servicing, repair, maintenance

- and disposal of approved amusement devices,
- (c) the design and construction of approved amusement devices,
  - (d) the means of identification, and the appearance, of approved amusement devices,
  - (e) the terms and conditions of acquisition, ownership and disposal of approved amusement devices,
  - (f) the types of approved amusement devices which may, or may not, be kept, used and operated on the defined premises of a registered club or a part of such premises,
  - (g) the installation and location of approved amusement devices on the defined premises of a registered club or a part of such premises,
  - (h) the offering and provision of prizes and bonuses relating to the use of approved amusement devices and the calculation and determination of the prizes and bonuses,
  - (i) the keeping of records in relation to the keeping, use and operation of approved amusement devices, the form in which the records are to be kept, the transfer of the records, the inspection of the records and the obtaining of copies of the records,
  - (j) the furnishing of returns, including periodic returns, in relation to approved amusement devices,
  - (k) tampering or interfering with approved amusement devices,
  - (l) the examination and inspection of approved amusement devices,
  - (m) the sealing of an approved amusement device to prevent it from being operated without breaking the seal,
  - (n) the withdrawal of an approved amusement device from operation until a defect in the device is rectified,
  - (o) the removal of approved amusement devices from the defined premises of a registered club or a part of such premises, and the disposal of approved amusement devices by sale or otherwise,
  - (p) the rebuilding or reconstruction of approved amusement devices and the distribution of used or second-hand approved amusement devices,
  - (q) information to be provided on or in relation to approved amusement devices and the display of signs on or in relation to approved amusement devices,
  - (r) ...

- (s) security procedures for the manufacture, assembly, storage, handling, transport, consignment and receipt of approved amusement devices,
  - (t) any matter relevant to the conduct of gaming by the use of an approved amusement device.
- (2) A regulation may impose a penalty not exceeding 50 penalty units for a contravention thereof.
- (2A) The regulations may provide that the form to be used for a particular purpose is to be the form approved for the purpose by the Board.
- (3) A provision of a regulation may:
- (a) apply generally or be limited in its application by reference to specified exceptions or factors,
  - (b) apply differently according to different factors of a specified kind, or
  - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,
- or may do any combination of those things.

#### **157 Investigation of certain devices**

- (1) The holder of an amusement device dealer's licence may apply to the Board for declaration of a device as an approved amusement device and the Board may:
- (a) investigate the application, or authorise its investigation, in order to determine whether the device is suitable for declaration, and
  - (b) require the applicant to meet the cost of the investigation.
- (2) It is a condition of the licence of the applicant that the licensee is to pay to the Board, within a time allowed by the Board, such of the costs of the investigation as may be required by the Board and is to do so even if the investigation is terminated without a decision being made as to whether or not the device is to be declared to be an approved amusement device.
- (3) Costs determined by the Board for the purposes of this section are reviewable only by the Board.
- (4) This section does not:
- (a) confer a right to have a device investigated, or
  - (b) prevent the Board from terminating at its discretion an investigation of a device.

**158 Declaration as approved amusement device**

- (1) The Board may declare that a device referred to in the declaration is an approved amusement device for the purposes of this Act.
- (2) A declaration under this section:
  - (a) may refer to a device specifically or by reference to a class or description of devices, and
  - (b) may be a temporary declaration pending final determination of an application for declaration of the device as an approved amusement device.
- (3) Without affecting the discretion of the Board to make, or refuse to make, a declaration of a device as an approved amusement device, the Board may refuse to make such a declaration if the Board considers that it would relate to a device that does not meet such technical standards as the Board considers to be necessary to ensure the integrity of gaming by use of the device.
- (4) If an approved amusement device kept by a registered club is modified in such a way that it is in the form of a different approved amusement device, it ceases to be an approved amusement device despite being in that form unless:
  - (a) the material used to effect the modification was supplied by the holder of a dealer's licence, either directly or through the holder of another gaming-related licence, and
  - (b) the modification was effected in accordance with a variation under section 161 of a condition of the registered club's certificate of registration.
- (5) A minor or insignificant variation does not preclude a device from being an approved amusement device if the variation does not affect its security or integrity or the manner in which the approved amusement device from which it varies was designed and programmed to function.
- (6) The Board may revoke a declaration in force under this section if it considers that it is necessary to do so in the public interest or if it is a temporary declaration.
- (7) A revocation under this section does not take effect in relation to an approved amusement device in the possession of a registered club or the holder of a gaming-related licence until the registered club or licensee has been given, or served by post with, written notice of the revocation.
- (8) A device in relation to which a revocation under this section takes effect ceases to be an approved amusement device.
- (9) Neither the Board nor a member of the Board incurs, or has ever incurred, any liability that but for this section might be claimed to arise from:

- (a) a declaration by the Board to the effect that a device is an approved amusement device, or
  - (b) a revocation by the Board of such a declaration,
- whether the declaration or revocation took effect before, or takes effect on or after, the commencement of this section.

**159 Dealer may make representations on investigation of device or revocation of declaration**

(1) The Board may not:

- (a) terminate the investigation of an application by the holder of an amusement device dealer's licence for declaration of a device as an approved amusement device, or
- (b) refuse such an application, or
- (c) revoke an existing declaration of a device as an approved amusement device that was made on the application of the holder of an amusement device dealer's licence,

unless this section is complied with before it decides to do so.

(2) The Board must serve on the relevant holder of an amusement device dealer's licence a notice in writing that complies with subsection (3).

(3) The notice must:

- (a) specify the reasons why the Board is considering taking such action as is specified in the notice, and
- (b) afford the licensee an opportunity to show cause within such period of at least 14 days as is specified in the notice why the Board should not take that action.

(4) The licensee may, within the period allowed by the notice, arrange with the Board for the making of submissions to the Board as to why the proposed action should not be taken and the Board is to consider any submissions so made.

(5) After considering any submissions made by the licensee, or if no such submissions are made, the Board may:

- (a) proceed with the proposed action, or
- (b) conditionally or unconditionally desist from taking the proposed action.

(6) The decision of the Board takes effect when written notice of the decision is given to the licensee or on a later date specified in the notice.

### **160 Lawful keeping etc of approved amusement device**

Despite anything in the *Lotteries and Art Unions Act 1901*, the *Gaming and Betting Act 1912* or any other Act except this Act, and despite any law, it is lawful:

- (a) to keep, use and operate an approved amusement device in a registered club, and
- (b) to pay or present prizes and bonuses won as a direct or indirect consequence of operating the device,

if the device is kept, used and operated, and the prizes and bonuses are paid or presented, as authorised by this Act and any conditions of the registered club's certificate of registration.

### **161 Authority to keep approved amusement devices**

- (1) On the application of a registered club, the Board may impose a condition of the registered club's certificate of registration authorising the club to acquire and keep, and to permit the use and operation of, approved amusement devices in the registered club.
- (2) A condition in force under this section may be varied or revoked by the Board.
- (3) In the instrument by which it imposes, varies or revokes a condition, the Board is to identify the device or devices to which the condition, variation or revocation relates.
- (4) An application to the Board:
  - (a) for the imposition of a condition authorising the acquisition and keeping of an approved amusement device, or
  - (b) for a variation, or the revocation, of an existing condition authorising the keeping of an approved amusement device,

is to be in a form approved by the Board and is to be accompanied by such documents as comply with the requirements of the form.

- (5) If, before a decision is made on an application, there is a change in the information provided in or accompanying the application (including information provided under this subsection) the applicant must forthwith provide the Board with full particulars of the change.

Maximum penalty: 20 penalty units.

- (6) The Board may, from time to time before making a decision on an application, require the applicant to provide, or require the applicant to authorise another person to provide, the Board with such further information in relation to the application as is specified by the Board and, until the information is provided, may defer consideration of the application.

(7) The Board:

- (a) may approve an application form that requires the information provided by completing the form to be verified by statutory declaration, and
- (b) may require information or particulars provided by an applicant to be verified by statutory declaration.

(8) The Board may refuse to proceed with an application by a registered club for imposition or variation of a condition under this section if the registered club fails or refuses to provide the Board with such information as may be required by the Board as to:

- (a) the ownership of each approved amusement device to which the condition, or the varied condition, would relate, or
- (b) the financial or other arrangements in accordance with which each such device has been, or is proposed to be, acquired or modified.

**162 Qualifications for keeping approved amusement device**

(1) Unless satisfied as provided by subsection (2), the Board is not to:

- (a) subject the certificate of registration of a registered club to a condition under section 161, or
- (b) vary such a condition by adding an approved amusement device to the condition, or
- (c) vary such a condition by substituting a different approved amusement device for an existing device, whether or not the difference is the result of a modification under section 158.

(2) The Board is to be satisfied:

- (a) ...
- (b) that each such device will be acquired, or will be modified, under a written contract that includes such terms and conditions (if any) as may be prescribed, and
- (c) that subsection (3) applies in relation to each such device.

(3) This subsection applies in relation to an approved amusement device:

- (a) if, on the passing of the property in the device after being paid for in full, it will be owned unconditionally and free from encumbrances by the registered club, or
- (b) if the device is to be acquired by the registered club in accordance with financial or other arrangements approved by the Board, or



(c) if the device is to be modified for the registered club in accordance with financial or other arrangements approved by the Board.

(4) Any change in the financial or other arrangements under which an approved amusement device is acquired or modified is void without the prior written approval of the Board.

### **163 Sharing of receipts from approved amusement device**

It is a condition of the certificate of registration of a registered club that the club is not to:

(a) share any receipts arising from the use or operation of an approved amusement device, or

(b) make any payment or part payment by way of commission or allowance from or on those receipts.

### **163A Granting interests in approved amusement devices**

(1) It is a condition of the certificate of registration of a registered club that the club is not to grant any interest in an approved amusement device to any other person.

(2) This section does not apply to:

(a) an interest in an approved amusement device that arises from an interest (such as a floating charge) granted over the whole of the club's assets or over a portion of the club's assets that includes, but does not specifically identify, the device, or

(b) an interest in an approved amusement device that is granted in accordance with financial or other arrangements approved by the Board.

### **164 Statutory condition relating to approved amusement devices**

(1) Compliance with the requirements of this section is a condition of the certificate of registration of a registered club.

(2) The registered club is not to permit or suffer an approved amusement device to be in the registered club if the device is capable of being operated to provide cash or credit otherwise than as a prize authorised by this Act.

(3) An approved amusement device is not to be acquired, and is not to be kept, used or operated on any part of the registered club, except in accordance with:

(a) the provisions of this Act, and

(b) a condition of the certificate of registration of the club authorising the registered club to keep the device and permit its use and operation, and

(c) any other conditions imposed by or under this Act.

- (4) The registered club is not to acquire an approved amusement device from a person who is not the holder of an amusement device dealer's licence or an amusement device seller's licence unless it is acquired on a disposal that would not be an offence under section 187.
- (5) The registered club is not to keep or permit the use or operation of an approved amusement device:
  - (a) that is not owned by the registered club, or
  - (b) that is not being acquired by the registered club in accordance with financial or other arrangements approved by the Board.
- (6) ...
- (7) ...
- (8) The registered club is not to dispose of an approved amusement device unless:
  - (a) the Board has authorised disposal of the device, and
  - (b) the registered club complies with any conditions imposed by the Board when authorising disposal of the device, and
  - (c) the Board has made an appropriate variation of, or has revoked, the condition imposed under section 161 in so far as it authorised the registered club to acquire and keep, and to permit the use and operation of, the device.

### **165 Conditions relating to prizes**

- (1) Compliance with the requirements of this section is a condition of the certificate of registration of a registered club.
- (2) A prize given to a person in respect of the use or operation of an approved amusement device:
  - (a) is to consist only of:
    - (i) money, or
    - (ii) a further opportunity to win any kind of prize authorised by this Act or the regulations, or
    - (iii) a prize under both subparagraph (i) and subparagraph (ii), and
  - (b) ...
  - (c) unless it consists of an opportunity to win a prize otherwise than by operating an approved amusement device, is to be of such amount or value, or is to be of not less than such minimum amount or value and not more than such maximum

amount or value, as may be prescribed or as may be calculated or determined as prescribed, and

(d) ...

- (3) The registered club is not to offer a prize in respect of the use or operation of an approved amusement device other than a prize authorised by this section.
- (4) So much of a prize for the use or operation of an approved amusement device as consists of money may be paid by cheque.

#### **166 Board may impose other conditions**

The certificate of registration of a registered club is subject to any condition that relates to the keeping, use or operation of an approved amusement device and is imposed by the Board:

- (a) when authorising the keeping, use and operation of the device, or
- (b) at any later time on the application of the Director, the Principal Registrar or the Commissioner of Police,

if the registered club has first been given an opportunity to make submissions about the proposed condition.

#### **167 Trial of device**

- (1) A registered club authorised to keep an approved amusement device may, with the approval of the Board and subject to compliance with any conditions imposed by the Board, keep in the registered club:
  - (a) on a trial basis, and
  - (b) for a period fixed by the Board,a device that is not an approved amusement device.
- (2) If a device is kept, used and operated as provided by this section, this Act (except section 162 (3) and (4) and section 164 (3) and (5)) applies to it in the same way as the Act applies to an approved amusement device.

#### **168 Powers of entry, inspection etc—approved amusement devices**

- (1) This section applies to:
  - (a) the defined premises of a registered club, and
  - (b) premises on which the holder of a gaming-related licence or a work permit carries on business, or on which the holder of such a licence or a work permit is employed.

- (2) An authorised person may enter any part of premises to which this section applies and exercise the powers conferred by this section, but may do so only:
- (a) at a reasonable hour of the day or night, unless it is being exercised in an emergency, and
  - (b) after giving reasonable notice, unless the giving of notice would defeat the purpose for which the powers are to be exercised, and
  - (c) by using no more force than is reasonably necessary.
- (3) The authorised person may do any of the following:
- (a) inspect, count, check and test, and make notes relating to, approved amusement devices,
  - (b) require a person having access to records relating to relevant matters to produce the records for examination,
  - (c) make copies of, or take extracts from, records relating to relevant matters,
  - (d) affix a temporary seal to any part of an approved amusement device,
  - (e) for the purpose of further examination, take possession of, and remove, a record relating to relevant matters.
- (4) The authorised person may ask any of the following persons to answer questions relating to relevant matters:
- (a) a member of the governing body of a registered club,
  - (b) a holder of a gaming-related licence or, if a holder of a gaming-related licence is a corporation, a director of the corporation,
  - (c) an employee of a registered club or of a holder of a gaming-related licence,
  - (d) the person who appears to be in charge of the premises entered.
- (5) The authorised person may take possession of, and remove, an approved amusement device or a part of an approved amusement device that is on the premises entered (including any money in the device or part):
- (a) for the purposes of further examination, or
  - (b) if the authorised person believes on reasonable grounds that the device or part is in the possession of a person who, by being in possession of the device or part, is guilty of an offence against this Act,
- but may do so only if the authorised person issues the person apparently in charge of the premises with a written receipt for the device or part and for any money in the

device or part.

- (6) If damage is caused by the exercise of the powers conferred by this section, the Minister is to pay reasonable compensation for the damage unless the exercise of the powers was obstructed by the occupier of the premises.
- (7) An approved amusement device or part removed under this section, and any money in the device or part, are to be returned if the Board so directs on the application of the registered club or the holder of the gaming-related licence concerned (as the case may be) made not earlier than 14 days after its removal, unless a summons has been issued under section 170.
- (8) If a person claims on reasonable grounds that a record removed under this section is necessary for the conduct of business on the premises from which the record was removed, the record is not to be retained beyond the end of the next succeeding day unless the claimant is first provided with a copy of the record certified by an authorised person to be a true copy.
- (9) A certified copy of a record provided under this section is for all purposes of equal validity to the original.
- (10) A Licensing Magistrate or other Magistrate, or the Principal Registrar, may, on the application of an authorised person, issue a summons requiring a person:
  - (a) to produce to the Licensing Court records that the person summoned has failed to produce in accordance with a requirement made under this section, or
  - (b) to appear before the Licensing Court and give evidence in relation to a matter in respect of which the person has failed to answer a question in accordance with such a requirement,

and, on the return of the summons, the person summoned may be represented and be heard.

- (11) A person who, having been served with a summons under this section, fails to comply with the summons is guilty of an offence against this Act.

Maximum penalty: 50 penalty units.

- (12) A person who, not being an authorised person, breaks a temporary seal that has been affixed to an approved amusement device by an authorised person is guilty of an offence against this Act.

Maximum penalty: 100 penalty units.

- (13) In this section:

***authorised person*** means a special inspector, the Commissioner of Police or a

person prescribed as an authorised person for the purposes of this section.

**relevant matter** means a matter relating to:

- (a) the manufacture, supply, sale, servicing, possession, keeping or operation of an approved amusement device, or
- (b) a transaction referred to in section 183 (which relates to the provision by the holder of a gaming-related licence of financial assistance to certain persons).

### **169 Search warrants—approved amusement devices**

- (1) A police officer may apply to an authorised justice for a search warrant if the police officer has reasonable grounds for believing that, on specified premises, this Act or a condition of a certificate of registration or a gaming-related licence is being contravened in relation to an approved amusement device.
- (2) An authorised justice to whom an application is made under this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant to any police officer to enter and search the premises.
- (3) Part 3 of the [Search Warrants Act 1985](#) applies to a search warrant issued under this section.
- (4) A police officer who enters any premises on the authority of a search warrant issued under this section may search the premises and may:
  - (a) seize and carry away:
    - (i) any device in the nature of an approved amusement device, or
    - (ii) any part of such a device,and any money in the device or part, or
  - (b) seize and carry away any books of account and documents that may reasonably be suspected to relate to approved amusement devices or devices in the nature of approved amusement devices, or
  - (c) require any person on the premises to state his or her name and address.
- (5) This section does not authorise a police officer to carry away anything for which the officer does not give a receipt.
- (6) In this section, **authorised justice** has the same meaning as it has in the [Search Warrants Act 1985](#).

### **170 Forfeiture or return of removed or seized approved amusement device**

- (1) This section applies to an approved amusement device if the device is removed under

section 168 or is seized under section 169 in the execution of a search warrant.

- (2) A Licensing Magistrate or other Magistrate, the Principal Registrar, or an authorised justice under the [Search Warrants Act 1985](#), (whether or not on application by a police officer) may issue a summons requiring:
  - (a) the owner of a device to which this section applies, or
  - (b) the owner or occupier of the premises from which such a device was removed or on which it was seized,to appear before the court and show where and for what purpose the person summoned came to be in possession of the device.
- (3) On the return of the summons and whether or not there is an appearance in response to the summons, the court is to inquire into the matter and:
  - (a) order the forfeiture to the use of the Crown of the approved amusement device, and of any money found in the device, if satisfied that this Act or a condition of a certificate of registration or a licence was being contravened in relation to the approved amusement device on the premises from which it was removed or on which it was seized, or
  - (b) if not so satisfied, order the return to the person summoned of the device and any money found in the device.

#### **171 Other forfeitures of approved amusement devices**

- (1) If, in proceedings of any kind before it, the Licensing Court or any other Court finds that this Act or a condition of a certificate of registration or a licence has been contravened in relation to an approved amusement device, the Court may order the forfeiture to the Crown of the approved amusement device and any money found in it.
- (2) A police officer may seize and carry away anything that the police officer reasonably suspects may be liable to forfeiture under this section or which a Court has ordered to be forfeited to the Crown, including any money in an approved amusement device or other device at the time of its seizure.

#### **172 Amusement device dealer's licence**

- (1) The court may grant an amusement device dealer's licence in a form approved by the Board.
- (2) An amusement device dealer's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject:
  - (a) to manufacture and assemble approved amusement devices in the place or places specified in the licence, and

- (b) to sell, or negotiate the sale of, approved amusement devices, whether or not manufactured or assembled by the licensee, and
  - (c) to service, repair and maintain approved amusement devices.
- (3) If a corporation is the holder of an amusement device dealer's licence, the authority conferred by this section on the corporation extends to a director or secretary of the corporation.
  - (4) The Board may impose a condition of an amusement device dealer's licence prohibiting or regulating in a specified place an activity that is, or is proposed to be, carried on by the licensee in that place in addition to the activities already authorised by the licence.
  - (5) Before deciding whether or not to impose a condition of a licence under this section, the Board is to give the licensee an opportunity to make submissions about the proposed condition.
  - (6) The court may, on the application of the holder of an amusement device dealer's licence, vary by endorsement on the licence the place or places referred to in subsection (2) (a).

### **173 Board may require dealer to alter certain approved amusement devices**

- (1) The Board may require the holder of an amusement device dealer's licence to arrange, at the expense of the dealer and within a specified time (or within such further time as the Board may allow), for a specified alteration to be made to an approved amusement device that is to be, or has been, supplied by the licensee to a registered club after the commencement of this section.
- (2) It is a condition of an amusement device dealer's licence that the licensee is to comply with any requirement made of the licensee under this section.
- (3) It is a condition of a certificate of registration of a registered club that the registered club is to allow the holder of an amusement device dealer's licence or an amusement device technician's licence such access to an approved amusement device in the registered club as may be required to enable the holder of the licence to comply with a requirement of the Board under this section.

### **174 Amusement device seller's licence**

- (1) The court may grant an amusement device seller's licence in a form approved by the Board.
- (2) An amusement device seller's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject:
  - (a) as principal or agent, to sell approved amusement devices, and



(b) as an employee of a holder of an amusement device dealer's licence or an amusement device seller's licence, to negotiate on behalf of the employer the sale of approved amusement devices.

(3) If a corporation is the holder of an amusement device seller's licence, the authority conferred by this section on the corporation extends to a director or secretary of the corporation.

#### **175 Amusement device technician's licence**

(1) The court may grant an amusement device technician's licence in a form approved by the Board.

(2) An amusement device technician's licence authorises the licensee, subject to this Act and any conditions to which the licence is subject, to service, repair and maintain approved amusement devices.

#### **176 Expenses of investigation of application**

(1) The court may, on the application of the Director or the Commissioner of Police, order an applicant for a gaming-related licence to pay to the Board within a stated time the amount required by this section.

(2) The amount required is a specified amount towards defraying the cost of anticipated expenditure outside the State, and anticipated travelling expenses (whether within or outside the State), involved in investigating the application for the licence.

(3) If an applicant for a gaming-related licence is required to make a payment under this section and fails to make the payment:

(a) the Director may refuse to proceed with investigation of the application, and

(b) the court may refuse to hear the application and may dismiss it.

#### **178 Work permits**

(1) The Principal Registrar may, pending a decision on an application for an amusement device seller's licence or an amusement device technician's licence, issue to the applicant a work permit in a form approved by the Board.

(2) A work permit is subject to any conditions or restrictions of which the holder of the permit is notified by the Principal Registrar when issuing the permit.

(3) A work permit may be cancelled by the Principal Registrar at any time and, unless sooner surrendered or cancelled, ceases to have effect on approval or refusal of the application made by the holder of the work permit for a gaming-related licence.

(4) Subject to any condition or restriction imposed under this section, this Act applies to the holder of a work permit in the same way as it applies to the holder of a gaming-

related licence of the same kind as that applied for by the holder of the work permit.

### **179 Periodic returns by gaming-related licensees**

- (1) Within the period of 1 month after the expiration of each licensing period for a gaming-related licence, the licensee is to lodge with the Director a return that:
  - (a) is in a form approved by the Director, and
  - (b) is accompanied by such documents as may be prescribed, and
  - (c) is signed by the licensee or, if the licensee is a corporation, by at least 2 directors of the corporation.
- (2) The form of return approved by the Director may be in the form of a statutory declaration.
- (3) Compliance with this section is a condition of a gaming-related licence.

### **181 Change in state of affairs of gaming-related licensee**

If a prescribed change takes place in the state of affairs of the holder of a gaming-related licence, the licensee is guilty of an offence against this Act if the Director is not notified in writing of the prescribed particulars of the change within the period of 14 days that next succeeds the change.

Maximum penalty: 20 penalty units.

### **182 Gaming-related licensees to display identification**

- (1) A holder of a dealer's licence or a technician's licence is guilty of an offence if, at any time while servicing, repairing or maintaining an approved amusement device in a registered club, he or she is not wearing on his or her person a clearly visible form of identification approved by the Board.

Maximum penalty: 20 penalty units.

- (1A) If the holder of a dealer's licence is a corporation, a reference in this section to the holder of the licence includes a reference to a person acting under the authority of the licence.
- (2) The Board may exempt a person or the members of a class of persons from the operation of this section.

### **183 Financial assistance in relation to approved amusement devices**

- (1) A holder of a gaming-related licence who enters into a transaction under which the licensee:
  - (a) provides financial assistance to a registered club, or

- (b) guarantees the observance by a registered club of a term or condition on which financial assistance is provided to the registered club by a person other than the holder of the gaming-related licence, or
- (c) indemnifies any person against loss sustained in relation to financial assistance provided to the registered club,

is guilty of an offence against this Act unless the transaction received the prior written approval of the Board.

Maximum penalty: 20 penalty units.

- (2) A holder of a gaming-related licence who agrees to a variation of a term or condition of a transaction referred to in subsection (1) is guilty of an offence against this Act unless the variation received the prior written approval of the Board.

Maximum penalty: 20 penalty units.

- (3) The holder of a gaming-related licence is guilty of an offence against this Act if:
  - (a) financial arrangements made by the licensee have been approved by the Board, and
  - (b) there is a change in those arrangements that has not been approved by the Board, and
  - (c) the Board is not notified of the change immediately after it comes to the notice of the licensee.

Maximum penalty: 20 penalty units.

#### **184 Possession of approved amusement devices**

- (1) A person knowingly in possession of an approved amusement device is guilty of an offence against this Act unless the person:
  - (a) is the holder of a gaming-related licence, or
  - (b) is a registered club lawfully in possession of the approved amusement device, or
  - (c) has possession of the device in the ordinary course of a business involving the transportation or storage of goods, or
  - (d) is an authorised person exercising functions under section 168 (which confers certain powers of entry and inspection and related functions), or
  - (e) is in lawful possession of the device as a consequence of its seizure under the authority of a search warrant.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (2) This section does not apply to the possession of an approved amusement device by a registered club if:
- (a) the club has been disqualified from holding a certificate of registration and the period of disqualification has not expired, or
  - (b) the certificate of registration of the club has been cancelled,
- and the possession has not extended beyond a reasonable time after the disqualification or cancellation.
- (3) This section does not apply to a person in possession of an approved amusement device if the possession resulted from the exercise of a power conferred on the person by a mortgage and has not extended beyond a reasonable time after the exercise of the power.
- (4) This section does not apply to a person in possession of an approved amusement device if the person:
- (a) obtained possession of the device by exercising a power or proprietary right under financial or other arrangements approved by the Board before or after the commencement of this section, and
  - (b) has not retained possession beyond a reasonable time after the exercise of the power.

### **185 Manufacture etc of approved amusement devices**

- (1) A person who manufactures or assembles an approved amusement device is guilty of an offence against this Act unless the person:
- (a) holds an amusement device dealer's licence, or
  - (b) is a director or secretary of a corporation that holds an amusement device dealer's licence, or
  - (c) is an employee of the holder of an amusement device dealer's licence and is doing work as such an employee.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (2) A holder of an amusement device dealer's licence who manufactures or assembles an approved amusement device otherwise than in accordance with the authority conferred on the holder by the licence is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (3) Subsection (2) does not apply to the manufacture or assembly of an approved amusement device by the holder of an amusement device dealer's licence if:

- (a) the Board has agreed to the making of an application by the licensee to have the device declared as an approved amusement device, and
- (b) the manufacture or assembly of the device is for the purposes of the application and its investigation.

### **186 Compliance plate for approved amusement device**

- (1) A holder of an amusement device dealer's licence is guilty of an offence against this Act if an approved amusement device leaves the licensee's premises without a compliance plate that complies with this section and is securely attached to the device in a manner approved by the Board.

Maximum penalty: 100 penalty units.

- (2) It is a defence to a prosecution for an offence under this section if it is proved that the defendant had taken all reasonable precautions aimed at ensuring attachment of a compliance plate and, at the time of the offence, did not know, and had no reason to suspect, that a compliance plate was not securely attached to the device in the manner approved by the Board.
- (3) Exemption from the operation of this section may be granted by the Board in a particular case or a particular class of cases.
- (4) In this section:

***compliance plate***, in relation to an approved amusement device, means a plate that:

- (a) is made of a substance approved by the Board, and
- (b) is of dimensions not less than dimensions approved by the Board, and
- (c) may readily be seen and inspected, and
- (d) shows the name of the dealer, the dealer's licence number, the serial number of the device and the month and year of the manufacture and assembly of the device, and
- (e) has those particulars incorporated in a manner approved by the Board and in symbols that are at least of a minimum size approved by the Board.

### **187 Supply, sale and purchase of approved amusement devices**

- (1) A person who offers to supply, or supplies, an approved amusement device otherwise than by way of sale is guilty of an offence against this Act unless the offer or supply has the approval of the Board and any conditions imposed by the Board when giving the approval are complied with.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (2) A person who offers to purchase, or purchases, an approved amusement device is guilty of an offence against this Act unless the offer is made to, or the device is purchased from, a person who is authorised by a licence, or by or under this Act, to sell the device.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (3) A person who supplies an approved amusement device to a registered club is guilty of an offence against this Act unless the keeping of the device by the registered club would be lawful.

Maximum penalty: 50 penalty units.

- (4) A person who sells an approved amusement device is guilty of an offence against this Act unless:

- (a) the person is the holder of a current amusement device dealer's licence or a current amusement device seller's licence, or
- (b) the person is a director or secretary of a corporation that is the holder of such a licence, or
- (c) subsection (5) or (6) applies.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (5) It is a defence to a prosecution for an offence under subsection (4) if it is proved that the defendant, without being the holder of an amusement device seller's licence, exercised a function of the holder of such a licence but did so only:

- (a) for the purpose of receiving training or instruction in the exercise of the function, and
- (b) under the supervision of the holder of such a licence.

- (6) It is a defence to a prosecution for an offence under subsection (4) if it is proved that the sale is to a purchaser at a price, and on terms and conditions, approved by the Board and is:

- (a) a sale by a mortgagee of the approved amusement device in the exercise of a power conferred by the mortgage, or
- (b) a sale by a person (other than a mortgagee) who obtained possession of the approved amusement device by exercising a power or proprietary right under financial and other arrangements approved by the Board under section 162.

- (7) A holder of an amusement device dealer's licence or an amusement device seller's licence who sells an approved amusement device otherwise than as authorised by the licence is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (8) The holder of an amusement device dealer's licence is guilty of an offence against this Act if the prescribed notification is not given to the Principal Registrar within 7 days after the commencement, and within 7 days after any cessation, of employment by the licensee of a person who is, or was during the employment, the holder of an amusement device seller's licence.

Maximum penalty: 20 penalty units.

- (9) A person who supplies, or offers to supply, an approved amusement device is guilty of an offence if possession of the device by the person to whom the device is supplied or offered is or would be unlawful.

Maximum penalty: 100 penalty units.

- (10) This section does not apply to prohibit the sale or supply of an approved amusement device:

- (a) by a registered club in accordance with section 164 (8), or
- (b) by a club of which the certificate of registration has been cancelled or which has been disqualified for a period from holding a certificate of registration, if the sale or supply is effected in accordance with arrangements approved by the Board.

### **188 Keeping, acquisition and disposal of approved amusement devices**

A registered club must not:

- (a) keep an approved amusement device without complying with any conditions imposed by the Board in relation to the keeping of the device, or
- (b) acquire an approved amusement device without the authority of the Board or without complying with any conditions imposed by the Board in relation to the acquisition of the device, or
- (c) dispose of an approved amusement device without the authority of the Board or without complying with any conditions imposed by the Board in relation to the disposal of the device.

Maximum penalty: 100 penalty units.

### **189 Servicing and repair of approved amusement devices**

- (1) A person who services or repairs an approved amusement device is guilty of an offence against this Act unless the person:
- (a) holds an amusement device dealer's licence or an amusement device technician's licence, or

- (b) services or repairs the device under the supervision of the holder of such a licence for the purpose of receiving training and instruction in respect of the servicing and repair of approved amusement devices.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (2) A holder of an amusement device dealer's licence or an amusement device technician's licence who services or repairs an approved amusement device otherwise than in accordance with the authority conferred by the licence is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

### **190 Compliance with requirements of special inspector**

- (1) A special inspector may require a registered club or the holder of a gaming-related licence to:
  - (a) withdraw from operation an approved amusement device that, in the opinion of the inspector, is not operating properly, or
  - (b) refrain from making available for operation an approved amusement device withdrawn from operation under paragraph (a) until, in the opinion of the inspector or another special inspector, it is operating properly, or
  - (c) refrain from making an approved amusement device available for operation except in accordance with controls specified by the inspector in relation to the device, or
  - (d) deliver to the Board, in writing in the English language and within a time specified by the inspector, such particulars relating to an approved amusement device kept by the registered club or licensee as are so specified, or
  - (e) refrain from making available for operation an approved amusement device indicated by the inspector until it has been fitted with a device approved by the Board for the purposes of the secure keeping and operation of the approved amusement device.
- (2) A registered club or holder of a gaming-related licence who is required by a special inspector to act under this section and fails to comply with the requirement is guilty of an offence against this Act.

Maximum penalty: 50 penalty units.

### **191 Defective approved amusement device**

- (1) A registered club is guilty of an offence against this Act if an approved amusement device available for use on the defined premises of the registered club fails to function



in the manner in which it was designed and programmed to function.

Maximum penalty: 100 penalty units.

- (2) It is a defence to a prosecution for an offence under this section if it is proved:
- (a) that the operation of the device was for testing or maintenance purposes, or
  - (b) that the governing body of the registered club:
    - (i) had taken all reasonable precautions to ensure that the device was functioning properly, and
    - (ii) at the time of the alleged offence did not know, and could not reasonably be expected to have known, that the device was not functioning properly.

### **195 Protection of sensitive areas of approved amusement devices**

- (1) It is an offence against this Act for a person (other than a specially authorised person) to do any of the following:
- (a) break a seal securing a computer cabinet or gain access to anything within a computer cabinet,
  - (b) affix a seal to a computer cabinet,
  - (c) remove, replace or in any way affect or interfere with the operation of a computer cabinet or anything within a computer cabinet,
  - (d) break a seal protecting the integrity of the game program of an approved amusement device,
  - (e) remove, or interfere with, any security device on an approved amusement device,
  - (f) remove, or interfere with, the housing protecting the meters of an approved amusement device,
  - (g) remove, disconnect or interfere with a meter of an approved amusement device,
  - (h) interfere with information received, stored or transmitted electronically by an approved amusement device,
  - (i) remove, or interfere with, any mark or seal affixed to an approved amusement device to preserve the integrity of operation of the device.

Maximum penalty: 100 penalty units.

- (1A) A specially authorised person must, if the person breaks any seal in doing anything referred to in subsection (1), replace the seal.

Maximum penalty: 100 penalty units.

- (2) Except as provided by subsection (2A), a person (including a specially authorised person) who removes, alters or otherwise interferes with the compliance plate on an approved amusement device is guilty of an offence against this Act.

Maximum penalty: 100 penalty units.

- (2A) Subsection (2) does not prevent the holder of an amusement device technician's licence from doing any of the following things in relation to the compliance plate on an approved amusement device, so long as the device is not operated at any time when the compliance plate is not attached to the device:

- (a) moving the compliance plate to another part of the device,
- (b) removing the compliance plate if it is damaged, and replacing it with a new compliance plate,
- (c) destroying any such damaged compliance plate,
- (d) temporarily removing the compliance plate in order to enable work to be done to the facade of the device.

- (3) A person who authorises or permits another person to act in a way that is an offence against this Act under another provision of this section is also guilty of an offence against this Act.

Maximum penalty: 100 penalty units.

- (4) In this section:

**compliance plate** has the same meaning as in section 186.

**computer cabinet** means the sealable part of an approved amusement device that contains the game program storage medium and the random access memory.

**specially authorised person** means a special inspector, the holder of an amusement device technician's licence, a person exercising a function under section 168 or a person appointed by the Director as a specially authorised person for the purposes of this section.

## **196 Modification of approved amusement devices**

- (1) A person who modifies an approved amusement device in such a way that it is in the form of a different approved amusement device is guilty of an offence against this Act unless the person holds a technician's licence or the modification does not, as provided by section 158, preclude the device from being an approved amusement device.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A holder of a technician's licence who modifies an approved amusement device in such a way that it is in the form of a different approved amusement device is guilty of an offence against this Act unless there is returned within a reasonable time to the supplier of the materials for the conversion so much of the device as ceased to form part of it after its conversion and comprised:

- (a) a meter, circuit board, read-only memory device or artwork, or
- (b) a component prescribed as a restricted component.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

### **197 Unlawful interference with approved amusement device**

(1) A person who:

- (a) has possession of a device made or adapted, or intended by the person to be used, for interfering with the normal operation of an approved amusement device kept on the defined premises of a registered club, or
- (b) does anything calculated, or likely, to interfere with the normal operation of an approved amusement device kept on the defined premises of a registered club, or
- (c) does anything calculated to render an approved amusement device in a registered club incapable, even temporarily, of producing a winning combination,

is guilty of an offence against this Act.

Maximum penalty: 100 penalty units.

(2) Subsection (1) does not apply to anything done in good faith in connection with:

- (a) the installation, alteration, adjustment, maintenance or repair of an approved amusement device by the holder of an amusement device technician's licence, or
- (b) the exercise by a person of a function conferred or imposed by this Act on a specially authorised person referred to in section 195.

(3) A person who, with intent to dishonestly obtain money or a financial advantage for himself or herself or another person, inserts in an approved amusement device kept on the defined premises of a registered club anything other than:

- (a) a coin or token of the denomination or type displayed on the device as that to be used to operate the device, or
- (b) a banknote of a denomination approved by the Board for use in order to operate the device, or
- (c) a card of a type approved by the Board for use in order to operate the device,

is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (4) A person who knows of any faulty or fraudulent computer programming and as a result gains, or gains for another person, an advantage in the operation of an approved amusement device is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (5) A person who authorises or permits another person to act in a way that is an offence under another provision of this section is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

### **198 Illegal advantage gained during design etc of approved amusement device**

- (1) A person who, during the design, manufacture, assembly, maintenance or repair of an approved amusement device, dishonestly makes provision to gain an advantage (whether or not for another person) in the operation of the device is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (2) A person who, as a result of gross negligence during the design, manufacture, assembly, maintenance or repair of an approved amusement device, makes provision to gain an advantage (whether or not for another person) in the operation of the device is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (3) A person who does anything to an approved amusement device in order to conceal anything that is an offence under another provision of this section is guilty of an offence against this Act.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

- (4) A person who authorises or permits another person to act in a way that is an offence under another provision of this section is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

### **199 Consignment or movement of approved amusement devices**

- (1) A holder of an amusement device dealer's licence or an amusement device seller's licence who consigns or moves an approved amusement device:
- (a) to or from any place at which the licensee carries on the business authorised by the licence, or

(b) from outside the State to a place within the State,

is to give the Director a written notification stating the particulars required by this section, and is to do so not later than 3 clear days before the consignment or movement or, in a particular case or class of cases, within a time approved by the Director.

(2) The required particulars are:

(a) the number of devices, and

(b) the number of each type of device, and

(c) the manufacturer's serial number for each of the devices, and

(d) the origin and destination of the devices, and

(e) the intended dates of transportation, and

(f) the intended method of transport and the name of the carrier.

(3) The Director may, conditionally or unconditionally, grant an exemption from the operation of this section in a particular case or a particular class of cases.

(4) A licensee who fails to comply with a requirement of this section that is applicable to the licensee is guilty of an offence against this Act.

Maximum penalty: 50 penalty units.

## **200 Approved amusement devices not used for gaming**

(1) This Part does not operate to prohibit the possession, keeping, use or operation of an approved amusement device if:

(a) it is not operated for gaming, and

(b) it is used only for therapeutic purposes with the prior written approval of the Board, and

(c) any conditions imposed by the Board when giving the approval are complied with.

(2) This Part does not operate to prohibit the possession, keeping, use or operation of an approved amusement device if:

(a) it is not operated for gaming, and

(b) it is used only for educational or cultural purposes or for the purpose of promoting the approved amusement device (but not for the purpose of promoting other goods or services), and

- (c) the Board has been given at least 3 days' written notice of the kind of use intended and the Board has not, before the period of notice expires, refused to allow the use, and
  - (d) any conditions imposed by the Board within that period of notice are complied with.
- (3) In a particular case or a particular class of cases, the Board may waive compliance with the requirement for giving notice under subsection (2) and may impose conditions for operation of the waiver.