

# **NORTHERN TERRITORY OF AUSTRALIA**

## **GAMING MACHINE REGULATIONS**

As in force at 1 January 2009

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 January 2009

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## GAMING MACHINE REGULATIONS

### Regulations under the *Gaming Machine Act*

#### Part 1 Preliminary

##### 1 Citation

These Regulations may be cited as the *Gaming Machine Regulations*.

##### 2 Interpretation

(1) In these Regulations, unless the contrary intention appears:

***advertise*** means advertising about:

- (a) gaming;
- (b) the conduct of gaming; or
- (c) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment.

***cancelled credit*** means a payment, by a licensee to a player for gaming machine credits, that is not discharged out of the hopper.

***game board*** means a processor board on which a game EPROM is installed.

***game EPROM*** means any Erasable Programmable Read Only Memory or Programmable Read Only Memory or other computer program storage medium that is:

- (a) designed to be, or capable of being, installed on a processor board; and
- (b) programmed with programming for a game.

***hopper*** means the container in a gaming machine from which gaming tokens may be discharged in order to pay for gaming machine credits or winnings.

***hopper fill*** means the placing by a licensee of gaming tokens into a hopper.

***jackpot payout*** means a payment by a licensee to a player for a winning result on a gaming machine.

- (a) that does not increase the credit meter of the gaming machine; and
- (b) that is not discharged out of the hopper.

***machine identification number*** means the identification number issued for a gaming machine under section 135(1) of the Act.

***manufacturer*** means a recognised manufacturer or supplier of gaming machines.

***monthly money reconciliation*** means a money reconciliation mentioned in section 141 of the Act.

***performance summary***, in relation to a period covered by a Gaming Machine Performance Record, means a summary of the following expressed in monetary amounts:

- (a) the hopper contents at the end of the period;
- (b) the total of gaming tokens removed during money clearances for the period;
- (c) the total of short pay correction payouts during the period;
- (d) the total of hopper fills during the period;
- (e) the total of jackpot payouts during the period;
- (f) the total of cancelled credits during the period;
- (g) the hopper contents at the start of the period;
- (h) the amount calculated by subtracting from the total of the amounts mentioned in paragraphs (a) and (b), the total of the amounts mentioned in paragraphs (c), (d), (e), (f) and (g).

***player*** means a person who plays a gaming machine.

***processor board*** means an electronic circuit board that is designed to be, or is capable of being, used in a gaming machine.

**RAM** means Random Access Memory.

**short pay correction payout** means a payment (other than from the hopper) by a licensee to a player of an amount to which the player is entitled if the hopper fails to discharge that amount.

(2) Licensed premises are categorised as follows:

(a) Category 1:

- (i) those premises for which a hotel liquor licence is in force at any particular time; or
- (ii) those premises for which a liquor licence that is a prescribed liquor licence for section 24(1)(c) of the Act is in force at any particular time;

(b) Category 2 – those premises for which a club liquor licence is in force at any particular time.

## **Part 1A                      Restrictions on gaming machine numbers**

### **2AA                      Restrictions under section 22B of Act**

The aggregate number of gaming machines authorised for use under gaming machine licences in the Territory is restricted to a maximum of 1 190.

## **Part 2                      Gaming machine licences**

### **2A                      Prescribed liquor licence**

- (1) For section 24(1)(c), (d)(iii) and (e)(ii) of the Act, a liquor licence specified in column 1 of the Table and held in respect of premises specified opposite in column 2 of the Table, is a prescribed liquor licence.
- (2) However, a liquor licence referred to in subregulation (1) ceases to be a prescribed liquor licence on 1 December 2011.

Table

Column 1 Liquor Licence (number)	Column 2 Premises in respect of which liquor licence held
81204578	Aileron Roadhouse

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Column 1 Liquor Licence (number)	Column 2 Premises in respect of which liquor licence held
81203263	Barkly Homestead
81202764	Threeways Roadhouse
81301156	Adelaide River Inn
81201510	Mandorah Beach Hotel
81301673	Pine Creek Hotel
81201198	Timber Creek Wayside Inn

### **3 Maximum number of gaming machines**

For the purposes of sections 25(14) and 41(5) of the Act, the maximum number prescribed:

- (a) for Category 1 licensed premises is 10; and
- (b) for Category 2 licensed premises is 45.

### **3A Cap on clubs with gaming machines within 1.5 km of Darwin casino**

- (1) Subject to subregulation (2), the Commission must not grant a gaming machine licence to a club if the effect of the grant would be to increase the number of clubs within the prescribed area that hold gaming machine licences beyond the number of clubs within that area that immediately before the commencement of this regulation held gaming machine licences.
- (2) For each 5% of 5845 by which the population of the prescribed area increases, the Commission may grant a gaming machine licence to one additional club in the prescribed area.
- (3) In this regulation:

***the prescribed area*** means the area within a 1.5 km radius of Lot 5244, Town of Darwin.

### **4 Prescribed conditions of gaming machine licences**

For the purposes of section 33 of the Act, the prescribed conditions are set out in Schedule 1.



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**Part 3                      Licensing of repairers, service contractors,  
                                 monitoring providers and machine managers****6                      Installations, alterations etc. not subject to section 58 of the Act**

For the purposes of section 58(2) of the Act, the following are prescribed:

- (a) the installation of an electronic monitoring system if the installation is by the Director;
- (b) the installation of a gaming machine if the gaming machine is to be examined by an inspector before play is allowed on the gaming machine;
- (c) installation, alteration, adjustment, maintenance or repair of those fuses, electric light globes, fluorescent tubes and fluoro starters of a gaming machine that are easily accessible;
- (d) installation, alteration, adjustment, maintenance or repair of hinges of gaming machine drop box doors;
- (e) adjustment of the device regulating the level of the contents of the hopper;
- (f) installation, alteration, adjustment, maintenance or repair of external switch covers or glass or perspex panels of a gaming machine;
- (g) repair by clearing coins jammed in a gaming machine;
- (h) repair by resetting minor fault conditions of a gaming machine.

**6A                      Consideration of applications for licences under Part 4**

For the purposes of section 64(1A) of the Act, the matters set out in Schedule 2 are prescribed.

**6B                      Basic monitoring service**

A basic monitoring service is the reading, storage and use of electronic data from gaming machines on licensed premises to provide the information, services and support specified in Schedule 6 in relation to the gaming machines.

**6C                      Prescribed conditions of monitoring provider's licences**

For the purposes of section 69 of the Act, the prescribed conditions of a monitoring provider's licence are set out in Schedule 3.

**6D                      Licensed monitoring provider's fee**

- (1) Subject to subregulation (2), the maximum fee per gaming machine that may be charged by a licensed monitoring provider is \$25.
- (2) The amount prescribed by subregulation (1) is to be varied each year with effect on and from the review date in accordance with the following calculation:

$$B \times \frac{CPI_1}{CPI_2}$$

where:

*B* is the amount prescribed by this regulation immediately before the review date;

*CPI*<sub>1</sub> is the Consumer Price Index (All Groups Index) for Darwin for the quarter ending on 30 September that is 3 months before the review date; and

*CPI*<sub>2</sub> is the Consumer Price Index (All Groups Index) for Darwin for the quarter ending on 30 September that is 15 months before the review date.

- (3) An amount prescribed under this regulation does not include the amount of GST (if any) payable in relation to a supply to which the amount relates.
- (4) In this regulation:

**GST** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act* of the Commonwealth.

**review date** means 1 January in each year, beginning with 1 January 2003.

**supply** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act* of the Commonwealth.

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**6E Security for monitoring provider's licence**

- (1) On the grant of a monitoring provider's licence, the successful applicant must provide to the Director a security of \$50 000 in the form of a bond, bank guarantee or any other form of security approved by the Director.
- (2) The amount of the security is forfeited to the Territory if:
  - (a) the licensed monitoring provider defaults under an agreement to provide a basic monitoring service in respect of gaming equipment on a licensee's licensed premises;
  - (b) the licensed monitoring provider surrenders the monitoring provider's licence without giving the Director 90 days notice of the surrender under section 78(3) of the Act; or
  - (c) the monitoring provider's licence is cancelled under section 79 of the Act.
- (3) The Director may use all or any part of a bond forfeited under subregulation (2) to offset the cost of providing, or arranging the provision of, a basic monitoring service in place of the service that should or would have been provided but for the default, surrender or cancellation.

**7 Prescribed duties of machine managers**

For the purposes of section 60(1) of the Act, the following duties are prescribed:

- (a) the management of employees of a licensee who are responsible for the conduct of gaming;
- (b) the management of the access to the internal parts of gaming machines;
- (c) the management and supervision of money clearances;
- (d) the issuing of keys for the security of gaming machines to employees of a licensee;
- (e) the supervision of entries in accounting records required to be kept and maintained under the Act;
- (f) the arranging of remedial repairs to gaming equipment;
- (g) any other thing required by Part 6 to be done, or that a licensee is required by Part 6 to ensure is done, by a machine manager.

## **Part 4                      Supervision and management of gaming**

### **8                      Layout of licensed premises**

A licensee shall ensure that the layout of the interior of the licensee's licensed premises allows:

- (a) the licensee, or an employee of the licensee, from a place in the licensed premises where the licensee or employee would normally be carrying out duties at the material time, to have continuous supervision of each gaming machine that is available for gaming; and
- (b) a clear passageway between banks of gaming machines of at least 2 metres unless the Director, under section 161 of the Act, directs that a greater distance be allowed.

Maximum penalty:        \$5,000.

### **9                      Installation of gaming equipment**

A licensee shall ensure that gaming equipment installed on the licensee's licensed premises is installed in a way that allows:

- (a) proper cleaning and maintenance of the equipment;
- (b) unrestricted access to fire exits; and
- (c) the proper use of safety and security features on the premises.

Maximum penalty:        \$5,000.

### **9A                    Site controllers**

- (1) For the purposes of section 83 of the Act, the site controller for the monitoring system installed on a licensee's licensed premises is prescribed gaming equipment.
- (2) A person must not install, replace or otherwise interfere with the site controller for the monitoring system installed on a licensee's licensed premises.

Maximum penalty:        50 penalty units.

- (3) Subregulation (2) does not apply to the licensed monitoring provider who provides a basic monitoring service in respect of gaming equipment on the licensee's licensed premises.

- (4) A licensee does not commit an offence against subregulation (2) if the licensee installs or replaces the site controller in accordance with the instructions of the licensed monitoring provider who provides a basic monitoring service in respect of gaming equipment on the licensee's licensed premises.

## **10 Hours of gaming**

For the purposes of section 88(c) of the Act, the following periods are prescribed:

- (a) on Christmas Day and Good Friday – after 4.00 am;
- (b) on any other day – between 4.00 am and 10.00 am.

## **12 Calculation of player entitlement**

- (1) For the purposes of section 95 of the Act, but subject to subregulation (2), the amount to which a person is entitled for gaming tokens inserted by, or on behalf of, the person into a gaming machine (so that gaming machine credits are registered by the gaming machine), is to be calculated by:
  - (a) adding to the gaming machine credits – winnings (if any) payable for each result as determined in accordance with the game as approved by the Director for bets made by, or on behalf of, the person on the gaming machine; and
  - (b) deducting – gaming machine credits bet by, or on behalf of, the person on the gaming machine.
- (2) An entitlement under subregulation (1) includes gaming machine credits that are stolen before the licensee makes payment for the gaming machine credits only when:
  - (a) the person exercises reasonable control over the credits; and
  - (b) the licensee, by act or omission, contributes to the stealing.

## **12A Returns to players**

- (1) For the purposes of section 95(2) of the Act, the prescribed minimum percentage for a gaming machine is 85% of the total amount of bets made by players each year on the gaming machine.
- (2) A licensee may cause the rate of return to players from a particular gaming machine to be varied within the range approved by the Director.

- (3) A licensee must not cause the rate of return to players from a particular gaming machine:
  - (a) to be varied so that it falls outside the range referred to in subregulation (2); or
  - (b) to be varied more than once in any 30-day period.

Maximum penalty: 50 penalty units.

### **13 Machine managers to produce licence or identification, &c.**

- (1) A machine manager shall produce his or her machine manager's licence that is in force, or his or her identification card provided under subregulation (2), to a person:
  - (a) who is affected by a decision of the machine manager; and
  - (b) who requests the production.
- (2) A licensee shall provide to a person authorised by the licensee under section 60(4) or (6) of the Act an identification card showing in bold face print of a minimum letter height of 5 millimetres:
  - (a) the person's name;
  - (b) the name of the licensed premises; and
  - (c) the words "Machine Manager".
- (3) The identification card shall bear the signature of the person.
- (4) A person to whom an identification card is provided under subregulation (2) shall return the card to the licensee on the day the person ceases to be authorised by the licensee under section 60(4) or (6) of the Act.

Maximum penalty: \$5,000.

### **14 Submissions in relation to payments refused**

- (1) A machine manager who refuses to make or allow payment under section 96 of the Act or clause 5 of Schedule 3 to a person shall advise the person that he or she may make a submission to the Director about the refusal within 10 days from the date of the refusal.
- (2) A submission mentioned in subregulation (1) shall:
  - (a) be in writing;

- (b) state the full name and address of the person making the submission;
  - (c) identify the licensed premises and gaming machine in question;
  - (d) state the name of the machine manager who refused to make payment or allow payment to be made;
  - (e) state the time and date of the refusal; and
  - (f) contain a description of the events relevant to the refusal.
- (3) The Director may refuse to consider a submission mentioned in subregulation (2) that is not lodged within 10 days from the date of the refusal.

## **15 Security of keys**

- (1) A licensee shall cause each key that is a key related to the security of gaming equipment on the licensee's licensed premises to be kept in a secure place on the licensed premises.
- (2) The licensee shall ensure that no person gains access to the secure place other than:
- (a) the licensee or, where the licensee is a body corporate, 2 executive officers of the body corporate authorised in that behalf by the body corporate and acting jointly; or
  - (b) a machine manager in relation to the licensed premises.
- (3) A licensee shall ensure that no person has possession of a key mentioned in subregulation (1) other than:
- (a) a person mentioned in subregulation (2);
  - (b) an employee of the licensee who is employed to attend to gaming machines;
  - (c) an employee of the licensee who is employed to assist in money clearances;
  - (d) a licensed repairer acting in that capacity; or
  - (e) an inspector in the performance of his or her functions or duties under the Act.
- (4) A licensee shall keep records of each possession mentioned in subregulation (3) in the form determined by the Director.

- (5) A person mentioned in subregulation (2)(b) or (3)(b), (c) or (d) shall have possession of a key mentioned in subregulation (1) only:
  - (a) on the licensed premises; and
  - (b) for the time necessary for the performance of his or her duties.
- (6) A person who has possession of a key mentioned in subregulation (1) shall keep the key on his or her person.
- (7) A person who unlocks a door or opens a door of a gaming machine on licensed premises, shall cause the lock to be locked or, as the case may be, the door to be securely closed:
  - (a) before leaving the gaming machine; and
  - (b) on completion of the purpose for which the lock was unlocked or the door was opened.
- (8) A person, other than a person mentioned in subregulation (3), shall not have possession of a key mentioned in subregulation (1).
- (9) Subject to section 162 of the Act, a record required to be kept under this section shall be retained by the licensee for not less than 7 years from the date of the latest entry in the record.

Maximum penalty: \$5,000.

## **16 Day prescribed (section 101(2) of the Act)**

For the purposes of section 101(2) of the Act, the prescribed day is the fifteenth day.

## **17 Services for compulsive gamblers**

A licensee, at each place on the licensee's licensed premises where the sale or redemption of gaming tokens or any centralised credit transaction is carried out, shall clearly display a sign advertising services, if any, available to assist compulsive gamblers.

Maximum penalty: \$5,000.



## **Part 5                      Control of gaming machines**

### **18                      Approval of premises of manufacturers**

- (1) For the purposes of section 121(2) of the Act, an application for approval of premises shall:
  - (a) be written and signed by the manufacturer or a person authorised by the manufacturer; and
  - (b) contain the full name and business address of the manufacturer and the address of the premises.
- (2) An application under subregulation (1) shall be accompanied by:
  - (a) a plan that clearly shows the use to which each part of the premises is to be put;
  - (b) particulars of all security and surveillance facilities installed on the premises; and
  - (c) a narrative and diagrammatic representation of the systems to be used by the manufacturer:
    - (i) for the security, storage and recording of gaming machines and restricted components, with specific reference to game boards and game EPROMs; and
    - (ii) for the use and maintenance of security and surveillance facilities on the premises.

### **18A                      Evaluating gaming machine types**

When evaluating a type of gaming machine under section 131 of the Act, in addition to any other relevant matters, the Director or an approved evaluator must take into account whether or not the gaming machine type has a facility to accept notes that is functioning.

### **19                      Allocation of serial numbers**

A manufacturer must ensure that each gaming machine supplied by the manufacturer for use in the Territory has permanently affixed to the machine a serial number that identifies the gaming machine and distinguishes it from all other gaming machines.

Maximum penalty:        50 penalty units.

**20 Affixing of labels**

- (1) A person must not affix a label referred to in section 135 of the Act to a gaming machine unless the person is:

- (a) a licensed service contractor; or
- (b) a person approved by the Director.

Maximum penalty: 50 penalty units.

- (2) A person who affixes a label referred to in section 135 of the Act to a gaming machine must, as soon as practicable after affixing the label, notify the Director in writing of:

- (a) the identification number on the label;
- (b) the serial number of the gaming machine;
- (c) the type of the gaming machine; and
- (d) the manufacturer of the gaming machine.

Maximum penalty: 50 penalty units.

- (3) Labels referred to in section 135 of the Act that are issued by the Director for gaming machines on a particular licensee's licensed premises are not to be affixed to gaming machines on any other licensee's licensed premises without the approval of the Director.
- (4) A person who affixes a label referred to in section 135 of the Act to a gaming machine in contravention of subregulation (3) commits an offence.

Maximum penalty: 50 penalty units.

**21 Game board labels**

A listed person shall, at the time the person installs a game EPROM on a game board, affix to the game board a label that clearly displays in the English language:

- (a) the gaming machine type for which the game board is designed or the code number of the gaming machine type allocated under regulation 24; and
- (b) the game for which the game EPROM is programmed or the code number of the game allocated under regulation 24.

Maximum penalty: \$5,000.

**22 Accounting for broken and removed seals**

A person who breaks or removes a seal affixed to a gaming machine:

- (a) must keep the broken or removed seal until the seal is accounted for under paragraph (b); and
- (b) must account for the broken or removed seal, or cause the broken or removed seal to be accounted for, to the Director within 7 days after the end of the month in which the person broke or removed the seal.

Maximum penalty: 50 penalty units.

**23 Restricted components**

For the purposes of the definition of ***restricted component*** in section 3 of the Act, the components set out in Schedule 4 are restricted components.

**24 Code numbers for approved gaming equipment types and games**

The Director may allocate a code number to each gaming equipment type and each game approved by the Director under section 130(1)(b) and (c) or 131(2) of the Act.

**24A Disposal of gaming machines**

- (1) A licensee must not dispose of a gaming machine without the approval of the Director.

Maximum penalty: 50 penalty units.

- (2) An application for approval to dispose of a gaming machine is to be in the form approved by the Director and is to include the following:
  - (a) details of the arrangements for disposal, including details of the person to whom the gaming machine is to be transferred or details of how the gaming machine is to be destroyed;
  - (b) a statement as to whether or not the gaming machine is the subject of a finance arrangement;
  - (c) the identification number on the label affixed to the gaming machine;
  - (d) the serial number of the gaming machine;
  - (e) any other information required by the Director.

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## **Part 6                      Accounting procedures**

### **25                      Functions to be carried out with monthly money reconciliations**

In carrying out a monthly money reconciliation in accordance with section 141 of the Act, a licensee shall:

- (a) ensure that no gaming machine credits are registered by the gaming machine;
- (b) ensure that no gaming tokens remain in the gaming machine, other than those gaming tokens that are in the hopper;
- (c) ensure that a record of the monetary value of the contents of the hopper is made in the Gaming Machine Performance Record mentioned in regulation 28; and
- (d) ensure a record is made in the Gaming Machine Performance Record mentioned in regulation 28 of the amounts displayed on the following electronic RAM meters of the gaming machine:
  - (i) the total of all coins to the drop box;
  - (ii) the total of coins won (non-progressive);
  - (iii) the total of all cancelled credits;
  - (iv) the total of all coins bet;
  - (v) the total of all hopper fills; and
  - (vi) if an appropriate meter is provided by the gaming machine – the total of wins (progressive).

### **26                      Daily money clearances**

- (1) A licensee shall ensure that a daily money clearance is carried out, or is personally supervised, by a machine manager.
- (2) A licensee shall keep, for each of the licensee's licensed premises, a Cash Clearance Report in the form determined by the Director.
- (3) A licensee shall ensure that a Cash Clearance Report:
  - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies;

- (b) records for each money clearance:
  - (i) the date and time;
  - (ii) the machine identification number;
  - (iii) the licensee's identification number of the gaming machine; and
  - (iv) the amount removed; and
- (c) records for each day:
  - (i) the total amount removed during money clearances; and
  - (ii) the signature of every person who carried out, or supervised, money clearances certifying that the records made under this section are correct.

## **27 Manual payments register and hopper fills**

- (1) A licensee shall keep a Manual Payments Register for each of the licensee's licensed premises in the form determined by the Director.
- (2) A licensee shall ensure that a Manual Payments Register:
  - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies;
  - (b) records for each short pay correction payout, hopper fill, jackpot payout and cancelled credit made on the premises, the following particulars:
    - (i) the date and time;
    - (ii) the machine identification number;
    - (iii) the licensee's identification number of the gaming machine;
    - (iv) if it is a short pay correction payout, hopper fill, jackpot payout or cancelled credit;
    - (v) if it is a jackpot payout – the winning combination of symbols;
    - (vi) it is a cancelled credit – the number of gaming machine credits displayed on the credit meter;
    - (vii) the amount;

- (viii) if it is a short pay correction payout, jackpot payout or cancelled credit, made for Category 1 licensed premises – the name and signature of the person to whom the payment was made;
    - (ix) if it is a short pay correction payout, jackpot payout or cancelled credit, made for Category 2 licensed premises:
      - (A) the name and signature of the person to whom the payment was made;
      - (B) whether the person is a member or visitor; and
      - (C) if the person is a member – the person's membership number;
    - (x) the name and signature (and licence number if applicable) of the person who made the payout or fill;
    - (xi) the name (and licence number, if applicable) of one other person, authorised in that behalf by the licensee, who, and the person's signature certifying that he or she, observed:
      - (A) if it is a cancelled credit – the number of gaming machine credits displayed on the credit meter;
      - (B) if it is a jackpot payout – the winning combination of symbols; or
      - (C) if it is a hopper fill – the hopper fill take place; and
  - (c) records after each transaction, a progressive monetary total of transactions entered in the register for each day.
- (3) A licensee shall ensure that:
- (a) a hopper fill is carried out only when a hopper is empty;
  - (b) when a hopper fill is carried out no more and no less than the number of tokens determined by the Director, are placed in the hopper; and
  - (c) the gaming tokens are of the gaming token denomination of the gaming machine in question.

- (4) A licensee shall ensure that:
  - (a) at the end of the conduct of gaming for each day – immediately below the latest entry in the Manual Payments Register in use that day a notation is made that indicates the entry is the last for the day; and
  - (b) for a payment over \$500 – either the person mentioned in subregulation (2)(b)(x) or the person mentioned in subregulation (2)(b)(xi) is a machine manager in relation to the licensee's licensed premises.

## **28 Gaming machine performance record**

- (1) A licensee shall keep in the form determined by the Director a Gaming Machine Performance Record for each gaming machine provided to the licensee.
- (2) A licensee shall ensure that the period covered by a Gaming Machine Performance Record:
  - (a) starts on the day and at the time:
    - (i) the gaming machine is provided to the licensee;
    - (ii) of the completion of an alteration of the gaming machine to effect a change in the game or gaming token denomination of the gaming machine; or
    - (iii) of the completion of a monthly money clearance of the gaming machine; and
  - (b) ends on the day and at the time:
    - (i) of the removal of the gaming machine by the Director;
    - (ii) of the completion of an alteration of the gaming machine to effect a change in the game or gaming token denomination of the gaming machine; or
    - (iii) of the completion of the next monthly money clearance of the gaming machine after any act mentioned in paragraph (a).
- (3) A licensee shall ensure that each Gaming Machine Performance Record:
  - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies;

- (b) includes a record of:
  - (i) the licensee's identification number of the gaming machine;
  - (ii) the machine identification number;
  - (iii) the manufacturer's serial number allocated to the gaming machine under regulation 19;
  - (iv) the gaming token denomination;
  - (v) the game;
  - (vi) the day and time of the start of the period covered by the record;
  - (vii) the day and time of the end of the period covered by the record;
  - (viii) for each day the following, expressed in monetary amounts:
    - (A) the total of gaming tokens removed during money clearances;
    - (B) the total of short pay correction payouts;
    - (C) the total of hopper fills;
    - (D) the total of jackpot payouts;
    - (E) the total of cancelled credits;
  - (ix) the money value of the contents of a hopper determined in accordance with regulation 25(c);
  - (x) meter readings taken for the purpose of regulations 25(d) and 30(2); and
  - (xi) the performance summary; and
- (c) is entered up daily.

Maximum penalty: \$5,000.



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**29 Alterations or obliterations to records**

- (1) Subject to subregulation (2), a person shall not alter or obliterate an entry in a Manual Payments Register, Cash Clearance Report or Gaming Machine Performance Record.

Maximum penalty: \$5,000.

- (2) A person may make an alteration to an entry mentioned in subregulation (1) to correct an error in the entry.
- (3) The correction shall be made by means of a marginal note or footnote, on the same page, which correction shall record:
- (a) the identity of the person who made the correction;
  - (b) the date of the correction; and
  - (c) the correct particulars.

**30 Installation, removal and alteration of gaming machines**

- (1) A licensee shall ensure that a money clearance is carried out on a gaming machine provided to the licensee immediately before:
- (a) an alteration of the gaming machine to effect a change in the game or gaming token denomination of the gaming machine;
  - (b) the gaming machine is stored in a room mentioned in section 83(2) of the Act; or
  - (c) the removal of the gaming machine from the licensee's licensed premises.
- (2) A licensee shall ensure that on:
- (a) the installation of a gaming machine; or
  - (b) the alteration of a gaming machine provided to the licensee to effect a change in the game or gaming token denomination of the gaming machine,

a record is made in the Gaming Machine Performance Record of the amounts displayed on the meters mentioned in regulation 25(d).

Maximum penalty: \$5,000.

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**31 Monthly gaming machine reconciliation report**

- (1) A licensee shall ensure that a Monthly Gaming Machine Reconciliation Report:
  - (a) identifies, by name and licence number, the licensee and licensed premises to which it applies; and
  - (b) records the information mentioned in subregulations (2), (3) and (4).
- (2) The Monthly Gaming Machine Reconciliation Report is to record information from each Gaming Machine Performance Record for the licensed premises in question that covers any period between the second last and last monthly money clearance for the licensed premises.
- (3) The information that is to be recorded in the report is:
  - (a) the day and time of the start of the period covered by the record;
  - (b) the day and time of the end of the period covered by the record;
  - (c) the licensee's identification number of the gaming machine;
  - (d) the machine identification number of the gaming machine; and
  - (e) the performance summary.
- (4) If the report records an item mentioned in paragraphs (a) to (h) of the definition of **performance summary** under regulation 2(1), it shall also record the total of all the monetary amounts of the item recorded in the report.

**Part 7 Taxes, levies, fees and other amounts payable to Director****32 Day prescribed (sections 149(2), 150(2), 152(1), 153(1) and (2) of the Act)**

For the purposes of sections 149(2), 150(2), 152(1), 153(1) and (2) of the Act, the prescribed day is the fifteenth day.

### **32A Prescribed manner of payment (sections 149(2), 150(2) and 153(2) of the Act)**

For the purposes of sections 149(2), 150(2) and 153(2) of the Act, the manner in which amounts payable under those sections are to be paid to the Director is as follows:

- (a) the licensee must pay the amounts into an account held by the licensee for that purpose;
- (b) the licensee or, if the licensee enters an arrangement with a licensed monitoring provider for the licensed monitoring provider to pay the amounts on behalf of the licensee, the licensed monitoring provider must remit the amounts to the Director by electronic funds transfer from the account referred to in paragraph (a);
- (c) amounts payable under sections 149(2), 150(2) and 153(2) of the Act are to be transferred out of the account referred to in paragraph (a) in priority to any other amounts and no other amounts are to be transferred out of the account unless and until all amounts payable under sections 149(2), 150(2) and 153(2) of the Act have been transferred out of the account.

### **33 Gaming machine tax (section 149(3) of Act)**

For section 149(3) of the Act, a component of the gross monthly profit of licensed premises of category 1 or category 2 is liable to tax at the percentage rate specified in the following table:

<b>Component of Gross Monthly Profit (\$)</b>	<b>Percentage (%)</b>
Up to \$10 000	12.91%
\$10 001 to \$100 000	22.91%
\$100 001 to \$200 000	32.91%
\$200 001 and above	42.91%

#### *Example*

*If the gross monthly profit is \$250 000, the first \$10 000 will be taxed at 12.91%, the next \$90 000 will be taxed at 22.91%, the next \$100 000 will be taxed at 32.91% and the remaining \$50 000 will be taxed at 42.91%.*

### **34 Gaming machine community benefit levy**

For the purposes of section 150(3) of the Act, the prescribed percentage is:

- (a) for Category 1 licensed premises – 10%; and

- (b) for Category 2 licensed premises – nil.

**35 Penalties for late payment of taxes and levies**

For the purposes of section 153(1)(a) of the Act, the prescribed percentage is 5%.

**36 Crediting of payments under section 153(1)(b) of act**

For the purposes of section 153(1)(b) of the Act, the amount is to be credited in the following order of priority:

- (a) firstly – gaming machine taxes;
- (b) secondly – gaming machine community benefit levies;
- (c) thirdly – penalties under section 153(1)(a) of the Act.

**37 Fees**

- (1) The fee set out in Schedule 5 is the prescribed fee to be paid for the item set out in the Schedule opposite the fee.
- (2) The fee for accepting a gaming machine type or game for evaluation under section 131 of the Act is:
  - (a) if the evaluation is to be conducted by the Director – 150 revenue units multiplied by the number of hours required to make the evaluation; or
  - (b) if the evaluation is to be conducted by an approved evaluator – 100 revenue units.

**38 Refund**

- (1) A written claim for refund of a fee, tax, levy, penalty or other amount payable to the Director under the Act or these Regulations may be given to the Director stating the amount and grounds of the claim.
- (2) The Director shall, within 90 days after receipt of the claim, allow or disallow the claim, in whole or in part.
- (3) If the claim is disallowed in whole or in part, the Director shall give written notice to the claimant stating the reasons for the disallowance.

## Part 8                      General

### 39                      Advertising

(1) A person who advertises shall ensure that an advertisement:

- (a) is not indecent or offensive;
- (b) is based on fact; and
- (c) is not false, deceptive or misleading.

Maximum penalty:        \$5,000.

(1A) Subject to this regulation, a person who advertises shall ensure that the advertisement does not contain an inducement to engage in gaming or any material, determined by the Director, to be an inducement to engage in gaming.

Maximum penalty:        \$5,000.

(2) If so directed in writing by the Director, a person shall:

- (a) cease advertising; or
- (b) amend the advertisement as directed by the Director.

Maximum penalty:        \$5,000.

(3) The written direction mentioned in subregulation (2) is to include particulars of:

- (a) any failure to comply with subregulation (1); and
- (b) the directions of the Director.

(4) For the purposes of subregulation (1A), ***inducement to engage in gaming*** includes an offer of transport to licensed premises, whether or not a charge applies, an offer of free or concessional rates for accommodation, meals, refreshments, liquor or other amenities to a person who plays a gaming machine, an offer of gaming tokens to play a gaming machine and an offer of jackpots or other prizes or gifts that are not available to a person in the normal course of playing a gaming machine.

(5) Subregulation (1A) does not apply to an advertisement that:

- (a) is located on licensed premises and only able to be seen by a person in or on those premises;

- (b) is distributed only to the members of a club and relates only to gaming on the licensed premises of the club; or
  - (c) relates to gaming in a casino, within the meaning of the *Gaming Control Act*.
- (6) For the purposes of subregulation (1A), the Director may, from time to time, determine material that the Director considers to be an inducement to engage in gaming.

## **Schedule 1 Gaming machine licence prescribed conditions**

regulation 4

1. The licensee must take all reasonable steps to carry out the activities authorised under the gaming machine licence in a manner that is consistent with the objectives set out in section 2A of the Act and, as soon as practicable after becoming aware that the licensee is or may be carrying out such an activity in a manner that is inconsistent with those objectives, must take all reasonable steps to remedy the situation.
2. If the licensee is a club, the licensee must take all reasonable steps to give effect to its proposals for the allocation or distribution of the club's profits:
  - (a) toward development of the club's neighbourhood; and
  - (b) as donations to or funding for community, recreation or service organisations operating in the club's neighbourhood.
3. The licensee must take all reasonable steps to comply with the Act, these Regulations and the conditions of the gaming machine licence and, as soon as practicable after becoming aware that the licensee is or may not be complying with the Act, these Regulations or a condition of the gaming machine licence, must take all reasonable steps to remedy the situation.
4. The licensee must re-pay to the Director the full cost of investigating and correcting errors or omissions in a gaming machine reconciliation report lodged by the licensee under section 144 of the Act.
5. The licensee must take out insurance against all liability arising out of gaming, or the conduct of gaming, on the licensee's licensed premises that might attach to the licensee as a result of personal injury or damage suffered by a person, being injury or damage caused or contributed to by an act or omission of the licensee or an employee of the licensee.
6. The licensee must keep at the licensee's expense all records, accounts, reports and other documentation required to be kept by the licensee under the Act or these Regulations.
7. The licensee must not interfere with a connection between a gaming machine provided under the gaming machine licence and an electronic monitoring system.

8. The licensee must take all reasonable steps to ensure that all gaming machines authorised for use under the gaming machine licence:
  - (a) are continuously provided with electricity; and
  - (b) are switched on at all times, other than a gaming machine that is switched off because of a fault in the gaming machine.
9. The licensee must take all reasonable steps to minimise the down time of a gaming machine authorised for use under the gaming machine licence that is due to a fault in the gaming machine.
10. The licensee must provide a licensed repairer with access at all reasonable time to gaming equipment (including the equipment's internal components) so that the licensed repairer may carry out work under a service contract on behalf of a licensed service contractor.
11. In the event that a service contract or basic monitoring agreement to which the licensee is a party is terminated for any reason whatsoever, the licensee must make alternative arrangements for the immediate provision of the services that, but for the termination, would have been provided to the licensee under the contract or agreement.
12. The licensee must:
  - (a) remit to the Director by electronic funds transfer from an account held by the licensee for that purpose; or
  - (b) enter into an arrangement with a licensed monitoring provider for the licensed monitoring provider on behalf of the licensee to remit to the Director by electronic funds transfer from an account held by the licensee for that purpose,

funds for the payment of all taxes, levies, penalties, fees and other amounts payable to the Director under Part 8 of the Act.



## **Schedule 2 Applications for licences under Part 4 matters to be taken into account**

regulation 6A

1. Whether the applicant has, or the applicant's employees have, the appropriate qualifications, knowledge, skills and experience to competently carry out the activities that will be authorised under the licence.
2. Whether the applicant has in place appropriate programs to ensure that the competency of the applicant and the applicant's employees to carry out the activities that will be authorised under the licence is maintained.
3. Whether the applicant has in place an appropriate program to measure the performance of the applicant and the applicant's employees and whether the applicant and the applicant's employees are able to meet the response times and other criteria that measure performance under that program.
4. Whether the applicant has in place an appropriate audit program.
5. Whether the applicant has the equipment necessary to effectively carry out the activities that will be authorised under the licence.
6. Whether the applicant has the current and ongoing financial capacity to carry out the activities that will be authorised under the licence.
7. Whether the applicant has an appropriate level of management expertise.
8. The probity of the applicant, including whether the applicant will be able to carry out the activities that will be authorised under the licence in a manner that ensures the applicant's probity and the probity of the applicant's employees.

### **Schedule 3 Monitoring provider's licence prescribed conditions**

regulation 6C

1. The licensed monitoring provider must not hold a gaming machine licence or an approval under section 116 of the Act as a recognised manufacturer or supplier of gaming machines.
2. The licensed monitoring provider must not charge a fee per gaming machine for the provision of a basic monitoring service greater than the maximum fee per gaming machine (if any) prescribed by these Regulations.
3. The licensed monitoring provider must give the Director a copy of every agreement to provide a basic monitoring service entered into with a licensee.
4. The licensed monitoring provider must keep books and other records of account in a form approved by the Director.
5. The licensed monitoring provider must not modify a monitoring system in respect of which the licensed monitoring provider provides a basic monitoring service without the prior approval of the Director.
6. The licensed monitoring provider must conduct its activities in a manner that ensures its probity and the probity of its employees.
7. The licensed monitoring provider must provide a basic monitoring service to a standard that at least meets the requirements of the Australian/New Zealand Gaming Machine National Standards.
8. If the licensed monitoring provider defaults under an agreement to provide a basic monitoring service in respect of gaming equipment on a licensee's licensed premises, the licensed monitoring provider must:
  - (a) make available for use by the Director free-of-charge any equipment on the licensee's licensed premises that is owned by the licensed monitoring provider and is connected with the monitoring system in respect of which the basic monitoring service should have been provided; and
  - (b) must permit the Director access to all data collected by the licensed monitoring provider through the monitoring system.

## **Schedule 4      Restricted components**

regulation 23

Gaming machine cabinet

Gaming machine cabinet door

Gaming machine artwork and reel tape

Gaming machine reel mechanism

Gaming token mechanism designed for use on a gaming machine or an identifiable part of such a mechanism

Hopper or an identifiable part of a hopper

Computer cabinet

Game board

Processor board

Game EPROM

Program or software for a gaming machine (irrespective of the medium or method of storage)

Identification plate referred to in regulation 20

Gaming machine seal

gaming machine label referred to in section 135 of the Act

## Schedule 5 Fees

regulation 37

Item	Fee
1. Application for the grant of a gaming machine licence (section 24(3)(q) of the Act)	1000 revenue units
2. Copy of gaming machine licence (section 31(1) of the Act)	50 revenue units
4. Application for approval to alter a gaming machine (section 40A(1)(a) of the Act)	50 revenue units
5. Application for increase in number of gaming machines provided to a licensee (section 41(2)(f) of the Act)	100 revenue units
6. Application for the grant of a repairer's, service contractor's, monitoring provider's or machine manager's licence (section 62(1)(j) of the Act)	100 revenue units
7. Issue of copy of licence for repairer, service contractor or machine manager (section 67(1) of the Act)	20 revenue units
8. Application for renewal of repairer's, service contractor's or machine manager's licence (section 71(2)(c) of the Act)	50 revenue units

## **Schedule 6 Basic monitoring service information, services and support**

regulation 6B

1. A monthly report, in a form approved by the Director, to the licensee and the Director of daily gaming machine performance.
2. Read-only gaming machine data, and an events log, in respect the licensed premises.
3. At the end of each financial year, a hard copy statement to the licensee of gaming machine performance on the licensed premises during that year.
4. Meter information to the licensed premises when a gaming machine malfunctions.
5. Facilitation of changes to games and gaming machine configurations, e.g. a change in the gaming token denomination of a gaming machine or the return to players from a gaming machine.
6. Help desk support to licensed premises and licensed repairers during hours of play at the licensed premises to assist with the following:
  - (a) resolving payment disputes;
  - (b) explaining variances in gaming machines;
  - (c) repairing minor faults with gaming machines, resetting gaming machines and cancelling credit procedures on gaming machines;
  - (d) verifying the integrity of gaming machine software.
7. The automatic shutdown of a gaming machine in the event of the non-compliance of the gaming machine or to enforce the hours of gaming under the gaming machine licence.
8. Dial-in, read-only access of the monitoring service database by the Director.

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Gaming Machine Regulations (SL No. 40, 1995)***

Notified	19 December 1995
Commenced	19 December 1995

***Amendments of Gaming Machine Regulations (SL No. 25, 1996)***

Notified	12 June 1996
Commenced	12 June 1996

***Amendments of Gaming Machine Regulations (SL No. 7, 1998)***

Notified	11 March 1998
Commenced	11 March 1998

***Financial Relations Agreement (Consequential Provisions) Act 2000 (Act No. 32, 2000)***

Assent date	27 June 2000
Commenced	1 July 2000 (s 2(2))

***Amendment of Gaming Machine Regulations (SL No. 21, 2001)***

Notified	11 April 2001
Commenced	11 April 2001

***Amendments of Gaming Machine Regulations (SL No. 33, 2001)***

Notified	29 June 2001
Commenced	rr 17 and 18: 1 July 2001 (r 1(1)); rem: 29 June 2001 (r 1(2), s 2 <i>Gaming Machine Amendment Act (No. 2) 2001</i> (Act No. 5, 2001) and Gaz S34, 29 June 2001)

***Statute Law Revision Act 2002 (Act No. 18, 2002)***

Assent date	7 June 2002
Commenced	7 June 2002

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***Treasury Legislation Amendment (Revenue Units) Regulations 2006 (SL No. 33, 2006)***

Notified	18 October 2006
Commenced	18 October 2006

***Gaming Machine Amendment Regulations 2006 (SL No. 44, 2006)***

Notified	20 December 2006
Commenced	20 December 2006

***Gaming Machine Amendment Regulations 2007 (SL No. 37, 2007)***

Notified	19 December 2007
Commenced	19 December 2007

***Gaming Machine Amendment (Anti-Proliferation) Act 2008 (Act No. 29, 2008)***

Assent date	22 November 2008
Commenced	s 10: 1 January 2009 (Gaz G50, 17 December 2008, p 3); rem: 18 July 2008 (s 2)

### 3 SAVINGS AND TRANSITIONAL PROVISIONS

*r 26 Amendments of Gaming Machine Regulations (SL No. 33, 2001)*

### 4 LIST OF AMENDMENTS

r 2	amd No. 7, 1998, r 1; No. 44, 2006, r 3
pt 1A hdg	ins Act No. 29, 2008, s 9
r 2AA	ins Act No. 29, 2008, s 9
r 2A	ins No. 7, 1998, r 2
	sub No. 44, 2006, r 4
r 3	amd No. 21, 2001
r 3A	ins No. 33, 2001, r 3
r 5	rep No. 33, 2001, r 4
pt 3 hdg	amd No. 33, 2001, r 5
r 6	amd No. 33, 2001, r 6
rr 6A – 6E	ins No. 33, 2001, r 7
rr 8 – 9	amd No. 33, 2006, r 5
r 9A	ins No. 33, 2001, r 8
	amd No. 33, 2006, r 5
r 10	amd No. 37, 2007, r 3
r 11	rep No. 33, 2001, r 9
r 12A	ins No. 33, 2001, r 10
	amd No. 33, 2006, r 5
r 13	amd No. 33, 2006, r 5
r 15	amd No. 33, 2006, r 5
r 16	amd No. 33, 2001, r 11
r 17	amd No. 33, 2006, r 5
r 18A	ins No. 33, 2001, r 12
rr 19 – 20	sub No. 33, 2001, r 12
	amd No. 33, 2006, r 5
r 21	amd No. 33, 2006, r 5
r 22	sub No. 33, 2001, r 13
	amd No. 33, 2006, r 5
r 24A	ins No. 33, 2001, r 14
	amd No. 33, 2006, r 5
pt 7 hdg	amd No. 33, 2001, r 15
r 27	amd No. 25, 1996, r 1

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rr 28 – 30	amd No. 33, 2006, r 5
r 32	amd No. 33, 2001, r 16
r 32A	ins No. 33, 2001, r 17
r 33	amd Act No. 32, 2000, s 41 sub No. 33, 2001, r 17; Act No. 29, 2008, s 10
r 34	amd No. 33, 2001, r 18
r 37	amd No. 33, 2001, r 19; No. 33, 2006, r 5
r 37A	ins No. 33, 2001, r 20 rep No. 33, 2006, r 3
r 38	amd No. 33, 2001, r 21
r 39	amd No. 25, 1996, r 2; No. 33, 2006, r 5
sch 1	amd No. 25, 1996, r 3 sub No. 33, 2001, r 22
sch 2 – 3	sub No. 33, 2001, r 22
sch 4	amd No. 33, 2001, r 23
sch 5	amd No. 33, 2001, r 24; Act No. 18, 2002, s 7; No. 33, 2006, rr 4 and 5
sch 6	ins No. 33, 2001, r 25