

Queensland



GAMING MACHINE AMENDMENT ACT 1998

Act No. 11 of 1998

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Gaming Machine Amendment Act 1998

Act No. 11 of 1998

An Act to amend the *Gaming Machine Act 1991*

[Assented to 23 March 1998]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Gaming Machine Amendment Act 1998*.

Commencement

2. This Act commences on a day to be fixed by proclamation.

Act amended

3. This Act amends the *Gaming Machine Act 1991*.

Amendment of s 3 (Definitions)

4.(1) Section 3, definitions “**jackpot**”, “**linked jackpot arrangement**”, “**metered payouts**” and “**schedule of gaming machines**”—

omit.

(2) Section 3—

insert—

“**approved trust account**” means an account—

- (a) established with a financial institution for holding multiple site jackpot increments; and
- (b) approved by the chief executive.

“**jackpot payout**” see section 6A.

“**linked jackpot arrangement**” means an arrangement under which 2 or more gaming machines are linked to a device recording a winning result or other event resulting in an amount, part of an amount, or something else, being won by a player.

“**metered amount**” means the amount displayed on the total wins meter of a gaming machine or on a progressive jackpot prize meter.

“**metered payouts**” see section 6B.

“**percentage return to player**” see section 6C.

“**progressive jackpot prize meter**” means a device for recording amounts that, if won by a player, would be payable by a licensee as a jackpot payout.

“**promotions**” means an amount, part of an amount, or something else, able to be won on a gaming machine, whether or not a winning result is obtained, and made available by the licensee or licensed operator.

“**total wins meter**” means a device for recording amounts that, if won by a player, would be payable by a licensee other than as a jackpot payout.’.

(3) Section 3, definition “**linked jackpot equipment**”, ‘jackpot meter’—

omit, insert—

‘meter’.

(4) Section 3, definition “**monthly taxable metered win**”, from ‘less the’—

omit, insert—

‘less—

- (a) the amount for the period, other than promotions, paid into an approved trust account maintained by a licensed operator for multiple site jackpot increments; and
- (b) the amount prescribed for the period under a regulation.’.

Insertion of new ss 6A–6C

5. After section 6—

insert—

‘Meaning of “jackpot payout”

‘**6A.(1)** For this Act, a “**jackpot payout**” is a payment by a licensee to a player for a winning result on a gaming machine if the payment—

- (a) does not increase the credit meter of the gaming machine; and

(b) is not discharged from the hopper.

‘(2) In this section, a payment by a licensee for a winning result does not include a promotion.

‘Meaning of “metered payouts”

‘**6B.(1)** For this Act, “**metered payouts**”, for a licensed premises for an assessment period, means the metered amount won by players for winning results on gaming machines on the premises in the assessment period.

‘(2) In this section, the metered amount won does not include an amount payable under this Act from an approved trust account.

‘Meaning of “percentage return to player”

‘**6C.(1)** For this Act, the “**percentage return to player**”, for a game, is the percentage calculated using the formula—

$$\frac{W \times 100}{B}$$

where—

“**B**” is the amount that will be bet if bets are made on every result in the game.

“**W**” is the amount that can be won, other than promotions, if all winning results in the game are obtained.’.

Amendment of s 39 (Application for gaming machine licences)

6. Section 39(3)(i)—

omit.

Omission of s 44 (Schedule of gaming machines)

7. Section 44—

omit.

Amendment of s 45 (Gaming machine licences and schedules to be displayed)

8.(1) Section 45, heading, ‘and schedules’—

omit.

(2) Section 45, from ‘and’ to ‘gaming machines’—

omit.

Amendment of s 55 (Chief executive may alter or remove gaming machines etc.)

9. Section 55(2), ‘effect a change in the game,’—

omit, insert—

‘change the game to be played on the gaming machine or change the’.

Amendment of s 58 (Modification or relocation of gaming machine areas)

10.(1) Section 58, heading—

omit, insert—

‘Relocation of gaming machine areas’.

(2) Section 58(1), ‘modify or’—

omit.

(3) Section 58(2), from ‘by—’ to ‘subsection (3).’—

omit, insert—

‘by a plan of the premises indicating the proposed locations on the premises where it is intended to install gaming machines.’.

(4) Section 58(3)—

omit.

(5) Section 58(4)(b), ‘modified or’—

omit.

(6) Section 58(4), ‘modify or’—

omit.

(7) Section 58(8), ‘modification or’—

omit.

(8) Section 58(8), ‘modified or’—

omit.

Amendment of s 98A (Licensee’s register of gaming machines)

11. Section 98A—

insert—

‘(3) In this section—

“**leased**” includes supplied under a hire-purchase agreement under the *Hire-purchase Act 1959*.’.

Amendment of s 130 (Recognised manufacturers and suppliers of gaming machines)

12. Section 130(2)—

omit, insert—

‘(2) The chief executive must cause to be listed on the roll—

- (a) the name of any tenderer under section 144 who the chief executive considers complies with this Act; and
- (b) the name of any other person who the chief executive considers is an appropriate person to be listed on the roll.

‘(3) A person can not be an appropriate person for subsection (2)(b) unless the person has submitted a gaming machine type or game for evaluation under section 146 and the gaming machine type or game was approved under the section.’.

Amendment of s 135 (Manufacture, sale, supply, obtaining or possession of gaming machines)**13.(1)** Section 135(1C)(a) and (b)—*omit, insert—*

- ‘(a) if the buyer is a licensed operator—
 - (i) selling, or owning and leasing, the machine to a licensee for the conduct of gaming or a gaming trainer for conducting a genuine training course relating to the conduct of gaming; or
 - (ii) owning and leasing the machine to another licensed operator for subleasing the machine to a licensee for the conduct of gaming or a gaming trainer for conducting a genuine training course relating to the conduct of gaming; or
- (b) if the buyer is an approved financier—owning and leasing the machine to—
 - (i) a licensed operator for subleasing the machine to a licensee for the conduct of gaming or a gaming trainer for conducting a genuine training course relating to the conduct of gaming; or
 - (ii) another approved financier for subleasing to—
 - (A) a licensed operator for further subleasing by the operator to a licensee for the conduct of gaming or a gaming trainer for conducting a genuine training course relating to the conduct of gaming; or
 - (B) a licensee for the conduct of gaming; or
 - (C) a gaming trainer for conducting a genuine training course relating to the conduct of gaming; or
 - (iii) a licensee for the conduct of gaming; or
 - (iv) a gaming trainer for conducting a genuine training course relating to the conduct of gaming; or’.

(2) Section 135(1D)—*omit, insert—***‘(1D)** To avoid doubt, it is declared that—

- (a) a licensed operator can sublease a gaming machine only to a licensee or a gaming trainer; and
- (b) an approved financier can sublease a gaming machine only to a licensed operator, licensee or gaming trainer; and
- (c) a licensee and a gaming trainer cannot lease a gaming machine to another person.

‘(1E) A licensed operator’s right to sublease or further sublease a gaming machine to someone else is subject to the lease or sublease under which the operator leases the gaming machine.

‘(1F) An approved financier’s right to sublease a gaming machine to someone else is subject to the lease under which the financier leases the gaming machine.’.

(3) Section 135—

insert—

‘(6A) In this section—

“leasing” includes supplying under a hire-purchase agreement under the *Hire-purchase Act 1959*.’.

Replacement of s 141D (Operator’s and financier’s registers of gaming machines)

14. Section 141D—

omit, insert—

‘Licensed operators and approved financiers must keep registers of gaming machines

‘141D.(1) A licensed operator and an approved financier must each keep a register listing—

- (a) for a licensed operator—all gaming machines owned or monitored by the operator or leased or subleased by the operator from another person; and
- (b) for an approved financier—all gaming machines owned by the financier or leased by the financier from another approved financier.

Maximum penalty—200 penalty units or 1 year’s imprisonment.

‘(2) The register must be in the approved form.

‘(3) In this section—

‘**leased**’ includes supplied under a hire-purchase agreement under the *Hire-purchase Act 1959*.’.

Insertion of new s 146A

15. After section 146—

insert—

‘Changes to approved games

‘**146A.(1)** A licensed operator or licensee may change, or cause to be changed, the percentage return to player for a game approved under section 146.

‘(2) A person must not make, or cause to be made, a change under subsection (1) for a game more than once in the period prescribed under a regulation.

Maximum penalty for subsection (2)—200 penalty units or 1 year’s imprisonment.’.

Amendment of s 149 (Linked jackpots)

16.(1) Section 149, heading—

omit, insert—

‘**Approval of linked jackpot arrangements**’.

(2) Section 149(1), after ‘licensed premises’—

insert—

‘, or licensed operator,’.

(3) Section 149(1)(c)—

omit.

(4) Section 149(2)—

omit, insert—

‘(2) A licensee or licensed operator applying for an approval under subsection (1) must pay the fee prescribed under a regulation.’

(5) Section 149(4)—

omit, insert—

‘(4) A licensee or a licensed operator approved to operate, or participate in the operation of, an arrangement under subsection (1) must not stop operating, or participating in the operation of, the arrangement without the chief executive’s approval.

Maximum penalty—200 penalty units or 1 year’s imprisonment.’

(6) Section 149(5), after ‘A licensee’—

insert—

‘or licensed operator’.

(7) Section 149(5), ‘arrangement or system’—

omit, insert—

‘arrangement’.

(8) Section 149(5)(b), ‘, or system’—

omit.

(9) Section 149(7)—

omit, insert—

‘(7) In each assessment period for licensed premises, a licensed operator must—

(a) pay into the approved trust account—

(i) all multiple site jackpot increments for the arrangement for the previous assessment period; and

(ii) interest earned on the account; and

(b) pay out of the approved trust account amounts prescribed under a regulation.’

(10) Section 149—

insert—

(7A) A licensed operator must not pay an amount out of an approved trust account unless the amount is prescribed under a regulation.

Maximum penalty—400 penalty units or 2 years imprisonment.’.

(11) Section 149(8), after ‘must’—

insert—

‘, after deducting amounts to be paid out under subsection (7)(b),’.

(12) Section 149(9)—

omit.

Amendment of s 153 (Protection of sensitive areas of gaming equipment)

17.(1) Section 153(5), ‘effect a change in the game,’—

omit, insert—

‘change the game to be played on the gaming machine or change the’.

(2) Section 153(6)—

omit, insert—

(6) Subsection (1)(a) to (j) does not apply to—

- (a) an electronic monitoring system not on licensed premises; or
- (b) another type of gaming equipment—
 - (i) not connected to an electronic monitoring system; and
 - (ii) not installed in a gaming machine area.’.

Amendment of s 161 (Audit of accounts of licensee)

18.(1) Section 161(1)—

insert—

‘**“prescribed licensee”** means a licensee prescribed under a regulation.’.

(2) Section 161(2), ‘A licensee,’—

omit, insert—

‘A prescribed licensee,’.

(3) Section 161(2), at the end—

insert—

‘Maximum penalty—200 penalty units or 1 year’s imprisonment.’.

(4) Section 161(3)—

omit, insert—

(3) If a prescribed licensee ceases to be a licensee under this Act, the person (the “**former licensee**”) must, at the former licensee’s own expense and within 1 month of ceasing to be a licensee or a further period approved in writing by the chief executive—

- (a) prepare a statement of receipts and payments for gaming and the conduct of gaming on the former licensee’s licensed premises for the period—
 - (i) if an audit under subsection (2)(b) has been done—starting on the day to which the accounts were last audited under subsection (2)(b) and ending on the day the former licensee ceased to be a licensee; or
 - (ii) if an audit under subsection (2)(b) has not been done—starting on the day gaming started and ending on the day the former licensee ceased to be a licensee; and
- (b) cause the accounts for the gaming and the conduct of gaming to be audited by an accountant.

Maximum penalty—200 penalty units or 1 year’s imprisonment.’.

(5) Section 161(4), at the end—

insert—

‘Maximum penalty—200 penalty units or 1 year’s imprisonment.’.

(6) Section 161(5), ‘A licensee,’—

omit, insert—

‘A prescribed licensee or former licensee,’.

(7) Section 161(5), at the end—

insert—

‘Maximum penalty—200 penalty units or 1 year’s imprisonment.’.

(8) Section 161(6)—

omit, insert—

‘(6) Subsection (7) applies to a prescribed licensee who is a corporation and to whom the subsection is, under a regulation, stated to apply.

‘(7) A prescribed licensee must, with the copy of the statement submitted under subsection (5), also submit—

- (a) a statement specifying the number of members in each class of membership of the licensee at the end of the financial year; and
- (b) if the licensee is an incorporated association under the *Associations Incorporation Act 1981*—the statement of affairs for the association last prepared and audited under section 59 of that Act; and
- (c) a copy of the annual report of the licensee; and
- (d) a statutory declaration signed by the principal executive officer of the licensee declaring that the proceeds from the conduct of gaming were spent promoting the objects of the licensee; and
- (e) other things prescribed under a regulation.

Maximum penalty for subsection (7)—200 penalty units or 1 year’s imprisonment.’.

Amendment of s 206 (Proceedings for offences)

19.(1) Section 206(3), after ‘140(2),’—

insert—

‘149(7A),’.

(2) Section 206(4), after ‘140(2),’—

insert—

‘149(7A),’

(3) Section 206(7), after ‘140(2),’—
insert—
‘149(7A),’.