

Queensland



Subordinate Legislation 1991 No. 154

Gaming Machine Act 1991

GAMING MACHINE REGULATION 1991

TABLE OF PROVISIONS

Section	Page
PART 1—PRELIMINARY	
1 Short title	4
2 Commencement	4
3 Repeal	4
4 Interpretation	4
PART 2—ADMINISTRATION	
5 Meetings of Commission	6
6 Secrecy	6
PART 3—GAMING MACHINE LICENCES	
7 Maximum number of gaming machines	6
8 Prescribed conditions of gaming machine licences	7
9 Director's obligations to licensees	7

PART 4—LICENSING OF REPAIRERS, SERVICE CONTRACTORS AND MACHINE MANAGERS

10	Installations, etc., not subject to s.4.1 of the Act	7
11	Prescribed duties of machine managers	8

PART 5—SUPERVISION AND MANAGEMENT OF GAMING

12	Layout of licensed premises	8
13	Installation of gaming equipment	9
14	Rules ancillary to gaming	9
15	Calculation of player entitlement	9
16	Machine managers to produce licence or identification, etc.	10
17	Submissions in relation to payments refused	10
18	Security of keys	11
19	Day prescribed	12
20	Services for compulsive gamblers	12

PART 6—CONTROL OF GAMING MACHINES

21	Approval of premises of manufacturers	13
22	Allocation of serial number	13
23	Identification plate to be affixed	14
24	Game board labels	15
25	Broken or removed seals to be forwarded to Director	15
26	Restricted components	15
27	Code numbers for approved gaming machine types and games	15

PART 7—ACCOUNTING PROCEDURES

28	Functions to be carried out with money clearances	16
29	Money clearances	16
30	Manual Payments Register	17
31	Gaming Machine Performance Record	19
32	Alterations or obliterations to records	21

33	Installation, removal and alteration of gaming machines	21
34	Day prescribed	22
35	Monthly Gaming Machine Reconciliation Report	22

PART 8—TAXES, LEVIES AND FEES

36	Monthly rental fees	23
37	Daily rental fees	23
38	Day prescribed	24
39	Gaming machine tax	24
40	Sport and recreation levy	25
41	Charities and rehabilitation levy	25
42	Penalties for late payment of rental fees, taxes and levies	25
43	Crediting of payments under s.8.7(1)(b) of the Act	25
44	Fees	25
45	Refund applications	26

PART 9—GENERAL

46	Advertising	26
----	-----------------------	----

SCHEDULE 1

	<i>Prescribed bodies and authorities</i>	27
--	--	----

SCHEDULE 2

	<i>Conditions to which a gaming machine licence is subject</i>	29
--	--	----

SCHEDULE 3

	<i>Director's obligations to a licensee</i>	34
--	---	----

SCHEDULE 4

	<i>Rules ancillary to gaming</i>	35
--	--	----

SCHEDULE 5

	<i>Restricted components</i>	37
--	--	----

SCHEDULE 6

	<i>Fees</i>	38
--	-----------------------	----

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Gaming Machine Regulation 1991*.

Commencement

2. This regulation commences on 9 December 1991.

Repeal

3. The *Gaming Machine (Interim Provisions) Regulations 1991* are repealed.

Interpretation

- 4.(1) In this regulation—

“**advertise**” means advertising about—

- (a) gaming; or
- (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 6.21(1) of the Act;

“manufacturer” means a recognised manufacturer or supplier of gaming machines;

“monthly money clearance” means a money clearance mentioned in section 7.1(1) 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; and

(b) the total of gaming tokens removed during money clearances for the period; and

(c) the total of short pay correction payouts during the period; and

(d) the total of hopper fills during the period; and

(e) the total of jackpot payouts during the period; and

(f) the total of cancelled credits during the period; and

(g) the hopper contents at the start of the period; and

(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~~ licensed premises for which licensed victualler’s licences or tavern licences under the *Liquor Act 1912* are in force at any material time;
- (b) Category 2— all licensed premises not included in Category 1.

PART 2—ADMINISTRATION

Meetings of Commission

5. The Commission is to meet at least once a month in Brisbane.

Secrecy

6. For the purposes of section 2.26(3) of the Act, the bodies and authorities are those set out in Schedule 1.

PART 3—GAMING MACHINE LICENCES

Maximum number of gaming machines

7. For the purposes of sections 3.3(7) and 3.16(5) of the Act, the maximum number prescribed is—

- (a) for Category 1 licensed premises—10; and
- (b) for Category 2 licensed premises—250.

Prescribed conditions of gaming machine licences

8. For the purposes of section 3.9(1)(a) of the Act, the prescribed conditions are set out in Schedule 2.

Director's obligations to licensees

9. For the purposes of section 10.31(1)(p) of the Act, the Director's obligations are set out in Schedule 3.

PART 4—LICENSING OF REPAIRERS, SERVICE CONTRACTORS AND MACHINE MANAGERS**Installations, etc., not subject to s.4.1 of the Act**

10. For the purposes of section 4.1(3) of the Act, the following are prescribed—

- (a) the installation of an electronic monitoring system if the installation is by the Director; and
- (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; and
- (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; and
- (d) installation, alteration, adjustment, maintenance or repair of locks of gaming machine cabinets or drop box doors; and
- (e) installation, alteration, adjustment, maintenance or repair of hinges of gaming machine drop box doors; and
- (f) adjustment of the device regulating the level of the contents of the hopper; and
- (g) installation, alteration, adjustment, maintenance or repair of external switch covers or glass or perspex panels of a gaming machine; and

- (h) repair by clearing coins jammed in a gaming machine; and
- (i) repair by resetting minor fault conditions of a gaming machine.

Prescribed duties of machine managers

11. For the purposes of section 4.3(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; and
- (b) the management of the access to the internal parts of gaming machines; and
- (c) the management and supervision of money clearances; and
- (d) the issuing of keys for the security of gaming machines to employees of a licensee; and
- (e) the supervision of entries in accounting records required to be kept and maintained under the Act; and
- (f) the arranging of remedial repairs to gaming equipment; and
- (g) any other thing required by Part 7 to be done, or that a licensee is required by Part 7 to ensure is done, by a machine manager.

PART 5—SUPERVISION AND MANAGEMENT OF GAMING

Layout of licensed premises

12. A licensee must 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 9.2 of the Act, directs that a greater distance be allowed.

Maximum penalty—20 penalty units.

Installation of gaming equipment

13. A licensee must 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; and
- (b) unrestricted access to fire exits; and
- (c) the proper use of safety and security features on the premises.

Maximum penalty—20 penalty units.

Rules ancillary to gaming

14. For the purposes of section 5.7(2) of the Act, the prescribed rules are set out in Schedule 4.

Calculation of player entitlement

15.(1) For the purposes of section 5.13 of the Act, but subject to subsection (2) of this regulation, 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 subsection (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.

Machine managers to produce licence or identification, etc.

16.(1) A machine manager must produce his or her machine manager's licence that is in force, or his or her identification card provided under subsection (2), to a person—

- (a) who is affected by a decision of the machine manager; and
- (b) who requests the production.

(2) A licensee must provide to a person authorised by the licensee under section 4.3(4) of the Act or section 4.3(6)(a) of the Act an identification card showing in bold face print of a minimum letter height of 5 millimetres—

- (a) the person's name; and
- (b) the name of the licensed premises; and
- (c) the words 'Machine Manager'.

(3) The identification card must bear the signature of the person.

(4) A person to whom an identification card is provided under subsection (2) must return the card to the licensee on the day the person ceases to be authorised by the licensee under section 4.3(4) of the Act or section 4.3(6)(a) of the Act.

Maximum penalty—20 penalty units.

Submissions in relation to payments refused

17.(1) A machine manager who refuses to make or allow payment under section 5.14 of the Act or clause 5 of Schedule 4 to a person must 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 subsection (1) must—

- (a) be in writing; and
- (b) state the full name and address of the person making the submission; and

- (c) identify the licensed premises and gaming machine in question; and
- (d) state the name of the machine manager who refused to make payment or allow payment to be made; and
- (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 subsection (2) that is not lodged within 10 days from the date of the refusal.

Security of keys

18.(1) A licensee must 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 must 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 must ensure that no person has possession of a key mentioned in subsection (1) other than—

- (a) a person mentioned in subsection (2); or
- (b) an employee of the licensee who is employed to attend to gaming machines; or
- (c) an employee of the licensee who is employed to assist in money clearances; or
- (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 must keep records of each possession mentioned in subsection (3) in the form determined by the Director.

5) A person mentioned in subsection (2)(b) or (3)(b), (c) or (d) must

have possession of a key mentioned in subsection (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 subsection (1) must keep the key on his or her person.

(7) A person who unlocks a lock or opens a door of a gaming machine on licensed premises, must 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) upon completion of the purpose for which the lock was unlocked or the door was opened.

(8) A person, other than a person mentioned in subsection (3), must not have possession of a key mentioned in subsection (1).

(9) Subject to section 9.3 of the Act, a record required to be kept under this section must be retained by the licensee for not less than 7 years from the date of the latest entry in the record.

Maximum penalty—20 penalty units.

Day prescribed

19. For the purposes of section 5.20(2) of the Act, the prescribed day is the fourth day.

Services for compulsive gamblers

20. 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, must clearly display a sign advertising services available to assist compulsive gamblers.

Maximum penalty—20 penalty units.

PART 6—CONTROL OF GAMING MACHINES

Approval of premises of manufacturers

21.(1) For the purposes of section 6.7(2) of the Act, an application for approval of premises must—

- (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 subsection (1) must be accompanied by—

- (a) a plan that clearly shows the use to which each part of the premises is to be put; and
- (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.

Allocation of serial number

22.(1) A manufacturer must allocate a manufacturer's serial number to each gaming machine—

- (a) manufactured; or
- (b) if the gaming machine does not already have an identification plate affixed in accordance with section 23—obtained;

by the manufacturer.

(2) A manufacturer must ensure that the serial number allocated under subsection (1)—

- (a) is within a sequence of numbers approved by the Director for use by the manufacturer; and
- (b) has not previously been allocated to another gaming machine

manufactured or obtained by the manufacturer.

Maximum penalty—20 penalty units.

Identification plate to be affixed

23.(1) A manufacturer must affix an identification plate to each gaming machine—

- (a) manufactured; or
- (b) if the gaming machine does not already have an identification plate affixed in accordance with this section—obtained;

by the manufacturer.

(2) A manufacturer must ensure that the identification plate—

- (a) is securely affixed on a side of the gaming machine—
 - (i) during the process of manufacture of the gaming machine; or
 - (ii) as soon as the manufacturer obtains the gaming machine; and
- (b) is made of durable material; and
- (c) clearly displays in the English language—
 - (i) the name of the manufacturer that affixed the identification plate; and
 - (ii) the year in which the gaming machine was manufactured or obtained; and
 - (iii) the manufacturer's serial number allocated to the gaming machine under section 22.

Maximum penalty—20 penalty units.

Game board labels

24. A listed person must, 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 section 27; and
- (b) the game for which the game EPROM is programmed or the code number of the game allocated under section 27.

Maximum penalty—20 penalty units.

Broken or removed seals to be forwarded to Director

25. A licensed repairer who—

- (a) breaks a seal securing a computer cabinet; or
- (b) removes a seal affixed to gaming equipment to preserve the integrity of the gaming equipment;

must forward the seal to the Director with the conversion report or repairer's report mentioned in section 6.24 of the Act.

Maximum penalty—20 penalty units.

Restricted components

26. For the purposes of the definition “**restricted component**” in section 1.3(1) of the Act, the components set out in Schedule 5 are restricted components.

Code numbers for approved gaming machine types and games

27. The Director may allocate a code number to each gaming machine type and each game approved by the Director under section 6.16(1) of the Act or section 6.17(2) of the Act.

PART 7—ACCOUNTING PROCEDURES

Functions to be carried out with money clearances

28.(1) For the purposes of section 7.1(2) of the Act, the functions are—

- (a) to ensure that no gaming machine credits are registered by the gaming machine; and
- (b) to ensure that no gaming tokens remain in the gaming machine, other than those gaming tokens that are in the hopper; and
- (c) to ensure a record of the monetary value of the contents of the hopper is made in the Gaming Machine Performance Record mentioned in section 31; and
- (d) to ensure a record is made in the Gaming Machine Performance Record mentioned in section 31 of the amounts displayed on the following electronic RAM meters of the gaming machine—
 - (i) the total number of games played (stroke); and
 - (ii) the total of all coins to the drop box; and
 - (iii) the total of coins won (non-progressive); and
 - (iv) the total of all cancelled credits; and
 - (v) the total of all coins bet; and
 - (vi) the total of all hopper fills; and
 - (vii) if an appropriate meter is provided by the gaming machine— the total of wins (progressive).

(2) For the purposes of section 7.2(2) of the Act, the functions are to record in the Gaming Machine Performance Record mentioned in section 31 an estimate of the monetary value of the contents of the hopper.

Money clearances

29.(1) A licensee must ensure that a money clearance is carried out, or is personally supervised, by a machine manager.

(2) A licensee must keep, for each of the licensee's licensed premises, a Cash Clearance Report in the form determined by the Director.

- (3)** A licensee must ensure that a Cash Clearance Report—
- (a) identifies, by name and licence number, the licensee and licensed premises to which it applies; and
 - (b) records for each money clearance—
 - (i) the date and time; and
 - (ii) the machine identification number; and
 - (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; and
 - (d) records for each gaming machine the total amount removed during the period covered by the Gaming Machine Performance Record mentioned in section 31.

Maximum penalty—20 penalty units.

Manual Payments Register

30.(1) A licensee must keep a Manual Payments Register for each of the licensee’s licensed premises in the form determined by the Director.

- (2)** A licensee must ensure that a Manual Payments Register—
- (a) identifies, by name and licence number, the licensee and licensed premises to which it applies; and
 - (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; and
 - (ii) the machine identification number; and

- (iii) the licensee's identification number of the gaming machine; and
 - (iv) if it is a short pay correction payout, hopper fill, jackpot payout or cancelled credit; and
 - (v) if it is a jackpot payout—the winning combination of symbols; and
 - (vi) if it is a cancelled credit—the number of gaming machine credits displayed on the credit meter; and
 - (vii) the amount; and
 - (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; and
 - (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; and
 - (B) whether the person is a member or visitor; and
 - (C) if the person is a member—the person's membership number; and
 - (x) the name and signature (and licence number if applicable) of the person who made the payout or fill; and
 - (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; or
 - (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 must ensure that—
- (a) a hopper fill is carried out only when a hopper is empty; and
 - (b) when a hopper fill is carried out no more and no less than 400 gaming tokens 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 must 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 subsection (2)(b)(x) or the person mentioned in subsection (2)(b)(xi) is a machine manager in relation to the licensee’s licensed premises.

Maximum penalty—20 penalty units.

Gaming Machine Performance Record

31.(1) A licensee must keep in the form determined by the Director a Gaming Machine Performance Record for each gaming machine provided to the licensee.

(2) A licensee must 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; or
 - (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; or

- (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 must ensure that each Gaming Machine Performance Record—

- (a) identifies, by name and licence number, the licensee and licensed premises to which it applies; and
- (b) records—
 - (i) the licensee's identification number of the gaming machine; and
 - (ii) the machine identification number; and
 - (iii) the manufacturer's serial number allocated to the gaming machine under section 22; and
 - (iv) the gaming token denomination; and
 - (v) the game; and
 - (vi) the day and time of the start of the period covered by the record; and
 - (vii) the day and time of the end of the period covered by the record; and
 - (viii) for each day the following, expressed in monetary amounts—
 - (A) the total of gaming tokens removed during money clearances; and
 - (B) the total of short pay correction payouts; and
 - (C) the total of hopper fills; and
 - (D) the total of jackpot payouts; and
 - (E) the total of cancelled credits; and

- (ix) any estimate made under section 28(2) during the period covered by the record; and
 - (x) meter readings taken for the purpose of sections 28(1)(d) and 33(2); and
 - (xi) the performance summary; and
- (c) is entered up daily.

Maximum penalty—20 penalty units.

Alterations or obliterations to records

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

Maximum penalty—20 penalty units.

(2) A person may make an alteration to an entry mentioned in subsection (1) to correct an error in the entry.

(3) The correction must be made by means of a marginal note or footnote, on the same page, which correction must record—

- (i) the identity of the person who made the correction; and
- (ii) the date of the correction; and
- (iii) the correct particulars.

Installation, removal and alteration of gaming machines

33.(1) A licensee must 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; or
- (b) the gaming machine is stored in a room mentioned in section 5.1(2) of the Act; or

- (c) the removal of the gaming machine from the licensee's licensed premises.

(2) A licensee must 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 section 28(1)(d).

Maximum penalty—20 penalty units.

Day prescribed

34. For the purposes of section 7.4(1) of the Act, the day prescribed is the fourth day.

Monthly Gaming Machine Reconciliation Report

35.(1) A licensee must 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 subsections (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; and
- (b) the day and time of the end of the period covered by the record; and
- (c) the licensee's identification number of the gaming machine; and

- (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 “**performance summary**” under section 4(1), it must also record the total of all the monetary amounts of the item recorded in the report.

PART 8—TAXES, LEVIES AND FEES

Monthly rental fees

36. For the purposes of section 8.2(3) of the Act, monthly rental fee is to be calculated by adding together the daily rental fees, calculated under section 37, for each day of the month on which gaming machines are provided to a licensee.

Daily rental fees

37.(1) The daily rental fee for licensed premises mentioned in Column 1 of the Table in subsection (3) is calculated as set out in Column 2 of the Table.

(2) In calculating the daily rental fee under the Table in subsection (3), the day on which a gaming machine is removed by the Director from a licensee’s licensed premises is not a day that the gaming machine is provided to the licensee.

(3) In the following Table—

“**Rate 1**” means \$270 divided by the number of days in the month in question;

“**Rate 2**” means \$240 divided by the number of days in the month in question;

“**Rate 3**” means \$210 divided by the number of days in the month in question.

TABLE

Column 1	Column 2
Category of Licensed Premises	Daily Rental Fee
Category 1 licensee	Rate 1 multiplied by the number of gaming machines provided to the licensee
Category 2 licensee up to and including licensee in excess of the machine	The total of— Rate 3 multiplied by the number of gaming machines provided to the tenth gaming machine plus Rate 2 multiplied by the number of gaming machines provided to the tenth gaming machine up to and including the twentieth gaming plus
licensee in excess of the machine	Rate 1 multiplied by the number of gaming machines provided to the twentieth gaming machine

Day prescribed

38. For the purposes of sections 8.2(2), 8.3(2), 8.4(2), 8.5(2), 8.6(1), 8.7(1) and (2) and 8.11(a) of the Act, the prescribed day is the tenth day.

Gaming machine tax

39. For the purposes of section 8.3(3) of the Act, the prescribed percentage for both categories of licensed premises is 3%.

Sport and recreation levy

40. For the purposes of section 8.4(3) of the Act, the percentage prescribed is—

- (a) for Category 1 licensed premises—2.5%; and
- (b) for Category 2 licensed premises—1%.

Charities and rehabilitation levy

41. For the purposes of section 8.5(3) of the Act, the prescribed percentage is—

- (a) for Category 1 licensed premises—4.5%; and
- (b) for Category 2 licensed premises—nil.

Penalties for late payment of rental fees, taxes and levies

42. For the purposes of section 8.7(1)(a) of the Act, the prescribed percentage is 5%.

Crediting of payments under s.8.7(1)(b) of the Act

43. For the purposes of section 8.7(1)(b) of the Act, the amount is to be credited in the following order of priority—

- (a) firstly—monthly rental fees;
- (b) secondly—gaming machine taxes;
- (c) thirdly—sport and recreation levies;
- (d) fourthly—charities and rehabilitation levies;
- (e) fifthly—penalties under section 8.7(1)(a) of the Act.

Fees

44. The fees set out in Schedule 6 are the prescribed fees to be paid for the items set out in the Schedule.

Refund applications

45.(1) A written claim for refund of any fee, tax, levy or penalty may be given to the Director stating the amount and grounds of the claim.

(2) The Director must, 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 must give written notice to the claimant stating the reasons for the disallowance.

PART 9—GENERAL

Advertising

46.(1) A person who advertises must ensure that an advertisement—

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

Maximum penalty—20 penalty units.

(2) If so directed in writing by the Director, a person must—

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

Maximum penalty—20 penalty units.

(3) The written direction mentioned in subsection (2) is to include particulars of—

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

SCHEDULE 1

s.2.26(3) of the Act

s.6 of the regulation

PRESCRIBED BODIES AND AUTHORITIES

Australian Bureau of Criminal Intelligence
Australian Capital Territory Revenue Office Returns and Licences
Australian Customs Service
Australian Federal Police
Australian Securities Commission
Australian Securities Intelligence Organization
Gaming Board of Great Britain
Independent Victorian Gaming Commission
Interpol
Lotteries Commission of South Australia
National Crime Authority
Nevada (USA) Gaming Commission
Nevada (USA) Gaming Control Board
New Jersey (USA) Casino Control Commission
New Jersey (USA) Division of Gaming Enforcement
New South Wales Liquor Administration Board
New South Wales State Police
Northern Territory Police

Northern Territory Racing, Gaming and Liquor Commission

Queensland Casino Control Division

Queensland Criminal Justice Commission

Queensland Licensing Commission

Queensland Police Service

South Australian Casino Supervisory Authority

South Australian State Police

Tasmanian Gaming Commission

Tasmanian State Police

Victorian State Police

Western Australian Gaming Commission

Western Australian Office of Racing and Gaming

Western Australian State Police

SCHEDULE 2

s.3.9(1)(a) of the Act

s.8 of the regulation

**CONDITIONS TO WHICH A GAMING MACHINE
LICENCE IS SUBJECT**

1. The licensee must—
 - (a) care for all gaming machines (and ancillary or related property of the Crown), on the licensee's licensed premises, in the same way as a reasonable, careful and prudent owner would do; and
 - (b) take all reasonable steps to protect gaming machines (and ancillary or related property of the Crown), on the licensee's licensed premises, from damage; and
 - (c) ensure that all persons in the licensee's licensed premises behave in a way that will not cause damage to any gaming machine (and ancillary or related property of the Crown); and
 - (d) provide, at the licensee's expense, locks of a type approved by the Director to secure the gaming machine cabinet and drop box door of each gaming machine provided to the licensee; and
 - (e) ensure that keys to locks used for the purpose mentioned in subclause (d) are exclusive to those locks; and
 - (f) repair, at the licensee's expense, damage to a gaming machine (and ancillary or related property of the Crown), on the licensee's licensed premises, if the damage is not covered by the insurance mentioned in clause 1(c) of Schedule 3; and
 - (g) ensure that any component used in carrying out work the licensee is required to carry out under this Schedule is new and of equal quality, reliability and tolerance to the component it replaces when

- the last mentioned component was new; and
- (h) carry out as required, at the licensee's expense (unless the work is to be carried out under a manufacturer's warranty), the following works to ensure that gaming machines provided to the licensee are at all times in a proper state of repair—
 - (i) 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; and
 - (ii) installation, alteration, adjustment, maintenance or repair of locks of gaming machine cabinets or drop box doors; and
 - (iii) installation, alteration, adjustment, maintenance or repair of hinges of gaming machine drop box doors; and
 - (iv) adjustment of the device regulating the level of the contents of the hopper; and
 - (v) installation, alteration, adjustment, maintenance or repair of external switch covers or glass or perspex panels of a gaming machine; and
 - (vi) repair by clearing coins jammed in a gaming machine; and
 - (vii) repair by resetting minor fault conditions of a gaming machine; and
 - (i) re-pay the Director the full cost—
 - (i) of transporting a gaming machine to the licensee's licensed premises and installing the gaming machine, if—
 - (A) the cost is not part of the purchase price (paid by the Director to the vendor) of the gaming machine; and
 - (B) the transport and installation cost is not a cost mentioned in clause 1(a) of Schedule 3; and
 - (ii) of transporting a gaming machine from the licensee's licensed premises to other premises used for the storage of

gaming machines if the removal is because of—

- (A) a decrease in the number of gaming machines provided to the licensee; or
 - (B) the surrender or cancellation of the licensee's gaming machine licence; and
- (iii) of altering a gaming machine provided to the licensee to effect a change in the game or gaming token denomination of the gaming machine—if the alteration is carried out as the result of an application by the licensee; and
 - (iv) of any work carried out by the Director because the licensee has failed to comply with this Schedule; and
 - (v) of the amount of excess payable for a claim lodged against the insurance mentioned in clause 1(c) of Schedule 3 arising out of damage to a gaming machine (and ancillary or related property of the Crown) on the licensee's licensed premises; and
 - (vi) of investigating and correcting errors or omissions in a Monthly Gaming Machine Reconciliation Report lodged by the licensee under section 7.4 of the Act; and
- (j) re-pay the Director the full cost incurred by the Director of installing gaming machines and any electronic monitoring system on the licensee's licensed premises—if the licensee surrenders the licensee's gaming machine licence within 6 months after the issue of the licence; and
 - (k) if the licensee surrenders the licensee's gaming machine licence or is allowed to decrease the number of gaming machines provided to the licensee within 6 months after—
 - (i) the date of issue of the licence; or
 - (ii) being granted an increase in the number of gaming machines provided to the licensee;

re-pay the Director 25% of rental fees that would have been payable for any gaming machine removed from the licensee's licensed premises from the date of removal to a date 6 months after—

(iii) the date mentioned in sub-subclause (i); or

(iv) the date of the grant mentioned in sub-subclause (ii);

whichever is the later, as the case may be; and

- (l) provide insurance against all liability, arising out of gaming or the conduct of gaming on the licensee's licensed premises, which might attach to the licensee as a result of personal injury or damage suffered by a person, if the injury or damage is caused, or contributed to, by an act or omission of the licensee or the licensee's employees; and
- (m) keep and maintain at the licensee's expense, all records, accounts, reports and other documentation required to be kept, by the licensee, under the Act or this regulation; and
- (n) pay for all postage and other fees associated with the submission, by the licensee, of reports or forms under the Act or this regulation; and
- (o) use a gaming machine in accordance with any conditions to which the insurance mentioned in clause 1(c) of Schedule 3 is subject; and
- (p) not affix a sign or other similar thing on a gaming machine (and ancillary or related property of the Crown) except with the approval of the Director; and
- (q) supply all electricity and other sundry requirements for the operation of gaming equipment on the licensee's licensed premises; and
- (r) not interfere with any connection between a gaming machine provided to the licensee and any electronic monitoring system

- installed by the Director; and
- (s) not move or relocate a gaming machine without the approval of the Director; and
 - (t) take all reasonable steps to ensure that all gaming machines provided to the licensee are—
 - (i) continuously provided with electricity; and
 - (ii) switched on at all times; and
 - (u) provide a licensed repairer access, at all reasonable times, to gaming equipment (including its internal components) on the licensee's licensed premises so that the repairer may carry out work under a service contract entered into by the Director.
- 2.** Rental payable for a gaming machine may be forgiven by the Director for periods of continuous unserviceability of the gaming machine of more than 10 days from the date that the unserviceability is first reported to the Director, if the unserviceability is not caused by—
- (a) an act or omission by the licensee or the licensee's employees; or
 - (b) a malicious act of a player.
- 3.** A licensee must remit to the Director, by electronic funds transfer, from an account held by the licensee for that purpose—
- (a) all taxes, levies and fees payable under Part 8 of the Act; and
 - (b) any penalty payable under section 8.7 of the Act.

SCHEDULE 3

s.10.31(1)(p) of the Act

s.9 of the regulation

DIRECTOR'S OBLIGATIONS TO A LICENSEE

The Director must—

- (a) pay transport and installation costs for an act by the Director under section 3.15(1) of the Act; and
- (b) subject to Schedule 2, pay all costs for the repair and maintenance of gaming machines (and ancillary or related property of the Crown); and
- (c) insure all gaming machines (and ancillary or related property of the Crown) against fire, theft, malicious damage and electronic damage.

SCHEDULE 4

s.5.7(2) of the Act

s.14 of the regulation

RULES ANCILLARY TO GAMING

1. A person under the age of 18 years must not play a gaming machine.
2. A machine manager may determine that one gaming machine only may be played by a person at the same time.
3. A gaming machine may be reserved by a person without play for a maximum period of 3 minutes.
4. No person, other than a person permitted under the Act, is to touch an internal part of a gaming machine.
5. A machine manager must refuse to pay a cancelled credit or jackpot payout if he or she believes on reasonable grounds that—
 - (a) the gaming machine credits were not accumulated, or the winning combination was not obtained, during permitted hours of gaming under section 5.6 of the *Gaming Machine Act 1991*; or
 - (b) the person claiming the cancelled credit or jackpot payout is not the person entitled to the payment or a person acting on behalf of that person; or
 - (c) the *Gaming Machine Act 1991* has been contravened by the person claiming the cancelled credit or jackpot payout.
6. If, under clause 5, a machine manager refuses to make a payment, the machine manager must as soon as practicable submit a report to the Director, Machine Gaming Division, Treasury Department.

7. A cancelled credit or jackpot payout over \$250 is to be paid by cheque—
 - (a) posted to the address of the player; or
 - (b) given to the player on the licensed premises;within 24 hours after the time the claim for payment is made.

SCHEDULE 5

s.1.3(1) of the Act

s.26 of the regulation

RESTRICTED COMPONENTS

1. Gaming machine cabinet.
2. Gaming machine cabinet door.
3. Gaming machine artwork and reel tape.
4. Gaming machine reel mechanism.
5. Hopper or an identifiable part of a hopper.
6. Computer cabinet.
7. Game board.
8. Game EPROM.
9. Programming or software for a game (irrespective of the medium or method of storage).
10. Identification plate referred to in section 23.

SCHEDULE 6

s.44 of the regulation

FEES

Item	Fee
1. Appeals from Commission (s.2.15(2)(c) of the Act) .	\$200
2. Application for the grant of a gaming machine licence (s.3.2(3)(n) of the Act)	\$100
3. Copy of gaming machine licence (s.3.7(1) of the Act)	\$ 50
4. Application for renewal of gaming machine licence (s.3.12(2)(b) of the Act)	\$100
5. Application for increase in number of gaming machines provided to a licensee (s.3.16(2)(e) of the Act)	\$ 50
6. Application for the grant of repairer's, service contractor's or machine manager's licence (s.4.5(1)(j) of the Act)	\$100
7. Issue of copy of licence for repairer, service contractor or machine manager (s.4.10(1) of the Act)	\$ 20

Gaming Machine Regulation 1991

-
- | | | |
|----|--|-------|
| 8. | Application for renewal of repairer's, service contractor's or machine manager's licence (s.4.14(2)(c) of the Act) | \$ 50 |
| 9. | Acceptance of gaming machine types and games for evaluation (s.6.17(1) of the Act) | \$ 60 |
- (per labour hour
of evaluation).
-

ENDNOTES

1. Made by the Governor in Council on 5th December 1991.
2. Published in the Gazette on 7th December 1991.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is Machine Gaming Division, Treasury Department.