



Australian Capital Territory

Gaming Machine Regulations¹ (Amendment)

Subordinate Law No. 28 of 1996²

The Australian Capital Territory Executive makes the following Regulations under the *Gaming Machine Act 1987*.

Dated 2 December 1996.

KATE CARNELL
Minister

TONY DE DOMENICO
Minister

Commencement

1. These Regulations commence on the day on which they are notified in the *Gazette*.

Principal Regulations

2. In these Regulations, “Principal Regulations” means the Gaming Machine Regulations.

Interpretation

3. Regulation 2 of the Principal Regulations is amended by inserting the following definitions:

“ ‘club’ means—

- (a) in relation to an intra-club linked jackpot arrangement—the club that has approval under section 45A of the Act to operate the arrangement; or
- (b) in relation to a gaming machine linked in an inter-club linked jackpot arrangement—the club that operates the machine;

‘inter-club linked jackpot arrangement’ means a linked jackpot arrangement between gaming machines operated under 2 or more licences;

‘intra-club linked jackpot arrangement’ means a linked jackpot arrangement between gaming machines operated under a single licence;

‘jackpot trust account’ means the account opened and maintained by a permit holder in accordance with rule 2 in Schedule 3;

‘linked’, in relation to a linked jackpot arrangement, means included in the arrangement;

‘linked jackpot’ means winnings in connection with a linked jackpot arrangement;

‘linked jackpot contribution’, in relation to an inter-club linked jackpot arrangement, means the amount required by the arrangement pursuant to rule 7 in Schedule 3 to be deposited into the jackpot trust account;

‘link equipment’ means any machinery or other apparatus installed for the purpose of operating a linked jackpot arrangement, or for the display of the amounts of linked jackpots, but does not include a gaming machine;

‘permit holder’ means—

- (a) the holder of an inter-club permit; or

- (b) in relation to an inter-club permit that has ceased to be in force—the holder of the permit immediately before that cessation;

‘winning combination arrangement’ means a linked jackpot arrangement by virtue of which winning machines are selected by a winning combination method.”.

Insertion

4. After regulation 8 of the Principal Regulations, the following Parts are inserted:

“PART IV—INTRA-CLUB LINKED JACKPOT ARRANGEMENTS

Financial and operational rules

“9. For the purposes of paragraph 45A (2) (b) of the Act, the financial and operational aspects of an intra-club linked jackpot arrangement shall be as prescribed by the Rules in Schedule 2.

Records of meter readings

“10. (1) A club shall lodge with the Commissioner the records of meter readings recorded under rule 9 in Schedule 2 within 2 working days after the readings are recorded.

“(2) A club shall lodge with the Commissioner the records made under rule 11 in Schedule 2 within 2 working days after their being made.

Penalty: 5 penalty units.

Distribution of outstanding amount on termination of arrangement

“11. (1) As soon as practicable after an intra-club linked jackpot arrangement is terminated, the club shall, by means of a gaming machine promotion approved in writing by the Commissioner, distribute the amount of the potential linked jackpot immediately before the time of termination to persons playing gaming machines operated by the club.

Penalty: 5 penalty units.

“(2) In subrule (1)—

‘amount of the potential linked jackpot’ does not include any amount payable under rule 8 or 12 in Schedule 2.

“PART V—INTER-CLUB LINKED JACKPOT ARRANGEMENTS

Financial and operational rules

“12. (1) For the purposes of paragraph 45B (1) (c), 45G (2) (c) and 45H (a) of the Act, the financial and operational aspects of an inter-club linked jackpot arrangement shall be as prescribed by the Rules in Schedule 3.

“(2) For the purposes of paragraph 45B (1) (c), 45G (2) (c) and 45H (a) of the Act, the requirements of the Rules in Schedule 3 (as amended from time to time) shall be incorporated as terms in a written contract between the permit holder and each club to be linked.

Permit holder’s access to funds

“13. On written notice by the Commissioner, a permit holder shall provide the Commissioner within the time stated in the notice with any information reasonably required by the Commissioner about the permit holder’s access to funds for the payment of any linked jackpots that may be won on the linked gaming machines.

Penalty: 5 penalty units.

Reporting by clubs of linked jackpot contributions

“14. (1) Within 7 days after the expiration of the reporting period determined by the Commissioner under subregulation (2), a club linked in an inter-club linked jackpot arrangement shall provide the Commissioner with a written report of the club’s daily linked jackpot contributions during the reporting period.

Penalty: 5 penalty units.

“(2) The Commissioner may determine the reporting period for an inter-club linked jackpot arrangement by written notice to each linked club specifying the length of the period and the first period after the notice to which the notice is to apply.

Records of meter readings

“15. (1) A linked club shall lodge with the Commissioner records of meter readings recorded under rule 15 in Schedule 3 within 2 days after the readings are recorded.

“(2) A permit holder shall lodge with the Commissioner the records made under subrule 17 (1) in Schedule 3 within 2 working days after their being made.

Penalty: 5 penalty units.

Distribution of linked jackpot balance on termination of arrangements

“16. (1) After receiving from a permit holder a recommendation under subrule 19 (2) in Schedule 3 about the distribution of the remaining balance of a jackpot trust account upon the termination of a linked jackpot arrangement, the Commissioner shall—

- (a) having regard to the recommendation—determine a reasonable distribution between the linked clubs of the remaining balance of the jackpot trust account; and
- (b) notify the permit holder and each linked club in writing accordingly.

“(2) In this regulation—

‘remaining balance of the jackpot trust account’ does not include any amount payable pursuant to rule 14 or 18 in Schedule 3.

Gaming machine promotion—amount received on termination of arrangement

“17. As soon as practicable after a club receives an amount of money under subrule 19 (3) in Schedule 3, the club shall, by means of a gaming machine promotion approved in writing by the Commissioner, distribute the amount to persons playing gaming machines operated by the club.

Penalty: 5 penalty units.”.

Addition

5. The Principal Regulations are amended by adding at the end the following Schedules:

SCHEDULE 2

Regulation 9

**INTRA-CLUB LINKED JACKPOT ARRANGEMENTS
FINANCIAL AND OPERATIONAL RULES**

Interpretation

1. (1) In these rules, an expression has the same meaning as in the *Gaming Machine Act 1987* or the Gaming Machine Regulations.

(2) If an expression has a meaning in the *Gaming Machine Act 1987* different from the meaning it has in the Gaming Machine Regulations, in these rules the expression has the meaning it is given in the Gaming Machine Regulations.

Linked jackpot increases

2. (1) The club shall ensure that the amount of the potential linked jackpot for a linked gaming machine increases after every game on the machine by an amount calculated in accordance with the following formula:

$$I = S \times T\%$$

where—

- I** is the amount by which the potential linked jackpot is to increase after each game;
- S** is the amount staked in that game; and
- T** is a percentage of the turnover of each linked gaming machine operated by the club, being a percentage specified by the club in its application for the linked jackpot approval.

(2) For the purposes of subrule (1), the specified percentage of the turnover of each linked gaming machine shall be a multiple of 0.1%.

Electronic polling

3. The club shall ensure that each linked gaming machine is polled 1 or more times electronically between games played on the machine.

Display of linked jackpot amount

4. The club shall ensure that the amount of the linked jackpot (as varied from time to time) is displayed so as to be clearly visible from each linked gaming machine at all times while the linked jackpot arrangement is in operation.

Confirmation of linked jackpots

5. (1) Where a player claims to have won a linked jackpot on a linked gaming machine, the club shall—

- (a) determine the player's eligibility for the linked jackpot; and
- (b) if the player's eligibility is confirmed—determine the amount of the linked jackpot by reference to the electronic poll under rule 3.

(2) If a linked jackpot is claimed on a machine in a winning combination arrangement, the club shall ensure that the machine is made inoperable until the club has determined the matters referred to in subrule (1).

Resetting of linked machines

6. As soon as practicable after confirmation under rule 5 of a player's eligibility for a linked jackpot on a linked gaming machine, and determination of the amount of the linked jackpot under that rule, the club shall ensure that the linked jackpot is reset to a starting value specified by the club in its application for the linked jackpot approval.

Multiple winners

7. The club shall ensure that where the electronic poll of linked gaming machines under rule 3 indicates that there is more than 1 winner of a linked jackpot, the linked jackpot is divided equally between the winners.

Payment of linked jackpots

8. The club shall pay a linked jackpot to a person where—
- (a) the person claims to have won the linked jackpot; and
 - (b) the club is satisfied, on reasonable grounds, that the person is eligible for the linked jackpot.

Meter readings

9. The club shall ensure that meter readings from a linked gaming machine are recorded—
- (a) immediately before the machine is linked;
 - (b) in the case of a machine linked in a winning combination arrangement—immediately after a linked jackpot has been won on the machine; and
 - (c) immediately before the machine is removed from the arrangement.

Link equipment

10. The club shall take all reasonable steps to repair any link equipment malfunction as soon as practicable after the malfunction occurs.

Records upon termination of arrangement

11. Immediately before a linked jackpot arrangement is terminated, the club shall record—
- (a) the meter readings of each linked gaming machine; and
 - (b) the amount of the potential linked jackpot available at the time.

Uncollected linked jackpots

12. As soon as practicable after a linked jackpot arrangement is terminated, the club shall ensure that a linked jackpot is paid to a person if—

- (a) the person won the linked jackpot on a linked gaming machine before the termination;
- (b) the person has not previously been paid the linked jackpot; and
- (c) the club is satisfied, on reasonable grounds, that the player is eligible for the linked jackpot.

SCHEDULE 3

Regulation 12

INTER-CLUB LINKED JACKPOT ARRANGEMENTS FINANCIAL AND OPERATIONAL RULES

Interpretation

1. (1) In these rules, an expression has the same meaning as in the *Gaming Machine Act 1987* or the Gaming Machine Regulations.

(2) If an expression has a meaning in the *Gaming Machine Act 1987* different from the meaning it has in the Gaming Machine Regulations, in these rules the expression has the meaning it is given in the Gaming Machine Regulations.

Jackpot trust accounts

2. The permit holder shall open and maintain an account in trust, called the jackpot trust account, for the payment of linked jackpots to the winners of such jackpots.

Payments by cheque

3. Payments from the jackpot trust account are to be by cheque signed by 2 persons authorised in writing by the permit holder.

Link service fee

4. (1) The contract between the permit holder and a linked club may provide for the linked club to pay a link service fee to the permit holder.

(2) Any link service fee is to be calculated at the same rate for each linked club.

(3) The rate of any link service fee is not to exceed a fair and reasonable amount, having regard to the following considerations:

- (a) the amount spent by the permit holder installing the arrangement;
- (b) the amount spent by the permit holder operating the arrangement;
- (c) the best interests of each linked club and its members;
- (d) any other matters relevant to the costs and returns of the arrangement for both the permit holder and the linked clubs.

(4) Any link service fee is not to be a component of the linked club's linked jackpot contributions.

Access to funds to cover linked jackpot winnings

5. The permit holder shall maintain access to sufficient funds at all times for the payment of any linked jackpots that may be won on the linked gaming machines.

Linked jackpot increases

6. (1) Subject to subrule (2), the amount of the potential linked jackpot for a linked gaming machine is to increase after every game on the machine by an amount calculated in accordance with the following formula:

$$I = S \times T\%$$

where—

- I** is the amount by which the potential linked jackpot is to increase after each game;
- S** is the amount staked in that game;
- T** is the percentage of the turnover of each linked gaming machine specified in the contract between the permit holder and the linked club for the purposes of subrule 7 (1), or such lower percentage of turnover as is specified in the contract for the purposes of this subrule.

(2) The contract between the permit holder and a linked club may provide for a maximum potential linked jackpot for a linked gaming machine—

- (a) by specifying a particular amount; or

- (b) by specifying a method by which such a maximum is able to be calculated at any time.

Linked jackpot contributions

7. (1) A linked club shall deposit into the jackpot trust account an amount equal to a percentage of the turnover of each linked gaming machine operated by the club, being a percentage specified in the contract between the club and the permit holder.

(2) The specified percentage shall be a multiple of 0.1%.

(3) A linked club, within 24 hours after being notified under paragraph 8 (b) or subrule 17 (2) of the amount of the linked jackpot contribution of each linked gaming machine operated by the club, shall deposit into the jackpot trust account the amount notified.

Determination of linked jackpot contributions

8. The permit holder shall, each day—

- (a) determine the amount of the linked jackpot contribution of each linked gaming machine—
 - (i) for the period since the linked jackpot contribution of the machine was last determined; or
 - (ii) if no linked jackpot contribution has yet been determined—for the period since the machine was linked; and
- (b) notify each linked club in writing of the total amount of the linked jackpot contributions of all linked machines operated by the club.

Electronic polling

9. The permit holder shall ensure that each linked gaming machine operated by a linked club is polled 1 or more times electronically between games played on the machine.

Display of linked jackpot amount

10. The permit holder and a linked club shall each do what they can to ensure that the amount of the linked jackpot (as varied from time to time) is displayed so as to be clearly visible from each linked gaming machine operated by the club at all times while the linked jackpot arrangement is in operation.

Confirmation of linked jackpots

11. (1) Where a player claims to have won a linked jackpot on a linked gaming machine, the club shall—

- (a) determine the player's eligibility for the linked jackpot; and
- (b) if the player's eligibility is confirmed—determine the amount of the linked jackpot by reference to the electronic poll under rule 9.

(2) If a linked jackpot is claimed on a machine in a winning combination arrangement, the club shall ensure that the machine is made inoperable until the club has determined the matters referred to in subrule (1).

Resetting of linked machines

12. As soon as practicable after confirmation under rule 11 of a player's eligibility for a linked jackpot on a linked gaming machine, and determination of the amount of the linked jackpot under that rule, the club shall ensure that the linked jackpot is reset to the minimum starting value specified in the contract between the permit holder and the club.

Multiple winners

13. Where the electronic poll of linked gaming machines under rule 9 indicates that there is more than 1 winner of a linked jackpot, the linked jackpot is to be divided equally between the winners.

Payment of linked jackpots

14. The permit holder shall pay a linked jackpot to a person from the jackpot trust account where—

- (a) the person claims to have won the linked jackpot on a linked gaming machine; and
- (b) the permit holder and the club are satisfied, on reasonable grounds, that the person is eligible for the linked jackpot.

Meter readings

15. The club shall ensure that meter readings from each linked gaming machine operated by the club are recorded—

- (a) immediately before the machine is linked;
- (b) in the case of a machine linked in a winning combination arrangement—immediately after a linked jackpot has been won on the machine; and

- (c) immediately before the machine is removed from the arrangement.

Link equipment

- 16. (1)** All link equipment shall be the property of the permit holder.
- (2)** If any link equipment malfunctions, the permit holder shall take all reasonable steps to repair the equipment as soon as practicable.
- (3)** A club at which any link equipment is located shall not interfere with the equipment except with the permission of the permit holder.

Records upon termination of arrangement

- 17. (1)** Immediately before the linked jackpot arrangement is terminated, the permit holder shall record—
 - (a) the meter readings of each linked gaming machine;
 - (b) the amount of the potential linked jackpot available at the time; and
 - (c) the linked jackpot contribution of each linked gaming machine.
- (2)** The permit holder shall notify a formerly linked club of the amount of the club's linked jackpot contribution as determined under paragraph (1) (c) on the next working day after the determination.

Uncollected linked jackpots

- 18.** As soon as practicable after the linked jackpot arrangement is terminated, the permit holder shall ensure that a linked jackpot is paid to a person from the jackpot trust account if—
 - (a) the person won the linked jackpot on a linked gaming machine before the termination;
 - (b) the person has not previously been paid the linked jackpot; and
 - (c) the permit holder and the club are satisfied, on reasonable grounds, that the person is eligible for the linked jackpot.

Division of jackpot trust account on termination of arrangement

- 19. (1)** As soon as practicable after the linked jackpot arrangement is terminated, the permit holder shall endeavour to reach a written agreement with each linked club about the distribution of the remaining balance of the jackpot trust account.

(2) If, within 28 days after the linked jackpot arrangement is terminated, no agreement has been reached under subrule (1), the permit holder shall provide the Commissioner with a written recommendation about the distribution between the linked clubs of the remaining balance of the jackpot trust account for the Commissioner's determination under regulation 16 of the Gaming Machine Regulations.

(3) As soon as practicable after a distribution is agreed to under subrule (1), or determined under regulation 16 of the Gaming Machine Regulations, the permit holder shall ensure that each linked club receives an amount from the jackpot trust account in accordance with the distribution.

(4) In this rule—

“remaining balance of the jackpot trust account” does not include any amount payable under rule 14 or 18.

NOTES

Principal Regulations

1. Reprinted as at 31 January 1994.

Notification

2. Notified in the ACT Gazette on 3 December 1996.

Penalty units

See section 33AA of the *Interpretation Act 1967* and section 9 of the *Subordinate Laws Act 1989*.