



Australian Capital Territory

Gaming Machine Regulation 2004

SL2004-30

made under the

Gaming Machine Act 2004

Republication No 1

Effective: 1 November 2004 – 4 December 2007

Republication date: 1 November 2004

Regulation not amended
(republication includes editorial amendments
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Gaming Machine Regulation 2004*, made under the *Gaming Machine Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2004. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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01/11/04

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Australian Capital Territory

Gaming Machine Regulation 2004

made under the

Gaming Machine Act 2004

Part 1 Preliminary

1 Name of regulation

This regulation is the *Gaming Machine Regulation 2004*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*single-user authorisation*, for part 8 (Linked-jackpot arrangements)—see section 40.' means that the term 'single-user authorisation' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Licensing

6 Required documents for applications—Act, s 11 (2), s 23 (2) and s 31 (2) (c) (ii)

- (1) This section applies to the following applications:
 - (a) an initial licence application;
 - (b) a licence amendment application—
 - (i) under the Act, section 22 (1) (a) to increase the number of gaming machines authorised to be operated under the licence; or
 - (ii) under the Act, section 22 (1) (b) to move gaming machines to different premises;
 - (c) an application to transfer a licence.
- (2) The following documents must accompany the application:
 - (a) either—
 - (i) audited financial statements for the applicant for the 3 financial years before the day the application is made; or
 - (ii) if the applicant has not been operating for the 3 financial years before the day the application is made—audited financial statements for the applicant for each of the financial years (if any) during which the applicant has operated;

- (b) any contractual arrangement, or proposed contractual arrangement, relating to the use of the premises (the *proposed premises*) proposed to be licensed or the licensed premises;

Example

a lease of the premises

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (c) a written estimate of the expected revenue and expenditure in relation to the proposed premises or licensed premises for the next 3 financial years if the application is successful.

- (3) In this section:

next 3 financial years, for an application that is approved part way through a financial year, means the rest of that financial year and the next 2 financial years.

7 Working out club members—Act, s 12 (5) (c) (i) and s 24 (3) (b) (iii)

- (1) The number of club members for a stand-alone club is the number of fully-paid members of the club (including life members).

Note *Stand-alone club*—see s (3).

- (2) The number of club members for a club with a membership agreement is the number worked out in accordance with the following formula:

$$\frac{GM \times TM}{TGM}$$

- (3) In this section:

GM, for a club, means—

- (a) for an initial licence application—the number of gaming machines the club applied for; or

- (b) for an application to increase the number of gaming machines authorised to be operated under the licence—the number of licensed gaming machines the club is authorised to operate under a licence.

membership agreement means an agreement between clubs under which—

- (a) a member of a club is a member of another club; or
- (b) a member of a club may become a member of another club without charge.

stand-alone club means a club that does not have a membership agreement with any other club.

TGM, for a club, means—

- (a) for an initial licence application—the total of—
 - (i) the number of gaming machines applied for; and
 - (ii) the number of licensed gaming machines that each other club with which the club has a membership agreement is authorised to operate under a licence; or
- (b) for an application to increase the number of gaming machines authorised to be operated under the club's licence—the total number of licensed gaming machines that the club, and each other club with which the club has a membership agreement, is authorised to operate under a licence.

TM, for a club, means the total membership of the club and each other club with which it has a membership agreement.

8 Other requirements for form of licence—Act, s 15 (2)

The schedule to a licence must contain, in addition to the serial number for each gaming machine authorised to be operated under the licence, the following information for each gaming machine:

- (a) its kind;
- (b) its basic stake denomination;
- (c) the percentage payout for the machine;
- (d) whether the machine is part of a linked-jackpot arrangement;
- (e) if the machine is part of a linked-jackpot arrangement—the percentage contribution from the machine to the linked jackpot;
- (f) any condition or restriction on the machine's operation.

Example of condition or restriction

Cashless gaming cannot be used.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Part 3 Social impact assessments

9 Definitions—pt 3

In this part:

gaming machine proposal, for a social impact assessment—see section 10 (2).

local community, for a social impact statement, means the community within 3km of the relevant premises.

relevant premises means—

- (a) for a social impact assessment for an initial licence application—the premises proposed to be licensed; or
- (b) for a social impact assessment for a licence amendment application to increase the number of gaming machines authorised to be operated under a licence—the licensed premises; or
- (c) for a social impact assessment for a licence amendment application to change the licensed premises by moving gaming machines to different premises—the premises to which the machines are proposed to be moved.

10 Requirements for social impact assessment—Act, s 18 (2) (a)

- (1) A social impact assessment for an initial licence application or licence amendment application must satisfy the requirements of this section.

- (2) The assessment must provide an objective analysis of the likely economic and social impact of the operation of gaming machines under the proposed licence or the licence as proposed to be amended (the *gaming machine proposal*).
- (3) The assessment must identify, and provide an analysis of, the positive aspects or benefits of the gaming machine proposal as well as the negative aspects or detriments of the proposal.
- (4) All statements or material included in the assessment must be—
 - (a) objective rather than subjective or speculative; and
 - (b) based on identifiable factual information.
- (5) The sources of the information must be clearly and specifically identified.

Examples

- 1 an Australian Bureau of Statistics publication
- 2 a commission report

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (6) The assessment must identify—
 - (a) the entities and institutions (*affected entities and institutions*) in both the local community and the broader Canberra community that may be affected by the gaming machine proposal; and
 - (b) on a map of the local community included in the assessment, the location of affected entities and institutions in the local community; and

- (c) the likely impact (both positive and negative) on affected entities and institutions in both the local community and the broader Canberra community.

Examples of affected entities and institutions

- 1 nearby residences, shops and other business
- 2 other gambling venues
- 3 schools
- 4 sporting and community facilities
- 5 places of worship

**11 Matters to be addressed by social impact assessment—
Act, s 18 (2) (b)**

- (1) A social impact assessment for an initial licence application or licence amendment application must address the following matters:
 - (a) the existing level of gaming activity currently being conducted in the local community;
 - (b) the population profile of people living in the local community, including an analysis of age and average income;
 - (c) available relevant information about patrons in relation to the relevant premises;

Examples of relevant information

- 1 where patrons live
- 2 spending patterns of patrons
- 3 time spent at the premises by patrons

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (d) the positive aspects or benefits of the gaming machine proposal for—
 - (i) the local community; and
 - (ii) the broader Canberra community;

- (e) the negative aspects or detriments of the gaming machine proposal for—
 - (i) the local community; and
 - (ii) the broader Canberra community;
 - (f) the gambling harm minimisation measures proposed to be taken in relation to the gaming machine proposal;
 - (g) the likely overall net economic and social impact of the gaming machine proposal.
- (2) This section does not limit the matters that may be addressed.

**12 Information to be given in social impact assessment—
Act, s 18 (2) (c)**

- (1) To the extent that the information is available to the applicant, the following information must be given in a social impact assessment for an initial licence application or licence amendment application:
- (a) the number and location of existing gambling outlets in the local community;
 - (b) details of the population of the local community, including the number of adults and average incomes;
 - (c) expected gaming machine revenue of the applicant for the next 3 years if the application is approved;
 - (d) expected community contributions of the applicant for the next 3 years.
- (2) This section does not limit the information that may be given in a social impact assessment.

Part 4 Ballots

13 Definitions—pt 4

In this part:

club secretary means the secretary of the club holding the ballot.

voting close date—see section 16 (1).

14 Conduct of ballots

If the Act requires a ballot to be held under this regulation, the ballot must be held in accordance with this part.

Note The following sections of the Act mention ballots:

- s 11 (3) (d)
- s 12 (2) (b)
- s 24 (3) (a)
- s 32 (1) (d) and (f)
- s 34 (2) (b) (i).

15 Offence to disclose someone else's vote

- (1) A person commits an offence if the person tells someone else how another person voted in a ballot conducted for the Act.

Maximum penalty: 2 penalty units.

- (2) An offence against this section is a strict liability offence.

16 Choosing voting close date

- (1) The club secretary must fix a date (the *voting close date*) when voting in the ballot will close.

- (2) However, the club secretary must not fix a voting close date unless it is at least 6 weeks after the day the secretary fixes the date.

17 Telling commission about ballot

- (1) At the appropriate time, the club secretary must, in writing, tell the commission—
 - (a) that the club is holding a ballot; and
 - (b) the reason for holding the ballot; and
 - (c) the voting close date for the ballot.
- (2) The club secretary must, at the same time, give the commission a copy of the following notices:
 - (a) the notice proposed to be published under section 18 (a);
 - (b) the notice proposed to be displayed under section 18 (b);
 - (c) the notice containing the information mentioned in section 20 (c).
- (3) In subsection (1):

appropriate time means—

 - (a) at least 5 weeks before the vote closing date for the ballot; and
 - (b) at least 2 weeks before the day—
 - (i) notice of the ballot is published in a newspaper under section 18 (a); and
 - (ii) the material required to be given under section 20 (Voting members must be sent ballot papers) is given.

18 Public notice of ballot

The club secretary must ensure that, at least 3 weeks before the voting close date for the ballot, notice of the ballot is—

- (a) published in a newspaper published and circulating in the ACT; and
- (b) displayed in each premises to which the ballot relates.

19 Commission may inspect ballot documents

- (1) The commission may inspect a club's ballot documents.
- (2) The commission may, in writing, require the club to amend a ballot document if satisfied that the amendment is necessary to ensure that—
 - (a) the ballot is fair and transparent; or
 - (b) the ballot is held in accordance with this part.
- (3) In this section:

ballot documents means—

- (a) a notice mentioned in section 17 (2); or
- (b) anything else required to be sent to voting members under section 20.

20 Voting members must be sent ballot papers

At least 3 weeks before the voting close date for the ballot, the club secretary must give each voting member the following:

- (a) a voting paper;

Note If a form is approved under the Control Act, s 53D for this provision, the form must be used.
- (b) a reply paid envelope addressed to the club secretary for the return of the voting paper;
- (c) a notice containing the following information in relation to the question to be decided by the voting members:
 - (i) a fair description of the question;
 - (ii) a balanced outline of arguments for and against the question;
 - (iii) a balanced appraisal of the consequences of any possible decision;

- (d) notice of the voting close date;
- (e) notice on when and where the results of the ballot may be obtained.

Note The club secretary may post the material to club members (see Legislation Act, s 247 and pt 19.5 generally).

21 Checking votes

The club secretary must check every voting paper returned to the secretary to ensure that—

- (a) the voting paper has been filled in by a voting member; and
- (b) the member has not voted more than once.

22 Counting votes for ballot

- (1) The club secretary must not count a vote in the ballot if—
 - (a) the secretary receives the voting paper after the voting close date; or
 - (b) the member voting has already voted in the ballot; or
 - (c) the vote has been made by someone other than a voting member.
- (2) The club secretary must work out the result of the ballot and, as soon as practicable after working out the result—
 - (a) display the result at each premises to which the ballot relates; and
 - (b) give the commission written notice of the result.

23 Keeping completed ballot documents

(1) The club secretary must keep the completed ballot documents for at least 7 years after the day notice of the result of the ballot is given to the commission.

(2) In this section:

ballot documents—see section 19 (3).

completed ballot documents—

- (a) means a copy of each of the ballot documents; and
- (b) includes the voting papers returned to the club secretary, whether or not the club secretary counted them in the ballot.

Note Voting papers are given to voting members under s 20 (a).

Part 5 Centralised monitoring system

24 Approval of CMS—Act, s 67 (1)

- (1) The commission must not approve a CMS unless—
 - (a) the commission has considered the results of a technical evaluation of the system by an approved entity; and
 - (b) the system (as approved) does not include the gaming machines connected to it.

Example of system

The system may include the ‘black box’ relay station connected to gaming machines.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) In this section:
approved entity—see the Act, section 69 (4).

25 Gaming machines to be on CMS

- (1) A licensee commits an offence if—
 - (a) the licensee operates a gaming machine; and
 - (b) the machine is required to be connected to the CMS; and
 - (c) the machine is not connected to the CMS.

Maximum penalty: 5 penalty units.

- (2) For subsection (1) (b), a gaming machine is *required to be connected* to the CMS if connection is required—
 - (a) under this regulation; or
 - (b) under the licence for the machine.

- (3) An offence against this section is a strict liability offence.

26 CMS Access

- (1) A person commits an offence if the person does any of the following in relation to the CMS on licensed premises:
- (a) opens the CMS;
 - (b) repairs the CMS;
 - (c) adjusts the CMS;
 - (d) modifies the CMS.

Maximum penalty: 10 penalty units.

Note The CMS does not include a gaming machine connected to it (see s 24 (1) (b)).

- (2) Subsection (1) does not apply to the following people:
- (a) an approved supplier;
 - (b) an approved technician;
 - (c) someone authorised in writing by the commission.
- (3) An offence against this section is a strict liability offence.

Part 6 Gaming machine tickets

27 Definitions—pt 6

In this part:

gaming credits, for a gaming machine ticket, means the funds available on the ticket for gaming machine play or redemption by the licensee.

gaming machine ticket means a ticket that—

- (a) is for use in a gaming machine instead of, or as well as, money; and
- (b) records gaming credits.

redeems—a licensee *redeems* gaming machine credits on a gaming machine ticket if the licensee gives the holder an equivalent amount of money in exchange for the credits.

28 Issue of gaming machine ticket offences

- (1) A licensee commits an offence if—
 - (a) a gaming machine ticket is issued on the licensee's licensed premises; and
 - (b) the machine that issued the ticket is not approved by the commission under the Act, section 69.

Maximum penalty: 10 penalty units.

- (2) A licensee commits an offence if—
 - (a) a gaming machine ticket is issued on the licensee's licensed premises; and

- (b) the ticket does not show the value of gaming credits for the ticket.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

29 Gaming machine not to accept excessive accumulated credits

- (1) A licensee commits an offence if—
 - (a) the licensee operates a gaming machine on the licensee's licensed premises; and
 - (b) the gaming machine accepts gaming credits from a gaming machine ticket of more than the prescribed amount.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) In this section:

prescribed amount means the amount prescribed under the *Gambling and Racing Control (Code of Practice) Regulation 2002*, schedule 1 (Code of practice), table 1.23, item 4, column 3.

30 Keeping redeemed gaming machine tickets

- (1) A licensee commits an offence if the licensee—
 - (a) redeems the gaming credits on a gaming machine ticket; and
 - (b) does not keep the gaming machine ticket for 1 year after the day the credits are redeemed.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

31 Requirements for gaming machine tickets

A gaming machine ticket issued on a licensee's licensed premises must contain the following information:

- (a) the amount of gaming credits;
- (b) a unique identification number for the ticket;
- (c) the licensee's name.

32 Control procedures about gaming machine tickets

A licensee's control procedures must require the licensee—

- (a) to keep a record of gaming machine tickets issued and the information contained on each ticket; and

Note Section 31 sets out the information that must be contained on a ticket.

- (b) to prepare a report of the records kept for each month within 1 week after the end of the month to which the information relates; and
- (c) to give the report to the commission if asked.

33 Unredeemed gaming machine tickets

- (1) This section applies if a gaming machine ticket is not redeemed within 1 year after the day it is issued.
- (2) The amount of gaming credits recorded on the gaming machine ticket is forfeited to the Territory.
- (3) After the amount is forfeited, the holder of the ticket—
 - (a) is not entitled to recover the amount from the licensee that issued the ticket; and
 - (b) is entitled to recover the amount from the Territory within 6 years after the day the ticket is issued; and

(c) is not entitled to recover interest on the amount from the Territory.

Part 7 Player cards

34 Definitions—pt 7

In this part:

player account—see section 35 (1).

player card—see section 36 (1).

35 Player accounts

- (1) An individual may have an account (a *player account*) with a licensee that allows the individual to hold an amount of up to \$500 with the licensee for use in gaming machines on the licensee's licensed premises.
- (2) A licensee commits an offence if—
 - (a) the licensee opens a player account for an individual; and
 - (b) either—
 - (i) the individual is a child; or
 - (ii) the individual already has a player account with the licensee.

Maximum penalty: 5 penalty units.

- (3) A licensee commits an offence if amounts in player accounts held by the licensee are not kept separate from other amounts held by the licensee.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.

36 Player cards

(1) A licensee must give a card (a *player card*) to an individual who has a player account with the licensee to allow the person to use funds in the player account in gaming machines on the licensee's licensed premises.

(2) A licensee commits an offence if the licensee gives 2 or more player cards to an individual.

Maximum penalty: 5 penalty units.

(3) However, subsection (2) does not apply to the issue of a player card to an individual if—

(a) the card is given to replace a card that has been lost, damaged, destroyed or stolen; and

(b) the licensee has taken all reasonable steps to ensure that the card that is being replaced has been lost, damaged, destroyed or stolen.

(4) A licensee commits an offence if the licensee gives a player card to a child.

Maximum penalty: 5 penalty units.

(5) A licensee commits an offence if—

(a) the licensee gives an individual a player card; and

(b) the licensee does not give the individual a notice explaining—

(i) the potential harm associated with gambling; and

(ii) the security conditions that apply to the personal identification number for use with the player card, and the consequences of contravening those conditions.

Maximum penalty: 5 penalty units.

Note If a form is approved under the Control Act, s 53D for this provision, the form must be used.

- (6) An offence against this section is a strict liability offence.

37 Records of use of player accounts

- (1) A licensee must keep a record of each transaction involving a player account held with the licensee.

Maximum penalty: 5 penalty units.

- (2) Within 1 week after the end of a month, a licensee must give each holder of a player account held with the licensee an activity statement for the account for the month.

Maximum penalty: 5 penalty units.

- (3) A licensee commits an offence if—

- (a) an individual who holds a player account with the licensee asks in writing for an activity statement; and
(b) the licensee does not give the individual the activity statement within 1 week after the day the licensee receives the request.

Maximum penalty: 5 penalty units.

- (4) An offence against this section is a strict liability offence.

Note A fee may be determined under the Act, s 177 for this provision.

- (5) In this section:

activity statement, for a player account for a period, means a statement of the following:

- (a) each transaction involving the player account during the period;
(b) the balance of the account at the beginning and end of the period;

- (c) any other information kept by the licensee in relation to use of the player card on the account during the period.

Examples of other information

- 1 time spent gambling
- 2 turnover
- 3 total win
- 4 total expenditure

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132)..

38 Limits on use of player accounts

- (1) The holder of a player account (the *player*) with a licensee may, by written notice given to the licensee, set limits on the following:
- (a) the amount the player may hold in the account;
 - (b) the amount the player may use from the account at a time or during a period.

Examples

- 1 no more than \$200 may be held in the account
- 2 no more than \$50 may be used from the account during a week

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) The player may, by written notice given to the licensee, change a limit set under subsection (1).
- (3) However, if the player changes a limit in a way that makes funds more readily available for gambling (for example, by increasing the amount that may be used during a period), the change does not take effect until 1 week after the day the licensee is given notice of the change.

- (4) A licensee commits an offence if—
- (a) the licensee allows the player to use the player account otherwise than in accordance with any limit set under this section; or
 - (b) the licensee allows the player to use the player account in accordance with a change to a limit under subsection (2) before the change takes effect; or
 - (c) the licensee allows the player to overdraw the player account; or
 - (d) the licensee allows the player to hold more than \$500 in the player account.

Maximum penalty: 5 penalty units.

Note Section 35 (1) sets a limit of \$500 on player accounts.

- (5) An offence against this section is a strict liability offence.

Part 8 Linked-jackpot arrangements

Division 8.1 Linked-jackpot arrangements generally

39 Application—div 8.1

This division applies in relation to a linked-jackpot arrangement under a single-user authorisation or multi-user permit.

40 Definitions—pt 8

In this part:

link equipment—equipment is *link equipment* if the equipment allows a gaming machine to access a linked-jackpot arrangement.

single-user authorisation means an authorisation under the Act, section 134.

41 Arrangement to operate under pt 8—Act, s 134 (3) (b) and s 135 (3) (d)

A linked-jackpot arrangement must operate in accordance with this part.

42 Percentage of turnover set aside and reset value

- (1) The application for authorisation to operate a linked-jackpot arrangement must contain a statement of—
 - (a) the percentage of the turnover of each gaming machine in the arrangement to be set aside for payment of linked jackpots under the arrangement; and
 - (b) the reset value for each gaming machine.

- (2) If the authorisation is given by the commission, each gaming machine that is part of the linked-jackpot arrangement must set aside the stated percentage of the stake for the payment of linked jackpots.

43 Linked-jackpot contributions

- (1) The linked-jackpot contribution for a linked gaming machine is the amount that the linked jackpot for the machine must increase after each game played on the machine in accordance with the following formula:

$$\textit{stake} \times \textit{percentage of turnover}$$

- (2) This section does not apply if the linked jackpot must be reset under this part.
- (3) In this section:

percentage of turnover means—

- (a) for a gaming machine operated under a multi-user permit—the percentage of the machine’s turnover required to be set aside for payment of linked jackpots under the contract between the permit-holder and the licensee; or
- (b) for a gaming machine operated under a single-user authorisation—the percentage of the machine’s turnover required to be set aside for payment of linked jackpots under the licence for the gaming machine.

stake means the amount staked in the game.

44 Electronic polling

Each linked gaming machine must be polled electronically at least once between games played on the machine.

45 Display of linked-jackpot amount

The amount of the linked jackpot must be displayed so that it can be easily read from each linked gaming machine at all times while the linked-jackpot arrangement is operating.

46 Winning linked jackpots

- (1) This section applies if a person claims to have won a linked jackpot on a linked gaming machine on licensed premises.
- (2) The licensee of the premises where the linked gaming machine is located must—
 - (a) make the gaming machine inoperable until the licensee has worked out the matters to be worked out under paragraphs (b) and (c); and
 - (b) work out whether the person has won a linked jackpot; and
 - (c) if the person has won—work out the amount of the linked jackpot the person has won by referring to the electronic poll of the gaming machine on which the jackpot was won.

47 Resetting linked machines

- (1) This section applies if a licensee has worked out the linked jackpot won by a person on a linked gaming machine under section 46.
- (2) As soon as practicable after the licensee works out the linked jackpot, the jackpot must be reset in accordance with the authorisation for the linked-jackpot arrangement under which the jackpot was won.

48 Multiple winners

If the electronic poll of linked gaming machines indicates that there is more than 1 winner of a linked jackpot, the linked jackpot must be divided equally between the winners.

49 Payment of linked jackpots

A licensee must pay a linked jackpot to a person if—

- (a) the person claims to have won the jackpot; and
- (b) the licensee is satisfied, on reasonable grounds, that the person has won the linked jackpot on the licensee's gaming machine.

50 Meter readings

The licensee of licensed premises must ensure that meter readings from a linked gaming machine on the premises are recorded—

- (a) immediately before the machine is linked; and
- (b) if a linked jackpot is won on the machine—immediately after the jackpot is won; and
- (c) if the machine is to stop being part of the linked-jackpot arrangement—immediately before the machine stops being part of the arrangement.

Examples of machine stopping being part of linked-jackpot arrangement

- 1 The licensee intends to stop using the machine under the arrangement.
- 2 The linked-jackpot arrangement is to end.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

51 Link equipment in single-user authorisations

- (1) This section applies only to link equipment on licensed premises that is being used under a single-user authorisation.
- (2) If the link equipment malfunctions, the licensee of the premises must take reasonable steps to arrange for the repair of the malfunction by an authorised person as soon as practicable after it happens.

(3) In this section:

authorised person means—

- (a) an authorised officer; or
- (b) an approved supplier; or
- (c) an approved technician.

52 Records on ending arrangement

Immediately before a linked-jackpot arrangement operating at licensed premises ends, the licensee of the premises must record—

- (a) the meter readings of each linked gaming machine; and
- (b) the amount of the potential linked jackpot available.

53 Uncollected linked jackpots

(1) This section applies if—

- (a) a person wins a linked jackpot; and
- (b) the person is not paid the jackpot before the end of the linked-jackpot arrangement under which the jackpot is won.

(2) The licensee must pay the amount to the person as soon as practicable as if the linked-jackpot arrangement had not ended.

Division 8.2 Multi-user permits

54 Application—div 8.2

This division applies only in relation to multi-user permits.

55 Definitions—div 8.2

In this division:

jackpot trust account—see section 56 (1).

link service fee—see section 57 (1).

linked-jackpot contract means the agreement between a permit-holder and a linked licensee for the use of a linked-jackpot arrangement.

linked-jackpot contribution, for a linked gaming machine, means the amount worked out for the machine under section 43.

linked licence, for a linked-jackpot arrangement, means a licence that authorises the operation of gaming machines linked under the arrangement.

linked licensee, for a linked-jackpot arrangement, means a licensee authorised to operate gaming machines that are linked to the arrangement.

56 Jackpot trust accounts

- (1) The permit-holder must keep a trust account (the *jackpot trust account*) for the payment of linked jackpots.
- (2) Payments from the jackpot trust account must be by cheque signed by 2 people authorised in writing by the permit-holder.

57 Link service fee

- (1) The linked-jackpot contract may provide for the licensee to pay a fee to the permit-holder for use of the linked-jackpot arrangement (the *link service fee*).
- (2) A link service fee must be worked out at the same rate for each linked licensee under the linked-jackpot arrangement.
- (3) A link service fee for a linked-jackpot arrangement must be fair and reasonable, having regard to the following considerations:
 - (a) the amount spent by the permit-holder to set up the arrangement;

- (b) the amount spent by the permit-holder to operate the arrangement;
 - (c) the best interests of each linked licensee and the people who play the machines in the linked-jackpot arrangement;
 - (d) anything else relevant to the costs and returns of the arrangement for both the permit-holder and the linked licensee.
- (4) A link service fee is not part of, or related to, the linked licensee's linked-jackpot contributions.

58 Access to funds to cover linked-jackpot winnings

The permit-holder must have access at all times to sufficient funds for the payment of any linked jackpot that may be won on the linked gaming machines.

59 Stating maximum potential linked jackpot

The linked-jackpot contract may provide for a maximum potential linked jackpot for a linked gaming machine—

- (a) by stating a particular amount; or
- (b) by stating a method by which the maximum can be worked out at any time.

60 Collection of linked-jackpot contributions

- (1) The permit-holder must, on each day the linked-jackpot arrangement is operating—
- (a) work out the amount of the linked-jackpot contribution by licensees to the permit-holder of each linked gaming machine—
 - (i) for the period since the linked-jackpot contribution of the machine was last worked out; or

- (ii) if no linked-jackpot contribution has been worked out for the machine—for the period since the machine was linked; and
 - (b) give each linked licensee written notice of the licensee's total linked-jackpot contribution.
- (2) A linked licensee must deposit the licensee's total linked-jackpot contribution into the jackpot trust account within 24 hours after receiving notice of the total under subsection (1) (b).
- (3) In this section:

total linked-jackpot contribution for a licensee, means the total of all linked-jackpot contributions for all linked gaming machines operated by the licensee.

61 Link equipment

- (1) All link equipment must be the property of the permit-holder.
- (2) If link equipment on licensed premises malfunctions, the permit-holder must take reasonable steps to arrange for the repair of the equipment by an authorised person as soon as practicable after it happens.
- (3) A licensee must ensure that no-one interferes with link equipment on the licensed premises without the permission of the permit-holder.
- (4) In this section:
authorised person means—
 - (a) an authorised officer; or
 - (b) an approved supplier; or
 - (c) an approved technician; or
 - (d) someone else authorised in writing by the commission.

62 Division of jackpot trust account on ending arrangement

- (1) As soon as practicable after the linked-jackpot arrangement ends, the person who was the permit-holder (the *former permit-holder*) must try to reach a written agreement with each person who was a linked licensee (the *former linked licensees*) about the distribution of the remaining balance of the jackpot trust account.
- (2) If agreement is not reached within 4 weeks after the day the linked-jackpot arrangement ends, the former permit-holder must give the commission a written recommendation about the distribution of the remaining balance of the jackpot trust account between the former linked licensees.
- (3) If the commission is given a recommendation under subsection (2), the commission must—
 - (a) consider the recommendation; and
 - (b) decide the distribution of the remaining balance of the jackpot trust account; and
 - (c) tell the former permit-holder about the decision.
- (4) As soon as practicable after a distribution is agreed or decided, the former permit-holder must give each of the former linked licensees the amount to be distributed to the licensee from the jackpot trust account.
- (5) In this section:

remaining balance of the jackpot trust account does not include any amount won under the linked-jackpot arrangement or uncollected from the linked jackpot.

Part 9 Community contributions

63 Guidelines for approving contributions generally—Act, s 164 (2) (a)

- (1) The commission must not approve an amount spent on the following as a contribution:
 - (a) professional entertainment provided for patrons or used for the purpose of directly promoting activities associated with the operation of the licensee and, if the licensee is a club, with the operation of an associated organisation;
 - (b) the provision of alcoholic beverages either directly or indirectly through the provision of gifts, donations or prizes;
 - (c) the provision of expenditure, funds, subsidies or discounts relating in any way to a gambling activity;
 - (d) subsidised or free meals, snacks, other food or beverages provided to a licensee's patrons.

Note See the Act, s 164 (3), def *contribution*, par (b) (i)-(iii).

- (2) Subsection (1) (c) does not prevent the commission from approving an amount spent on the provision of prizes for raffles conducted by an entity that is not the licensee or an associated organisation if the amount is otherwise an eligible contribution.

64 Guidelines for approving contributions as charitable and social welfare community contributions—Act, s 164 (2) (a)

The commission may approve a contribution as a charitable and social welfare community contribution only if—

- (a) the contribution is made to a charitable organisation; or
- (b) the contribution—

- (i) is made to another entity for charitable and welfare purposes; and
- (ii) in the commission's opinion, supports the development of a community or helps to raise the standard of living of a community.

Note **Community**—see the Act, s 164 (3).

Examples for par (a)

- 1 the Salvation Army
- 2 St Vincent de Paul
- 3 the Smith Family

Examples of contributions that may support the development of a community or help to raise the standard of living of a community

- 1 child protection and family support
- 2 drug, alcohol and problem gambling support
- 3 hospital equipment for use in retirement villages or facilities for use by residents of the villages or facilities.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

65 Guidelines for approving contributions as sport and recreation community contributions—Act, s164 (2) (a)

- (1) The commission may approve a contribution as a sport and recreation community contribution only if the contribution is made to promote, develop or encourage sport or sporting or recreational activities.

Examples of promoting or developing sport or sporting activities

- 1 junior coaching sessions for a sport
- 2 sports skills seminars
- 3 workshops to increase sports skills

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) For this section, the following contributions promote, develop or encourage sport or sporting activities:
- (a) payment of a sportsperson's wages or expenses;
 - (b) payment for sports uniforms and equipment;
 - (c) payment for sporting coaches and umpires (however described);
 - (d) maintenance of sporting facilities that are available to the public, whether generally available or only for limited periods;
 - (e) payments to an entity that promotes or develops sport or sporting activities, whether or not the entity is part of the licensee or, if the licensee is a club, an associated organisation.

Examples of entities for par (e)

- 1 soccer club
- 2 darts club
- 3 snooker club

- (3) Without limiting subsections (1) and (2), the following contributions promote, develop or encourage women's sport:
- (a) payment for women's sporting teams;
 - (b) payment for women's sporting events or programs;
 - (c) payment for coaching, equipment, training or insurance for women's sporting activities.
- (4) Subsections (2) and (3) do not limit the kinds of contributions that promote, develop or encourage sport and sporting activities.
- (5) For this section, the following contributions promote, develop or encourage recreational activities:
- (a) maintenance of recreational facilities that are available to the public, whether generally available or only for limited periods;

- (b) support for recreational activities or events that are available to the public, for example, bushwalking or orienteering;
- (c) payments to an entity that promotes or develops recreational activities, whether or not the entity is part of the licensee or, if the licensee is a club, an associated organisation.

Examples of entities for par (c)

- 1 bridge club
- 2 fishing club
- 3 film club
- 4 fitness club

- (6) Subsection (5) does not limit the kinds of contributions that promote, develop or encourage recreational activities.

66 Guidelines for approving contributions as non-profit activities community contributions—Act s 164 (2) (a)

The commission may approve a contribution as a non-profit activities community contribution only if the contribution—

- (a) is made for a non-profit, non-political activity that benefits the community; or

Note **Community**—see the Act, s 164 (3).

- (b) is made to an entity for an activity that is non-political and, in the commission’s opinion, is intended to develop a community, raise the standard of living of a community or help develop community spirit.

Examples of eligible contributions

- 1 contributions to schools or other educational institutions or programs
- 2 scholarships that are otherwise eligible contributions
- 3 contributions to ethnic organisations for multicultural activities
- 4 support for events to develop community spirit or participation
- 5 special services or celebrations, such as ANZAC Day, Canberra Day and Australia Day

- 6 significant ACT public events
- 7 contributions to volunteer organisations that provide benevolent or community related services

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

67 Guidelines for approving contributions as community infrastructure community contributions—Act, s 164 (2) (a)

The commission may approve a contribution as a community infrastructure community contribution only if the contribution—

- (a) is made for the construction or development of infrastructure for, or for use by, a community; and

Note **Community**—see the Act, s 164 (3).

- (b) is intended to result in the development of an asset.

Example of eligible contributions

expenses to design, build or upgrade sporting ovals, grandstands, oval lighting, museums, art galleries, playgrounds, public car parks, parklands or gymnasiums

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

68 Claiming contributions if income related to contribution—Act, s 164 (2)

- (1) This section applies to any community contribution by a licensee.
- (2) If the licensee or, if the licensee is a club, an associated organisation receives an amount that is charged in relation to the activity or facility contributed to, the licensee may only claim the contribution if—
 - (a) the licensee has records that clearly identify the amount charged; and

(b) the amount charged is subtracted from the amount of the contribution.

(3) In this section:

charged, in relation to an activity or facility, includes an amount otherwise earned by the licensee in relation to the activity or facility.

Examples of charges or other amounts earned

- 1 a charge for use of a facility
- 2 an entry fee

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

69 Timing of claiming contributions—Act, s 164 (2)

(1) This section applies to a community contribution other than an in-kind contribution.

(2) To remove any doubt, a contribution that is an amount is made when the amount is given, not when the thing for which the amount is given is provided or agreed to.

Examples

- 1 If an agreement to sponsor a team is made in June 2005 but the 1st payment is not made until July 2005, the community contribution cannot be claimed until the 2005-06 financial year.
- 2 If an item is paid for in June 2005 but is not delivered or conducted until July 2005, the community contribution must be claimed in the 2004-05 financial year.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

70 Claiming in-kind contributions—Act, s 164 (2)

A licensee may claim a contribution other than a monetary contribution as a community contribution only if the licensee has records that—

- (a) set out how the value of the contribution was worked out; and
- (b) provides evidence that the value worked out is based on the cost of providing the contribution or the market value of the contribution.

Examples of contributions

- 1 discounts on the usual selling or supply price of goods or services provided by licensee
- 2 free or subsidised use of licensee's facilities or equipment if the value of the contribution is worked out in relation to the usual hire fee

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Part 10 Miscellaneous

**71 Times licensee must not operate gaming machines—
Act, s 8 (3)**

A licensee must not operate a gaming machine between 4 am and 9 am.

72 Maximum stake amount—Act, s 49

The maximum stake amount is \$10.

**73 Contractual arrangements and consultancies in annual
report of clubs—Act, s 54 (a) (ii)**

The prescribed amount for contractual arrangements or consultancies is—

- (a) \$49 999; or
- (b) if the club has entered into 2 or more contractual arrangements or consultancies with an entity and the total payments for the arrangements or consultancies with the entity for the year are more than \$49 999—any arrangement or consultancy with the entity worth more than \$1.

74 Remuneration in annual report of clubs—Act, s 54 (b)

The prescribed remuneration is \$100 000.

**75 Offence to operate high-denomination note acceptor—
Act, s 178 (2) (a)**

- (1) A licensee commits an offence if the licensee operates a note acceptor that accepts \$50 or \$100 notes.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

76 Minimum payout of gaming machine—Act, s 178 (2) (b)

- (1) The minimum percentage payout of a gaming machine is 87%.
- (2) If a gaming machine is connected to a linked-jackpot arrangement, the minimum percentage payout is the total of the percentage payout for the machine and the percentage of turnover for the machine.

Example

If the machine pays out 85% directly on its prize schedule and makes a 3% contribution to a link, the total percentage payout of the machine is 88% which is above the minimum requirement of 87%.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) In this section:

percentage of turnover—see section 43 (3).

77 Not gaming machines—Act, dict, def *gaming machine*

Each of the following devices is not a gaming machine:

- (a) a device for playing a game of skill only;
- (b) an amusement device that usually involves an element of skill and is played for entertainment only;

Example

a pinball machine

- (c) a device that—
- (i) is ordinarily found at fairs, fetes or shows; and
- (ii) usually involves an element of skill; and
- (iii) is played mainly for entertainment, whether or not a prize is offered or given.

Example

'Laughing clowns' amusement machine

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 In particular, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- adult
- child
- entity
- individual
- Legislation Act
- may (see s 146)
- must (see s 146)
- penalty unit (see s 133)
- under.

Note 3 Terms used in this regulation have the same meaning that they have in the *Gaming Machine Act 2004* (see Legislation Act, s 148). For example, the following terms are defined in the *Gaming Machine Act 2004*, dict:

- approved supplier
- approved technician
- authorised officer
- centralised monitoring system (or CMS) (see s 66)
- club
- Control Act
- gaming machine
- initial licence application (see s 9)
- licence amendment application (see s 9)
- licensed premises
- linked jackpot
- multi-user permit
- social impact assessment.

club secretary, for part 4 (Ballots)—see section 13.

gaming credits, for part 6 (Gaming machine tickets)—see section 27.

gaming machine proposal, for part 3 (Social impact assessments)—see section 10 (2).

gaming machine ticket, for part 6 (Gaming machine tickets)—see section 27.

jackpot trust account, for division 8.2 (Multi-user permits)—see section 56 (1).

link equipment, for part 8 (Linked-jackpot arrangements)—see section 40.

link service fee, for division 8.2 (Multi-user permits)—see section 57 (1).

linked-jackpot contract, for division 8.2 (Multi-user permits)—see section 55.

linked-jackpot contribution, for a linked gaming machine, for division 8.2 (Multi-user permits)—see section 55.

linked licence, for a linked-jackpot arrangement, for division 8.2 (Multi-user permits)—see section 55.

linked licensee, for a linked-jackpot arrangement, for division 8.2 (Multi-user permits)—see section 55.

link service fee, for division 8.2 (Multi-user permits)—see section 57 (1).

local community, for part 3 (Social impact assessments)—see section 9.

patron, of a club, includes a member of the club, a member's guest or a visitor.

player account, for part 7 (Player cards)—see section 35 (1).

player card, for part 7 (Player cards)—see section 36 (1).

redeems, for part 6 (Gaming machine tickets)—see section 27.

relevant premises, for part 3 (Social impact assessments)—see section 9.

single-user authorisation, for part 8 (Linked-jackpot arrangements)—see section 40.

voting close date, for part 4 (Ballots)—see section 16 (1).

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was originally the *Gaming Machine Regulations 2004*. It was renamed under the *Legislation Act 2001*.

Gaming Machine Regulation 2004 SL2004-30

notified LR 30 July 2004

s 1, s 2 commenced 30 July 2004 (LA s 75 (1))

remainder commenced 1 November 2004 (s 2 and see Gaming Machine Act 2004 A2004-34, s 2 and CN2004-14)

4 Amendment history

Name of regulation

s 1 am R1 LA

Commencement

s 2 om LA s 89 (4)

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