



Australian Capital Territory

Gaming Machine Amendment Regulation 2014 (No 1)

Subordinate Law SL2014-22

The Australian Capital Territory Executive makes the following regulation under the *Gaming Machine Act 2004*.

Dated 1 September 2014.

JOY BURCH
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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made under the

[Gaming Machine Act 2004](#)

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1 Name of regulation

This regulation is the *Gaming Machine Amendment Regulation 2014 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This regulation amends the *Gaming Machine Regulation 2004*.

4 Section 6 (2) (c)

substitute

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

5 Section 6 (3)

omit

6 Section 8 (f) and example and note

omit

7 Section 12A, definition of *gaming machine proposal*

omit

section 12B (2)

substitute

section 12B (a)

8 Section 23 (1)

omit

7 years

substitute

12 months

9 Parts 6 and 7

substitute

Part 6 Cashless gaming systems

27 Definitions—pt 6

(1) In this part:

cashless gaming card means a device issued by a licensee that—

- (a) is used with a licensee's gaming machine instead of, or as well as, money; and
- (b) records, or enables recording of, gaming credits available to a player of the licensee's gaming machine.

Examples

- 1 magnetic swipe card
- 2 gaming machine ticket
- 3 plastic token

- 4 smartcard
- 5 ticket-in or ticket-out
- 6 radio-frequency identification (RFID) tag

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).

cashless gaming system means peripheral equipment connected to a gaming machine that provides for—

- (a) the recording of gaming credits held by a player with the licensee of a gaming machine for use with the machine; and
- (b) the transfer of gaming credits held by a player to and from a gaming machine through the use of a cashless gaming card.

Examples

- 1 ticket-in ticket-out system
- 2 system that provides for gaming using a player account
- 3 system that provides for non-account cashless gaming

expired gaming credits means gaming credits that have expired under section 34 (2).

gaming credits means the funds available through a cashless gaming card for gaming machine play or redemption.

player account card, in relation to an individual's player account, means a cashless gaming card issued by the licensee allowing the individual to use gaming credits in the individual's player account with a gaming machine on the licensee's licensed premises.

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

- (2) In this section:

player account means an account held by an individual with a licensee that allows the individual to hold gaming credits with the licensee for use with a gaming machine on the licensee's licensed premises.

ticket-in ticket-out system means an electronic system or device designed to be used for, or adapted to enable, the transfer of credits to or from a gaming machine using a ticket or similar thing.

28 Operating unapproved cashless gaming system

- (1) A licensee commits an offence if—
- (a) the licensee operates a cashless gaming system on the licensee's licensed premises; and
 - (b) the cashless gaming system is not approved by the commission under the [Act](#), section 69 (Approval of gaming machines and peripheral equipment).

Maximum penalty: 10 penalty units.

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

29 Cashless gaming system operational requirements

- (1) The commission may approve requirements for operating a cashless gaming system, including requirements about the following:
- (a) security systems and information the security systems hold and collect;
 - (b) activity relating to gaming machines connected to the system;
 - (c) activity relating to people using the system;
 - (d) harm minimisation and other protection measures for players using the system;

- (e) how gaming machine tax relating to gaming machines connected to the system is calculated;
 - (f) how the licensee keeps and deals with funds relating to gaming credits held on behalf of players;
 - (g) technical or operational requirements for the system;
 - (h) recording the redemption, crediting and debiting of gaming credits;
 - (i) the maximum amount of gaming credits a gaming machine may accept through the use of a cashless gaming card.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

30 Failure to comply with cashless gaming system operational requirement

- (1) A licensee commits an offence if—
- (a) the licensee operates a cashless gaming system; and
 - (b) the licensee fails to comply with a requirement approved under section 29.

Maximum penalty: 10 penalty units.

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

31 Cashless gaming system—offences relating to children

- (1) A licensee commits an offence if the licensee gives a cashless gaming card to a child.

Maximum penalty: 10 penalty units.

- (2) A licensee commits an offence if the licensee—
- (a) operates a cashless gaming system on the licensee's licensed premises; and

(b) allows a child to use the cashless gaming system.

Maximum penalty: 10 penalty units.

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

Note A licensee must not allow a child to play a gaming machine—see the [Act](#), s 156.

32 Cashless gaming systems—control procedures

(1) A licensee's control procedures must require the licensee to—

(a) keep a record of—

- (i) cashless gaming cards issued; and
- (ii) cashless gaming system transactions and the information contained in each transaction; and
- (iii) the value of unredeemed and expired gaming credits held by the licensee; and
- (iv) information identifying each player the licensee holds gaming credits for; and

Examples—cashless gaming system transactions

- 1 credit added to a cashless gaming card
- 2 credit debited from a cashless gaming card
- 3 credit redeemed from a cashless gaming card

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).

- (b) give a copy of the records to the commission if asked; and
- (c) prepare a written report of the records kept for each month within 1 week after the end of the month to which the information relates; and
- (d) keep the report for at least 2 years after the report was prepared; and

- (e) give the report to the commission if asked.
- (2) A licensee's control procedures must also state how often the licensee will distribute expired gaming credits to patrons.

Examples

- 1 monthly
- 2 when the amount of credits reach a stated value

Note A licensee must apply to the commission for approval to distribute gaming credits within 1 year after the credits expire (see s 34 (4)).

33 Unredeemed gaming credits—excluded people

- (1) This section applies if—
 - (a) a person has gaming credits on a cashless gaming card for use at a licensee's licensed premises; and
 - (b) the person is excluded from gambling at the premises under the *Gambling and Racing Control (Code of Practice) Regulation 2002*, schedule 1, division 1.2.3 (Exclusion from gambling generally).
- (2) The licensee must take reasonable steps to redeem the gaming credits not later than 14 days after the person is excluded from gambling at the premises.

Examples—redeeming credits

- 1 posting a cheque to the person
- 2 transferring funds to the person by electronic fund transfer
- 3 giving cash to the person at an agreed place outside the licensed 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).

34 Unredeemed gaming credits—expiry after 1 year

- (1) This section applies if there are gaming credits on a player's cashless gaming card 1 year after the day the player last used the card.
- (2) The gaming credits expire and can no longer be redeemed.
- (3) The licensee that holds the gaming credits must distribute funds equivalent to the expired credits to patrons of the licensee's licensed premises in a way approved in writing by the commission.
- (4) The licensee must apply to the commission for the approval within 1 year after the day the credits expire.

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

35 Expired gaming credits—annual report by licensee

A licensee that operates a cashless gaming system must, within 1 month after the end of each financial year, give the commission a written report stating—

- (a) the value of expired gaming credits (if any) the licensee held in each month of that year; and
- (b) the amount of funds (if any) the licensee distributed to patrons in each month of that year.

36 Restricted use of player account cards

- (1) A licensee commits an offence if—
 - (a) the licensee allows a player account card to be used in a cashless gaming system on licensed premises operated by the licensee; and
 - (b) the card was not issued by the licensee—
 - (i) at the licensed premises; or

(ii) at other licensed premises operated by the licensee.

Maximum penalty: 10 penalty units.

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

37 Restricted use of cashless gaming cards other than player account cards

(1) A licensee commits an offence if—

(a) the licensee allows a cashless gaming card (other than a player account card) to be used in a cashless gaming system on licensed premises operated by the licensee; and

(b) the card was not issued by the licensee at the licensee's premises.

Maximum penalty: 10 penalty units.

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

10 Section 73

omit

\$49 999

substitute

\$99 999

11 Section 74

omit

\$100 000

substitute

\$150 000

12 Dictionary, new definitions

insert

cashless gaming card, for part 6 (Cashless gaming systems)—see section 27.

cashless gaming system, for part 6 (Cashless gaming systems)—see section 27.

13 Dictionary, definition of *gaming credits*

substitute

gaming credits, for part 6 (Cashless gaming systems)—see section 27.

14 Dictionary, definitions of *gaming machine ticket* and *player account*

omit

15 Dictionary, new definition of *player account card*

insert

player account card, in relation to an individual's player account, for part 6 (Cashless gaming systems)—see section 27.

16 Dictionary, definition of *player card*

omit

17 Dictionary, definition of *redeems*

substitute

redeems gaming credits, for part 6 (Cashless gaming systems)—see section 27.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 8 September 2014.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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