

SOUTH AUSTRALIA

GAMING MACHINES REGULATIONS 1993

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DIVISIONAL PENALTIES AND EXPIATION FEES

REGULATIONS UNDER THE GAMING MACHINES ACT 1992

Gaming Machines Regulations 1993

being

No. 34 of 1993: *Gaz.* 11 March 1993, p. 861¹

as amended by

No. 179 of 1993: *Gaz.* 29 July 1993, p. 695²

No. 71 of 1994: *Gaz.* 2 June 1994, p. 1626³

No. 70 of 1995: *Gaz.* 10 May 1995, p. 2033⁴

No. 106 of 1996: *Gaz.* 30 May 1996, p. 2700⁵

No. 152 of 1997: *Gaz.* 5 June 1997, p. 2942⁶

No. 117 of 1998: *Gaz.* 28 May 1998, p. 2442⁷

No. 72 of 1999: *Gaz.* 27 May 1999, p. 2840⁸

- ¹ Came into operation 1 July 1993: reg. 2.
- ² Came into operation 29 July 1993: reg. 2.
- ³ Came into operation 1 July 1994: reg. 2.
- ⁴ Came into operation 1 July 1995: reg. 2.
- ⁵ Came into operation 1 July 1996: reg. 2.
- ⁶ Came into operation 1 July 1997: reg. 2.
- ⁷ Came into operation 1 July 1998: reg. 2.
- ⁸ Came into operation 1 July 1999: reg. 2.

N.B. The following regulations have been revoked:

No. 75 of 1997: *Gaz.* 13 May 1997, p. 1855 revoked by No. 152 of 1997: *Gaz.* 5 June 1997, p. 2942.

Citation

1. These regulations may be cited as the *Gaming Machines Regulations 1993*.

Commencement

2. These regulations will come into operation on the day on which the Act comes into operation.

Interpretation

3. In these regulations, unless the contrary intention appears—

"the Act" means the *Gaming Machines Act 1992*;

"approved service agent" means an approved agent of the holder of the gaming machine service licence.

Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.

Prescribed gaming machine components

4. (1) For the purposes of those provisions of the Act requiring a person to be licensed to manufacture, sell or supply prescribed gaming machine components, the following items are declared to be prescribed gaming machine components:

- (a) a software package that constitutes the game to be played in a gaming machine or that controls any part of the operation of a gaming machine; and
- (b) a device containing the whole or any part of the software referred to in paragraph (a).

- (2) For the purpose of all other provisions of the Act that relate to prescribed gaming machine components, the following items are declared to be prescribed gaming machine components:

- (a) the items referred to in subregulation (1); and
- (b) a cabinet designed to house the computer components of a gaming machine; and
- (c) a gaming machine cabinet; and
- (d) a gaming machine cabinet door; and
- (e) gaming machine artwork; and
- (f) the reel tape and reel mechanism for a gaming machine; and
- (g) a gaming machine hopper and any part recognisable as being a part of a gaming machine hopper.

Described duties for gaming machine employees

5. For the purposes of sections 42 and 49 and schedule 1 of the Act, the following duties are prescribed as the duties that may be carried out on licensed premises by approved gaming machine employees only (unless the duties are carried out by the licensee or an approved gaming machine manager):

3.

- (a) clearing money or gaming tokens from a gaming machine;
- (b) filling hoppers with money or gaming tokens;
- (c) clearing jammed money or gaming tokens from a gaming machine;
- (d) replacing a light globe or fuse within a gaming machine cabinet;
- (e) issuing or redeeming gaming tokens;
- (f) paying out any winnings.

Notification of cessation of employment or subcontracting arrangement

6. (1) The employer of an approved gaming machine manager, approved gaming machine employee or other approved employee must, within 14 days of the manager or employee ceasing to be in his or her employment, give written notice of that fact to the Commissioner.

Penalty: Division 9 fine.

(2) An approved service agent must, within 14 days of an approved subcontractor ceasing to be his or her subcontractor, give written notice of that fact to the Commissioner.

Penalty: Division 9 fine.

Duty to wear identification cards

7. (1) The holder of a gaming machine licence must, while within a gaming area on the licensed premises that is open for business, wear an identification card that—

- (a) is in the form approved by the Commissioner; and
- (b) is clearly visible to other persons.

Penalty: Division 7 fine.

(2) An approved service agent, an employee or subcontractor of such an agent, an employee of such a subcontractor or an employee of the holder of the gaming machine monitor licence must, while carrying out his or her duties on any licensed premises, wear an identification card that—

- (a) is in the form approved by the Commissioner; and
- (b) is clearly visible to other persons.

Penalty: Division 7 fine.

Service agents not to operate gaming machines

8. The following persons must not operate a gaming machine on any licensed premises except as is necessary for the purpose of installing, servicing or repairing such a machine:

- (a) an approved service agent;
- (b) a subcontractor for an approved service agent;

4.

- (c) a person in a position of authority in a body corporate that is an approved service agent or that is a subcontractor of an approved service agent;
- (d) an employee of an approved service agent, or of a subcontractor of an approved service agent, whose duties include the installation, service or repair of gaming machines.

Penalty: Division 7 fine.

Certain tasks must not be delegated

9. The holder of a gaming machine licence or an approved gaming machine manager must not suffer or permit another person (other than the licensee or manager) to—

- (a) issue or have control of the keys or other security devices for gaming machines on the licensed premises; or
- (b) exercise the power to withhold winnings in the circumstances prescribed by the Act.

Penalty: Division 7 fine.

Minister may grant exemptions

10. (1) The Minister may grant exemptions from such provisions of the Act as may be necessary for the purpose of allowing—

- (a) any university or any college established under the *Technical and Further Education Act 1979*; or
- (b) such other person or body as the Minister may approve,

to provide training courses in any aspect of the gaming machine industry.

(2) The Minister may grant exemptions from such provisions of the Act as may be necessary for the purpose of—

- (a) enabling the holder of a gaming machine licence, a credit provider or the State Supply Board to enter into any arrangements for the financing of the licensee's acquisition of gaming machines, including any leasing arrangements; and
- (b) enabling a credit provider to exercise rights of repossession and sale over gaming machines subject to any credit arrangement.

(3) The Minister may grant exemptions from such provisions of the Act as may be necessary for the purpose of enabling an approved service agent, an employee or subcontractor of such an agent or an employee of such a subcontractor—

- (a) to install, service or repair a gaming machine, gaming equipment or a prescribed gaming machine component and to have or take possession of a gaming machine for that purpose; or
- (b) to have possession of a gaming machine on a temporary basis prior to its installation;
or

5.

- (c) to seal gaming equipment or the computer cabinet or any other part of a gaming machine or to break or otherwise interfere with any such seal, in the course of his or her duties.

(3a) The Minister may grant exemptions from such provisions of the Act as may be necessary for the purpose of allowing any particular person or body, or any person or body of a particular class, to exhibit and demonstrate gaming machines at trade fairs or exhibitions or other similar events.

(4) In the case of an exemption to be granted to a class of persons, the Minister will grant the exemption by notice in the *Gazette*.

(5) The Minister may vary an exemption granted under this section—

- (a) in the case of an exemption granted under subsection (4)—by notice in the *Gazette*;
- (b) in any other case—by notice given to the person to whom the exemption relates.

Exemption of certain private owners of gaming machines

11. (1) Subject to subregulation (2), a person who, immediately before the commencement of the Act, has possession of a gaming machine in his or her home is exempt from the Act provided that—

- (a) he or she has possession of only one such machine; and
- (b) he or she does not use the machine, or suffer or permit it to be used, for the purposes of gaming; and
- (c) the machine is kept at all times in his or her principal place of residence.

(2) The exemption of a person under subregulation (1) expires six months after the commencement of the Act unless the person has notified the Commissioner in writing of the fact that the person possesses a gaming machine and has given his or her full name and the address at which the gaming machine is situated.

(3) A person exempted under this regulation must notify the Commissioner in writing of any change in the address of his or her principal place of residence.

Penalty: Division 10 fine.

(4) For the purposes of this regulation, a gaming machine that is incapable of being operated will not be taken to be a gaming machine.

Applications (s. 18)

12. (1) An application for a gaming machine licence must be in the form set out in *schedule 1*.

(2) An application for a gaming machine dealer's licence must be in the form set out in *schedule 2*.

6.

(3) An application for the gaming machine monitor licence must be in the form set out in *schedule 3*.

(4) An application for consent to the transfer of a gaming machine licence must be in the form set out in *schedule 4*.

Notices of applications (s. 29)

13. A notice that is required under the Act to be published in relation to certain applications must be in the appropriate form set out in *schedule 5*.

Notice of objection (s. 30)

14. A notice of objection to an application must be in the form set out in *schedule 6*.

Warning notices to minors (s. 57)

15. The notice required to be erected under section 57 of the Act must be in the form set out in *schedule 7*.

Fees

16. The fees set out in the second column of *schedule 8* are payable in respect of the matters set out in the first column of that schedule.

Indemnity must be lodged with certain applications

17. (1) A person lodging an application to which this subregulation applies must at the same time lodge an indemnity signed by the applicant indemnifying the Commissioner and the Police Commissioner against prescribed costs and expenses.

(2) Subregulation (1) applies to—

- (a) an application for a gaming machine dealer's licence;
- (b) an application for the gaming machine monitor licence;
- (c) an application for approval of a gaming machine;
- (d) an application for approval of a game;
- (e) an application for approval of a gaming token;
- (f) an application for approval to manufacture approved gaming tokens;
- (g) an application for approval to act as a service agent of the State Supply Board.

(3) A person lodging an application to which this subregulation applies must at the same time lodge an indemnity signed by the applicant indemnifying the Commissioner against the costs (which will be charged at the rate of \$30 per person) of investigating each natural person, being a person who is—

- (a) the applicant or one of the applicants; or
- (b) the person or one of the persons to whom the application relates; or

7.

(c) in the case of an application made by or relating to a body corporate—a person who occupies a position of authority in the body corporate.

(4) Subregulation (3) applies to—

(a) an application for a gaming machine licence;

(b) an application for consent to the transfer of a gaming machine licence;

(c) an application for approval of a subcontractor of an approved service agent;

(d) an application for approval of a person under section 68(2) of the Act.

(5) The following applicants must, on lodging an indemnity pursuant to this regulation, at the same time pay to the Commissioner a bond of \$10 000 in support of the indemnity:

(a) an applicant for the gaming machine monitor licence;

(b) an applicant for a gaming machine dealer's licence;

(c) an applicant for approval to manufacture approved gaming tokens.

(6) The Commissioner may, if satisfied that the prescribed costs and expenses relating to an application are likely to exceed the amount of a bond paid by the applicant under this regulation, require the applicant to pay a further bond of such amount (not exceeding \$10 000) as the Commissioner may specify.

(7) In this regulation, "prescribed costs and expenses", in relation to an application, means the costs and expenses certified by the Commissioner or the Police Commissioner, as the case may require, as the costs and expenses incurred in carrying out investigations for the purposes of determining whether or not the application should be granted.

**SCHEDULE 1
GAMING MACHINES ACT 1992**

APPLICATION FOR A GAMING MACHINE LICENCE

To the Liquor Licensing Commissioner.

1. Applicant

I/We
.....
(full name(s) of applicant(s) or company name if body corporate)

of
(full address - registered office if body corporate)

telephone number fax number.....

contact name

apply for a Gaming Machine Licence in respect of premises situated/to be situated at

known as/to be known as

2. Liquor licence

Type of licence currently held by applicant:

- Hotel
- General Facility
- Unrestricted Club
- Restricted Club
- Licence Number

OR an application has been made for a liquor licence:

- Hotel
- General Facility
- Unrestricted Club
- Restricted Club

3. Other liquor licences

Other liquor licence held/applied for in respect of the premises which are the subject of this application:

Class of Licence Licence Number.....

4. Number of gaming machines

Approval is sought to possess and operate (number) gaming machines which are proposed to be located in accordance with the layout on the plan lodged with this application.

5. Premises details

· Approval is sought in respect of the proposed gaming area(s) delineated in purple on the plan(s) lodged with this application.

· The name and address of the owner of the freehold of the licensed premises is as follows:

.....

6. Opening Hours

If the hours of operation for gaming are to differ from the approved trading hours for liquor, please state the gaming hours sought:

.....
.....
.....
.....
.....
.....

7. Gaming Machine Managers

Approval is sought for the following person(s) to be gaming machine manager(s):

Name	Address	Date of Birth
.....
.....
.....
.....
.....

8. Gaming Machine Employees

Approval is sought for the following person(s) to be gaming machine employees(s):

Name	Address	Date of Birth
.....
.....
.....
.....
.....
.....
.....

Dated the day of 19 .

.....
Applicant/Authorised Officer

.....
Position Title

**SCHEDULE 2
GAMING MACHINES ACT 1992**

APPLICATION FOR A GAMING MACHINE DEALER’S LICENCE

To the Liquor Licensing Commissioner.

1. Applicant

I/We
(full name(s) of applicant(s) or company name if a corporation)

of
(full address - registered office if a corporation)

A.C.N. number (if a corporation). / /

telephone number (business) fax number.

contact name

apply for a Gaming Machine Dealer’s Licence.

2. Memorandum and Articles (if a corporation)

A copy of the Memorandum and Articles of Association of the corporation is attached.

Dated the day of 19.....

.....
Applicant/Authorised Officer

.....
Position Title

**SCHEDULE 3
GAMING MACHINES ACT**

APPLICATION FOR GAMING MACHINE MONITOR LICENCE

To the Liquor Licensing Commissioner.

1. Applicant

I/We
(full name(s) of applicant(s) or company name if a corporation)

of
(full address - registered office if a corporation)

A.C.N. number (if a corporation). / /

telephone number (business) fax number.

contact name

apply for the Gaming Machine Monitor Licence.

2. Specifications

The specifications of the monitoring system proposed to be provided under the licence are attached.

3. Memorandum and Articles (if a corporation)

A copy of the Memorandum and Articles of Association of the corporation is attached.

Dated the day of 19

.....
Applicant/Authorised Officer

.....
Position Title

13.

Dated the day of 19 .

.....
Applicant/Authorised Officer

.....
Position Title

SCHEDULE 5
FORM 1
GAMING MACHINES ACT
(Section 29)

**NOTICE OF APPLICATION FOR GRANT OR TRANSFER OF GAMING
MACHINE LICENCE**

Notice is hereby given pursuant to section 29 of the *Gaming Machines Act 1992* that

.....

.....

(full name and address for service of applicant)

has applied to the Liquor Licensing Commissioner for the grant/transfer of a gaming machine licence in respect of premises situated at

.....

and known/to be known as

The application has been set down for hearing on / / .

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor Licensing Commissioner, and serving a copy of the notice on the applicant, at the applicant's address given above, at least seven (7) days before the hearing date. Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 2nd Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide.

Dated the day of 19 .

.....

Applicant/Authorised Officer

.....

Position Title

SCHEDULE 5
FORM 2
GAMING MACHINES ACT 1992
(Section 29)

**NOTICE OF APPLICATION FOR GRANT OF GAMING MACHINE
DEALER'S LICENCE**

Notice is hereby given pursuant to section 29 of the *Gaming Machines Act 1992* that

.....

.....

(full name and address for service of applicant)

has applied to the Liquor Licensing Commissioner for the grant of a Gaming Machine Dealer's Licence.

The application has been set down for hearing on / / .

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor Licensing Commissioner, and serving a copy of the notice on the applicant, at the applicant's address given above, at least seven (7) days before the hearing date.

Dated the day of 19 .

.....

Applicant/Authorised Officer

.....

Position Title

SCHEDULE 6
GAMING MACHINES ACT
(Section 30)

NOTICE OF OBJECTION TO APPLICATION

To the Liquor Licensing Commissioner.

I/We
(full name(s) of objector)

of
.....
(full address - registered office if body corporate)

Telephone number (business) (private).....

Contact name

Fax number

hereby give notice of objection to the application by
.....
.....
(name of applicant)

for
(nature of application)

in respect of premises situated/to be situated at
(if application is for grant/transfer of gaming machine licence)
.....

and known/to be known as

The ground(s) and particulars of my objection are as follows:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Notice to objector

You are advised that your attendance is necessary at the call-over of the application to enable a suitable hearing date to be arranged.

You are reminded that pursuant to section 30(2) of the *Gaming Machines Act 1992* a copy of the notice of objection must be served by the objector on the applicant at least seven (7) days before the day appointed for the hearing of the application. If you have not complied with this requirement, your objection will not be able to proceed.

Please indicate if you have served or will be serving a copy of the notice of objection on the applicant.

- have served on applicant
- will be serving on applicant

Dated the _____ day of _____ 19 ____ .

.....
Objector

SCHEDULE 7
GAMING MACHINES ACT 1992
(Section 57)

NOTICE OF WARNING TO MINORS

IT IS AN OFFENCE FOR A PERSON UNDER THE AGE OF 18 YEARS TO:

- ENTER OR REMAIN IN A GAMING AREA ON THESE PREMISES
- OPERATE A GAMING MACHINE ON THESE PREMISES

MAXIMUM PENALTY: \$2 000 FINE

A PERSON SUSPECTED OF BEING UNDER 18 YEARS OF AGE CAN BE REQUIRED TO PRODUCE EVIDENCE OF HIS OR HER AGE. FAILURE TO COMPLY IS AN OFFENCE.

MAXIMUM PENALTY: \$2 000 FINE

A PERSON UNDER THE AGE OF 18 YEARS IS NOT ENTITLED TO KEEP ANY WINNINGS FROM PLAYING A GAMING MACHINE.

SCHEDULE 8*Fees*

<i>Matter</i>	<i>Fee</i> \$
1. Application for a gaming machine licence	310
2. Application for a gaming machine dealer's licence	310
3. Application for the gaming machine monitor licence	310
4. Application for consent to the transfer of a gaming machine licence	310
5. Application for approval of a gaming machine manager	67
6. Application for approval of a gaming machine employee—	
(a) first application	67
(b) subsequent application	30
7. Application for approval to assume position of authority in body corporate—	
(a) first application	67
(b) subsequent application relating to a further licence to be held by same body corporate ¹¹	
8. Application for approval of an employee of monitor licence holder	67
9. Application for approval of subcontractor of approved service agent	310
10. Application for approval of employee of approved service agent	67
11. Application for approval of an employee of an approved subcontractor	67
12. Application for approval of a gaming machine	310
13. Application for approval of a game	310
14. Application for approval of gaming tokens	310
15. Application for approval to manufacture gaming tokens	310
16. Application for approval under s. 68(2) of the Act	310
17. Application by holder of gaming machine licence for approval to sell or dispose of any number of gaming machines or prescribed gaming machine components	67
18. Application to vary licence conditions (other than condition relating to number of gaming machines on licensed premises)	67
19. Application to vary licence condition relating to number of gaming machines on licensed premises	No fee

APPENDIX 1

LEGISLATIVE HISTORY

Regulation 10(3a): inserted by 179, 1993, reg. 3
Regulation 17(3): varied by 152, 1997, reg. 4; 117, 1998, reg. 3; 72, 1999, reg. 3
Schedule 8: substituted by 71, 1994, reg. 3; 70, 1995, reg. 3; 106, 1996, reg. 3;
152, 1997, reg. 5; 117, 1998, reg. 4; 72, 1999, reg. 4

APPENDIX 2**DIVISIONAL PENALTIES AND EXPIATION FEES**

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28a of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25

Note: This appendix is provided for convenience of reference only.