

South Australia

## **Gaming Machines Regulations 2005**

under the *Gaming Machines Act 1992*

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#### **1—Short title**

These regulations may be cited as the *Gaming Machines Regulations 2005*.

#### **3—Interpretation**

In these regulations—

*Act* means the *Gaming Machines Act 1992*.

#### **4—Prescribed gaming machine components**

- (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.

#### **5—Prescribed duties**

For the purposes of sections 42 and 49 of the Act, the following are prescribed duties:

- (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.

#### **6—Notification of cessation of employment**

- (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.

Maximum penalty: \$750.

- (2) The holder of a gaming machine service licence must, within 14 days of an approved gaming machine technician ceasing to be in his or her employment, give written notice of that fact to the Commissioner.

Maximum penalty: \$750.

## 7—Duty to wear identification cards

- (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.

Maximum penalty: \$2 500.

- (2) The holder of a gaming machine service licence must, while carrying out his or her duties on licensed premises, wear an identification card that—
  - (a) is in the form approved by the Commissioner; and
  - (b) is clearly visible to other persons.

Maximum penalty: \$2 500.

- (3) An approved gaming machine technician or an employee of the holder of the gaming machine monitor licence must, while carrying out his or her duties on licensed premises, wear an identification card that—
  - (a) is in the form approved by the Commissioner; and
  - (b) is clearly visible to other persons.

Maximum penalty: \$2 500.

## 9—Certain tasks must not be delegated

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.

Maximum penalty: \$2 500.

## 10—Minister may grant exemptions

- (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 1975*; 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 Procurement Board to enter into any arrangements (including leasing arrangements) for the financing of the licensee's acquisition of gaming machines or gaming machine entitlements; and

- (b) enabling a credit provider to exercise rights of repossession and sale over gaming machines, and gaming machine entitlements, 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—
  - (a) enabling an approved gaming machine technician to install, service or repair gaming machines, prescribed gaming machine components or gaming equipment; and
  - (b) enabling an approved gaming machine technician or the holder of a gaming machine service licence to do any of the following:
    - (i) have or take possession of a gaming machine for the purpose of installing, servicing or repairing it;
    - (ii) have possession of a gaming machine on a temporary basis prior to its installation;
    - (iii) seal gaming equipment or the computer cabinet or any other part of a gaming machine or break or otherwise interfere with any such seal, in the course of his or her duties.
- (4) 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.
- (5) 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.
- (6) The Minister may vary an exemption granted under this regulation—
  - (a) in the case of an exemption granted under subregulation (5)—by notice in the Gazette;
  - (b) in any other case—by notice given to the person to whom the exemption relates.

### **11—Exemption of certain private owners of gaming machines**

- (1) A person who, immediately before the commencement of the Act, had 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 1 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; and
  - (d) the person has notified the Commissioner in writing of the fact that the person possesses a gaming machine and of the address at which the gaming machine is kept.

- (2) 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.

Maximum penalty: \$250.

- (3) For the purposes of this regulation, a gaming machine that is incapable of being operated will not be regarded as a gaming machine.

## **12—Retention of certain gaming machines**

- (1) *This regulation applies to gaming machines that a licensee was authorised to operate under the Act, as in force before reduction of gaming machine numbers under the 2004 amendments took effect, but which are now in excess of the number of gaming machine entitlements held by the licensee.*
- (2) *The Minister may exempt a licensee, or licensees of a particular class, from the provisions of the Act that would prevent them from retaining gaming machines to which this regulation applies.*
- (3) *An exemption may be granted to an individual licensee by instrument in writing, or to licensees of a particular class, by notice published in the Gazette.*
- (4) *The Minister may exempt a custodian approved by the Commissioner from the provisions of the Act that would prevent the custodian from carrying out obligations under arrangements approved by the Commissioner for the purposes of this regulation.*
- (5) *An exemption under this regulation is to be granted on the following conditions:*
- (a) *the gaming machines must be held by a custodian approved by the Commissioner at a location approved by the Commissioner; and*
  - (b) *the terms of the arrangement between the licensee and the custodian for holding the gaming machines are to be as approved by the Commissioner and, in particular, the licensee is to be liable for the costs of holding the gaming machines at the approved location; and*
  - (c) *a gaming machine held at the approved location is not to be returned to the licensed premises from which it was removed unless—*
    - (i) *the licensee obtains a further gaming machine entitlement entitling the licensee to operate the gaming machine on the licensed premises; or*
    - (ii) *the machine is required to replace a gaming machine for which a gaming machine entitlement is held by the licensee and which has been sold or otherwise disposed of by the licensee; and*
  - (d) *no part of a gaming machine held at the approved location is to be removed from the gaming machine; and*
  - (e) *other conditions determined by the Minister.*
- (6) *This regulation expires 2 years after its commencement or 2 months after the third trading day (whichever is the later date).*
- (7) *In this regulation—*
- 2004 amendments** *means the Gaming Machines (Miscellaneous) Amendment Act 2004.*

**Note—**

*Regulation 12 has expired.*

### 13—Indemnity must be lodged with certain applications

- (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;
  - (ab) an application for a gaming machine service 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.
- (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 set out in Schedule 2) of investigating each natural person, being a person who is—
  - (a) the applicant or 1 of the applicants; or
  - (b) the person or 1 of the persons to whom the application relates; or
  - (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 or gaming machine service licence;
  - (b) an application for consent to the transfer of a gaming machine licence.
- (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.

## 14—Approved trading system (section 27B)

- (1) The Commissioner may, from time to time, by public notice—
  - (a) fix a date for trading in gaming machine entitlements; and
  - (b) invite offers to buy or sell gaming machine entitlements from persons entitled to do so; and
  - (c) fix a closing date for the submission of the offers.
- (2) A person holding gaming machine entitlements, who wishes to sell 1 or more of those entitlements, may submit an offer, in a form approved by the Commissioner, nominating the number of gaming machine entitlements offered for sale.

Club One, however, may only submit an offer to sell gaming machine entitlements if the Minister for Recreation, Sport and Racing approves.

- (3) An offer to sell gaming machine entitlements must be accompanied by evidence to the Commissioner's satisfaction of the vendor's right to sell the gaming machine entitlements.

### Example—

The Commissioner may require the vendor to provide a statutory declaration stating whether the consent of a lessor or mortgagee is required under a lease or mortgage relating to the licensed premises, and, if so, a copy of the consent.

- (4) An offer to sell gaming machine entitlements cannot be withdrawn but the Commissioner has a discretion to reject such an offer if the vendor is subject to disciplinary proceedings or there is some other good reason to do so.
- (5) A person who is eligible to purchase gaming machine entitlements may submit a written offer to purchase gaming machine entitlements specifying the number of entitlements subject to the offer.

The offer must be in a form approved by the Commissioner and accompanied by a fee determined by the Commissioner.
- (6) The Commissioner may require a person who makes an offer to purchase gaming machine entitlements to provide an irrevocable letter of credit from a financial institution, or other security to the satisfaction of the Commissioner, for payment of the purchase price.
- (7) If, when offers for a particular trading day close, the number of gaming machine entitlements sought by eligible purchasers equals or exceeds 75% of the number of gaming machine entitlements offered for sale, the Commissioner will proceed as follows:
  - (a) a trading pool consisting of 75% of the entitlements offered for sale will be established;
  - (b) if the number of the pooled entitlements is exactly equal to the number of the gaming machine entitlements sought under offers to purchase from eligible purchasers, the offers to purchase will be satisfied in full;
  - (c) if the pooled entitlements are insufficient to satisfy all offers to purchase—the offers to purchase will be satisfied in the following order of priority:
    - (i) first—offers to purchase from licensees—

- (A) who made offers to purchase which were accepted into the trading system for the last preceding trading day; and
- (B) who failed, in a ballot between offers entitled to be accorded the same order of priority, to acquire an entitlement,

are to be satisfied to the extent of 1 entitlement each;

- (ii) secondly—offers to purchase from licensees who have suffered or stand to suffer a reduction of more than 20% in gaming machine numbers as a result of the relevant legislation are to be satisfied to the extent necessary to ensure that the reduction does not exceed 20%;
- (iii) thirdly—offers to purchase from licensees who have suffered or stand to suffer any reduction of gaming machine numbers as a result of the relevant legislation are to be satisfied to the extent necessary to recoup their loss in the number of gaming machines they are authorised to operate;
- (iv) fourthly—offers that are not entitled to priority under the above provisions and offers that exceed the level up to which they have priority under the above provisions,

and in allocating between offers of a particular category, separate allocations of 1 gaming machine entitlement to each offer will be made until an offer is satisfied in full, its order of priority is reduced, or the pool is exhausted and if, on the last of those allocations, insufficient gaming machine entitlements remain to allocate 1 gaming machine entitlement to each unsatisfied offer of the relevant category, the offers to which they will be allocated will be determined by ballot;

- (d) the gaming machine entitlements withheld from the pool will be dealt with as follows:
  - (i) a proportion equivalent to the proportion that the number offered for sale by non-profit associations bears to the total number offered for sale will be transferred to Club One; and
  - (ii) those not transferred to Club One will be cancelled.
- (8) The order of priority established under subregulation (7)(c) operates only for the first 2 years after the commencement of this regulation or for a period ending at the conclusion of the third trading day (whichever is the longer period) and thereafter all offers will be treated equally as belonging to a single category.
- (9) If, when offers for a particular trading day close, 75% of the gaming machine entitlements offered for sale are more than sufficient to satisfy the offers to purchase, the Commissioner will proceed as follows:
  - (a) the Commissioner will exclude from the sale sufficient gaming machine entitlements to bring 75% of the number offered for sale into equality with the number sought under offers to purchase;
  - (b) the Commissioner will then proceed to deal with the remaining entitlements in accordance with subregulation (7).

- (10) The gaming machine entitlements to be excluded from sale are to be taken from the gaming machine entitlements offered for sale in the following order of priority:
- (a) first—the Commissioner is to have recourse to any gaming machine entitlements offered for sale by the Crown;
  - (b) secondly—the Commissioner is to have recourse to the gaming machine entitlements offered for sale by licensees seeking to reduce the number of their gaming machine entitlements but not to dispose of all of them (and if, in order to make the necessary reduction, the Commissioner needs to have recourse to some, but not all, the gaming machine entitlements offered for sale by such licensees, the Commissioner will allocate the burden of the reduction by making separate reductions of 1 gaming machine entitlement for each offer until an offer is exhausted and thus drops out of the allocation or the necessary reduction is achieved and, if on the last of those allocations the number of offers exceeds the number required to achieve the necessary reduction, the reduction will be allocated among the offers on a basis determined by ballot);
  - (c) thirdly—the Commissioner is to have recourse to gaming machine entitlements offered for sale by vendors seeking to dispose of all of their gaming machine entitlements by excluding offers from the sale in their entirety (ie all entitlements comprised in the excluded offers) on a random basis determined by ballot until the necessary reduction is achieved.
- (11) The Commissioner must give a prospective vendor affected by the exclusion of gaming machine entitlements from sale under this regulation notice of how the offer has been amended or, if the offer has been excluded in its entirety, of that fact.
- (12) An eligible purchaser must, within 14 days after the relevant trading day, pay to the Commissioner a purchase price calculated by multiplying \$50 000 by the number of gaming machine entitlements purchased and, in addition, any GST applicable to the sale.
- (13) If an eligible purchaser defaults in compliance with subregulation (12), the Commissioner may, at his or her discretion—
- (a) recover the amount in default as a debt due to the Crown; or
  - (b) cancel the sale to the person in default and sell the relevant entitlement or entitlements to any other person who made, or was eligible to make, an offer to purchase the entitlement or entitlements.
- (14) On receipt of the proceeds of sale, the Commissioner will—
- (a) fix a date (not more than 42 days after the trading day) for vesting of the gaming machine entitlements in the purchasers; and
  - (b) divide the proceeds of sale between the vendors in proportion to the number of gaming machine entitlements accepted for sale from each of them.
- (15) When the Commissioner is satisfied that the statutory objective has been achieved, the Commissioner will publish a notice to that effect in the Gazette and this regulation will expire.

(16) For this regulation—

- (a) a reference to a person who is *eligible to purchase* gaming machine entitlements is a reference to—
  - (i) a licensee whose licensed premises are approved for the operation of more gaming machines than the number of gaming machine entitlements held by the licensee but such a licensee is not eligible to purchase a number of gaming machine entitlements exceeding the difference between the number of gaming machine entitlements currently held by the licensee and the number of gaming machines approved for operation on the licensed premises; or
  - (ii) Club One;
- (b) a reference to the *statutory objective* is a reference to the objective of reducing the number of gaming machines that may be lawfully operated in the State to a number not exceeding 12 086 (ie 3 000 less than the number approved by the Commissioner for operation in the State immediately before the commencement of the relevant legislation);
- (c) a reference to *the relevant legislation* is a reference to Division 3A of Part 3 of the Act inserted by the *Gaming Machines (Miscellaneous) Amendment Act 2004*;
- (d) a percentage or proportion of a number is to be rounded up or down to the nearest whole number and, if the percentage or proportion is exactly 50% or one-half, it is to be ignored.

**Note—**

It is intended that, when this regulation expires, a new trading system will be implemented involving no forfeiture of entitlements except from non-profit associations whose forfeited entitlements will be transferred to Club One as under the above regulation. However, other licensees who will not be subject to the forfeiture requirements will be required to pay a commission of one-third of the sale price.

### **15—Gaming machine to be acquired and operated within specified period**

- (1) A licensee (other than Club One) that purchases a gaming machine entitlement must, within 6 months after acquiring the entitlement or a longer period approved by the Commissioner, acquire and operate a gaming machine in pursuance of the entitlement.
- (2) If a licensee fails to comply with subregulation (1), the gaming machine entitlement lapses.

### **16—Forms**

Schedule 1 prescribes the form of certain applications and notices for the purposes of the Act.

### **17—Fees**

Schedule 2 fixes fees payable under the Act.

## Schedule 1—Forms

### 1—Application for gaming machine licence

The prescribed form for an application for a gaming machine licence is a form that complies with the following requirements:

- (a) the form must specify—
  - (i) the full name, address for service and contact details of the applicant; and
  - (ii) —
    - (A) if the applicant is a partnership—the name of the partnership (and be accompanied by a copy of the partnership agreement);
    - (B) if the applicant proposes to hold the licence as a trustee of a trust—the name of the trust and details of the type of trust (and be accompanied by a copy of the trust deed);
    - (C) if the applicant is a corporate entity—the name, ACN number and registered address of the entity (and be accompanied by a copy of the constitution of the entity); and
  - (iii) the address of the premises or proposed premises to which the application relates; and
  - (iv) the name that the premises is or is to be known as; and
  - (v) whether or not the applicant holds the requisite liquor licence and, if he or she does, sufficient information to identify the licence; and
  - (vi) the number of gaming machines sought to be authorised by the licence; and
  - (vii) the hours during which it is proposed to conduct gaming operations under the licence (on ordinary week days, public holidays and other proposed special occasions);
- (b) the form must include information relating to each of the following:
  - (i) —
    - (A) if the applicant is a natural person—the applicant;
    - (B) if the applicant is a trust or corporate entity—each person who occupies a position of authority in the trust or entity;
  - (ii) each person proposed to be approved as a gaming machine manager or gaming machine employee;
- (c) the information must include—
  - (i) the full name, date of birth and sex of the person; and
  - (ii) a statement of the capacity in which the person acts or is to act that results in the information being required; and
  - (iii) if the person is or has previously been—

- (A) a licensee; or
  - (B) a person occupying a position of authority in a trust or corporate entity that is a licensee; or
  - (C) an approved gaming machine manager; or
  - (D) an approved gaming machine employee,
- a statement of that fact and details sufficient to identify the relevant licence or approval; and
- (iv) personal and financial details as required by forms available from the Commissioner for the purposes of section 19 or 42 of the Act;
- (d) the form must be signed and dated by the applicant.

**Note—**

Under section 18(4) of the Act, the application must be accompanied by a plan of the proposed licensed premises that delineates the gaming area or gaming areas within which the gaming machines are to be installed and the layout of the machines within each gaming area.

## **2—Application for transfer of gaming machine licence**

The prescribed form for an application for the consent of the Commissioner to the transfer of a gaming machine licence (see section 28 of the Act) is a form that complies with the following requirements:

- (a) the form must specify—
  - (i) the full name, address for service and contact details of the transferee; and
  - (ii) information sufficient to identify the licence proposed to be transferred; and
  - (iii) —
    - (A) if the transferee is a partnership—the name of the partnership (and be accompanied by a copy of the partnership agreement);
    - (B) if the transferee proposes to hold the licence as a trustee of a trust—the name of the trust and details of the type of trust (and be accompanied by a copy of the trust deed);
    - (C) if the transferee is a corporate entity—the name, ACN number and registered address of the entity (and be accompanied by a copy of the constitution of the entity); and
  - (iv) information sufficient to identify the liquor licence held by the transferee; and
  - (v) the address of the premises to which the application relates; and
  - (vi) the name that the premises is or is to be known as;
- (b) the form must include information relating to each of the following:
  - (i) —
    - (A) if the transferee is a natural person—the transferee;

- (B) if the transferee is a trust or corporate entity—each person who occupies a position of authority in the trust or entity;
- (ii) each additional person proposed by the transferee to be approved as a gaming machine manager or gaming machine employee;
- (c) the information must include—
  - (i) the full name, date of birth and sex of the person; and
  - (ii) a statement of the capacity in which the person acts or is to act that results in the information being required; and
  - (iii) if the person is or has previously been—
    - (A) a licensee; or
    - (B) a person occupying a position of authority in a trust or corporate entity that is a licensee; or
    - (C) an approved gaming machine manager; or
    - (D) an approved gaming machine employee,a statement of that fact and details sufficient to identify the relevant licence or approval; and
  - (iv) personal and financial details as required by forms available from the Commissioner for the purposes of section 19 or 42 of the Act;
- (d) the form must include the name and approval number of each person who will cease on transfer to be an approved gaming machine manager or gaming machine employee in connection with the licence;
- (e) the form must be signed and dated by the transferor to indicate that the transferor requests the Commissioner to consent to the transfer;
- (f) the form must be signed and dated by the transferee.

### **3—Application for gaming machine dealer's licence**

The prescribed form for an application for a gaming machine dealer's licence is a form that complies with the following requirements:

- (a) the form must specify the full name, address for service, address of the principal place of business and contact details of the applicant;
- (b) the form must specify—
  - (i) if the applicant is a partnership—the name of the partnership (and be accompanied by a copy of the partnership agreement);
  - (ii) if the applicant proposes to hold the licence as a trustee of a trust—the name of the trust and details of the type of trust (and be accompanied by a copy of the trust deed);

- (iii) if the applicant is a corporate entity—the name, ACN number and registered address of the entity and a flow chart supported by written text explaining the corporate structure of the entity, in particular in relation to parent or holding companies, subsidiaries and other associated companies (and be accompanied by a copy of the constitution of the entity);
  - (iv) if the applicant is a public company—the name and address of each of the 20 largest shareholders and for each class of shares held by each of those shareholders, the class, number and percentage of shares held;
  - (v) if the applicant is a subsidiary company—the name, address and date of birth of each director of a holding or parent company (entered against the name of the relevant holding or parent company);
- (c) if the applicant is a corporate entity, the form must include—
  - (i) details of—
    - (A) any licence or approval applied for or held by the entity, or a holding, parent or subsidiary company of the entity, under gambling legislation in any other State, a Territory of the Commonwealth or New Zealand; and
    - (B) any refusal to grant or renew any such licence or approval; and
    - (C) any suspension, cancellation or revocation of, or other disciplinary action in respect of, any such licence or approval; and
  - (ii) details of offences of which the entity, or a holding, parent or subsidiary company of the entity, has been found guilty (whether in or outside Australia) and alleged offences expiated by the entity, or a holding, parent or subsidiary company of the entity, (whether in or outside Australia); and
  - (iii) a statement as to whether the entity, or a holding, parent or subsidiary company of the entity, has been placed into liquidation, receivership or under a scheme of arrangement or other formal insolvency administration and, if so, details of those arrangements;
- (d) the form must include information relating to each of the following:
  - (i) if the applicant is a natural person—the applicant;
  - (ii) if the applicant is a corporate entity—
    - (A) each director, company secretary and office holder; and
    - (B) each other person who occupies a position of authority in the entity;
  - (iii) if the applicant is a trust—each person who occupies a position of authority in the trust;
- (e) the information must include—
  - (i) the full name, date of birth and sex, of the person; and

- (ii) a statement of the capacity in which the person acts or is to act that results in the information being required; and
- (iii) if the person is or has previously been—
  - (A) a licensee; or
  - (B) a person occupying a position of authority in a trust or corporate entity that is a licensee; or
  - (C) an approved gaming machine manager; or
  - (D) an approved gaming machine employee,
 a statement of that fact and details sufficient to identify the relevant licence or approval; and
- (iv) personal and financial details as required by forms available from the Commissioner for the purposes of section 19 or 42 of the Act;
- (f) the form must be signed and dated by the applicant.

#### **4—Notice of application required to be advertised**

The prescribed form for a notice of an application that is required to be advertised (see section 29 of the Act) is a form that complies with the following requirements:

- (a) the form must state that the notice is given under the *Gaming Machines Act 1992*;
- (b) the form must specify—
  - (i) the full name and address for service of the applicant; and
  - (ii) the nature of the application; and
  - (iii) in the case of an application for the grant or transfer of a gaming machine licence—
    - (A) the address of the premises to which the application relates; and
    - (B) the name that the premises is or is to be known as; and
  - (iv) the date and time set down for the hearing of the application;
- (c) the form must contain a statement of the right of a person to object to the granting of the application, for example—
 

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the address given in this notice at least 7 days before the hearing date.
- (d) the form must, in the case of an application for the grant or transfer of a gaming machine licence, contain a statement that plans of the premises to which the application relates may be inspected and specify the place at which they may be inspected.

## 5—Notice of objection to advertised application

The prescribed form for a notice of objection to an advertised application (see section 30 of the Act) is a form that complies with the following requirements:

- (a) the form must specify—
  - (i) the full name, address and contact details of the objector; and
  - (ii) in relation to the application the subject of the objection—
    - (A) the name of the applicant; and
    - (B) the nature of the application; and
    - (C) the address of the premises to which the application relates; and
  - (iii) the date and time set down for the hearing of the application;
- (b) the form must contain details of the grounds on which the objection is made;
- (c) the form must indicate whether or not the notice has been served on the applicant and, if it has, the date on which it was served;
- (d) the form must be signed and dated by the objector.

## 6—Notice of warning to minors

The prescribed form for a notice under section 57 of the Act is a form that contains the following statements in a readily legible form:

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: \$2 500 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: \$2 500 fine.

A person under the age of 18 years is not entitled to keep any winnings from playing a gaming machine.

## Schedule 2—Fees and charges

1	Application for a gaming machine licence, gaming machine dealer's licence or gaming machine service licence	\$396.00
2	Application for the gaming machine monitor licence	\$396.00
3	Application for consent to the transfer of a gaming machine licence	\$396.00
4	Application for approval of a person as a gaming machine manager— <ol style="list-style-type: none"><li>(a) if the person is the subject of an approval of the Commissioner in force under section 37 or 38 of the Act</li></ol>	No fee

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	(b) if an approval referred to in paragraph (a) is not in force but the person is the subject of an approval of the Commissioner in force under section 71 of the <i>Liquor Licensing Act 1997</i>	\$8.00
	(c) in any other case	\$93.00
5	Application for approval of a person as a gaming machine employee—	
	(a) if the person is the subject of an approval of the Commissioner in force under section 37 or 38 of the Act	No fee
	(b) if an approval referred to in paragraph (a) is not in force but the person is the subject of an approval of the Commissioner in force under section 71 of the <i>Liquor Licensing Act 1997</i>	\$8.00
	(c) in any other case	\$93.00
6	Application for approval of a person as a gaming machine technician	\$93.00
7	Application for approval of a person to assume a position of authority in body corporate—	
	(a) if the person is the subject of an approval of the Commissioner in force under section 37 or 38 of the Act	No fee
	(b) if an approval referred to in paragraph (a) is not in force but the person is the subject of an approval of the Commissioner in force under section 71 of the <i>Liquor Licensing Act 1997</i>	\$8.00
	(c) in any other case	\$93.00
8	Application for approval of a gaming machine	\$396.00
9	Application for approval of a game	\$396.00
10	Application for approval of gaming tokens	\$396.00
11	Application for approval to manufacture gaming tokens	\$396.00
12	Application for approval of an agreement or arrangement (section 68(2) of the Act)	\$396.00
13	Application by the holder of a gaming machine licence for approval to sell or dispose of any number of gaming machines or prescribed gaming machine components	\$85.50
14	Application to vary licence conditions (other than a condition relating to number of gaming machines on licensed premises)	\$85.50
15	Application to vary a licence condition relating to number of gaming machines on licensed premises	No fee
16	For the issue of an identification badge	\$14.50
17	For investigation of a natural person—for each person	\$46.50

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Gaming Machines Regulations 2005* revoked the following:

*Gaming Machines Regulations 1993*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2005	15	<i>Gazette 31.3.2005 p744</i>	31.3.2005: r 2
2005	84	<i>Gazette 26.5.2005 p1475</i>	1.7.2005: r 2
<b>2006</b>	<b>134</b>	<b><i>Gazette 15.6.2006 p1854</i></b>	<b>1.7.2006: r 2</b>
<b>2006</b>	<b>174</b>	<b><i>Gazette 22.6.2006 p2018</i></b>	<b>1.7.2006 immediately after 134/2006: r 2</b>
2007	145	<i>Gazette 7.6.2007 p2531</i>	1.7.2007: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2005</i>
<b>r 3</b>		
<i>approved service agent</i>	<b><i>deleted by 174/2006 r 4</i></b>	<b><i>1.7.2006</i></b>
<b>r 6</b>		
<b>r 6(2)</b>	<b>substituted by 174/2006 r 5</b>	<b>1.7.2006</b>
<b>r 7</b>		
<b>r 7(2)</b>	<b>substituted by 174/2006 r 6</b>	<b>1.7.2006</b>
<b>r 7(3)</b>	<b>inserted by 174/2006 r 6</b>	<b>1.7.2006</b>
<b>r 8</b>		
<i>r 8</i>	<i>deleted by 174/2006 r 7</i>	<i>1.7.2006</i>

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<b>r 10</b>		
<b>r 10(2)</b>	<b>varied by 174/2006 r 8(1)</b>	<b>1.7.2006</b>
<b>r 10(3)</b>	<b>substituted by 174/2006 r 8(2)</b>	<b>1.7.2006</b>
<i>r 12</i>	<i>expired: r 12(6)</i>	<i>(16.6.2007)</i>
<b>r 13</b>		
<b>r 13(2)</b>	<b>varied by 174/2006 r 9(1)</b>	<b>1.7.2006</b>
	<b>(g) deleted by 174/2006 r 9(2)</b>	<b>1.7.2006</b>
<b>r 13(4)</b>	<b>varied by 174/2006 r 9(3)</b>	<b>1.7.2006</b>
	<b>(c) and (d) deleted by 174/2006 r 9(4)</b>	<b>1.7.2006</b>
Sch 2	substituted by 84/2005 r 4	1.7.2005
	<b>substituted by 134/2006 r 4</b>	<b>1.7.2006</b>
	<b>substituted by 174/2006 r 10</b>	<b>1.7.2006</b>
<i>Sch 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2005</i>

## Historical versions

1.7.2005