

South Australia

## **Lottery and Gaming Variation Regulations 2013**

under the *Lottery and Gaming Act 1936*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Lottery and Gaming Variation Regulations 2013*.

#### **2—Commencement**

These regulations will come into operation on 1 January 2014.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Lottery and Gaming Regulations 2008***

#### **4—Insertion of regulation 4A**

After regulation 4 insert:

##### **4A—Instruments of unlawful gaming**

- (1) Pursuant to section 59A of the Act, an amusement machine with the characteristics of a gaming machine (within the meaning of the *Gaming Machines Act 1992*) is declared to be an instrument of unlawful gaming.
  - (2) For the purposes of this regulation—
    - (a) an amusement machine includes any device designed or adapted for the purpose of enabling a person to participate in a game of amusement; and
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- (b) an amusement machine will be taken to have the characteristics of a gaming machine if—
  - (i) it is a gaming machine, but not an approved gaming machine, within the meaning of the *Gaming Machines Act 1992*; or
  - (ii) it is capable of being operated by the insertion of a coin, note or other token (whether in the machine or another device to which it is linked) and—
    - (A) it simulates the operation of a gaming machine by the use or depiction of a spinning reel; or
    - (B) it is marked as a gaming machine or pokie or is described in any advertising, instructions or packaging as a gaming machine or pokie; or
    - (C) in the instructions for its operation, or in its operation, it uses or displays a word associated with gambling such as gambling, bet or jackpot or a derivative of such a word.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 12 September 2013

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