South Australia

Gaming Machines Regulations 1993

under the *Gaming Machines Act 1992*

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1—Short title

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

3—Interpretation

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.

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—Described duties for gaming machine employees

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):

(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 or subcontracting arrangement

(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.

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.

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.

8—Service agents not to operate gaming machines

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;

(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.

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.

Penalty: Division 7 fine.

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 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

(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.

11—Exemption of certain private owners of gaming machines

(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.

12—Applications (section 18)

(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.

(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.

13—Notices of applications (section 29)

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.

14—Notice of objection (section 30)

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

15—Warning notices to minors (section 57)

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

16—Fees

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.

17—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;

(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 $43.50 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

(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—Application for 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 employee(s):

Name	Address	Date of Birth

Dated the day of 20

.....
Applicant/Authorised Officer

.....
Position Title

Schedule 2—Application for 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 20

.....

Applicant/Authorised Officer

.....

Position Title

Schedule 3—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 20

.....

Applicant/Authorised Officer

.....

Position Title

Schedule 4—Application for transfer of 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 *(business)* ..... fax number .....

contact name .....

apply for your consent to the transfer to the applicant of the Gaming Machine Licence (No .....)

now held by .....

in respect of premises situated at .....

.....

and known as .....

2 **Gaming machine managers**

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

Name	Address	Date of Birth

3 **Gaming Machine Employees**

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

Name	Address	Date of Birth

Dated the day of 20

.....

Applicant/Authorised Officer

.....

Position Title

Schedule 5—Prescribed forms for notice of application

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 20

.....
Applicant/Authorised Officer

.....
Position Title

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 20

.....

Applicant/Authorised Officer

.....

Position Title

Form 3

Gaming Machines Act 1992
(section 29(1)(d))

Notice of application for .....

(type of application)

Notice is hereby given pursuant to section 29(1)(d) of the *Gaming Machines Act 1992* that .....

.....

.....

(full name and address for service of applicant)

has applied to the Liquor Licensing Commissioner for .....

(type of application)

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 on the applicant, at the applicant's address given above, at least seven (7) days before the hearing date.

Dated the day of 20

.....

Applicant/Authorised Officer

.....

Position Title

Schedule 6—Notice of objection to application

(Section 30 of Act)

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 20

.....

Objector

Schedule 7—Notice of warning to minors

(Section 57 of Act)

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

1	Application for a gaming machine licence		$370.00
2	Application for a gaming machine dealer's licence		$370.00
3	Application for the gaming machine monitor licence		$370.00
4	Application for consent to the transfer of a gaming machine licence		$370.00
5	Application for approval of person as a gaming machine manager—		
	(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 *Liquor Licensing Act 1997*	$7.50
	(c)	in any other case	$87.00
6	Application for approval of 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 *Liquor Licensing Act 1997*	$7.50
	(c)	in any other case	$87.00
7	Application for approval of person to assume 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 *Liquor Licensing Act 1997*	$7.50
	(c)	in any other case	$87.00
8	Application for approval of an employee of monitor licence holder		$87.00

9	Application for approval of subcontractor of approved service agent	$370.00
10	Application for approval of employee of approved service agent	$87.00
11	Application for approval of an employee of an approved subcontractor	$87.00
12	Application for approval of a gaming machine	$370.00
13	Application for approval of a game	$370.00
14	Application for approval of gaming tokens	$370.00
15	Application for approval to manufacture gaming tokens	$370.00
16	Application for approval under section 68(2) of the Act	$370.00
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	$80.00
18	Application to vary licence conditions (other than condition relating to number of gaming machines on licensed premises)	$80.00
19	Application to vary licence condition relating to number of gaming machines on licensed premises	No fee
20	Fee for issue of identification badge	$13.50

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Revocation of regulations

The *Gaming Machines Regulations 1993* were revoked by Sch 3 of *Gaming Machines Regulations 2005* on 31.3.2005.

Principal regulations and variations

Year	No	Reference	Commencement
1993	34	*Gazette 11.3.1993 p861*	1.7.1993: r 2
1993	179	*Gazette 29.7.1993 p695*	29.7.1993: r 2
1994	71	*Gazette 2.6.1994 p1626*	1.7.1994: r 2
1995	70	*Gazette 10.5.1995 p2033*	1.7.1995: r 2
1996	106	*Gazette 30.5.1996 p2700*	1.7.1996: r 2
1997	75	*Gazette 13.5.1997 p1855*	1.7.1997: r 2 (revoked by r 152/1997)
1997	152	*Gazette 5.6.1997 p2942*	1.7.1997: r 2
1998	117	*Gazette 28.5.1998 p2442*	1.7.1998: r 2
1999	72	*Gazette 27.5.1999 p2840*	1.7.1999: r 2
2000	75	*Gazette 25.5.2000 p2744*	1.7.2000: r 2
2001	106	*Gazette 31.5.2001 p2070*	1.7.2001: r 2
2002	127	*Gazette 20.6.2002 p2675*	1.7.2002: r 2
2003	138	*Gazette 29.5.2003 p2370*	1.7.2003: r 2
2003	147	*Gazette 12.6.2003 p2500*	12.6.2003: r 2
2004	**114**	***Gazette 27.5.2004 p1655***	**1.7.2004: r 2**

Provisions varied

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

Provision	How varied	Commencement
r 2	*omitted under the Legislation Revision and Publication Act 2002*	*1.7.2004*
r 10		
r 10(3a)	inserted by 179/1993 r 3	29.7.1993
r 17		
r 17(3)	varied by 152/1997 r 4	1.7.1997
	varied by 117/1998 r 3	1.7.1998
	varied by 72/1999 r 3	1.7.1999
	varied by 106/2001 r 3	1.7.2001
	varied by 127/2002 r 3	1.7.2002

	varied by 138/2003 r 4	1.7.2003
	varied by 114/2004 r 4	**1.7.2004**
Schs 1—7	headings substituted by 147/2003 Sch 1	12.6.2003
Sch 8	substituted by 71/1994 r 3	1.7.1994
	substituted by 70/1995 r 3	1.7.1995
	substituted by 106/1996 r 3	1.7.1996
	substituted by 152/1997 r 5	1.7.1997
	substituted by 117/1998 r 4	1.7.1998
	substituted by 72/1999 r 4	1.7.1999
	substituted by 75/2000 r 3	1.7.2000
	substituted by 106/2001 r 4	1.7.2001
	substituted by 127/2002 r 4	1.7.2002
	substituted by 138/2003 r 5	1.7.2003
	substituted by 114/2004 r 5	**1.7.2004**

Appendix—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.