

Queensland



*Gaming Machine Act 1991*

# **GAMING MACHINE REGULATION 1991**

**Reprinted as in force on 28 October 1999  
(includes amendments up to SL No. 232 of 1999)**

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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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# GAMING MACHINE REGULATION 1991

[as amended by all amendments that commenced on or before 28 October 1999]

## PART 1—PRELIMINARY

### Short title

1. This regulation may be cited as the *Gaming Machine Regulation 1991*.

### Definitions

4. In this regulation—

“**accounting period**” means the period covered by a monthly gaming machine reconciliation report for the licensed premises.

“**advertise**” means advertising about—

- (a) gaming; or
- (b) the conduct of gaming; or
- (c) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment.

“**cancelled credit**” means a payment, by a licensee to a player for gaming machine credits, that is not discharged out of the hopper.

“**category 1 licensed premises**” means licensed premises for which 1 of the following licences under the *Liquor Act 1992* is in force—

- (a) a general liquor licence;
- (b) an on-premises licence;
- (c) a special facility licence (other than the special facility licence held by the Surfers Paradise Bowls Club Incorporated).

“**category 2 licensed premises**” means licensed premises that are not category 1 licensed premises.

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**“game board”** means a processor board on which a game EPROM is installed.

**“game EPROM”** means any Erasable Programmable Read Only Memory or Programmable Read Only Memory or other computer program storage medium that is—

- (a) designed to be, or capable of being, installed on a processor board; and
- (b) programmed with programming for a game.

**“hopper”** means the container in a gaming machine from which gaming tokens may be discharged in order to pay for gaming machine credits or winnings.

**“hopper fill”** means the placing by a licensee of gaming tokens into a hopper.

**“machine identification number”** means the identification number issued for a gaming machine under section 150(1) of the Act.

**“maintenance service fee”** means the monthly fee mentioned in section 36(3).<sup>1</sup>

**“manufacturer”** means a recognised manufacturer or supplier of gaming machines.

**“monitoring fee”** means the monthly fee mentioned in section 36(4).

**“monthly deposit account”** see section 35B.

**“monthly gaming cheques”** means the total monetary amount of cancelled credits and jackpot payouts made by cheque drawn on a licensee’s monthly deposit account for an accounting period.

**“monthly gaming deposit”** see section 35A.

**“monthly money clearance”** means a money clearance mentioned in section 156(1) of the Act.

**“monthly rental fee”** means the monthly fee mentioned in section 36(2).

**“monthly reported win”** means the total of all amounts mentioned in the definition **“performance summary”**, paragraph (h), recorded in a

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<sup>1</sup> Section 36 (Monthly fees—Act, s 164)



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monthly gaming machine reconciliation report for an accounting period.

**“performance summary”**, in relation to a period covered by a gaming machine performance record, means a summary of the following expressed in monetary amounts—

- (a) the hopper contents at the end of the period;
- (b) the total of gaming tokens removed during money clearances for the period;
- (c) the total of short pay correction payouts during the period;
- (d) the total of hopper fills during the period;
- (e) the total of jackpot payouts during the period;
- (f) the total of cancelled credits during the period;
- (g) the hopper contents at the start of the period;
- (h) the amount calculated by subtracting from the total of the amounts mentioned in paragraphs (a) and (b), the total of the amounts mentioned in paragraphs (c) to (g).

**“periodic gaming deposit”** see section 35B.

**“player”** means a person who plays a gaming machine.

**“processor board”** means an electronic circuit board that is designed to be, or is capable of being, used in a gaming machine.

**“RAM”** means Random Access Memory.

**“short pay correction payout”** means a payment by a licensee to a player of an amount to which the player is entitled if the gaming machine fails to discharge, or register gaming machine credits for, the amount.

## **PART 2—ADMINISTRATION**

### **Meetings of commission**

5. The commission is to meet at least once a month in Brisbane.

**Arrangements for police officers rendering assistance—Act, s 34(1)(a)**

**5A.(1)** If an inspector calls a police officer to the inspector's aid under section 181(3)(i)(i)<sup>2</sup> of the Act, the police officer must give the inspector the reasonable help the inspector requires.

(2) Subsection (1) does not apply if it is not practicable for the police officer to give the help.

**Arrangements for supplying information—Act, s 34(1)(b)**

**5B.(1)** This section applies if the chief executive considers information contained in the records of the Queensland Police Service may be relevant to—

- (a) an investigation under section 29(4), 40(1)(a), 60(1), 72ZC(1), 72ZD(1), 79(1)(b), 90(1) or 133(1)<sup>3</sup> of the Act; or
- (b) the chief executive's consideration about whether a person is an appropriate person to be listed on the roll of recognised manufacturers and suppliers of gaming machines under section 130(2)(b)<sup>4</sup> of the Act.

(2) The chief executive may ask the commissioner of the police service to supply a written report of the information to an officer of the division.

(3) The request must be in writing.

**Arrangements for taking fingerprints and palm prints—Act, s 34(1)(c)**

**5C.(1)** This section applies to an applicant for a repairer's, machine manager's or key monitoring employee's licence.

(2) The chief executive may, for section 79(1)(a) of the Act, cause

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<sup>2</sup> Section 181 (Powers of inspectors)

<sup>3</sup> Section 29 (Officers of division to be of good repute), 40 (Consideration of applications), 60 (Investigation of licensees and associates), 72ZC (Investigation of licensed operator), 72ZD (Investigation of associate), 79 (Consideration of applications), 90 (Investigations of holders of licences and associates) or 133 (Investigations of suitability of listed persons)

<sup>4</sup> Section 130 (Recognised manufacturers and suppliers of gaming machines)

fingerprints and palm prints of the applicant to be taken by a police officer.

(3) The chief executive must ask the police officer to take the fingerprints and palm prints and agree terms about the taking with the police officer.

### **Secrecy**

6. For the purposes of section 35(3) of the Act, the bodies and authorities are those set out in schedule 1.

## **PART 3—GAMING MACHINE LICENCES**

### **Maximum number of gaming machines**

7. For sections 40(13) and 56(6)<sup>5</sup> of the Act, the maximum number is—

- (a) for category 1 licensed premises—45; and
- (b) for category 2 licensed premises—300.

### **Prescribed conditions of gaming machine licences**

8. For the purposes of section 48(1)(a) of the Act, the prescribed conditions are set out in schedule 2.

### **Supply of gaming equipment by chief executive**

9.(1) This section applies if—

- (a) gaming equipment is supplied to a licensee by the chief executive; and
- (b) the chief executive continues to be the owner of the gaming equipment.

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<sup>5</sup> Sections 40 (Consideration of applications) and 56 (Increase in gaming machines)

(2) The chief executive's obligations to the licensee about the gaming equipment are those stated in schedule 3.

## **PART 4—LICENSING OF REPAIRERS, SERVICE CONTRACTORS, MACHINE MANAGERS AND KEY MONITORING EMPLOYEES**

### **Installations etc. not subject to s 73 of the Act**

**10.** For the purposes of section 73(3) of the Act, the following are prescribed—

- (a) the installation of an electronic monitoring system if the installation is by the chief executive or a licensed operator;
- (b) the installation of a gaming machine if the gaming machine is to be examined by an inspector before play is allowed on the gaming machine;
- (c) installation, alteration, adjustment, maintenance or repair of those fuses, electric light globes, fluorescent tubes and fluoro starters of a gaming machine that are easily accessible;
- (d) installation, alteration, adjustment, maintenance or repair of locks of gaming machine cabinets or drop box doors;
- (e) installation, alteration, adjustment, maintenance or repair of hinges of gaming machine drop box doors;
- (f) adjustment of the device regulating the level of the contents of the hopper;
- (g) installation, alteration, adjustment, maintenance or repair of external switch covers or glass or perspex panels of a gaming machine;
- (h) repair by clearing coins jammed in a gaming machine;
- (i) repair by resetting minor fault conditions of a gaming machine.

**Prescribed duties of machine managers**

**11.** For the purposes of section 75(1) of the Act, the following duties are prescribed—

- (a) the management of employees of a licensee who are responsible for the conduct of gaming;
- (b) the management of the access to the internal parts of gaming machines;
- (c) the management and supervision of money clearances;
- (d) the issuing of keys for the security of gaming machines to employees of a licensee;
- (e) the supervision of entries in accounting records required to be kept and maintained under the Act;
- (f) the arranging of remedial repairs to gaming equipment;
- (g) any other thing required by part 7 to be done, or that a licensee is required by part 7 to ensure is done, by a machine manager.

## **PART 5—SUPERVISION AND MANAGEMENT OF GAMING**

**Layout of licensed premises**

**12.** A licensee must ensure that the layout of the interior of the licensee's licensed premises allows—

- (a) the licensee, or an employee of the licensee, from a place in the licensed premises where the licensee or employee would normally be carrying out duties at the material time, to have continuous supervision of each gaming machine that is available for gaming; and
- (b) a clear passageway between banks of gaming machines of at least 2 m unless the chief executive, under section 180 of the Act,

directs that a greater distance be allowed.

Maximum penalty—20 penalty units.

### **Installation of gaming equipment**

**13.** A licensee must ensure that gaming equipment installed on the licensee's licensed premises is installed in a way that allows—

- (a) proper cleaning and maintenance of the equipment; and
- (b) unrestricted access to fire exits in a way that complies with the *Fire and Rescue Authority Act 1990*, the *Building Act 1975* and the Building Code of Australia; and
- (c) the proper use of things provided on the premises for safety and security.

Maximum penalty—20 penalty units.

### **Periods when gaming must not be conducted**

**13A.** The following periods are prescribed for the purposes of section 103 of the Act—

- (a) Anzac day before 1 p.m.;
- (b) Good Friday;
- (c) Christmas Day.

### **Rules ancillary to gaming**

**14.** For the purposes of section 104(2) of the Act, the prescribed rules are set out in schedule 4.

### **Calculation of player entitlement**

**15.(1)** For the purposes of section 110 of the Act, but subject to subsection (2) of this section, the amount to which a person is entitled for gaming tokens inserted by, or on behalf of, the person into a gaming machine (so that gaming machine credits are registered by the gaming machine), is to be calculated by—

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- (a) adding to the gaming machine credits—winnings (if any) payable for each result as determined in accordance with the game as approved by the chief executive for bets made by, or on behalf of, the person on the gaming machine; and
- (b) deducting—gaming machine credits bet by, or on behalf of, the person on the gaming machine.

(2) An entitlement under subsection (1) includes gaming machine credits that are stolen before the licensee makes payment for the gaming machine credits only when—

- (a) the person exercises reasonable control over the credits; and
- (b) the licensee, by act or omission, contributes to the stealing.

**Sharing of jackpot payout**

**15A.(1)** This section applies to players of gaming machines linked with other gaming machines under a linked jackpot arrangement if 2 or more of the players are eligible to receive payment of the amount displayed on the progressive jackpot prize meter for the arrangement.

(2) Players are eligible to receive payment of the amount displayed on the progressive jackpot prize meter for the arrangement if—

- (a) the players obtain the winning result at the same time; or
- (b) one or more players obtain the winning result but—
  - (i) the linked jackpot arrangement allows other players, playing on other gaming machines linked under the arrangement, to complete bets made before, or at the same time as, the winning result is obtained; and
  - (ii) the other players complete bets mentioned in subparagraph (i) and obtain a winning result as a result of the bets before the amount displayed on the progressive jackpot prize meter for the arrangement changes to a lesser amount.

(3) However, players of gaming machines are not eligible to receive payment of the amount displayed on the progressive jackpot prize meter for the arrangement if the amount has transferred from the meter to one or more other gaming machines.

(4) Each player eligible to receive payment of the amount displayed on the progressive jackpot prize meter for the arrangement has the right to receive payment of the shared jackpot amount.

(5) In this section—

“**shared jackpot amount**” means the amount calculated as follows—

$$S + \frac{(D - S)}{N}$$

where—

“**D**” means the amount displayed on the progressive jackpot prize meter for the arrangement.

“**N**” means the number of players eligible to receive payment of the amount displayed on the progressive jackpot prize meter for the arrangement.

“**S**” means the smallest jackpot payout payable under a linked jackpot arrangement.

### **Machine managers to produce licence or identification etc.**

**16.(1)** A machine manager must produce his or her machine manager’s licence that is in force, or his or her identification card provided under subsection (2), to a person—

- (a) who is affected by a decision of the machine manager; and
- (b) who requests the production.

(2) A licensee must provide to a person employed by the licensee under section 75(4) or 75(6) of the Act an identification card showing in bold face print of a minimum letter height of 5 mm—

- (a) the person’s name; and
- (b) the name of the licensed premises; and
- (c) the words ‘Machine Manager’.

(3) The identification card must bear the signature of the person.

(4) A person to whom an identification card is provided under subsection (2) must return the card to the licensee on the day the person



ceases to be employed by the licensee under section 75(4) or 75(6) of the Act.

Maximum penalty—20 penalty units.

### **Submissions in relation to payments refused**

**17.(1)** A machine manager who refuses to make or allow payment under section 111 of the Act or schedule 4, section 5 to a person must advise the person that he or she may make a submission to the chief executive about the refusal within 10 days from the date of the refusal.

**(2)** A submission mentioned in subsection (1) must—

- (a) be in writing; and
- (b) state the full name and address of the person making the submission; and
- (c) identify the licensed premises and gaming machine in question; and
- (d) state the name of the machine manager who refused to make payment or allow payment to be made; and
- (e) state the time and date of the refusal; and
- (f) contain a description of the events relevant to the refusal.

**(3)** The chief executive may refuse to consider a submission mentioned in subsection (2) that is not lodged within 10 days from the date of the refusal.

### **Security of keys**

**18.(1)** A licensee must ensure that a person (other than a person mentioned in section 114 of the Act) does not have possession of a key related to the security of gaming equipment on the licensee's licensed premises.

**(2)** A person who is not an inspector may have possession of a key mentioned in subsection (1) only—

- (a) if the possession is—

- (i) on the licensed premises; and
  - (ii) for the time necessary for the performance of his or her duties; or
- (b) with the approval of the chief executive.
- (3) A person who has possession of a key mentioned in subsection (1) must keep the key on his or her person.
- (4) A person who unlocks a lock or opens a door of a gaming machine on licensed premises, must cause the lock to be locked or, as the case may be, the door to be securely closed—
- (a) before leaving the gaming machine; and
  - (b) upon completion of the purpose for which the lock was unlocked or the door was opened.

Maximum penalty—20 penalty units.

### **Day prescribed**

**19.** For the purposes of section 116(2) of the Act, the prescribed day is the fourth day.

### **Services for compulsive gamblers**

**20.** A licensee, at each place on the licensee's licensed premises where the sale or redemption of gaming tokens or any centralised credit transaction is carried out, must clearly display a sign advertising services available to assist compulsive gamblers.

Maximum penalty—20 penalty units.

## **PART 6—CONTROL OF GAMING MACHINES**

### **Approval of premises of manufacturers**

**21.(1)** For the purposes of section 136(2) of the Act, an application for

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approval of premises must—

- (a) be written and signed by the manufacturer or a person authorised by the manufacturer; and
- (b) contain the full name and business address of the manufacturer and the address of the premises.

(2) An application under subsection (1) must be accompanied by—

- (a) a plan that clearly shows the use to which each part of the premises is to be put; and
- (b) particulars of all security and surveillance facilities installed on the premises; and
- (c) a narrative and diagrammatic representation of the systems to be used by the manufacturer—
  - (i) for the security, storage and recording of gaming machines and restricted components, with specific reference to game boards and game EPROMs; and
  - (ii) for the use and maintenance of security and surveillance facilities on the premises.

**Allocation of serial number**

**22.(1)** A manufacturer must allocate a manufacturer's serial number to each gaming machine—

- (a) manufactured; or
- (b) if the gaming machine does not already have an identification plate affixed in accordance with section 23—obtained;

by the manufacturer.

(2) A manufacturer must ensure that the serial number allocated under subsection (1)—

- (a) is within a sequence of numbers approved by the chief executive for use by the manufacturer; and

- (b) has not previously been allocated to another gaming machine manufactured or obtained by the manufacturer.

Maximum penalty—20 penalty units.

### **Identification plate to be affixed**

**23.(1)** A manufacturer must affix an identification plate to each gaming machine—

- (a) manufactured; or
- (b) if the gaming machine does not already have an identification plate affixed in accordance with this section—obtained;

by the manufacturer.

**(2)** A manufacturer must ensure that the identification plate—

- (a) is securely affixed on a side of the gaming machine—
  - (i) during the process of manufacture of the gaming machine; or
  - (ii) as soon as the manufacturer obtains the gaming machine; and
- (b) is made of durable material; and
- (c) clearly displays in the English language—
  - (i) the name of the manufacturer that affixed the identification plate; and
  - (ii) the year in which the gaming machine was manufactured or obtained; and
  - (iii) the manufacturer's serial number allocated to the gaming machine under section 22.

Maximum penalty—20 penalty units.

### **Game board labels**

**24.** A listed person must, at the time the person installs a game EPROM on a game board, affix to the game board a label that clearly displays in the English language—

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- (a) the gaming machine type for which the game board is designed or the code number of the gaming machine type allocated under section 27; and
- (b) the game for which the game EPROM is programmed or the code number of the game allocated under section 27.

Maximum penalty—20 penalty units.

**Broken or removed seals to be forwarded to chief executive**

**25.** A licensed repairer who—

- (a) breaks a seal securing a computer cabinet; or
- (b) removes a seal affixed to gaming equipment to preserve the integrity of the gaming equipment;

must forward the seal to the chief executive with the conversion report or repairer's report mentioned in section 153 of the Act.

Maximum penalty—20 penalty units.

**Restricted components—Act, s 3**

**26.** For the definition “**restricted component**” in section 3<sup>6</sup> of the Act, the components stated in schedule 5 are restricted components.

**Code numbers for approved gaming machine types and games**

**27.** The chief executive may allocate a code number to each gaming machine type and each game approved by the chief executive under section 145(1) or 146(2) of the Act.

**Changes to percentage return to player—Act, s 146A(2)**

**27A.(1)** For section 146A(2)<sup>7</sup> of the Act, the period prescribed is—

- (a) the period of 1 month starting when the percentage return to

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<sup>6</sup> Section 3 (Definitions)

<sup>7</sup> Section 146A (Changes to approved games)

player is last changed under section 146A(1) of the Act; or

- (b) for a particular game—a period less than 1 month approved in writing by the chief executive.

(2) When the period mentioned in subsection (1)(b) expires, the period prescribed is the period mentioned in subsection (1)(a).

### **Payments out of approved trust account—Act, s 149(7)(b)**

**27B.** For section 149(7)(b)<sup>8</sup> of the Act, the amounts to be paid out of the approved trust account are—

- (a) jackpot payouts, if the gaming machine on which the winning result is obtained is linked with other gaming machines under a multiple site linked jackpot arrangement; and
- (b) interest accrued on, and paid into, the account, if the payment is approved by the chief executive.

## **PART 7—ACCOUNTING PROCEDURES**

### **Functions to be carried out with money clearances**

**28.(1)** For the purposes of section 156(3) of the Act, the functions are—

- (a) to ensure that no gaming machine credits are registered by the gaming machine; and
- (b) to ensure that no gaming tokens remain in the gaming machine or in the gaming machine's drop box, other than gaming tokens that are in the hopper; and
- (c) to ensure a record of the monetary value of the contents of the hopper is made in the gaming machine performance record mentioned in section 31; and
- (d) to ensure a record is made in the gaming machine performance

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<sup>8</sup> Section 149 (Approval of linked jackpot arrangements)

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record mentioned in section 31 of the amounts displayed on the following electronic RAM meters of the gaming machine—

- (i) the total number of games played (stroke);
- (ii) the total of all coins to the drop box;
- (iii) the total of coins won (non-progressive);
- (iv) the total of all cancelled credits;
- (v) the total of all coins bet;
- (vi) the total of all hopper fills;
- (vii) if an appropriate meter is provided by the gaming machine—the total of wins (progressive).

(2) For the purposes of section 157(2)<sup>9</sup> of the Act, the functions are—

- (a) to ensure that no gaming machine credits are registered by the gaming machine; and
- (b) to ensure that no gaming tokens remain in the gaming machine or in the gaming machine's drop box, other than those gaming tokens that are in the hopper; and
- (c) to record in the gaming machine performance record mentioned in section 31<sup>10</sup> an estimate of the monetary value of the contents of the hopper.

### **Money clearances**

**29.(1)** A licensee must ensure that a money clearance is carried out, or is personally supervised, by a machine manager.

**(2)** A licensee must keep, for each of the licensee's licensed premises, a cash clearances report in the form determined by the chief executive.

**(3)** A licensee must ensure that a cash clearances report—

- (a) identifies, by name and licence number, the licensee and licensed premises to which it applies; and

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<sup>9</sup> Section 157 (Weekly money clearances)

<sup>10</sup> Section 31 (Gaming machine performance record)

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- (b) records for each money clearance—
  - (i) the date and time; and
  - (ii) the machine identification number; and
  - (iii) the licensee's identification number of the gaming machine; and
  - (iv) the amount removed; and
- (c) records for each day—
  - (i) the total amount removed during money clearances; and
  - (ii) the signature of every person who carried out, or supervised, money clearances certifying that the records made under this section are correct; and
- (d) records for each gaming machine the total amount removed during the period covered by the gaming machine performance record mentioned in section 31.

**(4)** The licensee must ensure the cash clearances report is completed immediately after each money clearance.

Maximum penalty—20 penalty units.

**Manual payments register**

**30.(1)** A licensee must keep a manual payments register for each of the licensee's licensed premises in the form determined by the chief executive.

- (2)** A licensee must ensure that a manual payments register—
- (a) identifies, by name and licence number, the licensee and licensed premises to which it applies; and
  - (b) records for each short pay correction payout, hopper fill, jackpot payout and cancelled credit made on the premises, the following particulars—
    - (i) the date and time;
    - (ii) the machine identification number;
    - (iii) the licensee's identification number of the gaming machine;



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- (iiia) the betting unit;
  - (iv) if it is a short pay correction payout, hopper fill, jackpot payout or cancelled credit;
  - (v) if it is a jackpot payout—the winning combination of symbols;
  - (vi) if it is a cancelled credit—the number of gaming machine credits displayed on the credit meter;
  - (vii) the amount;
  - (viii) if it is a short pay correction payout, jackpot payout or cancelled credit, made for category 1 licensed premises—the name and signature of the person to whom the payment was made;
  - (ix) if it is a short pay correction payout, jackpot payout or cancelled credit, made for category 2 licensed premises—
    - (A) the name and signature of the person to whom the payment was made; and
    - (B) whether the person is a member or visitor; and
    - (C) if the person is a member—the person's membership number;
  - (x) the name and signature (and licence number if applicable) of the person who made the payout or fill;
  - (xi) the name (and licence number if applicable) of 1 other person who, and the person's signature certifying that he or she, observed—
    - (A) if it is a cancelled credit—the number of gaming machine credits displayed on the credit meter; or
    - (B) if it is a jackpot payout—the winning combination of symbols; or
    - (C) if it is a hopper fill—the hopper fill take place; or
    - (D) if it is a short pay correction payout—the short pay correction payout take place; and
- (c) records after each transaction, a progressive monetary total of

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transactions entered in the register for each day.

(3) A licensee must ensure that—

- (a) a hopper fill is performed only when a hopper is empty; and
- (b) when a hopper fill is performed, the exact number of gaming tokens decided by the chief executive for the game of the gaming machine are placed in the hopper; and
- (c) the gaming tokens are of the denomination or type displayed on the gaming machine as a gaming token to be used to operate or gain credit on the gaming machine.

(4) A licensee must ensure that—

- (a) at the end of the operation of gaming machines for each day—immediately below the latest entry in the manual payments register in use that day a notation is made that indicates the entry is the last for the day; and
- (b) for a payment over \$500—either the person mentioned in subsection (2)(b)(x) or the person mentioned in subsection (2)(b)(xi) is a machine manager in relation to the licensee's licensed premises.

(5) A licensee must ensure records made for subsection (2)(b) or (c) are made immediately each short pay correction payout, hopper fill, jackpot payout or cancelled credit is performed.

Maximum penalty—20 penalty units.

### **Gaming machine performance record**

**31.(1)** A licensee must keep in the form determined by the chief executive a gaming machine performance record for each gaming machine provided to the licensee.

(2) A licensee must ensure that the period covered by a gaming machine performance record—

- (a) starts on the day and at the time—
  - (i) the gaming machine is provided to the licensee; or
  - (ii) of the completion of an alteration of the gaming machine to

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effect a change in the game, gaming token denomination or betting unit of the gaming machine; or

(iii) of the completion of a monthly money clearance of the gaming machine; and

(b) ends on the day and at the time—

(i) of the removal of the gaming machine by the chief executive; or

(ii) of the completion of an alteration of the gaming machine to effect a change in the game, gaming token denomination or betting unit of the gaming machine; or

(iii) of the completion of the next monthly money clearance of the gaming machine after any act mentioned in paragraph (a).

**(3)** A licensee must ensure that each gaming machine performance record—

(a) identifies, by name and licence number, the licensee and licensed premises to which it applies; and

(b) records—

(i) the licensee's identification number of the gaming machine; and

(ii) the machine identification number; and

(iii) the manufacturer's serial number allocated to the gaming machine under section 22; and

(iv) the gaming token denomination and betting unit; and

(v) the game; and

(vi) the day and time of the start of the period covered by the record; and

(vii) the day and time of the end of the period covered by the record; and

(viii) for each day the following, expressed in monetary amounts—

(A) the total of gaming tokens removed during money

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- clearances;
- (B) the total of short pay correction payouts;
- (C) the total of hopper fills;
- (D) the total of jackpot payouts;
- (E) the total of cancelled credits; and
- (ix) any estimate made under section 28(2) during the period covered by the record; and
- (x) meter readings taken for the purpose of sections 28(1)(d) and 33(2); and
- (xi) the performance summary; and
- (xii) when meter readings are taken under section 28(1)(d) or 33(2), the amounts (in Australian currency) displayed on the progressive jackpot prize meter (if any) on the outside of the gaming machine; and
- (c) is entered up daily.

Maximum penalty—20 penalty units.

### **Alterations or obliterations to records**

**32.(1)** Subject to subsection (2), a person must not alter or obliterate an entry in a manual payments register, cash clearances report or gaming machine performance record.

Maximum penalty—20 penalty units.

**(2)** A person may make an alteration to an entry mentioned in subsection (1) to correct an error in the entry.

**(3)** The correction must be made by means of a marginal note or footnote, on the same page, which correction must record—

- (a) the identity of the person who made the correction; and
- (b) the date of the correction; and
- (c) the correct particulars.

**Installation, removal and alteration of gaming machines**

**33.(1)** A licensee must ensure that a money clearance is carried out on a gaming machine provided to the licensee immediately before—

- (a) an alteration of the gaming machine to effect a change in the game, gaming token denomination or betting unit of the gaming machine; or
- (b) the gaming machine is stored in a room mentioned in section 98(2) of the Act; or
- (c) the removal of the gaming machine from the licensee's licensed premises.

**(2)** A licensee must ensure that on—

- (a) the installation of a gaming machine; or
- (b) the alteration of a gaming machine provided to the licensee to effect a change in the game, gaming token denomination or betting unit of the gaming machine;

a record is made in the gaming machine performance record of the amounts displayed on the meters mentioned in section 28(1)(d).

Maximum penalty—20 penalty units.

**Day prescribed—Act, s 159(1)**

**34.** For section 159(1) of the Act,<sup>11</sup> the day prescribed is—

- (a) for category 1 licensed premises—the fourth day; and
- (b) for category 2 licensed premises—the sixth day.

**Licensee prescribed—Act, s 161**

**34A.(1)** For the definition “**prescribed licensee**” in section 161(1)<sup>12</sup> of the Act, a licensee of category 2 licensed premises is a prescribed licensee.

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<sup>11</sup> Section 159 (Monthly gaming machine reconciliation reports to be submitted)

<sup>12</sup> Section 161 (Audit of accounts of licensee)

(2) Section 161(7) of the Act applies to all prescribed licensees under section 161(1) of the Act who are corporations.

### **Monthly gaming machine reconciliation report**

**35.(1)** A licensee must ensure that a monthly gaming machine reconciliation report—

- (a) identifies, by name and licence number, the licensee and licensed premises to which it applies; and
- (b) records the information mentioned in subsections (2) to (4).

(2) The monthly gaming machine reconciliation report is to record information from each gaming machine performance record for the licensed premises in question that covers any period between the second last and last monthly money clearance for the licensed premises.

(3) The information that is to be recorded in the report is—

- (a) the day and time of the start of the period covered by the record; and
- (b) the day and time of the end of the period covered by the record; and
- (c) the licensee's identification number of the gaming machine; and
- (d) the machine identification number of the gaming machine; and
- (e) the performance summary; and
- (f) for category 2 licensed premises—
  - (i) the amount of the monthly gaming deposit worked out under section 35A; and
  - (ii) the amount of the monthly gaming cheques.

(4) If the report records an item mentioned in section 4(1), definition “**performance summary**”, paragraphs (a) to (h), it must also record the total of all the monetary amounts of the item recorded in the report.

### **Meaning of “monthly gaming deposit”**

**35A.(1)** The “**monthly gaming deposit**” for a licensee of category 2

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licensed premises for an accounting period is the amount worked out under either the standard method or win method.

(2) Under the standard method, the amount of the “**monthly gaming deposit**” is the amount worked out using the following formula—

$$D = TC - NMP.$$

(3) Under the win method, the amount of the “**monthly gaming deposit**” is the amount worked out using the following formula—

$$D = MRW + MGC.$$

(4) In the formulas in subsections (2) and (3)—

“**D**” means the monthly gaming deposit in dollars.

“**MGC**” means the monthly gaming cheques for the relevant accounting period.

“**MRW**” means the monthly reported win for the relevant accounting period.

“**NMP**” (non-cheque manual payments), for an accounting period for a licensee, means the total monetary amount of all cancelled credits, jackpot payouts, hopper fills and short pay correction payouts recorded in the monthly gaming machine reconciliation report for the accounting period for the licensee’s licensed premises that were not made by cheque drawn on the licensee’s monthly deposit account.

“**TC**” (total clearances), for an accounting period for a licensee, means the total monetary amount of gaming tokens recorded in the monthly gaming machine reconciliation report for the accounting period for the licensee’s licensed premises as being removed during money clearances.

### **Periodic gaming deposits**

**35B.(1)** A licensee of category 2 licensed premises must, as required by this section, for each clearance period, make a deposit (a “**periodic gaming deposit**”) into an account (the “**monthly deposit account**”) kept by the licensee for the purpose at a financial institution.

Maximum penalty—20 penalty units.

(2) The periodic gaming deposit must be made within—

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- (a) if paragraph (b) does not apply—2 business days after the end of the clearance period; or
- (b) if the chief executive has specified, either generally or for the particular licensee, a later time—the later time.

(3) The chief executive may specify a time under subsection (2)(b) for a particular licensee only if the chief executive considers it is appropriate to take the action having regard to—

- (a) the remote location of the licensee’s licensed premises; or
- (b) the lack of appropriate facilities, in the vicinity of the licensee’s licensed premises, for making periodic gaming deposits; or
- (c) other relevant circumstances.

(4) The licensee must ensure funds deposited into the monthly deposit account are not withdrawn and redeposited into the account to make a periodic gaming deposit.

Maximum penalty—20 penalty units.

(5) The amount of the periodic gaming deposit must be worked out under either the standard periodic method or win periodic method.

(6) Under the standard periodic method, the amount of the periodic gaming deposit is worked out using the following formula—

$$D = TC - NMP.$$

(7) Under the win periodic method, the amount of the periodic gaming deposit is worked out using the following formula—

$$D = PRW + PGC.$$

(8) In the formulas in subsections (6) and (7)—

“D” means the periodic gaming deposit in dollars.

“NMP” (non-cheque manual payments), for a clearance period for a licensee, means the total monetary amount of all cancelled credits, jackpot payouts, hopper fills and short pay correction payouts recorded in all gaming machine performance records for the clearance period for the licensee’s licensed premises that were not made by cheque drawn on the licensee’s monthly deposit account.

“PGC” (periodic gaming cheques), for a clearance period for a licensee,



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means the total monetary amount of cancelled credits and jackpot payouts made by cheque drawn on the licensee's monthly deposit account for the clearance period.

**“PRW”** (periodic reported win), for a clearance period for a licensee, means the total of all amounts mentioned in section 4, definition **“performance summary”**, paragraph (h), recorded in all gaming machine performance records for the clearance period for the licensee's licensed premises.

**“TC”** (total clearances), for a clearance period for a licensee, means the total monetary amount of gaming tokens recorded in all gaming machine performance records for the licensee's licensed premises as being removed at the money clearance ending the clearance period.

(9) In this section—

**“clearance period”**, for a licensee, means a period—

- (a) starting at a money clearance for the gaming machines on the licensee's licensed premises; and
- (b) ending at the next money clearance for the gaming machines.

### **Monthly variances record**

**35C.(1)** A licensee of category 2 licensed premises must, for each accounting period, complete a monthly variances record for the premises within 7 days after the end of the period.

Maximum penalty—20 penalty units.

(2) The licensee must take all reasonable steps to facilitate the consideration of the monthly variances record at the next meeting, held after completion of the record, of the body responsible for managing the licensee's operations.

Maximum penalty—20 penalty units.

(3) In this section—

**“jackpot payout”** means a jackpot payout not payable under the Act from an approved trust account.

**“metered cancelled credits”** means the total monetary amount of cancelled credits, for the accounting period, shown on the cancelled credits

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meters of the licensee's gaming machines.

**“metered cash clearances”** means the total monetary amount of gaming tokens shown on the cash box meters of the licensee's gaming machines as being cleared from the gaming machines during the accounting period.

**“metered progressive jackpots”** means the total jackpot payouts for the accounting period shown on the progressive jackpot prize meter for the gaming machines on the licensed premises.

**“monthly variances record”**, for an accounting period for a licensee, means a record, in the approved form, setting out the following details for the accounting period for the licensee's licensed premises—

- (a) the monthly reported win;
- (b) the metered win;
- (c) any variance between the monthly reported win and metered win;
- (d) the reported cash clearances;
- (e) the metered cash clearances;
- (f) any variance between the reported cash clearances and metered cash clearances;
- (g) the reported cancelled credits;
- (h) the metered cancelled credits;
- (i) any variance between the reported cancelled credits and metered cancelled credits;
- (j) the reported progressive jackpots;
- (k) the metered progressive jackpots;
- (l) any variance between the reported progressive jackpots and metered progressive jackpots;
- (m) the total (the **“total actual deposit”**) of the amounts paid into the monthly deposit account as representing the periodic gaming deposits;
- (n) the amount of the monthly gaming deposit;
- (o) any variance between the total actual deposit and monthly gaming

deposit;

- (p) for a variance mentioned in paragraph (c), (f), (i), (l) or (o) of more than 0.5% (\$5 for each \$1 000)—the reasons for the variance.

**“reported cancelled credits”** means the total of all amounts paid for cancelled credits.

**“reported cash clearances”** means the total monetary amount of gaming tokens cleared from gaming machines.

**“reported progressive jackpots”** means the total of all amounts paid as jackpot payouts.

## **PART 8—TAXES, LEVIES AND FEES**

### **Monthly fees—Act, s 164**

**36.(1)** This section prescribes how amounts of monthly fees are to be calculated for section 164(3) of the Act.

**(2)** If gaming machines are provided to the licensee by the chief executive, the amount of the monthly fee is to be calculated by adding together the daily rental fees, calculated under section 37, for each day of the month on which gaming machines are provided to the licensee.

**(3)** If gaming machines are not provided to the licensee by the chief executive, the amount of the monthly fee, for installing, altering and maintaining gaming machines on the licensee’s licensed premises, is—

- (a) if gaming machines are used on the premises for the entire month—\$40 for each gaming machine; or
- (b) if gaming machines are used on the premises for only part of the month—for each gaming machine, the amount that bears the same proportion to \$40 as the part of the month the machines are used bears to the entire month.

**(4)** If gaming machines are not provided to the licensee by the chief executive, the amount of the monthly fee, for supplying an electronic

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monitoring system for monitoring gaming machines on the licensee's licensed premises, is—

- (a) if gaming machines are used on the premises for the entire month—\$15 for each gaming machine; or
- (b) if gaming machines are used on the premises for only part of the month—for each gaming machine, the amount that bears the same proportion to \$15 as the part of the month the machines are used bears to the entire month.

(5) For this section, a gaming machine is provided to a licensee by the chief executive if—

- (a) the gaming machine is supplied by the chief executive under an arrangement between the chief executive and the licensee; and
- (b) under the arrangement, the chief executive continues to own the gaming machine.

**Daily rental fees**

**37.(1)** The daily rental fee, for licensed premises for which gaming machines mentioned in subsection (3), table, column 1 are provided to the licensee, is calculated by adding the totals for parts 1 and 2 of the table.

(2) In calculating the daily rental fee in subsection (3), the table, the following days are not days that a gaming machine is provided to a licensee—

- (a) if a gaming machine licence is cancelled—the day the gaming machine is removed from the licensed premises;
- (b) if a gaming machine licence is surrendered—the day the gaming machine is removed permanently from the electronic monitoring system;
- (c) if the number of gaming machines provided to the licensee is decreased—the day the surrendered gaming machine is removed permanently from the electronic monitoring system.

(3) In the following table—

“**rate 1**” means \$270 divided by the number of days in the month that includes the day for which the daily rental fee is to be calculated.

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“**rate 2**” means \$240 divided by the number of days in the month that includes the day for which the daily rental fee is to be calculated.

“**rate 3**” means \$210 divided by the number of days in the month that includes the day for which the daily rental fee is to be calculated.

“**rate 4**” means \$330 divided by the number of days in the month that includes the day for which the daily rental fee is to be calculated.

“**standard gaming machine**” means a gaming machine purchased for less than \$ 9 000 under section 143 of the Act.

“**premium gaming machine**” means a gaming machine purchased for \$9 000 or more under section 143 of the Act.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Category of gaming machine</b>	<b>Daily rental fee</b>
<b>Part 1</b>	
gaming machines on which gaming first started before 1 March 1997	the total of— rate 3 for each machine up to and including the 10th machine; and rate 2 for each machine more than the 10th machine up to and including the 20th machine; and rate 1 for each machine more than the 20th machine.
<b>Part 2</b>	
gaming machines on which gaming first started on or after 1 March 1997	the total of— rate 1 for each standard gaming machine; and rate 4 for each premium gaming machine.

**Day prescribed**

**38.** For the purposes of sections 164(2), 165(2), 170(1), 171(1) and (2) and 175(a) of the Act, the prescribed day is the tenth day.

**Gaming machine tax**

**39.(1)** This section prescribes percentages for section 165(3) of the Act.

**(2)** For category 1 licensed premises, the percentage is 45%.

**(3)** For category 2 licensed premises, the percentage is—

- (a)** for the first \$10 000 of monthly taxable metered win—10%; and
- (b)** for the amount of the monthly taxable metered win that is more than \$10 000 but not more than \$75 000—27%; and
- (c)** for the amount of the monthly taxable metered win that is more than \$75 000 but not more than \$150 000—30%; and
- (d)** for the amount of the monthly taxable metered win that is more than \$150 000 but not more than \$300 000—33%; and
- (e)** for the amount of the monthly taxable metered win that is more than \$300 000 but not more than \$1 400 000—35%; and
- (f)** for the amount of the monthly taxable metered win that is more than \$1 400 000—45%.

**Percentage of gaming machine tax payable into gaming machine community benefit fund**

**41A.** For section 168(3) of the Act, the percentage is 8.5%.

**Penalties for late payment of rental fees, taxes and levies**

**42.** For the purposes of section 171(1)(a) of the Act, the prescribed percentage is 5%.

**Crediting of payments under s 171(1)(b) of the Act**

**43.** For the purposes of section 171(1)(b) of the Act, the amount is to be

credited in the following order of priority—

- (a) firstly—monthly rental fee;
- (b) secondly—maintenance service fee;
- (c) thirdly—monitoring fee;
- (d) fourthly—gaming machine taxes;
- (e) fifthly—penalties under section 171(1)(a) of the Act.

### **Fees**

**44.** The fees set out in schedule 6 are the prescribed fees to be paid for the items set out in the schedule.

### **Refund applications**

**45.(1)** A written claim for refund of any fee, tax, levy or penalty may be given to the chief executive stating the amount and grounds of the claim.

**(2)** The chief executive must, within 90 days after receipt of the claim, allow or disallow the claim, in whole or in part.

**(3)** If the claim is disallowed in whole or in part, the chief executive must give written notice to the claimant stating the reasons for the disallowance.

## **PART 9—GENERAL**

### **Advertising**

**46.(1)** A person who advertises must ensure that an advertisement—

- (a) is not indecent or offensive; and
- (b) is based on fact; and
- (c) is not false, deceptive or misleading.

Maximum penalty—20 penalty units.

**(2)** If so directed in writing by the chief executive, a person must—

- (a) cease advertising; or
- (b) amend the advertisement as directed by the chief executive.

Maximum penalty—20 penalty units.

(3) The written direction mentioned in subsection (2) is to include particulars of—

- (a) any failure to comply with subsection (1); and
- (b) the directions of the chief executive.

### **Prescribed liquor licences—Act, s 3**

47. The following liquor licences are prescribed for section 3 of the Act, definition “**prescribed liquor licence**”—

- (a) each licence mentioned in schedule 7;
- (b) a licence that is taken to be a special facility licence under the *Liquor Act 1992*, section 247(2);
- (c) a special facility licence for an activity, facility or presentation that—
  - (i) forms part of the tourist development of the State; and
  - (ii) provides residential accommodation.

### **Approved financiers**

48. Golden Casket Lottery Corporation Limited ACN 078 785 449 is prescribed for section 3 of the Act, definition “**approved financier**”, paragraph (c).



**SCHEDULE 1****PRESCRIBED BODIES AND AUTHORITIES**

section 35(3) of the Act  
section 6 of the regulation

Australian Bureau of Criminal Intelligence  
Australian Capital Territory Revenue Office Returns and Licences  
Australian Customs Service  
Australian Federal Police  
Australian Securities Commission  
Australian Securities Intelligence Organization  
Australian Taxation Office  
Colorado State Police  
Division of Gaming, Colorado  
Federal Airports Corporation  
Gaming Board of Great Britain  
Interpol  
Lotteries Commission of South Australia  
National Crime Authority  
Nevada (USA) Gaming Commission  
Nevada (USA) Gaming Control Board  
New Jersey (USA) Casino Control Commission  
New Jersey (USA) Division of Gaming Enforcement  
New South Wales Liquor Administration Board  
New South Wales State Police  
Northern Territory Police

## SCHEDULE 1 (continued)

Northern Territory Racing and Gaming Authority  
Office of Consumer Affairs, Queensland  
Office of the Liquor Licensing Commissioner, South Australia  
Queensland Casino Control Division  
Queensland Criminal Justice Commission  
Queensland Liquor Licensing Division  
Queensland Police Service  
South Australian Casino Supervisory Authority  
South Australian State Police  
Tasmanian Gaming Commission  
Tasmanian State Police  
Australian Taxation Office  
Victorian Casino and Gaming Authority  
Victorian State Police  
Western Australian Gaming Commission  
Western Australian Office of Racing and Gaming  
Western Australian State Police

**SCHEDULE 2****CONDITIONS TO WHICH A GAMING MACHINE  
LICENCE IS SUBJECT**

section 48(1)(a) of the Act  
section 8 of the regulation

**1. The licensee must—**

- (a) subject to section 57 of the Act, have installed on the licensee's licensed premises, within 6 months after being granted a gaming machine licence or an increase in gaming machines, the gaming machines provided by the chief executive, unless the machines cannot be installed because of the chief executive's fault; and
- (aa) care for all gaming machines (and ancillary or related property of the State), on the licensee's licensed premises, in the way a reasonable, careful and prudent owner would; and
- (b) take all reasonable steps to protect gaming machines (and ancillary or related property of the State), on the licensee's licensed premises, from damage; and
- (c) ensure that all persons in the licensee's licensed premises behave in a way that will not cause damage to any gaming machine (and ancillary or related property of the State); and
- (d) provide, at the licensee's expense, locks of a type approved by the chief executive to secure the gaming machine cabinet, banknote acceptor and drop box door of each gaming machine provided to the licensee; and
- (e) ensure a common key to locks used for each purpose mentioned in paragraph (d) is exclusive to the locks; and
- (f) repair, at the licensee's expense, damage to a gaming machine (and ancillary or related property of the State), on the licensee's licensed premises, if the damage is not covered by the insurance mentioned in schedule 3; and

## SCHEDULE 2 (continued)

- (g) ensure that any component used in carrying out work the licensee is required to carry out under this schedule is new and of equal quality, reliability and tolerance to the component it replaces when the last mentioned component was new; and
- (h) carry out as required, at the licensee's expense (unless the work is to be carried out under a manufacturer's warranty), the following works to ensure that gaming machines provided to the licensee are at all times in a proper state of repair—
  - (i) installation, alteration, adjustment, maintenance or repair of those fuses, electric light globes, fluorescent tubes and fluoro starters of a gaming machine that are easily accessible;
  - (ii) installation, alteration, adjustment, maintenance or repair of locks of gaming machine cabinets or drop box doors;
  - (iii) installation, alteration, adjustment, maintenance or repair of hinges of gaming machine drop box doors;
  - (iv) adjustment of the device regulating the level of the contents of the hopper;
  - (v) installation, alteration, adjustment, maintenance or repair of external switch covers or glass or perspex panels of a gaming machine;
  - (vi) repair by clearing coins jammed in a gaming machine;
  - (vii) repair by resetting minor fault conditions of a gaming machine; and
- (i) repay the chief executive the full cost—
  - (i) of transporting a gaming machine to the licensee's licensed premises and installing the gaming machine, if—
    - (A) the cost is not part of the purchase price (paid by the chief executive to the vendor) of the gaming machine; and
    - (B) the transport and installation cost is not a cost mentioned in schedule 3; and
  - (ii) of removing and transporting a gaming machine from the

## SCHEDULE 2 (continued)

licensee's licensed premises to other premises used for the storage of gaming machines if the removal is because of—

- (A) a decrease in the number of gaming machines provided to the licensee; or
  - (B) the surrender or cancellation of the licensee's gaming machine licence; and
- (iii) of altering a gaming machine provided to the licensee to effect a change in the game, gaming token denomination or betting unit of the gaming machine—if the alteration is carried out as the result of an application by the licensee; and
  - (iiia) of removing and replacing gaming machines (including transport and installation costs) that are removed by the chief executive because of a written request by the licensee; and
  - (iv) of any work carried out by the chief executive because the licensee has failed to comply with this schedule; and
  - (v) of the amount of excess payable for a claim lodged against the insurance mentioned in schedule 3 arising out of damage to a gaming machine (and ancillary or related property of the State) on the licensee's licensed premises; and
  - (vi) of investigating and correcting errors or omissions in, or the preparation of, a monthly gaming machine reconciliation report lodged by the licensee under section 159 of the Act; and
- (j) repay the chief executive the full cost incurred by the chief executive of installing gaming machines and any electronic monitoring system on the licensee's licensed premises—if the licensee surrenders the licensee's gaming machine licence within 6 months after gaming first started on the machines; and
  - (k) if the licensee surrenders the licensee's gaming machine licence or is allowed to decrease the number of gaming machines provided to the licensee within 6 months after gaming first started on the machines—
    - (i) the start of gaming on the machines provided because of the

## SCHEDULE 2 (continued)

- original approval for the licensed premises; or
- (ii) the start of gaming on the additional gaming machines provided to the licensee after the licensee is granted an increase in the number of machines provided to the licensee; repay the chief executive 25% of rental fees that would have been payable for any gaming machine removed from the licensee's licensed premises from the date of removal to a date 6 months after—
- (iii) the date mentioned in subparagraph (i); or
- (iv) the date of the grant mentioned in subparagraph (ii); whichever is the later, as the case may be; and
- (l) provide insurance against all liability, arising out of gaming or the conduct of gaming on the licensee's licensed premises, which might attach to the licensee as a result of personal injury or damage suffered by a person, if the injury or damage is caused, or contributed to, by an act or omission of the licensee or the licensee's employees; and
- (m) keep and maintain at the licensee's expense, all records, accounts, reports and other documentation required to be kept, by the licensee, under the Act or this regulation; and
- (n) pay for all postage and other fees associated with the submission, by the licensee, of reports or forms under the Act or this regulation; and
- (o) use a gaming machine in accordance with any conditions to which the insurance mentioned in schedule 3 is subject; and
- (p) not affix a sign or other similar thing on a gaming machine (and ancillary or related property of the State) except with the approval of the chief executive; and
- (q) supply all electricity and other sundry requirements for the operation of gaming equipment on the licensee's licensed premises; and
- (r) not interfere with any connection between a gaming machine

## SCHEDULE 2 (continued)

provided to the licensee and any electronic monitoring system installed by the chief executive; and

- (s) not move or relocate a gaming machine without the approval of the chief executive; and
- (t) take all reasonable steps to ensure that all gaming machines provided to the licensee are—
  - (i) continuously provided with electricity; and
  - (ii) switched on at all times; and
- (u) provide a licensed repairer access, at all reasonable times, to gaming equipment (including its internal components) on the licensee's licensed premises so that the repairer may carry out work under a service contract entered into by the chief executive.

**2.** Monthly fees payable for a gaming machine may be forgiven by the chief executive for periods of continuous unserviceability of the gaming machine of more than 10 days from the date that the unserviceability is first reported to the chief executive, if the unserviceability is not caused by—

- (a) an act or omission by the licensee or the licensee's employees; or
- (b) a malicious act of a player.

**3.** A licensee must remit to the chief executive, by electronic funds transfer, from an account held by the licensee for that purpose—

- (a) all taxes, levies and fees payable under part 8 of the Act; and
- (b) any penalty payable under section 171 of the Act.

**SCHEDULE 3****CHIEF EXECUTIVE'S OBLIGATIONS TO A  
LICENSEE**

section 215(p) of the Act  
section 9 of the regulation

The chief executive must—

- (a) pay the costs of removing and replacing gaming machines (including transport and installation costs) that are removed by the chief executive under section 55(1) of the Act otherwise than because of a written request by the licensee; and
- (b) subject to schedule 2, pay all costs for the repair and maintenance of gaming machines (and ancillary or related property of the State); and
- (c) insure all gaming machines (and ancillary or related property of the State) against fire, theft, malicious damage and electronic damage.



**SCHEDULE 4****RULES ANCILLARY TO GAMING**

section 104(2) of the Act  
section 14 of the regulation

1. A person under the age of 18 years must not play a gaming machine.
2. A machine manager may determine that 1 gaming machine only may be played by a person at the same time.
3. A gaming machine may be reserved by a person without play for a maximum period of 3 minutes.
4. No person, other than a person permitted under the Act, is to touch an internal part of a gaming machine.
5. A machine manager must refuse to pay a cancelled credit or jackpot payout if he or she believes on reasonable grounds that—
  - (a) the gaming machine credits were not accumulated, or the winning combination was not obtained, during permitted hours of gaming under section 103 of the Act; or
  - (b) the person claiming the cancelled credit or jackpot payout is not the person entitled to the payment or a person acting on behalf of that person; or
  - (c) the Act has been contravened by the person claiming the cancelled credit or jackpot payout.
6. If, under section 5, a machine manager refuses to make a payment, the machine manager must as soon as practicable submit a report to the chief executive.
7. A cancelled credit or jackpot payout over \$250 is to be paid by cheque—

## SCHEDULE 4 (continued)

- (a) posted to the address of the player; or
  - (b) given to the player on the licensed premises;
- within 24 hours after the time the claim for payment is made.

**SCHEDULE 5****RESTRICTED COMPONENTS**

section 3 of the Act  
section 26 of the regulation

1. Gaming machine cabinet.
2. Gaming machine cabinet door.
3. Gaming machine artwork and reel tape.
4. Gaming machine reel mechanism.
5. Hopper or an identifiable part of a hopper.
6. Computer cabinet.
7. Game board.
8. Game EPROM.
9. Programming or software for a game (irrespective of the medium or method of storage).
10. Identification plate referred to in section 23 of the regulation.

**SCHEDULE 6****FEEES**

section 44

	\$
1. Appeals to Minister (s 24(2)(c) of the Act) . . . . .	200
2. Application for grant of gaming machine licence (s 39(3)(o) of the Act) . . . . .	100
3. Copy of gaming machine licence (s 46(1) of the Act) . .	50
4. Application for renewal of gaming machine licence (s 51(2)(b) of the Act) . . . . .	100
5. Application for approval to alter a gaming machine (s 55(2)(a) of the Act)—for each machine . . . . .	10
6. Application for increase in number of gaming machines provided to a licensee (s 56(2)(e) of the Act) . . . . .	50
plus—for each extra machine . . . . .	10
7. Application for approval to relocate a gaming machine area (s 58 of the Act)—for each machine . . . . .	10
8. Application for grant of operator's licence (s 72H(3)(f) of the Act) . . . . .	10 000
9. Operator's licence fee (s 72P(7) of the Act) . . . . .	240 000
10. Application for renewal of operator's licence (s 72W(3)(c) of the Act) . . . . .	10 000
11. Operator's licence renewal fee (s 72X(2) of the Act) . .	240 000
12. Application for grant of repairer's, service contractor's, machine manager's or key monitoring employee's licence (s 77(1)(j) of the Act) . . . . .	100
13. Issue of copy of repairer's, service contractor's, machine manager's or key monitoring employee's licence (s 82(1) of the Act) . . . . .	20
14. Application for renewal of repairer's, service contractor's, machine manager's or key monitoring employee's licence (s 86(2)(c) of the Act) . . . . .	50

## SCHEDULE 6 (continued)

<b>15.</b> Application for approval to purchase a gaming machine (s 135 of the Act)—for each machine . . . . .	10
<b>16.</b> Acceptance of gaming machine types and games for evaluation (s 146(1) of the Act)—for each hour, or part of an hour, of evaluation . . . . .	90
<b>17.</b> Application for approval to change the percentage return to player less than 1 month before it was last changed (s 27A(1)(b) of this regulation)—for each machine . . .	10

**SCHEDULE 7****PRESCRIBED LIQUOR LICENCES**

section 3 of the Act  
section 47 of the regulation

1. The special facility licence held by the Surfers Paradise Bowls Club Incorporated.
2. The on-premises licence held by Clifford Collin Douglas, Tally Valley Golf Course, Guineas Creek Road, Elanora.
3. The on-premises licence held by Queensland Railway Traveltrains for the “Spirit of the Outback” train service, only so far as it relates to metal club car registration no. 1525.
4. The special facility licence held by Nifsan Pty Ltd, Carrara Golf Course, Nerang-Broadbeach Road, Nerang.
5. The special facility licence held by Mystik Pty Ltd, Willows Golf, Tourist & Sports Resort, Nineteenth Avenue, Kirwan.
6. The special facility licence held by Sun Lakelands Pty Ltd, Lakelands Golf Course, Boowaggan Road, Merrimac.
7. The special facility licence held by Diamead Pty Ltd, Tallai Country Golf Course, 94 Worongary Road, Tallai.
8. The special facility licence held by Innes Park Country Club Tavern Pty Ltd ACN 082 223 747.
9. The special facility licence held by Windaroo Golf Club Limited ACN 010 116 006, Anna-Louise Terrace, Windaroo.
10. The special facility licence held by Pacific Shores Pty Ltd ACN 010 902 342, Pebble Beach Drive, Innes Park.

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## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 28 October 1999. Future amendments of the Gaming Machine Regulation 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 121 of 1993	29 April 1993
2	to SL No. 418 of 1993	17 December 1993
3	to SL No. 193 of 1994	15 July 1994
4	to SL No. 407 of 1994	23 December 1994
5	to SL No. 267 of 1995	25 September 1995
5A	to SL No. 75 of 1997	14 April 1997
5B	to SL No. 115 of 1997	21 May 1997
5C	to SL No. 217 of 1997	23 October 1997
5D	to SL No. 401 of 1997	8 December 1997
6	to SL No. 211 of 1998	4 August 1998
6A	to SL No. 279 of 1998	30 October 1998
6B	to SL No. 196 of 1999	12 October 1999

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	5
Renumbered provisions	4

## 6 List of legislation

### **Gaming Machine Regulation 1991 SL No. 154**

made by the Governor in Council on 5 December 1991  
 pubd gaz 7 December 1991 pp 1685–723  
 commenced 9 December 1991 (see s 2)  
exp 1 September 2002 (see SIA s 54)

as amended by—

### **Gaming Machine Amendment Regulation 1992 SL No. 185 (as amd 1992 SL No. 297 pts 1, 3)**

pubd gaz 26 June 1992 pp 2082–8  
 ss 1–2 commenced on date of publication  
 ss 8, 11 commenced 1 November 1992 (see s 2(2))



remaining provisions commenced 1 July 1992 (see s 2(1))

**Gaming Machine Amendment Regulation (No. 2) 1992 SL No. 297 pts 1–2**

notfd gaz 16 October 1992 pp 672–5

ss 5–6 commenced 1 November 1992 (see s 2)

remaining provisions commenced on date of notification

**Gaming Machine Amendment Regulation (No. 1) 1993 SL No. 121**

notfd gaz 23 April 1993 pp 1954–5

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 2) 1993 SL No. 418**

notfd gaz 26 November 1993 pp 1483–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 1993 (see s 2)

**Gaming Machine Amendment Regulation (No. 1) 1994 SL No. 193**

notfd gaz 10 June 1994 pp 896–8

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 2) 1994 SL No. 407**

notfd gaz 2 December 1994 pp 1435–7

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 1) 1995 SL No. 230**

notfd gaz 18 August 1995 pp 2084–6

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 2) 1995 SL No. 267**

notfd gaz 22 September 1995 pp 413–16

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 1) 1997 SL No. 75**

notfd gaz 27 March 1997 pp 1333–6

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 2) 1997 SL No. 115**

notfd gaz 16 May 1997 pp 242–4

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 3) 1997 SL No. 217**

notfd gaz 18 July 1997 pp 1351–2

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 4) 1997 SL No. 401**

notfd gaz 28 November 1997 pp 1408–10

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 1) 1998 SL No. 84**

notfd gaz 17 April 1998 pp 1616–18

pt 3 commenced 1 July 1998 (see s 2 and 1998 SL No. 82)

remaining provisions commenced on date of notification

**Gaming Machine Amendment Regulation (No. 2) 1998 SL No. 211**

notfd gaz 24 July 1998 pp 1491–2

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 3) 1998 SL No. 279**

notfd gaz 16 October 1998 pp 577–8

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 1) 1999 SL No. 102**

notfd gaz 11 June 1999 pp 675–8

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 2) 1999 SL No. 180**

notfd gaz 6 August 1999 pp 1983–4

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 3) 1999 SL No. 196**

notfd gaz 10 September 1999 pp 180–3

commenced on date of notification

**Gaming Machine Amendment Regulation (No. 4) 1999 SL No. 232**

notfd gaz 15 October 1999 pp 630–1

commenced on date of notification

## 7 List of annotations

### Commencement

s 2 om R5 (see RA s 37)

### Repeal

s 3 om R1 (see RA s 40)

### Definitions

prov hdg sub 1995 SL No. 230 s 3

s 4 amd 1992 SL No. 185 s 3(2); 1993 SL No. 418 s 4; 1994 SL No. 407 s 3(2); 1997 SL No. 217 s 3

def “**accounting period**” ins 1995 SL No. 230 s 3

def “**category 1 licensed premises**” ins 1994 SL No. 407 s 3(1)

def “**category 2 licensed premises**” ins 1994 SL No. 407 s 3(1)

def “**gaming cheques**” ins 1995 SL No. 230 s 3

om 1997 SL No. 217 s 3(1)

def “**jackpot payout**” om 1998 SL No. 84 s 10

def “**maintenance service fee**” ins 1997 SL No. 217 s 3(2)

def “**metered net return**” ins 1995 SL No. 230 s 3

om 1997 SL No. 217 s 3(1)

def “**metered turnover**” ins 1995 SL No. 230 s 3

om 1997 SL No. 217 s 3(1)

def “**monitoring fee**” ins 1997 SL No. 217 s 3(2)

def “**monthly deposit account**” ins 1997 SL No. 217 s 3(2)

def “**monthly gaming cheques**” ins 1997 SL No. 217 s 3(2)

def “**monthly gaming deposit**” ins 1995 SL No. 230 s 3

sub 1997 SL No. 217 s 3

def “**monthly rental fee**” ins 1997 SL No. 217 s 3(2)

- def “**monthly reported win**” ins 1997 SL No. 217 s 3(2)
- def “**net return variance**” ins 1995 SL No. 230 s 3  
om 1997 SL No. 217 s 3(1)
- def “**periodic gaming deposit**” ins 1997 SL No. 217 s 3(2)
- def “**reported/banking variance**” ins 1995 SL No. 230 s 3  
om 1997 SL No. 217 s 3(1)
- def “**reported net return**” ins 1995 SL No. 230 s 3  
om 1997 SL No. 217 s 3(1)
- def “**short pay correction payout**” sub 1992 SL No. 185 s 3(1)

**Arrangements for police officers rendering assistance—Act, s 34(1)(a)**  
s 5A ins 1998 SL No. 84 s 4

**Arrangements for supplying information—Act, s 34(1)(b)**  
s 5B ins 1998 SL No. 84 s 4

**Arrangements for taking fingerprints and palm prints—Act, s 34(1)(c)**  
s 5C ins 1998 SL No. 84 s 4

**Maximum number of gaming machines**  
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amd 1997 SL No. 217 s 4

**Supply of gaming equipment by chief executive**  
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s 9 amd 1997 SL No. 217 s 2 sch  
sub 1998 SL No. 84 s 5

**PART 4—LICENSING OF REPAIRERS, SERVICE CONTRACTORS,  
MACHINE MANAGERS AND KEY MONITORING EMPLOYEES**  
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**Installations etc. not subject to s 73 of the Act**  
s 10 amd 1997 SL No. 217 s 6

**Layout of licensed premises**  
s 12 amd 1997 SL No. 217 s 2 sch

**Installation of gaming equipment**  
s 13 amd 1992 SL No. 185 s 4; 1993 SL No. 418 s 5; 1998 SL No. 84 s 6

**Periods when gaming must not be conducted**  
s 13A ins 1993 SL No. 121 s 3

**Calculation of player entitlement**  
s 15 amd 1997 SL No. 217 s 2 sch

**Sharing of jackpot payout**  
s 15A ins 1998 SL No. 84 s 11

**Machine managers to produce licence or identification etc.**  
s 16 amd 1993 SL No. 418 s 6

**Submissions in relation to payments refused**  
s 17 amd 1997 SL No. 217 s 2 sch

**Security of keys**

s 18 amd 1992 SL No. 185 s 5; 1992 SL No. 297 s 4; 1997 SL No. 217 s 2 sch

**Allocation of serial number**

s 22 amd 1997 SL No. 217 s 2 sch

**Broken or removed seals to be forwarded to chief executive**

s 25 amd 1997 SL No. 217 s 2 sch

**Restricted components—Act, s 3**

s 26 sub 1998 SL No. 84 s 7

**Code numbers for approved gaming machine types and games**

s 27 amd 1997 SL No. 217 s 2 sch

**Changes to percentage return to player—Act, s 146A(2)**

s 27A ins 1998 SL No. 84 s 12

**Payments out of approved trust account—Act, s 149(7)(b)**

s 27B ins 1998 SL No. 84 s 12

**Functions to be carried out with money clearances**

s 28 amd 1992 SL No. 185 s 6; 1994 SL No. 407 s 4

**Money clearances**

s 29 amd 1993 SL No. 418 s 7; 1994 SL No. 407 s 5; 1997 SL No. 217 s 2 sch

**Manual payments register**

s 30 amd 1992 SL No. 185 s 7; 1993 SL No. 418 s 8; 1994 SL No. 193 s 3;  
1994 SL No. 407 s 6; 1997 SL No. 217 s 2 sch; 1998 SL No. 279 s 4

**Gaming machine performance record**

s 31 amd 1993 SL No. 418 s 9; 1997 SL No. 217 s 2 sch

**Alterations or obliterations to records**

s 32 amd 1993 SL No. 418 s 10

**Installation, removal and alteration of gaming machines**

s 33 amd 1993 SL No. 418 s 11

**Day prescribed—Act, s 159(1)**

s 34 sub 1995 SL No. 230 s 4

**Licensee prescribed—Act, s 161**

s 34A ins 1998 SL No. 84 s 13

**Monthly gaming machine reconciliation report**

s 35 amd 1993 SL No. 121 s 4; 1995 SL No. 230 s 5; 1997 SL No. 217 s 7

**Meaning of “monthly gaming deposit”**

s 35A ins 1992 SL No. 185 s 8  
amd 1992 SL No. 297 s 5; 1993 SL No. 418 s 12  
sub 1994 SL No. 407 s 7  
amd 1995 SL No. 230 s 6  
sub 1997 SL No. 217 s 8

**Periodic gaming deposits****prov hdg** amd 1992 SL No. 297 s 6(1)**s 35B** ins 1992 SL No. 185 s 8

amd 1992 SL No. 297 s 6(2)–(3); 1993 SL No. 418 s 13; 1994 SL No. 407 s 8; 1995 SL No. 230 s 7

sub 1997 SL No. 217 s 8

**Monthly variances record****s 35C** ins 1997 SL No. 217 s 8

amd 1998 SL No. 84 s 14

**Monthly fees—Act, s 164****s 36** sub 1997 SL No. 217 s 9

amd 1998 SL No. 84 s 8

**Daily rental fees****s 37** amd 1993 SL No. 418 s 14; 1995 SL No. 230 s 8; 1995 SL No. 267 s 3; 1997 SL No. 75 s 3**Day prescribed****s 38** amd 1993 SL No. 418 s 15; 1997 SL No. 217 s 10**Gaming machine tax****s 39** sub 1997 SL No. 75 s 4; 1997 SL No. 217 s 11

amd 1998 SL No. 211 s 3

**Sport and recreation levy****s 40** amd 1997 SL No. 75 s 5

om 1997 SL No. 217 s 12

**Charities and rehabilitation levy****s 41** amd 1993 SL No. 418 s 16; 1997 SL No. 75 s 6

om 1997 SL No. 217 s 12

**Percentage of gaming machine tax payable into gaming machine community benefit fund****s 41A** ins 1993 SL No 418 s 17

sub 1997 SL No. 217 s 13

**Crediting of payments under s 171(1)(b) of the Act****s 43** amd 1993 SL No 418 s 18; 1997 SL No. 217 s 14**Refund applications****s 45** amd 1997 SL No. 217 s 2 sch**Advertising****s 46** amd 1997 SL No. 217 s 2 sch**Prescribed liquor licences—Act, s 3****s 47** ins 1992 SL No. 185 s 9

sub 1994 SL No. 193 s 5; 1995 SL No. 230 s 9

**Approved financiers****s 48** ins 1999 SL No. 232 s 3

**SCHEDULE 1—PRESCRIBED BODIES AND AUTHORITIES**

amd 1992 SL No. 185 s 10; 1993 SL No. 418 s 19; 1995 SL No. 230 s 10

**SCHEDULE 2—CONDITIONS TO WHICH A GAMING MACHINE LICENCE IS SUBJECT**

amd 1992 SL No. 297 s 7; 1993 SL No. 121 s 5; 1993 SL No. 418 s 20;  
1994 SL No. 407 s 9; 1997 SL No. 217 s 15, 2 sch; 1998 SL No. 84 s 9

**SCHEDULE 3—CHIEF EXECUTIVE'S OBLIGATIONS TO A LICENSEE**

**sch hdg** amd 1997 SL No. 217 s 2 sch

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1997 SL No. 401 s 3; 1998 SL No. 279 s 5; 1999 SL No. 102 s 3; 1999  
SL No. 180 s 3; 1999 SL No. 196 s 3