



*Gaming Machine Act 1991*

# **Gaming Machine Regulation 2002**

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Queensland

# Gaming Machine Regulation 2002

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Commencement . . . . .	5
3	Definitions . . . . .	5
4	Meaning of category 1 body corporate . . . . .	5
<b>Part 2</b>	<b>Administration</b>	
6	Arrangements for taking fingerprints—Act, s 366 . . . . .	6
7	Confidentiality of information—Act, s 54 . . . . .	6
<b>Part 3</b>	<b>Gaming machine licences</b>	
8	Significant number of gaming machines—Act, s 55A . . . . .	6
9	Maximum number of gaming machines—Act, ss 60, 64 and 85 . . . . .	7
10	Prescribed conditions of gaming machine licence—Act, s 73 . . . . .	7
<b>Part 3A</b>	<b>Operating authorities for category 1 licensed premises</b>	
10A	Maximum number of operating authorities—Act, s 109A . . . . .	7
10AB	Selling entity and way operating authorities may be sold—Act, s 109B . . . . .	7
10B	Amount to be paid into consolidated fund—Act, s 109E . . . . .	8
10BA	Amount to be paid into consolidated fund during particular period—Act, s 109E . . . . .	8
10C	Working out amount to be paid to licensee—Act, s 109E . . . . .	8
10E	Authority regions—Act, sch 2, definition authority region . . . . .	8
<b>Part 3B</b>	<b>Entitlements for category 2 licensed premises</b>	
10G	Limit on number of entitlements—Act, s 109J . . . . .	9
10H	Application for approval—Act, s 109M . . . . .	9
10I	Application for approval—Act, s 109T . . . . .	9
10J	Sale of entitlements of the State—Act, s 109ZC . . . . .	9
<b>Part 4</b>	<b>Repairers, service contractors, gaming nominees, gaming employees and key monitoring employees</b>	

Contents

---

11	Installation etc. not subject to s 187 of the Act . . . . .	10
11A	Prescribed information for register—Act, s 189A . . . . .	11
11B	Prescribed tasks about the conduct of gaming—Act, s 189A . . . . .	11
12	Gaming duties—Act, sch 2, definition gaming duties . . . . .	12
<b>Part 5</b>	<b>Supervision and management of gaming</b>	
13	Layout of licensed premises . . . . .	12
14	Installation of gaming equipment . . . . .	12
15	Periods when gaming must not be conducted—Act, s 235 . . . . .	13
16	Rules ancillary to gaming—Act, s 236 . . . . .	13
16A	Report about prohibition under order or direction—Act, s 261K . . . . .	13
17	Calculation of player entitlement—Act, s 241 . . . . .	14
17A	Way licensed monitoring operator must make required payment for gaming—Act, s 242 . . . . .	15
18	Sharing of jackpot payout . . . . .	15
19	Requirements for identity card—Act, s 194 . . . . .	16
20	Submission and report about payments refused . . . . .	17
21	Way submission under s 20 is to be dealt with . . . . .	17
22	Designated departmental account for unclaimed payments—Act, s 242A . . . . .	19
23	Review of decisions—Act, s 248 . . . . .	19
24	Request to review a review decision—Act, s 248 . . . . .	20
25	Request to review payout refusal decision—Act, s 248 . . . . .	21
26	Security of keys . . . . .	23
27	Security of locks and doors of gaming machines . . . . .	23
28	Services for persons experiencing harm from gambling . . . . .	24
<b>Part 6</b>	<b>Control of gaming machines</b>	
29	Approval of premises—Act, s 266, 267 or 267A . . . . .	24
30	Serial numbers for gaming machines . . . . .	25
31	Identification plate to be attached . . . . .	26
32	Disconnection by licensed repairer of gaming machine from electronic monitoring system . . . . .	26
33	Restricted components—Act, sch 2, definition restricted component . . . . .	27
34	Code numbers for approved gaming machine types and games . . . . .	27
35	Change to percentage return to players—Act, s 283 . . . . .	27
36	Payments out of approved trust account—Act, s 287 . . . . .	27
<b>Part 7</b>	<b>Accounting procedures</b>	
37	Functions to be carried out with monthly money clearance—Act, s 295 . . . . .	

	28	
38	Functions to be carried out with weekly money clearance—Act, s 296	
	29	
39	General requirements for money clearances . . . . .	30
40	Requirements for money clearance of centralised credit system—Act, s 297 . . . . .	30
40A	Requirements for money clearance of TITO system—Act, s 297	31
41	Manual payments register . . . . .	32
42	Gaming machine performance record . . . . .	33
43	Change to records . . . . .	34
44	Installation, removal and alteration of gaming machines . . . . .	35
45	Prescribed day—Act, s 299 . . . . .	36
46	Number of gaming machines—community benefit statement required—Act, s 305 . . . . .	36
46A	Prescribed amount for approved benefits—Act, s 305 . . . . .	36
47	Monthly gaming deposit . . . . .	36
48	Periodic gaming deposits . . . . .	37
49	Monthly variances record . . . . .	39
<b>Part 8</b>	<b>Taxes, levies and fees</b>	
50	Prescribed day—Act, ss 312, 316B, 317, 319 and 323 . . . . .	42
51	Gaming machine tax—Act, s 312 . . . . .	43
53	Percentage of health services levy—Act, s 316B . . . . .	43
54	Penalty for late payment—Act, s 319 . . . . .	44
55	Crediting of payments—Act, s 319 . . . . .	44
56	Fees . . . . .	45
56AA	Rounding of amounts expressed as numbers of fee units . . . . .	45
56A	Fee for particular investigations . . . . .	46
56B	How fee for investigation must be paid . . . . .	47
<b>Part 9</b>	<b>General</b>	
57A	Approved responsible service of gambling course—Act, sch 2, definition approved responsible service of gambling course . . . . .	48
57	Prescribed liquor licences—Act, sch 2, definition prescribed liquor licence . . . . .	49
58	Approved financiers—Act, sch 2, definition approved financier . . . . .	49
59	Testing by commissioner—Act, ss 232, 281 and 288 . . . . .	50
<b>Part 10</b>	<b>Repeal</b>	
60	Repeal . . . . .	50

Contents

---

<b>Schedule 1</b>	<b>Entities</b> .....	51
<b>Schedule 2</b>	<b>Prescribed conditions of gaming machine licence</b> .....	54
<b>Part 1</b>	<b>General conditions</b>	
1	Compliance program .....	54
2	Keeping documents .....	54
3	Licensee to ensure particular persons have adequate skills . . . .	54
4	Licensee to make arrangement with commissioner .....	54
5	Licensee to repay costs .....	55
<b>Part 2</b>	<b>Condition about prescribed standards</b>	
6	Licensee to comply with prescribed standards .....	55
<b>Part 3</b>	<b>Conditions about licensed premises</b>	
7	Gaming equipment .....	56
8	Automatic teller and electronic funds transfer machines .....	56
9	Signage or promotions .....	57
<b>Part 4</b>	<b>Conditions about gaming machines and related equipment</b>	
10	Maintenance of gaming machines and certain related equipment	57
<b>Schedule 3</b>	<b>Rules ancillary to gaming</b> .....	59
<b>Schedule 4</b>	<b>Restricted components</b> .....	62
<b>Schedule 5</b>	<b>Fees</b> .....	63
<b>Schedule 6</b>	<b>Prescribed liquor licences</b> .....	69
<b>Schedule 7</b>	<b>Dictionary</b> .....	70

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# Gaming Machine Regulation 2002

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Gaming Machine Regulation 2002*.

### 2 Commencement

This regulation commences on 1 December 2002.

### 3 Definitions

The dictionary in schedule 7 defines particular words used in this regulation.

### 4 Meaning of *category 1 body corporate*

A body corporate is a *category 1 body corporate* if—

- (a) not more than 5% of its voting shares are held, directly or indirectly, by a person who is not ordinarily resident in Australia; and
- (b) either—
  - (i) the body corporate is not related to another body corporate and its net tangible assets amount to less than \$1,000,000; or
  - (ii) the combined net tangible assets of the body corporate and all other bodies corporate related to it amount to less than \$1,000,000.

## **Part 2 Administration**

### **6 Arrangements for taking fingerprints—Act, s 366**

- (1) This section applies to an applicant for any of the following licences—
  - (a) a gaming machine licence;
  - (b) a gaming nominee’s licence;
  - (c) a key monitoring employee’s licence;
  - (d) a repairer’s licence;
  - (e) a service contractor’s licence.
- (2) The commissioner may, for section 57(4) or 200(6) of the Act, arrange with a police officer to have fingerprints of the applicant taken on terms agreed between the commissioner and the police officer, including, for example, terms about payment of the cost of taking the fingerprints.

### **7 Confidentiality of information—Act, s 54**

The entities prescribed for section 54(7)(a) of the Act are stated in schedule 1.

## **Part 3 Gaming machine licences**

### **8 Significant number of gaming machines—Act, s 55A**

For section 55A(1)(c) of the Act, a significant number for an increase in gaming machines is—

- (a) for category 1 licensed premises—10 or more; and
- (b) for category 2 licensed premises—20 or more.



**9 Maximum number of gaming machines—Act, ss 60, 64 and 85**

- (1) For sections 60(4)(b) and (5)(b)(i), 64(4)(b)(i) and 85(3) and (4)(a) of the Act, the maximum number is—
  - (a) for category 1 licensed premises—45; and
  - (b) for category 2 licensed premises—300.
- (2) For sections 60(5)(b)(ii), 64(4)(b)(ii) and 85(4)(b) of the Act, the maximum number in total is—
  - (a) if the licensee has one additional premises—600; or
  - (b) if the licensee has two or more additional premises—700.

**10 Prescribed conditions of gaming machine licence—Act, s 73**

For section 73(1)(a) of the Act, the prescribed conditions are stated in schedule 2.

## **Part 3A Operating authorities for category 1 licensed premises**

**10A Maximum number of operating authorities—Act, s 109A**

For section 109A(1) of the Act, the prescribed number is 19,500.

**10AB Selling entity and way operating authorities may be sold—Act, s 109B**

For section 109B of the Act—

- (a) the selling entity is The Public Trustee of Queensland under the *Public Trustee Act 1978*, section 8; and
- (b) the way is by a competitive tender process.

**10B Amount to be paid into consolidated fund—Act, s 109E**

- (1) For section 109E(4) of the Act, the prescribed percentage is 33%.
- (2) This section is subject to section 10BA.

**10BA Amount to be paid into consolidated fund during particular period—Act, s 109E**

- (1) This section applies for the period of 3 years starting on the commencement of this section.
- (2) For section 109E(4) of the Act, the prescribed percentage is 15%.
- (3) This section and section 10B(2) expire on the day that is 3 years after the day they commence.

**10C Working out amount to be paid to licensee—Act, s 109E**

- (1) This section provides for how the balance to be paid to a licensee, under section 109E(2)(b) of the Act, is to be worked out.
- (2) The selling entity for the sale must work out an average sale price (the *average price*) for each operating authority sold by dividing the total amount received for all the operating authorities sold by the total number of operating authorities sold.
- (3) For each operating authority sold for a licensee at the sale, the licensee must be paid an amount equal to the average price less the amount payable under section 109E(2)(a) of the Act into the consolidated fund for the sale of the operating authority.

**10E Authority regions—Act, sch 2, definition *authority region***

For schedule 2 of the Act, definition *authority region*, each of the following is an authority region—

- (a) the coastal region;

- (b) the south-east region;
- (c) the western region.

## **Part 3B Entitlements for category 2 licensed premises**

### **10G Limit on number of entitlements—Act, s 109J**

For section 109J(1) of the Act, the prescribed maximum number of entitlements is 24,705.

### **10H Application for approval—Act, s 109M**

For section 109M(3)(b)(i) of the Act, the prescribed details of the transfer accompanying an application for an approval of a transfer of entitlements are the details of the consideration for the transfer.

### **10I Application for approval—Act, s 109T**

For section 109T(3)(c)(i) of the Act, the prescribed details of the transfer accompanying an application for an approval of a transfer of entitlements are—

- (a) the period of the transfer; and
- (b) the details of the consideration for the transfer.

### **10J Sale of entitlements of the State—Act, s 109ZC**

For section 109ZC of the Act—

- (a) the entitlement selling entity is The Public Trustee of Queensland under the *Public Trustee Act 1978*, section 8; and
- (b) the way is by a competitive tender process.

## **Part 4**

# **Repairers, service contractors, gaming nominees, gaming employees and key monitoring employees**

### **11 Installation etc. not subject to s 187 of the Act**

For section 187(3) of the Act, the following are prescribed—

- (a) installation of an electronic monitoring system if the installation is by the commissioner or a licensed monitoring operator;
- (b) 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 the 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 console doors;
- (e) installation, alteration, adjustment, maintenance or repair of hinges of gaming machine console doors;
- (f) adjustment of the device regulating the level of the contents of a gaming machine's 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 gaming tokens jammed in a gaming machine;
- (i) repair by resetting minor fault conditions of a gaming machine.

### **11A Prescribed information for register—Act, s 189A**

For section 189A(5)(a) of the Act, the following information is prescribed about current responsible service of gambling course certificates held by persons carrying out gaming duties or gaming tasks on licensed premises—

- (a) the name of each person at the licensed premises who holds a responsible service of gambling course certificate;
- (b) the date each person commenced carrying out gaming duties or gaming tasks on the licensed premises;
- (c) the date each person was issued a responsible gambling course certificate.

### **11B Prescribed tasks about the conduct of gaming—Act, s 189A**

(1) For section 189A(6) of the Act, definition *gaming tasks*, the prescribed tasks are any of the following tasks carried out for a licensee—

- (a) preparing a self-exclusion order;
  - (b) preparing an exclusion direction;
  - (c) preparing a revocation notice under section 261F(5) of the Act;
  - (d) making an entry in the register required to be kept by the licensee under section 261J(1) of the Act;
  - (e) preparing a report required to be given by the licensee under section 16A.
- (2) To remove any doubt, it is declared that a task mentioned in subsection (1) is not prescribed for this section if the task—
- (a) is carried out by a licensee who is an individual; and
  - (b) relates to performing a function of the licensee for section 261A, 261C, 261F, 261J or 261K of the Act.

## **12 Gaming duties—Act, sch 2, definition *gaming duties***

For schedule 2 of the Act, definition *gaming duties*, the prescribed duties are the following—

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

# **Part 5 Supervision and management of gaming**

## **13 Layout of licensed premises**

A licensee must ensure the layout of the licensee's licensed premises allows the licensee or an employee of the licensee to continuously supervise, from a place in the licensed premises where the licensee or employee would normally carry out the licensee's or employee's duties, each gaming machine that is available for gaming.

Maximum penalty—20 penalty units.

## **14 Installation of gaming equipment**

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

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

Maximum penalty—20 penalty units.

## **15 Periods when gaming must not be conducted—Act, s 235**

For section 235(1)(c) of the Act, the following periods are prescribed—

- (a) for Anzac Day—before 1p.m.;
- (b) for Good Friday—all day;
- (c) for Christmas Day—all day;
- (d) for any other day—before 10a.m., other than to the extent of any part of the period, that is part of the licensee’s hours of gaming fixed for the licensee’s licensed premises by the commissioner, that started on the previous day.

## **16 Rules ancillary to gaming—Act, s 236**

For section 236(2) of the Act, the prescribed rules ancillary to gaming are stated in schedule 3.

## **16A Report about prohibition under order or direction—Act, s 261K**

- (1) A licensee must give the commissioner a report about the prohibition of persons from entering or remaining in the licensee’s licensed premises, or a gaming machine area on the licensed premises, under a self-exclusion order or an exclusion direction—
  - (a) within 14 days after 31 December in each year; and

- (b) within 14 days after—
  - (i) 30 June 2006; and
  - (ii) 30 June in each later year.
- (2) Subsection (3) applies if a person enters or remains in a licensee's licensed premises or a gaming machine area on the licensed premises in contravention of a self-exclusion order or an exclusion direction.
- (3) The licensee must, within 7 days after the contravention, give a report to the commissioner about the prohibition of the person from entering or remaining in the licensed premises, or a gaming machine area on the licensed premises, under the self-exclusion order or exclusion direction.

## 17 Calculation of player entitlement—Act, s 241

- (1) For section 241(2)(a) of the Act, the amount a player is entitled to receive because of the playing of a gaming machine is the amount calculated using the formula—

$$PE = GMC + W - GMCB$$

- (2) An entitlement under this section includes gaming machine credits stolen before the licensee makes payment for the gaming machine credits only if—
  - (a) the player exercises reasonable control over the credits; and
  - (b) the licensee, by act or omission, contributes to the stealing.
- (3) In this section—

**GMC** means the player's gaming machine credits for the gaming machine registered on the gaming machine by—

  - (a) gaming tokens inserted into the gaming machine; or
  - (b) gaming machine credits transferred to the gaming machine by a centralised credit system.



**GMCB** means the player's gaming machine credits bet by the player on the gaming machine.

**PE** means the amount a player is entitled to receive.

**W** means the player's winnings on the gaming machine.

### **17A Way licensed monitoring operator must make required payment for gaming—Act, s 242**

- (1) For section 242(2)(b) of the Act, a licensed monitoring operator must make the payment using a cheque or electronic funds transfer.
- (2) Subsection (3) applies if—
  - (a) the payment is a jackpot payout to which a player becomes entitled in a licensed premises; and
  - (b) the licensed monitoring operator makes the payment using electronic funds transfer.
- (3) The licensed monitoring operator must make the electronic funds transfer in a way that the amount transferred is not available to the player until after the gaming period for the licensed premises ends.

### **18 Sharing of jackpot payout**

- (1) This section applies if more than 1 player of a gaming machine linked with other gaming machines under a linked jackpot arrangement is eligible to receive payment of a share of the amount displayed on the progressive jackpot prize meter for the arrangement.
- (2) Each player (an *eligible player*) is eligible to receive payment of a share 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) 1 or more players obtain the winning result and—
    - (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) a player (an *eligible player*) completes a bet mentioned in subparagraph (i) and obtains a winning result as a result of the bet before the amount displayed on the progressive jackpot prize meter for the arrangement changes to a lesser amount.
- (3) Each eligible player is entitled to receive payment of an amount (the *shared jackpot amount*) calculated using the formula—

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

- (4) In this section—

*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 the linked jackpot arrangement.

*SJA* means the shared jackpot amount.

## 19 Requirements for identity card—Act, s 194

For section 194(2) of the Act, an identity card must—

- (a) state the name of the person to whom the card is given; and
- (b) identify the person as a nominee of a licensee for premises under section 193(3) or (4) of the Act; and
- (c) identify the premises; and

- (d) be easily legible; and
- (e) contain a copy of the person's signature.

## **20 Submission and report about payments refused**

- (1) A gaming employee who refuses to make a payment to a person under schedule 3, item 5 must advise the person that he or she may make a written submission to the commissioner about the refusal within 10 days after the day of the refusal and how the submission may be made.
- (2) A submission mentioned in subsection (1) must—
  - (a) state the full name and address of the person making the submission; and
  - (b) identify the licensed premises and gaming machine to which the submission relates; and
  - (c) state the name of the gaming employee who refused the payment; and
  - (d) state the time and date of the refusal; and
  - (e) contain a description of the events relating to the refusal.
- (3) As soon as practicable after refusing the payment, the gaming employee must give a copy of the report mentioned in schedule 3, item 6 to the licensee of the licensed premises to which the submission relates.

## **21 Way submission under s 20 is to be dealt with**

- (1) This section states the way the commissioner must deal with a submission, made by a person (the *claimant*) under section 20, about a refusal by a gaming employee to make a payment under schedule 3, item 5 (the *original decision*).
- (2) The commissioner must either review, or refuse to review, the original decision.
- (3) The commissioner may refuse to review the original decision only if—

- (a) the submission was not made within 10 days after the original decision; or
  - (b) the commissioner considers the submission was not made in good faith or is frivolous.
- (4) If the commissioner decides to refuse to review the original decision, the commissioner must—
- (a) give written notice of the commissioner’s decision to—
    - (i) the licensee (the *involved licensee*) of the licensed premises where the original decision was made; and
    - (ii) the claimant; and
  - (b) give the claimant a written notice stating the reasons for the commissioner’s decision.
- (5) If the commissioner decides to review the original decision, the commissioner must—
- (a) give the involved licensee a copy of the claimant’s submission; and
  - (b) by written notice given to the involved licensee invite the involved licensee to make a written submission to the commissioner about the original decision within 1 month after receiving the notice (the *submission period*).
- (6) The commissioner may—
- (a) cause an investigation to be made about any matter the commissioner considers is relevant to the review; and
  - (b) ask for a report of the investigation to be given to the commissioner.
- (7) As soon as practicable after the end of the submission period, the commissioner must—
- (a) consider all written submissions made before the end of the submission period by the involved licensee and claimant; and

- 
- (b) consider a report given to the commissioner under subsection (6); and
  - (c) make a decision about the review; and
  - (d) give the involved licensee and claimant a written notice stating the decision and the reasons for the decision.
- (8) Nothing in section 20 or this section affects or prejudices any other right or remedy of a person affected by a refusal by a gaming employee to make or allow a payment under schedule 3, item 5.

## **22 Designated departmental account for unclaimed payments—Act, s 242A**

For section 242A(5) of the Act, definition *designated departmental account*, the Department of Justice and Attorney-General OLGR No 2 Account is designated as the account.

## **23 Review of decisions—Act, s 248**

- (1) For section 248(4)(a) of the Act, a request must be made—
- (a) if section 248 applies because of section 248(1)(a)—within 10 days after the claimant receives the notice; or
  - (b) if section 248 applies because of section 248(1)(b)—within 10 days after the day that is 1 month after the claimant asked for a review of the decision under section 246 of the Act.
- (2) Also, the request must—
- (a) be written; and
  - (b) state the full name and address of the claimant; and
  - (c) for a request made—
    - (i) under section 248(2)—identify the licensed premises where the relevant payout refusal decision was made; or

- (ii) under section 248(3)—identify the licensed premises where the payout refusal decision was made; and
- (d) identify the gaming machine in relation to which the decision was made; and
- (e) state the date and time of the decision; and
- (f) state the grounds for seeking a review of the decision.

## **24 Request to review a review decision—Act, s 248**

- (1) This section prescribes, for section 248(4)(b) of the Act, the way the commissioner must deal with a request, made by a claimant under section 248(2) of the Act, to review a review decision of an involved licensed monitoring operator.
- (2) The commissioner must either review, or refuse to review, the review decision.
- (3) The commissioner may refuse to review the review decision only if—
  - (a) the request was not made within the time stated in section 23(1)(a); or
  - (b) the commissioner considers the request was not made in good faith or is frivolous.
- (4) If the commissioner decides to refuse to review the review decision, the commissioner must—
  - (a) give written notice of the commissioner’s decision to the involved licensed monitoring operator and claimant; and
  - (b) give the claimant a written notice stating the reasons for the commissioner’s decision.
- (5) If the commissioner decides to review the review decision, the commissioner must—
  - (a) give the involved licensed monitoring operator a copy of the claimant’s request; and
  - (b) by written notice given to the involved licensed monitoring operator invite the involved licensed

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monitoring operator to make a written submission to the commissioner about the involved licensed monitoring operator's decision within 1 month after receiving the notice (the *submission period*).

- (6) The commissioner may—
  - (a) cause an investigation to be made about any matter the commissioner considers is relevant to the review; and
  - (b) ask for a report of the investigation to be given to the commissioner.
- (7) As soon as practicable after the end of the submission period, the commissioner must—
  - (a) consider all written submissions made before the end of the submission period by the involved licensee and claimant; and
  - (b) consider a report given to the commissioner under subsection (6)(b); and
  - (c) make a decision about the review; and
  - (d) give a written notice stating the decision and the reasons for the decision to—
    - (i) the licensee of the licensed premises where the relevant payout refusal decision was made; and
    - (ii) the involved licensed monitoring operator; and
    - (iii) the claimant.

## **25 Request to review payout refusal decision—Act, s 248**

- (1) This section prescribes, for section 248(4)(b) of the Act, the way in which the commissioner must deal with a request, made by a claimant under section 248(3) of the Act, to review a payout refusal decision of a gaming employee.
- (2) The commissioner must either review, or refuse to review, the payout refusal decision.
- (3) The commissioner may refuse to review the payout refusal decision only if—

- (a) the request was not made within the time stated in section 23(1)(b); or
  - (b) the commissioner considers the request was not made in good faith or is frivolous.
- (4) If the commissioner decides to refuse to review the payout refusal decision, the commissioner must—
- (a) give written notice of the commissioner’s decision to—
    - (i) the involved licensed monitoring operator for the payout refusal decision; and
    - (ii) the claimant; and
  - (b) give the claimant a written notice stating the reasons for the commissioner’s decision.
- (5) If the commissioner decides to review the payout refusal decision, the commissioner must—
- (a) give the involved licensed monitoring operator a copy of the claimant’s request; and
  - (b) by written notice given to the involved licensed monitoring operator invite the involved licensed monitoring operator to make a written submission to the commissioner about the gaming employee’s decision within 1 month after receiving the notice (the ***submission period***).
- (6) The commissioner may—
- (a) cause an investigation to be made about any matter the commissioner considers is relevant to the review; and
  - (b) ask for a report of the investigation to be given to the commissioner.
- (7) As soon as practicable after the end of the submission period, the commissioner must—
- (a) consider all written submissions made before the end of the submission period by the involved licensee and claimant; and



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- (b) consider a report given to the commissioner under subsection (6)(b); and
  - (c) make a decision about the review; and
  - (d) give a written notice stating the decision and the reasons for the decision to—
    - (i) the licensee of the licensed premises where the payout refusal decision was made; and
    - (ii) the involved licensed monitoring operator; and
    - (iii) the claimant.

## 26 Security of keys

- (1) A licensee must ensure a person, other than a person mentioned in section 252(e) to (k) of the Act, does not have possession of a key related to the security of gaming equipment (a *secure key*) on the licensee's licensed premises.

Maximum penalty—20 penalty units.

- (2) A person who is not an inspector may have possession of a secure key only—
  - (a) if the person has the key—
    - (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 commissioner.

Maximum penalty—20 penalty units.

- (3) A person who has possession of a secure key must keep the key on his or her person.

Maximum penalty—20 penalty units.

## 27 Security of locks and doors of gaming machines

- (1) This section applies to a person who unlocks a lock on, or opens a door of, a gaming machine on licensed premises.

[s 28]

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- (2) The person must lock the lock or securely close the door—
  - (a) before leaving the gaming machine; and
  - (b) on completion of the purpose for which the lock was unlocked or the door was opened.

Maximum penalty—20 penalty units.

## **28 Services for persons experiencing harm from gambling**

- (1) A licensee must display, under this section, a sign advertising services available to help persons experiencing, or at risk of experiencing, harm from gambling.

Maximum penalty—20 penalty units.

- (2) The sign must be displayed in a conspicuous position at each place on the licensee's licensed premises where either of the following is carried out—
  - (a) the sale or redemption of gaming tokens;
  - (b) a transaction for a centralised credit system.

# **Part 6 Control of gaming machines**

## **29 Approval of premises—Act, s 266, 267 or 267A**

- (1) For section 266(2), 267(2A) or 267A(3) of the Act, an application for approval of premises for a licensed monitoring operator, licensed major dealer or licensed testing facility operator must—
  - (a) be in writing; and
  - (b) be signed by the licensed monitoring operator, licensed major dealer or licensed testing facility operator or a person authorised by the licensed monitoring operator, licensed major dealer or licensed testing facility operator; and
  - (c) contain the full name and business address of the licensed monitoring operator, licensed major dealer or

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licensed testing facility operator and the address of the premises.

- (2) Also, an application must be accompanied by—
- (a) a plan that clearly shows how each part of the premises is to be used; and
  - (b) particulars of all security and surveillance facilities installed on the premises; and
  - (c) a description and diagrams of the systems to be used by the licensed monitoring operator, licensed major dealer or licensed testing facility operator—
    - (i) for the security, storage and recording of gaming machines and restricted components; and
    - (ii) for the use and maintenance of security and surveillance facilities on the premises.

### **30 Serial numbers for gaming machines**

- (1) A licensed major dealer must give a serial number to each gaming machine—
- (a) manufactured by the dealer; or
  - (b) if the gaming machine does not already have an identification plate attached under section 31—obtained by the dealer.

Maximum penalty—20 penalty units.

- (2) The dealer must ensure the serial number given under subsection (1)—
- (a) is within a sequence of numbers approved by the commissioner for use by the licensed major dealer; and
  - (b) has not previously been given to another gaming machine manufactured or obtained by the licensed major dealer.

Maximum penalty—20 penalty units.

### **31 Identification plate to be attached**

- (1) A licensed major dealer must attach an identification plate to each gaming machine—
- (a) manufactured by the dealer; or
  - (b) if the gaming machine does not already have an identification plate attached under this section—obtained by the dealer.

Maximum penalty—20 penalty units.

- (2) The dealer must ensure the identification plate—
- (a) is securely attached on a side of the gaming machine—
    - (i) during the process of manufacture of the gaming machine; or
    - (ii) as soon as the dealer obtains the gaming machine; and
  - (b) is made of durable material; and
  - (c) clearly displays in the English language—
    - (i) the name of the licensed major dealer that attached the identification plate; and
    - (ii) the year the gaming machine was manufactured or obtained; and
    - (iii) the licensed major dealer's serial number given to the gaming machine under section 30.

Maximum penalty—20 penalty units.

### **32 Disconnection by licensed repairer of gaming machine from electronic monitoring system**

A licensed repairer who disconnects a gaming machine with a progressive jackpot prize meter from an electronic monitoring system must, within 14 days after the disconnection, give the commissioner, in the approved form, details of the amounts displayed on the meter immediately before the disconnection.

Maximum penalty—20 penalty units.

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**33 Restricted components—Act, sch 2, definition *restricted component***

For schedule 2 of the Act, definition *restricted component*, each component stated in schedule 4 is prescribed as a restricted component.

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

The commissioner may give a code number to each gaming machine type, and each game, approved by the commissioner under section 281(7) of the Act.

**35 Change to percentage return to players—Act, s 283**

For section 283(3) of the Act, the period prescribed is—

- (a) the period of 1 month starting when the percentage return to players is last changed under section 283(1) of the Act; or
- (b) a period less than 1 month approved in writing by the commissioner for a particular change to be made at a particular time to a particular game.

**36 Payments out of approved trust account—Act, s 287**

For section 287(7)(b) of the Act, the amounts to be paid out of the approved trust account are—

- (a) if a gaming machine on which a winning result is obtained is linked with other gaming machines under a multiple site linked jackpot arrangement—the jackpot payout for the winning result; and
- (b) amounts, other than multiple site jackpot increments, paid into the account by the operator to ensure the account has enough funds for jackpot payouts for a winning result; and



- (d) the total monetary value of cancelled credits; and
  - (e) the total monetary value of bets (turnover); and
  - (f) the total monetary value of wide area jackpots; and
  - (g) if the gaming machine has a progressive jackpot prize meter—the total monetary value of jackpot payouts; and
  - (h) the total monetary value of cashless in; and
  - (i) the total monetary value of cashless out; and
  - (j) the total monetary value of ticket in; and
  - (k) the total monetary value of ticket out; and
  - (l) the total monetary value of jackpot credits.
- (3) In this section—

***wide area jackpot*** means a jackpot payout paid by a licensed monitoring operator to a player for a winning result or promotions on a gaming machine that is part of a multiple site linked jackpot arrangement operated by the licensed monitoring operator.

### **38 Functions to be carried out with weekly money clearance—Act, s 296**

For section 296(4) of the Act, the prescribed functions are—

- (a) to ensure no gaming machine credits are registered by the gaming machine while the weekly money clearance is being carried out; and
- (b) for a category 2 licensee who, under section 48, makes a periodic gaming deposit calculated using the win periodic method—to ensure a record of the value of the contents of the hopper is made in the gaming machine performance record; and
- (c) for a licensee who has a centralised credit system installed on the licensee’s licensed premises—to ensure a record is made of the amounts displayed on the following electronic RAM meters for the centralised credit system—

- (i) the total monetary value of cashless in;
- (ii) the total monetary value of cashless out;
- (iii) the total monetary value of jackpot credits; and
- (d) for a licensee who has a TITO system installed on the licensee's licensed premises—to ensure a record is made of the amounts displayed on the following electronic RAM meters for the TITO system—
  - (i) the total monetary value of ticket in;
  - (ii) the total monetary value of ticket out.

### **39 General requirements for money clearances**

- (1) A licensee must ensure a gaming employee is present when a money clearance is carried out.  
Maximum penalty—20 penalty units.
- (2) A licensee must keep a cash clearances report in the approved form for each of the licensee's licensed premises.  
Maximum penalty—20 penalty units.
- (3) The licensee must ensure the cash clearances report is completed immediately after a money clearance.  
Maximum penalty—20 penalty units.

### **40 Requirements for money clearance of centralised credit system—Act, s 297**

- (1) For section 297(3) of the Act, the amount to be deducted for a money clearance of a centralised credit system is the amount (the *net cashless amount*) calculated using the formula—

$$\text{NCA} = \text{TCI} - \text{TCO} - \text{TJC}$$

- (2) To carry out a money clearance of a centralised credit system, a licensee must keep a float to enable the net cashless amount to be deducted.



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Maximum penalty—20 penalty units.

- (3) In this section—

*NCA* means the net cashless amount for a clearance period.

*TCI* means the total monetary amount of gaming machine credits, for the clearance period, shown on the cashless in meters for the licensee's gaming machines.

*TCO* means the total monetary amount of gaming machine credits, for the clearance period, shown on the cashless out meters for the licensee's gaming machines.

*TJC* means the total monetary amount of gaming machine credits, for the clearance period, shown on the jackpot credit meters for the licensee's gaming machines.

#### **40A Requirements for money clearance of TITO system—Act, s 297**

- (1) For section 297(3) of the Act, the amount to be deducted for a money clearance of a TITO system is the amount (the *net ticket amount*) calculated using the formula—

$$NTA = TTI - TTO - TJC$$

- (2) To carry out a money clearance of a TITO system, a licensee must keep a float to enable the net ticket amount to be deducted.

Maximum penalty—20 penalty units.

- (3) In this section—

*NTA* means the net ticket amount for a clearance period.

*TJC* means the total monetary amount of gaming machine credits, for the clearance period, shown on the jackpot credit meters for the licensee's gaming machines.

*TTI* means the total monetary amount of gaming machine credits, for the clearance period, shown on the ticket in meters for the licensee's gaming machines.

**TTO** means the total monetary amount of gaming machine credits, for the clearance period, shown on the ticket out meters for the licensee's gaming machines.

#### **41 Manual payments register**

- (1) A licensee must keep a manual payments register in the approved form for each of the licensee's licensed premises.

Maximum penalty—20 penalty units.

- (2) Subsection (3) applies to a payout of \$500 or less if equipment ancillary to the electronic monitoring system for the licensed premises dispenses a printout for a payout stating each of the following matters—

- (a) the date and time of the payout;
- (b) the machine identification number of the gaming machine;
- (c) the licensee's identification number of the gaming machine;
- (d) whether it is a short pay correction payout, hopper fill, hand-paid jackpot payout or cancelled credit;
- (e) for a cancelled credit—the betting unit and the number of gaming machine credits displayed on the credit meter;
- (f) the amount of the payout.

- (3) The licensee is not required to record in the manual payments register the licence number and signature, or name and signature, of a second person who certifies that he or she observed—

- (a) for a cancelled credit—the number of gaming machine credits displayed on the credit meter; or
- (b) for a hand-paid jackpot payout—the winning combination of symbols; or
- (c) for a hopper fill—the hopper fill take place; or

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- (d) for a short pay correction payout—the short pay correction payout take place.
- (4) A licensee must ensure—
- (a) a hopper fill is performed only when a hopper is empty; and
  - (b) the exact number of gaming tokens decided by the commissioner for the version of the software for the game of the gaming machine are placed in the hopper when a hopper fill is performed; 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; and
  - (d) for a payout over \$500—the licence number and signature of a gaming employee for the licensee's licensed premises is recorded in the manual payments register as the person who made or observed the payout.

Maximum penalty—20 penalty units.

- (5) A licensee must ensure records are made in the manual payments register immediately after each short pay correction payout, hopper fill, hand-paid jackpot payout or cancelled credit is performed.

Maximum penalty—20 penalty units.

## **42 Gaming machine performance record**

- (1) A licensee must keep a gaming machine performance record in the approved form for each gaming machine connected to an electronic monitoring system.

Maximum penalty—20 penalty units.

- (2) A licensee must ensure 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

[s 43]

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- (ii) if the gaming machine is in a licensed premises that does not use an accounting package—of the completion of an alteration of the gaming machine to make 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 commissioner; or
  - (ii) of the completion of an alteration of the gaming machine to make 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 an act mentioned in paragraph (a).

Maximum penalty—20 penalty units.

- (3) A licensee must complete a gaming machine performance record for a gaming machine immediately after undertaking a money clearance of the machine.

Maximum penalty—20 penalty units.

### **43 Change to records**

- (1) Subject to subsection (2), a person must not change or obliterate an entry in a manual payments register or cash clearances report.

Maximum penalty—20 penalty units.

- (2) A person may change an entry mentioned in subsection (1) to correct an error in the entry.
- (3) The change must be made by means of—

- (a) a single line through the part of the entry that is incorrect; and
- (b) insertion of the correct information; and
- (c) a marginal note or footnote, on the same page that must include—
  - (i) the licence number and signature of the person who made the change, or if the person is unlicensed, the person's name and signature; and
  - (ii) the date of the change.

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

- (1) A licensee must ensure a money clearance is carried out on a gaming machine immediately before the gaming machine—
  - (a) if the gaming machine is in a licensed premises that does not use an accounting package—is altered to change the game, the gaming token denomination or the betting unit of the gaming machine; or
  - (b) is stored on premises approved under section 225(2)(a) of the Act; or
  - (c) is removed from the licensee's licensed premises.

Maximum penalty—20 penalty units.

- (2) A licensee must ensure a record of the amounts displayed on the meters mentioned in section 37(1)(c)(ii) is made in the gaming machine performance record for a gaming machine when—
  - (a) the gaming machine is installed; or
  - (b) if the gaming machine is in a licensed premises that does not use an accounting package—the gaming machine is altered to change the game, the gaming token denomination or the betting unit of the gaming machine.

Maximum penalty—20 penalty units.

**45 Prescribed day—Act, s 299**

For section 299(1) of the Act, the prescribed day is the sixth day.

**46 Number of gaming machines—community benefit statement required—Act, s 305**

For section 305(1)(f) of the Act, the number of gaming machines is 50.

**46A Prescribed amount for approved benefits—Act, s 305**

For section 305(7) of the Act, the amount is \$1,000.

**47 Monthly gaming deposit**

- (1) A licensee of category 2 licensed premises must calculate the *monthly gaming deposit* for each accounting period.

Maximum penalty—20 penalty units.

- (2) The licensee may calculate the monthly gaming deposit under either the standard method or the win method.
- (3) However, the commissioner may direct a licensee who has incorrectly calculated a monthly gaming deposit under the win method to calculate monthly gaming deposits under the standard method.
- (4) Under the standard method, the amount of the monthly gaming deposit is calculated using the formula—

$$D = TC - NMP$$

- (5) Under the win method, the amount of the monthly gaming deposit is calculated using the formula—

$$D = RW + MGC$$

- (6) In this section—

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

**MGC** 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.

**NMP**, for an accounting period for a licensee, means the total monetary amount of all cancelled credits, hand-paid 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.

**RW** means the reported win for the relevant accounting period.

**TC**, 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.

## 48 Periodic gaming deposits

- (1) A category 2 licensee must, 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—
  - (a) if no period is decided under paragraph (b)—2 business days after the end of the clearance period; or
  - (b) a period, more than 2 days after the end of the clearance period, decided by the commissioner.
- (3) The commissioner may decide a period under subsection (2)(b) for a particular licensee only if the commissioner considers it is appropriate to make the decision having regard to—

[s 48]

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- (a) the remote location of the licensee's licensed premises;  
or
  - (b) the lack of appropriate facilities, near the licensee's licensed premises, for making periodic gaming deposits;  
or
  - (c) another circumstance the commissioner considers is relevant to the licensee's ability to make the periodic gaming deposit within the period mentioned in subsection (2)(a).
- (4) The licensee must keep a float to enable the periodic gaming deposit to be made.

Maximum penalty—20 penalty units.

- (5) The licensee must not withdraw funds deposited into the monthly deposit account and redeposit the funds into the account to make a periodic gaming deposit.

Maximum penalty—20 penalty units.

- (6) The licensee may calculate the periodic gaming deposit under either the standard periodic method or the win periodic method.
- (7) However, the commissioner may direct a licensee who has incorrectly calculated a periodic gaming deposit under the win periodic method to calculate periodic gaming deposits under the standard periodic method.
- (8) Under the standard periodic method, the amount of the periodic gaming deposit is calculated using the formula—

$$\mathbf{D = TC - NMP}$$

- (9) Under the win periodic method, the amount of the periodic gaming deposit is calculated using the formula—

$$\mathbf{D = PRW + PGC}$$

- (10) In this section—



**D** means the periodic gaming deposit in dollars.

**NMP**, for a clearance period for a licensee, means the total monetary amount of all cancelled credits, hand-paid 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**, for a clearance period for a licensee, means the total monetary amount of cancelled credits and hand-paid jackpot payouts made by cheque drawn on the licensee's monthly deposit account for the clearance period.

**PRW**, for a clearance period for a licensee, means the total of all amounts mentioned in schedule 7, definition *performance summary*, paragraph (h), recorded in all gaming machine performance records for the clearance period for the licensee's licensed premises.

**TC**, 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.

## 49 Monthly variances record

- (1) A licensee for 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 monthly variances record must—
  - (a) be signed by the licensee's nominee; and
  - (b) if a variance mentioned in subsection (8), definition *monthly variances record*, paragraph (c), (f), (i), (l) or (o) (a **relevant variance**) is more than 0.5%—include the reason for the variance.

[s 49]

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- (3) The licensee must ensure the monthly variances record is considered by the licensee's management committee or board.

Maximum penalty—20 penalty units.

- (4) The licensee must take all reasonable steps to have the monthly variances record considered at the next meeting of the licensee's management committee or board held after the record is completed.

Maximum penalty—20 penalty units.

- (5) Subsections (6) and (7) apply if a relevant variance for the monthly variances record is more than 0.5%.

- (6) The licensee must take steps to ensure, as far as practicable, that the relevant variance does not recur.

Maximum penalty—20 penalty units.

- (7) If the licensee's management committee or board considers, or having regard to the nature of the relevant variance reasonably ought to consider, that the variance is not satisfactorily explained by the reason under subsection (2)(b), the licensee must—

- (a) investigate the variance; and
- (b) prepare a written report of the findings of the investigation; and
- (c) keep the report with the monthly variances record.

Maximum penalty—20 penalty units.

- (8) In this section—

***metered cancelled credits*** means the total monetary amount of cancelled credits, for the accounting period, shown on the cancelled credits meters for the licensee's gaming machines.

***metered cash clearances*** means the total of—

- (a) the total monetary amount of gaming tokens shown on the cash box, or banknote acceptor, meters for the licensee's gaming machines as being cleared from the gaming machines during the accounting period; and

(b) the total net cashless amount for the accounting period.

*metered progressive jackpots* means the total hand-paid 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 reported win;
- (b) the metered win;
- (c) any variance between the 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.



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**51 Gaming machine tax—Act, s 312**

- (1) This section prescribes percentages for section 312(3) of the Act.
- (2) For category 1 licensed premises, the percentage is 35%.
- (3) For category 2 licensed premises, the percentages are as follows—
  - (a) for the first \$9,500 of monthly taxable metered win—nil;
  - (b) for the amount of the monthly taxable metered win that is more than \$9,500 but not more than \$75,000—17.91%;
  - (c) for the amount of the monthly taxable metered win that is more than \$75,000 but not more than \$150,000—20.91%;
  - (d) for the amount of the monthly taxable metered win that is more than \$150,000 but not more than \$300,000—23.91%;
  - (e) for the amount of the monthly taxable metered win that is more than \$300,000 but not more than \$850,000—25.91%;
  - (f) for the amount of the monthly taxable metered win that is more than \$850,000 but not more than \$1,400,000—30.91%;
  - (g) for the amount of the monthly taxable metered win that is more than \$1,400,000—35%.

**53 Percentage of health services levy—Act, s 316B**

- (1) This section prescribes percentages for section 316B(3) of the Act.
- (2) The percentages are as follows—
  - (a) for the first \$100,000 of the monthly taxable metered win—nil;

[s 54]

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- (b) for the amount of the monthly taxable metered win that is more than \$100,000 but not more than \$140,000—3.5%;
- (c) for the amount of the monthly taxable metered win that is more than \$140,000 but not more than \$180,000—5.5%;
- (d) for the amount of the monthly taxable metered win that is more than \$180,000 but not more than \$220,000—7.5%;
- (e) for the amount of the monthly taxable metered win that is more than \$220,000 but not more than \$260,000—13.5%;
- (f) for the amount of the monthly taxable metered win that is more than \$260,000—20%.

#### **54 Penalty for late payment—Act, s 319**

For section 319(1)(a) of the Act, the prescribed percentage is 5%.

#### **55 Crediting of payments—Act, s 319**

- (1) For section 319(1)(b) of the Act, the amount is to be credited in the following order—
  - (a) subject to subsection (2), in payment of any outstanding gaming machine taxes and health services levies, payable by the licensee under section 312 or 316B of the Act;
  - (b) in payment of any outstanding penalty payable by the licensee under section 319(1)(a) of the Act.
- (2) If the licensee is liable for payment of gaming machine tax and health services levy, any amount received from the licensee must be apportioned between the amount owing for gaming machine tax and the amount owing for health services levy in the same ratio the amount owing for gaming machine tax bears to the amount owing for health services levy.

*Example of subsection (2)—*

If a licensee owes \$10,000 for gaming machine tax and \$5,000 for health services levy and pays \$3,000, the gaming machine tax debt must be credited with \$2,000 and the health services levy debt must be credited with \$1,000.

## **56 Fees**

- (1) The fees payable under the Act are stated in section 56A and schedule 5.
- (2) A fee stated in schedule 5, item 50, 52 or 53 may consist of, or include, an amount for part of an hour that is the equivalent of the relevant proportion of the hourly rate, stated in the schedule, worked out using 15-minute periods (wholly or partly completed).

### **56AA Rounding of amounts expressed as numbers of fee units**

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
  - (a) if the result is not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
  - (b) if the result is more than \$100 but not more than \$1,000—to the nearest multiple of 10 cents (rounding one-half upwards); or
  - (c) if the result is more than \$1,000 but not more than \$5,000—to the nearest dollar (rounding one-half upwards); or
  - (d) if the result is more than \$5,000 but not more than \$100,000—to the nearest multiple of 10 dollars (rounding one-half upwards); or
  - (e) if the result is more than \$100,000—to the nearest multiple of 100 dollars (rounding one-half upwards).

*Example for paragraph (a)—*

If a fee were 35 fee units and the value of a fee unit were \$1.015, the number of dollars obtained by multiplying 35 by \$1.015 would be \$35.525. Because \$35.525 is halfway between \$35.50 and \$35.55, it is rounded upwards, so the amount of the fee would be \$35.55.

## **56A Fee for particular investigations**

- (1) This section applies to any of the following persons for whom the commissioner may undertake an investigation under the Act, section 120—
  - (a) an applicant for a supplier's licence;
  - (b) a disclosed associate of the applicant;
  - (c) a general associate of the applicant.
- (2) This section also applies to a person who is an associate of the holder of a supplier's licence for whom the commissioner may undertake an investigation under the Act, section 136(2).
- (3) This section also applies to any of the following persons for whom the commissioner may undertake an investigation under the Act, section 200—
  - (a) an applicant for a service contractor's licence for a category 2 licensed premises;
  - (b) an associate of the applicant.
- (4) This section also applies to an associate of a relevant licensed service contractor for whom the commissioner may undertake an investigation under the Act, section 212(2).
- (5) The person must pay to the commissioner the reasonable costs of conducting the investigation.

*Examples of costs of conducting the investigation—*

- costs of outsourcing professional services, for example, legal or accounting services
- internal costs, including staff costs
- travel and accommodation costs incurred inside or outside the State or overseas

- (6) In this section—



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*relevant licensed service contractor* means a licensed service contractor who is a category 2 body corporate.

## **56B How fee for investigation must be paid**

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 56A for an investigation.
- (2) The commissioner may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The commissioner may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the commissioner may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
  - (a) an amount not more than the commissioner's estimate or latest estimate of the fee payable under section 56A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the commissioner under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the commissioner must—
  - (a) give the relevant person a written itemised account of the costs comprising the fee; and
  - (b) either—
    - (i) refund any overpayment to the relevant person; or
    - (ii) require, in writing, the relevant person to pay to the commissioner, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant

person under this section and the amount of the fee.

- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
  - (a) both of the following apply—
    - (i) the commissioner considers the relevant person has failed to comply with a requirement made by the commissioner under the Act, section 213 in relation to the investigation;
    - (ii) the commissioner considers the investigation is finished; or
  - (b) the commissioner considers the investigation has been completed for the commissioner’s purposes under the Act, section 136(2) or 212(2).
- (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
- (10) A failure by the commissioner to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
- (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the relevant person for the investigation under subsection (7)(a) is evidence of the costs.

## Part 9 General

### **57A Approved responsible service of gambling course—Act, sch 2, definition *approved responsible service of gambling course***

For schedule 2 of the Act, definition *approved responsible service of gambling course*, the prescribed course is the course called ‘Provide responsible gambling services’—

- (a) that is a unit of competency or module of a VET course under the *National Vocational Education and Training Regulator Act 2011* (Cwlth); and
- (b) for which a VET statement of attainment under that Act is given for satisfying the requirements of the unit or module.

**57 Prescribed liquor licences—Act, sch 2, definition *prescribed liquor licence***

- (1) For schedule 2 of the Act, definition *prescribed liquor licence*, the following liquor licences are prescribed—
  - (a) each licence mentioned in schedule 6;
  - (b) a commercial special facility licence for a tourism facility, other than a tourism facility that is an airport, casino, convention centre or sporting facility.
- (2) In this section—

*tourism facility* means a facility that—

  - (a) makes, or is likely to make, a significant contribution to the tourism development of the State; and
  - (b) provides residential accommodation.

**58 Approved financiers—Act, sch 2, definition *approved financier***

For schedule 2 of the Act, definition *approved financier*, paragraph (c), the following entities are prescribed—

- (a) Golden Casket Lottery Corporation Limited ACN 078 785 449;
- (b) Kay Cee Pty Ltd ACN 063 750 336;
- (c) RentWorks Limited ACN 003 421 136;
- (d) Techno Gaming Pty Ltd ACN 101 921 920;

[s 59]

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- (e) Radar Hill Pty Ltd ACN 009 913 562 and Archibald Y Whyte, trading as Metropolitan Lease & Finance ABN 85 177 826 624;
- (f) Finrent Pty Limited ACN 103 796 201;
- (g) Gaming Machine Consulting Services Pty Ltd ACN 010 353 803;
- (h) Qld Pacific Finance Pty Ltd ACN 083 028 684;
- (i) QPF Finance Pty Ltd ACN 100 666 395;
- (j) Tabcorp Gaming Solutions (Qld) Pty Ltd ACN 136 582 851.

#### **59 Testing by commissioner—Act, ss 232, 281 and 288**

For sections 232(2)(a), 281(2)(a) and 288(2)(a) of the Act, a test carried out by the commissioner may include 1 or more of the following types of test—

- (a) basic test;
- (b) intermediate test;
- (c) advanced test.

## **Part 10 Repeal**

#### **60 Repeal**

The Gaming Machine Regulation 1991 SL No. 154 is repealed.

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## Schedule 1      Entities

## section 7

Alberta Gaming, Liquor and Cannabis Commission, Canada  
Alcohol and Gaming Commission of Ontario, Canada  
Australian Border Force  
Australian Communications and Media Authority (ACMA)  
Australian Competition and Consumer Commission  
Australian Crime Commission (commonly known as Australian Criminal Intelligence Commission)  
Australian Federal Police  
Australian Securities and Investments Commission  
Australian Security Intelligence Organisation  
Australian Taxation Office  
Australian Transaction Reports and Analysis Centre (AUSTRAC)  
Bureau of Gambling Control, Department of Justice, California  
Casino Control Commission, New Jersey  
Centrelink  
Commissioner, Consumer and Business Services, South Australia  
Commissioner for Fair Trading, Queensland  
Commissioner of State Revenue, Queensland  
Commissioner, Tasmanian Liquor and Gaming Commission  
Crime and Corruption Commission, Queensland  
Department of Home Affairs  
Department of Industry, Tourism and Trade (Liquor, Racing and Gaming), NT

Department of Infrastructure, Transport, Regional Development and Communications

Department of Internal Affairs, New Zealand

Department of Justice and Community Safety, Victoria

Department of Local Government, Sport and Cultural Industries (Racing, Gaming & Liquor), Western Australia

Department of Safety and Homeland Security, Delaware

Department of Service Nova Scotia and Internal Services (Alcohol, Gaming, Fuel and Tobacco Division), Canada

Department of Treasury and Finance, South Australia

Department of Treasury and Finance, Tasmania

Division of Gaming, Colorado

Division of Gaming Enforcement, New Jersey

Gambling and Racing Commission, ACT

Gambling Commission, New Zealand

Gambling Commission, UK

Gambling Regulatory Authority of Singapore

Gaming and Wagering Commission, Western Australia

Gaming Board for the Bahamas

Gaming Policy and Enforcement Branch, British Columbia

Independent Liquor and Gaming Authority, NSW

Indiana Gaming Commission, USA

Japan Casino Regulatory Commission

Liquor & Gaming NSW

Lotteries Commission, South Australia

Lotteries Commission, Western Australia

Louisiana State Police Gaming Enforcement Division, USA

Mississippi Gaming Commission, USA

Missouri Gaming Commission, USA  
Missouri State Highway Patrol, USA  
Mpumalanga Economic Regulator, South Africa  
National Indian Gaming Commission, USA  
Nevada Gaming Commission, USA  
Nevada Gaming Control Board, USA  
New South Wales Crime Commission  
New South Wales Independent Casino Commission  
New South Wales Police Force  
New York State Police  
New Zealand Police  
Northern Territory Police Force  
Office of Racing Integrity, Tasmania  
Pueblo of Isleta Gaming Regulatory Agency, USA  
QCAT  
Queensland Police Service  
South Australia Police  
South Dakota Commission on Gaming, USA  
Tasmania Police  
The International Criminal Police Organization—Interpol  
Victorian Gambling and Casino Control Commission  
Victoria Police  
Western Australia Police Force  
Western Cape Gambling and Racing Board, South Africa  
WorkCover Queensland

## **Schedule 2      Prescribed conditions of gaming machine licence**

section 10

### **Part 1                      General conditions**

#### **1                      Compliance program**

The licensee must have a compliance program for the licence.

#### **2                      Keeping documents**

- (1) The licensee must keep the following documents available for inspection at each of the licensed premises under the licence—
  - (a) a statement in the approved form about the compliance program for the licence;
  - (b) a compliance program document for the licence.
- (2) The licensee must keep, 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.

#### **3                      Licensee to ensure particular persons have adequate skills**

The licensee must ensure that a person employed by the licensee to perform a function relating to the conduct of the licensee's gaming operations has adequate skills to perform the function in a way that ensures the licensee complies with the Act in the conduct of the gaming operations.

#### **4                      Licensee to make arrangement with commissioner**

The licensee must make an arrangement with the commissioner to allow the commissioner to withdraw the



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following, by direct debit, from an account held by the licensee for the purpose—

- (a) all taxes and levies payable under part 9 of the Act;
- (b) any penalty payable under section 319 of the Act.

## **5 Licensee to repay costs**

The licensee must repay the commissioner the full cost of—

- (a) work performed by the commissioner because the licensee has contravened a condition of the licence; and
- (b) investigating and correcting errors or omissions in, or the preparation of, a monthly gaming machine reconciliation report prepared by the licensee under section 299 of the Act.

## **Part 2 Condition about prescribed standards**

### **6 Licensee to comply with prescribed standards**

- (1) The licensee must conduct the licensee's gaming operations under the licence in compliance with each prescribed standard.
- (2) Subsection (1) applies—
  - (a) to a new licensee on and from the day that is 4 months after the day the licensee starts to conduct gaming on the licensed premises under the licence; and
  - (b) to a licensee other than a new licensee on and from—
    - (i) the day that is 4 months after the second time a relevant event for the licensee happens; or
    - (ii) if, within 4 months after the second time a relevant event for the licensee happens, the commissioner gives the licensee a written notice stating a day later than the day mentioned in subparagraph (i)—the later day.



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- (b) all automatic teller machines installed in the licensee's licensed premises are available only for the use of debit cards.

## **9 Signage or promotions**

The licensee must ensure that gaming does not dominate external signage on the licensee's licensed premises or marketing or promotional activity for the licensed premises.

# **Part 4**

## **Conditions about gaming machines and related equipment**

### **10 Maintenance of gaming machines and certain related equipment**

- (1) The licensee must—
  - (a) care for all gaming machines, and ancillary or related equipment, including, for example, consoles, fibre optic cable, progressive displays and site controllers, on the licensee's licensed premises, in the way a reasonable, careful and prudent owner would; and
  - (b) provide, at the licensee's expense, locks of a type approved by the commissioner to secure the gaming machine cabinet, banknote receptacle, cage housing the receptacle and console door for each gaming machine; and
  - (c) ensure a key to the locks securing the gaming machine cabinets for all gaming machines is exclusive to the locks; and
  - (d) ensure a key to the locks securing the banknote receptacles, cages housing the receptacles and console doors for all gaming machines is exclusive to the locks; and

- (e) fix gaming machines to consoles in a way approved by the commissioner; and
  - (f) take all reasonable steps to ensure all gaming machines are—
    - (i) continuously provided with electricity; and
    - (ii) switched on at all times.
- (2) The licensee must carry out, as required, at the licensee's expense (unless the work is carried out under a licensed major dealer's warranty), the following works to ensure gaming machines are at all times in a proper state of repair and safe for use—
- (a) installation, alteration, adjustment, maintenance or repair of fuses, electric light globes, fluorescent tubes and fluoro starters of a gaming machine that are easily accessible;
  - (b) installation, alteration, adjustment, maintenance or repair of locks of gaming machine cabinets or console doors;
  - (c) installation, alteration, adjustment, maintenance or repair of hinges of gaming machine console doors;
  - (d) adjustment of the device regulating the level of the contents of the hopper;
  - (e) installation, alteration, adjustment, maintenance or repair of external switch covers or glass or perspex panels of a gaming machine;
  - (f) repair by clearing gaming tokens jammed in a gaming machine;
  - (g) repair by resetting minor fault conditions of a gaming machine;
  - (h) regular inspection, testing and tagging of electrical equipment of a gaming machine and ancillary or related equipment.
- (3) A licensee must not interfere with a connection between a gaming machine and an electronic monitoring system installed by a licensed monitoring operator.

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## Schedule 3 Rules ancillary to gaming

### section 16

- 1 A person under the age of 18 years must not play a gaming machine.
- 2 A gaming employee 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 gaming employee 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 235 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 item 5, a gaming employee refuses to make a payment, the gaming employee must as soon as practicable submit a report to the commissioner.
- 7(1) This item prescribes, for s 242(2)(b) of the Act, the way a licensee must make a payment to a player for a cancelled credit or jackpot payout.
  - (2) If the payment is more than the cash limit for the relevant licensed premises, the licensee must make the payment by—
    - (a) if requested by the player—

- (i) paying—
  - (A) an amount that is less than the cash limit using Australian currency or, if the licensee and player agree, an agreed alternative way; and
  - (B) the balance of the payment using a cheque or, if the licensee and player agree, electronic funds transfer; or
- (ii) making the entire payment using a cheque or, if the licensee and player agree, electronic funds transfer; or
- (b) otherwise—paying—
  - (i) an amount equal to the cash limit using Australian currency or, if the licensee and player agree, an agreed alternative way; and
  - (ii) the balance of the payment using a cheque or, if the licensee and player agree, electronic funds transfer.
- (3) If the payment is less than the cash limit for the relevant licensed premises, the licensee must make the entire payment using Australian currency or, if the licensee and player agree, an agreed alternative way.
- (4) For subitems (2) and (3), the cash limit for the relevant licensed premises is the amount, of not more than \$5,000, stated by the licensee in a document that is displayed adjacent to, and in the same way as, the rules ancillary to gaming for the premises.
- (5) If the licensee pays an amount to the player under this item using Australian currency, the licensee must ensure the amount is paid when the player claims the payment.
- (6) If the licensee pays an amount to the player under this item using a cheque, the licensee must ensure the cheque is given to the player or posted to the player's address within 24 hours after the player claims the payment.
- (7) Subitem (8) applies if—

- (a) the licensee makes a payment to the player under subitem (2); and
  - (b) the amount by which the payment exceeds the cash limit for the relevant licensed premises is paid using electronic funds transfer.
- (8) The licensee must make the electronic funds transfer in a way that the amount is not available to the player until after the gaming period for the relevant licensed premises ends.
- (9) In this item—

***agreed alternative way*** means—

- (a) non-currency gaming tokens; or
- (b) cheque; or
- (c) electronic funds transfer; or
- (d) a combination of any of the methods mentioned in paragraphs (a) to (c); or
- (e) a combination of Australian currency and any of the methods mentioned in paragraphs (a) to (c).

***non-currency gaming tokens*** means any gaming tokens other than Australian currency.

***relevant licensed premises***, for a payment, means the licensed premises in which a player becomes entitled to the payment.

## **Schedule 4      Restricted components**

section 33

- 1    game processor board
- 2    programming or software for a game (irrespective of the medium or method of storage)
- 3    identification plate mentioned in section 31 of this regulation



## Schedule 5      Fees

section 56

	<b>Fee units</b>
1    Application for gaming machine licence for premises that are not licensed premises (Act, s 56(5)(f))	7,130.00
2    Application for gaming machine licence for premises that are licensed premises (Act, s 56(5)(f))	3,377.00
3    Application for approval of additional licensed premises (Act, s 61(3)(g)(ii))	3,377.00
4    Copy of gaming machine licence (Act, s 71(1))	93.70
5    Fresh gaming machine licence (Act, s 71(3)(a))	93.70
6    Replacement gaming machine licence (Act, s 71A(2)(b))	93.70
7    Application to increase approved number of gaming machines by less than 10 gaming machines for category 1 licensed premises (Act, s 81(2)(h))	188.70
plus—for each additional machine	18.25
8    Application to increase approved number of gaming machines by 10 or more gaming machines for category 1 licensed premises (Act, s 81(2)(h))	936.90
plus—for each additional machine	18.25
9    Application to increase approved number of gaming machines by less than 20 gaming machines for category 2 licensed premises (Act, s 81(2)(h))	188.70
plus—for each additional machine	18.25
10   Application to increase approved number of gaming machines by 20 or more gaming machines for category 2 licensed premises (Act, s 81(2)(h))	936.90
plus—for each additional machine	18.25

	<b>Fee units</b>
11 Application to increase approved hours of gaming (Act, s 85A(1))	41.65
12 Application to decrease approved number of gaming machines (Act, s 86(1))	93.70
13 Application for approval to relocate a gaming machine area (Act, s 91(2))	41.65
14 Replacement gaming machine licence (Act, s 109I(2)(b))	93.70
15 Application for approval of a transfer of entitlements on a permanent basis (Act, s 109M(3)(b)(ii))	429.50
16 Application for approval to vary the consideration for a transfer of entitlements on a permanent basis (Act, s 109Q(3)(b))	331.90
17 Replacement of gaming machine licence (Act, s 109R(2)(b))	93.70
18 Application for approval of a transfer of entitlements for use on a temporary basis (Act, s 109T(3)(c)(ii))	429.50
19 Application to vary the period of, or the consideration for, a transfer of entitlements for use on a temporary basis (Act, s 109X(3)(b))	331.90
20 Replacement of a gaming machine licence (Act, s 109Y(2)(b))	93.70
21 Replacement of a gaming machine licence (Act, s 109ZG(2)(b))	93.70
22 Replacement of a gaming machine licence (Act, s 109ZH(2)(b))	93.70
23 Application for monitoring operator's licence (Act, s 115(3)(e))	18,760.00
24 Monitoring operator's licence fee (Act, s 122(7))	450,000.00
25 Application for major dealer's licence (Act, s 115(3)(e))	18,760.00
26 Major dealer's licence fee (Act, s 122(7))	225,000.00

	<b>Fee units</b>
27 Application for secondary dealer's licence (Act, s 115(3)(e))	1,874.00
28 Secondary dealer's licence fee (Act, s 122(7))	7,510.00
29 Application for testing facility operator's licence (Act, s 115(3)(e))	1,874.00
30 Testing facility operator's licence fee (Act, s 122(7))	7,510.00
31 Application for renewal of monitoring operator's licence (Act, s 130(3)(c))	18,760.00
32 Monitoring operator's licence renewal fee (Act, s 131(2))	450,000.00
33 Application for renewal of major dealer's licence (Act, s 130(3)(c))	18,760.00
34 Major dealer's licence renewal fee (Act, s 131(2))	225,000.00
35 Application for renewal of secondary dealer's licence (Act, s 130(3)(c))	1,874.00
36 Secondary dealer's licence renewal fee (Act, s 131(2))	7,510.00
37 Application for renewal of testing facility operator's licence (Act, s 130(3)(c))	1,874.00
38 Testing facility operator's licence renewal fee (Act, s 131(2))	7,510.00
39 Application for replacement of supplier's licence (Act, s 132(2)(a))	93.70
40 Application for service contractor's licence (Act, s 198(4)(1))—	
(a) by an individual	566.10
(b) by a category 1 body corporate	1,126.00
(c) by a category 2 body corporate	9,370.00
41 Application for renewal of service contractor's licence (Act, s 207(2)(c))—	
(a) by an individual	566.10

	<b>Fee units</b>
(b) by a category 1 body corporate	1,126.00
(c) by a category 2 body corporate	9,370.00
42 Copy of service contractor's licence (Act, s 203(1))	93.70
43 Fresh service contractor's licence (Act, s 203(3)(a))	93.70
44 Application for gaming nominee's licence or key monitoring employee's licence (Act, s 198(4)(1))	566.10
45 Application for renewal of gaming nominee's licence or key monitoring employee's licence (Act, s 207(2)(c))	279.70
46 Application for repairer's licence (Act, s 198(4)(1))	279.70
47 Application for renewal of repairer's licence (Act, s 207(2)(c))	279.70
48 Copy of gaming nominee's licence, key monitoring employee's licence or repairer's licence (Act, s 203(1))	41.65
49 Fresh gaming nominee's licence, key monitoring employee's licence or repairer's licence (Act, s 203(3)(a))	41.65
50 Testing by the commissioner of a gaming related system (Act, s 232(3)(a)), for each hour, or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic test	234.30
(ii) intermediate test	292.80
(iii) advanced test	344.80
(iv) administration for a test	175.60
(b) giving advice for a test	175.60
(c) holding meetings for a test	175.60

*Note—*

See section 56(2) in relation to a fee for part of an hour.

	<b>Fee units</b>
51 Application for repossession of a gaming machine (Act, s 274(3)(b))	41.65
52 Testing by the commissioner of a gaming machine type or game (Act, s 281(6)(a)), for each hour, or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic test	234.30
(ii) intermediate test	292.80
(iii) advanced test	344.80
(iv) administration for a test	175.60
(b) giving advice for a test	175.60
(c) holding meetings for a test	175.60
<i>Note—</i>	
See section 56(2) in relation to a fee for part of an hour.	
53 Testing by the commissioner of a linked jackpot arrangement (Act, s 288(3)(a)), for each hour, or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic test	234.30
(ii) intermediate test	292.80
(iii) advanced test	344.80
(iv) administration for a test	175.60
(b) giving advice for a test	175.60
(c) holding meetings for a test	175.60
<i>Note—</i>	
See section 56(2) in relation to a fee for part of an hour.	

	<b>Fee units</b>
54 Application for approval to change the percentage return to players less than 1 month before it was last changed (Act, s 283(2C))—for each machine	41.65

## **Schedule 6      Prescribed liquor licences**

section 57(1)(a)

- 1    the commercial special facility licence held by the Surfers Paradise Bowls Club Incorporated, 4 Ferny Avenue, Surfers Paradise
- 2    the commercial special facility licence held by Windsor Development Holdings Pty Ltd ACN 123 380 076, Emerald Lakes Golf Club, Nerang-Broadbeach Road, Nerang
- 3    the commercial special facility licence held by Tallai Leisure Group Pty Ltd ACN 120 630 006, Tallai Country Golf Course, 94 Worongary Road, Tallai
- 4    the commercial special facility licence held by L.M Cole & R.G Peat, Innes Park Country Club, 234 Innes Park Road, Innes Park

## Schedule 7      Dictionary

### section 3

***accounting package***, for a licensed premises, means an electronic or computer system that—

- (a) uploads and collates gaming machine RAM meter data at intervals and in a way to enable the licensee to comply with the licensee's reporting obligations and to—
  - (i) complete an approved form; or
  - (ii) provide the data in a method or medium approved by the commissioner under the Act; and
- (b) is compatible with the electronic monitoring system on the licensed premises.

*Editor's note—*

A fact sheet about gaming-related accounting packages can be accessed on the Office of Liquor and Gaming Regulation's website.

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

***advanced test*** means a test of any of the following things relating to a game, gaming machine type, gaming related system or linked jackpot arrangement—

- (a) communications protocols;
- (b) monitoring systems;
- (c) random number generators.

***basic test*** means a test of any of the following things relating to a game, gaming machine type, gaming related system or linked jackpot arrangement—

- (a) artwork;
- (b) cabinet design;



- (c) documentation, including for example, operational manuals.

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

**cash clearances report** means a report kept under section 39(2).

**category 1 body corporate** see section 4.

**category 2 body corporate** means a body corporate that is not a category 1 body corporate.

**classification document** means the Australian Standard Geographical Classification (Cat. No. 1216.0), 2001 edition published by the Australian Bureau of Statistics.

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

- (a) for the first clearance for a gaming machine after the gaming machine is connected to an electronic monitoring system—the period starting when the gaming machine is connected to an electronic monitoring system and ending at the first money clearance after the connection; or
- (b) otherwise—
- (i) starting at a money clearance for the gaming machine on the licensee's licensed premises; and
  - (ii) ending at the next money clearance for the gaming machine.

**coastal region** means the area of the Far North, Fitzroy, Mackay, Northern and Wide Bay-Burnett statistical divisions defined in the classification document.

**game processor board** means an electronic circuit board designed to be used in a gaming machine.

**gaming machine performance record** means a record kept under section 42(1).

**gaming period**, for a licensed premises, means the hours of gaming fixed for the premises by the commissioner.

***hand-paid jackpot payout*** means a jackpot payout not payable under the Act from an approved trust account.

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

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

***intermediate test*** means a test of any of the following things relating to a game, gaming machine type, gaming related system or linked jackpot arrangement—

- (a) hardware, other than hardware subject to basic test;
- (b) software, other than software subject to advanced test;
- (c) the mathematical treatise of the derivation of the theoretical return to a player.

***jackpot credit*** means an amount won by a player and recorded on the progressive jackpot prize meter, and credited to the credit meter, of the player's gaming machine.

***machine identification number*** means the identification number issued for a gaming machine under section 289(1) of the Act.

***manual payments register*** means a register kept under section 41(1).

***monthly deposit account*** see section 48.

***monthly gaming deposit*** see section 47.

***monthly gaming machine reconciliation report*** means a report prepared under section 299(1) of the Act.

***monthly money clearance*** means a money clearance mentioned in section 295(1) of the Act.

***performance summary***, for 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 hand-paid 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 48.

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

***RAM*** means random-access memory.

***reported win*** means the total of all amounts mentioned in this schedule, definition *performance summary*, paragraph (h), recorded in a monthly gaming machine reconciliation report for an accounting period.

***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.

***south-east region*** means the area of the Brisbane and Moreton statistical divisions defined in the classification document.

***voting share*** see section 9 of the Corporations Act.

***western region*** means the area of the Central West, Darling Downs, North West and South West statistical divisions defined in the classification document.