

Scope of term “new gaming machine” in the Gambling (Harm Prevention and Minimisation) Regulations 2004

This memo is designed to explain the scope of the definition of a “new gaming machine” as contained in the Gambling (Harm Prevention and Minimisation) Regulations 2004.

Regulation 7 and 8 comes into force for “new gaming machines” on 1 October 2005 and for all other gaming machines on 1 July 2009.

Regulation 3 defines a “new gaming machine” as meaning “a new gaming machine that was purchased by the holder of a class 4 operator's license or casino operator's licence on or after 1 October 2005”.

The scope of this definition turns on the meaning of “new” and “purchased”.

“Purchased” means: The purchaser has obtained the legal title to the goods.

This means, in relation to the regulations, that legal title to the “new gaming machines” has to transfer prior 1 October 2005 for them not to be caught by regulations 7 and 8. If not, it would be purchased on or after 1 October 2005.

“New” means: First hand.

In the context of the regulations, these terms mean that a “new gaming machine” is simply a gaming machine that has never been sold before.

The following are examples intended as a guide and do not take into account every situation.

A “new gaming machine” is:

- A gaming machine for which clear legal title has been obtained on or after 1 October 2005 and has not been previously purchased by any party even if the model received approval prior to that date.

A “new gaming machine” is not:

- A gaming machine purchased new before 1 October 2005 but licensed after that date;
- A gaming machine purchased before 1 October 2005 that has a new game fitted on or after 1 Oct 2005;
- A gaming machine purchased before 1 October 2005 that has a new operating system/base software fitted on or after 1 October 2005. For example, a QCOM Base upgrade, even though the serial and machine approval may have been changed or modified;

- A gaming machine purchased before 1 October 2005 that has a cabinet conversion to another model of gaming machine;
- A gaming machine purchased second hand from another party.