

South Australia

# Casino Regulations 2013

under the *Casino Act 1997*

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### 1—Short title

These regulations may be cited as the *Casino Regulations 2013*.

### 3—Interpretation

In these regulations—

*Act* means the *Casino Act 1997*;

*relevant approved licensing agreement* means the approved licensing agreement as in force after the variation agreement dated 11 October 2013 has effect.

### 4—Prescribed jurisdictions (section 40A of Act)

For the purposes of section 40A(2) of the Act, the following jurisdictions are prescribed:

- (a) New South Wales;
- (b) New Zealand;
- (c) Queensland;
- (d) Victoria.

## 5—Approval of gaming machines and games (section 40A of Act)

- (1) For the purposes of section 40A(4)(b) and (6)(b)(ii) of the Act, a requirement that a gaming machine, or a game to be played on a gaming machine (as the case requires) operates to allow a maximum bet of \$10 or less is prescribed.
- (2) Subregulation (1) ceases to have effect on the commencement of section 42B(7) of the Act (as inserted by section 40 of the *Statutes Amendment (Gambling Reform) Act 2013*).
- (3) Subject to subregulation (3a), for the purposes of section 40A(4)(b) and (6)(b)(ii) of the Act, a requirement that a gaming machine or a game to be played on a gaming machine (as the case requires) complies with the *Australian and New Zealand Gaming Machine National Standard* version 10.0 (or any subsequent version) as modified by the relevant Appendix is prescribed.
- (3a) Subregulation (3) does not apply in relation to a gaming machine or a game to be played on a gaming machine (as the case requires) if—
  - (a) the gaming machine or game is already approved or taken to have been approved under section 40A of the Act; and
  - (b) it is not economically viable to modify the gaming machine or game to comply with the *Australian and New Zealand Gaming Machine National Standard* version 10.0 (or any subsequent version) as modified by the relevant Appendix.
- (4) In this regulation—

**relevant Appendix** in relation to a version of the *Australian and New Zealand Gaming Machine National Standard* means—

  - (a) the latest South Australian Appendix to that version; or
  - (b) the latest Appendix to that version of a jurisdiction referred to in regulation 4.

## 6—Criteria for recognition of systems (section 40B of Act)

- (1) For the purposes of section 40B(2)(a)(iv) of the Act, criteria for an account based cashless gaming system recognised under section 40B(1)(a) of the Act must—
  - (a) allow a person to provide their name and address if the person chooses to do so; and
  - (b) require that the licensee enters into an agreement with the Minister to allow information recorded by the system to be used for gambling research.
- (2) For the purposes of section 40B(2)(b)(ii) of the Act, criteria for an automated risk monitoring system recognised under section 40B(1)(b) of the Act must require that the licensee enters into an agreement with the Minister to allow information recorded by the system to be used for gambling research.

## **Schedule 1—Transitional regulations (section 72(1b) of Act)**

### **1—Transitional regulation—cashless gaming system**

Section 42B(1) of the Act (as inserted by section 40 of the *Statutes Amendment (Gambling Reform) Act 2013*) is, until 31 December 2018, modified in its application to the licensee such that it is a condition of the casino licence that the licensee must not provide any gaming machine or automated table game equipment that may be operated in connection with a cashless gaming system unless—

- (a) the system is recognised by the Authority under section 40B(1)(a); and
- (b) the gaming machine or automated table game equipment is operated in connection with an automated risk monitoring system recognised by the Authority under section 40B(1)(b); and
- (c) the gaming machine or automated table game equipment is operated in connection with a pre-commitment system that is operated by the licensee in compliance with the requirements of the Voluntary Pre-commitment Code set out in Schedule 2.

### **2—Transitional regulation—definition of automated table game equipment**

The definition of *automated table game equipment* in section 3 of the Act (as inserted by section 12(2) of the *Statutes Amendment (Gambling Reform) Act 2013*) is, until the day on which the relevant approved licensing agreement comes into force, modified in its application to the licensee and the casino premises such that *automated table game equipment* means an electronic appliance—

- (a) that replicates or simulates physical aspects of a table game as traditionally played; and
- (b) on which a game can be played without a person acting on behalf of the licensee taking a substantive step in the playing of the game (regardless of whether or not the appliance also permits the playing of a game in which a person acting on behalf of the licensee does take a substantive step),

and includes an appliance of that type, together with other equipment that is used with the appliance in such a way that the appliance and the other equipment, taken together, comply with the requirements to which section 40A(3) of the Act refers.

### **3—Transitional regulation—gaming machine entitlements**

Section 8A(2) of the Act (as inserted by section 15 of the *Statutes Amendment (Gambling Reform) Act 2013*) is, until the day on which the relevant approved licensing agreement comes into force, modified in its application to the licensee and the casino premises such that the number of gaming machine entitlements held in respect of the gaming areas cannot exceed 995.

### **4—Transitional regulation—installation of ticket-in ticket-out system**

The licensee is, until the date on which the relevant approved licensing agreement has effect, exempted from compliance with section 40(1) of the Act in relation to the installation of a ticket-in ticket-out system in an area that, after that date, is to be a premium gaming area.

## 5—Transitional regulation—automated table game equipment

The licensee is, until 1 January 2015, exempted from compliance with section 42B(4) of the Act (as inserted by section 40 of the *Statutes Amendment (Gambling Reform) Act 2013*) in relation to automated table game equipment installed in the casino premises before the commencement of this clause.

## Schedule 2—Voluntary Pre-commitment Code

### Registration

1. The licensee must permit a customer who wishes to do so to register with the pre-commitment system by—
  - 1.1 completing an application in writing at the casino premises; or
  - 1.2 making a request in person to casino staff; or
  - 1.3 completing a form on a website available generally on the Internet.
2. The licensee must not only offer pre-commitment in conjunction with a loyalty system.
3. The licensee must provide a customer who applies for registration with the following information, in writing, regarding the terms and conditions of registration with the pre-commitment system:
  - 3.1 the process by which a registered customer may vary his or her expenditure limits and other details, and how and when the variation will apply;
  - 3.2 privacy protections for the registered customer;
  - 3.3 the application of a default daily expenditure limit if the registered customer does not specify his or her own expenditure limit;
  - 3.4 the consequences if the registered customer exceeds an expenditure limit or fails to comply with a break in play period or no play period, in particular—
    - 3.4.1 that the pre-commitment system will monitor the customer's play data to enable a reminder message to be sent to the customer; and
    - 3.4.2 that the pre-commitment system will notify casino staff when a registered customer exceeds his or her expenditure limit or fails to comply with a break in play period or no play period.
4. The licensee must obtain the customer's consent to the terms and conditions before registering a customer.
5. The licensee must record on the pre-commitment system a registered customer's preferred—
  - 5.1 language for use on the pre-commitment system (the *preferred language*); and
  - 5.2 method of communication (post, email, SMS or in-venue communication (the *preferred communication method*)).

### Setting and varying limits

6. The pre-commitment system must allow a registered customer to—
  - 6.1 set the following:
    - 6.1.1 a daily or weekly expenditure limit (eg \$50 per day);
    - 6.1.2 break in play periods (eg a 5 minute break every hour);
    - 6.1.3 no play periods (eg pay or pension day, the hours when children are picked up from school);
    - 6.1.4 a personal reminder message to be displayed at the gaming machine or automated table game when the customer exceeds his or her expenditure limit or

- fails to comply with a break in play period or no play period; and
- 6.2 vary any matter referred to in item 6.1 by completing an application, in writing, at the casino premises, online, at an automated kiosk or by making a request, in person, to casino staff.
7. If a registered customer does not specify an expenditure limit, the pre-commitment system must set a default daily expenditure limit of \$100 per day.
8. The pre-commitment system must apply any variations referred to in item 6.2 as follows:
- 8.1 a variation must be applied as soon as practicable if the customer has not played a gaming machine or automated table game since registering;
- 8.2 a variation (other than a variation to increase an expenditure limit) must be applied as soon as practicable if the customer has played a gaming machine or automated table game since registering;
- 8.3 if the customer has played a gaming machine or automated table game since registering and the requested variation is to increase an expenditure limit, the variation must only be applied if—
- 8.3.1 a period of 24 hours has passed since the making of the request; and
- 8.3.2 the customer has confirmed to the licensee (in person or by any other means) that he or she still requires the making of the variation.
9. Once a varied expenditure limit is applied by the pre-commitment system, any previous expenditure limit set by the registered customer has no effect.

**Operation of the pre-commitment system**

10. The pre-commitment system must comply with the following requirements:
- 10.1 the system must use the registered customer's preferred language, if available, but may use English until the data about customer preferences is analysed to identify a minimum set of common languages to be offered by the system;
- 10.2 the system must be capable of displaying on-screen messages on a primary screen or an ancillary screen;
- 10.3 the system must enable the display of a reminder message set by the licensee on the primary screen or the ancillary screen when the registered customer reaches 50%, 75% and 90% of his or her expenditure limit;
- 10.4 if a registered customer exceeds his or her expenditure limit, the system must enable the display of the customer's personal reminder message (or, if the customer has not set a reminder message, a default message set by the licensee) on the primary screen or the ancillary screen;
- 10.5 if the registered customer continues to play after exceeding his or her expenditure limit, the system must enable a further reminder message to be displayed on the primary screen or the ancillary screen when the customer exceeds his or her expenditure limit by 10%, 20% and 50%;
- 10.6 the system must notify casino staff when the registered customer exceeds his or her expenditure limit or fails to comply with a break in play period or no play period;
- 10.7 if a registered customer fails to comply with a break in play period or a no play period, the system must enable the display of the customer's personal reminder message (or, if the customer has not set a reminder message, a default message set by the licensee) on the primary screen or the ancillary screen;
- 10.8 if a reminder message is displayed on a primary screen, the system must not allow the message to be removed from the display until the registered customer acknowledges the message;

- 10.9 if a reminder message is displayed on an ancillary screen, the system must not allow a registered customer to continue play until the customer acknowledges the message.
11. For the purposes of item 10—
- primary screen* means a gaming machine or automated table game screen;
- ancillary screen* means a screen measuring not less than 14 cm in width and 5 cm in height that is—
- (a) in the sandwich board of a gaming machine; or
  - (b) attached to automated table game equipment and visible to the registered customer during play.
12. The registered customer's pre-commitment data must be usable on the same system if that system is available on another gaming machine or automated table game (whether the machine is in the same or a different venue).

### **Communication**

13. The licensee must communicate with a registered customer by the preferred communication method.
14. The licensee must, every 6 months, request by the registered customer's preferred communication method, that the customer confirm or vary his or her expenditure limit.
15. The licensee must provide the registered customer with a periodic activity statement every 6 months by the customer's preferred communication method. This requirement only applies if the registered customer has played a gaming machine or automated table game in the last 6 months using the pre-commitment system.
16. The pre-commitment system must allow the registered customer to access an on-demand activity statement for the current session of play, the previous month of play or any period up to the previous 6 months of play. The registered customer may request an on-demand activity statement from venue staff, online or at an automated kiosk.
17. The following information must be provided in a periodic and an on-demand activity statement:
- 17.1 the period of the statement;
  - 17.2 the total amount spent during that period;
  - 17.3 each amount won and lost during that period;
  - 17.4 the net amount won or lost during that period;
  - 17.5 the current expenditure limit;
  - 17.6 the number of times the registered customer exceeded his or her expenditure limit during that period.
18. The periodic activity statement and on-demand activity statement must be in the registered customer's preferred language, if available.

### **Miscellaneous**

19. The licensee must enter into an agreement with the Minister to allow information recorded by the pre-commitment system to be used for gambling research.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2013	270	<i>Gazette 5.12.2013 p4455</i>	1.1.2014: r 2
2013	275	<i>Gazette 5.12.2013 p4475</i>	1.7.2015: r 2
2015	173	<i>Gazette 18.6.2015 p2874</i>	1.7.2015 immediately after 275/2013 except r 4(4) & (10)—1.10.2015 and except r 4(2), (6) & (8)—1.7.2016: r 2
<b>2017</b>	<b>204</b>	<b><i>Gazette 25.7.2017 p2964</i></b>	<b>25.7.2017: r 2</b>
2018	237	<i>Gazette 29.11.2018 p4117</i>	1.12.2018: r 2

### Provisions varied

New entries appear in bold.

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

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2015</i>
<b>r 5</b>		
<b>r 5(3)</b>	<b>varied by 204/2017 r 4(1)</b>	<b>25.7.2017</b>
<b>r 5(3a)</b>	<b>inserted by 204/2017 r 4(2)</b>	<b>25.7.2017</b>
Sch 2		
item 1		
item 1.3	inserted by 275/2013 r 4(1)	1.7.2015
item 3		
item 3.4	varied by 275/2013 r 4(2), (3)	1.7.2015
item 5		
item 5.2	varied by 275/2013 r 4(4)	1.7.2015
item 6		
item 6.1	substituted by 275/2013 r 4(5)	1.7.2015

	varied by 173/2015 r 4(1)	1.7.2015
	varied by 173/2015 r 4(2)	1.7.2016
item 6.2	varied by 275/2013 r 4(6)	1.7.2015
	varied by 173/2015 r 4(3)	1.7.2015
	varied by 173/2015 r 4(4)	1.10.2015
item 8		
item 8.1	substituted by 275/2013 r 4(7)	1.7.2015
item 8.2	substituted by 275/2013 r 4(7)	1.7.2015
item 8.3	inserted by 275/2013 r 4(7)	1.7.2015
item 10		
item 10.3	varied by 275/2013 r 4(8)	1.7.2015
item 10.4	varied by 275/2013 r 4(9)	1.7.2015
	varied by 173/2015 r 4(5)	1.7.2015
	varied by 173/2015 r 4(6)	1.7.2016
item 10.5	varied by 275/2013 r 4(10)	1.7.2015
item 10.6	varied by 275/2013 r 4(11)	1.7.2015
item 10.7	inserted by 275/2013 r 4(12)	1.7.2015
	varied by 173/2015 r 4(7)	1.7.2015
	varied by 173/2015 r 4(8)	1.7.2016
item 10.8 and 10.9	inserted by 275/2013 r 4(12)	1.7.2015
item 16	varied by 275/2013 r 4(13)	1.7.2015
	varied by 173/2015 r 4(9)	1.7.2015
	varied by 173/2015 r 4(10)	1.10.2015
item 17		
item 17.3	substituted by 275/2013 r 4(14)	1.7.2015
item 17.4—17.6	inserted by 275/2013 r 4(14)	1.7.2015

## **Historical versions**

1.7.2015  
1.10.2015  
1.7.2016