

South Australia

Gambling Administration Regulations 2020

under the *Gambling Administration Act 2019*

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Legislative history

1—Short title

These regulations may be cited as the *Gambling Administration Regulations 2020*.

2—Commencement

These regulations come into operation on 3 December 2020.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Gambling Administration Act 2019*.

4—Statistical information regarding expenditure on gambling activities

For the purposes of section 20(2)(c) of the Act, information of the following kinds is prescribed:

- (a) the total number of licences and authorisations in force under the *Authorised Betting Operations Act 2000*;
- (b) net State wagering revenue for a financial year within the meaning of the *Authorised Betting Operations Act 2000*;
- (c) the number of gaming machine entitlements held in the State under the *Gaming Machines Act 1992*;

- (d) the number of premises in the State in respect of which a licence under the *Gaming Machines Act 1992* is held;
- (e) the total number of licences in force under Part 3 or 4 of the *Lotteries Act 2019*.

5—Evidence of age

For the purposes of section 29(1) of the Act, an inspector may require a person to produce evidence of the person's age as follows:

- (a) a current photographic driver's licence issued under the *Motor Vehicles Act 1959* or under a corresponding law of another State or a Territory;
- (b) a current photographic Proof of Age document issued by the Registrar of Motor Vehicles or by a corresponding public authority of the Commonwealth or another State or a Territory;
- (c) a current passport issued by the Commonwealth or under the law of another country, bearing a photograph of the person and enabling the age of the person to be determined;
- (d) a current photographic Keypass identification document issued by—
 - (i) if the document was issued before 23 November 2013—Alfa Omega Nominees Pty Ltd, trading as The Commonwealth Key & Property Register; or
 - (ii) if the document was issued on or after 23 November 2013—Australian Postal Corporation.

6—Seizure of material or things

- (1) For the purposes of section 32 of the Act, if an inspector seizes any material or thing under Part 4 of the Act, the seized material or thing must be dealt with in accordance with this regulation.
- (2) An inspector must, as soon as practicable after seizing the material or thing—
 - (a) make a record of the seized material or thing in the manner determined by the Commissioner; and
 - (b) give a receipt to the person from whom the material or thing was seized that—
 - (i) identifies the seized material or thing; and
 - (ii) states the name of the inspector who seized the material or thing.
- (3) An inspector may, with any assistance necessary, take or send the seized material or thing to a place determined by the Commissioner for it to be examined, tested or stored.
- (4) The Commissioner may do any of the following in relation to the seized material or thing:
 - (a) if the reason for seizure no longer exists—take reasonable steps to release or return the seized material or thing to the person from whom it was seized;

- (b) retain, in a place determined by the Commissioner, any seized material or thing that is required for evidence in a legal proceeding or disciplinary proceeding under the Act;
 - (c) deal with the seized material or thing as the Commissioner thinks appropriate in the circumstances;
 - (d) enter into an agreement with the person from whom the material or thing was seized, or any other person, to deal with the seized material or thing as the Commissioner thinks appropriate in the circumstances;
 - (e) anything reasonably necessary to ensure the security of the seized material or thing;
 - (f) destroy or otherwise dispose of the material or thing as the Commissioner thinks appropriate in the circumstances.
- (5) The Commissioner may recover as a debt due to the Crown in a court of competent jurisdiction any reasonable costs the Commissioner incurred in dealing with seized materials or things.
- (6) No right of compensation arises out of any action taken by an inspector or the Commissioner under this regulation.

7—Particulars to be included in notice of barring order

- (1) For the purposes of section 46(2) of the Act—
- (a) the following particulars to be included in a notice of a barring order given to a barred person are prescribed:
 - (i) the name and address of the barred person;
 - (ii) the date of birth of the barred person (if known);
 - (iii) the date on which the barring order is made;
 - (iv) the period for which the barring order remains in force;
 - (v) the first date on which the barring order may be revoked or varied (not being a date earlier than the end of the prescribed minimum period as defined in section 45(4) of the Act);
 - (vi) subject to subregulation (2), sufficient details of the activities, premises or place from which the person is barred, to enable the barred person to understand the extent of the barring order;
 - (vii) a statement notifying the barred person of the effect of section 53 of the Act;
 - (viii) a statement warning the barred person that it is an offence to contravene or fail to comply with a barring order; and
 - (b) the following particulars to be included in a notice varying a barring order given to a barred person are prescribed:
 - (i) the prescribed particulars to be included in a notice of a barring order under paragraph (a);
 - (ii) a statement outlining the varied provisions of the barring order;

- (iii) the date from which the barring order is taken to be varied; and
 - (c) the following particulars to be included in a notice revoking a barring order given to a barred person are prescribed:
 - (i) the prescribed particulars to be included in a notice of a barring order under paragraph (a);
 - (ii) a statement to the effect that the barring order is revoked;
 - (iii) the date on which the barring order is taken to be revoked.
- (2) In the case of a barring order made by the Commissioner, the prescribed particulars referred to in subregulation (1)(a)(vi) should not be included in a notice given to a barred person if the person nominates not to receive these details.

8—Procedures to be observed by authorised persons

Pursuant to section 49(3) of the Act, the following procedures are prescribed as procedures to be observed by authorised persons (other than police officers) in or in connection with the removal of persons barred from a place or from taking part in specified gambling activities that are engaged in at that place:

- (a) if a person who is barred from a place or barred from taking part in specified gambling activities that are engaged in at that place by order under Part 6 of the Act—
 - (i) seeks to enter the place; or
 - (ii) refuses or fails to comply with a requirement under section 49(1) of the Act,

an authorised person may prevent the person from entering the place, or remove the person from the place, using the force reasonably necessary for the purpose;
- (b) an authorised person must, if practicable, before using force to prevent a person from entering, or remove a person from, a place—
 - (i) advise the person that they are authorised to use reasonable force to prevent persons from entering, or remove persons from, the place; and
 - (ii) explain that they will, unless the person agrees that they will not enter the place, or agrees to leave the place, use force to prevent the person from entering, or remove the person from, the place;
- (c) an authorised person must not, while using force to prevent a person from entering, or remove a person from, a place, hold the person above the person's shoulders, or undertake any other action in respect of the person, in a way that could prevent or restrict the inhalation of air by the person or cause the person to suffer asphyxia (unless the action is necessary in self-defence);
- (d) as soon as reasonably practicable following an incident involving the use of force to prevent a person from entering, or remove a person from, a place under this regulation, each authorised person involved in the incident must, if they are not a gambling provider, report the incident to the gambling provider in writing, and must include in the report the details required to be recorded in the register under paragraph (e);

- (e) a gambling provider must ensure—
- (i) that a record of each incident involving the use of force by an authorised person to prevent a person from entering, or remove a person from a place is maintained; and
 - (ii) that the record identifies the gambling provider and the place the subject of the incident; and
 - (iii) that each record—
 - (A) includes the following details:
 - the date and time of the incident;
 - if the incident occurred on premises the subject of a licence under the *Gaming Machines Act 1992*—the name of the gaming manager on the licensed premises at the time of the incident;
 - whether the incident related to prevention of entry to, or removal from, the place;
 - the name or employee identification number of the authorised person;
 - the grounds for the use of force;
 - if known, the name, address and date of birth of the person prevented from entering, or removed from, the place and of any witness to the incident;
 - a description of any injuries sustained by any person as a result of the incident;
 - whether a police officer attended the incident and, if so, the name or badge number of the police officer;
 - a description of the incident and any preceding events; and
 - (B) is dated and signed by the gambling provider; and
 - (C) is retained for at least 1 year following the occurrence of the incident.

9—Prescribed particulars to be contained in register

For the purposes of section 52(a) of the Act, the following particulars are prescribed (to the extent that they are available to the Commissioner):

- (a) in relation to each barring order—
 - (i) the name, address, telephone number, email address, date of birth and gender identity of the barred person; and
 - (ii) if a photograph of the person is available—a photograph of the person; and
 - (iii) the prescribed particulars required to be included in a notice given to the barred person under regulation 7; and

- (iv) if a notice under section 46 of the Act relating to the barring order was returned undelivered to the Commissioner or gambling provider—the date on which the notice was returned to the Commissioner or gambling provider; and
 - (v) if the Commissioner is undertaking a reconsideration of the barring order—that fact; and
 - (vi) if the barring order is varied—details of the variation and the date on which the variation was made; and
 - (vii) if the barring order is revoked or has expired—the date on which the barring order was revoked or expired;
- (b) in relation to each request for a barring order that is refused—
- (i) the name, address, email address, date of birth and gender identity of the person who requested the barring order; and
 - (ii) if a photograph of the person is available—a photograph of the person; and
 - (iii) the date on which the person requested a barring order; and
 - (iv) the date on which the Commissioner or gambling provider refused the request or is taken to have refused the request.

10—Prohibition on participation in gambling—prescribed persons

For the purposes of section 62(1) of the Act, a Public Service employee holding a position of a class determined by the Commissioner by notice in the Gazette is prescribed.

Schedule 1—Transitional regulations

1—Transitional regulations—prescribed notices

- (1) Pursuant to section 66(3)(c) of the Act, a notice prescribed by the Commissioner under section 6A(1)(c) of the *Authorised Betting Operations Act 2000* as in force immediately before the prescribed day will, on or after the prescribed day, be taken to have been issued under section 17 of the Act.
- (2) Pursuant to section 66(3)(c) of the Act, a notice prescribed by the Commissioner under section 40B(2) of the *Casino Act 1997* as in force immediately before the prescribed day will, on or after the prescribed day, be taken to have been issued under section 17 of the Act.
- (3) Pursuant to section 66(3)(c) of the Act, a notice prescribed by the Commissioner under section 10A(1)(ca) of the *Gaming Machines Act 1992* as in force immediately before the prescribed day will, on or after the prescribed day, be taken to have been issued under section 17 of the Act.
- (4) In this clause—

prescribed day means the day on which this clause commences.

Schedule 2—Revocation of *Gambling Administration Regulations 2013*

The *Gambling Administration Regulations 2013* are revoked.

Legislative history

Notes

- 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.

Principal regulations

Year	No	Reference	Commencement
2020	250	<i>Gazette 30.7.2020 p4141</i>	3.12.2020: r 2