

South Australia

Gaming Machines Regulations 2020

under the *Gaming Machines Act 1992*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Gaming Machines Regulations 2020*.

2—Commencement

These regulations come into operation on 1 June 2020.

3—Interpretation

In these regulations—

Act means the *Gaming Machines Act 1992*.

4—Prescribed gaming machine components

- (1) For the purposes of those provisions of the Act requiring a person to be licensed to manufacture, sell or supply prescribed gaming machine components or regulating the form of a contract to sell or supply prescribed gaming machine components, the following items are declared to be prescribed gaming machine components:
 - (a) a software package, other than a game, that controls any part of the operation of a gaming machine;
 - (b) a device containing the whole or any part of the software referred to in paragraph (a).
- (2) For the purpose of all other provisions of the Act that relate to prescribed gaming machine components, the following items are declared to be prescribed gaming machine components:
 - (a) the items referred to in subregulation (1);
 - (b) a cabinet designed to house the computer components of a gaming machine;
 - (c) a gaming machine cabinet;
 - (d) a gaming machine cabinet door;
 - (e) gaming machine artwork;
 - (f) the reel tape and reel mechanism for a gaming machine;
 - (g) a gaming machine hopper and any part recognisable as being a part of a gaming machine hopper.

5—Prescribed duties

For the purposes of section 49 of the Act, the following duties are prescribed:

- (a) paying out winnings;
- (b) issuing or redeeming gaming tokens;
- (c) opening a secure area of a gaming machine;
- (d) performing any tasks that require the opening of a secure area of a gaming machine;
- (e) if a gaming machine on the licensed premises operates in connection with a cashless gaming system—
 - (i) providing assistance to a person using the cashless gaming system; or
 - (ii) assisting the user of the cashless gaming system to store and transfer value from a user's account to a gaming machine; or
 - (iii) providing assistance to a person using the pre-commitment system.

Part 2—Approved trading system (section 27B of Act)

6—Interpretation

In this Part—

purchaser price—see regulation 11;

statutory objective means the objective of reducing the number of gaming machines that may be lawfully operated in the State to a number not exceeding 13 081;

trading day—see regulation 7(2)(c);

trading round—see regulation 7;

vendor price—see regulation 11.

7—Establishment of trading round

- (1) The Commissioner may, and must if directed to do so by the Minister, by notice in the Gazette, establish a trading round for gaming machine entitlements.
- (2) The notice must—
 - (a) invite offers to purchase or sell gaming machine entitlements from persons entitled to do so; and
 - (b) fix a closing date and time for the submission of the offers; and
 - (c) fix a day for the determination by the Commissioner of the offers that are to be regarded as accepted in the trading round (the *trading day*); and
 - (d) fix the administration fees for the trading round for the submission of offers to purchase and the withdrawal of offers to sell.
- (3) A copy of the notice or the information contained in the notice must be given to the holder of the casino licence and each holder of a gaming machine licence or gaming machine entitlement (although non-compliance with this subregulation does not invalidate any sale of gaming machine entitlements).

- (4) However, a trading round may not be established once the statutory objective has been met.

8—Offer to sell entitlement in trading round

- (1) Subject to this regulation, a person holding gaming machine entitlements may submit, for each entitlement the person wishes to sell in a trading round, an offer in a form approved by the Commissioner specifying the lowest price the person is willing to accept for the entitlement.
- (2) Club One may only submit an offer to sell a gaming machine entitlement if the Minister responsible for the administration of the *Recreational Greenways Act 2000* gives their approval.
- (3) An offer to sell a gaming machine entitlement must be accompanied by evidence to the Commissioner's satisfaction of the vendor's right to sell the gaming machine entitlement.
- (4) At any time before the closing date and time for the submission of offers in a trading round, an offer to sell a gaming machine entitlement may be withdrawn on payment of the applicable administration fee.
- (5) If it is determined in accordance with this Part that an offer to sell a gaming machine entitlement in a trading round is to be regarded as accepted, the amount to be paid to the vendor by the Commissioner for the entitlement will be the vendor price for the trading round determined in accordance with this Part, regardless of the actual amount of the offer.

9—Offer to purchase entitlement in trading round

- (1) Subject to this regulation, a person who is eligible to purchase gaming machine entitlements may submit, for each entitlement the person wishes to purchase in a trading round, a written offer specifying the highest price the person is willing to pay for the entitlement and, except in the case of an offer by Club One, the premises to which the entitlement will relate.
- (2) An offer to purchase must be in a form approved by the Commissioner and, except in the case of an offer by Club One, be accompanied by the applicable administration fee.
- (3) The Commissioner may require a person who makes an offer to purchase a gaming machine entitlement to provide an irrevocable letter of credit from a financial institution, or other security to the satisfaction of the Commissioner, for payment of the purchase price (and, if the letter of credit or security is not provided within the time allowed by the Commissioner, the offer to purchase the entitlement will be taken to be withdrawn and the Commissioner will retain the administration fee for the offer).
- (4) At any time before the closing date and time for the submission of offers in a trading round, an offer to purchase a gaming machine entitlement may be withdrawn and the Commissioner will retain the administration fee for the offer.
- (5) If it is determined in accordance with this Part that an offer to purchase a gaming machine entitlement in a trading round is to be regarded as accepted, the amount to be paid by the purchaser to the Commissioner for the entitlement will be the purchaser price for the trading round determined in accordance with this Part, regardless of the actual amount of the offer.

- (6) For the purposes of this regulation, a person is eligible to purchase gaming machine entitlements if the person is—
- (a) a licensee whose licensed premises are approved for the operation of more gaming machines than the number of gaming machine entitlements held by the licensee (but such a licensee is not eligible to purchase a number of gaming machine entitlements exceeding the difference between the number of gaming machine entitlements currently held by the licensee and the number of gaming machines approved for operation on the licensed premises); or
 - (b) Club One; or
 - (c) the holder of the casino licence.

10—Commissioner may reject offer or cancel trading round

- (1) The Commissioner has a discretion to reject (at any time before the trading day for a trading round) an offer to sell or to purchase a gaming machine entitlement in the trading round if the intending vendor or purchaser is subject to disciplinary proceedings under the Act or there is some other good reason to do so.
- (2) If an offer to purchase a gaming machine entitlement is rejected, the administration fee must be refunded.
- (3) The Commissioner may, by notice in the Gazette on or before the trading day for a trading round, cancel the trading round.
- (4) The notice must (unless the reason for cancellation arises from criminal intelligence) briefly set out the reasons for cancelling the trading round.
- (5) Notice of the cancellation must be given to the holder of the casino licence and each holder of a gaming machine licence or gaming machine entitlement and all administration fees must be refunded.

11—Determination of offers and prices in trading round

- (1) For each trading round, the Commissioner will determine the offers to sell and the offers to purchase that, as of the trading day, are to be regarded as accepted and the purchaser price and the vendor price as follows:
 - (a) for each offer to sell a gaming machine entitlement, the minimum amount that the vendor will accept is to be multiplied by 4 and divided by 3 to produce a notional selling price;
 - (b) each offer to sell an entitlement is to be assigned a priority, with the highest priority (number 1) being assigned to the offer of the lowest amount and the lowest priority (the highest number) being assigned to the offer of the highest amount;
 - (c) if there is more than 1 offer to sell an entitlement for the same amount, the order of priority is to be determined by the drawing of lots;

- (d) the priority numbers assigned to the offers to sell are then to be adjusted to produce a notional priority for each offer so that there are 2 offers for every priority number that is a multiple of 3, that is, the priority numbers are to be adjusted to match the following pattern: 1, 2, 3, 3, 4, 5, 6, 6, 7, 8, 9, 9, 10 and so on (with original priority 4 becoming priority 3, original priority 5 becoming priority 4, original priority 6 becoming priority 5, original priorities 7 and 8 becoming priority 6 and so on);
 - (e) even though the same priority number is notionally assigned to 2 offers to sell, the original order of priority as between those offers is preserved;
 - (f) each offer to purchase an entitlement is to be assigned a priority, with the highest priority (number 1) being assigned to the offer of the highest amount and the lowest priority (the highest number) being assigned to the offer of the lowest amount;
 - (g) if there is more than 1 offer to purchase an entitlement for the same amount, the order of priority is to be determined by the drawing of lots;
 - (h) the entitlements to be sold (if any) are to be determined in order of priority of the offers;
 - (i) an entitlement will be sold if the amount of the notional selling price of an offer to sell of a particular priority is the same as or less than the amount of the offer to purchase of the same priority (and those offers will be regarded as accepted as of the trading day);
 - (j) the priority of an offer to sell referred to in paragraph (i) is the notional priority assigned under paragraph (d);
 - (k) the purchaser price of an entitlement is half of the sum of—
 - (i) the amount of the offer to purchase an entitlement that is of the lowest priority that is to be regarded as accepted; and
 - (ii) the amount of the notional selling price of the offer to sell an entitlement that is of the lowest priority that is to be regarded as accepted;
 - (l) the vendor price of an entitlement is three quarters of the amount of the purchaser price.
- (2) The Commissioner must publish on a website to which the public has access free of charge, or in some other form considered appropriate by the Commissioner, the Commissioner's determination of the purchaser price and the vendor price for a trading round.
- (3) The Commissioner must inform each person with an offer to sell or purchase a gaming machine entitlement in a trading round of the Commissioner's determination for the round, including the purchaser price, the vendor price and whether or not the person's offer is to be regarded as accepted.

12—Outcome of trading round

- (1) A person whose offer to purchase a gaming machine entitlement is, as of a trading day, to be regarded as accepted must, within 14 days after the trading day, pay to the Commissioner the purchaser price for the entitlement and, in addition, any GST applicable to the sale.

- (2) The difference between the aggregate of the amounts paid by purchasers and the aggregate of the amounts paid to vendors for gaming machine entitlements sold in a trading round is payable as commission into the Gamblers Rehabilitation Fund.
- (3) As the Commissioner receives the proceeds of sale of a trading round and at intervals following the trading day determined by the Commissioner, the Commissioner is to—
 - (a) make payments to the vendors in the order of priority of the offers to sell gaming machine entitlements to be regarded as accepted; and
 - (b) vest gaming machine entitlements in purchasers in the order in which they have made payments for the entitlements; and
 - (c) —
 - (i) vest in Club One every fourth entitlement sold in the trading round by non-profit associations; and
 - (ii) cancel every fourth entitlement sold in the trading round by persons other than non-profit associations,
(those entitlements having been surrendered to the Crown).
- (4) An entitlement is taken to be transferred by the vendor or cancelled at a time specified by the Commissioner by notice in writing to the vendor and an entitlement is taken to be vested in a purchaser or Club One at the time specified by the Commissioner by notice in writing to the purchaser or Club One.

13—Default by purchaser of entitlement in trading round

- (1) If a purchaser of a gaming machine entitlement in a trading round fails to pay the purchaser price for the entitlement within 14 days after the trading day—
 - (a) the Commissioner may, at the Commissioner's discretion, offer to sell the entitlement at the purchaser price for the trading round to persons who submitted unsuccessful offers to purchase an entitlement in the round at or above the purchaser price for the round in the order of priority of those offers in the round; and
 - (b) the purchaser may not submit an offer to purchase a gaming machine entitlement (in respect of any premises) in the next trading round.
- (2) If a person to whom an offer is made under subregulation (1)(a) pays to the Commissioner the purchaser price for the gaming machine entitlement and, in addition, any GST applicable to the sale within the period allowed by the Commissioner, the person is to be regarded as a purchaser whose offer to purchase an entitlement is to be regarded as accepted (in substitution for the purchaser in default).
- (3) If at least 42 days have passed since a trading day and a vendor whose offer to sell a gaming machine entitlement is, as of that day, to be regarded as accepted has not received payment for the entitlement, the vendor may, by notice in writing to the Commissioner, withdraw the entitlement from sale in the trading round.

- (4) If a gaming machine entitlement is withdrawn from sale under subregulation (3), the Commissioner must not accept payment for the last gaming machine entitlement that would otherwise have been vested in a purchaser in the trading round, and, if a second entitlement is withdrawn from sale under subregulation (3), for the second to last entitlement that would otherwise have been vested in a purchaser in the trading round, and so on.
- (5) If a vendor whose offer to sell a gaming machine entitlement is to be regarded as accepted in a trading round has not received payment for the entitlement before the publication of a notice in the Gazette establishing the next trading round, the entitlement is taken to be withdrawn from sale in the trading round and the Commissioner must not accept payment for the entitlement in that round.

14—Closure of trading round

- (1) A trading round is closed when all payments for gaming machine entitlements that may be accepted in the trading round have been made.
- (2) On the closure of a trading round, 1 entitlement may remain available to be vested in Club One in a subsequent trading round (see regulation 15) but otherwise the Commissioner is to cancel any entitlements sold in the trading round and not vested in purchasers or Club One or cancelled under regulation 12(3) (those entitlements having been surrendered to the Crown).
- (3) The Commissioner must ensure that notice of the closure of a trading round is published on a website to which the public has access free of charge.

15—Remainder of entitlements sold by non-profit associations to be taken into account in future trading rounds

If there is a remainder after the total number of entitlements sold in a trading round by non-profit associations is divided by 4, a number of entitlements equal to the remainder is to be taken into account in the next trading round for the purposes of determining the number of entitlements sold in that trading round by non-profit associations (and consequently the number of entitlements to be vested in Club One) as if they had been sold in that trading round by non-profit associations.

16—Review of Part

- (1) When it becomes apparent that the statutory objective will soon be met, the Minister must review the operation of this Part with a view to determining how it should be modified following the trading round in which the statutory objective is met.
- (2) The Minister must seek and consider written submissions from the holder of the casino licence, from a body representative of gaming machine licensees and from Club One when conducting a review.

Part 3—Other provisions

17—Duty to wear identification cards

- (1) The holder of a gaming machine licence must, while within a gaming area on the licensed premises that is open for business, wear an identification card that—
 - (a) is in the form approved by the Commissioner; and

(b) is clearly visible to other persons.

Maximum penalty: \$2 500.

(2) The holder of a gaming machine service licence must, while carrying out their duties on licensed premises, wear an identification card that—

(a) is in the form approved by the Commissioner; and

(b) is clearly visible to other persons.

Maximum penalty: \$2 500.

(3) An approved gaming machine technician or an employee of the holder of the gaming machine monitor licence must, while carrying out their duties on licensed premises, wear an identification card that—

(a) is in the form approved by the Commissioner; and

(b) is clearly visible to other persons.

Maximum penalty: \$2 500.

18—Certain tasks must not be delegated

The holder of a gaming machine licence or a gaming manager must not suffer or permit another person (other than the licensee or manager) to—

(a) exercise powers or perform any functions or duties specified in a code of practice prescribed by the Commissioner to be undertaken by a gaming manager; or

(b) exercise the power to withhold winnings in the circumstances prescribed by the Act.

Maximum penalty: \$2 500.

19—Minister may grant exemptions

(1) The Minister may grant exemptions from such provisions of the Act as may be necessary for the purpose of allowing—

(a) any university or any college established under the *Technical and Further Education Act 1975*; or

(b) such other person or body as the Minister may approve,

to provide training courses in any aspect of the gaming machine industry.

(2) The Minister may grant exemptions from such provisions of the Act as may be necessary for the purpose of—

(a) enabling an approved gaming machine technician to install, service or repair gaming machines, games or prescribed gaming machine components; and

(b) enabling an approved gaming machine technician or the holder of a gaming machine service licence to do any of the following:

(i) have or take possession of a gaming machine or game for the purpose of installing, servicing or repairing it;

(ii) have possession of a gaming machine or game on a temporary basis prior to its installation;

- (iii) seal a gaming machine or the computer cabinet or any other part of a gaming machine or break or otherwise interfere with any such seal, in the course of their duties.
- (3) The Minister may grant an exemption from section 77(1) of the Act in relation to the transfer of all gaming machines together with a gaming machine licence and all gaming machine entitlements held by the transferor immediately before the transfer.
- (4) The Minister may grant exemptions from such provisions of the Act as may be necessary for the purpose of allowing any particular person or body, or any person or body of a particular class, to exhibit and demonstrate gaming machines at trade fairs or exhibitions or other similar events.
- (5) The Minister may grant exemptions from such provisions of the Act as may be necessary for the purpose of allowing a gaming machine to be located on an ocean going passenger vessel (subject to conditions prohibiting the operation of a gaming machine while the vessel is in State waters and while the vessel is engaged in an intra-State journey).
- (6) The Minister may grant exemptions from such provisions of the Act as may be necessary for the purpose of allowing any particular person or body, or any person or body of a particular class, to possess and operate a gaming machine for the purposes of—
 - (a) conducting research into problem gambling or other issues associated with gambling; or
 - (b) providing a program of treatment for problem gamblers.
- (7) The Minister may grant exemptions from such provisions of the Act as may be necessary for the purpose of enabling gaming machines owned by the holder of the casino licence under the *Casino Act 1997* to be stored at a secure location by a person who does not hold a licence.
- (8) Without limiting the conditions that may be imposed under subregulation (9), an exemption under subregulation (7) is subject to the following conditions:
 - (a) the person storing the gaming machines and the premises at which the gaming machines are stored must be approved by the Commissioner;
 - (b) a gaming machine must not be transferred to the approved premises unless the Commissioner has been given notice in writing of the details of the gaming machine and the date and time of its proposed transfer;
 - (c) a gaming machine must not be disposed of at, or removed from, the approved premises unless the Commissioner has been given notice in writing of—
 - (i) the details of the gaming machine; and
 - (ii) if the machine is to be disposed of—the proposed method, date and time of disposal; and
 - (iii) if the machine is to be removed—the purpose of its removal, the place to which it is to be removed and the date and time of its proposed removal;

- (d) an authorised officer may exercise powers for the purposes of ascertaining whether the conditions of the exemption are being complied with as if those powers were being exercised under the Act, the approved premises were premises used in the course of a business carried on under a licence and the officer were ascertaining whether the provisions of the licence were being complied with, and a person—
 - (i) must not, without reasonable excuse, hinder or obstruct the authorised officer in the exercise of the powers; or
 - (ii) fail to answer a question put by the authorised officer to the best of their knowledge, information or belief; or
 - (iii) fail to comply with any other lawful requirement or direction of the authorised officer; or
 - (iv) use abusive, threatening or insulting language to the authorised officer or a person assisting the authorised officer.
- (9) An exemption may be conditional or unconditional.
- (10) In the case of an exemption to be granted to a class of persons, the Minister will grant the exemption by notice in the Gazette.
- (11) The Minister may vary an exemption granted under this regulation—
 - (a) in the case of an exemption granted under subregulation (10)—by notice in the Gazette; or
 - (b) in any other case—by notice given to the person to whom the exemption relates.

20—Exemption of certain private owners of gaming machines

- (1) A person who, immediately before the commencement of the Act, had possession of a gaming machine in their home is exempt from the Act provided that—
 - (a) they have possession of only 1 such machine; and
 - (b) they do not use the machine, or suffer or permit it to be used, for the purposes of gaming; and
 - (c) the machine is kept at all times in their principal place of residence; and
 - (d) they have notified the Commissioner in writing of the fact that they possess a gaming machine and of the address at which the gaming machine is kept.
- (2) A person exempted under this regulation must notify the Commissioner in writing of any change in the address of their principal place of residence.
Maximum penalty: \$250.
- (3) For the purposes of this regulation, a gaming machine that is incapable of being operated will not be regarded as a gaming machine.

21—Indemnity must be lodged with certain applications

- (1) A person lodging an application to which this subregulation applies must at the same time lodge an indemnity signed by the applicant indemnifying the Commissioner and the Police Commissioner against prescribed costs and expenses.

- (2) Subregulation (1) applies to—
- (a) an application for a gaming machine dealer's licence;
 - (b) an application for a gaming machine service licence;
 - (c) an application for the gaming machine monitor licence;
 - (d) an application for approval of a gaming machine;
 - (e) an application for approval of a game;
 - (f) an application for approval of a gaming token;
 - (g) an application for approval to manufacture approved gaming tokens.
- (3) A person lodging an application to which this subregulation applies must at the same time lodge an indemnity signed by the applicant indemnifying the Commissioner against the costs (which will be charged at the rate prescribed for the purposes of the Act) of investigating each natural person, being a person who is—
- (a) the applicant or 1 of the applicants; or
 - (b) the person or 1 of the persons to whom the application relates; or
 - (c) in the case of an application made by or relating to a body corporate—a person who occupies a position of authority in the body corporate.
- (4) Subregulation (3) applies to—
- (a) an application for a gaming machine licence or gaming machine service licence; and
 - (b) an application for consent to the transfer of a gaming machine licence.
- (5) The following applicants must, on lodging an indemnity pursuant to this regulation, at the same time pay to the Commissioner a bond of \$10 000 in support of the indemnity:
- (a) an applicant for the gaming machine monitor licence;
 - (b) an applicant for a gaming machine dealer's licence;
 - (c) an applicant for approval to manufacture approved gaming tokens.
- (6) The Commissioner may, if satisfied that the prescribed costs and expenses relating to an application are likely to exceed the amount of a bond paid by the applicant under this regulation, require the applicant to pay a further bond of such amount (not exceeding \$10 000) as the Commissioner may specify.
- (7) In this regulation—
- prescribed costs and expenses***, in relation to an application, means the costs and expenses certified by the Commissioner or the Police Commissioner, as the case may require, as the costs and expenses incurred in carrying out investigations for the purposes of determining whether or not the application should be granted.

22—Criteria for recognition of systems (section 10A of Act)

- (1) For the purposes of section 10A(1)(ca)(i)(E) of the Act, criteria for an account based cashless gaming system recognised under section 10B(1)(c)(i) of the Act must require that—
 - (a) the name and address of each person using the system is provided; and
 - (b) the holder of a gaming machine licence who operates the system 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 10A(1)(ca)(ii)(C) of the Act, criteria for an automated risk monitoring system recognised under section 10B(1)(c)(ii) of the Act must require that the holder of a gaming machine licence who operates the system enters into an agreement with the Minister to allow information recorded by the system to be used for gambling research.

23—Approval of gaming machines and games (section 40 of Act)

- (1) For the purposes of section 40(2)(b) and (4)(c) of the Act, a requirement that a gaming machine or a game (as the case requires) has been certified by the holder of the gaming machine monitor licence as being able to be operated in a way that is compatible with the monitoring system is prescribed.
- (2) Subject to subregulation (3), for the purposes of section 40(2)(b) and (4)(c) of the Act, a requirement that a gaming machine or a game (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.
- (3) Subregulation (2) 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 40 of the Act; and
 - (b) the Commissioner is satisfied that 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 24.

24—Prescribed jurisdiction (section 42 of Act)

For the purposes of section 42(7) and (8) of the Act, the following jurisdictions are prescribed:

- (a) New South Wales;
- (b) New Zealand;

- (c) Queensland;
- (d) Victoria.

25—Prescribed cash facilities limitations (section 51B of Act)

- (1) For the purposes of section 51B(1) of the Act, the following limitations are prescribed:
 - (a) in relation to an EFTPOS facility—
 - (i) each withdrawal from the facility must be for an amount not exceeding \$200; and
 - (ii) a person operating the EFTPOS facility (being the licensee, an employee of the licensee or another person acting on behalf of the licensee) must confirm the withdrawal amount with the person obtaining cash from the EFTPOS facility immediately before the amount is withdrawn; and
 - (iii) cash may only be obtained—
 - (A) directly from a person operating the EFTPOS facility; or
 - (B) from a dispenser in the immediate vicinity of the EFTPOS facility (not being a dispenser that forms part of an automatic teller machine);
 - (b) in relation to an automatic teller machine—any withdrawal or withdrawals on any 1 debit or credit card must not exceed in total \$250 in any period of 24 hours, or such higher monetary limit determined by the Commissioner with respect to an automatic teller machine on particular licensed premises on application by the relevant licensee.
- (2) For the purposes of subregulation (1)(b)—
 - (a) an application to the Commissioner must be made in a manner and form determined by the Commissioner; and
 - (b) the Commissioner may vary or revoke a determination under that subregulation as the Commissioner thinks fit.

26—Prescribed day (section 53A of Act)

In accordance with paragraph (b) of the definition of *prescribed day* in section 53A(9) of the Act, 31 December 2020 is prescribed.

27—Forms

Schedule 1 prescribes the form of certain applications and notices for the purposes of the Act.

Schedule 1—Forms

1—Application for gaming machine licence

The prescribed form for an application for a gaming machine licence is a form that complies with the following requirements:

- (a) the form must specify—

- (i) the full name, address for service and contact details of the applicant; and
 - (ii) —
 - (A) if the applicant is a partnership—the name of the partnership (and be accompanied by a copy of the partnership agreement);
 - (B) if the applicant proposes to hold the licence as a trustee of a trust—the name of the trust and details of the type of trust (and be accompanied by a copy of the trust deed);
 - (C) if the applicant is a corporate entity—the name, ACN number and registered address of the entity (and be accompanied by a copy of the constitution of the entity); and
 - (iii) the address of the premises or proposed premises to which the application relates; and
 - (iv) the name that the premises is or is to be known as; and
 - (v) whether or not the applicant holds the requisite liquor licence and, if they do, sufficient information to identify the licence; and
 - (vi) the number of gaming machines sought to be authorised by the licence; and
 - (vii) the hours during which it is proposed to conduct gaming operations under the licence (on ordinary week days, public holidays and other proposed special occasions);
- (b) the form must include information relating to—
- (i) if the applicant is a natural person—the applicant; or
 - (ii) if the applicant is a trust or corporate entity—each person who occupies a position of authority in the trust or entity;
- (c) the information must include—
- (i) the full name, date of birth and sex of the person; and
 - (ii) a statement of the capacity in which the person acts or is to act that results in the information being required; and
 - (iii) if the person is or has previously been—
 - (A) a licensee; or
 - (B) a person occupying a position of authority in a trust or corporate entity that is a licensee,a statement of that fact and details sufficient to identify the relevant licence; and
 - (iv) personal and financial details as required by forms available from the Commissioner for the purposes of section 19 or 42 of the Act;
- (d) the form must be signed and dated by the applicant.

Note—

Under section 18(4) of the Act, the application must be accompanied by a plan of the proposed licensed premises that delineates the gaming area or gaming areas within which the gaming machines are to be installed and the layout of the machines within each gaming area.

2—Application for transfer of gaming machine licence

The prescribed form for an application for the consent of the Commissioner to the transfer of a gaming machine licence (see section 28 of the Act) is a form that complies with the following requirements:

- (a) the form must specify—
 - (i) the full name, address for service and contact details of the transferee; and
 - (ii) information sufficient to identify the licence proposed to be transferred; and
 - (iii) —
 - (A) if the transferee is a partnership—the name of the partnership (and be accompanied by a copy of the partnership agreement);
 - (B) if the transferee proposes to hold the licence as a trustee of a trust—the name of the trust and details of the type of trust (and be accompanied by a copy of the trust deed);
 - (C) if the transferee is a corporate entity—the name, ACN number and registered address of the entity (and be accompanied by a copy of the constitution of the entity); and
 - (iv) information sufficient to identify the liquor licence held by the transferee; and
 - (v) the address of the premises to which the application relates; and
 - (vi) the name that the premises is or is to be known as;
- (b) the form must include information relating to—
 - (i) if the transferee is a natural person—the transferee; or
 - (ii) if the transferee is a trust or corporate entity—each person who occupies a position of authority in the trust or entity;
- (c) the information must include—
 - (i) the full name, date of birth and sex of the person; and
 - (ii) a statement of the capacity in which the person acts or is to act that results in the information being required; and
 - (iii) if the person is or has previously been—
 - (A) a licensee; or
 - (B) a person occupying a position of authority in a trust or corporate entity that is a licensee,

a statement of that fact and details sufficient to identify the relevant licence; and

- (iv) personal and financial details as required by forms available from the Commissioner for the purposes of section 19 or 42 of the Act;
- (d) the form must be signed and dated by the transferor to indicate that the transferor requests the Commissioner to consent to the transfer;
- (e) the form must be signed and dated by the transferee.

3—Application for gaming machine dealer's licence

The prescribed form for an application for a gaming machine dealer's licence is a form that complies with the following requirements:

- (a) the form must specify the full name, address for service, address of the principal place of business and contact details of the applicant;
- (b) the form must specify—
 - (i) if the applicant is a partnership—the name of the partnership (and be accompanied by a copy of the partnership agreement);
 - (ii) if the applicant proposes to hold the licence as a trustee of a trust—the name of the trust and details of the type of trust (and be accompanied by a copy of the trust deed);
 - (iii) if the applicant is a corporate entity—the name, ACN number and registered address of the entity and a flow chart supported by written text explaining the corporate structure of the entity, in particular in relation to parent or holding companies, subsidiaries and other associated companies (and be accompanied by a copy of the constitution of the entity);
 - (iv) if the applicant is a public company—the name and address of each of the 20 largest shareholders and for each class of shares held by each of those shareholders, the class, number and percentage of shares held;
 - (v) if the applicant is a subsidiary company—the name, address and date of birth of each director of a holding or parent company (entered against the name of the relevant holding or parent company);
- (c) if the applicant is a corporate entity, the form must include—
 - (i) details of—
 - (A) any licence or approval applied for or held by the entity, or a holding, parent or subsidiary company of the entity, under gambling legislation in any other State, a Territory of the Commonwealth or New Zealand; and
 - (B) any refusal to grant or renew any such licence or approval; and
 - (C) any suspension, cancellation or revocation of, or other disciplinary action in respect of, any such licence or approval; and

- (ii) details of offences of which the entity, or a holding, parent or subsidiary company of the entity, has been found guilty (whether in or outside Australia) and alleged offences expiated by the entity, or a holding, parent or subsidiary company of the entity, (whether in or outside Australia); and
 - (iii) a statement as to whether the entity, or a holding, parent or subsidiary company of the entity, has been placed into liquidation, receivership or under a scheme of arrangement or other formal insolvency administration and, if so, details of those arrangements;
- (d) the form must include information relating to each of the following:
 - (i) if the applicant is a natural person—the applicant;
 - (ii) if the applicant is a corporate entity—
 - (A) each director, company secretary and office holder; and
 - (B) each other person who occupies a position of authority in the entity;
 - (iii) if the applicant is a trust—each person who occupies a position of authority in the trust;
- (e) the information must include—
 - (i) the full name, date of birth and sex, of the person; and
 - (ii) a statement of the capacity in which the person acts or is to act that results in the information being required; and
 - (iii) if the person is or has previously been—
 - (A) a licensee; or
 - (B) a person occupying a position of authority in a trust or corporate entity that is a licensee,a statement of that fact and details sufficient to identify the relevant licence or approval; and
 - (iv) personal and financial details as required by forms available from the Commissioner for the purposes of section 19 or 42 of the Act;
- (f) the form must be signed and dated by the applicant.

4—Notice of application required to be advertised

The prescribed form for a notice of an application that is required to be advertised (see section 29 of the Act) is a form that complies with the following requirements:

- (a) the form must state that the notice is given under the *Gaming Machines Act 1992*;
- (b) the form must specify—
 - (i) the full name and address for service of the applicant; and
 - (ii) the nature of the application; and
 - (iii) in the case of an application for the grant or transfer of a gaming machine licence—

- (A) the address of the premises to which the application relates;
and
- (B) the name that the premises is or is to be known as; and
- (iv) the date and time set down for the hearing of the application;
- (c) the form must contain a statement of the right of a person to object to the granting of the application, for example—

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the address given in this notice at least 7 days before the hearing date.

- (d) the form must, in the case of an application for the grant or transfer of a gaming machine licence, contain a statement that plans of the premises to which the application relates may be inspected and specify the place at which they may be inspected.

5—Notice of objection to advertised application

The prescribed form for a notice of objection to an advertised application (see section 30 of the Act) is a form that complies with the following requirements:

- (a) the form must specify—
 - (i) the full name, address and contact details of the objector; and
 - (ii) in relation to the application the subject of the objection—
 - (A) the name of the applicant; and
 - (B) the nature of the application; and
 - (C) the address of the premises to which the application relates;
and
 - (iii) the date and time set down for the hearing of the application;
- (b) the form must contain details of the grounds on which the objection is made;
- (c) the form must indicate whether or not the notice has been served on the applicant and, if it has, the date on which it was served;
- (d) the form must be signed and dated by the objector.

Schedule 2—Transitional regulations (section 87(5) of Act)

1—Transitional regulation—cashless gaming system

- (1) Section 53A(1) of the Act (as inserted by section 96 of the *Statutes Amendment (Gambling Reform) Act 2013*) is, until the prescribed day, modified in its application to the holder of a gaming machine licence such that the licensee must not provide any gaming machine that may be operated in connection with a cashless gaming system unless—
 - (a) the system is recognised by the Commissioner under section 10B(1)(c)(i) of the Act; and

- (b) the gaming machine is operated in connection with an automated risk monitoring system recognised by the Commissioner under section 10B(1)(c)(ii) of the Act; and
 - (c) the gaming machine 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 3.
- (2) In this clause—
prescribed day has the same meaning as in section 53A(9) of the Act.

Schedule 3—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 a venue; or
 - 1.2 making a request in person to venue 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 their 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 their 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 venue staff when a registered customer exceeds their 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 when the customer exceeds their 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 a venue, online, at an automated kiosk or by making a request, in person, to venue 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 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 since registering;
 - 8.3 if the customer has played a gaming machine 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 their expenditure limit;
 - 10.4 if a registered customer exceeds their 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 their 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 their expenditure limit by 10%, 20% and 50%;
 - 10.6 the system must notify venue staff when the registered customer exceeds their 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 screen;
ancillary screen means a screen measuring not less than 14 cm in width and 5 cm in height that is in the sandwich board of a gaming machine.
12. The registered customer's pre-commitment data must be usable on the same system if that system is available on another gaming machine (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 their 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 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 their 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.

Schedule 4—Revocation of *Gaming Machines Regulations 2005*

The *Gaming Machines Regulations 2005* 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	50	<i>Gazette 30.4.2020 p841</i>	1.6.2020: r 2