

Legislative Council—No 151

As received from the House of Assembly and read a first time, 4 June 2013

South Australia

Statutes Amendment (Gambling Reform) Bill 2013

A BILL FOR

An Act to amend the *Authorised Betting Operations Act 2000*; the *Casino Act 1997*; the *Gaming Machines Act 1992*; the *Independent Gambling Authority Act 1995*; the *Problem Gambling Family Protection Orders Act 2004*; and the *State Lotteries Act 1966*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Gambling Reform) Act 2013*.

2—Commencement

- 5 (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this Act or a provision of this Act.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Authorised Betting Operations Act 2000*

4—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *contribution agreement* insert:

15 *criminal intelligence* means information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety;

20 **5—Amendment of section 6A—Codes of practice etc**

- (1) Section 6A(2)—delete subsection (2)
- (2) Section 6A(3)(a)—delete paragraph (a) and substitute:
- 25 (a) require the holder of a licence or authorisation under this Act to provide information to patrons regarding responsible gambling, the availability of services to address problems associated with gambling (including barring orders) and any other matter under this Act, whether by—
- (i) signs and warning notices; or
- (ii) the use of audio, visual, or electronic means,
- 30 in accordance with any requirements specified in the code; and
- (ab) make provision relating to the duty to make barring orders under Part 4 of the *Independent Gambling Authority Act 1995*; and

(ac) make provision relating to the duty to identify and assist problem gamblers; and

(3) Section 6A—after subsection (3) insert:

(3a) The provisions of a notice prescribed under this section may be of general, limited or varied application according to—

- (a) the classes of person or betting operations; or
- (b) the circumstances; or
- (c) any other specified factor,

to which the provision is expressed to apply.

(4) Section 6A—after subsection (4) insert:

(4a) Before the Authority publishes a notice in the Gazette, the Authority must—

- (a) give notice in writing of the proposed notice to such bodies representative of licensees and authorised interstate betting operators as the Authority thinks fit; and
- (b) consider any representations made by such bodies about the proposed notice within 28 days after the notice is given or a longer period allowed in the notice.

(5) Section 6A(5)—delete subsection (5)

(6) Section 6A(6)—after "10" insert:

, 10AA

(7) Section 6A—after subsection (8) insert:

(9) A code of practice prescribed under this section may be incorporated with any other codes of practice that may be prescribed by the Authority under any other Act.

6—Insertion of section 6B

After section 6A insert:

6B—Criminal intelligence

(1) No information provided by the Commissioner of Police to the Authority or the Commissioner under this Act may be disclosed to any person (except the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure) if the information is classified by the Commissioner of Police as criminal intelligence.

(2) If the Authority or the Commissioner—

- (a) makes a decision under this Act; and
- (b) the decision is made because of information that is classified by the Commissioner of Police as criminal intelligence,

the Authority or the Commissioner is not required to provide any grounds or reasons for the decision other than that, in the view of the Authority or the Commissioner (as the case may be), the making of any other decision would have been contrary to the public interest.

- 5 (3) In any proceedings under this Act, the Authority or the court—
- (a) must, on the application of the Commissioner of Police, take steps to maintain the confidentiality of information classified by the Commissioner of Police as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and
- 10 (b) may take evidence consisting of or relating to information classified by the Commissioner of Police as criminal intelligence by way of affidavit of a police officer of or above the rank of superintendent.
- 15 (4) The Commissioner of Police may not delegate the function of classifying information as criminal intelligence for the purposes of this Act except to a Deputy Commissioner or Assistant Commissioner of Police.

20 **7—Amendment of section 20—Approval of designated persons**

Section 20—after subsection (1) insert:

- 25 (1a) The Authority must give the Commissioner of Police a copy of all applications made under this section and must allow the Commissioner of Police a reasonable opportunity to make representations on the application.
- (1b) The Commissioner of Police must make available to the Authority information about criminal convictions and other information to which the Commissioner of Police has access relevant to whether the application should be granted.

30 **8—Repeal of section 50**

Section 50—delete the section

9—Amendment of section 87—Confidentiality of information provided by Commissioner of Police

Section 87(a)—delete paragraph (a)

35 **10—Amendment of section 90—Annual report**

- (1) Section 90(1)—delete "30 September" and substitute:
31 August
- (2) Section 90(2)—delete "31 October" and substitute:
30 September

11—Transitional provision

- 5 (1) The holder of the major betting operations licence must, as soon as practicable after the commencement of section 8, notify the Independent Gambling Authority of all orders that were in force under section 50 of the *Authorised Betting Operations Act 2000* immediately before the commencement of section 8.
- (2) It is taken to be a condition of the major betting operations licence that the licensee comply with subsection (1).
- 10 (3) A person who, immediately before the commencement of section 8, is barred by order under section 50 of the *Authorised Betting Operations Act 2000* from entering or remaining in a particular place or making bets at a particular place or in a particular way, is, on the commencement of section 8, taken to be so barred under section 15C of the *Independent Gambling Authority Act 1995* (as enacted by this Act)—
- (a) for a period of 3 years; or
- (b) until a review of the order is completed under section 138,
- 15 whichever occurs first.

Part 3—Amendment of *Casino Act 1997*

12—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *authorised game*—after "skill, authorised" insert:
or approved
- 20 (2) Section 3(1)—after the definition of *Authority* insert:
automated table game equipment means equipment of a kind defined in the approved licensing agreement as automated table game equipment;
- (3) Section 3(1), definition of *casino*—delete the definition
- (4) Section 3(1)—before the definition of *casino duty agreement* insert:
25 *cashless gaming system* means a system that enables the storage of monetary value for use in operating a gaming machine or automated table game equipment;
- (5) Section 3(1)—after the definition of *casino licence* insert:
30 *casino premises* means the premises defined in the casino licence, or by the Governor in accordance with section 6(3), as the casino premises;
- (6) Section 3(1)—after the definition of *gambling chips* insert:
35 *gaming area* means a part of the casino premises that is defined by the Commissioner by notice in the Gazette (in accordance with any requirements in the approved licensing agreement) as a gaming area (whether the notice was published in the Gazette before or after the commencement of this definition);
- (7) Section 3(1), definition of *gaming machine*—after "*Gaming Machines Act 1992*" insert:
but does not include automated table game equipment

(8) Section 3(1)—after the definition of *police officer* insert:

premium customer means a customer of the casino who falls within a class defined in the approved licensing agreement as premium customers to whom the licensee will afford special privileges (including access to gambling in premium gaming areas);

premium gaming area means a gaming area, or part of a gaming area, that is defined by the Commissioner by notice in the Gazette (in accordance with any requirements in the approved licensing agreement) as an area set aside for premium customers and that is only accessible to other customers in accordance with the approved licensing agreement (whether the notice was published in the Gazette before or after the commencement of this definition);

prescribed gaming machine component means prescribed gaming machine component as defined in the *Gaming Machines Act 1992*;

13—Amendment of section 6—Casino premises

(1) Section 6(2)—delete "different premises" and substitute:

premises at a different site

(2) Section 6—after subsection (2) insert:

(2a) The casino premises will be only regarded as being at a different site for the purposes of subsection (2) if no part of the premises is situated on the previous site.

(3) Section 6(3)—after "casino premises" insert:

by notice in the Gazette

14—Amendment of section 8—Authority conferred by licence

Section 8(1)(b)—after "casino" insert:

premises

15—Insertion of section 8A

After section 8 insert:

8A—Gaming machine entitlements

(1) The licence authorises the licensee to operate a number of gaming machines equivalent to the number of gaming machine entitlements held in respect of the gaming areas by the licensee under the *Gaming Machines Act 1992*.

(2) The number of gaming machine entitlements held in respect of the gaming areas cannot exceed the maximum number specified in the approved licensing agreement.

16—Amendment of section 9—Term and renewal of licence

Section 9—after subsection (2) insert:

- (2a) Despite the above provision for approval of the renegotiated agreement by the Authority, an assurance of a kind referred to in section 16(6) is not subject to approval by the Authority.

17—Amendment of section 10—Conditions of licence

Section 10(1)(a)—before "the" insert:

subject to section 16(1a)—

18—Amendment of section 11—Transfer of licence

Section 11(2)—after paragraph (a) insert:

- (ab) the transferee succeeds to all gaming machine entitlements (within the meaning of the *Gaming Machines Act 1992*) held by the transferor immediately before the transfer; and

19—Amendment of section 14—Other transactions under which outsiders may acquire control or influence

Section 14(1)—after "under this Division" insert:

or Division 6A

20—Insertion of Part 2 Division 6A

After section 14A insert:

Division 6A—Approval of designated persons

14B—Approval of designated persons

- (1) The licensee must ensure that each person who becomes a designated person has been approved by the Authority.
Maximum penalty: \$20 000.
- (2) The licensee must, within 14 days after a person ceases to be a designated person, give the Authority written notice identifying the person and stating the date when, and the reason why, the person ceased to be a designated person.
Maximum penalty: \$5 000.
- (3) This section applies in relation to designated persons, other than directors of the licensee, subject to any limitation for the time being specified by the Authority by written notice to the licensee.
- (4) This section does not apply in respect of an administrator, controller or liquidator of the licensee who has assumed control over the business conducted under the licence or a person acting on the authority of such a person.

- 5
- (5) An application for the Authority's approval of a person to become a designated person in relation to the licensee—
- (a) must be in the form required by the Authority; and
 - (b) must be supported by the information required by the Authority verified, if the Authority so requires, by statutory declaration; and
 - (c) must be made by the licensee.
- 10
- (6) If a change of circumstances occurs after an application is made but before it is determined, the licensee must immediately give the Authority full details of the change.
- Maximum penalty: \$10 000.
- (7) An application may be withdrawn by the licensee before the application is determined.
- 15
- (8) The Authority must not approve a person to become a designated person in relation to the licensee unless satisfied that the person is a suitable person to become a designated person in relation to the licensee.
- (9) In assessing the suitability of a person, the Authority may have regard to—
- (a) the person's financial background and resources; and
 - (b) the person's reputation; and
 - (c) the character, reputation and financial background of the person's close associates; and
 - (d) any representations made by the Minister; and
 - (e) any other matters the Authority thinks fit.
- 20
- (10) The Authority must give the Commissioner of Police a copy of all applications made under this section and must allow the Commissioner of Police a reasonable opportunity to make representations on the application.
- 30
- (11) The Commissioner of Police must make available to the Authority information about criminal convictions and other information to which the Commissioner of Police has access relevant to whether the application should be granted.
- (12) In this section—
- 35
- designated person*** means—
- (a) a director of the licensee; or
 - (b) an executive officer of the licensee; or
 - (c) a person, or a person of a class, designated by the Authority for the purpose.

21—Amendment of section 16—Approved licensing agreement

(1) Section 16—after subsection (1) insert:

(1a) The agreement may exempt the licensee from, or modify the licensee's obligation to comply with—

(a) specified requirements of this Act or conditions fixed by this Act; or

(b) provisions of a code or requirement prescribed by the Authority under this Act,

in relation to premium customers or premium gaming areas.

(1b) An exemption or modification referred to in subsection (1a) may be subject to conditions specified in the approved licensing agreement.

(2) Section 16(3)(b)—before "must" insert:

subject to subsection (1a)—

(3) Section 16(5)—after "must" insert:

(subject to subsection (1a))

22—Amendment of section 17—Casino duty agreement

Section 17—after subsection (6) insert:

(7) The Treasurer may delegate any powers or functions under the casino duty agreement or under this Act—

(a) to a specified person or body; or

(b) to a person occupying a specified office or position.

(8) A delegation—

(a) may be made subject to conditions and limitations specified in the instrument of delegation; and

(b) if the instrument of delegation so provides, may be further delegated by the delegate; and

(c) is revocable at will and does not prevent the Treasurer from acting personally in a matter.

23—Amendment of section 21—Suitability of applicant for grant, renewal or transfer of casino licence

Section 21(5)(a)—delete paragraph (a) and substitute:

(a) the nature and standard of the casino premises and the facilities to be provided by, or in conjunction with, the casino; and

24—Amendment of section 27—Opening hours

Section 27(2)—delete "casino is" and substitute:

gaming areas are

25—Amendment of section 28—Classification of offices and positions

- (1) Section 28(1)(a)(i)—delete "director, secretary, officer or other"
- (2) Section 28(1)(a)(iii)—after "casino" insert:

premises

5 **26—Amendment of section 29—Obligations of licensee**

Section 29(5)—after paragraph (ab) insert:

- (ac) in respect of a person who is approved by the Authority as a designated person under section 14B; or

27—Insertion of section 33A

10 Before section 34 insert:

33A—Recognition of staff training courses

- (1) For the purposes of this Act, the Authority may, by notice in the Gazette, recognise courses of training required to be undertaken by staff members as—
 - 15 (a) basic training; or
 - (b) advanced training.
- (2) The Authority may, by notice in the Gazette, prescribe criteria for the recognition of courses of training under subsection (1), provided that—
 - 20 (a) a course recognised as basic training must include subjects dealing with gaming operations, responsible gaming, basics of problem gambling identification (including automated risk monitoring) and basics of pre-commitment; and
 - 25 (b) a course recognised as advanced training must include subjects dealing with the advanced problem gambling identification (including automated risk monitoring), low level intervention and referral to gambling help services and advanced pre-commitment.
- (3) The Authority may, by subsequent notice in the Gazette, withdraw a recognition under subsection (1), or vary or revoke a notice under subsection (2).
- 30 (4) Before the Authority publishes a notice in the Gazette under this section, the Authority must—
 - 35 (a) give notice in writing of the proposed notice to the licensee; and
 - (b) consider any representations made by the licensee about the proposed notice within 28 days after the notice is given or a longer period allowed in the notice.

- (5) Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to a notice published in the Gazette under subsection (2) as if it were a regulation within the meaning of that Act.
- (6) The Authority must review the matters prescribed under subsection (2) at least every 5 years.
- (7) The Authority must seek and consider written submissions from the licensee and from the public when conducting a review.
- (8) A notice published in the Gazette under this section may be incorporated with any other notices that may be published by the Authority under any other Act.
- (9) If the Authority—
- (a) refuses to recognise a course under this section; or
 - (b) withdraws a recognition of a course under this section,
- the provider of the course may apply to the Minister for a review of that decision.
- (10) The Minister may determine the application as the Minister thinks fit and, if the Minister finds in favour of the applicant, grant or preserve the recognition (as appropriate) and require the Authority to publish a notice in the Gazette accordingly.

28—Amendment of section 34—Identity cards

Section 34(1)—delete "at the casino" and substitute:
in the casino premises

29—Amendment of section 35—Staff not to gamble

Section 35—after "casino" insert:
premises

30—Repeal of sections 37A and 37B

Sections 37A and 37B—delete the sections

31—Amendment of section 39—Operations involving movement of money etc

- (1) Section 39(1)—after "casino" second occurring insert:
premises
- (2) Section 39(2)—after "casino" second occurring insert:
premises

32—Amendment of section 40—Approval of installation etc of equipment

Section 40(1)—delete "has been" and substitute:
is

33—Insertion of sections 40A and 40B

After section 40 insert:

40A—Approval of automated table game equipment, gaming machines and games

- 5
- (1) The Commissioner may, on application by a person, approve particular automated table game equipment, particular gaming machines or particular games to be of a class that is approved for the purposes of this Act.
- 10
- (2) If an application under subsection (1) relates to automated table game equipment, a gaming machine or a game that can be lawfully operated or played in another jurisdiction prescribed by the regulations for the purposes of this subsection, the Commissioner must grant the approval (unless that equipment, machine or game is of a kind that must not be approved in accordance with this section or the regulations).
- 15
- (3) The Commissioner must not approve automated table game equipment under this section unless the equipment—
- (a) is able to be operated in compliance with the requirements of this Act; and
- 20
- (b) complies with any other requirements prescribed by the regulations.
- (4) The Commissioner must not approve a gaming machine under this section unless the machine—
- (a) is able to be operated in compliance with the requirements of this Act; and
- 25
- (b) complies with any other requirements prescribed by the regulations.
- (5) The Commissioner may determine that a gaming machine complies with a requirement under subsection (4) if the machine, when used with other equipment, complies with the requirement (and, in such a case, the machine and the other equipment will together constitute the approved gaming machine for the purposes of this Act).
- 30
- (6) The Commissioner must not approve a game under this section unless the game—
- 35
- (a) in the case of a game to be played on a gaming machine— returns winnings to players at a rate that is not less than 87.5% of the total amount of all bets made on the game on a particular gaming machine; and
- (b) in any case—
- 40
- (i) is able to be operated in compliance with the requirements of this Act; and
- (ii) complies with any other requirements prescribed by the regulations.

5 (7) The Commissioner may approve a game to be played on a gaming machine for the purposes of this Act that does not comply with subsection (6)(a) if the Commissioner is satisfied that the game will operate in a way that allows the expenditure, or part of the expenditure, on the game when played on a particular gaming machine to accumulate with the expenditure, or part of the expenditure, on a game played on another gaming machine and that the games, in combination, return winnings to players at a rate that is not less than 87.5% of the total amount of all bets made on the games.

10 (8) Subject to subsection (9), an approval granted under this section has effect for a period of—

(a) in the case of an approval of a game—5 years; or

15 (b) in the case of an approval of any automated table game equipment or a gaming machine—10 years.

(9) The Commissioner may, on application made by a person, extend the period for which an approval granted under this section will have effect as follows:

20 (a) the period of 5 years referred to in subsection (8)(a) may be extended by a further period of up to 5 years (determined by the Commissioner) on an application made not more than 2 years before expiry of the approval;

25 (b) the period of 10 years referred to in subsection (8)(b) may be extended by a further period of up to 10 years (determined by the Commissioner) on an application made not more than 5 years before expiry of the approval;

(10) In this section—

game means any game software for use with a gaming machine or automated table game equipment.

30 **40B—Recognition of certain systems operated in connection with gaming machines and automated table game equipment**

35 (1) For the purpose of this Act, the Authority may, by notice in the Gazette, recognise systems to be operated in connection with gaming machines or automated table game equipment, or classes of gaming machines or automated table game equipment, approved under this Act being—

(a) account based cashless gaming systems; or

(b) automated risk monitoring systems.

40 (2) The Authority may, by notice in the Gazette, prescribe criteria for a system recognised under subsection (1) which must address—

(a) in relation to an account based cashless gaming system—

- (i) the maximum value to be stored and transferred from a user account to a gaming machine or automated table game equipment; and
- (ii) the payment of prizes; and
- (iii) the provision of account statements; and
- (iv) any other matter prescribed by the regulations; or

(b) in relation to an automated risk monitoring system—

- (i) identifying indicators of potential problem gambling behaviour; and
- (ii) any other matter prescribed by the regulations.

(3) A recognition under this section continues in force for a period specified by the Authority in the notice of recognition or, if no such period is specified, for a period of 5 years (but the Authority may withdraw the recognition before the end of that period by notice in the Gazette if it thinks fit).

(4) The provisions of a notice prescribed under this section may be of general, limited or varied application according to—

- (a) the classes of person, gaming machines, automated table game equipment or gaming operations; or
- (b) the circumstances; or
- (c) any other specified factor,

to which the provision is expressed to apply.

(5) The Authority may, by subsequent notice in the Gazette, withdraw a recognition under subsection (1) or vary or revoke a notice under subsection (2).

(6) Before the Authority publishes a notice in the Gazette under this section, the Authority must—

- (a) give notice in writing of the proposed notice to the licensee; and
- (b) consider any representations made by the licensee about the proposed notice within 28 days after the notice is given or a longer period allowed in the notice.

(7) Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to a notice published in the Gazette under subsection (2) as if it were a regulation within the meaning of that Act.

(8) The Authority must review the matters prescribed under subsection (2) at least every 5 years.

(9) The Authority must seek and consider written submissions from the licensee and from the public when conducting a review.

(10) A notice published under subsection (2) may be incorporated with any other notices that may be published by the Authority under any other Act.

(11) If the Authority—

5

(a) refuses to recognise a system under this section; or

(b) withdraws a recognition of a system under this section,

the system provider may apply to the Minister for a review of that decision.

10

(12) The Minister may determine the application as the Minister thinks fit and, if the Minister finds in favour of the applicant, grant or preserve the recognition (as appropriate) and require the Authority to publish a notice in the Gazette accordingly.

34—Amendment of section 41—Interference with approved systems, equipment etc

15

(1) Section 41(1), (2) and (3)—delete subsections (1), (2) and (3) and substitute:

(1) A person who interferes in any way with the proper operation of a system, equipment, machine or game approved or recognised under this Division with the intent of gaining any benefit or advantage for himself or herself or any other person, is guilty of an offence.

20

Maximum penalty: \$50 000 or imprisonment for 4 years.

(2) A person who manufactures, sells, supplies or has in his or her possession a device designed, adapted or intended to be used for the purpose of interfering with the proper operation of a system, equipment, machine or game approved or recognised under this Division is guilty of an offence.

25

Maximum penalty: \$50 000 or imprisonment for 4 years.

(3) A person who uses a computer, calculator or other device for the purpose of projecting the outcome of an authorised game being played in a gaming area is guilty of an offence.

30

Maximum penalty: \$50 000 or imprisonment for 4 years.

(2) Section 41(4), penalty provision—delete "\$10 000" and substitute:

\$5 000 or imprisonment for 3 months

35—Insertion of Part 4 Division 4AA

After section 41 insert:

Division 4AA—Disposal of games and gaming machines

41AA—Sale or supply of equipment, games, gaming machines and components

- 5
- (1) It is a condition of the casino licence that the licensee must not sell or supply automated table game equipment, a game, gaming machine or prescribed gaming machine component to a person other than the holder of a gaming machine dealer's licence under the *Gaming Machines Act 1992*.
- 10
- (2) If any agreement or arrangement is entered into by the licensee and any person other than the holder of a gaming machine dealer's licence for, or in connection with, the sale or supply of automated table game equipment, games, gaming machines or prescribed gaming machine components the agreement or arrangement is null and void.
- 15
- (3) This section does not apply in relation to a sale or supply to the transferee on a transfer of the casino licence in accordance with section 11.
- 20
- (4) In this section—
- game* means any game software for use with a gaming machine or automated table game equipment.

36—Substitution of Part 4 Division 4A

Part 4 Division 4A—delete the division and substitute:

Division 4A—Codes of practice

41A—Codes of practice may be prescribed by the Authority

- 25
- (1) For the purposes of this Act, the Authority may, by notice in the Gazette, prescribe—
- 30
- (a) advertising codes of practice; and
- (b) responsible gambling codes of practice.
- (2) Without limiting the generality of subsection (1)(b), a responsible gambling code of practice may—
- 35
- (a) require the licensee to provide information to patrons regarding responsible gambling, the availability of services to address problems associated with gambling (including barring orders) and any other matter under this Act, whether by—
- (i) signs and warning notices; or
- (ii) the use of audio, visual, or electronic means,

in accordance with any requirements specified in the code;
and

- 5 (b) make provision relating to the making of barring orders
under Part 4 of the *Independent Gambling Authority
Act 1995*; and
- (c) require the licensee to have a program for intervention in
problem gambling designed to promote—
- 10 (i) identification of persons engaging in problem
gambling, including through observation of the
attendance patterns, behaviour and statements of
gamblers; and
- 15 (ii) the provision of information relating to responsible
gambling and the availability of services to address
problems associated with gambling to persons so
identified; and
- (iii) the use of the barring orders under Part 4 of the
Independent Gambling Authority Act 1995 in
relation to persons so identified; and
- 20 (iv) the referral of persons so identified to the
Department within the meaning of the *Problem
Gambling Family Protection Orders Act 2004*; and
- (d) make provision relating to the provision and operation of
customer loyalty programs; and
- 25 (e) require the licensee to comply with specified requirements
in relation to staff training including (without limitation)—
- (i) requiring staff, or specified classes of staff, to
complete the whole or any part of the training
courses recognised in accordance with section 33A;
and
- 30 (ii) specifying procedures for obtaining exemptions
from the requirements referred to in
subparagraph (i) in relation to particular staff, or a
specified class of staff (and any such exemptions
may be granted by the Authority subject to
35 conditions the Authority thinks fit); and
- (f) include other matters designed to reduce the incidence of
problem gambling.

(3) The provisions of a notice prescribed under this section may be of
general, limited or varied application according to—

- 40 (a) the classes of person, equipment or operations; or
- (b) the circumstances; or
- (c) any other specified factor,

to which the provision is expressed to apply.

- (4) The Authority may, by subsequent notice in the Gazette, vary or revoke a notice under this section.
- (5) Before the Authority publishes a notice in the Gazette under this section, the Authority must—
- 5 (a) give notice in writing of the proposed notice to the licensee; and
- (b) consider any representations made by the licensee about the proposed notice within 28 days after the notice is given or a longer period allowed in the notice.
- 10 (6) Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to a notice published in the Gazette under this section as if it were a regulation within the meaning of that Act.
- (7) The Authority must review the codes of practice prescribed under this section at least every 5 years.
- 15 (8) The Authority must seek and consider written submissions from the licensee and from the public when conducting a review.
- (9) A code of practice prescribed under this section may be incorporated with any other codes of practice that may be prescribed by the Authority under any other Act.

20 **41B—Compliance with codes of practice**

It is a condition of the casino licence—

- (a) that the licensee must ensure that advertising by the licensee conforms with any advertising codes of practice prescribed under section 41A(1)(a); and
- 25 (b) that the licensee must ensure that operations under the licence conform with any responsible gambling codes of practice prescribed under section 41A(1)(b).

37—Amendment of heading to Part 4 Division 5

Heading to Part 4 Division 5—delete "gambling"

30 **38—Amendment of section 42—Gambling on credit prohibited**

Section 42(1)—after "casino" second occurring insert:
premises

39—Substitution of sections 42A and 42B

Sections 42A and 42B—delete the sections and substitute:

35 **42A—Prohibition of ATMs**

It is a condition of the casino licence that the licensee must not provide, or allow another person to provide an automatic teller machine in a gaming area.

42B—Provisions relating to gaming machines and automated table games

- 5 (1) 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 other than a system recognised by the Authority under section 40B(1)(a).
- 10 (2) 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 otherwise than in connection with an automated risk monitoring system recognised by the Authority under section 40B(1)(b).
- 15 (3) 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 otherwise than in connection with an approved pre-commitment system.
- (4) Subsection (3) expires—
- 20 (a) on 31 December 2018; or
- (b) if, before 31 December 2018, the Governor prescribes a later date by regulation—on that later date.
- (5) It is a condition of the casino licence that the licensee must not provide any gaming machine or automated table game equipment that is not capable of displaying on-screen messages.
- 25 (6) It is a condition of the casino licence that the licensee must not provide any gaming machine or automated table game equipment that allows the operation of the game by insertion of a bank note.
- (7) It is a condition of the casino licence that the licensee must not provide any gaming machine or automated table game equipment that is fitted with a device or mechanism designed to allow the playing of a number of successive games by an automatic process.
- 30 (8) It is a condition of the casino licence that the licensee must not provide any gaming machine that allows a maximum bet of more than \$5.
- (9) In this section—
- 35 ***approved pre-commitment system*** means a system, to be operated in connection with approved gaming machines or automated table game equipment (or classes of approved gaming machines or automated table game equipment), that is approved under, or in accordance with processes prescribed by, the regulations for the purposes of this definition (subject to any conditions prescribed by the regulations).
- 40

42C—Prohibition of gambling outside of gaming areas

- (1) It is a condition of the casino licence that the licensee will not, except as may be provided by the approved licensing agreement, permit gambling in the casino premises other than in a gaming area.
- 5 (2) If the approved licensing agreement allows the licensee to permit any gambling in a part of the casino premises other than a gaming area, it is a condition of the casino licence that the licensee will take all reasonably practicable measures to ensure that no child is able to engage in that gambling.

40—Amendment of section 43—Exclusion of children

- 10 (1) Section 43(1)—delete "the casino" and substitute:

a gaming area

- (2) Section 43(2)—after "casino" insert:

premises

- 15 (3) Section 43(3)—delete "the casino" first occurring and substitute:

a gaming area

- (4) Section 43(3)—delete "the casino" second occurring and substitute:

the gaming area

- (5) Section 43(4)—delete "casino" and substitute:

20 gaming area

- (6) Section 43(5)—delete "the casino" wherever occurring and substitute in each case:

a gaming area

- (7) Section 43(7)—delete "the casino" first occurring and substitute:

a gaming area

- 25 (8) Section 43(7)—delete "the casino" second and third occurring and substitute in each case:

the gaming area

- (9) Section 43—after subsection (7) insert:

30 (7a) The regulations may prescribe circumstances in which this section or provisions of this section do not apply.

41—Substitution of heading to Part 4 Division 7

Heading to Part 4 Division 7—delete the heading and substitute:

Division 7—General barring powers

42—Amendment of section 44—Licensee's power to bar

- 35 (1) Section 44—delete "excluded" wherever occurring and substitute in each case:

barred

- (2) Section 44(1)—delete "casino" and substitute:

gaming areas

- (3) Section 44(3)—delete subsection (3) and substitute:

- (3) An order may be made under this section on any reasonable ground (other than on the ground that the person is placing his or her own welfare, or the welfare of dependants, at risk through gambling).

Note—

In relation to barring on the ground that a person is placing his or her own welfare, or the welfare of dependants, at risk through gambling—see Part 4 of the *Independent Gambling Authority Act 1995*.

- (4) Section 44(4)—delete "unless the order is made by agreement with the excluded person, in which case it may be made, in accordance with the agreement, for any stated period or for an unlimited period"

- (5) Section 44(6) and (7)—delete subsections (6) and (7) and substitute:

- (6) A barred person who enters or remains in a gaming area contrary to an order under this section is guilty of an offence.

Maximum penalty: \$2 500.

- (7) If a barred person is allowed to enter or remain in a gaming area contrary to an order under this section, the licensee is guilty of an offence.

Maximum penalty: \$10 000.

- (6) Section 44(8)—delete "the casino" wherever occurring and substitute in each case:
a gaming area

43—Amendment of section 45—Commissioner's power to bar

- (1) Section 45—delete "excluded" wherever occurring and substitute in each case:

barred

- (2) Section 45(1) and (2)—delete "casino" wherever occurring and substitute in each case:

gaming areas

- (3) Section 45(2)(a) and (b)—delete paragraphs (a) and (b)

- (4) Section 45(4), (5) and (6)—delete subsections (4), (5) and (6) and substitute:

- (4) An order may be made under this section on any reasonable ground (other than on the ground that the person is placing his or her own welfare, or the welfare of dependants, at risk through gambling).

Note—

In relation to barring on the ground that a person is placing his or her own welfare, or the welfare of dependants, at risk through gambling—see Part 4 of the *Independent Gambling Authority Act 1995*.

- (5) A barred person who enters or remains in a gaming area contrary to an order under this section is guilty of an offence.

Maximum penalty: \$2 500.

- (6) If a barred person is allowed to enter or remain in a gaming area contrary to an order under this section, the licensee is guilty of an offence.

Maximum penalty: \$10 000.

- (5) Section 45(7)—delete "the casino" wherever occurring and substitute in each case:
a gaming area

44—Amendment of section 45A—Commissioner of Police's power to bar

- (1) Section 45A—delete "excluded" wherever occurring and substitute in each case:
barred

- (2) Section 45A(1), (3) and (4)—delete "casino" wherever occurring and substitute in each case:

gaming areas

- (3) Section 45A(5) and (6)—delete subsections (5) and (6) and substitute:

- (5) A barred person who enters or remains in a gaming area contrary to an order under this section is guilty of an offence.

Maximum penalty: \$2 500.

- (6) If a barred person is allowed to enter or remain in a gaming area contrary to an order under this section, the licensee is guilty of an offence.

Maximum penalty: \$10 000.

- (4) Section 45A(7)—delete "the casino" wherever occurring and substitute in each case:
a gaming area

45—Amendment of section 46—Summary exclusion in case of intoxication etc

Section 46—after "casino" wherever occurring insert:

premises

46—Amendment of section 49—Licensee to supply copy of audited accounts

Section 49—after "Authority" wherever occurring insert:

and the Treasurer

47—Amendment of section 50—Duty of auditor

Section 50(3)—delete subsection (3) and substitute:

(3) The Authority must keep information obtained under this section confidential, subject to the following exceptions:

5 (a) the Authority may, on the written request of the Minister, the Treasurer or the Commissioner, divulge information obtained under this section to the Minister, the Treasurer or the Commissioner (as the case may be);

10 (b) the Authority may divulge information obtained under this section as otherwise authorised by law.

48—Amendment of section 52—Evasion and underpayment of casino duty

(1) Section 52(1)(b)—after "relevant to" insert:

the

15 (2) Section 52(2)—delete ", the Treasurer may, within 4 years after the liability for duty arose," and substitute:

or there is otherwise an underpayment of casino duty, the Treasurer may

(3) Section 52(3)—after "debt" insert:

due to the State

49—Insertion of section 52AA

20 After section 52 insert:

52AA—Investigatory powers relating to casino duty

25 (1) It is a condition of the casino licence that the licensee must, on the written request of the Treasurer, provide information within the time specified in the request about any matter relevant to the payment of casino duty or the casino duty agreement.

(2) An authorised officer may, for a purpose related to the payment of casino duty or the casino duty agreement—

30 (a) enter and remain on premises; and

(b) require any person on the premises to answer questions or otherwise furnish information; and

35 (c) require any person on the premises to produce any instrument or record in the person's custody or control (including a written record that reproduces in an understandable form information stored by computer, microfilm or other means or process); and

(d) require the owner or occupier of the premises to provide the authorised officer with such assistance and facilities as is or are reasonably necessary to enable the authorised officer to exercise powers under this Division; and

(e) seize and remove any instrument or record on behalf of the Treasurer.

(3) Entry may be made at any reasonable time.

(4) An authorised officer must, at the request of a person in relation to whom the authorised officer intends to exercise any powers under this section, produce the officer's identity card for the inspection of the person.

(5) A person who—

(a) hinders or obstructs an authorised officer in the exercise of a power under this section; or

(b) without reasonable excuse, refuses or fails to comply with a requirement of an authorised officer under this section,

is guilty of an offence.

Maximum penalty: \$10 000.

(6) A person is not guilty of an offence under this section arising from the entry of an authorised officer onto premises unless it is established that, at the material time, the authorised officer—

(a) identified himself or herself as an authorised officer; and

(b) warned the person that a refusal or failure to comply with the requirement constituted an offence.

(7) In this section—

authorised officer means an authorised officer under the *Taxation Administration Act 1996*.

50—Amendment of section 55—Powers of inspection

(1) Section 55(1)—after "casino" first occurring insert:

premises

(2) Section 55(2)(b)—delete "or records" and substitute:

, records or other documents

(3) Section 55—after subsection (2) insert:

(2a) An authorised officer may retain any accounts, records or documents relating to the operation of the casino for as long as is reasonably necessary for the purposes of copying or taking extracts from any of them.

51—Amendment of section 65—Review of decisions

Section 65(2)—delete "casino" and substitute:

gaming areas

52—Insertion of section 68A

After section 68 insert:

68A—Minister may issue certain directions to Authority

5 If the Minister is of the opinion that a requirement imposed by the
Authority on the licensee under this Act (whether the requirement is
imposed under a code of practice, by the issue of a direction to the
licensee or otherwise) would have the effect of requiring a
pre-commitment system to be operated in connection with gaming
10 machines or automated table game equipment provided by the
licensee, the Minister may issue such directions to the Authority as
the Minister thinks fit in relation to that requirement.

53—Amendment of section 70—Prohibition of gambling by Commissioner and authorised officers

Section 70(1) and (2)—after "casino" wherever occurring insert:

15 premises

54—Amendment of section 71—Annual report

(1) Section 71(1)—delete "30 September" and substitute:

31 August

(2) Section 71(2)—delete "31 October" and substitute:

20 30 September

(3) Section 71(3)—before paragraph (a) insert:

(aa) any directions issued by the Minister under section 68A; and

55—Amendment of section 72—Regulations

Section 72—after subsection (1) insert:

25 (1a) The regulations may be of general, limited or varied application
according to—

(a) the classes of person, equipment or operations; or

(b) the circumstances; or

(c) any other specified factor,

30 to which the provision is expressed to apply.

(1b) The regulations may, for transitional purposes—

(a) provide that specified provisions of this Act will not apply in
relation to the licensee or the casino premises, or a specified
part of the casino premises, until a specified day; or

35 (b) modify the application of this Act, or provisions of this Act,
in relation to the licensee or the casino premises, or a
specified part of the casino premises, until a specified day.

56—Repeal of Schedule

Schedule—Transitional provisions—delete the Schedule

57—Transitional provision—designated persons

5 A person who, immediately before the commencement of section 20, occupies a position that, immediately after the commencement of that section, falls within the definition of *designated person* in section 14B(12) of the *Casino Act 1997* (as enacted by section 20) is, on the commencement of section 20, taken to have been approved by the Authority in accordance with section 14B of the *Casino Act 1997* (as enacted by section 20).

10 58—Transitional provision—barring orders

(1) The holder of the casino licence must, as soon as practicable after the commencement of section 42, notify the Independent Gambling Authority of all orders that were in force under section 44 of the *Casino Act 1997* immediately before the commencement of section 42 and that were made on the ground of the person placing his or her own
15 welfare, or the welfare of dependants, at risk through gambling.

(2) It is taken to be a condition of the casino licence that the licensee comply with subsection (1).

(3) The Liquor and Gambling Commissioner must, as soon as practicable after the commencement of section 43, notify the Independent Gambling Authority of all
20 orders that were in force under section 45 of the *Casino Act 1997* immediately before the commencement of section 43 and that were made on the ground of the person placing his or her own welfare, or the welfare of dependants, at risk through gambling.

(4) A person who, immediately before the commencement of sections 42 and 43, is barred from the casino by order under section 44 or 45 of the *Casino Act 1997* on the ground
25 of the person placing his or her own welfare, or the welfare of dependants, at risk through gambling (however that ground is expressed) is, on the commencement of sections 42 and 43, taken to be barred from the gaming areas (within the meaning of the *Casino Act 1997*) under section 15C of the *Independent Gambling Authority Act 1995* (as enacted by this Act) until—

30 (a) the expiration of the period specified in the order; or

(b) the expiration of a period of 3 years; or

(c) the completion of a review of the order under section 138,

whichever occurs first.

(5) A person who, immediately before the commencement of sections 42, 43 and 44, is
35 barred from the casino by order under section 44, 45 or 45A of the *Casino Act 1997* on any other ground is, on the commencement of sections 42, 43 and 44, taken to be barred from the gaming areas (within the meaning of the *Casino Act 1997*).

59—Transitional provision—approval of automated table games, gaming machines and games

- 5 (1) Any automated table game equipment, gaming machine or game that is installed, or that may be used, in the casino premises in accordance with the *Casino Act 1997* and the conditions of the licence immediately before the commencement of this section is, on that commencement, taken to have been approved under section 40A of the *Casino Act 1997* as enacted by this Act (and such approval is, for the purposes of that section, taken to have been granted on the day on which this section commences).
- 10 (2) For the avoidance of doubt, nothing in this section derogates from section 42B of the *Casino Act 1997* (as enacted by this Act) or any other conditions of the casino licence.

Part 4—Amendment of *Gaming Machines Act 1992*

60—Amendment of section 3—Interpretation

- 15 (1) Section 3(1), definition of *advanced problem gambling intervention training*—delete the definition
- (2) Section 3(1)—after the definition of *approved crowd controller* insert:
approved game means a game of a class approved by the Commissioner for the purposes of this Act;
- (3) Section 3(1), definitions of *approved gaming machine employee* and *approved gaming machine manager*—delete the definitions
- 20 (4) Section 3(1), definition of *authorised person*, (c)—delete "an approved gaming machine manager or approved gaming machine employee" and substitute:
a gaming manager or gaming employee
- (5) Section 3(1)—after definition of *cash facility* insert:
cashless gaming system means a system that enables the storage of monetary value for use in operating a gaming machine;
casino means the casino operated in accordance with the *Casino Act 1997*;
casino licence has the same meaning as in the *Casino Act 1997*;
casino premises has the same meaning as in the *Casino Act 1997*;
- 25 (6) Section 3(1), definition of *category A, B, C or D offence*—delete the definition
- 30 (7) Section 3(1)—after the definition of *domestic partner* insert:
game means any game software for use with a gaming machine;
- (8) Section 3(1)—after the definition of *gaming area* insert:
gaming employee means a person who is appointed by the holder of a gaming machine licence as a gaming employee in respect of gaming operations conducted on licensed premises;
- 35

- (9) Section 3(1), definitions of *gaming equipment*, *gaming machine* and *gaming machine entitlement*—delete the definitions and substitute:

gaming machine means a device (whether wholly or partly mechanically or electronically operated) that is designed so that—

- 5 (a) it may be used for the purposes of playing a game of chance, or a mixed game of chance and skill; and
- (b) it may be operated wholly or partly by—
- 10 (i) inserting a token, coin or banknote into the device; or
- (ii) electronically transferring credits or tokens to the device; or
- (iii) using credits or tokens in the device (whether those credits or tokens are held, stored or accredited by the device or elsewhere); and
- (c) because of making a bet on the device, winnings or other rewards may become payable;

15 *gaming machine entitlement* means an entitlement to operate 1 gaming machine under a gaming machine licence or the casino licence;

- (10) Section 3(1)—before the definition of *hotel licence* insert:

gaming manager means—

- 20 (a) a natural person who is the holder of a gaming machine licence; or
- (b) a person who is appointed by the holder of a gaming machine licence as a gaming manager in respect of gaming operations conducted on licensed premises;

- (11) Section 3(1), definition of *licence*—delete ", and *licensed* and *licensee* have correlative meanings"

- 25 (12) Section 3(1)—after the definition of *licence* insert:

licensed person, licensee or holder of a licence includes—

- 30 (a) the holder of a temporary licence; and
- (b) a person authorised under this Act to carry on the business of a licensee; and
- (c) if a licence is held by a trustee—the trust;

- (13) Section 3(1)—after the definition of *liquor licence* insert:

major gaming venue —see subsection (4);

- (14) Section 3(1)—after the definition of *mandatory provision* insert:

minor gaming venue—see subsection (5);

- 35 (15) Section 3(1)—before the definition of *non-profit association* insert:

monitoring system means the approved computer system referred to in section 14(1)(d);

(16) Section 3—after subsection (3) insert:

(4) Licensed premises in respect of a gaming machine licence are a *major gaming venue* for the purposes of this Act if—

(a) the licensee has notified the Commissioner that the premises are to be a major gaming venue for the purposes of this Act (either in the application for the licence or under section 76B) and has not subsequently revoked that notification; and

(b) the licensee is a party to a responsible gambling agreement.

(5) Licensed premises in respect of a gaming machine licence that are not a major gaming venue (in accordance with subsection (4)) are a *minor gaming venue* for the purposes of this Act.

(6) For the avoidance of doubt, a person may be appointed by a licensee as a gaming manager or gaming employee, or carry out duties as a gaming manager or gaming employee in particular licensed premises, whether the person is an employee (of the licensee or of some other person) or is a volunteer.

61—Amendment of section 4—Application of Act

Section 4(1)—delete subsection (1) and substitute:

(1) Except as specifically provided by this Act or the *Casino Act 1997*, this Act does not apply to or in relation to a gaming machine operated in the casino premises.

62—Amendment of section 10A—Certain matters prescribed by Authority

(1) Section 10A(1)(c)—delete paragraph (c) and substitute:

(c) criteria for the recognition of courses of training under section 10B(1)(b), provided that—

(i) a course recognised as basic training must include subjects dealing with gaming operations, responsible gaming, basics of problem gambling identification (including automated risk monitoring) and basics of pre-commitment; and

(ii) a course recognised as advanced training must include subjects dealing with advanced problem gambling identification (including automated risk monitoring), low level intervention and referral to gambling help services and advanced pre-commitment; and

(ca) criteria for the recognition of a system under section 10B(1)(c) which must address—

(i) in relation to an account based cashless gaming system—

(A) the maximum value to be stored and transferred from a user's account to a gaming machine; and

(B) the payment of prizes; and

(C) the provision of account statements; and

- (D) connection to the monitoring system; and
- (E) any other matter prescribed by the regulations; or

(ii) in relation to an automated risk monitoring system—

- (A) identifying indicators of potential problem gambling behaviour; and
- (B) connection to the monitoring system; and
- (C) any other matter prescribed by the regulations; and

(2) Section 10A(2)(a)—delete paragraph (a) and substitute:

(a) require the holder of a gaming machine licence to provide information to patrons regarding responsible gambling, the availability of services to address problems associated with gambling (including barring orders) and any other matter under this Act, whether by—

(i) signs and warning notices; or

(ii) the use of audio, visual, or electronic means, in accordance with any requirements specified in the code; and

(ab) make provision relating to the making of barring orders under Part 4 of the *Independent Gambling Authority Act 1995*; and

(3) Section 10A(2)(b)—delete "early" wherever occurring

(4) Section 10A(2)(b)(iii)—delete "procedures under this Act" and substitute:

orders under Part 4 of the *Independent Gambling Authority Act 1995*

(5) Section 10A(2)(c)—delete paragraph (c) and substitute:

(c) make provision relating to customer loyalty programs; and

(ca) require gaming machine licensees to comply with specified requirements in relation to the training of gaming managers and gaming employees including (without limitation)—

(i) requiring gaming managers and gaming employees, or a specified class of gaming managers and gaming employees, to complete the whole or any part of the training courses recognised in accordance with section 10B; and

(ii) specifying procedures for obtaining exemptions from the requirements referred to in subparagraph (i) in relation to particular gaming managers and gaming employees, or a specified class of gaming managers and gaming employees (and any such exemptions may be granted by the Authority subject to conditions the Authority thinks fit); and

(6) Section 10A—after subsection (3) insert:

(3a) The provisions of a notice prescribed under this section may be of general, limited or varied application according to—

- (a) the classes of person, gaming machines or gaming operations; or
- (b) the circumstances; or
- (c) any other specified factor,

to which the provision is expressed to apply.

(7) Section 10A(6)—delete subsection (6)

(8) Section 10A(7)—after "10" insert:

, 10AA

(9) Section 10A(8)—delete "process, principles, codes and form" and substitute:
matters

(10) Section 10A—after subsection (9) insert:

(10) A notice published under this section may be incorporated with any other notice that may be published by the Authority under any other Act.

63—Amendment of section 10B—Recognitions

(1) Section 10B(1)(b)—delete paragraph (b) and substitute:

(b) courses of training required to be undertaken by gaming managers or gaming employees as—

- (i) basic training; or
- (ii) advanced training; and

(c) systems to be operated in connection with approved gaming machines, or classes of approved gaming machines being—

- (i) account based cashless gaming systems; or
- (ii) automated risk monitoring systems.

(2) Section 10B(2)—delete subsection (2) and substitute:

(2) A recognition under this section continues in force for a period specified by the Authority in the notice of recognition or, if no such period is specified, for a period of 5 years (but the Authority may withdraw the recognition before the end of that period by notice in the Gazette if it thinks fit).

(3) Section 10B(4)—delete " or a course" wherever occurring and substitute in each case:
, course or system

(4) Section 10B(4)—after "the course" insert:
or system

64—Amendment of section 12—Criminal intelligence

(1) Section 12(2)(a)—after "approval" second occurring insert:

, or prohibits a person from carrying out duties as a gaming manager or gaming employee

(2) Section 12(2)—after "force" insert:

, or if the person were to continue carrying out duties as a gaming manager or gaming employee (as the case may require)

65—Amendment of section 14—Licence classes

(1) Section 14(1)(b)—delete paragraph (b) and substitute:

(b) gaming machine dealer's licence: subject to this Act and the conditions of the licence, a gaming machine dealer's licence authorises the licensee to manufacture games, gaming machines and prescribed gaming machine components and, under a contract in a form approved by the Commissioner, to sell or supply to the holder of a gaming machine licence, a gaming machine service licence, the casino licence, or another gaming machine dealer's licence, approved games and gaming machines and prescribed gaming machine components;

(2) Section 14(1)(e)—delete "gaming machines, prescribed gaming machine components and gaming equipment" and substitute:

games and gaming machines and prescribed gaming machine components

66—Amendment of section 15—Eligibility criteria

Section 15(5)(a)(v)—delete subparagraph (v)

67—Amendment of section 16—Number of gaming machines to be operated under licence

(1) Section 16(1)—delete "A gaming" and substitute:

Subject to this Act, a gaming

(2) Section 16(3)—delete subsection (3) and substitute:

(3) The Commissioner cannot approve more than 60 gaming machines for operation under a gaming machine licence.

Note—

No more than 20 gaming machines may be operated under a gaming machine licence unless the holder of the licence has notified the Commissioner that the premises are to be a major gaming venue - see section 51AA.

(3) Section 16(4)—delete "40" and substitute:

60

68—Amendment of section 17B—Social effect certificate

Section 17B(4)—after paragraph (a) insert:

- (ab) must have regard to the scale of the proposed gaming operations relative to other operations to be conducted at, or in connection with, the premises; and

69—Amendment of section 18—Form of application

Section 18(1)—after paragraph (b) insert:

- (baa) in the case of an application for a gaming machine licence—must notify the Commissioner if the premises are to be a major gaming venue for the purposes of this Act;

70—Amendment of section 27—Conditions

- (1) Section 27(7)(b)(ii)(A)—delete "licensee has entered into a responsible gambling agreement and has provided a copy of the agreement to the Commissioner" and substitute:

premises are a major gaming venue

- (2) Section 27(7)(b)(ii)(B)—delete subparagraph (B) and substitute:

- (B) if the premises are a minor gaming venue—gaming operations cannot be conducted on the premises between 2 am and 10 am on any day.

71—Amendment of section 27AA—Variation of licence

Section 27AA—after subsection (6) insert:

- (7) In determining an application for a variation of a gaming machine licence, the Commissioner must have regard to the matters set out in section 15(5)(a) (to the extent they are relevant to the application).

72—Insertion of sections 27AAB and 27AAC

Before section 27A insert:

27AAB—Gaming machine entitlements in respect of casino

On the commencement of this section, the Commissioner is to assign the holder of the casino licence 995 gaming machine entitlements in respect of the gaming areas (within the meaning of the *Casino Act 1997*).

27AAC—Application of Division to casino

- (1) Subject to this section, this Division applies to and in relation to a gaming machine entitlement held by the holder of the casino licence.

(2) The approved licensing agreement under the *Casino Act 1997* may make provision in relation to participation by the holder of the casino licence in the approved trading system established under this Division and, in particular—

- 5 (a) may specify targets relating to the obtaining of gaming machine entitlements (other than the entitlements assigned under section 27AAB) by the holder of the casino licence; and
- 10 (b) may impose or provide for the imposition of requirements on the holder of the casino licence in relation to meeting the targets specified in paragraph (a); and
- (c) may provide that if—
- 15 (i) the holder of the casino licence satisfies the requirements referred to in paragraph (b); but
- (ii) a target referred to in paragraph (a) is not met by a specified day,

the Commissioner must, on payment of an amount determined in a manner agreed, in writing, by the parties to the agreement (whether or not set out in the agreement), assign the holder of the casino licence a specified number of gaming machine entitlements.

- 20 (3) Despite any other provision of this Act, a gaming machine entitlement assigned by the Commissioner in accordance with provisions of the approved licensing agreement referred to in subsection (2)(c)—
- 25 (a) is not transferrable under section 27B; and
- (b) only relates to a premium gaming area (within the meaning of the *Casino Act 1997*).

73—Amendment of section 27A—Gaming machine entitlements

- 30 (1) Section 27A(1)—delete subsection (1)
- (2) Section 27A(2)—after paragraph (b) insert:
- or
- (c) the holder of the casino licence.

(3) Section 27A(3)(a)—delete "licensees holding"

35 (4) Section 27A(4)(a)—after "licensee" insert:

and the holder of the casino licence

74—Amendment of section 27B—Transferability of gaming machine entitlements

Section 27B(1)(d) and (e)—delete paragraphs (d) and (e) and substitute:

- 40 (d) if a person is authorised by or under Part 3 Division 4A to carry on the business of a licensee—

- 5
- (i) at the commencement of the period of authorisation, the licensee's gaming machine entitlements vest in the authorised person; and
 - (ii) at the conclusion of the period of authorisation, any entitlements still held revert to the person in whom they would (apart from this paragraph) have been vested;
- 10
- (e) if a person holds a temporary licence under Part 3 Division 4A, the former licensee's gaming machine entitlements vest in the holder of the temporary licence and then—
 - (i) if the temporary licence is converted into an ordinary licence—any such entitlements still held at the time of the conversion vest, on the conversion, in the holder of the ordinary licence; or
 - 15 (ii) if the temporary licence is not converted into an ordinary licence—any such entitlements still held at the conclusion of the temporary licence revert to the person in whom they would (apart from this paragraph) have been vested;

75—Amendment of section 27C—Premises to which gaming machine entitlements relate

- 20
- (1) Section 27C(1)—delete subsection (1)
 - (2) Section 27C(3)—after "licensed premises" insert:
 , or to a gaming area within the meaning of the *Casino Act 1997*,
 - (3) Section 27C(4)—after "to another" insert:
 or to a gaming area within the meaning of the *Casino Act 1997*

25 **76—Amendment of section 35—Cessation of gaming machine monitor licence**

Section 35(c)—delete "monitor" and substitute:
 monitoring

77—Repeal of section 37

Section 37—delete the section

30 **78—Amendment of section 39—Approval of form of supply contract**

- (1) Section 39(1)—after paragraph (a) insert:
 - (ab) the holder of the casino licence; or
- (2) Section 39(1)—delete "gaming machines, prescribed gaming machine components or gaming equipment" and substitute:
35 games or gaming machines or prescribed gaming machine components
- (3) Section 39(2)(b)—after "of" second occurring insert:
 the holder of the casino licence or

- (4) Section 39(2)(c)—delete "machines, components or items of equipment" and substitute:

games, machines or components

79—Amendment of section 40—Approval of gaming machines and games

Section 40(3) and (4)—delete subsections (3) and (4) and substitute:

- (2) The Commissioner must not approve a gaming machine under this section unless—
- (a) the machine is able to be operated in compliance with the requirements of this Act; and
 - (b) the machine complies with any other requirements prescribed by the regulations.
- (3) The Commissioner may determine that a gaming machine complies with a requirement under subsection (2) if the machine, when used with other equipment, complies with the requirement (and, in such a case, the machine and the other equipment will together constitute the approved gaming machine for the purposes of this Act).
- (4) The Commissioner must not approve a game under this section unless the game—
- (a) does not allow the expenditure, or part of the expenditure, on the game when played on a particular gaming machine to accumulate with the expenditure, or part of the expenditure, on a game played on any other gaming machine; and
 - (b) is able to be operated in compliance with the requirements of this Act; and
 - (c) complies with any other requirements prescribed by the regulations.
- (5) Subject to subsection (6), an approval granted under this section has effect for a period of—
- (a) in the case of an approval of a game—5 years; or
 - (b) in the case of an approval of a gaming machine—10 years.

Note—

See the licence condition set out in paragraph (a) of Schedule 1.

- (6) The Commissioner may, on application made by a person, extend the period for which an approval granted under this section will have effect as follows:
- (a) the period of 5 years referred to in subsection (5)(a) may be extended by a further period of up to 5 years (determined by the Commissioner) on an application made not more than 2 years before expiry of the approval; or

- (b) the period of 10 years referred to in subsection (5)(b) may be extended by a further period of up to 10 years (determined by the Commissioner) on an application made not more than 5 years before expiry of the approval.

5 **80—Amendment of section 42—Discretion to grant or refuse approval**

- (1) Section 42(2) and (3)—delete subsections (2) and (3)
(2) Section 42(6)—delete "(2), (3),"

(3) Section 42—after subsection (6) insert:

10 (7) If an application for approval of a game relates to a game that can be lawfully played in another jurisdiction prescribed by the regulations for the purposes of this subsection, the Commissioner must grant the approval (unless that game is of a kind that must not be approved in accordance with section 40 or the regulations).

15 (8) If an application for approval of a gaming machine relates to a machine that can be lawfully operated in another jurisdiction prescribed by the regulations for the purposes of this subsection, the Commissioner must grant the approval if satisfied that the machine operates in a way that is compatible with the monitoring system (unless that machine is of a kind that must not be approved in
20 accordance with section 40 or the regulations).

81—Insertion of Part 4AA

After Part 4 insert:

**Part 4AA—Prohibition notices—gaming managers
and gaming employees**

25 **44AA—Commissioner may give prohibition notice**

- (1) The Commissioner may prohibit a person from carrying out duties as a gaming manager or gaming employee either permanently or for a specified period.
- (2) Written notice of a prohibition of a person under this section—
- 30 (a) must be given by the Commissioner to the person; and
(b) may be given by the Commissioner to the licensee (if any) for whom the person currently works or any other licensee for whom the person may work.
- (3) A prohibition under this section has effect from the day on which the
35 notice is given to the person under subsection (2)(a) or such later date as may be specified in the notice.
- (4) The Commissioner may, at any time, on his or her own initiative, or on application by a person given a notice under this section, vary or revoke the notice.

- 5 (5) For the purposes of a notice under this section, a person carries out duties as a gaming manager or gaming employee if the person carries out prescribed duties (within the meaning of section 49) in connection with the gaming operations conducted on licensed premises.

82—Amendment of section 44A—Prohibition of links between dealers and other licensees

- (1) Section 44A(1)—after "Act" wherever occurring insert:

or the licence under the *Casino Act 1997*

- 10 (2) Section 44A(1)(c)—after "licence" insert:

under this Act, or the licence under the *Casino Act 1997*

83—Amendment of heading to Part 5 Division 1

Heading to Part 5 Division 1—delete "approvals" and substitute:
employment

15 **84—Amendment of section 45—Offence of being unlicensed**

- (1) Section 45(b)—after "supply" insert:

a game,

- (2) Section 45(c)—delete paragraph (c)

- (3) Section 45(d)—delete "gaming machine, gaming equipment" and substitute:

20 game, gaming machine

85—Substitution of sections 46 and 47

Sections 46 and 47—delete the sections and substitute:

46—Offence of breach of licence conditions

- 25 (1) A licensee (other than the holder of a gaming machine licence) must not contravene or fail to comply with a condition of his or her licence.

Maximum penalty:

- 30 (a) in the case of an offence committed by the holder of the gaming machine monitor licence—\$50 000 or imprisonment for 4 years;

- (b) in any other case—\$35 000 or imprisonment for 2 years.

- (2) The holder of a gaming machine licence must not contravene or fail to comply with a condition of his or her licence.

Maximum penalty:

- 35 (a) for a category A offence—\$20 000;

- (b) for a category B offence—\$10 000;

- (c) for a category C offence—\$5 000;

(d) for a category D offence—\$2 500.

Expiation fee:

(a) for a category A expiable offence—\$1 200;

(b) for a category B expiable offence—\$315;

5

(c) for a category C expiable offence—\$210;

(d) for a category D expiable offence—\$160.

(3) For the purposes of subsection (2)—

10

(a) a contravention of, or failure to comply with, a licence condition specified in Schedule 1 (other than a condition imposed under paragraph (o) of that Schedule) is a category A offence only; and

15

(b) a contravention of, or failure to comply with, any other licence condition is both a category A offence and a category A expiable offence unless the Commissioner specifies that it is to be an offence, or expiable offence, of some other category at the time of imposing the condition.

47—Offence of breach of mandatory provisions of codes

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(1) The holder of a gaming machine licence must not contravene or fail to comply with a mandatory provision of the advertising code of practice or the responsible gambling code of practice.

Maximum penalty:

(a) for a category A offence—\$20 000;

(b) for a category B offence—\$10 000;

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(c) for a category C offence—\$5 000;

(d) for a category D offence—\$2 500.

Expiation fee:

(a) for a category A expiable offence—\$1 200;

(b) for a category B expiable offence—\$315;

30

(c) for a category C expiable offence—\$210;

(d) for a category D expiable offence—\$160.

35

(2) For the purposes of subsection (1), a contravention of, or failure to comply with, a mandatory provision of the advertising code of practice or the responsible gambling code of practice is a category A, B, C or D offence, or a category A, B, C or D expiable offence, if it has been declared to be such an offence by the Authority in accordance with section 10A(3).

86—Amendment of section 47A—Offence of selling or supplying games, gaming machines or components without approved contract or with inducement

- 5 (1) Section 47A(1)—delete "gaming machine, a prescribed gaming machine component or gaming equipment" and substitute:

game, a gaming machine or a prescribed gaming machine component

- 10 (2) Section 47A(2)—delete "gaming machine, a prescribed gaming machine component or gaming equipment other than a discount that is calculated on a basis that has been fully disclosed in the contract and depends on the number of machines, components or items of equipment" and substitute:

game, a gaming machine or a prescribed gaming machine component other than a discount that is calculated on a basis that has been fully disclosed in the contract and depends on the number of games, machines or components

87—Amendment of section 48—Offences relating to management or positions of authority

- 15 (1) Section 48(1)—delete "an approved gaming machine" and substitute:

a gaming

- (2) Section 48—after subsection (2) insert:

- 20 (3) A licensee must ensure that a gaming manager is present on the licensed premises at all times when gaming operations are conducted on the premises.

Maximum penalty: \$10 000.

88—Amendment of section 49—Offences related to carrying out duties in gaming areas

- 25 (1) Section 49(a)—delete "an approved gaming machine" and substitute:

a gaming

- (2) Section 49(b)—delete "an approved gaming machine" and substitute:

a gaming

- (3) Section 49—after its present contents (now to be designated as subsection (1)) insert:

- 30 (2) If prescribed duties are carried out in connection with the gaming operations conducted on licensed premises by a person in contravention of a notice given to the person under section 44AA(2), the person is guilty of an offence.

Maximum penalty: \$35 000 or imprisonment for 2 years.

- 35 (3) A licensee who causes or permits a person to carry out prescribed duties in contravention of a notice given to the licensee under section 44AA(2) is guilty of an offence.

Maximum penalty: \$35 000 or imprisonment for 2 years.

- (4) If prescribed duties are carried out in connection with the gaming operations conducted on licensed premises by a person who is an employee of the holder of a gaming machine dealer's licence, the person is guilty of an offence.

5 Maximum penalty: \$35 000 or imprisonment for 2 years.

- (5) A licensee who knowingly causes or permits a person who is an employee of the holder of a gaming machine dealer's licence to carry out prescribed duties in connection with the gaming operations conducted on licensed premises is guilty of an offence.

10 Maximum penalty: \$35 000 or imprisonment for 2 years.

89—Amendment of section 50—Offence related to personal performance of work on games and gaming machines

Section 50—before "gaming machine" first occurring insert:

game or

15 **90—Amendment of section 50A—Gaming managers and employees must carry identification**

- (1) Section 50A—delete "an approved gaming machine manager or approved gaming machine" and substitute:

a gaming manager or gaming

- 20 (2) Section 50A(a)—delete "the form" and substitute:

a form

91—Amendment of section 51—Persons who may not operate gaming machines

- 25 (1) Section 51—delete "an approved gaming machine manager or approved gaming machine employee" wherever occurring and substitute in each case:

a gaming manager or gaming employee

- (2) Section 51—delete "an approved gaming machine manager or gaming machine employee" wherever occurring and substitute in each case:

a gaming manager or gaming employee

30 **92—Insertion of section 51AA**

Before section 51A insert:

51AA—Minor gaming venue not to operate more than 20 gaming machines

35 The holder of a gaming machine licence in respect of a minor gaming venue must not operate more than 20 gaming machines pursuant to the licence (regardless of the number of gaming machine entitlements held in respect of the licensed premises).

Maximum penalty: \$35 000.

93—Amendment of section 51A—Cash facilities not to be provided within gaming areas

Section 51A(2) and (3)—delete subsections (2) and (3)

94—Substitution of section 51B

5 Section 51B—delete the section and substitute:

51B—Cash facilities limitations

- (1) The regulations may prescribe limitations in relation to the obtaining of cash from cash facilities on licensed premises.
- (2) The holder of a gaming machine licence must not provide, or allow another person to provide, cash facilities on the licensed premises that would allow a person to obtain cash otherwise than in accordance with the limitations prescribed under subsection (1).
Maximum penalty: \$35 000.

10

95—Amendment of section 52—Prohibition of lending or extension of credit

15 Section 52(2)—delete "an approved gaming machine manager or an approved gaming machine" and substitute:

a gaming manager or gaming

96—Substitution of section 53A

Section 53A—delete the section and substitute:

20

53A—Prohibition of certain gaming machines

- (1) The holder of a gaming machine licence must not provide any gaming machine that may be operated in connection with a cashless gaming system other than a system recognised by the Authority under section 10B(1)(c)(i).
Maximum penalty: \$35 000.
- (2) The holder of a gaming machine licence in respect of a major gaming venue must not provide any gaming machine that may be operated otherwise than in connection with an automated risk monitoring system recognised by the Authority under section 10B(1)(c)(ii).
Maximum penalty: \$35 000.
- (3) The holder of a gaming machine licence in respect of a major gaming venue must not provide any gaming machine that may be operated otherwise than in connection with an approved pre-commitment system.
Maximum penalty: \$35 000.
- (4) Subsection (3) expires—
 - (a) on 31 December 2018; or
 - (b) if, before 31 December 2018, the Governor prescribes a later date by regulation—on that later date.

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- (5) The holder of a gaming machine licence in respect of a major gaming venue must not provide any gaming machine on the licensed premises that is not capable of displaying on-screen messages.

Maximum penalty: \$35 000.

- (6) The holder of a gaming machine licence in respect of a major gaming venue must not provide any gaming machine on the licensed premises that allows a maximum bet of more than \$5.

Maximum penalty: \$35 000.

- (7) The holder of a gaming machine licence in respect of a minor gaming venue must not provide any gaming machine—

(a) that may be operated without the insertion of a coin or other token (whether in that device or another device to which it is linked) or by the electronic transfer of credits or tokens to the device; or

(b) subject to subsection (8)—that allows the machine to be operated in a way that allows a maximum bet of more than \$5.

Maximum penalty: \$35 000.

- (8) The holder of a gaming machine licence in respect of a minor gaming venue may provide a gaming machine that does not comply with subsection (7)(b) if the gaming machine was lawfully being provided by the licensee immediately before the prescribed day.

- (9) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that may be operated by the insertion of a banknote.

Maximum penalty: \$35 000.

- (10) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that returns winnings to players at a rate that is not less than 87.5% of the total amount of all bets made on the machine.

Maximum penalty: \$35 000.

- (11) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that is fitted with a device or mechanism designed to allow the playing of successive games by an automatic process.

Maximum penalty: \$35 000.

- (12) In this section—

approved pre-commitment system means a system, to be operated in connection with approved gaming machines or classes of approved gaming machines, that is approved under, or in accordance with processes prescribed by the regulations for the purposes of this definition (subject to any conditions prescribed by the regulations);

prescribed day means the day on which the *Statutes Amendment (Gambling Reform) Act 2013* was assented to by the Governor.

97—Insertion of sections 53AB and 53AC

Before section 53B insert:

53AB—Prohibition of coin machines in minor gaming venues

5 The holder of a gaming machine licence in respect of a minor gaming venue must not provide any machine on the licensed premises that is designed to change a monetary note into coins.

Maximum penalty: \$35 000.

53AC—Prohibition of customer loyalty programs in minor gaming venues

10 (1) The holder of a gaming machine licence in respect of a minor gaming venue must not cause, suffer or permit a customer loyalty program to be offered or operated at the licensed premises.

Maximum penalty: \$35 000.

15 (2) In this section—

customer loyalty program, in relation to a minor gaming venue, means a marketing or promotional scheme under which a person may become entitled to a benefit as a result of continued gaming machine play.

98—Repeal of section 54

20 Section 54—delete the section

99—Amendment of section 56—Minors not permitted in gaming areas

(1) Section 56(2)—delete "approved gaming machine" and substitute:
gaming

(2) Section 56(4)—delete "an approved gaming machine" and substitute:
25 a gaming

100—Repeal of section 57

Section 57—delete the section

101—Repeal of Part 5 Division 4

Part 5 Division 4—delete the Division

102—Amendment of section 62—Interference with machines or games

30 Section 62—delete "or gaming equipment"

103—Amendment of section 63—Interference devices

Section 63—delete "or gaming equipment"

104—Amendment of section 64—Sealing of gaming machines

35 Section 64(1)—delete subsection (1)

105—Amendment of section 66—Machines not to be operated in certain circumstances

- (1) Section 66(1)—delete "an approved gaming machine" and substitute:
a gaming

- 5 (2) Section 66(1)(b)—delete "computer"

106—Amendment of section 68—Certain profit sharing etc is prohibited

- Section 68(1)(d)—delete "an approved gaming machine" and substitute:
a gaming

107—Amendment of section 71—Powers of authorised officers

- 10 (1) Section 71—after subsection (3) insert:

- (3a) If, in accordance with this section, the holder of a gaming machine licence is required to produce documents or other material relating to staff training, the licensee must be allowed not less than 7 days to comply with the requirement.

- 15 (2) Section 71(5)(a)—delete ", an approved game or any gaming equipment" and substitute:

or an approved game

- (3) Section 71(5)(b)—delete "computer system by which the operation of gaming machines is monitored" and substitute:

20 monitoring system

- (4) Section 71(6)—delete "gaming machine, gaming machine component or gaming equipment" and substitute:

game, gaming machine or gaming machine component

108—Amendment of section 72A—Gaming tax

- 25 Section 72A(5)—delete "in equal monthly instalments (starting in July 1996)" and substitute:

at a time or times determined by the Treasurer

109—Substitution of section 74

- Section 74—delete the section and substitute:

30 **74—Annual reports**

- (1) The Commissioner must, on or before 31 August in each year, submit to the Authority a report on the administration of this Act during the financial year ending on the previous 30 June.

- 35 (2) The report of the Commissioner must include the following information in relation to the financial year to which the report relates:

- (a) the number of expiation notices issued for offences against this Act;

- (b) the number of prosecutions commenced for offences against this Act.
- (3) The Authority must, on or before 30 September in each year, submit to the Minister a report on the performance of its functions under this Act during the financial year ending on the previous 30 June.
- (4) The report of the Authority must include—
- (a) any directions issued by the Minister under section 74A; and
 - (b) the Commissioner's report on the administration of this Act together with any observations on that report that the Authority considers appropriate.
- (5) The Minister must, within 12 sitting days of receiving a report under this section, cause a copy of the report to be laid before each House of Parliament.

74A—Minister may issue certain directions to Authority

If the Minister is of the opinion that a requirement imposed by the Authority on the holder of a gaming machine licence under this Act (whether the requirement is imposed under a code of practice, by the issue of a direction to a licensee or otherwise) would have the effect of requiring a pre-commitment system to be operated in connection with gaming machines provided by the licensee, the Minister may issue such directions to the Authority as the Minister thinks fit in relation to that requirement.

110—Amendment of section 76—Power to refuse to pay winnings

Section 76(1)—delete "an approved gaming machine" and substitute:

a gaming

111—Insertion of section 76B

After section 76A insert:

76B—Major gaming venue notifications

- (1) The holder of a gaming machine licence may at any time, by notice in writing given to the Commissioner—
- (a) specify that the licensed premises are to be a major gaming venue for the purposes of this Act; or
 - (b) revoke a major gaming venue notification.
- (2) In this section—

major gaming venue notification means any notice given to the Commissioner under this Act specifying that licensed premises are to be a major gaming venue for the purposes of this Act (whether given under this section or in the application for the licence).

112—Amendment of section 77—Certain agreements and arrangements are unlawful

(1) Section 77—after subsection (1) insert:

(2) However—

5 (a) a gaming machine, game or prescribed gaming machine component may be moved from 1 licensed premises to another (subject to this Act and the conditions of the gaming machine licences relating to those premises) if each of the gaming machine licences is held by the same licensee; and

10 (b) subsection (1) does not apply in relation to a supply to or acquisition by the transferee on a transfer of a gaming machine licence in accordance with Part 3 Division 4.

(2) Section 77(3)—delete "an approved gaming machine manager or gaming machine" and substitute:

15 a gaming manager or gaming

(3) Section 77—after subsection (3) insert:

(4) Any provision of a lease relating to licensed premises that purports to require the lessee to operate as a major or minor gaming venue for the purposes of this Act (however the requirement is expressed) is void and of no effect.

113—Amendment of section 79—Bribery

Section 79—delete "an approved gaming machine manager or gaming machine employee" wherever occurring and substitute in each case:

a gaming manager or gaming employee

114—Amendment of section 82—Service

(1) Section 82(1)—delete "may be served on a licensee" and substitute:

required to be given to or served on a licensee under this Act may be given to or served on the licensee

(2) Section 82(1)—after paragraph (a) insert:

30 (ab) if the licensee has nominated an address for service—by leaving it at or posting it to that address in an envelope addressed to the licensee; or

(3) Section 82—after subsection (1) insert:

35 (1aa) If, under any Act or law, a licensee is a party to an arrangement, or is subject to a requirement, that the licensee be given notices or documents by the Commissioner or the Authority in a manner not specified in subsection (1), a notice or document required to be given to the licensee by the Commissioner or the Authority under this Act may be given in that manner (or may be given in a manner specified in subsection (1)).

- (4) Section 82(1a)—delete "may be served on any other person" and substitute:
required to be given to or served on any other person under this Act may be
given to or served on the person

115—Amendment of section 85—Vicarious liability

- 5 (1) Section 85(1b)—delete "57, "
(2) Section 85—delete "approved gaming machine manager" wherever occurring and
substitute in each case:

gaming manager

- (3) Section 85(3a)—delete subsection (3a) and substitute:

10 (3a) The regulations may make provision in relation to the criminal
liability of—

(a) a person occupying a position of authority in a body
corporate that is guilty of an offence against the regulations;
or

15 (b) a gaming manager for licensed premises where the licence is
held by a body corporate that is guilty of an offence against
the regulations.

116—Amendment of section 86—Evidentiary provision

- (1) Section 86(1)—after paragraph (b) insert:

20 (ba) that premises referred to in the complaint are, or were on a specified
date, a major or minor gaming venue;

- (2) Section 86(1)(f)—delete paragraph (f)

117—Amendment of section 87—Regulations

- (1) Section 87(2)(d)—delete "provide for the granting by the Minister" and substitute:

25 grant or provide for the granting

- (2) Section 87—after subsection (4) insert:

(5) The regulations may, for transitional purposes—

(a) provide that this Act or specified provisions of this Act will
not apply in relation to a particular person or thing, or a
class of person or thing, until a specified day; or

30 (b) modify the application of this Act or provisions of this Act
in relation to a particular person or thing, or a class of
person or thing, until a specified day.

(6) Subsection (5) is in addition to, and does not derogate from, any
35 other provision of this section.

118—Repeal of sections 89 to 91

Sections 89 to 91(inclusive)—delete the sections

119—Amendment of Schedule 1—Gaming machine licence conditions

- (1) Schedule 1, paragraph (b)—delete paragraph (b)
- (2) Schedule 1, paragraph (j)—delete "gaming machine, gaming machine component or gaming equipment" and substitute:

5 game, gaming machine or gaming machine component

- (3) Schedule 1, paragraph (k)(iii)—delete subparagraph (iii)
- (4) Schedule 1—after paragraph (m) insert:

(ma) that the licensee will (in a manner and form to be determined by the Commissioner)—

- 10 (i) notify the Commissioner of the appointment of a person as a gaming manager or gaming employee; and
- (ii) keep a record of the appointment of each gaming manager and gaming employee; and
- 15 (iii) within 14 days of a person ceasing to be appointed as a gaming manager or gaming employee, or of a person so appointed ceasing to be in his or her employment, notify the Commissioner of that fact; and

- (5) Schedule 1, paragraph (n)—delete paragraph (n)

- (6) Schedule 1, paragraph (nd)—delete paragraph (nd)

- 20 (7) Schedule 1, paragraph (o)—after "licence" insert:

(not being conditions of a kind prohibited by the regulations)

120—Repeal of Schedules 3 and 4

Schedules 3 and 4—delete the schedules

121—Transitional provision—approval of gaming machines and games

- 25 (1) A gaming machine or game that was, immediately before the commencement of this section, approved under section 40 of the *Gaming Machines Act 1992* will be taken to have been approved under section 40 of the *Gaming Machines Act 1992* as amended by this Act (and such approval is, for the purposes of that section, taken to have been granted on the day on which this section commences).
- 30 (2) For the avoidance of doubt, nothing in this section derogates from any other requirements of the *Gaming Machines Act 1992* (as in force after the commencement of this Act) relating to a gaming machine or game.

122—Transitional provision—licence condition offence categories

(1) The Commissioner may, by notice given to the holder of a gaming machine licence (in any manner in which a notice may be given to a licensee by the Commissioner in accordance with section 82 of the *Gaming Machines Act 1992*), specify in relation to any prescribed licence condition whether a contravention of, or failure to comply with, the condition is to be taken to be a category A, B, C or D offence, or a category A, B, C or D expiable offence, for the purposes of section 46 of the *Gaming Machines Act 1992* as substituted by section 85 (and, in the absence of such specification, a contravention of, or failure to comply with, any such condition will be taken to be both a category A offence and a category A expiable offence for the purposes of section 46 of the *Gaming Machines Act 1992*).

(2) In this section—

prescribed licence condition means a licence condition of a kind referred to in section 46(3)(b) of the *Gaming Machines Act 1992* that was imposed before the commencement of section 85.

123—Transitional provision—barring orders

(1) The Liquor and Gambling Commissioner must, as soon as practicable after the commencement of section 101, notify the Independent Gambling Authority of all orders that the Commissioner knows were in force under section 59 of the *Gaming Machines Act 1992* immediately before the commencement of section 101.

(2) The Independent Gambling Authority may, by notice given to the holder of a gaming machine licence (in any manner in which a notice may be given to a licensee by the Authority in accordance with section 82 of the *Gaming Machines Act 1992*) require the licensee to provide specified information, or information of a specified kind, in relation to orders made by the holder of the licence that were in force under section 59 of the *Gaming Machines Act 1992* immediately before the commencement of section 101.

(3) It is taken to be a condition of a gaming machine licence that the licensee comply with a notice under subsection (2).

(4) A person who, immediately before the commencement of section 101, is barred from entering or remaining in the gaming area, or areas, of premises by order under section 59 of the *Gaming Machines Act 1992* is, on the commencement of section 101, taken to be so barred under section 15C of the *Independent Gambling Authority Act 1995* (as enacted by this Act) for a period of 3 years or until a review of the order is completed under section 138 (whichever occurs first).

Part 5—Amendment of *Independent Gambling Authority Act 1995*

124—Insertion of heading

Before section 1 insert:

Part 1—Preliminary

125—Amendment of section 3—Interpretation

Section 3, definition of *proceedings*—after "review" insert:

, reconsideration (under section 15H)

126—Insertion of heading

5 Before section 4 insert:

Part 2—The Authority

127—Insertion of section 11B

After section 11A insert:

11B—Delegation

- 10 (1) The Authority may, by instrument in writing, delegate to a committee established by the Authority, a member, deputy member or the Secretary of the Authority, or the Commissioner any of the powers or functions of the Authority under this Act or a prescribed Act other than—
- 15 (a) the conduct of an inquiry by the Authority; or
- (b) a reconsideration by the Authority of a decision that was made by the Authority; or
- (c) a review or appeal that is to be conducted by the Authority, other than—
- 20 (i) a review under section 15G; or
- (ii) a review of a decision made under section 45 of the *Casino Act 1997*.
- (2) Nothing in subsection (1) prevents the Authority from delegating to the Secretary of the Authority the power to issue a summons under
- 25 section 14.
- (3) A delegation under this section—
- (a) may be unconditional or subject to conditions specified by the delegator; and
- 30 (b) does not derogate from the power of the delegator to act personally in any matter; and
- (c) is revocable at will by the delegator.

128—Insertion of heading

Before section 12 insert:

Part 3—Proceedings

35 129—Amendment of section 12—Proceedings of Authority

(1) Section 12(1)—delete "The presiding" and substitute:

Subject to subsection (1a), the presiding

(2) Section 12—after subsection (1) insert:

- (1a) For the purpose of conducting an inquiry, a reconsideration of a decision by the Authority or a review or appeal under this Act or a prescribed Act, the presiding member (or his or her deputy) and 1 other member of the Authority constitutes a quorum of the Authority.

130—Amendment of section 14—Powers and procedures of Authority

Section 14(1)—delete "For the purposes of proceedings before the Authority" and substitute:

If the Authority thinks it reasonably necessary for the purpose of performing its functions

131—Repeal of section 15A

Section 15A—delete the section

132—Insertion of heading

Before section 15B insert:

Part 4—Barring orders

133—Substitution of section 15B

Section 15B—delete the section and substitute:

15B—Interpretation

In this Part—

authorised person, in relation to a place, means each of the following:

- (a) a police officer;
- (b) a person of a class prescribed by regulation (either generally or in relation to that place);
- (c) in relation to premises of a gambling provider—an agent or employee of the gambling provider;
- (d) in relation to a place at which operations of a kind authorised under the *Authorised Betting Operations Act 2000* are being conducted—an authorised officer under that Act;
- (e) in relation to the gaming area, or areas, of premises to which a gaming machine licence relates—an authorised person within the meaning of the *Gaming Machines Act 1992*;

barred person means a person who is the subject of a barring order under this Part;

barring order means an order doing any 1 or more of the following:

- (a) barring a person from taking part in specified gambling activities or gambling activities of a specified class;

(b) barring a person from entering or remaining in the whole or a part of—

- (i) specified premises; or
- (ii) a specified class of premises,

5

where gambling activities are or may be undertaken;

(c) barring a person from a prescribed place or a place of a prescribed class or from engaging in a prescribed activity or an activity of a prescribed class;

gambling provider means each of the following:

10

- (a) the holder of a licence or authorisation under the *Authorised Betting Operations Act 2000*;
- (b) the holder of the casino licence;
- (c) the holder of a gaming machine licence;
- (d) the Lotteries Commission of South Australia.

15

15C—Barring orders

(1) The Authority may make a barring order in relation to a person—

- (a) at the request of that person; or
- (b) if—

20

- (i) there is a reasonable apprehension that the person may suffer harm, or may cause serious harm to family members, because of problem gambling; and
- (ii) the Authority is satisfied that the making of the order is appropriate in the circumstances.

(2) A gambling provider may make a barring order in relation to a person—

25

- (a) at the request of that person; or
- (b) if—

30

- (i) there is a reasonable apprehension that the person may suffer harm, or may cause serious harm to family members, because of problem gambling; and
- (ii) the gambling provider is satisfied that the making of the order is appropriate in the circumstances.

(3) A barring order made by a gambling provider may only relate to premises of, or the business conducted by, that gambling provider.

35

(4) If no decision is made within 14 days after the making of a request by a person under subsection (1)(a) or (2)(a), the Authority or the gambling provider (as the case may be) will be taken, for the purposes of this Part, to have made a decision to refuse the request.

- 5
- (5) For the avoidance of doubt, a barring order made in relation to premises may relate to parts of the premises where gambling activities are not undertaken (provided that the order also relates to parts of the premises where gambling activities are or may be undertaken).
- (6) A barring order made under this section—
- (a) must be in writing in a form determined by the Authority; and
- (b) subject to this Part, remains in force during the period specified in the order, being—
- 10
- (i) in the case of an order made by the Authority—a period of not more than 3 years from the date on which the order is made; or
- (ii) in any other case—a period of 3 months from the date on which the order is made.
- 15
- (7) A barring order made by the Authority at the request of the barred person may specify a minimum period (being not greater than 6 months) during which the order must remain in force.
- (8) If a gambling provider makes a barring order or receives a request to make a barring order, the provider must—
- 20
- (a) make a record of the order or request in a manner and containing the particulars required by the Authority; and
- (b) within 7 days after making the order or making a decision to refuse the request, notify the Authority of the order or decision (in a manner, and containing the particulars, required by the Authority).
- 25

Maximum penalty: \$2 500.

15D—Variation or revocation of barring order

- 30
- (1) The Authority may make an order varying or revoking a barring order under this Part at any time (provided that, in a case where the order was made by the Authority at the request of the barred person, the order may not be revoked, or be varied so as to limit in any way its application, unless it has been in force for the prescribed minimum period).
- 35
- (2) An order made under this section must be in writing in a form determined by the Authority.
- (3) In this section—
- prescribed minimum period*, in relation to a barring order made by the Authority at the request of the barred person, means—
- 40
- (a) if a minimum period is specified in the order—that period;
- (b) in any other case—6 months.

15E—Notice of barring order etc

- 5
- (1) A barred person must be given notice of a barring order, or an order varying or revoking a barring order, under this Part.
- (2) A notice required to be given under subsection (1) must include any particulars prescribed by the regulations.
- (3) A barring order, or an order varying a barring order, is of no effect unless notice of the order has been given to the barred person in accordance with this section.
- 10
- (4) The Authority must give written notice of a barring order made by the Authority under this Part, and of any variation or revocation of the order, to the owner or occupier of each place to which the order relates.
- 15
- (5) If the Authority obtains a photograph of the barred person, the Authority may also give a copy of that photograph to the owner or occupier of each place to which the order relates.

15F—Contravention of barring order

- 20
- (1) A barred person who contravenes or fails to comply with a barring order is guilty of an offence.
Maximum penalty: \$2 500.
- (2) A gambling provider, or another person of a class prescribed by the regulations, who suffers or permits a contravention of a barring order is guilty of an offence.
Maximum penalty: \$10 000.
- 25
- (3) It is a defence to a charge of an offence against subsection (2) for the defendant to prove that he or she took reasonable steps to prevent the commission of the offence.
- 30
- (4) For the purposes of disciplinary or enforcement action under a relevant Act, it will be taken to be a condition of the licence or authorisation issued to a gambling provider under the relevant Act that the provider must not suffer or permit a contravention of a barring order (subject to the defence specified in subsection (3)).
- (5) In this section—
- disciplinary or enforcement action* means—
- 35
- (a) in relation to the *Authorised Betting Operations Act 2000*—an exercise of powers under Part 6 of that Act;
- (b) in relation to the *Casino Act 1997*—an exercise of powers under Part 7 of that Act;
- (c) in relation to the *Gaming Machines Act 1992*—action taken under Part 3 Division 7 of that Act;
- 40
- relevant Act* means—
- (a) the *Authorised Betting Operations Act 2000*;

- (b) the *Casino Act 1997*;
- (c) the *Gaming Machines Act 1992*.

15G—Review of barring order by gambling provider

- (1) When the Authority is notified of a decision by a gambling provider to make, or to refuse to make, a barring order under this Part, the Authority must, as soon as is reasonably practicable, undertake a review of the decision.
- (2) On a review under this section, the Authority—
 - (a) may undertake consultation (in such manner as the Authority thinks fit) with any person involved with, or affected by, the making of the decision under review; and
 - (b) may confirm, vary, revoke or reverse the decision under review; and
 - (c) may make any recommendations to persons involved with, or affected by, the making of the decision under review that the Authority thinks appropriate in the circumstances.
- (3) The conduct of a review in relation to a barring order—
 - (a) does not affect the operation of that order while the review is being undertaken; and
 - (b) does not prevent the making of another barring order in relation to the barred person.

15H—Reconsideration of barring order by Authority

- (1) A gambling provider who is dissatisfied with a decision by the Authority to refuse to make a barring order under this Part, or any other person who is affected by a decision by the Authority to make, or refuse to make a barring order under this Part, may apply to the Authority to undertake a reconsideration of its decision.
- (2) An application to the Authority under this section must—
 - (a) be made in a manner, and contain the particulars, required by the Authority; and
 - (b) be lodged with the Authority within 14 days after the date of the decision (or such longer period as the Authority may allow in the circumstances).
- (3) On reconsidering a decision under this section, the Authority—
 - (a) may undertake consultation (in such manner as the Authority thinks fit) with any person involved with, or affected by, the making of the decision; and
 - (b) may confirm, vary, revoke or reverse the decision; and
 - (c) may make any recommendations to persons involved with, or affected by, the making of the decision that the Authority thinks appropriate in the circumstances.

- 5
- (4) If the Authority has not completed reconsidering a decision within 8 weeks after the day on which the application under this section was made, the Authority will be taken to have confirmed the decision.
- (5) The reconsideration of a decision in relation to a barring order under this section—
- (a) does not affect the operation of the barring order while the reconsideration is being undertaken; and
- (b) does not prevent the making of another barring order in relation to the barred person.

10 **15I—Powers to remove etc**

- (1) If a person who is an authorised person in relation to a place suspects on reasonable grounds that a person who is in, or who is entering or about to enter, that place is barred from that place by order under this Part, the authorised person may require the person to leave the place.
- 15 (2) If a person refuses or fails to comply with a requirement under subsection (1), an authorised person may remove the person from the place.
- (3) The regulations may prescribe procedures to be observed by authorised persons (other than police officers) in or in connection with the exercise of powers under this section.
- 20 (4) An authorised person must comply with the procedures (if any) prescribed under subsection (3).
- Maximum penalty: \$2 500.

25 **15J—Liability**

A decision of a gambling provider or an authorised person to exercise or not to exercise powers under this Part, or a failure of a gambling provider or an authorised person to exercise such powers, does not give rise to any liability of the gambling provider or authorised person to pay damages or compensation to any person.

30 **15K—Delegation**

- (1) A gambling provider may delegate a power or function under this Part to an employee or agent of the gambling provider.
- (2) A delegation—
- (a) must be by instrument in writing; and
- (b) may be unconditional or subject to conditions; and
- 35 (c) does not derogate from the power of the gambling provider to act personally in any matter; and
- (d) may be revoked at any time by the gambling provider.

15L—Service

- (1) A notice or document required to be given to a person under this Part may—
- (a) be served on the person personally; or
 - (b) be posted in an envelope addressed to the person's last known address; or
 - (c) be transmitted by fax or email to the person's fax number or email address (in which case the notice or document will be taken to have been given or served at the time of transmission).
- (2) If, under any Act or law, a gambling provider is a party to an arrangement, or is subject to a requirement, that the gambling provider be given notices or documents by the Authority in a manner not specified in subsection (1), a notice or document required to be given to the gambling provider by the Authority under this Part may be given in that manner (or may be given in a manner specified in subsection (1)).

15M—Register

- (1) The Authority must maintain a register containing—
- (a) the prescribed particulars of—
 - (i) barring orders; and
 - (ii) requests for barring orders that are refused; and
 - (iii) problem gambling family protection orders referred to in section 13(3) of the *Problem Gambling Family Protection Orders Act 2004*; and
 - (b) any information required to be included in the register under another Act; and
 - (c) any other information that, in the opinion of the Authority, is relevant to barring or exclusion of persons from gambling activities or venues (on welfare or any other grounds).
- (2) Information referred to in subsection (1) will be regarded as confidential information for the purposes of this Act.

15N—Winnings still to be paid

Contravention of, or failure to comply with, a barring order does not constitute grounds for refusing to pay any winnings to a person.

134—Insertion of heading

Before section 16 insert:

Part 5—Miscellaneous

135—Amendment of section 19—Annual report

Section 19(1)—delete "31 October" and substitute:

30 September

136—Insertion of section 20

5 After section 19 insert:

20—Regulations

The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

137—Transitional provision—existing voluntary barring orders

10 A person who, immediately before the commencement of section 133, is barred from entering or remaining in a place by order under section 15B of the *Independent Gambling Authority Act 1995* is, on the commencement of section 133, taken to be so barred under section 15C of the *Independent Gambling Authority Act 1995* (as enacted by section 133)—

- 15 (a) for a period of 3 years; or
 (b) until a review of the order is completed under section 138,
 whichever occurs first.

138—Transitional provision—review of existing barring orders

20 (1) The Independent Gambling Authority must, within 3 years after the commencement of this section, undertake a review of relevant barring orders.

 (2) In this section—

relevant barring order means an order, made under an Act amended by this Act, that is, by virtue of transitional provisions contained in this Act, taken to be a barring order under section 15C of the *Independent Gambling Authority Act 1995* (as enacted by section 133).

Part 6—Amendment of *Problem Gambling Family Protection Orders Act 2004*

139—Amendment of section 11—Conduct of proceedings

Section 11—after subsection (6) insert:

- 30 (7) If, as a result of proceedings under this Act, the Authority is satisfied that it would be appropriate for the Authority to make an order under Part 4 of the *Independent Gambling Authority Act 1995* instead of, or in addition to, an order under this Act, the Authority may make such an order.

140—Amendment of section 13—Notification of making, variation or revocation of problem gambling family protection orders by Authority

Section 13—after subsection (2) insert:

- 5 (3) If a problem gambling family protection order (whether made under this Act or the *Intervention Orders (Prevention of Abuse) Act 2009*) includes prohibitions of a kind that could be included in a barring order under Part 4 of the *Independent Gambling Authority Act 1995*, the Secretary must ensure that the prescribed particulars of those prohibitions are included in the register maintained under that Part of that Act (and if the prohibitions are subsequently varied or revoked, the Secretary must ensure that the details included in the register are altered or deleted as the case may require).
- 10

141—Substitution of section 15

Section 15—delete the section and substitute:

15 **15—Removal of respondent barred from certain premises**

The powers under Part 4 of the *Independent Gambling Authority Act 1995* relating to requiring a person to leave, or removing a person from, a place from which the person has been barred under that Part, extend to a person barred from such a place by an order under this Act, as if the order were an order under that Part.

20

Part 7—Amendment of *State Lotteries Act 1966*

142—Substitution of sections 13B to 13E

Sections 13B, 13C, 13D and 13E—delete the sections and substitute:

13B—Codes of practice etc

- 25 (1) For the purposes of this Act, the Authority may, by notice in the Gazette, prescribe—
- (a) advertising codes of practice; and
 - (b) responsible gambling codes of practice; and
 - 30 (c) requirements for systems and procedures designed to prevent the purchase of lottery tickets, and participation in lotteries, by children using the telephone, Internet or other electronic means.
- (2) Without limiting the generality of subsection (1)(b), a responsible gambling code of practice may—
- 35 (a) require the Commission to provide information at offices, branches and agencies of the Commission regarding responsible gambling, the availability of services to address problems associated with gambling (including barring orders) and any other matter under this Act, whether by—
 - 40 (i) signs and warning notices; or

- (ii) the use of audio, visual, or electronic means,
in accordance with any requirements specified in the code;
and
- 5 (b) make provision relating to the duty to make barring orders
under Part 4 of the *Independent Gambling Authority
Act 1995*; and
- (c) make provision relating to the duty to identify and assist
problem gamblers; and
- 10 (d) deal with training of staff with respect to responsible
gambling practices and the services available to address
problems associated with gambling; and
- (e) require accounts to be kept for persons who participate in
lotteries or purchase lottery tickets by telephone, Internet or
other electronic means; and
- 15 (f) include other matters designed to reduce the incidence of
problem gambling.
- (3) The provisions of a code of practice may be of general, limited or
varied application according to—
- (a) the classes of person or lottery; or
- 20 (b) the circumstances; or
- (c) any other specified factor,
to which the provision is expressed to apply.
- (4) The Authority may, by subsequent notice in the Gazette, vary or
revoke a notice under this section.
- 25 (5) Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978*
apply to a notice published in the Gazette under this section as if it
were a regulation within the meaning of that Act.
- (6) The Authority must review the codes of practice prescribed under
this section at least every 5 years.
- 30 (7) In preparing and reviewing codes of practice, the Authority must
seek and consider written submissions from the Commission, any
Australian lotteries body with whom the Commission jointly
conducts lotteries, a body representative of lottery agents and
interested members of the public.
- 35 (8) A code of practice prescribed under this section may be incorporated
with any other codes of practice that may be prescribed by the
Authority under any other Act.

13C—Compliance with codes of practice

40 The Commission must ensure, in the performance of its functions,
that the Commission conforms with the matters prescribed under
section 13B(1).