

House of Assembly—No 144

As laid on the table and read a first time, 24 September 2009

South Australia

**Statutes Amendment (Gaming Machine
Limitations) Bill 2009**

A BILL FOR

An Act to amend the *Casino Act 1997* and the *Gaming Machines Act 1992*.

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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 (Gaming Machine Limitations) Act 2009*.

5 2—Commencement

This Act will come into operation on 1 January 2010.

3—Amendment provisions

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

10 Part 2—Amendment of *Casino Act 1997*

4—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *gaming machine* insert:

line, in relation to a gaming machine game, means a row of visible symbols that appear in a random order on the screen of the gaming machine when the game is played;

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

reel, in relation to a gaming machine game, means a reel that is spun when the game is played to produce a symbol on a line, whether mechanical or virtual through computer programming;

5—Substitution of section 37A

Section 37A—delete the section and substitute:

37A—Authorisation of games by the Commissioner

- 5 (1) The Commissioner must refuse an application for authorisation of a game to be played in the casino if—
- (a) in the case of a gaming machine game, the Commissioner is not satisfied by the applicant—
- 10 (i) that the game and any gaming machine on which it is to be played meet the requirements of the *Australia/NewZealand Gaming Machine National Standards (Revision 10.0 1 October 2009)* (published by the Commissioner and other gambling regulators of Australia and New Zealand), as amended or substituted from time to time; or
- 15 (ii) that the game does not have any of the prohibited characteristics; or
- (iii) that the game has each of the required features; or
- (b) in any case, the Commissioner is of the opinion that the game is likely to lead to an exacerbation of problem gambling.
- 20 (2) In forming an opinion for the purposes of subsection (1)(b), the Commissioner must have regard to any guidelines issued by the Authority.
- 25 (3) For the purposes of this section, the *prohibited characteristics* of a gaming machine game are as follows:
- (a) **non-linear**
the statistical return to the player for the game changes depending on the amount bet;
- 30 (b) **illusion of control**
the player may be induced to believe that his or her level of skill will affect the outcome of the game when that is not the case;
- (c) **win truncation**
there are circumstances in which a prize provided for by the rules of the game would, but for a provision that provides that prizes are to be truncated to the maximum prize permitted by law, exceed the maximum prize permitted by law;
- 35 (d) **feature entry bet**
40 the game has a special feature that is only available if the player bets at or above a particular level;

(e) **paid-for feature game**

the game has a special feature that will only commence if a further bet or bets are made;

(f) **metamorphic**

the game will transform into a different game when certain game events (requiring further play) have occurred;

(g) **free spins**

the game has a special feature that includes free reel spins or bets;

(h) **rate of play**

the reel spin interval of the game is less than 3.5 seconds or a bet can be placed more than 17 times per minute;

(i) **near miss**

the game has other than an equal number of each type of symbol on each reel.

(4) For the purposes of this section, the ***required features*** of a gaming machine game are as follows:

(a) **game information**

game information relating to—

- (i) the odds of winning the game (including the 5 top and bottom winning combinations); and
- (ii) the average winnings paid out to players of the game over a particular period of time or a particular number of plays; and
- (iii) the maximum and minimum player spend rate for the game,

must be displayed on the screen; and

(b) **clock**

the correct time must be displayed on the screen in a manner that is clearly visible at all times while the game is being played; and

(c) **interruption of play**

the game must include a feature that—

- (i) interrupts play at regular intervals (not exceeding 30 minutes of continuous play) for at least 20 seconds on each occasion; and
- (ii) displays on the full screen for the whole of the interruption player information relating to—
 - (A) the duration of the player's session of play; and

(B) the amount, expressed in dollars and cents, that the player has spent during the player's session of play; and

(C) the player's net wins or net losses during the player's session of play; and

(iii) does not display any other information while the player information is displayed during the interruption; and

(iv) before allowing the player to continue to play after the interruption, requires the player to answer the question whether or not he or she wishes to continue with his or her session of play; and

(v) if the player responds that he or she does not wish to continue with his or her session of play, automatically pays out any winnings and credits to the player.

(5) All approvals of gaming machine games granted before 1 January 2010 will expire on 1 January 2014.

6—Amendment of section 42B—Certain gaming machine facilities prohibited

(1) Section 42B—after subsection (6) insert:

(6a) It is a condition of the casino licence that the licensee must not, on or after the prescribed day, provide any gaming machine in the casino that is capable of—

(a) accepting a bet of more than 20 cents for each line for each play of a game; or

(b) playing more than 1 game, or more than 3 lines of a game, at the same time; or

(c) allowing more than 3 bets per reel spin.

(2) Section 42B(7), definition of *prescribed day*—delete "subsection (6)" and substitute:
the subsection in which the expression appears

Part 3—Amendment of *Gaming Machines Act 1992*

7—Amendment of section 3—Interpretation

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

line, in relation to a gaming machine game, means a row of visible symbols that appear in a random order on the screen of the gaming machine when the game is played;

(2) Section 3(1)—after the definition of *prescribed gaming machine component* insert:

reel, in relation to a gaming machine game, means the reel that is spun when the game is played to produce a line of the game, whether mechanical or virtual through computer programming;

8—Substitution of section 40

Section 40—delete the section and substitute:

40—Approval of gaming machines and games

- 5 (1) The Commissioner may, on application by a person, approve particular gaming machines, or particular games, to be of a class that is approved for the purposes of this Act.
- (2) The Commissioner must refuse an application for authorisation of a gaming machine or game if—
- 10 (a) the Commissioner is not satisfied by the applicant—
- (i) that the gaming machine or the game and any gaming machine on which it is to be played meet the requirements of the *Australia/New Zealand Gaming Machine National Standards (Revision 10.0 1 October 2009)* (published by the Commissioner and other gambling regulators of Australia and New Zealand), as amended or substituted from time to time; or
- 15 (ii) that the game does not have any of the prohibited characteristics; or
- 20 (iii) that the game has each of the required features; or
- (b) the Commissioner is of the opinion that the game is likely to lead to an exacerbation of problem gambling.
- 25 (3) In forming an opinion for the purposes of subsection (2)(b), the Commissioner must have regard to any guidelines issued by the Authority.
- (4) For the purposes of this section, the *prohibited characteristics* of a game are as follows:
- (a) **non-linear**
the statistical return to the player for the game changes depending on the amount bet;
- 30 (b) **illusion of control**
the player may be induced to believe that his or her level of skill will affect the outcome of the game when that is not the case;
- 35 (c) **win truncation**
there are circumstances in which a prize provided for by the rules of the game would, but for a provision that provides that prizes are to be truncated to the maximum prize permitted by law, exceed the maximum prize permitted by law;
- 40

- (d) **feature entry bet**
the game has a special feature that is only available if the player bets at or above a particular level;
- 5 (e) **paid-for feature game**
the game has a special feature that will only commence if a further bet or bets are made;
- (f) **metamorphic**
the game will transform into a different game when certain game events (requiring further play) have occurred;
- 10 (g) **free spins**
the game has a special feature that includes free reel spins or bets;
- (h) **rate of play**
the reel spin interval of the game is less than 3.5 seconds or a bet can be placed more than 17 times per minute;
- 15 (i) **near miss**
the game has other than an equal number of each type of symbol on each reel.
- (5) For the purposes of this section, the *required features* of a game are as follows:
- 20 (a) **game information**
game information relating to—
- (i) the odds of winning the game (including the 5 top and bottom winning combinations); and
- 25 (ii) the average winnings paid out to players of the game over a particular period of time or a particular number of plays; and
- (iii) the maximum and minimum player spend rate for the game,
- 30 must be displayed on the screen; and
- (b) **clock**
the correct time must be displayed on the screen in a manner that is clearly visible at all times while the game is being played; and
- 35 (c) **interruption of play**
the game must include a feature that—
- (i) interrupts play at regular intervals (not exceeding 30 minutes of continuous play) for at least 20 seconds on each occasion; and

- (ii) displays on the full screen for the whole of the interruption player information relating to—
 - (A) the duration of the player's session of play; and
 - (B) the amount, expressed in dollars and cents, that the player has spent during the player's session of play; and
 - (C) the player's net wins or net losses during the player's session of play; and
- (iii) does not display any other information while the player information is displayed during the interruption; and
- (iv) before allowing the player to continue to play after the interruption, requires the player to answer the question whether or not he or she wishes to continue with his or her session of play; and
- (v) if the player responds that he or she does not wish to continue with his or her session of play, automatically pays out any winnings and credits to the player.

(6) All approvals of gaming machines and games granted before 1 January 2010 will expire on 1 January 2014.

9—Amendment of section 53A—Prohibition of certain gaming machine facilities

(1) Section 53A—after subsection (6) insert:

(6a) The holder of a gaming machine licence must not, on or after the prescribed day, provide any gaming machine that—

- (a) is capable of accepting a bet of more than 20 cents for each line for each play of a game; or
- (b) is capable of playing more than 1 game, or 3 lines of a game, at the same time; or
- (c) allowing more than 3 bets per reel spin.

Maximum penalty: \$35 000.

(2) Section 53A(7), definition of *prescribed day*—delete "subsection (6)" and substitute:
the subsection in which the expression appears