

South Australia

**Statutes Amendment (Play Tracking Technology)  
Bill 2008**

A BILL FOR

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

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

### Part 2—Amendment of *Casino Act 1997*

- 3 Amendment of section 3—Interpretation
- 4 Amendment of section 40—Approval of installation etc of equipment
- 5 Substitution of section 42B
  - 42B Prohibition of certain gaming machines etc

### Part 3—Amendment of *Gaming Machines Act 1992*

- 6 Amendment of section 3—Interpretation
  - 7 Amendment of section 4—Application of this Act
  - 8 Amendment of section 40—Approval of gaming machines and games
  - 9 Insertion of Part 4A
    - Part 4A—Play tracking technology
      - 44A Approval of play tracking technology
      - 44B Regulations supporting implementation of play tracking technology
  - 10 Redesignation of Part 4A—Special provisions relating to licensed dealers
  - 11 Redesignation of section 44A—Prohibition of links between dealers and other licensees
  - 12 Substitution of section 53A
    - 53A Prohibition of certain gaming machines
  - 13 Amendment of Schedule 2—Gaming machine monitor licence conditions
- 

## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Statutes Amendment (Play Tracking Technology) Act 2008*.

#### 5 2—Amendment provisions

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 *Casino Act 1997*

#### 3—Amendment of section 3—Interpretation

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

*identifiable gambler* means a person who will be identified by play tracking technology when playing gaming machines;

*play tracking gaming machine* has the same meaning as in the *Gaming Machines Act 1992*;

*play tracking technology* has the same meaning as in the *Gaming Machines Act 1992*;

#### **4—Amendment of section 40—Approval of installation etc of equipment**

Section 40—after subsection (1) insert:

- 5 (1a) The Commissioner may only approve a play tracking gaming machine if—
- (a) its operation will be subject to play tracking technology approved in accordance with Part 4A of the *Gaming Machines Act 1992*; and
- 10 (b) it is designed to be operated only by an identifiable gambler by means of the insertion of a coin in the machine or a linked device or by means of electronic payment considered appropriate by the Commissioner or by both those means.

#### **5—Substitution of section 42B**

15 Section 42B—delete the section and substitute:

##### **42B—Prohibition of certain gaming machines etc**

- (1) It is a condition of the casino licence that the licensee must not, before the prescribed day, provide any gaming machine in the casino unless—
- 20 (a) it is capable of being operated only by means of the insertion of a coin in the machine or a linked device; or
- (b) it is a play tracking gaming machine.
- (2) 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 not a play tracking gaming machine.
- 25 (3) It is a condition of the casino licence that the licensee must not, on or after the prescribed day, cause or allow a gaming machine in the casino to be operated by a person who is not an identifiable gambler or in a manner that is not subject to play tracking technology.
- 30 (4) It is a condition of the casino licence that the licensee comply with regulations made in relation to play tracking technology under Part 4A of the *Gaming Machines Act 1992*.
- (5) It is a condition of the casino licence that the licensee must not provide any gaming machine in the casino that is fitted with a device or mechanism designed to allow the playing of a number of
- 35 successive games by an automatic process.
- (6) In this section—
- prescribed day* means the day falling 2 years after the commencement of subsection (1).

## Part 3—Amendment of *Gaming Machines Act 1992*

### 6—Amendment of section 3—Interpretation

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

*identifiable gambler* means a person who will be identified by play tracking technology when playing gaming machines;

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

*play tracking gaming machine* means a gaming machine the operation of which is subject to play tracking technology;

*play tracking technology* means technology providing for—

- (a) the systematic tracking of gaming machine play; and
- (b) the setting of limits on gaming machine play by identifiable gamblers; and
- (c) the exclusion of identifiable gamblers from gaming machine play; and
- (d) the regular reporting, to identifiable gamblers and to the Authority and the Commissioner, about gaming machine play and the amount spent and lost playing gaming machines;

### 7—Amendment of section 4—Application of this Act

Section 4(1)—after "This Act" insert:

(apart from Part 4A)

### 8—Amendment of section 40—Approval of gaming machines and games

Section 40—after subsection (3) insert:

- (4) The Commissioner may only approve a play tracking gaming machine if—
  - (a) its operation will be subject to play tracking technology approved in accordance with Part 4A; and
  - (b) it is designed to be operated only by an identifiable gambler by means of the insertion of a coin in the machine or a linked device or by means of electronic payment considered appropriate by the Commissioner or by both those means.

### 9—Insertion of Part 4A

After section 44 insert:

#### Part 4A—Play tracking technology

##### 44A—Approval of play tracking technology

- (1) The Authority must perform its functions under this section with the object of significantly reducing problem gambling.

- 5
- (2) The Authority must within 1 month after the commencement of this section, and may at any other time, publish an advertisement in the Gazette and in a newspaper circulating generally throughout the State inviting suppliers to seek the Authority's approval of play tracking technology that they propose to make available for use in connection with gaming machines in this State.
- (3) The advertisement must—
- 10
- (a) require suppliers who respond to the invitation to provide a detailed description of the supplier's proposed play tracking technology including a description of—
- 15
- (i) how gamblers playing gaming machines are to be identified and the arrangements for guarding against fraud relating to identity; and
- (ii) how gaming machine play is to be tracked; and
- (iii) the nature of the limits on gaming machine play that may be set by identifiable gamblers; and
- (iv) the nature of the exclusions from gaming machine play that may be imposed; and
- 20
- (v) the mechanisms for imposing the limits and exclusions; and
- (vi) the facilities for obtaining reports relating to gaming machine play and the amount spent and the amount lost playing gaming machines; and
- 25
- (b) require suppliers who respond to the invitation to provide a detailed proposal for the implementation of the supplier's proposed play tracking technology in connection with gaming machines in this State; and
- (c) fix a date (not earlier than 3 months after the date of publication of the advertisement) by which responses must be received by the Authority.
- 30
- (4) Before approving play tracking technology, the Authority must—
- 35
- (a) consult with members of the gaming machines industry and members of the sector concerned with problem gambling, in particular, about the nature of the limits on gaming machine play that may be set by identifiable gamblers and the appropriate mechanisms for setting those limits; and
- (b) consult with the holder of the gaming machine monitor licence about integration of the play tracking technology with existing gaming machine monitoring technology.

- 5
- 10
- 15
- (5) In evaluating the responses—
- (a) the Authority must consider how the play tracking technologies may be integrated with each other and with gaming machine monitoring technology to ensure systematic tracking of all gaming machine play in this State for each identifiable gambler; and
  - (b) the primary evaluation criteria considered by the Authority must be the efficiency and effectiveness of the play tracking technology in setting limits on gaming machine play and excluding persons from gaming machine play.
- (6) After evaluating the responses, the Authority may, by notice in the Gazette, approve play tracking technology supplied by 1 or more of the respondents for use in connection with gaming machines in this State.
- (7) This section applies in relation to all gaming machines operated in this State, including those operated in the licensed casino under the *Casino Act 1997*.

**44B—Regulations supporting implementation of play tracking technology**

- 20
- 25
- 30
- 35
- 40
- (1) The regulations may include such provisions as are necessary or desirable for the purposes of implementing approved play tracking technology.
- (2) Without limiting the generality of subsection (1), the regulations must include arrangements—
- (a) establishing how a person may become an identifiable gambler; and
  - (b) for preventing a person becoming an identifiable gambler if—
    - (i) the person is under the age of 18 years; or
    - (ii) the person does not provide documentary proof of the person's identity; and
  - (c) for giving identifiable gamblers the opportunity to set limits on their gaming machine play; and
  - (d) for excluding identifiable gamblers from gaming machine play at their request; and
  - (e) for providing reports to identifiable gamblers, the Authority and the Commissioner about gaming machine play and the amount spent and the amount lost playing gaming machines.
- (3) This section applies in relation to all gaming machines operated in this State, including those operated in the licensed casino under the *Casino Act 1997*.

**10—Redesignation of Part 4A—Special provisions relating to licensed dealers**

Part 4A is redesignated as Part 4B

**11—Redesignation of section 44A—Prohibition of links between dealers and other licensees**

5 Section 44A is redesignated as section 44C

**12—Substitution of section 53A**

Section 53A—delete the section and substitute:

**53A—Prohibition of certain gaming machines**

- 10 (1) The holder of a gaming machine licence must not, before the prescribed day, provide any gaming machine on the licensed premises unless—
- (a) it is capable of being operated only by means of the insertion of a coin in the machine or a linked device; or
  - (b) it is a play tracking gaming machine.
- 15 Maximum penalty: \$35 000.
- (2) The holder of a gaming machine licence must not, on or after the prescribed day, provide any gaming machine on the licensed premises that is not a play tracking gaming machine.
- Maximum penalty: \$35 000.
- 20 (3) The holder of a gaming machine licence must not, on or after the prescribed day, cause or allow a gaming machine on the licensed premises to be operated by a person who is not an identifiable gambler or in a manner that is not subject to play tracking technology.
- 25 Maximum penalty: \$35 000.
- (4) 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.
- 30 Maximum penalty: \$35 000.
- (5) In this section—
- prescribed day* means the day falling 2 years after the commencement of this section.

**13—Amendment of Schedule 2—Gaming machine monitor licence conditions**

35 Schedule 2—after paragraph (f) insert:

- (fa) a condition that the licensee will—
  - (i) provide advice to the Authority about the integration of proposed play tracking technology with existing gaming machine monitoring technology; and

- (ii) facilitate the implementation of play tracking technology;