

South Australia

# Independent Gambling Authority Regulations 2013

under the *Independent Gambling Authority Act 1995*

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Legislative history

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### 1—Short title

These regulations may be cited as the *Independent Gambling Authority Regulations 2013*.

### 2—Commencement

These regulations will come into operation on 1 July 2014.

### 3—Interpretation

In these regulations—

*Act* means the *Independent Gambling Authority Act 1995*.

### 4—Particulars to be included in notice (section 15E of Act)

- (1) For the purposes of section 15E(2) of the Act—
  - (a) the following particulars to be included in a notice of a barring order given to a barred person are prescribed:
    - (i) the name and address of the barred person;
    - (ii) the date on which the barring order is made;
    - (iii) the period for which the barring order remains in force;
    - (iv) in the case of a barring order made by the Authority at the request of the barred person—the first date on which the barring order may be revoked or varied (not being a date earlier than the end of the prescribed minimum period as defined in section 15D(3) of the Act);
    - (v) subject to subregulation (2), sufficient details of the activities, premises or place from which the person is barred, to enable the barred person to understand the extent of the barring order;

- (vi) a statement warning the barred person that it is an offence to contravene or fail to comply with a barring order; and
  - (b) the following particulars to be included in a notice varying a barring order given to a barred person are prescribed:
    - (i) the prescribed particulars to be included in a notice of a barring order under paragraph (a);
    - (ii) a statement outlining the varied provisions of the barring order;
    - (iii) the date from which the barring order is taken to be varied; and
  - (c) the following particulars to be included in a notice revoking a barring order given to a barred person are prescribed:
    - (i) the prescribed particulars to be included in a notice of a barring order under paragraph (a);
    - (ii) a statement to the effect that the barring order is revoked;
    - (iii) the date on which the barring order is taken to be revoked.
- (2) In the case of a barring order made by the Authority, the prescribed particulars referred to in subregulation (1)(a)(v) should not be included in a notice given to a barred person if the person nominates not to receive these details.

## **5—Procedures to be observed by authorised persons (section 15I of Act)**

- (1) Pursuant to section 15I(3) of the Act, the following procedures are prescribed as procedures to be observed by authorised persons (other than police officers) in or in connection with the removal of persons barred from licensed premises:
  - (a) if a person who is barred from licensed premises under Part 4 of the Act—
    - (i) seeks to enter the premises; or
    - (ii) refuses or fails to comply with a requirement under section 15I(1) of the Act,an authorised person may prevent the person from entering the premises, or remove the person from the premises, using the force reasonably necessary for the purpose;
  - (b) an authorised person must, if practicable, before using force to prevent a person from entering, or remove a person from, licensed premises—
    - (i) advise the person that he or she is authorised to use reasonable force to prevent persons from entering, or remove persons from, the premises; and
    - (ii) explain that he or she will, unless the person agrees that he or she will not enter the premises, or agrees to leave the premises, use force to prevent the person from entering, or remove the person from, the premises;

- (c) an authorised person must not, while using force to prevent a person from entering, or remove a person from, licensed premises, hold the person above the person's shoulders, or undertake any other action in respect of the person, in a way that could prevent or restrict the inhalation of air by the person or cause the person to suffer asphyxia (unless the action is necessary in self-defence);
- (d) as soon as reasonably practicable following an incident involving the use of force to prevent a person from entering, or remove a person from, licensed premises, each authorised person involved in the incident must, if he or she is not the licensee, report the incident to the licensee in writing, and must include in the report the details required to be recorded in the register under paragraph (e);
- (e) a licensee of licensed premises must ensure—
  - (i) that a record of each incident involving the use of force by an authorised person to prevent a person from entering, or remove a person from, the licensed premises is entered in a register of such incidents; and
  - (ii) that the register identifies the licensed premises; and
  - (iii) that each entry in the register—
    - (A) includes the following details:
      - the date and time of the incident;
      - the name of the gaming manager on the licensed premises at the time of the incident;
      - whether the incident related to prevention of entry or removal from the licensed premises;
      - the name or employee identification number of the authorised person;
      - the grounds for the use of force;
      - if known, the name, address and date of birth of the person prevented from entering or removed and of any witness to the incident;
      - a description of any injuries sustained by any person as a result of the incident;
      - whether a police officer attended the incident and, if so, the name or badge number of the police officer;
      - a description of the incident and any preceding events; and
    - (B) is dated and signed by the licensee or gaming manager; and
    - (C) is retained for at least 1 year following the occurrence of the incident.

(2) In this regulation—

*licensed premises* means premises to which a gaming machine licence relates, or any part of such premises.

## 6—Prescribed particulars to be contained in register (section 15M of Act)

For the purposes of section 15M(1) of the Act, the following particulars are prescribed (to the extent that they are available to the Authority):

- (a) in relation to each barring order—
  - (i) the name, address, telephone number, email, date of birth and gender of the barred person; and
  - (ii) if a photograph of the person is available—a photograph of the person; and
  - (iii) the prescribed particulars required to be included in a notice given to the barred person under regulation 4; and
  - (iv) any records of an order or decision made by a gambling provider under section 15C(8) of the Act; and
  - (v) the date on which any notice under section 15E of the Act relating to the barring order was given to a barred person; and
  - (vi) if a notice under section 15E of the Act relating to the barring order was returned undelivered to the Authority or gambling provider, the date on which the notice was returned to the Authority or gambling provider; and
  - (vii) if the Authority is conducting a review or a reconsideration of the barring order—that fact; and
  - (viii) if the barring order is varied—details of the variation and the date on which the variation was made; and
  - (ix) if the barring order is revoked or has expired—the date on which the barring order was revoked or expired;
- (b) in relation to each request for a barring order that is refused—
  - (i) the name, address, email, date of birth and gender of the person who requested the barring order; and
  - (ii) if a photograph of the person is available—a photograph of the person; and
  - (iii) the date on which the person requested a barring order; and
  - (iv) any record of a request or decision made by a gambling provider under section 15C(8) of the Act; and
  - (v) the date on which the Authority or gambling provider refused the request or is taken to have refused the request.

## **Legislative history**

### **Notes**

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### **Principal regulations and variations**

New entries appear in bold.

Year	No	Reference	Commencement
2013	274	<i>Gazette 5.12.2013 p4471</i>	1.7.2014: r 2
2018	239	<i>Gazette 29.11.2018 p4121</i>	1.12.2018: r 2