

South Australia

Gaming Machines Variation Regulations 2013

under the *Gaming Machines Act 1992*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Gaming Machines Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on 1 January 2014.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Gaming Machines Regulations 2005*

4—Variation of regulation 4—Prescribed gaming machine components

Regulation 4(1)(a)—delete "that constitutes the game to be played in a gaming machine or" and substitute:

, other than a game,

5—Variation of regulation 5—Prescribed duties

Regulation 5—delete "sections 42 and" and substitute:

section

6—Variation of regulation 5A—Interpretation

Regulation 5A, definition of *statutory objective*—delete "12 086 (that is, 3 000 less than the number approved by the Commissioner for operation in the State immediately before 1 February 2005)" and substitute:

13 081

7—Variation of regulation 5B—Establishment of trading round

Regulation 5B(3)—after "given to" insert:

the holder of the casino licence and

8—Variation of regulation 5D—Offer to purchase entitlement in trading round

Regulation 5D(6)—after paragraph (b) insert:

or

(c) the holder of the casino licence.

9—Variation of regulation 5E—Commissioner may reject offer or cancel trading round

Regulation 5E(5)—after "given to" insert:

the holder of the casino licence and

10—Variation of regulation 5K—Review of Part

Regulation 5K(2)—after "submissions from" insert:

the holder of the casino licence, from

11—Variation of regulation 10—Minister may grant exemptions

- (1) Regulation 10(3)(a)—delete "prescribed gaming machine components or gaming equipment" and substitute:

games or prescribed gaming machine components

- (2) Regulation 10(3)(b)(i)—after "gaming machine" insert:

or game

- (3) Regulation 10(3)(b)(ii)—after "gaming machine" insert:
or game
- (4) Regulation 10(3)(b)(iii)—delete "gaming equipment" and substitute:
a gaming machine
- (5) Regulation 10(4ba)(a)—delete paragraph (a)

12—Insertion of regulations 14, 15 and 15A

After regulation 13 insert:

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

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

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

- (1) For the purposes of section 40(2)(b) and (4)(c) of the Act, a requirement that a gaming machine or a game (as the case requires) operates to allow a maximum bet of \$10 or less is prescribed.
- (2) Subregulation (1) ceases to have effect on the commencement of section 53A(4) of the Act (as inserted by section 96 of the *Statutes Amendment (Gambling Reform) Act 2013*).
- (3) For the purposes of section 40(2)(b) and (4)(c) of the Act, a requirement that a gaming machine or a game (as the case requires) has been certified by the holder of the gaming machine monitor licence as being able to be operated in a way that is compatible with the monitoring system is prescribed.
- (4) For the purposes of section 40(2)(b) and (4)(c) of the Act, a requirement that a gaming machine or a game (as the case requires) complies with the *Australian and New Zealand Gaming Machine National Standard* version 10.0 (or any subsequent version) as modified by the relevant Appendix is prescribed.

- (5) In this regulation—
relevant Appendix in relation to a version of the *Australian and New Zealand Gaming Machine National Standard* means—
- (a) the latest South Australian Appendix to that version; or
 - (b) the latest Appendix to that version of a jurisdiction referred to in regulation 15A.

15A—Prescribed jurisdiction (section 42 of Act)

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

- (a) New South Wales;
- (b) New Zealand;
- (c) Queensland;
- (d) Victoria.

13—Variation of Schedule 2—Fees and charges

Schedule 2, item 13—delete item 13

14—Insertion of Schedules 3 and 4

After Schedule 2 insert:

Schedule 3—Transitional regulations (section 87(5) of Act)

1—Transitional regulation—prescribed recognitions

- (1) Section 10B(2) of the Act (as substituted by section 65(2) of the *Statutes Amendment (Gambling Reform) Act 2013*) is modified in its application to a prescribed recognition that was published by the Authority before the commencement of that subsection such that the prescribed recognition will continue in force for a period of 5 years after the commencement of that subsection (but the Authority may withdraw the recognition before the end of that period by notice in the Gazette if it thinks fit).
- (2) In this clause—
prescribed recognition means a recognition of a person as an industry body with whom a licensee may enter into a responsible gambling agreement.

2—Transitional regulation—cashless gaming system

Section 53A(1) of the Act (as inserted by section 96 of the *Statutes Amendment (Gambling Reform) Act 2013*) is, until 31 December 2018, modified in its application to the holder of a gaming machine licence such that the licensee must not provide any gaming machine that may be operated in connection with a cashless gaming system unless—

- (a) the system is recognised by the Authority under section 10B(1)(c)(i) of the Act; and
- (b) the gaming machine is operated in connection with an automated risk monitoring system recognised by the Authority under section 10B(1)(c)(ii) of the Act; and
- (c) the gaming machine is operated in connection with a pre-commitment system that is operated by the licensee in compliance with the requirements of the Voluntary Pre-commitment Code set out in Schedule 4.

Schedule 4—Voluntary Pre-commitment Code

Registration

1. The licensee must permit a customer who wishes to do so to register with the pre-commitment system by—
 - 1.1 completing an application in writing at a venue; or
 - 1.2 making a request in person to venue staff.
2. The licensee must not only offer pre-commitment in conjunction with a loyalty system.
3. The licensee must provide a customer who applies for registration with the following information, in writing, regarding the terms and conditions of registration with the pre-commitment system:
 - 3.1 the process by which a registered customer may vary his or her expenditure limits and other details, and how and when the variation will apply;
 - 3.2 privacy protections for the registered customer;
 - 3.3 the application of a default daily expenditure limit if the registered customer does not specify his or her own expenditure limit;
 - 3.4 the consequences if the registered customer exceeds an expenditure limit, in particular—
 - 3.4.1 that the pre-commitment system will monitor the customer's play data to enable a reminder message to be sent to the customer; and
 - 3.4.2 that the pre-commitment system will notify venue staff when a registered customer exceeds his or her expenditure limit.
4. The licensee must obtain the customer's consent to the terms and conditions before registering a customer.
5. The licensee must record on the pre-commitment system a registered customer's

preferred—

- 5.1 language for use on the pre-commitment system (*the preferred language*); and
- 5.2 method of communication (post or in-venue communication (*the preferred communication method*)).

Setting and varying limits

6. The pre-commitment system must allow a registered customer to—
 - 6.1 set a daily or weekly expenditure limit (eg \$50 per day); and
 - 6.2 vary any matter referred to in item 6.1 by completing an application, in writing, at a venue or by making a request, in person, to venue staff.
7. If a registered customer does not specify an expenditure limit, the pre-commitment system must set a default daily expenditure limit of \$100 per day.
8. The pre-commitment system must apply any variations referred to in item 6.2 as follows:
 - 8.1 a variation (other than a variation to increase an expenditure limit) must be applied as soon as practicable if the customer has played a gaming machine since registering;
 - 8.2 if the customer has played a gaming machine since registering and the requested variation is to increase an expenditure limit, the variation must only be applied if a period of 24 hours has passed since the making of the request.
9. Once a varied expenditure limit is applied by the pre-commitment system, any previous expenditure limit set by the registered customer has no effect.

Operation of the pre-commitment system

10. The pre-commitment system must comply with the following requirements:
 - 10.1 the system must use the registered customer's preferred language, if available, but may use English until the data about customer preferences is analysed to identify a minimum set of common languages to be offered by the system;
 - 10.2 the system must be capable of displaying on-screen messages on a primary screen or an ancillary screen;
 - 10.3 the system must enable the display of a reminder message set by the licensee on the primary screen or the ancillary screen when the registered customer reaches 90% of his or her expenditure limit;
 - 10.4 if a registered customer exceeds his or her expenditure limit, the system must enable the display of a message set by the licensee on the primary screen or the ancillary screen;
 - 10.5 if the registered customer continues to play after exceeding his or her expenditure limit, the system must enable a further reminder message to be displayed on the primary screen or the ancillary screen when the customer exceeds his or her expenditure limit by 10%;
 - 10.6 the system must notify venue staff when the registered customer exceeds his or her expenditure limit.
11. For the purposes of item 10—

primary screen means a gaming machine screen;

ancillary screen means a screen measuring not less than 14 cm in width and 5 cm in height that is in the sandwich board of a gaming machine.

12. The registered customer's pre-commitment data must be usable on the same system if that system is available on another gaming machine (whether the machine is in the same or a different venue).

Communication

13. The licensee must communicate with a registered customer by the preferred communication method.
14. The licensee must, every 6 months, request by the registered customer's preferred communication method, that the customer confirm or vary his or her expenditure limit.
15. The licensee must provide the registered customer with a periodic activity statement every 6 months by the customer's preferred communication method. This requirement only applies if the registered customer has played a gaming machine in the last 6 months using the pre-commitment system.
16. The pre-commitment system must allow the registered customer to access an on-demand activity statement for the current session of play, the previous month of play or any period up to the previous 6 months of play. The registered customer may request an on-demand activity statement from venue staff.
17. The following information must be provided in a periodic and an on-demand activity statement:
 - 17.1 the period of the statement;
 - 17.2 the total amount spent during that period;
 - 17.3 the net amount won or lost during that period.
18. The periodic activity statement and on-demand activity statement must be in the registered customer's preferred language, if available.

Miscellaneous

19. The licensee must enter into an agreement with the Minister to allow information recorded by the pre-commitment system to be used for gambling research.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 5 December 2013

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