



## UNDERTAKING

### *Gaming Machines Act 1992*

Undertaking given to the Liquor and Gambling Commissioner for the purposes of the *Gaming Machines Act 1992* by:

**Eric Seed Holdings Pty Ltd and  
Ms Lesley Mary Seed**

### **Persons Giving This Undertaking**

1. This Undertaking is given to the Liquor and Gambling Commissioner (the Commissioner) by Eric Seed Holdings Pty Ltd in respect of Premises New Dublin Hotel at 26 Old Port Wakefield Road, DUBLIN, in the State of South Australia and the sole director Ms Lesley Mary Seed for the purposes of the *Gaming Machines Act 1992* (The Act).

### **Background**

2. Eric Seed Holdings Pty Ltd (the licensee) has held a Hotel and Gaming Machine Licence since 15 November 2006 for the New Dublin Hotel, approved under the *Liquor Licensing Act 1997* and *Gaming Machines Act 1992*, Licence number 50101270.
3. Ms Lesley Seed is the Sole Director of the Licensee, Eric Seed Holdings Pty Ltd. ACN: 121721962

### **Conduct of Concern**

4. During a routine inspection conducted at the New Dublin Hotel on 13 April 2017 the following breaches were identified:
  - 4.1 The last recorded management review of the internal reporting of suspected problem gamblers occurred on 20 March 2017. This management review must be recorded on a fortnightly basis in accordance with the requirements of clause 42(2) and (3) of the *Gambling Codes of Practice Notice 2013* (GCOP) which states:
    - (2) *A gambling provider must ensure that a manager (however described)—*
      - (a) *reviews the record of suspected problem gamblers on a regular basis; and*
      - (b) *documents, as part of the record—*
        - (i) *the fact of the review; and*
        - (ii) *any steps taken to intervene in suspected problem gamblers' gambling behaviour.*

(3) *Reviews will be regarded as being conducted on a regular basis, for the purposes of sub-clause (2)(a), if—*

*(a) the reviews are conducted fortnightly or more frequently.*

This is the second occasion this review has not been recorded on at least a fortnightly basis and has been identified as a breach. The first occasion was detected during a previous routine inspection conducted on 15 September 2015. On that occasion a warning letter was sent, dated 24 September 2015.

4.2 The licensee failed to display a condensed warning message and the national gambling helpline number at the cashier in accordance with the requirements of clause 45A(2)(a) of the GCOP which states:

*(2) A gaming provider must—*

*(a) ensure the prominent display of the condensed warning message and the national gambling helpline number 1800 858 858 on or near—*

*(i) each automated coin dispensing machine in or near a gaming area; and*

*(ii) each customer service point at which money is exchanged for coins, for tickets or for credit on a recognised account based cashless gaming system.*

This is the third occasion where the absence of this sign has been identified as a breach. The first and second occasions were detected during previous routine inspections, conducted on 27 October 2014 and 15 September 2015. On these occasions warning letters were sent dated 13 November 2014 and 24 September 2015 respectively.

4.3 There was not a quantity of gambling helpline cards available at/near each ATM, auto coin dispenser, cashier & at/near each gaming machine in accordance with the requirements of clause 45A(2)(b) of the GCOP which states:

*(2) A gaming provider must—*

*(b) ensure that a quantity of helpline cards is available at or near—*

*(i) each ATM;*

*(ii) each automated coin dispensing machine in or near a gaming area;*

*(iii) each customer service point at which money is exchanged for coins, for tickets or for credit on a recognised account based cashless gaming system; and*

*(iv) each gaming machine.*

This is the second occasion the absence of these cards have been identified as a breach. The first occasion was detected during a previous routine inspection, conducted on 27 October 2014. On that occasion a warning letter was sent dated 13 November 2014.

4.4 There was no A3 multi-lingual sign, containing information about the availability of free, confidential and professional help with gambling problems and related issues, displayed in the gaming area in accordance with the requirements of clause 45(3) of the GCOP which states:

(3) *A gaming provider must place in a prominent position in each gaming area at least one A3 equivalent sign (“multi-lingual sign”)—*

(a) *containing information about the availability of free, confidential and professional help with gambling problems and related issues; and*

(b) *expressed in—*

(i) *English, Arabic, chinese, greek, italian and vietnamese (the “core languages”).*

4.5 As the Gaming Manager on duty, Lesley Seed, ID #13698, failed to complete advanced training in accordance with the requirements of clause 70(1)(b)(i) of the GCOP which states:

70(1) *A gaming machine licensee must ensure that—*

(b) *each gaming manager—*

(i) *within the 3 months before or after starting, completed basic training (if the gaming manager has not already completed basic training) and advanced training; and*

(ii) *at intervals of no more than 2 years after first completing advanced training, commences and completes further advanced training.*

### **Contraventions of the *Gaming Machines Act 1992***

5. The Commissioner considers, that by engaging in the conduct described in paragraph 4, there is proper cause for disciplinary action against the licensee pursuant to s 36(1)(da) of the *Gaming Machines Act 1992*.

6. The Commissioner considers, and Ms Seed acknowledges, that Ms Seed is vicariously liable for the actions of the licensee pursuant to S85 of the Act.

7. Upon being made aware of the Commissioner's concerns, the licensee and Ms Lesley Seed:

7.1 Agreed to enter into an undertaking with the Liquor and Gambling Commissioner;

### **Undertaking**

8. The licensee and Ms Seed undertake to:

8.1 Ensure future compliance with all aspects of the *Gambling Codes of Practice Notice 2013*.

### **Commencement of Undertaking**

9. This undertaking comes into effect when:

9.1 The undertaking is executed by the licensee and Ms Lesley Seed; and

9.2 The Commissioner accepts the undertaking so executed.

**Acknowledgements**

10. The licensee and Ms Lesley Seed acknowledges that:

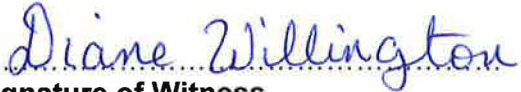
- 10.1 CBS may make this Undertaking publicly available including by publishing it on the CBS' public register of Undertakings and on its website;
- 10.2 CBS may, from time to time, make public reference to the Undertaking including in news media statements and in CBS publications.
- 10.3 This undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

**Executed as an Undertaking**

Executed by Ms Lesley Seed in her personal capacity as sole director and on behalf of the licensee:

  
.....  
**Signature**  
**Ms Lesley Seed**  
Sole Director

Date: 22-7-17.....

  
.....  
**Signature of Witness**  
Name of Witness: DIANE WILLINGTON

Date: 22-7-17.....

Accepted by the Liquor and Gambling Commissioner

  
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**Dini Soulio**  
**Liquor and Gambling Commissioner**

Date: 2/8/17.....