

Attachment B

Licence Conditions

Gaming Machines Act 1992

Section 27AA(1)

Update 19 July 2021

Pursuant to section 27AA(1) of the *Gaming Machines Act 1992*, the following licence conditions have been imposed on all gaming machine licences. Any contravention of, or failure to comply with such conditions may constitute an expiable offence.

1. Licence conditions

- (a) The licensee will, within 28 days of being directed to do so by the Commissioner, lodge a request for direct debiting to a bank specified by the licensee for the purpose of making gaming tax payments and must provide a copy of the request to the Commissioner.
- (b) The licensee will, on request, provide to the Commissioner a written authority in relation to bank accounts kept by the licensee addressed to the financial institution authorising the financial institution to comply with any requirements of an inspector exercising powers conferred by the *Gambling Administration Act 2019*
- (c) The licensee must provide to the Commissioner evidence of compliance with section 73 of the *Gaming Machines Act 1992 (Accounts and Monthly Returns)* within seven (7) days of a request by an inspector.
- (d) A licensee or gaming manager who, for the purposes of section 76 of the *Gaming Machines Act 1992 (Power to refuse to pay winnings)* exercises the authority to withhold winnings from a player, must make a record of the relevant details of the circumstances surrounding the action and retain the details for not less than 12 months from the date that such power is exercised.
- (e) A licensee or gaming manager who, for the purposes of section 56(5) of the *Gaming Machines Act 1992 (Minors not permitted in gaming area)* exercises the authority to withhold winnings from a minor who operates a gaming machine contrary to the Act must—
 - i. make a record of the relevant details of the circumstances surrounding the action taken; and
 - ii. retain the details for not less than 12 months from the date that such power is exercised; and
 - iii. within seven (7) days forfeit any winnings withheld from the minor to the Commissioner
- (f) There will be no minimum cash payout figure. Only persons who, in accordance with the laws of South Australia, are permitted to play a gaming machine are entitled to redeem any credits that are awarded or accumulated on a machine.
- (g) The licensee will ensure that any person, who is not a minor, can purchase and/or consume a beverage (whether alcoholic or not) in a designated gaming area without being required to play gaming machines (provided the person is not the subject of a barring order made under Part 6 of the *Gambling Administration Act 2019* or any other Act).
- (h) The licensee will not conduct the gaming operations on the licensed premises between the hours of 2am and 8am unless measures are in place that prevent Cashable Ticket Redemption Terminals (CRTs) which are used for the automated redemption of cashable tickets (and located on the licensed premises) from being operated between the hours of 2am and 8am.

Conditions continue..

- (i) The licensee must display an up to date copy of the gaming machine licence in a prominent position at the entrance to each gaming area on the licensed premises or, if there is more than one entrance, at the principal entrance.
- (j) A licensee that is not subject to licence condition (ka) as specified in Schedule 1 of the *Gaming Machines Act 1992*, must not operate a facial recognition system for the purposes of identifying a barred person entering a gaming area unless that system has been approved by the Commissioner under section 40D of the Act and be operated in accordance with the operational requirements prescribed under regulation 28 of the *Gaming Machine Regulations 2020*.
- (k) A licensee that operates an approved facial recognition system for the purposes of identifying a barred person entering or who has entered a gaming area must, at intervals not greater than every 12 months, verify that the system and any devices attached to the system are operating correctly, make a record of the actions taken to verify the correct operation of the system and retain the details for not less than 3 years.
- (l) The licensee must ensure that any notifications displayed on equipment connected to a facial recognition system (including monitors, screens, tablets, smartphones or similar) and used on the licensed premises to receive alerts of persons identified by the system:
 - i. must only be acknowledged and accessed by a person notified to the Commissioner as a gaming manager or gaming employee as required under Schedule 1 clause (ma) of the *Gaming Machines Act 1992*; or
 - ii. to persons acting on behalf of an approved industry body with whom the licensee has entered into a responsible gambling agreement; and
 - iii. must neither be accessible by, nor visible to, members of the general public.
- (m) The licensee will, in respect of each person subject to a barring order made under Part 6 of the *Gambling Administration Act 2019* in relation to the licensed premises, keep a copy of the barring order (or a record of the order which includes a picture of the barred person's facial image where available) in the barring register held on the licensed premises—
 - i. which is only accessible by, or visible to, a person notified to the Commissioner as a gaming manager or gaming employee; or
 - ii. to persons acting on behalf of the approved industry body with whom the licensee has entered into a responsible gambling agreement; and
 - iii. which is neither accessible by, nor visible to, members of the general public.
- (n) The licensee will take all reasonable steps to ensure that the identity of a barred person is communicated only—
 - i. to a person notified to the Commissioner as a gaming manager or gaming employee; or
 - ii. to persons acting on behalf of the approved industry body with whom the licensee has entered into a responsible gambling agreement; or
 - iii. otherwise as necessary for the enforcement of a barring order or compliance with the regulatory regime.
- (o) The licensee will, within seven (7) days of a person contravening or failing to comply with a barring order made under Part 6 of the *Gambling Administration Act 2019* in relation to the licensed premises, notify the Commissioner by making a record in the barring register held on the licensed premises.
- (p) A licensee or gaming manager who, for the purposes of section 53 of the *Gambling Administration Act 2019* (*Winnings of barred persons*) exercises the authority to withhold winnings from a person being satisfied that the person is subject to a barring order under Part 6 of the *Gambling Administration Act 2019*, must—
 - i. make a record of the relevant details of the circumstances surrounding the action taken; and
 - ii. retain the details for not less than 12 months from the date that such power is exercised; and
 - iii. if the Commissioner on review upholds a decision to withhold winnings or more than 14 days has elapsed since the person was informed of the decision, forfeit any winnings withheld from the person to the Commissioner.
- (q) The licensee will document and implement procedures for the purposes of complying with these licence conditions and will ensure that staff are instructed in those procedures.

2. Offence of breach of licence conditions

- (1) Under section 46 of the *Gaming Machines Act 1992*, the holder of a gaming machine licence must not contravene or fail to comply with a condition of the licence.
- (2) In accordance with section 46(3)(b) of the *Gaming Machines Act 1992* if the letter “A”, “B”, “C” or “D” appears in column B or C next to the listing of a licence condition, the offence of contravention or failure to comply with the licence condition is declared to be an offence or expiable offence in the category corresponding to that letter.

Column A Licence Condition	Column B Offence Category	Column C Expiation Category	Column D Expiation Fee
(a)	B	B	\$315
(b)	B	B	\$315
(c)	D	D	\$160
(d)	B	B	\$315
(e)	B	B	\$315
(f)	D	D	\$160
(g)	D	D	\$160
(h)	A	A	\$1 200
(i)	D	D	\$160
(j)	A	A	\$1 200
(k)	A	A	\$1 200
(l)	A	A	\$1 200
(m)	A	A	\$1 200
(n)	A	A	\$1 200
(o)	B	B	\$315
(p)	B	B	\$315
(q)	B	B	\$315

3. Licence conditions not required to be displayed

Licensees are not required to display these licence conditions, but must at the request of a person, make available a copy or direct the person to a website maintained by the Commissioner where these licence conditions may be viewed.

4. Transitional arrangements

While all provisions of this notice will commence on 14 June 2021, penalties for non-compliance with paragraph (iii) of condition (l) will apply from 1 August 2021.

End of conditions

Guidance notes

The following guidance notes are provided to assist licensees with achieving compliance with these licence conditions. Licensees may wish to contact their relevant industry body for further advice.

(1) **Condition (c)**

For the purposes of condition (c), a licensee may achieve compliance with section 73 of the Gaming Machines Act 1992 (Accounts and monthly returns), by maintaining copies of the monthly statement issued by the holder of the gaming machine monitor licence or other records showing the monthly gross gaming turnover and net gaming revenue.

(2) **Condition (d)**

For the purposes of condition (d), a licensee must for compliance with section 76 of the Gaming Machines Act 1992 (Power to refuse to pay winnings—machine malfunction):

- (a) obtain the person's name and address; and
- (b) inform the person of their right to have the decision reviewed by the Commissioner within 14 days of being informed of the decision; and
- (c) direct the person to a website maintained by the Commissioner (www.sa.gov.au/gambling) where information about applying for a review of a decision to withhold winnings may be viewed; and
- (d) make a record of the relevant details including:
 - (i) date and time of the malfunction;
 - (ii) gaming machine identification number (both venue number and Government ID);
 - (iii) the circumstances of the malfunction and any further action taken;
 - (iv) the gaming manager on duty; and
 - (v) the person's name and address.

Note—a decision by the Commissioner to confirm or revoke a decision to withhold winnings is not a decision subject to a further right of review.

(3) **Condition (e)**

For the purposes of condition (e), a licensee must for compliance with section 56(5) of the Gaming Machines Act 1992 (Minors not permitted in gaming areas):

- (a) obtain the person's name and address; and
- (b) forfeit any winnings withheld from the person who is suspected of being a minor to the Commissioner using the CBS Liquor and Gaming Portal; and
- (c) make a record of the relevant details including:
 - (i) date and time of the incident;
 - (ii) gaming machine identification number (both venue number and Government ID);
 - (iii) the circumstances which led to the minor being identified and any further action taken;
 - (iv) the gaming manager on duty; and
 - (v) the person's name and address.

Note—a decision to exercise the authority to withhold winnings from a minor is not a decision subject to a right of review.

(4) Condition (k)

For the purposes of condition (k), a licensee will achieve compliance by:

- (a) verifying that the system is able to identify a person entering or who has entered the gaming area where the facial image has been recorded within the system; and
- (b) verifying the operation of any device used on the licensed premises to receive alerts or to display the facial images of persons identified by the system; and
- (c) making a record of the relevant details including:
 - (i) the date and time that the operation of the system and connected devices were verified;
 - (ii) the manner in which the system and connected devices were verified; and
 - (iii) the details of the person or persons who performed the verification.

(5) Condition (l)

A licensee will not be considered to have contravened condition (l) if the display of "PUSH" notifications on equipment connected to the facial recognition system (including monitors, screens, tablets, smartphones or similar) are visible to other staff members by virtue of their placement in non-public areas of the licensed premises.

(6) Conditions (m) and (o)

For the purposes of condition (m) and (o), the barring register required to be held on the licensed premises is the Barring and Online Employee Notification System ('BOEN').

(7) Condition (p)

For the purposes of condition (p), a licensee must for compliance with section 53 of the Gambling Administration Act 2019 (Winnings of barred person):

- (a) obtain the person's name and address; and
- (b) inform the person of their right to have the decision reviewed by the Commissioner within 14 days of being informed of the decision; and
- (c) direct the person to a website maintained by the Commissioner (www.sa.gov.au/gambling) where information about applying for a review of a decision to withhold winnings may be viewed; and
- (d) notify the Commissioner of the breach of barring by making a record in the barring register held on the licensed premises (see condition (o)); and
- (e) make a record of the relevant details including:
 - (i) date and time of the incident;
 - (ii) gaming machine identification number (both venue number and Government ID);
 - (iii) the circumstances which led to the barred person being identified and any further action taken;
 - (iv) the gaming manager on duty;
 - (v) the person's name and address; and
- (f) if the Commissioner upholds a decision to withhold winnings or more than 14 days has elapsed since the person was informed of the decision, forfeit any winnings withheld from the person to the Commissioner using the CBS Liquor and Gaming Portal.

Note—a decision by the Commissioner to confirm or revoke a decision to withhold winnings from a suspected barred person is not a decision subject to a right of review.

- (8) A record or documented procedure which is required to be kept by the licensee for the purposes of condition (d), (e), (k) and (p) may be incorporated with any other operational document maintained by the licensee (for example as part of a responsible gambling document provided to a licensee by an industry body), but must be readily available to an Inspector on request.