

South Australia



ANNO QUINQUAGESIMO
ELIZABETHAE II REGINAE
A.D. 2001

STATUTES AMENDMENT (GAMBLING REGULATION) ACT 2001

No. 18 of 2001

[Assented to 31 May 2001]

An Act to amend the Authorised Betting Operations Act 2000; the Casino Act 1997; the Gaming Machines Act 1992; the Gaming Supervisory Authority Act 1995; the Liquor Licensing Act 1997; the Racing Act 1976; the Racing (Proprietary Business Licensing) Act 2000; the Railways (Operations and Access) Act 1997; the South Australian Motor Sport Act 1984 and the State Lotteries Act 1966; and for other purposes.

SUMMARY OF PROVISIONS

PART 1 PRELIMINARY

1. Short title
2. Commencement
3. Interpretation

PART 2 AMENDMENT OF AUTHORISED BETTING OPERATIONS ACT 2000

4. Amendment of s. 3—Interpretation
5. Amendment of s. 12—Approved licensing agreement
6. Amendment of s. 24—Investigative powers
7. Amendment of s. 37—Application for grant or renewal, or variation of conditions, of licence
8. Amendment of s. 49—Responsible gambling code of practice
9. Amendment of s. 51—Review and alteration of approved rules, systems, procedures, equipment or code provisions
10. Insertion of s. 51A
 - 51A. Codes of practice and alterations to codes disallowable by Parliament

PART 3 AMENDMENT OF CASINO ACT 1997

11. Amendment of s. 2A—Object
12. Amendment of s. 3—Interpretation
13. Amendment of s. 23—Investigative powers
14. Insertion of ss. 37A and 37B
 - 37A. Authorisation of games by the Commissioner
 - 37B. Minimum return to players on gaming machines
15. Amendment of s. 38—Approval of management systems, etc.
16. Insertion of Division 4A in Part 4

DIVISION 4A—CODES OF PRACTICE

 - 41A. Advertising code of practice
 - 41B. Responsible gambling code of practice
 - 41C. Review and alteration of codes
 - 41D. Codes of practice and alterations to codes disallowable by Parliament
17. Amendment of heading
18. Amendment of s. 42—Gambling on credit prohibited
19. Insertion of ss. 42A and 42B
 - 42A. Cash facilities withdrawal limit
 - 42B. Certain gaming machine facilities prohibited

PART 4 AMENDMENT OF THE GAMING MACHINES ACT 1992

20. Amendment of s. 3—Interpretation
21. Amendment of s. 14A—Freeze on gaming machines
22. Amendment of s. 40—Approval of gaming machines and games
23. Amendment of s. 51A—Cash facilities not to be provided within gaming areas
24. Insertion of s. 51B
 - 51B. Cash facilities withdrawal limit
25. Amendment of s. 52—Prohibition of lending or extension of credit
26. Insertion of s. 53A
 - 53A. Prohibition of certain gaming machine facilities

- 27. Insertion of ss. 74A and 74B
 - 74A. Review and alteration of codes of practice
 - 74B. Codes of practice and alterations to codes disallowable by Parliament
- 28. Amendment of Schedule 1
- 29. Transitional provision

PART 5**AMENDMENT OF GAMING SUPERVISORY AUTHORITY ACT 1995**

- 30. Amendment of s. 1—Short title
- 31. Amendment of s. 3—Interpretation
- 32. Amendment of s. 4—Establishment of Authority
- 33. Amendment of s. 5—Constitution of the Authority
- 34. Amendment of s. 10—Secretary
- 35. Amendment of s. 11—Functions and powers of Authority
- 36. Insertion of s. 11A
 - 11A. Committees
- 37. Amendment of s. 12—Proceedings of Authority
- 38. Amendment of s. 15A—Delegation
- 39. Insertion of s. 15B
 - 15B. Voluntary barring of excessive gamblers
- 40. Amendment of s. 17—Confidentiality
- 41. Insertion of s. 19
 - 19. Annual report

PART 6**AMENDMENT OF LIQUOR LICENSING ACT 1997**

- 42. Amendment of s. 4—Interpretation
- 43. Amendment of s. 8—The Liquor and Gambling Commissioner

PART 7**AMENDMENT OF THE RACING ACT 1976**

- 44. Amendment of s. 5—Interpretation

PART 8**AMENDMENT OF THE RACING (PROPRIETARY BUSINESS LICENSING) ACT 2000**

- 45. Amendment of s. 3—Interpretation
- 46. Amendment of s. 11—Approved licensing agreement
- 47. Amendment of s. 21—Investigative powers

PART 9**AMENDMENT OF RAILWAYS (OPERATIONS AND ACCESS) ACT 1997**

- 48. Amendment of s. 18—Ministerial authorisation to sell liquor
- 49. Amendment of s. 19—Ministerial authorisation to provide gambling facilities

PART 10**AMENDMENT OF SOUTH AUSTRALIAN MOTOR SPORT ACT 1984**

- 50. Amendment of s. 27AB—Application of ss. 27B and 27C

PART 11
AMENDMENT OF STATE LOTTERIES ACT 1966

- 51. Amendment of s. 3—Interpretation
- 52. Amendment of s. 4—Constitution of the Commission
- 53. Amendment of s. 9—Quorum
- 54. Insertion of ss. 13B, 13C, 13D and 13E
 - 13B. Advertising code of conduct
 - 13C. Responsible gambling code of practice
 - 13D. Review and alteration of codes
 - 13E. Codes of practice and alterations to codes disallowable by Parliament

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Statutes Amendment (Gambling Regulation) Act 2001*.

Commencement

2. (1) Part 1 and section 21 of this Act will come into operation on assent.

(2) The remainder of this Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

**PART 2
AMENDMENT OF AUTHORISED BETTING OPERATIONS ACT 2000**

Amendment of s. 3—Interpretation

4. Section 3 of the principal Act is amended—

(a) by striking out the definition of "Authority" in subsection (1) and substituting the following definition:

"Authority" means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995*;

(b) by striking out from the definition of "Commissioner" in subsection (1) "Gaming" and substituting "Gambling".

Amendment of s. 12—Approved licensing agreement

5. Section 12 of the principal Act is amended by striking out from subsection (6) "Gaming Supervisory" and substituting "Independent Gambling".

Amendment of s. 24—Investigative powers

6. Section 24 of the principal Act is amended by striking out from subsection (4) "Gaming Supervisory" and substituting "Independent Gambling".

Amendment of s. 37—Application for grant or renewal, or variation of condition, of licence

7. Section 37 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) However, the Authority cannot require an applicant for renewal of a bookmaker's, clerk's or betting shop licence, or a member of the applicant's family, to provide or to submit to the taking of finger prints or palm prints or to provide or consent to the release of his or her criminal record (if any) if the applicant is a person to whom subclause (1), (2) or (3), as the case may be, of Schedule 1 clause 3 applies.

Amendment of s. 49—Responsible gambling code of practice

8. Section 49 of the principal Act is amended by inserting after paragraph (a)(ii) the following subparagraph:

- (iii) any other matters designed to reduce the incidence of problem gambling determined by the Authority; and.

Amendment of s. 51—Review and alteration of approved rules, systems, procedures, equipment or code provisions

9. Section 51 of the principal Act is amended by inserting before subsection (1) the following subsections:

(aa1) The Authority must, in consultation with relevant licensees, review the codes of practice referred to in this Division at least every 2 years.

(a1) The Authority must seek and consider written submissions from the public when reviewing a code of practice under subsection (aa1).

Insertion of s. 51A

10. The following section is inserted in Division 1 of Part 4 of the principal Act after section 51:

Codes of practice and alterations to codes disallowable by Parliament

51A. (1) On approving a code of practice under this Act or requiring an alteration to be made to a code in accordance with this Act, the Authority must forward a copy of the code or alteration to the Minister.

(2) The Minister must cause a copy of the code or alteration to be laid before both Houses of Parliament as soon as practicable after receiving it.

(3) Sections 10 and 10A of the *Subordinate Legislation Act 1978* apply to a code, or an alteration to a code, laid before Parliament under this section as if it were a regulation within the meaning of that Act.

(4) A code of practice or alteration to a code of practice may provide for the whole or any part of the instrument to come into operation on the day on which it is adopted by the licensee or on a later day, or days, specified in the instrument.

**PART 3
AMENDMENT OF CASINO ACT 1997**

Amendment of s. 2A—Object

11. Section 2A of the principal Act is amended by striking out from paragraph (c) "fairly and honestly" and substituting "responsibly, fairly and honestly, with due regard to minimising the harm caused by gambling".

Amendment of s. 3—Interpretation

12. Section 3 of the principal Act is amended—

(a) by striking out the definition of "authorised game" in subsection (1) and substituting the following definition:

"authorised game" means a game of chance, or a game combined of chance and skill, authorised under this Act or the conditions of the casino licence;;

(b) by striking out the definition of "Authority" in subsection (1) and substituting the following definition:

"Authority" means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995*;;

(c) by striking out from the definition of "Commissioner" in subsection (1) "Gaming" and substituting "Gambling";

(d) by inserting the following definition in subsection (1) after the definition of "gambling chips":

"gaming machine" means gaming machine as defined in the *Gaming Machines Act 1992*;;

Amendment of s. 23—Investigative powers

13. Section 23 of the principal Act is amended by striking out from subsection (4) "Gaming Supervisory" and substituting "Independent Gambling".

Insertion of ss. 37A and 37B

14. The following sections are inserted in Division 4 of Part 4 of the principal Act before section 38:

Authorisation of games by the Commissioner

37A. (1) In determining an application for authorisation of a game to be played in the casino, the Commissioner must have regard to any guidelines issued by the Authority to the Commissioner for the purpose of assessing whether a game is likely to lead to an exacerbation of problem gambling.

(2) If the Commissioner is of the opinion that the game the subject of the application is likely to lead to an exacerbation of problem gambling, the Commissioner must refuse to authorise the game.

Minimum return to players on gaming machines

37B. It is a condition of the casino licence that the licensee will not, after the commencement of this section, install a gaming machine on the premises of the casino, or install a game to be played on a gaming machine in the casino, unless the machine, or the game, returns winnings to players at a rate that is not less than 87.5 per cent of the total amount of all bets made on the machine.

Amendment of s. 38—Approval of management systems, etc.

15. Section 38 of the principal Act is amended by striking out from subsection (1)(a) "approved games" and substituting "authorised games".

Insertion of Division 4A in Part 4

16. The following Division is inserted after Division 4 of Part 4 of the principal Act:

DIVISION 4A—CODES OF PRACTICE**Advertising code of practice**

41A. It is a condition of the casino licence—

- (a) that the licensee must adopt a code of practice on advertising approved by the Authority; and
- (b) that the licensee must ensure that advertising by the licensee conforms with the code of practice approved under this section.

Responsible gambling code of practice

41B. It is a condition of the casino licence—

- (a) that the licensee must adopt a code of practice approved by the Authority dealing with—
 - (i) the display of signs, and the provision of information, at the casino relating to responsible gambling and the availability of services to address problems associated with gambling; and
 - (ii) the provision of training to staff relating to responsible gambling and the services available to address problems associated with gambling; and
 - (iii) any other matters designed to reduce the incidence of problem gambling determined by the Authority; and
- (b) that the licensee must ensure that operations under the licence conform with the code of practice approved under this section.

Review and alteration of codes

41C. (1) The Authority must, in consultation with the casino licensee, review the codes of practice referred to in this Division at least every 2 years.

(2) The Authority must seek and consider written submissions from the public when reviewing a code of practice under subsection (1).

(3) The Authority may, by written notice to the licensee, require a code of practice referred to in this Division to be altered as set out in the notice.

(4) Before the Authority makes a requirement under subsection (3), the Authority must, unless it considers it contrary to the public interest to do so—

- (a) give written notice to the licensee of the proposed requirement; and
- (b) consider any representations made by the licensee about the proposed requirement within 14 days after the notice is given or a longer period allowed in the notice.

(5) It is a condition of a casino licence that the licensee must ensure that all alterations required to be made under subsection (3) are made in accordance with the notice given under that subsection.

Codes of practice and alterations to codes disallowable by Parliament

41D. (1) On approving a code of practice under this Act or requiring an alteration to be made to a code in accordance with this Act, the Authority must forward a copy of the code or alteration to the Minister.

(2) The Minister must cause a copy of the code or alteration to be laid before both Houses of Parliament as soon as practicable after receiving it.

(3) Sections 10 and 10A of the *Subordinate Legislation Act 1978* apply to a code, or an alteration to a code, laid before Parliament under this section as if it were a regulation within the meaning of the Act.

(4) A code of practice or alteration to a code of practice may provide for the whole or any part of the instrument to come into operation on the day on which it is adopted by the licensee or on a later day, or days, specified in the instrument.

Amendment of heading

17. The heading of Division 5 of Part 4 of the principal Act is amended by striking out "GAMBLING ON CREDIT" and substituting "PROHIBITED GAMBLING PRACTICES".

Amendment of s. 42—Gambling on credit prohibited

18. Section 42 of the principal Act is amended by inserting in subsection (1) after paragraph (b) the following paragraph:

- (ba) allow a person to use a credit card or charge card for the purpose of paying for gambling or in circumstances where the licensee could reasonably be expected to know that the use of the card is for that purpose; or.

Insertion of ss. 42A and 42B

19. The following sections are inserted in Division 5 of Part 4 of the principal Act after section 42:

Cash facilities withdrawal limit

42A. (1) It is a condition of the casino licence that the licensee must not, on or after the prescribed day, provide, or allow another person to provide, cash facilities on the premises of the casino that allow a person to obtain by means of those facilities, in any one transaction, on any one debit or credit card, an amount of cash that exceeds—

- (a) the sum of \$200; or
- (b) if some other sum is prescribed by the regulations for the purposes of this section—that sum.

(2) It is a condition of the casino licence that the licensee must not, on or after the prescribed day, provide, or allow another person to provide, cash facilities on the premises of the casino that allow a person to obtain cash by means of those facilities more than once, on any one debit or credit card, on any one day.

(3) In this section—

"cash facility" means—

- (a) an automatic teller machine; or
- (b) an EFTPOS facility; or
- (c) any other facility, prescribed by the regulations, that enables a person to gain access to his or her funds or to credit;

"prescribed day" means—

- (a) for the purposes of subsection (1)—the day falling 3 months after the commencement of this section;
- (b) for the purposes of subsection (2)—a day fixed by proclamation.

Certain gaming machine facilities prohibited

42B. (1) It is a condition of the casino licence that the licensee must not provide any gaming machine in the casino that is capable of being operated by means other than the insertion of a coin in the machine or in any linked device.

(2) The Governor may, by regulation, grant an exemption from subsection (1) for a specified period for the purposes of the conduct of a trial of a system designed to monitor or limit levels of gambling through the operation of gaming machines otherwise than by the insertion of coins.

(3) Regulations made for the purposes of subsection (2) may make provision for the recording and reporting of data in connection with the trial.

(4) A regulation under subsection (2) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.

(5) The Minister must, within 3 months after expiry of an exemption under subsection (2), cause a report to be laid before both Houses of Parliament about the conduct and results of the trial.

(6) 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 fitted with a device or mechanism designed to allow the playing of a number of successive games by an automatic process.

(7) In this section—

"prescribed day" means the day falling 3 months from the commencement of subsection (6).

PART 4
AMENDMENT OF THE GAMING MACHINES ACT 1992

Amendment of s. 3—Interpretation

20. Section 3 of the principal Act is amended—

(a) by striking out the definition of "the Authority" in subsection (1) and substituting the following definition:

"Authority" means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995*;;

(b) by inserting after the definition of "the Board" in subsection (1) the following definition:

"cash facility" means—

(a) an automatic teller machine; or

(b) an EFTPOS facility; or

(c) any other facility, prescribed by the regulations, that enables a person to gain access to his or her funds or to credit;;

(c) by striking out from the definition of "the Commissioner" in subsection (1) "Gaming" and substituting "Gambling".

Amendment of s. 14A—Freeze on gaming machines

21. Section 14A of the principal Act is amended by striking out from subsection (6) "2001" and substituting "2003".

Amendment of s. 40—Approval of gaming machines and games

22. Section 40 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsections:

(2) In determining an application for approval of a game, the Commissioner must have regard to any guidelines issued by the Authority to the Commissioner for the purpose of assessing whether a game is likely to lead to an exacerbation of problem gambling.

(3) If the Commissioner is of the opinion that the game the subject of the application is likely to lead to an exacerbation of problem gambling, the Commissioner must refuse the application.

Amendment of s. 51A—Cash facilities not to be provided within gaming areas

23. Section 51A of the principal Act is amended by striking out subsection (6).

Insertion of s. 51B

24. The following section is inserted after section 51A of the principal Act:

Cash facilities withdrawal limit

51B. (1) The holder of a gaming machine licence must not, on or after the prescribed day, provide, or allow another person to provide, cash facilities on the licensed premises that allow a person to obtain by means of those facilities, in any one transaction, on any one debit or credit card, an amount of cash that exceeds—

- (a) if the Commissioner has fixed a monetary limit in respect of the premises under this section—that limit;
- (b) in any other case—
 - (i) the sum of \$200; or
 - (ii) if some other sum is prescribed by the regulations for the purposes of this section—that sum.

Maximum penalty: \$35 000.

(2) The Commissioner may from time to time, by notice in writing to the licensee, fix a monetary limit for daily withdrawals on a debit or credit card from cash facilities on particular licensed premises that is higher than the limit applicable under subsection (1)(b), if the Commissioner thinks that good reason (eg, the location of the licensed premises) exists for doing so.

(3) The holder of a gaming machine licence must not, on or after the prescribed day, provide, or allow another person to provide, cash facilities on the licensed premises that allow a person to obtain cash by means of those facilities more than once, on any one debit or credit card, on any one day.

(4) In this section—

"prescribed day" means—

- (a) for the purposes of subsection (1)—the day falling 3 months after the commencement of this section;
- (b) for the purposes of subsection (3)—a day fixed by proclamation.

Amendment of s. 52—Prohibition of lending or extension of credit

25. Section 52 of the principal Act is amended—

- (a) by striking out from paragraph (a) "the gaming area on";
- (b) by striking out paragraph (b) and substituting the following paragraphs:
 - (b) who allows a person to use a credit card or charge card for the purpose of paying for playing the gaming machines on the licensed premises or in circumstances where the holder, manager or employee could reasonably be expected to know that the use of the card is for that purpose; or
 - (c) who otherwise extends or offers to extend credit to any person for the purpose of enabling the person to play the gaming machines on the licensed premises or in circumstances where the holder, manager or employee could reasonably be expected to know that the credit is to be used for that purpose,.

Insertion of s. 53A

26. The following section is inserted after section 53 of the principal Act:

Prohibition of certain gaming machine facilities

53A. (1) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises that is capable of being operated by means other than the insertion of a coin in the machine or in any linked device.

Maximum penalty: \$35 000.

(2) The Governor may, by regulation, grant an exemption from subsection (1) for a specified period for the purposes of the conduct of a trial of a system designed to monitor or limit levels of gambling through the operation of gaming machines otherwise than by the insertion of coins.

(3) Regulations made for the purposes of subsection (2) may make provision for the recording and reporting of data in connection with the trial.

(4) A regulation under subsection (2) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.

(5) The Minister must, within 3 months after expiry of an exemption under subsection (2), cause a report to be laid before both Houses of Parliament about the conduct and results of the trial.

(6) 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 fitted with a device or mechanism designed to allow the playing of successive games by an automatic process.

Maximum penalty: \$35 000.

(7) In this section—

"prescribed day" means the day falling 3 months from the commencement of subsection (6).

Insertion of ss. 74A and 74B

27. The following sections are inserted after section 74 of the principal Act:

Review and alteration of codes of practice

74A. (1) The Authority must, in consultation with holders of gaming machine licences, review the codes of practice that licensees are required to adopt under this Act at least every 2 years.

(2) The Authority must seek and consider written submissions from the public when reviewing a code of practice under subsection (1).

(3) The Authority may, by written notice to a licensee, require a code of practice adopted under this Act to be altered as set out in the notice.

(4) Before the Authority makes a requirement under subsection (3), the Authority must, unless it considers it contrary to the public interest to do so—

- (a) give written notice of the proposed requirement to a body representative of licensees; and
- (b) consider any representations made by the body about the proposed requirement within 14 days after the notice is given or a longer period allowed in the notice.

Codes of practice and alterations to codes disallowable by Parliament

74B. (1) On approving a code of practice under this Act or requiring an alteration to be made to a code in accordance with this Act, the Authority must forward a copy of the code or alteration to the Minister.

(2) The Minister must cause a copy of the code or alteration to be laid before both Houses of Parliament as soon as practicable after receiving it.

(3) Sections 10 and 10A of the *Subordinate Legislation Act 1978* apply to a code, or an alteration to a code, laid before Parliament under this section as if it were a regulation within the meaning of that Act.

(4) A code of practice or alteration to a code of practice may provide for the whole or any part of the instrument to come into operation on the day on which it is adopted by the licensee or on a later day, or days, specified in the instrument.

Amendment of Schedule 1

28. Schedule 1 of the principal Act is amended—

(a) by striking out paragraph (n) and substituting the following paragraph:

- (n) that the licensee will not permit a gaming machine to be operated unless the machine, or the approved game played on the machine, returns winnings to players at a rate that is not less than—

- (i) in the case of a machine or game installed before the commencement of this paragraph—85 per cent;
- (ii) in the case of a machine or game installed after that commencement—87.5 per cent,

of the total amount of all bets made on the machine; and;

(b) by inserting after paragraph (n) the following paragraphs:

(na) that the licensee—

- (i) must adopt a code of practice on advertising approved by the Authority; and
- (ii) must ensure that advertising by the licensee conforms with the code of practice approved under this paragraph; and

(nb) that the licensee—

- (i) must adopt a code of practice approved by the Authority dealing with—
 - (A) the display of signs, and the provision of information at the licensed premises relating to responsible gambling and the availability of services to address problems associated with gambling; and
 - (B) the provision of training to staff relating to responsible gambling on gaming machines and the services available to address problems associated with gambling; and
 - (C) any other matters designed to reduce the incidence of problem gambling determined by the Authority; and
- (ii) must ensure that operations under the gaming machine licence conform with the code of practice approved under this paragraph; and

(nc) that the licensee must ensure that any alterations required to be made to a code of practice by the Authority pursuant to the Act are duly made;.

Transitional provision

29. (1) On the commencement of this section, the holder of a gaming machine licence will be taken to have adopted the codes of practice relating to advertising and responsible gambling approved by the Minister, by notice in the *Gazette*, for the purposes of this section.

(2) On approving a code of practice under this section, the Minister will cause a copy of the code to be given personally or by post to each holder of a gaming machine licence.

(3) The codes of practice referred to in subsection (1) will, for the purposes of the principal Act (as amended by this Act), be taken to be codes of practice approved under the Act by the Independent Gambling Authority.

PART 5
AMENDMENT OF GAMING SUPERVISORY AUTHORITY ACT 1995

Amendment of s. 1—Short title

30. Section 1 of the principal Act is amended by striking out "*Gaming Supervisory*" and substituting "*Independent Gambling*".

Amendment of s. 3—Interpretation

31. Section 3 of the principal Act is amended—

- (a) by striking out "Gaming Supervisory" from the definition of "Authority" and substituting "Independent Gambling";
- (b) by striking out "Gaming" from the definition of "Commissioner" and substituting "Gambling".

Amendment of s. 4—Establishment of Authority

32. Section 4 of the principal Act is amended—

- (a) by striking out "*Gaming Supervisory*" and substituting "*Independent Gambling*";
- (b) by inserting after subsection (2) the following subsection:
 - (3) The Authority—
 - (a) is a body corporate with perpetual succession and a common seal; and
 - (b) is capable of suing and being sued in its corporate name; and
 - (c) is capable of acquiring, holding or dealing with real or personal property in its corporate name; and
 - (d) has the functions and powers assigned or conferred under this or any other Act.

Amendment of s. 5—Constitution of the Authority

33. Section 5 of the principal Act is amended—

- (a) by striking out from subsection(1)(b) "four" and substituting "6";
- (b) by striking out subsection (2) and substituting the following subsection:

(2) At least 2 members must be women and 2 must be men.

Amendment of s. 10—Secretary

34. Section 10 of the principal Act is amended by striking out from subsection (2) "*Government Management and Employment Act 1985*" and substituting "*Public Sector Management Act 1995*".

Amendment of s. 11—Functions and powers of Authority

35. Section 11 of the principal Act is amended—

(a) by inserting before paragraph (a) of subsection (1) the following paragraphs:

- (aa) to develop and promote strategies for reducing the incidence of problem gambling and for preventing or minimising the harm caused by gambling; and
- (aab) to undertake, assist in or co-ordinate ongoing research into matters relevant to the Authority's functions, including research into—
 - (i) the social and economic costs and benefits to the community of gambling and the gambling industry; and
 - (ii) the likely impact, both negative and positive, on the community of any new gambling product or gambling activity that might be introduced by any section of the gambling industry; and
 - (iii) strategies for reducing the incidence of problem gambling and preventing or minimising the harm caused by gambling; and
 - (iv) any other matter directed by the Minister; and;

(b) by inserting after subsection (2) the following subsection:

(2a) In performing its functions and exercising its powers under this Act or a prescribed Act, the Authority must have regard to the following *objects*:

- (a) the fostering of responsibility in gambling and, in particular, the minimising of harm caused by gambling, recognising the positive and negative impacts of gambling on communities; and
- (b) the maintenance of a sustainable and responsible gambling industry in this State.

Insertion of s. 11A

36. The following section is inserted after section 11 of the principal Act:

Committees

11A. (1) The Authority may establish such committees as the Authority thinks fit to assist it in the performance of its functions.

(2) The membership of a committee will be determined by the Authority and may, but need not, consist of or include members of the Authority.

(3) The procedures to be observed by a committee in relation to the conduct of its business will be—

- (a) as determined by the Authority;

- (b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

Amendment of s. 12—Proceedings of Authority

37. Section 12 of the principal Act is amended by striking out from subsection (1) "two" and substituting "3".

Amendment of s. 15A—Delegation

38. Section 15A of the principal Act is amended by inserting in subsection (1) "a committee established by the Authority," after "delegate to".

Insertion of s. 15B

39. The following section is inserted after section 15A of the principal Act:

Voluntary barring of excessive gamblers

15B. (1) The Authority may, by order, on the written request of a person, bar the person (the "excluded person") from—

- (a) the casino; or
- (b) the gaming area, or areas, of one or more specified premises that are the subject of a gaming machine licence.

(2) An order under this section remains in force until revoked.

(3) Subject to subsection (4), the Authority will, on the written request of the excluded person, vary or revoke the order.

(4) An order under this section may not be revoked, or be varied so as to limit in any way its application, unless it has been in force for a period of at least 12 months.

(5) The Authority must give written notice of an order under this section, and of any variation or revocation of the order, to the licensee of each place to which the order relates.

(6) An excluded person who enters or remains in a place from which he or she has been barred under this section is guilty of an offence.

Maximum penalty: \$2 500.

(7) The powers under the *Casino Act 1997* or the *Gaming Machines Act 1992* relating to requiring a person to leave, or removing a person from, a place from which the person has been barred under either of those Acts, extend to a person barred from such a place by an order under this section, as if the order were an order under the relevant Act.

(8) The barring of a person from a place pursuant to an order under this section will be regarded as confidential information for the purposes of this Act.

Amendment of s. 17—Confidentiality

40. Section 17 of the principal Act is amended by inserting in subsection (1) "or of a committee established by the Authority" after "member of the Authority".

Insertion of s. 19

41. The following section is inserted after section 18 of the principal Act:

Annual report

19. (1) The Authority must, on or before 31 October in each year, prepare and submit to the Minister a report on the performance of its functions under this Act during the preceding financial year.

(2) However, the Authority is not required to include in the report any material that is included in an annual report furnished by the Authority under some other Act.

(3) The Authority's report under this section must include—

(a) particulars of research undertaken by the Authority, or in which the Authority has participated, during the year; and

(b) a summary of any findings arising out of those research activities.

(4) The Minister must, within 12 sitting days after receiving the Authority's report, have copies of the report laid before both Houses of Parliament.

**PART 6
AMENDMENT OF LIQUOR LICENSING ACT 1997**

Amendment of s. 4—Interpretation

42. Section 4 of the principal Act is amended by striking out "Gaming" from the definition of "Commissioner" and substituting "Gambling".

Amendment of s. 8—The Liquor and Gambling Commissioner

43. Section 8 of the principal Act is amended by striking out from subsection (1) "*Gaming*" and substituting "*Gambling*".

**PART 7
AMENDMENT OF THE RACING ACT 1976**

Amendment of s. 5—Interpretation

44. Section 5 of the principal Act is amended—

(a) by striking out the definition of "Authority" in subsection (1) and substituting the following definition:

"Authority" means the Independent Gambling Authority established under the Independent Gambling Authority Act 1995;

(b) by striking out from the definition of "Commissioner" in subsection (1) "Gaming" and substituting "Gambling".

PART 8
AMENDMENT OF THE RACING (PROPRIETARY BUSINESS LICENSING) ACT 2000

Amendment of s. 3—Interpretation

45. Section 3 of the principal Act is amended—

(a) by striking out the definition of "Authority" in subsection (1) and substituting the following definition:

"Authority" means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995*;;

(b) by striking out from the definition of "Commissioner" in subsection (1) "Gaming" and substituting "Gambling".

Amendment of s. 11—Approved licensing agreement

46. Section 11 of the principal Act is amended by striking out from subsection (7) "Gaming Supervisory" and substituting "Independent Gambling".

Amendment of s. 21—Investigative powers

47. Section 21 of the principal Act is amended by striking out from subsection (4) "Gaming Supervisory" and substituting "Independent Gambling".

PART 9
AMENDMENT OF RAILWAYS (OPERATIONS AND ACCESS) ACT 1997

Amendment of s. 18—Ministerial authorisation to sell liquor

48. Section 18 of the principal Act is amended by striking out from subsection (2) "Gaming" and substituting "Gambling".

Amendment of s. 19—Ministerial authorisation to provide gambling facilities

49. Section 19 of the principal Act is amended by striking out from subsection (2) "Gaming" and substituting "Gambling".

PART 10
AMENDMENT OF SOUTH AUSTRALIAN MOTOR SPORT ACT 1984

Amendment of s. 27AB—Application of ss. 27B and 27C

50. Section 27AB of the principal Act is amended by striking out from subsection (3)(c) "Gaming" and substituting "Gambling".

PART 11
AMENDMENT OF STATE LOTTERIES ACT 1966

Amendment of s. 3—Interpretation

51. Section 3 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "Chairman" and substituting the following definition:

"Authority" means the Independent Gambling Authority established under the *Independent Gambling Authority Act 1995*;;

(b) by inserting in subsection (1) after the definition of "net proceeds" the following definition:

"presiding member" means the presiding member of the Commission and includes the acting presiding member of the Commission;

Amendment of s. 4—Constitution of the Commission

52. Section 4 of the principal Act is amended by striking out from subsection (5) "Chairman" and substituting "presiding member".

Amendment of s. 9—Quorum

53. Section 9 of the principal Act is amended by striking out from subsection (4) "Chairman" wherever it occurs and substituting, in each case, "presiding member".

Insertion of ss. 13B, 13C, 13D and 13E

54. The following sections are inserted after section 13A of the principal Act:

Advertising code of conduct

13B. The Commission must—

- (a) adopt a code of practice on advertising approved by the Authority; and
- (b) ensure that advertising by the Commission conforms with the code of practice approved under this section.

Responsible gambling code of practice

13C. The Commission—

- (a) must adopt a code of practice approved by the Authority dealing with—
 - (i) the display of signs, and the provision of information, at offices, branches and agencies of the Commission relating to responsible gambling and the availability of services to address problems associated with gambling; and
 - (ii) the provision of training of staff relating to responsible gambling and the services available to address problems associated with gambling; and
 - (iii) any other matters designed to reduce the incidence of problem gambling determined by the Authority; and
- (b) must ensure that, in the performance of its functions, the Commission conforms with the code of practice approved under this section.

Review and alteration of codes

13D. (1) The Authority must, in consultation with the Commission, review the codes of practice referred to in this Act at least every 2 years.

(2) The Authority must seek and consider written submissions from the public when reviewing a code of practice under subsection (1).

(3) The Authority may, by written notice to the Commission, require a code of practice referred to in this Act to be altered as set out in the notice.

(4) Before the Authority makes a requirement under subsection (3), the Authority must, unless it considers it contrary to the public interest to do so—

- (a) give written notice to the Commission of the proposed requirement; and
- (b) consider any representations made by the Commission about the proposed requirement within 14 days after the notice is given or a longer period allowed in the notice.

(5) The Commission must ensure that all alterations required to be made under subsection (3) are made in accordance with the notice given under that subsection.

Codes of practice and alterations to codes disallowable by Parliament

13E. (1) On approving a code of practice under this Act or requiring an alteration to be made to a code in accordance with this Act, the Authority must forward a copy of the code or alteration to the Minister.

(2) The Minister must cause a copy of the code or alteration to be laid before both Houses of Parliament as soon as practicable after receiving it.

(3) Sections 10 and 10A of the *Subordinate Legislation Act 1978* apply to a code, or an alteration to a code, laid before Parliament under this section as if it were a regulation within the meaning of that Act.

(4) A code of practice or alteration to a code of practice may provide for the whole or any part of the instrument to come into operation on the day on which it is adopted by the Commission or on a later day, or days, specified in the instrument.