



**Independent Gambling Authority**

**Inquiry into Smartcard technology**

**Guide for making  
submissions**

**Disclaimer**

This document has been prepared for the purposes of public consultation in connection with an inquiry by the Independent Gambling Authority. The document contains information from a variety of sources, including published material and evidence given before the Authority.

Information provided and statements contained in this document are published solely for the purposes of the inquiry and should not be relied upon for any other purpose.

**Note**

This guide is similar to a guide published in relation to an inquiry into effectiveness of gambling rehabilitation programs. People who will be referring to both documents are asked to take care not to confuse dates and processes between the two inquiries.

**Date**

This Guide was issued on 25 January 2005.



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## **1. INTRODUCTION**

### **1.1 Terms of reference**

This inquiry is established by terms of reference given by the Minister for Gambling, Hon. Michael Wright MP, under section 13(1)(b) of the *Independent Gambling Authority Act 1995*.

The terms of reference for this inquiry are—

#### *1. General Scope*

- 1.1 The Authority must identify how Smartcard technology might be implemented with a view to significantly reducing problem gambling.
- 1.2 In designing its process and its reporting for this inquiry, the Authority must take into account that a purpose in commissioning this inquiry is to enable the Minister to comply with section 90 of the *Gaming Machines Act 1992*.

#### *2. Specific Issues*

- 2.1 The Authority must consider and identify available and practicable technologies that may be available to facilitate:
  - (a) the setting of limits on gamblers' use of gaming machines, for the purpose of minimising or reducing the actual or potential harm to themselves or those who are dependent on them; and
  - (b) the exclusion of particular gamblers (whether voluntarily or otherwise) from access to gaming machines or from the ability to play gaming machines.

- 2.2 In making its report, the Authority should set out the cost, ease of implementation, administration and the likely impact on problem gamblers.

It has been indicated that the report should be made available to the Minister for Gambling by 9 June 2005.

### **1.2 Background to the inquiry**

The *Gaming Machines (Miscellaneous) Amendment Act 2004* (Amendment Act) was assented to on 9 December 2004.

The Amendment Act was the end product of a very extensive debate in Parliament on a Bill to implement the recommendations of the Independent Gambling Authority in its *Report of Inquiry into the management of gaming machine numbers*, the most notable one being the recommendation to reduce gaming machine numbers by 3 000.

Certain provisions inserted into the Gaming Machines Act by the Amendment Act require the Minister to obtain a number of reports from the Authority. Of particular relevance is the new section 90:

**90— Minister to obtain report on Smartcard technology**

- (1) Within 6 months after the Governor assents to the Gaming Machines (Miscellaneous) Amendment Act 2004, the Minister must obtain a report from the Authority on how Smartcard technology might be implemented with a view to significantly reducing problem gambling.
- (2) The Minister must, within 6 sitting days after receiving the report, have copies of the report laid before both Houses of Parliament.

The terms of reference to this inquiry, and the requirements of section 90 of the Gaming Machines Act, enable the Authority to build on some knowledge already developed through its inquiry processes relating to mandatory responsible gambling codes of practice for the casino and gaming machine venues in South Australia.

As the assent date of the Amendment Act was 9 December 2004, the period of 6 months referred to in section 90(1) ends at the end of 9 June 2005. Having regard to the time within which the Parliament wishes the report to be made, the Authority has established a timetable for public consultation which should allow all relevant stakeholders' views and evidence to be taken into account in a report made within that timeframe.

In establishing that timetable, the Authority has determined that there would be some benefit in having a day of open presentations, at which vendors of smartcard and like technologies would be able to give a public exposition of the capabilities of the technologies, prior to the close of submissions. Tuesday, 15 February 2005 has been selected for this. (Further details will be posted on the Authority's website by 9 February 2005.)

The Authority has also determined that it would not be practicable, in the available time, to commission independent external research to inform the inquiry process.

The Authority will receive written submissions from interested stakeholders, addressing the terms of reference, by 21 March 2005.

**2. WHO ARE THE STAKEHOLDERS?**

The terms of reference touch every South Australian who plays gaming machines, every South Australian who has an interest in a responsible and sustainable gaming machine industry and every South Australian who is concerned about problem gambling.

However, there is a particular group of people with particular knowledge and experiences who may be able to contribute to this inquiry. These are the people and organisations that manufacture, develop, sell or distribute smartcard and like technologies ("**technology vendors**").

As part of the Authority's work for this inquiry will be to catalogue the available practicable technologies, it is important that as many technology vendors as possible make the Authority aware of what is available.

### **3. INQUIRY PROCESS**

#### **3.1 Overview**

The process for this inquiry has been designed with a view to the Authority gathering and having before it all the relevant material in time to report to the Minister in June 2005.

The start of the process is to publish terms of reference and call for submissions.

Next, the Authority plans to hold an open day of presentations to allow technology vendors the opportunity to explain the capabilities of their technologies.

Then, stakeholders will make their written submissions. The submissions will be made public, via the Authority's website.

At this time, it is intended that the making of written submissions will be the last element of public consultation for the inquiry.

The Authority will use its website as the principal means of communication with stakeholders over the progress of, and any changes to, the process for this inquiry. However, in order to ensure that stakeholders are as fully informed and as up to date as possible, stakeholders will have the opportunity to pre-register their interest in being kept up to date.

#### **3.2 Pre-registration**

The easiest way to pre-register interest in this inquiry is to send an email to **smartcard@iga.sa.gov.au** setting out your name, the organisation you represent (if any), a street address and telephone and fax numbers. *The principal means of contact will be via the email address you give.*

While email is the preferred means of contact, it is also possible to pre-register for notification by other means.

If you do not have an email address, you can write to the Authority at "Smartcard inquiry", Post Office Box 67, Rundle Mall, SA 5000, telephone to (08) 8226 7233 or fax to (08) 8226 7247. If an email is sent to people on the pre-registration email list, it will be posted to pre-registered people who do not have an email address.

*A person may pre-register at any time.*

#### **3.3 Day of open presentations**

A day of open presentations has been scheduled for **Tuesday, 15 February 2005.**

The day of open presentations will allow technology vendors to display the capabilities of their products.

It is expected that the day will be attended by members and staff of the Authority, members of the public interested in the inquiry and technology vendors.

The purpose of the day is to allow those present to gain a better general understanding of smartcard and like technologies. In addition, it is thought that, for people preparing to make a written submission, the day will be highly instructive as to the realistic likely capabilities of the technologies.

It might also be highly instructive for the technology vendors in the preparation of their own written submissions.

Technology vendors are asked to note that participation in the day of open presentations is neither a substitute for nor a prerequisite to making a formal written submission.

*Technology vendors interested in the day of open presentations should contact the Authority's office as soon as possible, and preferably well before 8 February 2005.*

### **3.4 Making submissions**

Submissions need to be in writing.

The Authority requires submissions to be provided both electronically and on A4 paper (one copy only). The paper version must be accompanied by an original, signed **Form 1**. Form 1 is set out in Appendix A to this guide and is also available for separate download from the Authority's website.

Part of the purpose of Form 1 is to collect, in a uniform format, some minimum basic information about the people making submissions. Form 1 also sets out the terms on which the submission is made.

Acceptable electronic formats for submission include Microsoft Word "document" format (\*.doc), "rich-text" document format (\*.rtf) and Adobe Acrobat portable document format (\*.pdf). Electronic documents need to match the A4 paper version.

One reason for requiring submissions to be provided in an electronic format is that they will be published on the Authority's website. The format for publication will be Adobe Acrobat format. The Authority will undertake conversion of submissions provided in Word document and rich-text formats.

In the case of submissions made by technology vendors, it will also assist the Authority to receive, again in a uniform format, minimum basic information about the technologies. **Form 2** (also included in Appendix A) asks for this information.

*Submissions are due by 4.00pm on Monday, 21 March 2005.*

### **3.5 Authority's inquiry powers**

The inquiry is being conducted under the powers set out in sections 13–15 of the *Independent Gambling Authority Act 1995*, which are extracted in Appendix B.

These sections include provision for, among other things, documents to be produced and for evidence to be formally taken.

## 4. ISSUES IN THE INQUIRY

### 4.1 Overview

#### 4.1.1 *Relationship to terms of reference*

It is said that smartcard and like technologies which provide for identity or account based gambling may offer avenues for facilitating responsible gambling in our community. Two particular respects are mentioned in the terms of reference—facilitating a gambler “pre-committing” to the extent of his or her use of gaming machines and facilitating gamblers’ exclusion from gaming machines.

It would appear that each of these calls for two areas to be examined—what is the technology capable of and what will be the “rules of engagement” (the model by which the technology is deployed to reduce problem gambling).

The reasons that both need to be examined is that, even though there may be capable technologies, there is no point in deploying them if it is not known how to use them to actually reduce problem gambling.

#### 4.1.2 *Pre-commitment*

The expression “pre-commitment” is premised on the belief that the judgement of problem gamblers may be impaired during a gambling session (or alternatively, that they “lose control” while gambling). By making a binding commitment to the extent of gambling *before* starting to gamble, the consequences of impaired judgement would be avoided. Those consequences include spending too much money or too much time while gambling.

An example of how these technologies could facilitate pre-commitment is through associating a gambler (by way of a card, an account number or some other means) with a decision to limit use of gaming machines. That association could then be used to allow the gambler to be alerted that a limit had been reached, or even for the limits to be enforced, while the gambler was using gaming machines.

Examples of the sort of pre-commitment decisions which might be made include the fixing of maximum hourly, daily, weekly and monthly spending or gambling time limits.

Examples of the sorts of options discussed by policymakers and regulators include there being no limits on a gambler until the gambler chooses to set them, or by having default limits which the gambler either relaxes or tightens; having a period of hours or days before a decision to relax limits takes effect; having limits set by a third party in particular cases. These options are probably not exhaustive.

#### 4.1.3 *Exclusion*

In South Australia, there are presently three statutory schemes which recognise the concept of exclusion from gaming machines. Each relies on it being an offence for the excluded (or “barred”) person to enter or remain in a licensed gaming area (being the area in which the licensee may have gaming machines operating).

The three schemes are:

- ◆ **venue based barring**—hotel and club gaming licensees and the licensee of the Adelaide Casino have statutory powers to bar people who are causing harm to their own welfare and/or that of their dependents by excessive gambling;
- ◆ **voluntary barring**—the Independent Gambling Authority may, under section 15B of the Independent Gambling Authority Act, bar a person from one or more places if the person requests it;
- ◆ **barring under the Problem Gambling Family Protection Orders Act**—one of the remedies available on a complaint made to the Independent Gambling Authority (that the respondent to the complaint will cause serious harm to family members by problem gambling) is to bar the respondent from one or more places.

Venues decide individually how they will identify people they exclude. In the schemes operated by the Independent Gambling Authority, a colour photograph is used. There are therefore some limits on the robustness of enforcement of exclusion schemes at present.

Smartcard or other technology, by requiring a person to identify him or herself to a gaming system before being able to play could facilitate enforcement. One way would be for the system to raise an alert to venue management if an excluded person was identified. Another would be for a gaming machine to shut down if an excluded person tried to use it.

## 4.2 **Particular issues for technology vendors**

### 4.2.1 *Scope of the technologies*

A smartcard is understood to be a card with some data storage or processing or electronic intelligence capability, or a combination of the three. The terms of reference also mention *available and practicable technologies* for setting limits and for exclusion.

The Authority would be assisted by receiving information, not only about smart cards, but also about technologies such as magnetic stripe cards (so called “dumb” cards), about technologies which rely on the use of an identification number and password and about biometric identification technologies (such as facial recognition, eye scanning, finger or palm scanning).

Indeed, contributions are welcome from technology vendors in respect of any technology, like that mentioned in the terms of reference, which they believe could be implemented with a view to significantly reducing problem gambling.

#### **4.2.2 *The South Australian gaming machine environment***

There are presently approximately 15 000 coin operated gaming machines licensed in hotels and clubs, and a further 820-odd in the Adelaide Casino.

The hotel and club machines are located on just under 600 individual sites, with a site maximum of 40 machines. As a result of the Amendment Act, the total number of machines will be reduced to approximately 12 000. The major component of that reduction will be implemented in 2005; there will be a reduction of 8 machines in each venue with 28 or more, and a reduction to 20 machines for each venue with between 21 and 27 machines. The site maximum will remain at 40, and there will be a system of trading of gaming machine entitlements.

Hotel and club licensees are required to have a monitoring agreement with the single monitoring licence holder, Independent Gaming Corporation Limited (IGC). IGC is the corporate vehicle for a co-operative venture between the peak bodies for hotels and clubs. IGC has provided some technical detail (see section 4.2.3).

The gaming machines in the Adelaide Casino are connected to a monitoring system operated by the licensee. That monitoring system uses the same technical protocol as the New South Wales central monitoring system.

It is understood that the technical arrangements for machine monitoring may be relevant to technology vendors whose systems would use the monitoring system as a source of gaming activity data.

#### **4.2.3 *Hotel and club monitoring arrangements***

In IGC's present system, there is in each venue a device known as a site controller to which all the venue's gaming machines are connected and which in turn is connected to the IGC host through the public switched telephone network (PSTN). IGC routinely polls site controllers daily (dialling up across PSTN).

IGC has the capacity to communicate with any site controller at any time by dialling up. However, the system is not capable of connecting to all sites simultaneously.

IGC has provided the following technical information.

##### **Current Monitoring Operations**

IGC currently monitors 14 900 gaming machines located at 600 venues. The current central system application in use is the Advanced Gaming System (AGS) supplied by Scientific Games, based in Atlanta, Georgia. This application runs on the RS6000 platform utilising the AIX operating system and an Oracle database.

This software provides the gaming machine monitoring, security and accounting functions to enable the IGC to perform its monitoring function. The systems functions include:

- Accounting, security and audit capabilities;
- Communications between the host and gaming machines located at venues;

- Processing of large amounts of data from a large number of gaming machines;
- Accurate and detailed reports of all gaming machines statistics, events and metered fiscal information;
- Support of the gaming machines manufactured by multiple vendors.

#### **Communication Protocol**

IGC's monitoring system network employs a proprietary communications protocol (E2), which facilitates the transfer of data to and from gaming machines. Scientific Games has indicated that no further development of this protocol will be undertaken at this time.

IGC has also indicated that the support arrangements provided by Scientific Games for the monitoring system are contracted until the end of 2008. IGC is presently considering options for support of the monitoring system beyond 2008.

#### ***4.2.4 Smartcard systems in operation in South Australia***

As part of other inquiries it has conducted, the Authority has become aware of a loyalty program in South Australia, developed to meet commercial requirements of certain hotel gaming licensees, which uses smartcard technology. This is the J Card program.

In a J Card equipped venue, there is a J Card "reader" (the device is capable of writing to the smartcard also) for each gaming machine. Relevant monitoring system data captured in real time from the venue site controller is the basis for loyalty program entitlement information transferred to the smartcard by the card reader. This ensures that the card carried by the player holds all relevant data and avoids the need for venues participating in the J Card program to be interlinked.

The proprietor of the J Card system has given a non-binding indication that smartcard technology could be deployed throughout South Australia at an approximate cost of \$1 500 per terminal.

#### ***4.2.5 Cashless gaming technology***

Card technologies are sometimes associated with so-called "cashless" gaming, which eliminates or makes optional the use of coins or banknotes when operating a gaming machine. Some cashless concepts involve barcoded paper tickets while others involve money in an account which is accessed by a card or money being "put" onto a card.

The Authority has, as part of another inquiry it has conducted, been made aware of a cashless product which is said to facilitate pre-commitment.

South Australian law presently requires the insertion of a coin to operate a gaming machine. There is provision for regulations to be made to allow card based gaming, on a trial basis *only*.

It would be prudent for technology vendors to note that the adoption by South Australia of a smartcard technology would not necessarily invite consideration of adoption of cashless gaming.

### **4.3 What submissions might address**

#### **4.3.1 *Purpose of this guide***

This *Guide for making submissions* is intended to provide background and contextual information and some points of reference for stakeholders. It is intended to open, rather than close, options.

Stakeholders should explore every option which they believe the terms of reference call for.

Stakeholders may wish to address the area of technical capability or the area of the rules of engagement, or both.

#### **4.3.2 *On the rules of engagement***

It would be helpful if submissions addressing rules of engagement issues explain how the system would work for the end user—the gambler. Submissions should address the conceptual basis of the rules, such as the limits. For example, the limits might be—

- (1) monetary limits—the amount that the gambler pre-commits to be available to play per day/week/fortnight;
- (2) game feature limits—the ability to pre-commit to a maximum credit limit or maximum number of lines played per wager;
- (3) time limits—the number of hours that the gambler pre-commits to playing per day/week/month.

Submissions should also indicate how long prior to the time of playing the limits should be set.

Other rules of engagement discussion might address the consequences of the gambler reaching a pre-committed limit. Examples may be that—

- (1) the machine is disabled;
- (2) a warning message appears;
- (3) an alarm sounds;
- (4) a message appears on a computer to alert the venue operator.

#### **4.3.3 *On technical capability***

The purpose of the inquiry is to investigate whether a technology exists that can deliver outcomes to the gambler such as those described above.

Submissions addressing the technical capability of smartcard or technologies should include details such as—

- (1) the nature of the technology—card (smart or other)/USB device/bracelet/key ring/personal identification number;
- (2) the reliability and security of proposed hardware (including the durability of the card and card reader, if any);
- (3) the reliability and security of the system software, including reference sites (if any) and the stage of the development of the software;
- (4) the ability to deploy the system to 600 sites and the anticipated time frame for doing so;
- (5) the cost of the system, including any variables per machine or venue;
- (6) the interoperability of the system between venues;
- (7) the ability, if any, of the system to interface with the monitoring system.

#### **4.3.4 Other considerations**

The Authority is aware of concerns that the introduction of smart card or account based gaming technology could have an impact on recreational gamblers' enjoyment of gambling as a legitimate form of entertainment.

The Authority would be assisted by hearing the views of stakeholders about the perceived effects of introducing smartcard or other technologies, both positive and negative, on the whole of the community.

Issues addressed could include—

- (1) what implications would the introduction of such technology have for licensees and their employees, and non-gamblers;
- (2) what implications would the introduction of such technology have for recreational gamblers;
- (3) how matters such as lost cards, tourist visitors, card fraud and the like should be addressed;
- (4) if the smartcard technologies require centralised management, who should be responsible for that;
- (5) any other views generally.

## **5. SUMMARY**

### **5.1 Provision of submissions**

Submissions must be provided by 4.00pm on **Monday, 21 March 2005**.

### **5.2 Day of open presentations**

Time has been set aside for open presentations from 10.00am on **Tuesday, 15 February 2005**.

The place for the day of open presentations is the Authority's board room at Level 4, 45 Grenfell Street, Adelaide.

Technology vendors interested in the day of open presentations are asked to contact the Authority as soon as possible.

Arrangements for the day of open presentations could change. People who are interested in this part of the process should pre-register their interest or visit the Authority's website regularly for an update.

### **5.3 Further information**

Enquiries about submissions and the inquiry process should be directed to the Authority's Legal Counsel, on (08) 8226 7233.

**APPENDIX A**

**Form 1 and Form 2 (Submission forms)**



**Independent Gambling Authority  
Form 1**

**Smartcard technologies inquiry**

*(Please read the notes overleaf before completing)*

**1. Personal details**

<i>Name of contact person (please include titles and qualifications)</i>	
<i>Street address (include postcode)</i>	<i>Home phone</i>
	<i>Work phone</i>
	<i>Facsimile</i>
	<i>Mobile phone</i>
<i>Email address</i>	
<i>Do you wish to remain anonymous? (circle/strike out as appropriate—a blank is a "NO")</i> YES    NO	

**2. Organisation details**

<i>If you are making this submission on behalf of a body (such as a government department, a service provider, a recognised charity), on behalf of a group of people (such as an informal association of people with a specific interest in gambling) or in some other capacity (for example, as a university lecturer) please provide the details of the body and indicate whether your submission is the body's OFFICIAL position or simply your own UNOFFICIAL view.</i>
<i>Name of body, association or organisation</i>
<i>Your title, designation or position</i>
<i>Is the submission OFFICIAL or UNOFFICIAL</i>

Appendix A: Form 1 and Form 2 (Submission forms)—continued

**3. Submission details**

<i>This submission is made by (circle/strike out as appropriate)</i>	
HARD COPY AND DISK	HARD COPY AND EMAIL
HAND WRITTEN COPY ONLY	
<i>If the submission has been provided as a handwritten version only, it will need to be typed to enable ease of reading and placement on the Authority's website. Do you permit the Authority to produce a typed version of your handwritten submission?</i>	
<i>(circle/strike out as appropriate—a blank is a "YES")</i> YES    NO	

**Acknowledgment and consent**

1. I have read the submission guidelines for the inquiry and make this submission on the basis set out in that document.
2. I take responsibility for the correctness and accuracy of statements made in this submission.
3. Unless specifically attributed to others, the opinions, comments and observations in this submission are my own.
4. I consent to the whole or any part of this submission being published by the Independent Gambling Authority.

<i>Date</i>
<i>Signature</i>

Appendix A: Form 1 and Form 2 (Submission forms)—continued

**NOTES FOR COMPLETION OF SUBMISSIONS**

**1. Personal details**

If you want to be **anonymous**, Form 1 will be separated from the attached submission and only the submission will be shown to the participants or otherwise published. However, you will need to be careful with your submission to make sure that you do not inadvertently identify yourself. Please note that your details may be disclosed to certain members of the board and staff of the Authority.

**2. Organisation details**

- (1) This section has two purposes: while it allows a person to make an official submission on behalf of an organisation, it also allows people whose role in an organisation makes them experts or opinion leaders (or both) to credential their submissions appropriately.
- (2) If the submission is made as the official submission of a group, please expect the Office of the Authority to seek independent verification of the status of the submission.

**3. Submission details**

When supplying your submission on disk or by email, please make the submission as a Word for Windows (\*.doc) or rich-text format (\*.rtf) document or as an Adobe Acrobat format document—in the case of email, supplied as an attachment

**4. Acknowledgment**

The acknowledgment is important. It makes sure that you understand some of the issues involved in making comments which might be published. Please read it carefully.

Appendix A: Form 1 and Form 2 (Submission forms)—continued



**Independent Gambling Authority**  
**Form 2**  
**Smartcard technologies inquiry**  
*(for technology vendors only)*

**1. Technology vendor**

*Name of vendor*

**2. Technology identification**

*Name of technology or system (if none, write "as above")*

**3. Capabilities questionnaire**

<i>Is the technology presently available and, if not, when will it be?</i>	
<i>What is the basis of the technology—Smartcard/ Dumb card/ USB key/ Other (specify)?</i>	
<i>Does the technology involve biometrics and, if so, what?</i>	
<i>Are there rules of engagement built in to the software design?</i>	
<i>Does the technology need to communicate with the monitoring system (Yes, one way/ Yes, both ways/ No)?</i>	
<i>Can the technology operate in real time in the present South Australian technical environment?</i>	
<i>Is the technology operating elsewhere and, if so, where?</i>	

## APPENDIX B

### Extracts of sections 13–15 of the Independent Gambling Authority Act

#### 13. Inquiries by Authority

- (1) The Authority—
  - (a) may hold an inquiry whenever it considers it necessary or desirable to do so for the purpose of carrying out its functions; and
  - (b) must, if requested to do so by the Minister, hold an inquiry into any matter relating to—
    - (i) the operations of a licensee under a prescribed Act; or
    - (ii) the operation, administration or enforcement of a prescribed Act.
- (2) On completing an inquiry under this section, the Authority must submit to the Minister a report of the inquiry and the findings of the Authority on the inquiry, and any such report may include recommendations for action to be taken.
- (3) Unless the Authority recommends that the report should remain confidential, the Minister must, within six sitting days of receiving a report under subsection (2), cause a copy of the report to be laid before each House of Parliament.

#### 14. Powers and procedures of Authority on an inquiry or appeal

- (1) For the purposes of proceedings before the Authority (whether under this Act or any other Act), the Authority may—
  - (a) by summons signed on behalf of the Authority by the Secretary of the Authority, require the attendance before the Authority of any person; or
  - (b) by summons signed on behalf of the Authority by the Secretary of the Authority, require the production of any equipment or other item, or any books, papers or documents; or
  - (c) inspect any equipment or other item, or any books, papers or documents produced before it and retain them for such reasonable period as it thinks fit, and, in the case of books, papers or documents, make copies of any of them, or of any of their contents; or
  - (d) require any person to make oath or affirmation that he or she will truly answer all questions put to him or her by the Authority relating to any matter being inquired into or that is before the Authority; or
  - (e) require any person appearing before the Authority to answer any relevant questions put to him or her by any member of the Authority or by any person appearing before the Authority.
- (2) If a person—
  - (a) who has been served with a summons to appear before the Authority, fails without reasonable excuse (proof of which lies on the person) to attend in obedience to the summons; or
  - (b) who has been served with a summons to produce equipment or any other items, or books, papers or documents, fails without reasonable excuse (proof of which lies upon the person) to comply with the summons; or
  - (c) misbehaves before the Authority, wilfully insults the Authority or any member of the Authority or interrupts the proceedings of the Authority; or
  - (d) refuses to be sworn or to affirm or to answer any relevant question when required to do so by the Authority,

Appendix B: Extracts of sections 13–15 of the Independent Gambling Authority Act—continued

the person is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for 6 months.

- (3) A person is not excused from answering a question or from producing books, papers or documents under this section—
- (a) on the ground that the answer to the question or the contents of the books, papers or documents would tend to incriminate the person; or
  - (b) on the ground of legal professional privilege,
- but if the person objects to answering a question on the ground that the answer would tend to incriminate him or her, the answer will not be admissible against him or her in criminal proceedings (except in proceedings for perjury) or, if the person objects to answering a question on the ground of legal professional privilege, the answer will not be admissible in civil or criminal proceedings against the person who would, but for this subsection, have the benefit of the legal professional privilege.
- (4) The Authority may, if requested to do so by a person who has been required to answer a question by the Authority or who has produced books, papers or documents to the Authority, by order prohibit the publication in any newspaper or by radio or television of the name of the person, any answer given by him or her in proceedings before the Authority or the contents of any book, paper or document produced by him or her to the Authority.
- (5) A person who contravenes an order under subsection (4) is guilty of an offence.
- Maximum penalty: \$10 000.
- (6) The Authority may sit at any time and in any place (including a place outside this State) and may adjourn its sittings from time to time and from place to place.
- (7) In the course of any proceedings, the Authority may—
- (a) receive in evidence any transcript of evidence in proceedings before a court or tribunal and draw any conclusions of fact from the transcript that it thinks proper; or
  - (b) adopt, as in its discretion it considers proper, any findings, decision or judgment of a court or tribunal that may be relevant to the matter before the Authority.

**15. Representation before Authority**

- (1) A person appearing before the Authority may appear—
- (a) personally;
  - (b) by counsel;
  - (c) if a body corporate—by an officer or employee of the body corporate who has obtained leave of the Authority to appear on behalf of the body corporate;
  - (d) if the party is a member of a genuine association formed to promote or protect the interests of a section of the liquor industry or the gaming machine industry or of employees in those industries—by an officer or employee of that association.
- (2) The Commissioner of Police may be represented before the Authority—
- (a) by a member of the police force; or
  - (b) by counsel.