

Attachment A

GAMING MACHINES ACT 2001
SECTION 205A ORDER
NSW CASHLESS GAMING TRIAL

I, The Honourable David Harris MP, Minister for Gaming and Racing (being the Minister responsible for the administration of the *Gaming Machines Act 2001 (the Act)*), DO HEREBY ORDER, pursuant to section 205A of the Act, that for the purposes of enabling the NSW Cashless Gaming Trial and for the period from 15 March 2024 to 30 September 2024:

1. to vary, in relation to the class of persons specified in Column One of Schedule One, the operation of the provisions of the Act specified in Column Two of Schedule One, to operate to the extent specified in Column Three of Schedule One; and
2. to vary, in relation to the class of persons specified in Column One of Schedule Two, the operation of the provisions of the *Gaming Machines Regulation 2019 (the Regulation)* specified in Column Two of Schedule Two, to operate to the extent specified in Column Three of Schedule Two.

Signed, the 12th day of March 2024.

A handwritten signature in blue ink, appearing to read 'David Harris', is written over a horizontal line.

The Honourable David Harris MP
Minister for Gaming and Racing

Explanatory Notes

The purpose of this Order is to vary, pursuant to section 205A of the Act, the operation of certain specified provisions of the Act and the Regulation for a specified period and in relation to specified classes of persons, for the purposes of enabling the NSW Cashless Gaming Trial.

Interpretation

This Order commences on the date it is published in the Gazette and is only in effect for the specified period of 15 March 2024 to 30 September 2024.

The variations to the provisions of the Act and the Regulation given effect by this Order only operate to the extent specified in Columns Three of Schedules One and Two respectively. The specified provisions of the Act and the Regulation otherwise operate in accordance with the Act and the Regulation.

Where the Order provides that a variation to the operation of a specified provision applies in relation to more than one specified class of person, the variation applies to each specified class of person concurrently.

Unless otherwise defined in this Order, words and expressions that are defined in the Act or Regulation have the same meaning in this Order.

In this Order:

“Independent Panel on Gaming Reform” means the Panel of the same name established by the NSW Government on 13 July 2023.

“NSW Cashless Gaming Trial” means the cashless gaming trial overseen by the Independent Panel on Gaming Reform.

“Order” means this Order made pursuant to section 205A of the Act.

The following references are used in Columns One of Schedules One and Two respectively to indicate a class of person:

A	The class of persons who have been approved by the Independent Panel on Gaming Reform for participation, and are participating, in the NSW Cashless Gaming Trial.
B	A person who is authorised under the Act by a gaming-related licence to sell approved gaming machines
C	The holder of a “dealer’s licence” or a “technician” within the meaning of section 4(1) of the Act

SCHEDULE ONE: GAMING MACHINES ACT 2001

Column One (Class of Person)	Column Two (provision)	Column Three (Variation)
A	Section 4(1)	<p>Insert following definitions under section 4(1):</p> <p>“cashless gaming technology” means technology approved for participation in the NSW Cashless Gaming Trial that allows credits to be transferred electronically in relation to the operation of approved gaming machines.</p> <p>“cashless gaming technology operator” means a person that is responsible for the cashless gaming technology approved for participation in the NSW Cashless Gaming Trial.</p> <p>“NSW Cashless Gaming Trial” means the cashless gaming trial overseen by the Independent Panel on Gaming Reform.</p> <p>“section 205A Order” means this Order made by the Minister pursuant to section 205A of the Act in relation to the NSW Cashless Gaming Trial.</p>
A	Section 45B(1)	<p>The definition of “account card” is varied to:</p> <p>(1) “account card” means a card –</p> <p>(a) issued by:</p> <p>(i) a hotelier or club or a person when the person opens up a player account with the hotelier, or</p> <p>(ii) a person acting on behalf of a hotelier or club (for example, a cashless gaming technology operator) for the purposes of the NSW Cashless Gaming Trial (a digital player card), to a person when the person opens up a player account with the hotelier or club, and</p> <p>(b) through which the person can access money held in the player account for the purposes of operating electronic payment gaming machines in the hotel or on the premises of the club.</p>
A	Section 64(4)	<p>(4) if an approved gaming machine kept by a hotelier or club is modified in such a way that it is in the form of a different approved gaming machine, it ceases to be an approved gaming machine despite being in that form unless:</p> <p>(a) the material used to effect the modification was supplied by the holder of a dealer’s licence (either directly or through the holder of another gaming-related licence), and the modification was effected in accordance with a variation of the authorisation in force in relation to the keeping of the approved gaming machine, or</p> <p>(b) the modification related to the installation of hardware or software to enable a trial of cashless gaming machine technology given effect by the section 205A order.</p>
A, B	Section 69A(2)	<p>(2) A person who is authorised by a gaming-related licence to sell approved gaming machines must not sell or supply a component to any person unless the relevant device is, with the addition of the component:</p> <p>(a) declared by the Authority under section 64 as an approved gaming machine, or</p> <p>(b) is an approved gaming machine in accordance with the section 205A order.</p>

A, C	Section 69A(3)	(3) The holder of a dealer's licence or a technician must not install any component unless the relevant device is, with the addition of the component: (a) declared by the Authority under section 64 as an approved gaming machine, or (b) is an approved gaming machine in accordance with the section 205A order.
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SCHEDULE TWO: GAMING MACHINES REGULATION 2019

Column One (Class of Person)	Column Two (provision)	Column Three (Variation)
A	Clause 26(1)	<p>A hotelier or registered club may pay so much of the total prize money payable to a person as exceeds \$5,000 –</p> <p>(a) by means of a crossed cheque payable to the person, or by means of electronic funds transfer, or</p> <p>(b) to the person via the cashless gaming technology.</p>
A	Clause 42(2)(a)	<p>(2) For the purposes of section 45(4) and (5) of the Act, player activity statements relating to the playing of approved gaming machines by the participants in a player reward scheme conducted by the hotelier or club must –</p> <p>(a) be made available, on request by the participant to whom any such statement relates in either of the following forms:</p> <p>(i) within or using the cashless gaming technology, or</p> <p>(ii) at the hotel or club premises.</p>
A	Clause 42(3)	<p>Insert new subclause 42(3)(g):</p> <p>(g) If a participant’s player activity statement is being made available within or using the cashless gaming technology, the following information is the minimum information that must be included:</p> <p>(i) losses,</p> <p>(ii) wins,</p> <p>(iii) total expenditure, and</p> <p>(iv) net result.</p>
A	Clause 43	<p>A hotelier or registered club must keep a record or copy of any player activity statement made available by the hotelier or club (whether or not provided under section 45(4) of the Act), unless the player activity statement is made available within or using cashless gaming technology.</p>
A	Clause 45(b)	<p>(b) the participant must give an undertaking, either written and signed or using cashless gaming technology, that the participant will not gamble in the hotel or club premises for the period specified in the undertaking.</p>
A	Clause 45(d)	<p>(d) the participant must be provided by the hotelier or club, or an employee of the hotelier or club, or a person acting on behalf of a hotelier or club (for example, a cashless gaming technology operator), with information outlining the name and contact details of the of the problem gambling counselling service referred to in clause 44(2).</p>
A	Clause 92(3)	<p>(3) Only one player card per person may be issued by a hotelier or registered club. However, this subclause does not prevent a hotelier or club from issuing a person with another player card as a replacement for one that has been lost, stolen or destroyed, or from issuing both a digital player card as well as a physical card.</p>
A	Clause 94(3)	<p>The following information must be provided to a person in writing at the time the person opens a player account as defined in section 45B of the Act – (existing)</p> <p>(3) The following information must be provided to a person at the time the person opens a player account during the period of the NSW Cashless Gaming Trial –</p>

		<p>The security of money in player accounts is the responsibility of both the *hotelier/*registered club (<i>*delete whichever does not apply</i>) and the account holder. The government and its agencies take no responsibility for any losses that might occur from the account.</p> <p>An account holder is solely responsible for ensuring that the account holder's personal identification number ("PIN") is kept confidential and that no other person has access to the account holder's player card. The account holder is liable for any losses that might arise from, or in connection with, the account holder's failure to comply with such responsibilities.</p> <p>Accounts other than a "player account" within the meaning of section 45B(1) of the Act (for example, "wallets" in relation to cashless gaming) is a financial product, and as such, the security of money in these non-player accounts are the responsibility of the account provider and the account holder. The government and its agencies take no responsibility for any losses that might occur from the account.</p>
A	Clause 97(2)	<p>A player activity statement must, on the request of a person who has a player account with a hotelier or registered club, be provided by the hotelier or club:</p> <ul style="list-style-type: none"> (a) on a monthly basis, or (b) on an ad-hoc basis if made available within or using the cashless gaming technology.
A	Clause 97(3)	<p>Insert new subclause 97(3)(f).</p> <p>(3)(f) if player activity statements are being made available within or using the cashless gaming technology, the following information is the minimum information that must be included:</p> <ul style="list-style-type: none"> (i) losses, (ii) wins, (iii) total expenditure, and (iv) net result.
A	Clause 97(7)	<p>(7) A player activity statement, if requested to be provided, is to be made available from the cashier or other appropriate outlet (including using cashless gaming technology) at the hotel or club concerned.</p>
A	Clause 98	<p>A hotelier or registered club must keep a record or copy of any player activity statement made available by the hotelier or club under this Part, unless the player activity statement is made available within or using cashless gaming technology.</p>