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ACT AUDITOR–GENERAL'S

PERFORMANCE AUDIT REPORT

Gaming machine licensee regulation

Report No. 4 / 2025

The ACT Audit Office acknowledges the Ngunnawal people as the traditional custodians of the ACT and recognises any other people or families with connection to the lands of the ACT and region.

The ACT Audit Office acknowledges and respects their continuing culture and the contribution they make to the life of this city and this region.

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PA 23/04

The Speaker
ACT Legislative Assembly
Civic Square, London Circuit
CANBERRA ACT 2601

Dear Speaker

I am pleased to forward to you a Performance Audit Report titled 'Gaming machine licensee regulation' for tabling in the Legislative Assembly pursuant to Subsection 17(4) of the *Auditor-General Act 1996*.

The audit has been conducted in accordance with the requirements of the *Auditor-General Act 1996* and relevant professional standards including *ASAE 3500 – Performance Engagements*.

Yours sincerely

Michael Harris
Auditor-General
25 June 2025

Contents

Summary

The Gambling and Racing Commission (GRC) is responsible for regulating gambling and racing activities in the ACT. Its primary functions include ensuring the integrity and fairness of gambling and racing in the ACT, educating the community on gambling harm and promoting responsible gambling practices. Through its regulatory efforts, the GRC seeks to minimise gambling-related harm and ensure that the gambling and racing industries operate transparently, responsibly and in a manner that contributes positively to the community.

Gaming machines offer a form of gambling. As at 1 April 2025, there are 3,569 gaming machines operating across 42 licensed venues in the ACT. Gross revenue from gaming machines in the ACT in 2023-24 was $186.55 million.

The audit considered the activities of the GRC to encourage gaming machine licensees' compliance with their legislative requirements.

Conclusions

Governance and administration

Governance and administrative arrangements for the oversight and planning of the GRC's activities to encourage licensee compliance with gaming laws need strengthening.

The functions of the GRC are undertaken by Access Canberra and its staff. A Memorandum of Understanding (MoU) between the GRC Board and Access Canberra does not provide an effective framework to guide the conduct of activities to encourage licensee compliance with gaming laws. The MoU does not provide clarity on the services to be provided by Access Canberra and expected standards of performance and delivery.

The GRC has documented, and refers to, a series of strategies and policies to guide its activities. While these provide useful guidance for the conduct of its activities, they have not been consistently supported by operational plans that specifically identify actions, initiatives and deliverables.

Communication and engagement

The GRC, through Access Canberra, undertakes various activities to communicate and engage with gaming machine licensees to encourage compliance with gaming laws.

The GRC undertakes business engagement and compliance visits with licensees and communicates issues and findings arising from these visits to the licensees. There is an opportunity, however, for the GRC to more effectively share the information arising from these visits more widely across licensees.

The GRC facilitates a range of training to staff and management of gaming machine licensees, which is well-received.

Compliance and enforcement

The GRC, through Access Canberra, undertakes various compliance and enforcement activities in relation to gaming machine licensees and their compliance with gaming laws.

In doing so, however, the GRC has not systematically assessed the risks of non-compliance with gaming laws and used this information to inform its compliance and enforcement regime. The GRC has not analysed compliance obligations under gaming laws of licensees, or itself, and used this analysis to design effective controls to address these risks or document their acceptance. In the absence of a systematic assessment of the legislation, and associated legislative compliance risks, the GRC is not in a position to effectively plan for, and undertake, risk-based compliance and enforcement activities.

The management of complaints about compliance with gaming laws is poor. The GRC Board has not had effective oversight of complaints management activity undertaken on its behalf by Access Canberra. Access Canberra has not effectively tracked and managed complaints that it receives and work that it undertakes to progress and respond to complaints is not effectively documented.

The management of investigations into potential non-compliance with gaming laws has been poor. The GRC Board has had poor oversight of investigations undertaken by Access Canberra on its behalf. The conduct of investigations has been inconsistent and has not consistently conformed to Access Canberra's requirements for investigations.

Evaluation and reporting

The GRC has sought to evaluate the effectiveness of its performance with reference to the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019*-2024. The GRC undertook an interim evaluation of its actions to progress the strategy in 2022 but has not effectively responded to the interim evaluation report or demonstrated how it would address shortcomings in its performance identified through the evaluation.

The GRC's annual reporting of its work to encourage licensee compliance with gaming laws does not support accountability or public transparency. The GRC's Accountability Indicators are measures of activity that do not provide assurance on its performance.

Key findings

Governance and administration

Paragraph

Gambling and Racing Commission Board

The GRC Board has previously used a *GRC Board Calendar of Activities/Events and Forward Planner* (Forward Planner) as a calendar of key dates to track responsibilities and events relevant to the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024* (Strategy for Gambling Harm Prevention). The Forward Planner included information on expected dates, status and identified responsibilities for a range of activities. The use of the Forward Planner was discontinued in 2024. The Forward Planner included information on a program for monitoring compliance with obligations to manage persons excluded from gaming venues. During this period, a multifocal compliance program was also conducted to examine licensee compliance with a variety of legislative obligations, including gaming laws. This activity was not identified on the 2020 or 2021 Forward Planner. No other activities were explicitly recognised on the Forward Planner in relation to encouraging gaming machine licensees' compliance with gaming laws. The use of the Forward Planner as a calendar of key dates to track responsibilities and events relevant to the Strategy for Gambling Harm Prevention has been inconsistent and ad hoc. 2.13

The GRC Board meets monthly, or more frequently as necessary, and has typically followed an established agenda for its meetings. There has been inconsistency in the way agenda items were structured and described in meeting minutes and minutes often lacked a thorough description of decisions that were made and actions that were recorded in relation to agenda items. 2.23

Information to the GRC Board on the conduct of investigations was regularly provided verbally and without supporting papers. A review of GRC Board minutes with respect to a specific investigation shows: 2.24

- it was inconsistently presented and documented across multiple agenda items across multiple meetings, thereby making it difficult to track the progress of the investigation; and
- there was a lack of detail on the matters discussed and any decisions that were made in relation to the investigation.

The GRC Board has established an Audit and Risk Committee as a sub-committee of the Board. The committee met twice in 2023-24. The committee developed an *Audit Plan of Works – 2022-23*, which focused predominantly on assurance activity with respect to financial management processes and the preparation of the GRC's annual financial statements. Although the GRC has advised it can 'utilise the ACT Government's … Internal Audit Services Panel to select contractors to conduct in-depth internal audits in areas that includes performance, compliance, and information technology' it has not done so. The GRC has not undertaken any internal 2.34

audits, nor has the Chief Minister, Treasury and Economic Development Directorate otherwise conducted any audits, with respect to the core functions of the GRC in regulating the gambling industry or encouraging licensee compliance with gaming laws. The GRC Board advised a GRC-specific internal audit is being planned for 2025 on its complaints management system.

It is better practice for a board to regularly assess its own performance. It is common for boards to undertake an internally managed board review on an annual basis and an externally facilitated review every few years. The GRC Board has not conducted a formal evaluation of its effectiveness, including the effectiveness of its activities to encourage gaming machine licensee compliance with gaming laws. 2.39

A Memorandum of Understanding (MoU) has been agreed between the GRC and Access Canberra. The MoU provides for Access Canberra to provide 'staff and support to the GRC on a cost recovery basis to enable the GRC to meet [its] responsibilities and obligations' and provides for the GRC Board to be able to access the broader resources and expertise of Access Canberra as needed. The GRC pays Access Canberra for the supply of services and in 2023-24 the GRC paid Access Canberra $5.66 million for its services. 2.62

Performance management and accountability arrangements receive little treatment in the MoU. The MoU does not identify, in specific detail: the services to be provided by Access Canberra to the GRC Board; or performance standards, or key performance indicators, specifically relevant to the services provided by Access Canberra for the purpose of the GRC. In the absence of a service catalogue or similar document that specifies the nature and extent of services provided, and performance standards against which Access Canberra's services can be reviewed and assessed, the GRC Board's ability to assess the quality of services provided by Access Canberra is compromised. In February 2025 the GRC advised that it has undertaken a review of the MoU with Access Canberra and has requested that a new agreement be negotiated which meets better practice for service agreements. This is expected to occur after ACT Machinery of Government (MoG) changes affecting Access Canberra are completed and take effect from 1 July 2025. 2.63

Strategic planning

In July 2023 the GRC released its first annual *Statement of Expectations*. The *Statement of Expectations* seeks to confirm Access Canberra's service delivery and provide industry and the broader community with insight into the areas of regulatory focus for the GRC. The *2023-24 Statement of Expectations* shows the GRC specifically intended to focus on monitoring gaming machine licensee compliance with requirements for the protection of excluded persons and the *2024-25 Statement of Expectations* shows the GRC intends to focus on monitoring gaming machine licensee compliance with requirements for managing and responding to signs of gambling harm. The development of the statements of expectations have not been informed by a risk assessment or similar analysis to inform the selection of priorities for the year. At the time of audit reporting the GRC Board was drafting a Board Strategic Plan for 2025 to 2028, which is expected to inform the GRC's *2025-26 Statement of Expectations*. 2.80

Access Canberra's *Accountability Commitment - Gaming and Racing Framework (October 2020)* sets out the objectives and general principles for compliance and enforcement activities undertaken by Access Canberra on behalf of the GRC. Access Canberra's *Regulatory Continuum – Fair Trading and Compliance* (last updated in July 2023) similarly outlines its compliance and enforcement model. The Regulatory Continuum identifies a three-pronged approach of: business education; business improvement engagement; and compliance monitoring and inspections. For 2024-25 the Regulatory Continuum identified an area of focus as 'licensee monitoring of and response to signs of gambling harm'. 2.89

In 2019, the GRC developed the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024* (Strategy for Gambling Harm Prevention). The Strategy focuses on developing, implementing and monitoring initiatives designed to prevent and reduce harm in the ACT. To support the implementation of the Strategy, the GRC has developed an Annual Work Plan each year since 2019-20. For the *2023-2024 Annual Work Plan*, activities were assigned against the five objectives of the Strategy. Unlike in previous years' Annual Work Plans, the activities assigned to each objective in the *2023-2024 Annual Work Plan* were not specific and lacked targets; the actions are not specific with respect to timeframes and deliverables, or roles and responsibilities. This has reduced transparency and accountability with respect to the GRC's planned activities. 2.101

Communication and engagement

Communication and engagement

The GRC developed a *Communication and Engagement Plan 2022-2023* for the Strategy for Gambling Harm Prevention. The Plan sought to apply a 'public health approach to raise awareness, reduce barriers to support and building capacity of the industry to respond, support and refer to those experiencing gambling harm'. In February 2025 the GRC advised that the Plan is being used as a working document and is intended to be updated when the Strategy for Gambling Harm Prevention is prepared in May 2025 after the 2024 Gambling Survey has been received. The Plan does not specifically identify a strategy or action with respect to discussing or disseminating lessons learnt from its compliance and enforcement activities across gaming machine licensees more broadly. 3.11

The GRC, through Access Canberra, has sought to engage with the gambling industry, and gaming machine licensees specifically, through a Gambling and Racing Commission Advisory Committee and an Industry Survey conducted in August 2022. The Advisory Committee does not have a specific role in encouraging gaming machine licensee compliance with gaming laws,but has received information on the GRC's compliance activities, details of research funded by the GRC, developments and initiatives in other jurisdictions and gambling policy reform. The Industry Survey sought information from the industry on gambling harm prevention materials. A similar survey has not been undertaken to seek the industry's views on the GRC's activities more generally, including with respect to encouraging licensee compliance with gaming laws. 3.22

In October 2022, Access Canberra undertook the ACT Gambling Exclusion Scheme Engagement Program, following the July 2022 release of a new version of the ACT Gambling Exclusion Database. Of the 24 gaming machine licensees in the ACT (i.e. Club groups), 22 chose to participate in the program and receive a visit. Various resources were disseminated to licensees during the conduct of the Program, which explained the key features of the ACT Gambling Exclusion Scheme Engagement Program. An Engagement Program Report was prepared and presented to the GRC Board. The Engagement Program Report did not explicitly report on the achievement of the measures of success and outcomes in the Engagement Program Plan, but did report against the plan's three outcomes. The Engagement Program Report identified a variety of feedback was received during the visits. The GRC (through Access Canberra) has not developed a plan for recognising and actioning the feedback that was received. 3.37

The Audit Office sought feedback from industry and community stakeholders on the activities of the GRC (and Access Canberra) to engage and communicate with gaming machine licensees. Stakeholders suggested there was a limited scope of education and engagement activities, which they perceived to be focused on: training for Gambling Contact Officers and Club Boards; and activities for Gambling Harm Awareness Week. Stakeholders identified a preference for more education and engagement activities to support compliance with gaming laws and further assistance in relation to providing information and research on better practice compliance. 3.48

Training programs

Recognition of the relevance and importance of training is set out in the *Gambling and Racing Code of Practice* (Code of Practice). Training programs are run by registered training organisations approved by Access Canberra and recorded in a Notifiable Instrument. The training programs must be consistent with the standard for a Responsible Service of Gambling course accredited under the Australian Quality Training Framework. The design and completeness of the training courses has not been supported by a risk assessment of licensee legislative obligations with a view to identifying whether: 3.53

- the training adequately covers the areas of gaming laws that present the highest risk of non-compliance; or
- there are potential gaps in the training or lack of coverage.

Licensee staff involved in providing gaming services must undertake Responsible Conduct of Gambling training every three years. Under the Code of Practice, the GRC (through Access Canberra) has a role in ensuring that the training is relevant, sufficiently comprehensive, accurate and up to date when it is approved. Once a course has been approved, however, Access Canberra does not have a process to periodically examine whether courses and their curriculum remain consistent with the requirements of gaming laws. None of the approved Responsible Conduct of Gambling training courses have been reviewed by Access Canberra since the release of the last notifiable instrument in 2016. 3.57

Gambling Contact Officers must undertake training on an annual basis. Training has been delivered under contracts with two external training providers. Survey responses from participants in the training consistently show a high level of satisfaction. 3.66

Training for members of Club Boards aims to provide information on issues associated with gambling harm. Prior to June 2023 only a single training session for 10 board members of a single club had been conducted. The impact of lockdowns due to the COVID-19 pandemic is noted to have affected this result. During 2023-24, however, six training sessions were provided with 43 participants attending. 3.70

Compliance and enforcement

Planning for licensee compliance and enforcement activity

The GRC has not prepared a legislative compliance framework, or similar tool, that seeks to document compliance obligations along with controls to address non-compliance risks, including controls to be implemented by licensees and controls to be implemented by the GRC (or Access Canberra on its behalf). 4.6

A review of the GRC's recognition of licensees' mandatory obligations through its regulatory activities as they relate to the scope of the audit shows that, of a total of 91 licensee obligations under gaming laws, the GRC's current regulatory activities could be expected to provide: 4.16

- assurance about licensee compliance with 25 obligations under gaming laws;
- partial assurance about licensee compliance with 40 obligations under gaming laws; and
- no assurance about licensee compliance with 14 obligations under gaming laws.

A review of the GRC's recognition of its own mandatory obligations through its regulatory activities as they relate to the scope of the audit shows that, of a total of 129 obligations for the GRC under gaming laws, the GRC's current regulatory activities could be expected to provide: 4.23

- assurance about its compliance with 17 obligations under gaming laws;
- partial assurance about its compliance with 32 obligations under gaming laws; and
- no assurance about its compliance with 66 obligations under gaming laws.

The GRC has not systematically analysed and documented the risks of non-compliance with gaming laws through a risk assessment exercise. The GRC's strategic risk register, which identifies a total of 12 risks, does not consider the risks of non- 4.29

compliance with legislation, along with the sources for such a risk. In February 2025 the GRC advised that it is working on finalising a revised strategic risk register.

In accordance with section 31 of the GRC Act, a person may lodge a complaint with the GRC about compliance with a gaming law of the Territory. Between July 2020 and November 2023, 48 complaints relating to gaming machines have been recorded by Access Canberra. Four significant complaints, for which further investigative activity was apparent, were reported to the GRC Board. Complaints for which no further investigative activity was apparent were not reported to the GRC Board. This means the GRC Board had limited oversight of the majority of complaints that were received and how they have been handled and resolved by Access Canberra. The GRC, or Access Canberra on its behalf, does not analyse complaints to understand trends with respect to licensee behaviour that could potentially inform its engagement and compliance activities. Since 2024 all complaints have been reported by Access Canberra at GRC Board meetings. 4.39

In 2014, the GRC implemented the ACT Gambling Exclusions Database (Exclusions Database) to facilitate recording and reporting of: gambling harm incidents; and gambler self-exclusion breaches. The most recent version of the Exclusions Database, revised and updated in 2022, has sought to improve the recording and accessibility of exclusion, revocation and incident data as well as monitoring and reporting functions. 4.53

Under gaming laws, licensees are required to report exclusion breaches and incidents of gambling harm within three trading days. The GRC, through Access Canberra, does not monitor licensee compliance with this requirement, despite the data being available within the database. A review of mandatory reporting data shows ongoing late reporting on the part of gaming machine licensees, including: 4.54

- 2,752 incidents were reported up to 7 days late;
- 423 incidents were reported up to 14 days late;
- 109 incidents were reported up to 28 days late;
- 109 incidents were reported more than 28 days late; and
- 179 incidents where the date of the event was incorrectly entered after it was recorded in the database.

Licensing and registration

Access Canberra officers in the Licensing and Registration Branch manage the licensing and registration of gaming venues and associated aspects such as gaming machine technicians and manufacturers on behalf of the GRC. In doing so, officers refer to various standard operating procedures for processing licensing and registration transactions, some of which have not been reviewed for a number of years. A review of 60 processed forms showed shortcomings in documentation of processes and evidence of decision-making. 4.67

The GRC Board is provided with a report of licensing and registration applications received and processed by the Access Canberra Licensing and Registration Branch at 4.68

each monthly meeting. Notwithstanding the information that is available, neither Access Canberra nor the GRC Board analyses the data to understand trends with respect to licensee behaviour that could generate improved insights to inform regulatory activities. The use of a bespoke legacy information system to record this data means that any analysis would require high-volume manual processing, and would introduce a greater risk of human error.

Licensee compliance and enforcement

Access Canberra conducted a multifocal compliance program of gaming machine licensees in early 2021. It found a low level of compliance, with only 17.5 percent of licensees being compliant with all 287 requirements assessed in the program. Follow up inspections were conducted, after which 97.0 percent of licensees were compliant after having been made aware of instances of non-compliance on the first visit. The program also included inspection of 1,826 gaming machines of which 80.0 percent were compliant with gaming laws. The GRC continues to place reliance on this work, but in doing so has not assessed the risk of non-compliant behaviour returning. 4.80

The 2023 Excluded Persons Program had a stated objective ‘to reduce the number of excluded persons accessing a gaming area and reduce the number of excluded persons being paid winnings’. The program involved inspections of all 45 licensees of gaming machines. Supporting documentation for the program shows records of inspections were not available for 19 of the 45 licensees inspected by Access Canberra. Inspections were limited to queries with the venue manager and did not involve discussions with Gambling Contact Officers or other venue staff. 4.93

The review of licensee documentation was limited to whether policies and procedures for the exclusion scheme existed, but did not involve an assessment of their quality or comprehensiveness. Licensees advised that feedback would be welcomed, as would the sharing of better practice. The GRC Board and Access Canberra advised that they do not approve or endorse documents and the onus is on licensees to ensure they comply with relevant requirements. 4.94

Access Canberra has undertaken ad hoc compliance inspections to follow up on issues identified in the 2021 multifocal compliance program. There was no evidence of planning, including an assessment of risks by individual licensees, to inform the scope of the ad hoc program and the selection of licensees. Nine licensees were inspected, of which eight were identified as ’non-compliant’. Following feedback from Access Canberra, licensees were given the opportunity to address areas of non-compliance. A further inspection was conducted at the eight non-compliant licensees and all eight were subsequently found to be compliant. 4.99

The GRC Board had poor processes to oversight investigations undertaken by Access Canberra prior to April 2023. Access Canberra investigations were not managed consistently and lacked formal oversight. Since April 2023, Access Canberra implemented the Regulatory Activity Monitor to provide oversight of investigations and make recommendations to the GRC Board on potential investigation activity. 4.135

Three completed investigations were considered by the audit. While investigation updates were provided to the GRC Board, they were often verbal and not always provided regularly. For one matter that has taken a significant period of time to be completed, there were significant gaps in board updates. Access Canberra's investigation policy requires an investigation plan and evidence matrix be prepared at the outset of the investigation to guide its conduct; both of these were evident in one investigation, while another only had an investigation plan and another only had an evidence matrix. Advice to the GRC Board to support decisions for two investigations was comprehensive, but one investigation had evidence of inaccuracies in the support for the decision made. 4.136

Evaluation and reporting

Evaluation activities

An interim evaluation of the Strategy for Gambling Harm Prevention was conducted by an external consulting firm in 2022. A *Strategy Interim Evaluation Report 2019-2022* was produced in June 2023, which found the Strategy had 'reduced some of the risks of gambling harm for some people in the ACT, with substantial opportunities for further gains to be made'. Following the interim evaluation, the consulting firm that conducted the evaluation provided the GRC with an Outcomes Monitoring Framework 'to allow the Commission to measure the impact of its Strategy for its remaining duration' and 'build on the findings of the interim evaluation, including assessment of information gaps, to enable a more complete assessment of the impact of the Strategy after five years implementation'. 5.12

Although this was not its initial intention, the Outcomes Monitoring Framework represents an opportunity to direct compliance and enforcement activity as it supports monitoring the impact of its work to reduce gambling harm. There has been no further work to develop the Framework or use it to inform gaps in the GRC's monitoring and evaluation activities or compliance and enforcement activities. 5.13

The Outcomes Monitoring Framework is comprised of 13 indicators and 42 measures, which are intended to assess progress towards the objectives of the Strategy for Gambling Harm Prevention. Reporting against the Framework is expected to be supported by information from 12 data sources, including quantitative measures identified in the Framework itself and additional quantitative and qualitative information. Two performance indicators identified in the Outcomes Monitoring Framework appear to be specifically relevant to gaming machine licensees' legislative obligations for compliance: *Performance Indicator 2.2 - Increased understanding about gambling harm by the gambling industry*; and *Performance Indicator 4.1 - Increased functionality of the exclusion scheme and incident recording register*. 5.26

The Outcomes Monitoring Framework identifies additional data sources relevant to inform an assessment of performance against *Performance Indicator 4.1*. The additional data sources include information associated with the operation of the Gambling Exclusions Database and GRC or ACT Gambling Support Service 'initiatives 5.27

to increase the functionality of the exclusion scheme' as well as an assessment of understanding of the variation in the gambling harm prevention cultures and commitment in licensed venues. The GRC (through Access Canberra) has not used any of these additional data sources to analyse trends, themes or issues associated with licensee compliance with gaming laws or to otherwise help determine the priorities for its compliance programs.

Annual reporting

The GRC has a strategic objective in its annual Statement of Intent in relation to gambling operators' compliance with legislation: *Strategic Objective 2 - Ensure Gambling Operators' Compliance With Legislation*. The GRC identified two Strategic Indicators as relevant to supporting the Objective, one of which was specifically relevant to compliance and enforcement: *Strategic Indicator 2: Regulatory Education and Engagement Activities Result in a Decreasing use of Formal Enforcement Powers*. No data was provided in the GRC's *2023-24 Annual Report* (or *2022-23 Annual Report*) to support Strategic Indicator 2 to show the effectiveness of regulatory education and engagement activities. 5.36

Up to 2022-23, the GRC had four Accountability Indicators directly relevant to its work to encourage licensee compliance with gaming laws. This included an indicator that showed rates of compliance following compliance and inspection activity. In 2023-24, the GRC significantly reduced the scope of its Accountability Indicators. Two of these indicators are binary in nature ('the GRC has a public statement of expectation' and 'regulatory activity in line with the public statement is reported annually' and are simply satisfied by the GRC publishing its planned regulatory activity on its website and providing a statement to the Minister for Government Services and Regulatory Reform (that is not publicly available). The simplification of the Accountability Indicators and their reduction in scope does not provide useful information on the performance of the GRC and its effectiveness in regulating gaming operators, including gaming machine licensees. 5.48

The GRC reports on its compliance and enforcement activities in its annual report. The GRC reports the number of complaints received and resolved each year as well as information on compliance inspections and detected breaches of gaming laws. The GRC does not: 5.53

- have a documented and established procedure in place to produce this reporting; or
- prepare evidence and working papers to support the preparation of this data and its accuracy.

Recommendations

Recommendation 1	Gambling and Racing Commission Board

The Gambling and Racing Commission Board should ensure meeting minutes effectively document the conduct of Board meetings and provide a sufficient basis for Board decisions.

Recommendation 2	Internal audit activities

The Gambling and Racing Commission Board should:

a) enhance the effectiveness of its Audit and Risk Committee by including independent, appropriately qualified, member(s) separate to the Board; and

b) develop and implement a GRC-specific internal audit program to complement that undertaken by the Directorate that:

   i) reflects the obligations of the GRC under section 6 of the *Gambling and Racing Control Act 1999*; and

   ii) considers risks associated with the administration of gaming laws and licensee non-compliance with the gaming laws.

Recommendation 3	Memorandum of Understanding between Gambling and Racing Commission and Access Canberra

The Gambling and Racing Commission Board and Access Canberra should review and amend the MoU, with a view to better articulating and describing in the MoU key matters including:

a) the services to be provided by Access Canberra and associated performance standards; and

b) regular and timely review processes, which focus on the delivery of services to agreed performance standards.

Recommendation 4	Planning for compliance with gaming laws

The Gambling and Racing Commission Board should:

a) continue its efforts to develop a strategic plan to guide the activities of the Board;

b) as part of developing future statements of expectations assess and document the risk of licensee non-compliance with gaming laws; and

c) document and implement operational plans that address the risk of licensee non-compliance with gaming laws. (This may be through existing processes for annual work plans.)

Recommendation 5 Annual work plans

The Gambling and Racing Commission Board should ensure its annual work plans include specific and measurable actions that are supported by clearly identified timeframes, roles and responsibilities and performance targets.

Recommendation 6 Communication and engagement activities

The Gambling and Racing Commission Board should, as part of its forthcoming review of its communication and engagement planning, document and implement communication activities and initiatives that specifically:

a) address licensee compliance with gaming laws;

b) address feedback received from licensees and community stakeholders on compliance with gaming laws, and document its response to these issues; and

c) encourage sharing of better practice and lessons learned from licensee non-compliance and other jurisdictions.

Recommendation 7 Approved training programs

The Gambling and Racing Commission Board should:

a) undertake periodic reviews of registered training providers to ensure they remain fit-for-purpose and continue to deliver training required to support licensee compliance with gaming laws; and

b) undertake periodic assessments of the content of approved training programs to ensure they remain relevant, comprehensive and up-to-date.

Recommendation 8 Legislative compliance risk assessment

The Gambling and Racing Commission Board should:

a) undertake a legislative compliance risk assessment that assesses the risks of licensee and GRC non-compliance with gaming laws; and

b) document, implement and monitor controls to address any unacceptable risks.

Recommendation 9 Gambling exclusions breaches and incidents management

The Gambling and Racing Commission Board should formally establish and implement procedures to review the use of the ACT Gambling Exclusions Database. This should include:

a) consideration of the timeliness of reporting incidents of exclusion breaches and incidents of gambling harm by licensees; and

b) analysis of data related to breaches and incidents for the purpose of understanding licensee behaviours and informing the Commission's compliance activities.

Recommendation 10 Licensing and registration

The Gambling and Racing Commission Board should:

a) implement formal procedures to guide the conduct of its licensing and registration processes to facilitate consistency in its assessment of applications; and

b) analyse data obtained through licensing and registration activities to understand trends with respect to licensee behaviour that could inform future regulatory and compliance activities.

Recommendation 11 Compliance activity effectiveness

The Gambling and Racing Commission Board should document and implement appropriate quality assurance and evaluation methodologies to assess the effectiveness of its compliance activities and programs.

Recommendation 12 Oversight of investigations

The Gambling and Racing Commission Board should undertake a more active role in the oversight of investigations into potential non-compliance with gaming laws, through:

a) oversight and approval of investigation planning documentation at the commencement of investigations; and

b) review of regular written reports on the conduct of investigations.

Recommendation 13 Outcomes Monitoring Framework

The Gambling and Racing Commission Board should use the Outcomes Monitoring Framework developed in 2022 to inform planning for its ongoing activities to encourage licensee compliance with gaming laws. This could include recognising data sources identified in the Framework to:

a) facilitate reporting on its effectiveness in encouraging licensee compliance; and

b) inform priorities for its activities to encourage licensee compliance.

Recommendation 14	Annual reporting

The Gambling and Racing Commission Board should:

a) adopt Accountability Indicators that provide meaningful information on the performance of the GRC in encouraging licensee compliance with gaming laws;

b) faithfully and accurately report its performance in addressing complaints, completing compliance inspections and addressing breaches of gaming laws in its annual report; and

c) develop and implement reporting procedures that ensure appropriate supporting documentation is retained to allow validation and analysis of performance.

Agencies' responses

In accordance with subsection 18(2) of the *Auditor-General Act 1996*, the ACT Gambling and Racing Commission and Access Canberra (Chief Minister, Treasury and Economic Development Directorate) was provided with:

- a draft proposed report for comment. All comments were considered and required changes were reflected in the final proposed report; and
- a final proposed report for further comment. All comments were considered and required changes were reflected in the final report.

In accordance with subsection 18(3) of the *Auditor-General Act 1996* other entities with an interest in the report were also provided with extracts of the draft proposed report and final proposed report for comment. All comments were considered and required changes were reflected in the final proposed report.

As part of the final proposed report process, agencies were invited to provide comments for inclusion in the final report in the Summary chapter. No comments were provided for inclusion in this Summary chapter.

1 Introduction

Gambling in the ACT

1.1 Gambling in Australia is prevalent. The Australian Institute of Family Studies publication *Understanding gambling harm and ways to identify those at risk* states:

> *Australians spend more on gambling per capita each year than any other country, around $1,300 per adult. Over a third of Australian adults (35% of 6.5 million people) gambled in a typical month in 2018.*[1]

1.2 Table 1-1 shows total gambling turnover in the ACT for the five years to 2022-23. Gambling turnover refers to the total amount wagered by gamblers before any winnings are paid out or losses are incurred.

Table 1-1 ACT gambling turnover (2018-19 to 2022-23) ($ million)

Year	Casino	Gaming machines	Keno	Lotteries	Wagering	Total
2018–19	125.4	1,981.4	71.1	62.3	192.4	2,432.6
2019–20	87.1	1,498.7	125.6	57.4	582.0	2,350.7
2020-21	135.4	1,869.4	217.0	55.9	730.1	3,007.8
2021-22	132.0	1,738.9	247.0	66.6	854.0	3,038.6
2022-23	174.3	2,249.2	180.0	66.8	813.5	3,483.5
Total	**654.1**	**9,337.5**	**840.4**	**309.0**	**3,172.0**	**14,313.1**

Source: Queensland Treasury (2022) *Australian Gambling Statistics*, Queensland Treasury, accessed 18 October 2024.

1.3 During the five-year period to 2022-23, gaming machines were the highest wagered gambling activity, accounting for $9.3 billion wagered. The next highest gambling activity was wagering[2] ($3.1 billion), followed by keno ($840 million), casino ($654 million) and lotteries ($309 million).

1.4 In the ACT, in the five years to 2022-23, $14.3 billion was wagered on various gambling activities.

[1] Australian Institute of Family Studies (2021), *Understanding gambling harm and ways to identify those at risk*, December 2021.

[2] Wagering in this context refers to 'all legal forms of gambling on racing, sporting events and other approved events (e.g. elections). Wagering includes all the racing and sports betting activities'. (Queensland Treasury (2022)).

Gaming machines

1.5 Gaming machines, also known as poker machines or pokies, are machines which create a game of chance for players. The machines display a set of reels with various symbols that spin when activated. The combinations of symbols that are displayed when the reels stop determine payouts. While historically gaming machines used levers to spin physical reels, modern machines use computer technology to operate their functions.

1.6 There are 3,569 gaming machines operating across 42 licensed venues in the ACT (as at 1 April 2025).[3] Gaming machines are primarily operated by clubs in the ACT. They are also operated by a few hotels and taverns. Unlike other Australian jurisdictions, the ACT does not permit gaming machines to be operated in casinos.

1.7 Table 1-2 shows the total revenue for gaming machines in the ACT in the three years to 2023-24. Gaming machine revenue refers to the gross revenue made on gaming machines before tax.

Table 1-2 ACT gaming machine revenue (2021-22 to 2023-24) ($ million)

Year	Gross gaming machine revenue – clubs
2021-22	$143.54
2022-23	$188.30
2023-24	$186.55

Source: ACT Gambling and Racing Commission, *Gaming Machine Revenue and Tax*, accessed 21 October 2024

1.8 There was an increase of approximately $44.76 million in gross gaming machine revenue between 2021-22 and 2022-23 (an increase of 31.1 percent). The impact of the COVID-19 pandemic on licensees and venues being forced to close during the August – October 2021 lockdown is noted to have affected gaming machine revenue during 2021-22. Between 2022-23 and 2023-24, there was a decrease of $1.75 million in gross gaming machine revenue (a decrease of 0.9 percent).

Community attitudes to gambling

1.9 A 2019 survey by the Australian National University Centre for Gambling Research noted:

- the ACT adult population holds a predominantly negative attitude towards gambling. ACT residents were most negative about online gambling and gaming machines, with most ACT residents agreeing that they did more harm than good for the community (online gambling 69.8 percent and gaming machines 64.3 percent);

[3] ACT Gaming and Racing Commission, *Trading Scheme Information as at 1 April 2025*, ACT Gaming and Racing Commission, accessed 12 May 2025.

- approximately one in 10 gamblers experiencing harm did not know where to look for gambling help;
- about a third of adults (33.9 percent) had heard of the ACT's self-exclusion program and awareness was higher amongst gamblers (39.6 percent) and gaming machine players (47.9 percent);
- just under half the ACT adult population supported changing the current $200 ATM withdrawal limit (46.1 percent) and $250 EFTPOS limit (48.6 percent) in clubs;
- on average people who supported change suggested a $136 limit (a 32.5 percent reduction) in ATM withdrawals and a $147 limit (a 41.2 percent reduction) in EFTPOS withdrawals; and
- about half (49.4 percent) thought the current $10 maximum bet per spin limit on gaming machines should be changed. On average the people who supported change suggested a $6.92 (a 30.8 percent reduction) in the maximum bet limit.[4]

ACT Gambling and Racing Commission

1.10 The ACT Gambling and Racing Commission (GRC) is responsible for regulating gambling in the Territory. It is responsible for administering the *Gambling and Racing Control Act 1999* (GRC Act) and associated legislation (referred to throughout this report as gaming laws).

1.11 The GRC is established under section 5 of the GRC Act. The GRC Act establishes two distinct functions for the GRC:

- the regulation of gaming activities in the Territory; and
- monitoring and researching the social and economic effects of gambling.

1.12 Subsection 6(2) of the GRC Act provides that the functions of the GRC include:

(a) regulating –

(i) the activities of casinos; and

(ii) machine gaming; and

(iii) lotteries; and

(iv) racing as provided in the *Racing Act 1999;* and

(v) betting; and

(vi) interactive gambling;

(b) approving gaming and racing activities;

[4] Australian National University Centre for Gambling Research (2019), 2019 ACT Gambling Survey

(c) monitoring and researching the social effects of gambling and of gambling harm;

(d) providing education and counselling services;

(e) engaging in community consultation, as appropriate, on matters related to its functions;

(f) reviewing legislation and policies related to gaming and racing and making recommendations to the Minister on those matters;

(g) monitoring, researching, and funding activities relating to gaming and racing;

(h) investigating and conducting inquiries into –

(i) issues related to gaming and racing; and

(ii) activities of people in relation to gaming and racing, for the purpose of exercising functions under a gaming law;

(i) collecting taxes, fees and charges imposed or authorised by or under gaming laws.

1.13 Section 7 of the GRC Act provides direction to the GRC on how to conduct its functions:

> The commission must exercise its functions in the way that best promotes the public interest, and in particular, as far as practicable—
>
> (a) promotes consumer protection; and
>
> (b) minimises the possibility of criminal or unethical activity; and
>
> (c) reduces the risks and costs, to the community and to the individuals concerned, of gambling harm.

Oversight and regulation of gaming machines

1.14 By virtue of subparagraph 6(2)(a)(ii) of the GRC Act the GRC oversights and regulates gaming machines in the Territory. It does this by:

- licensing operators;
- certifying gaming machines and their associated software; and
- enforcing compliance with technical and legal standards.

Governance and administration

Gambling and Racing Commission Governing Board

1.15 The GRC has a governing board in accordance with Division 2.2 of the *Gambling and Racing Control Act 1999 Act*. The GRC Board is established under section 11 of the GRC Act and section 12 outlines the eligibility requirements for board members. Section 12 of the GRC Act provides for the GRC Board to have five members, one of whom 'must have knowledge, experience or qualifications related to providing counselling services to people experiencing gambling harm'.

1.16 The GRC Board has undergone a renewal process. The process of changing members of the board commenced in December 2023 and by early 2025 the entire board was renewed.

1.17 Section 13 of the GRC Act establishes the role of the Chief Executive Officer. The CEO is appointed in accordance with section 80 of the *Financial Management Act 1996* (the FMA Act) and is a member of the GRC Board by virtue of subsection 80(4) of the FMA Act.

Access Canberra

1.18 In practice the functions of the GRC are undertaken by Access Canberra and its staff.

Memorandum of Understanding

1.19 The GRC has a Memorandum of Understanding (MoU) with the Chief Minister, Treasury and Economic Development Directorate (Access Canberra). The MoU states:

> This agreement documents the arrangement between Access Canberra and the GRC in relation to work commissioned by the GRC for the administration of the gaming laws including the control, supervision and regulation of gaming and racing in the ACT. The agreement provides for the GRC to perform its functions and obligations as specified in section 6 of the Act and outlined in the GRC Statement of Intent.

1.20 The MoU further states:

> Access Canberra acknowledges the responsibilities and obligations of the GRC as a statutory authority including those specified in the Act, other Gaming Laws and Statement of Intent. Access Canberra will provide staff and support to the GRC on a cost recovery basis to enable the GRC to meet these responsibilities and obligations.

Chief Executive Officer

1.21 The Chief Executive Officer (CEO) of the GRC is the Executive Branch Manager, Corporate Support and Capability within Access Canberra. The CEO is responsible for providing advice, implementing Board decisions and meeting the Commission's objectives within a whole of government context.

Senior Officer

1.22 Operating under the direction of the CEO and the Executive Branch Manager, Corporate Support and Capability, a Senior Officer works with the relevant areas of Access Canberra to service the needs of the GRC Board.

1.23 According to the MoU the Senior Officer:

> … will work with the relevant executive of Access Canberra to service the needs of the Board. The Senior Officer will coordinate activities across the policy and governance, regulatory compliance and licensing functions within Access Canberra, as they relate to work commissioned by the Board. The Senior Officer will ensure all relevant Access Canberra officials, including specialists and executives, are available to service the Board as required.

1.24 The Senior Officer is responsible for overseeing the work and activities of the Gambling and Harm Prevention Team (GaHP). The GaHP is a team of approximately six full-time equivalent staff that is responsible for GRC gambling harm-related functions including:

- the GRC's activities to increase public awareness of gambling harm and available supports through activities such as the production of promotional material and organising the Gambling Harm Awareness Week;
- managing contracts for the training of club board members and gambling contact officers;
- managing and supporting the GRC's gambling research;
- managing the contract for the ACT Gambling Support Service;
- administering the ACT Gamblers Exclusion Database; and
- monitoring and evaluating the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024* (Strategy for Gambling Harm Prevention).

Key legislation

1.25 Key legislation relevant to the GRC’s administration of gaming machine regulation includes:

- *Gambling and Racing Control Act 1999*;
- *Gambling and Racing Control (Code of Practice) Regulation 2002* (the Code of Practice);
- *Gaming Machine Act 2004*; and
- *Gaming Machine Regulations 2004.*

Gambling and Racing Control (Code of Practice) Regulation 2002

1.26 The Code of Practice sets out the compliance obligations of licensees regardless of the type of gambling involved. The Code of Practice outlines practices such as:

- the conduct of gambling activities;
- exclusion from gambling activities; and
- advertising, promotions and inducement activities.

1.27 The Code of Practice also sets out penalties for non-compliance.

Audit objective and scope

Audit objective

1.28 The objective of the audit was to assess the Gambling and Racing Commission's effectiveness in encouraging gaming machine licensees' compliance with their legislative requirements.

Audit scope

1.29 The audit focused on the GRC's activities to encourage gaming machine licensees' compliance with relevant legislation:

- *Gambling and Racing Control Act 1999*;
- *Gaming Machine Act 2004*;
- *Gaming Machine Regulations 2004*; and
- *Gambling and Racing Control (Code of Practice) Regulation 2002*.

1.30 The audit considered the following broad categories of activity undertaken by the GRC:

- **Business education:** working with businesses to answer their queries and concerns and explain regulatory obligations;
- **Business improvement engagement:** engage with licensees to improve identified compliance failures and support ongoing voluntary compliance with legislation; and
- **Compliance monitoring audits and inspections:** undertake checks and proactive inspections to monitor compliance.

1.31 The activities included 'engagement and compliance' visits to licensees by the GRC to encourage compliance with relevant legislation.

Access Canberra

1.32 Access Canberra undertakes work on behalf of the GRC as commissioned by the GRC Board. These services are governed by a Memorandum of Understanding (MoU) between the GRC and the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). The MoU provides for the administration of gaming legislation including the control, supervision and regulation of gambling in the ACT.

Audit focus

1.33 The audit considered the GRC's planning, delivery and review of its activities to encourage gaming machine licensees' compliance with legislative requirements. The audit focused on activities since September 2020, which was when the GRC commenced planning for a significant compliance program across gaming machine licensees (the multifocal compliance program).

Planning

1.34 The audit considered the GRC's planning of its activities to encourage compliance with relevant legislation. This included consideration of:

- governance arrangements established by the GRC;
- strategies, policies and procedures developed by the GRC;
- roles and responsibilities for the GRC's activities; and
- the use of data and data analytics to inform the GRC's activities.

Delivery

1.35 The audit considered the GRC's delivery of its activities to encourage compliance with relevant legislation. This included consideration of the GRC's:

- conduct of activities against relevant strategies, policies and procedures; and
- documentation and communication of the results of its activities with licensees.

Review

1.36 The audit considered the GRC's review of its activities to encourage compliance with relevant legislation. This included consideration of the GRC's:

- review and evaluation of the results of its activities to evaluate their effectiveness;
- use of the results of its activities to inform future strategies, policies and procedures; and
- reporting of the performance of its activities, including outputs and outcomes achieved.

Out of scope

1.37 The audit did not consider:

- research activities with respect to gambling harm in the ACT;
- activities with respect to other forms of gambling such as racing, lotteries, casino, betting and interactive gambling;
- activities to raise awareness of gambling harm in the community; and
- activities in collecting taxes, fees and charges imposed or authorised by or under gaming laws.

1.38 Additionally, the audit did not consider the management and administration of the Gambling Harm Prevention and Mitigation Fund including:

- decision making associated with the selection of programs and activities for funding; and
- the evaluation of programs and activities supported through the Fund.

Audit criteria, approach and method

Audit criteria

1.39 To form a conclusion against the objective, the following criteria were used:

- Does the GRC effectively plan for its activities to encourage licensees' compliance with relevant legislative requirements?
  - Has the GRC established effective governance arrangements for its activities?
  - Has the GRC developed effective strategies, policies, and procedures to guide its activities?
- Does the GRC effectively implement its activities to encourage licensees' compliance with relevant legislative requirements?
  - Does the GRC conduct its activities in accordance with strategies, policies, and procedures?
  - Does the GRC document its activities?
  - Does the GRC communicate issues and findings with licensees?
- Does the GRC effectively review its activities to encourage licensees' compliance with relevant legislative requirements?
  - Does the GRC review the results of its activities to evaluate their effectiveness?
  - Does the GRC use the results of its activities to inform future strategies, policies, and procedures?

Audit approach and method

1.40 The audit was performed in accordance with *ASAE 3500 – Performance Engagements.* The audit adopted the policy and practice statements outlined in the Audit Office's *Performance Audit Methods and Practices* (PAMPr) which is designed to comply with the requirements of the *Auditor-General Act 1996* and *ASAE 3500 – Performance Engagements.*

1.41 In the conduct of this performance audit the ACT Audit Office complied with the independence and other relevant ethical requirements related to assurance engagements.

1.42 The audit approach and method consisted of:

- identifying and reviewing relevant information and documentation for the GRC's planning activities including governance arrangement documentation and strategies, policies and procedures;
- reviewing information presented to the GRC Board and its consideration of this material;
- identifying and reviewing relevant information and documentation for the GRC's implementation activities including complaints handling, inspection reports and issue/s documentation;
- reviewing legislation relevant to the GRC's regulatory activities and identifying the existence and completeness of controls that could be used to monitor legislative compliance;
- reviewing activities the GRC use to ensure licensees and their staff are aware of their responsibilities including training programs and business engagement activities;
- reviewing selections of licensee and gaming industry transactions processed by Access Canberra;
- identifying and reviewing relevant information and documentation for the GRC's review activities including evaluation frameworks, data analysis, public reporting and evaluation reports;
- observing licensee compliance visits conducted by Access Canberra; and
- interviews and discussion with key staff at the GRC, Access Canberra and other stakeholders.

2 Governance and administration

2.1 This chapter considers the GRC's governance and administrative arrangements and its planning of activities to encourage gaming machine licensee compliance with relevant gaming laws.

Summary

Conclusions

Governance and administrative arrangements for the oversight and planning of the GRC's activities to encourage licensee compliance with gaming laws need strengthening.

The functions of the GRC are undertaken by Access Canberra and its staff. A Memorandum of Understanding (MoU) between the GRC Board and Access Canberra does not provide an effective framework to guide the conduct of activities to encourage licensee compliance with gaming laws. The MoU does not provide clarity on the services to be provided by Access Canberra and expected standards of performance and delivery.

The GRC has documented, and refers to, a series of strategies and policies to guide its activities. While these provide useful guidance for the conduct of its activities, they have not been consistently supported by operational plans that specifically identify actions, initiatives and deliverables.

Key findings

Gambling and Racing Commission Board	Paragraph
The GRC Board has previously used a *GRC Board Calendar of Activities/Events and Forward Planner* (Forward Planner) as a calendar of key dates to track responsibilities and events relevant to the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024* (Strategy for Gambling Harm Prevention). The Forward Planner included information on expected dates, status and identified responsibilities for a range of activities. The use of the Forward Planner was discontinued in 2024. The Forward Planner included information on a program for monitoring compliance with obligations to manage persons excluded from gaming venues. During this period, a multifocal compliance program was also conducted to examine licensee compliance with a variety of legislative obligations, including gaming laws. This activity was not identified on the 2020 or 2021 Forward Planner. No other activities were explicitly recognised on the Forward Planner in relation to encouraging gaming machine licensees' compliance with gaming laws. The use of the Forward Planner as a calendar of key dates to track responsibilities and events relevant to the Strategy for Gambling Harm Prevention has been inconsistent and ad hoc.	2.13

The GRC Board meets monthly, or more frequently as necessary, and has typically followed an established agenda for its meetings. There has been inconsistency in the way agenda items were structured and described in meeting minutes and minutes often lacked a thorough description of decisions that were made and actions that were recorded in relation to agenda items. 2.23

Information to the GRC Board on the conduct of investigations was regularly provided verbally and without supporting papers. A review of GRC Board minutes with respect to a specific investigation shows: 2.24

- it was inconsistently presented and documented across multiple agenda items across multiple meetings, thereby making it difficult to track the progress of the investigation; and
- there was a lack of detail on the matters discussed and any decisions that were made in relation to the investigation.

The GRC Board has established an Audit and Risk Committee as a sub-committee of the Board. The committee met twice in 2023-24. The committee developed an *Audit Plan of Works – 2022-23*, which focused predominantly on assurance activity with respect to financial management processes and the preparation of the GRC's annual financial statements. Although the GRC has advised it can 'utilise the ACT Government's … Internal Audit Services Panel to select contractors to conduct in-depth internal audits in areas that includes performance, compliance, and information technology' it has not done so. The GRC has not undertaken any internal audits, nor has the Chief Minister, Treasury and Economic Development Directorate otherwise conducted any audits, with respect to the core functions of the GRC in regulating the gambling industry or encouraging licensee compliance with gaming laws. The GRC Board advised a GRC-specific internal audit is being planned for 2025 on its complaints management system. 2.34

It is better practice for a board to regularly assess its own performance. It is common for boards to undertake an internally managed board review on an annual basis and an externally facilitated review every few years. The GRC Board has not conducted a formal evaluation of its effectiveness, including the effectiveness of its activities to encourage gaming machine licensee compliance with gaming laws. 2.39

A Memorandum of Understanding (MoU) has been agreed between the GRC and Access Canberra. The MoU provides for Access Canberra to provide 'staff and support to the GRC on a cost recovery basis to enable the GRC to meet [its] responsibilities and obligations' and provides for the GRC Board to be able to access the broader resources and expertise of Access Canberra as needed. The GRC pays Access Canberra for the supply of services and in 2023-24 the GRC paid Access Canberra $5.66 million for its services. 2.62

Performance management and accountability arrangements receive little treatment in the MoU. The MoU does not identify, in specific detail: the services to be provided by Access Canberra to the GRC Board; or performance standards, or key performance indicators, specifically relevant to the services provided by Access 2.63

Canberra for the purpose of the GRC. In the absence of a service catalogue or similar document that specifies the nature and extent of services provided, and performance standards against which Access Canberra's services can be reviewed and assessed, the GRC Board's ability to assess the quality of services provided by Access Canberra is compromised. In February 2025 the GRC advised that it has undertaken a review of the MoU with Access Canberra and has requested that a new agreement be negotiated which meets better practice for service agreements. This is expected to occur after ACT Machinery of Government (MoG) changes affecting Access Canberra are completed and take effect from 1 July 2025.

Strategic planning

In July 2023 the GRC released its first annual *Statement of Expectations*. The *Statement of Expectations* seeks to confirm Access Canberra's service delivery and provide industry and the broader community with insight into the areas of regulatory focus for the GRC. The *2023-24 Statement of Expectations* shows the GRC specifically intended to focus on monitoring gaming machine licensee compliance with requirements for the protection of excluded persons and the *2024-25 Statement of Expectations* shows the GRC intends to focus on monitoring gaming machine licensee compliance with requirements for managing and responding to signs of gambling harm. The development of the statements of expectations have not been informed by a risk assessment or similar analysis to inform the selection of priorities for the year. At the time of audit reporting the GRC Board was drafting a Board Strategic Plan for 2025 to 2028, which is expected to inform the GRC's *2025-26 Statement of Expectations*. 2.80

Access Canberra's *Accountability Commitment - Gaming and Racing Framework (October 2020)* sets out the objectives and general principles for compliance and enforcement activities undertaken by Access Canberra on behalf of the GRC. Access Canberra's *Regulatory Continuum – Fair Trading and Compliance* (last updated in July 2023) similarly outlines its compliance and enforcement model. The Regulatory Continuum identifies a three-pronged approach of: business education; business improvement engagement; and compliance monitoring and inspections. For 2024-25 the Regulatory Continuum identified an area of focus as 'licensee monitoring of and response to signs of gambling harm'. 2.89

In 2019, the GRC developed the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024* (Strategy for Gambling Harm Prevention). The Strategy focuses on developing, implementing and monitoring initiatives designed to prevent and reduce harm in the ACT. To support the implementation of the Strategy, the GRC has developed an Annual Work Plan each year since 2019-20. For the *2023-2024 Annual Work Plan*, activities were assigned against the five objectives of the Strategy. Unlike in previous years' Annual Work Plans, the activities assigned to each objective in the *2023-2024 Annual Work Plan* were not specific and lacked targets; the actions are not specific with respect to timeframes and deliverables, or roles and responsibilities. This has reduced transparency and accountability with respect to the GRC's planned activities. 2.101

Gambling and Racing Commission Board

Functions of the GRC Board

2.2 Section 77 of the FMA Act defines the role of a governing board of a Territory authority:

(1) If a territory authority has a governing board, the governing board has the following functions:

(a) setting the authority's policies and strategies;

(b) governing the authority consistently with the authority's establishing Act and other relevant legislation;

(c) ensuring, as far as practicable, that the authority operates in a proper, effective and efficient way;

(d) ensuring, as far as practicable, that the authority complies with applicable governmental policies (if any).

2.3 In oversighting the activities of the GRC, the GRC Board must also consider the functions of the GRC, as defined by subsection 6(2) of the GRC Act:

(a) regulating—

(i) the activities of casinos; and

(ii) machine gaming; and

(iii) lotteries; and

(iv) racing, as provided in the *Racing Act 1999*; and

(v) betting; and

(vi) interactive gambling;

(b) approving gaming and racing activities;

(c) monitoring and researching the social effects of gambling and of gambling harm;

(d) providing education and counselling services;

(e) engaging in community consultation, as appropriate, on matters related to its functions;

(f) reviewing legislation and policies related to gaming and racing and making recommendations to the Minister on those matters;

(g) monitoring, researching, and funding activities relating to gaming and racing;

(h) investigating and conducting inquiries into—

(i) issues related to gaming and racing; and

(ii) activities of people in relation to gaming and racing, for the purpose of exercising functions under a gaming law;

(i) collecting taxes, fees and charges imposed or authorised by or under gaming laws.

2.4 Section 7 of the GRC Act provides direction to the GRC on how to conduct its functions and best promote the public interest:

> The commission must exercise its functions in the way that best promotes the public interest, and in particular, as far as practicable—
>
> (a) promotes consumer protection; and
>
> (b) minimises the possibility of criminal or unethical activity; and
>
> (c) reduces the risks and costs, to the community and to the individuals concerned, of gambling harm.

Membership of the GRC Board

2.5 Section 12 of the GRC Act requires the GRC Board to have five members including one person with 'knowledge, experience or qualifications related to providing counselling services to people experiencing gambling harm'. The audit did not explicitly consider the qualifications, or suitability of appointment, of the GRC Board members.

2.6 In practice the GRC Board has comprised:

- a Chair;
- a Deputy Chair;
- two other members; and
- the CEO of the GRC.

2.7 The term of appointment for GRC Board members is three years and members are eligible for re-appointment at the expiration of their term. The individual fulfilling the role of the CEO is a member of the GRC Board for the duration of their assignment to the role.

Role of the CEO

2.8 The role of the CEO of the GRC is undertaken by the Executive Branch Manager, Corporate Support and Capability in Access Canberra. Section 84 of the FMA Act outlines the following functions of a CEO for a territory authority with a governing board:

> (a) ensuring, as far as practicable, that the authority's statement of intent is implemented effectively and efficiently;
>
> (b) managing the day-to-day operations of the authority in accordance with—

(i) applicable governmental policies (if any); and

(ii) the policies of the authority set by the board; and

(iii) each legal requirement that applies to the authority;

(c) regularly advising the board about the operation and financial performance of the authority;

(d) immediately advising the board about significant events.

GRC Board activities

Board planning

2.9 The GRC Board has previously used a *GRC Board Calendar of Activities/Events and Forward Planner* (Forward Planner) to guide its activities. The Forward Planner has been considered at monthly meetings of the GRC Board. It has been used as a calendar of key dates to track responsibilities and events relevant to the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024* (Strategy for Gambling Harm Prevention). The Forward Planner included information on expected dates, status and identified responsibilities for the following activities:

- monthly board meetings;
- meetings of the Audit and Risk Committee and the GRC Advisory Committee;
- upcoming conferences and forums;
- parliamentary and annual reporting activities;
- harm prevention activities including training activities delivered by the GRC to Gambling Contact Officers and licensee boards;
- Gambling Harm Awareness Week events; and
- compliance activities.

2.10 The use of the Forward Planner was discontinued in 2024. The Forward Planners for the years 2020, 2021 and 2023 were reviewed to identify activities related to encouraging gaming machine licensees' compliance with gaming laws. The GRC did not provide a Forward Planner for 2022 and the Audit Office assumes one was not prepared.[5] The GRC advised that the use of the Forward Planner will recommence and one is being drafted for 2025.

2.11 Apart from training to be provided to Gambling Contact Officers and Club Boards (discussed in paragraphs 3.58 to 3.69) the only activity related to encouraging gaming machine

[5] In response to a request for the 2022 Forward Planner a representative of Access Canberra advised 'unfortunately, a GRC Board Calendar of Activities/Events and Forward Planner for 2022 is not available'.

licensees' compliance with gaming laws identified in the Forward Planners that were reviewed (2020, 2021 and 2023) was a program for monitoring compliance with obligations to manage persons excluded from gaming venues. This compliance activity was identified as delayed in 2020, pending in 2021 and on track in 2023.

2.12 A multifocal compliance program was completed in early 2021. The multifocal compliance program examined licensee compliance across a range of legislative obligations, including gaming laws. This activity, and its associated dates, was not identified on either the 2020 or 2021 Forward Planner. The multifocal compliance program is discussed further in paragraphs 4.69 to 4.80. No other activities, and their associated dates, were explicitly recognised on the Forward Planner in relation to encouraging gaming machine licensees' compliance with gaming laws.

2.13 The GRC Board has previously used a *GRC Board Calendar of Activities/Events and Forward Planner* (Forward Planner) as a calendar of key dates to track responsibilities and events relevant to the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024* (Strategy for Gambling Harm Prevention). The Forward Planner included information on expected dates, status and identified responsibilities for a range of activities. The use of the Forward Planner was discontinued in 2024. The Forward Planner included information on a program for monitoring compliance with obligations to manage persons excluded from gaming venues. During this period, a multifocal compliance program was also conducted to examine licensee compliance with a variety of legislative obligations, including gaming laws. This activity was not identified on the 2020 or 2021 Forward Planner. No other activities were explicitly recognised on the Forward Planner in relation to encouraging gaming machine licensees' compliance with gaming laws. The use of the Forward Planner as a calendar of key dates to track responsibilities and events relevant to the Strategy for Gambling Harm Prevention has been inconsistent and ad hoc.

Board meetings

2.14 The GRC Board meets monthly. Secretariat support is provided by Access Canberra staff.

2.15 The GRC Board has typically followed an established agenda for its meetings. Briefing papers and recommendations regarding significant issues have been prepared and presented to the Board for its consideration, endorsement and decision-making. A review of the minutes of meetings of the GRC Board between September 2020 and December 2023 shows there was regular consideration of:

- monthly activity statements from relevant Access Canberra business areas for activities undertaken on behalf of the GRC; and
- monthly activity reports from the CEO that discussed recent and upcoming activities, meetings and events.

2.16 During 2024, the GRC Board met more frequently. Additional special meetings were held for addressing and considering specific matters such as ongoing investigations. While meetings were usually focused on a specific issue, minutes were still maintained and provided a summary of the key matters discussed with action items tracked as part of established board meeting processes.

2.17 The declaration of conflicts of interest is a standing agenda item for GRC Board meetings. A review of the minutes of the GRC Board between September 2020 and December 2023 shows that declarations were regularly considered and discussed as necessary.

Board meeting minutes

2.18 Clear and accurate board meeting minutes are important for capturing decisions and the processes by which those decisions have been made. They also assist with communicating priorities to management and other staff, who are responsible for implementing the decisions. Board meeting minutes should capture sufficient detail to document decisions and withstand external scrutiny.

2.19 The minutes of GRC Board meetings held between September 2020 and November 2023 were reviewed for the purpose of the audit. Over this period there was inconsistency in the way agenda items were structured and described in meeting minutes. The minutes also often lacked a thorough description of decisions and actions in relation to agenda items. This made it difficult to understand decisions that were made and responsibilities and timeframes for actions that resulted.

2.20 Information to the GRC Board on the conduct of investigations was regularly provided verbally and without supporting papers. A review of GRC Board minutes with respect to a specific investigation shows:

- it was inconsistently presented and documented across multiple agenda items across multiple meetings, thereby making it difficult to track the progress of the investigation; and
- there was a lack of detail on the matters discussed and any decisions that were made in relation to the investigation.

2.21 Specifically with respect to the conduct of investigations, the GRC Board also noted that ‘Access Canberra has internal regulatory governance arrangements that supplement the GRC Board and can provide advice and inform direction of investigations’. Access Canberra’s arrangements for managing and oversighting investigations on behalf of the GRC is discussed in Chapter 4.

2.22 In the absence of written progress reports on the conduct of the investigation, and where verbal updates are provided instead, the minutes of meetings should comprehensively record and reflect in sufficient detail the information being presented for decision and the decision-making that followed. This did not occur.

2.23 The GRC Board meets monthly, or more frequently as necessary, and has typically followed an established agenda for its meetings. There has been inconsistency in the way agenda items were structured and described in meeting minutes and minutes often lacked a thorough description of decisions that were made and actions that were recorded in relation to agenda items.

2.24 Information to the GRC Board on the conduct of investigations was regularly provided verbally and without supporting papers. A review of GRC Board minutes with respect to a specific investigation shows:

- it was inconsistently presented and documented across multiple agenda items across multiple meetings, thereby making it difficult to track the progress of the investigation; and
- there was a lack of detail on the matters discussed and any decisions that were made in relation to the investigation.

Audit and Risk Committee

2.25 The GRC Board has established an Audit and Risk Committee. The GRC's *2023-24 Annual Report* identifies the objective of the Audit and Risk Committee is 'to provide assurance to the GRC Board on the GRC's risk, control and compliance framework, and its financial statement responsibilities'.

2.26 The Audit and Risk Committee is a sub-committee of the GRC Board. It has three members and is comprised solely of GRC Board members (excluding only the Chair and the CEO). The Audit and Risk Committee reports directly to the GRC Board. The Audit and Risk Committee does not include any independent members that are external to the GRC or Access Canberra. The GRC's *2023-24 Annual Report* identified that the committee met twice in 2023-24.

2.27 The *Framework for Internal Audit Committee and Function* (February 2020) issued by the Chief Minister, Treasury and Economic Development Directorate identifies key responsibilities of an audit committee as corporate governance and oversight as well as:

> … ensuring:
>
> - that internal audit activity is structured to achieve organisational independence;
> - the internal audit charter … permits full and unrestricted access to the governing body, top management and the audit committee;
> - unrestricted access by internal auditors to records, personnel, and physical properties where required; and

- the internal audit function is appropriately resourced and operating effectively.

2.28 An important part of ensuring that the GRC's internal audit function is appropriately resourced and operating effectively is through the implementation of an internal audit plan that addresses key areas of risk. The *Framework for Internal Audit Committee and Function* (February 2020) states:

> The [head of the internal audit function] should establish risk-based plans to determine the priorities of the internal audit activity that are consistent with the agency's goals.
>
> This planning is performed on an annual basis and for future strategic plans, for example three yearly to inform the development of the internal audit program and is reviewed by the audit committee and endorsed by the governing body.

2.29 The Audit and Risk Committee developed an *Audit Plan of Works – 2022-23*. The plan focused predominantly on assurance activity with respect to financial management processes and the preparation of the GRC's annual financial statements. It did not identify any internal audit or assurance activity with respect to the core functions of the GRC in regulating the gambling industry or encouraging licensee compliance with gaming laws.

2.30 The GRC's *2022-23 Annual Report* stated:

> The Commission has an Internal Audit Program which has been developed after identifying areas of potential operational and financial risk.
>
> …
>
> The Commission can utilise the ACT Government's Whole-of-Government Internal Audit Services Panel to select contractors to conduct in-depth internal audits in areas that includes performance, compliance, and information technology.

2.31 The GRC's *2023-24 Annual Report* subsequently removed the reference to the GRC having an internal audit program. The GRC Board advised this was to remove the risk of misunderstanding the role of the Chief Minister, Treasury and Economic Development Directorate's internal audit function, which the board placed reliance on for aspects of the GRC's core functions.

2.32 Through its focus on financial management processes and the preparation of the GRC's annual financial statements, the Audit and Risk Committee has undertaken reviews of specific documents and policies. During 2022-23, the committee reviewed specific documents including the:

- 2021-22 GRC financial statements;
- GRC risk register;
- GRC taxation risk appetite and policy and procedural documents for the recording of taxation treatments and obligations, including GST and the Superannuation Guarantee; and

- accounting treatment of unclaimed monies.

2.33 The GRC has not undertaken any internal audits, nor has the Chief Minister, Treasury and Economic Development Directorate otherwise conducted any audits, with respect to the core functions of the GRC in regulating the gambling industry or encouraging licensee compliance with gaming laws. The GRC Board advised a GRC-specific internal audit is being planned for 2025 on its complaints management system.

2.34 The GRC Board has established an Audit and Risk Committee as a sub-committee of the Board. The committee met twice in 2023-24. The committee developed an *Audit Plan of Works – 2022-23*, which focused predominantly on assurance activity with respect to financial management processes and the preparation of the GRC's annual financial statements. Although the GRC has advised it can 'utilise the ACT Government's … Internal Audit Services Panel to select contractors to conduct in-depth internal audits in areas that includes performance, compliance, and information technology' it has not done so. The GRC has not undertaken any internal audits, nor has the Chief Minister, Treasury and Economic Development Directorate otherwise conducted any audits, with respect to the core functions of the GRC in regulating the gambling industry or encouraging licensee compliance with gaming laws. The GRC Board advised a GRC-specific internal audit is being planned for 2025 on its complaints management system.

Board review of effectiveness

2.35 The ACT Government's *Governance Principles: Appointments, Boards and Committees in the ACT* (2021) identifies the importance of boards regularly assessing their own performance:

> A board or committee should monitor and evaluate its performance in order to determine the extent to which it is working in line with its original purpose. The degree to which each member is contributing to the output of the board or committee should also be monitored by the chair.[6]

2.36 The Governance Institute of Australia's *Governance Principles for Boards of Public Sector Entities in Australia* publication also highlights the importance of boards evaluating their own performance:

> A board evaluation is an essential tool to assist in achieving better board performance and effectiveness. Effective board evaluations lead to better governance and enhanced entity performance outcomes. Conducting these reviews periodically enables a board to address weaknesses, vulnerabilities or warning signs that can lead to governance failures.[7]

[6] Chief Minister, Treasury and Economic Development Directorate (2021), *Governance Principles: Appointments, Boards and Committees in the ACT*, p.27.

[7] Governance Institute of Australia (2023), *Governance principles for boards of public sector entities in Australia, Second edition,* p.17

2.37 The processes and methodology used to review board effectiveness should be formally documented. It is common for boards to undertake an internally managed board review on an annual basis and an externally facilitated review every few years. The chair generally has responsibility for overseeing the process of board evaluation, often with the assistance of a committee.

2.38 The GRC Board has not conducted a formal evaluation of its effectiveness, including the effectiveness of its activities to encourage gaming machine licensee compliance with gaming laws.

2.39 It is better practice for a board to regularly assess its own performance. It is common for boards to undertake an internally managed board review on an annual basis and an externally facilitated review every few years. The GRC Board has not conducted a formal evaluation of its effectiveness, including the effectiveness of its activities to encourage gaming machine licensee compliance with gaming laws.

Recommendation 1 Gambling and Racing Commission Board

The Gambling and Racing Commission Board should ensure meeting minutes effectively document the conduct of Board meetings and provide a sufficient basis for Board decisions.

Recommendation 2 Internal audit activities

The Gambling and Racing Commission Board should:

a) enhance the effectiveness of its Audit and Risk Committee by including independent, appropriately qualified, member(s) separate to the Board; and

b) develop and implement a GRC-specific internal audit program to complement that undertaken by the Directorate that:

   i) reflects the obligations of the GRC under section 6 of the *Gambling and Racing Control Act 1999*; and

   ii) considers risks associated with the administration of gaming laws and licensee non-compliance with the gaming laws.

Memorandum of Understanding with Access Canberra

2.40 A Memorandum of Understanding (MoU) was executed on 17 August 2023 between Access Canberra within the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) and the GRC. The MoU was signed by the Deputy Director-General, Access Canberra and the Chair of the GRC Board. The MoU followed a previous version, which was executed on 10 September 2020. The MoU has been published on the GRC's website since early 2025.[8]

Purpose of the MoU

2.41 The purpose of the MoU is described as:

> [Documenting] the arrangement between Access Canberra and the GRC in relation to work commissioned by the GRC for the administration of the gaming laws including the control, supervision and regulation of gaming and racing in the ACT. The agreement provides for the GRC to perform its functions and obligations as specified in section 6 of the Act and outlined in the GRC Statement of Intent.

Review of the MoU

2.42 The MoU provides for the parties to review it at least annually:

> The parties commit to the review of this MoU annually or sooner as necessitated by change by the mutual agreement of both parties.

2.43 The MoU also provides for the parties to develop a new MoU every three years:

> This MoU will expire 3 years after its execution. The MoU may continue on a month-to-month basis after the date of expiry.

2.44 It is apparent that the 2020 MoU was reviewed by the GRC Board in 2022, and funding details outlined in Annexure A were revised due to additional resources required by Access Canberra resulting from 'the recent increase in the numbers of investigations being undertaken'. The GRC Board endorsed the updated MoU at its meeting of September 2022.

Access Canberra obligations under the MoU

2.45 The MoU provides for Access Canberra to provide 'staff and support to the GRC on a cost recovery basis to enable the GRC to meet [its] responsibilities and obligations'. The MoU states:

> In support of this arrangement, Access Canberra will provide resources to serve the Board, including the provision of secretariat support and other assistance as agreed with the Board. Relevant Access Canberra executives will also work with the CEO to ensure policy and governance, regulatory compliance, licensing and any other functions are carried out as they relate to work commissioned by the Board.

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[8] Memorandum of Understanding, accessed on 5 May 2025.

2.46 The MoU provides for the establishment of the Gambling and Harm Prevention (GaHP) team (or equivalent) within Access Canberra to be overseen by Senior Officers at the SOG A/B level reporting to the CEO:

> The GaHP team will support the GRC in achieving its objectives which includes but not limited to preventing gambling harm in the community through developing and implementing gambling harm prevention initiatives, supporting and monitoring the latest gambling research and working with policy directorates, industry and consumer stakeholders to develop and implement legislative reform.

2.47 The MoU also provides for the GRC Board to be able to access the broader resources and expertise of Access Canberra:

> Access Canberra will draw upon the knowledge and experience of a range of its teams to service the needs of the GRC Board. Access Canberra commits to ensuring relevant executives and specialists, and officials whose responsibilities cover governance, regulatory compliance, licensing and other delegated functions will be available to the GRC to provide advice, and attend meetings on behalf of the GRC, as required by the Board.

2.48 In doing so, the MoU notes that the GRC Board has complete discretion and autonomy:

> Access Canberra acknowledges the Board has complete discretion in the types of work it commissions from Access Canberra, which may include activities such as inspections or regulatory compliance activities, licensing, and research targeted at, but not limited to, minimising gambling harm. The GRC retains the right to change the nature and type of commissioned work at any time.

Funding for services under the MoU

2.49 The GRC pays Access Canberra for the supply of services under the MoU. The payment is recognised as an expense in the GRC's annual financial statements for a purchased service. The MoU states:

> Access Canberra will supply the services (including staff and support) commissioned by the Board fulfilling the GRC's obligations under the Act and satisfy the requirements of the GRC Statement of Intent. Funding for services will be reflected in the GRC's yearly Statement of Intent as purchased services and increase by indexation for the forwarding out years.
>
> These amounts may be reflected in an annexure to this MoU (see Annex A). This annexure can be included without a review of this MoU.
>
> Additional funding, at the discretion of the Board, may be provided to Access Canberra to undertake activities that align with GRC's objectives and priorities.

2.50 The funding that has been agreed in the MoU and actual payments for services to Access Canberra since 2020-21 are shown in Table 2-1.

Table 2-1 Funding for Access Canberra services (2020-21 to 2025-26)

Financial year	Agreed funding for Access Canberra ($ million)	Actual payments for services to Access Canberra ($ million)
2020-21	5.137	5.137
2021-22	4.269	5.263
2022-23	5.423	5.423
2023-24	5.655	5.655
2024-25 (estimated)	5.745	-
2025-26 (estimated)	5.900	-

Source: Agreed funding for 2020-21 to 2022-23 is from the 2020 MoU, which was reviewed in September 2022. Agreed funding for 2023-24 onwards is from the2023 MoU. Actual payments for services are from GRC annual reports.

Funding review (2022)

2.51 At the September 2022 meeting of the GRC Board, the funding arrangements with Access Canberra were reviewed. The minutes record that an updated funding table was provided. The minutes also record that:

> The Chair noted that the Investigations and compliance teams may require additional resources, given the recent increase in the numbers of investigations being undertaken …

2.52 Access Canberra undertook to examine its resourcing for investigations and provide further advice to the GRC Board.

2.53 At the October 2022 GRC Board meeting, Access Canberra advised that it required additional resources. The minutes recorded that:

> [Access Canberra] presented a paper to the Board requesting additional funding for the Investigations team, noting the current number of investigations are higher than previously seen … [and that] this number is anticipated to continue increasing in light of training and other activities likely to lead to increased self-reporting of issues by licensees. Increased staffing would shorten the timeframes for investigating each matter.

2.54 Funding was sought to supplement Access Canberra's compliance function with one Assistant Director and two ASO6 full-time equivalent positions for a year. The GRC Board agreed to this request. Aside from a recruitment update at the March 2023 GRC Board meeting, no further update was given on the filling or utilisation of these positions.

2.55 Other resourcing matters were raised for the attention of the GRC Board by Access Canberra during 2022-23, including:

- March 2023 - a significant gaming machine tax return backlog was raised with the GRC Board. Access Canberra reported that it had addressed the backlog by meeting the cost of staff overtime to process the tax returns. In doing so, Access Canberra identified that it had not reported the issue to the GRC Board previously, despite the backlog affecting 190 monthly returns dating back to May 2022. The GRC Board requested ongoing updates until the issue was resolved in August 2023; and

- June 2023 - Access Canberra sought additional funding for its Licensing and Registration Team for one Assistant Director position for two years, associated with electronic gaming machine reform work. The request was approved by the GRC Board.

Performance and accountability arrangements

2.56 Performance management and accountability arrangements receive little treatment in the MoU. However, the MoU places a responsibility on the GRC Board to 'assess the agreement's effectiveness as required and may request amendments to ensure the delivery of the GRC's requirements'. The MoU does not identify, in specific detail:

- the services to be provided by Access Canberra to the GRC Board; or
- performance standards, or key performance indicators, specifically relevant to the services provided by Access Canberra for the purpose of the GRC.

2.57 In the absence of a service catalogue or similar document that specifies the nature and extent of services provided, and performance standards against which Access Canberra's services can be reviewed and assessed, the GRC Board's ability to assess the quality of services provided by Access Canberra is compromised. At present, it is primarily achieved by:

- monitoring and reviewing Access Canberra's execution of GRC Board decisions and action items; and
- measuring performance against the Strategic Indicators in the GRC's annual Statement of Intent.

2.58 The GRC Board expects to achieve the former by monitoring and reviewing monthly reports from the Chief Executive Officer to the GRC Board as well as reports and updates from other Access Canberra branches and teams.

2.59 Although there is a requirement for an annual review of the MoU, which is conducted as an agenda item at the GRC Board, this has predominantly focused on:

- resourcing for Access Canberra; and
- relative areas of priority between the conduct of engagement and education activities or compliance and investigation activities by Access Canberra.

2.60 The GRC has not undertaken a specific and explicit assessment of the effectiveness of the services being performed by Access Canberra.

2.61 In February 2025 the GRC advised that it has undertaken a review of the MoU with Access Canberra and has requested that a new agreement be negotiated which meets better practice for service agreements. The GRC Board advised that the need to renegotiate the MoU has been identified, but action is delayed until the ACT Machinery of Government (MoG) changes affecting Access Canberra and any subsequent transitions are completed. The MoG changes are due to come into effect from 1 July 2025.

2.62 A Memorandum of Understanding (MoU) has been agreed between the GRC and Access Canberra. The MoU provides for Access Canberra to provide 'staff and support to the GRC on a cost recovery basis to enable the GRC to meet [its] responsibilities and obligations' and provides for the GRC Board to be able to access the broader resources and expertise of Access Canberra as needed. The GRC pays Access Canberra for the supply of services and in 2023-24 the GRC paid Access Canberra $5.66 million for its services.

2.63 Performance management and accountability arrangements receive little treatment in the MoU. The MoU does not identify, in specific detail: the services to be provided by Access Canberra to the GRC Board; or performance standards, or key performance indicators, specifically relevant to the services provided by Access Canberra for the purpose of the GRC. In the absence of a service catalogue or similar document that specifies the nature and extent of services provided, and performance standards against which Access Canberra's services can be reviewed and assessed, the GRC Board's ability to assess the quality of services provided by Access Canberra is compromised. In February 2025 the GRC advised that it has undertaken a review of the MoU with Access Canberra and has requested that a new agreement be negotiated which meets better practice for service agreements. This is expected to occur after ACT Machinery of Government (MoG) changes affecting Access Canberra are completed and take effect from 1 July 2025.

Recommendation 3 **Memorandum of Understanding between Gambling and Racing Commission and Access Canberra**

The Gambling and Racing Commission Board and Access Canberra should review and amend the MoU, with a view to better articulating and describing in the MoU key matters including:

a) the services to be provided by Access Canberra and associated performance standards; and

b) regular and timely review processes, which focus on the delivery of services to agreed performance standards.

Strategic planning

2.64 There are a number of strategies and plans in place to guide the activities of the GRC and, in turn, its activities to encourage gaming machine licensees' compliance with legislative requirements.

Statement of Intent

2.65 In accordance with section 61 of the FMA Act, the GRC prepares an annual Statement of Intent in consultation with the Minister for Racing and Gaming. The GRC Statement of Intent is documented as the GRC's budget statement for the purpose of the ACT Budget. The GRC Statement of Intent outlines the expected contribution and performance of the GRC in achieving the government's priorities over the next four years.

2.66 The GRC's *2023-24 Statement of Intent* (as well as its subsequent *2024-25 Statement of Intent*) identified two Strategic Objectives:

- Strategic Objective 1 - To Take Meaningful Action to Prevent Gambling Harm
- Strategic Objective 2 - Ensure Gambling Operators' Compliance With Legislation

2.67 The statements of intent identified three priorities:

- Public Health Approach to Gambling Harm Prevention;
- Engage, Educate and Enforce; and
- Valuing Our Partnerships.

2.68 The 'Engage, Educate and Enforce' priority outlines the GRC's approach to encouraging licensee compliance with gaming legislation. The *2023-24 Statement of Intent* notes:

> These activities are risk-based, and resource allocation reflects the level of risk posed to the strategic objectives.

2.69 The *2023-24 Statement of Intent* further noted:

> Engagement and education play a key role in maximising compliance. Engagement ensures a positive working relationship with the Commission's stakeholders and members of the public. Education is a way of pre-empting non-compliance as well as reinforcing norms regarding obligations under the gaming laws.
>
> …
>
> Enforcement builds on the engagement and education strategies and is applicable where there is demonstrable or significant harm or the potential for demonstrable or significant harm to eventuate if no action is taken.

2.70 At the time of audit reporting the GRC Board was reviewing its Strategic Objectives and priorities as part of developing its 2025-26 Statement of Intent.

Statement of Expectations

2.71 In July 2023, the GRC released its first annual *Statement of Expectations*. The *Statement of Expectations* seeks to confirm Access Canberra's service delivery and provide industry and the broader community with insight into the areas of regulatory focus for the GRC. The *Statement of Expectations* aligns with the priorities identified in the GRC's *Statement of Intent*. The *Statement of Expectations* is approved by the Minister for Gaming and Racing and published on the GRC's website.

2.72 The Statement of Expectations is intended to show how the GRC will apply its resources to achieve its strategic priorities for each year.

2023-24 Statement of Expectations

2.73 In its *2023-24 Statement of Expectations*, the GRC set the following focus areas:

Public health approach to gambling harm prevention

- Conduct the ACT Gambling Survey in 2024 to continue the time series from previous ACT surveys and contribute to the evidence base
- Continue building engagement with the community support sector and people with lived experience to ensure their perspectives inform activity
- Conduct activities throughout the Gambling Harm Awareness Week with the aim of reducing stigma
- Continue engaging with industry on gambling harm prevention and mitigation

Educate, engage and enforce

- Monitor casino operations, in the context of change in upstream ownership
- Monitor licensee protection of excluded persons

Valuing our partnerships

- Continue to inform the [gaming machine] reform program so that efficient regulation and harm prevention are incorporated into the design
- Engage with relevant partners in ACT Government to apply the public health approach to gambling harm prevention
- Continue participation in national forums to support the public health approach and promote collaboration

2.74 The *2023-24 Statement of Expectations* shows the GRC specifically intended to focus on monitoring gaming machine licensee compliance with requirements for the protection of excluded persons. There was no documentation at the time of developing the statement, e.g. business or operational plans, that provided further information on how this intention was to be practically achieved. Annual Work Plans produced for the purpose of the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024* (Strategy for Gambling Harm Prevention) could, potentially, perform this function, but these are not clear with respect to specific actions and deliverables (refer to paragraphs 2.87 to 2.89). In response to the draft proposed report, the GRC advised that plans for individual compliance programs fulfil this purpose when they are developed as part of planning for each program.

2024-25 Statement of Expectations

2.75 Subsequently, the GRC published its *2024-25 Statement of Expectations*, which identifies the following focus areas:

Public health approach to gambling harm prevention

- Conduct the ACT Gambling Survey in 2024 to continue the time series from previous ACT surveys and contribute to the evidence base
- Continue building engagement with the community support sector and people with lived experience to ensure their perspectives inform activity
- Develop and implement a school education program to help young people understand the risks associated with gambling, including gambling-like content in video games
- Conduct activities throughout the Gambling Harm Awareness Week with the aim of reducing stigma and to encourage help seeking
- Continue engaging with industry on gambling harm prevention and mitigation

Educate, engage and enforce

- Monitor the Community Contribution Scheme established by Part 12 of the Gaming Machine Act 2004
- Monitor licensees' management of and response to signs of gambling harm.

Valuing our partnerships

- Continue to inform policy and reform to support effective regulation and harm prevention
- Engage with relevant partners in ACT Government to apply the public health approach to gambling harm prevention
- Continue participation in national forums to support the public health approach and promote collaboration

2.76 The *2024-25 Statement of Expectations* shows the GRC intends to focus on monitoring gaming machine licensee compliance with requirements for managing and responding to signs of gambling harm. Similar to observations made in relation to the *2023-24 Statement of Expectations* there was no documentation at the time of developing the statement, e.g. business or operational plans, that provided further information on how this intention was to be practically achieved. In response to the draft proposed report, the GRC advised that plans for individual compliance programs fulfil this purpose when they are developed as part of planning for each program.

2.77 The *2024-25 Statement of Expectations* also states:

> The Commission's vision is a Canberra free from gambling harm. The Commission vision and strategy are being reviewed.

2.78 Neither the 2023-24 or 2024-25 statements of expectations had been informed by a risk assessment or similar analysis to inform the selection of priorities for the year.

2.79 The GRC is drafting a Board Strategic Plan for 2025 to 2028. It is expected this will inform amendments to the GRC's *2025-26 Statement of Intent*, *2025-26 Statement of Expectations* and the GRC's accountability indicators.

2.80 In July 2023 the GRC released its first annual *Statement of Expectations*. The *Statement of Expectations* seeks to confirm Access Canberra's service delivery and provide industry and the broader community with insight into the areas of regulatory focus for the GRC. The *2023-24 Statement of Expectations* shows the GRC specifically intended to focus on monitoring gaming machine licensee compliance with requirements for the protection of excluded persons and the *2024-25 Statement of Expectations* shows the GRC intends to focus on monitoring gaming machine licensee compliance with requirements for managing and responding to signs of gambling harm. The development of the statements of expectations have not been informed by a risk assessment or similar analysis to inform the selection of priorities for the year. At the time of audit reporting the GRC Board was drafting a Board Strategic Plan for 2025 to 2028, which is expected to inform the GRC's *2025-26 Statement of Expectations*.

Recommendation 4 — Planning for compliance with gaming laws

The Gambling and Racing Commission Board should:

a) continue its efforts to develop a strategic plan to guide the activities of the Board;

b) as part of developing future statements of expectations assess and document the risk of licensee non-compliance with gaming laws; and

c) document and implement operational plans that address the risk of licensee non-compliance with gaming laws. (This may be through existing processes for annual work plans.)

Access Canberra documents

Accountability Commitment – Gaming and Racing Framework

2.81 Access Canberra's *Accountability Commitment - Gaming and Racing Framework (October 2020)* sets out the objectives and general principles for the regulatory activities undertaken by Access Canberra on behalf of the GRC.

2.82 Access Canberra's *Accountability Commitment - Gaming and Racing Framework (October 2020)* sets out an 'Engage, Educate, Enforce' model, which seeks to achieve regulatory compliance. It is a model of tiered engagement and enforcement to encourage licensee compliance. These are explained as:

- Engage: ensuring there is a positive working relationship with stakeholders and members of the public.
- Educate: taking reasonable steps to ensure people know how to comply (e.g. compliance audits, inspections, newsletters).
- Enforce: taking action for non-compliance, proportional to the harm caused by the conduct (e.g. compliance advice, issuing a warning letter, taking disciplinary action).

2.83 An underlying principle of the *Accountability Commitment - Gaming and Racing Framework (October 2020)* is a 'risk-based approach' to its compliance activities, described as:

> Access Canberra will apply a risk- based compliance approach to ensure resources are targeted to where the risks of harm, unsafe practices or misconduct are the greatest, thereby strengthening its capacity to take action where the community, workers and the environment are most at risk.

Regulatory Continuum

2.84 Along with the *Accountability Commitment: Gaming and Racing Framework (October 2020)* Access Canberra has developed a *Regulatory Continuum – Fair Trading and Compliance* (last updated in July 2023) that reflects its compliance model. The regulatory approaches identified in the Regulatory Continuum are:

> Business education: work with businesses to answer their queries and concerns and explain regulatory obligations.
>
> Business improvement engagement: engage with licensees and industry directly to improve identified compliance failures and support voluntary ongoing compliance with legislation. Proactively communicate with business to explain the regulatory focus.

> Compliance monitoring audits and inspections: undertake checks and proactive inspections to monitor compliance.[9]

2.85 Where engagement and education activities are unsuccessful, Access Canberra intends to use a range of tools to encourage and ensure compliance with the law. These are discussed further in paragraphs 4.69 to 4.136 of the report.

2023-24 Regulatory Continuum

2.86 The *Regulatory Continuum – Fair Trading and Compliance* identifies areas of focus for 2023-24 as follows:

> On behalf of the Gambling and Racing Commission, we will focus on:
>
> - Casino operations in the context of new upstream ownership; and
> - the management of excluded persons by licensees.

2024-25 Regulatory Continuum

2.87 The *Regulatory Continuum – Fair Trading and Compliance* identifies areas of focus for 2024-25 as follows:

> On behalf of the Gambling and Racing Commission, we will focus on:
>
> - Community Contributions; and
> - Licensee monitoring of and response to signs of gambling harm.

2.88 Similar to observations made in relation to the *2023-24 Statement of Expectations* and *2024-25 Statement of Expectations* there was no documentation at the time of developing the statements, e.g. business or operational plans, that provided further information on how the areas of focus were intended to be practically achieved.

2.89 Access Canberra's *Accountability Commitment - Gaming and Racing Framework (October 2020)* sets out the objectives and general principles for compliance and enforcement activities undertaken by Access Canberra on behalf of the GRC. Access Canberra's *Regulatory Continuum – Fair Trading and Compliance* (last updated in July 2023) similarly outlines its compliance and enforcement model. The Regulatory Continuum identifies a three-pronged approach of: business education; business improvement engagement; and compliance monitoring and inspections. For 2024-25 the Regulatory Continuum identified an area of focus as 'licensee monitoring of and response to signs of gambling harm'.

[9] Access Canberra Regulatory Continuum July 2023

Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024

2.90 In 2019, the GRC developed the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024* (Strategy for Gambling Harm Prevention). The Strategy was developed to guide the implementation of the GRC's harm prevention initiatives.

2.91 The Strategy for Gambling Harm Prevention identifies itself as:

> … an important step forward for the Commission in terms of adopting a public health approach to guide its regulatory functions and objectives, of ensuring the lawful conduct of gambling and racing in the ACT while reducing the risks and costs of gambling harm.[10]

2.92 The Strategy for Gambling Harm Prevention focuses on developing, implementing and monitoring initiatives designed to prevent and reduce harm in the ACT. It outlines the rationale, principles and objectives for adopting a public health approach. The Strategy has five objectives:

- Strategic Objective One - Ensuring Government policy and initiatives prevent and reduce gambling harm.
- Strategic Objective Two - Increasing understanding about gambling harm amongst government, gambling industry, communities, families and individuals.
- Strategic Objective Three - Providing a wide range of accessible, responsive and effective services and initiatives that prevent and reduce gambling harm.
- Strategic Objective Four - Ensuring gambling environments and providers prevent and reduce gambling harm.
- Strategic Objective Five - Supporting and building the evidence base for gambling harm prevention strategies and initiatives.[11]

2.93 The Strategy for Gambling Harm Prevention provides the framework for the development of Annual Work Plans by the GRC. Annual Work Plans seek to identify the priority areas, major initiatives and activities for the GRC for the forthcoming year, as well as indicators of success for monitoring and evaluating progress for each year. The Annual Work Plans are developed as separate but complementary documents under the Strategy and are available on the GRC's website.

Annual Work Plans

2.94 The GRC has developed an Annual Work Plan for each of the years between 2019-20 and 2023-24.

[10] *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024*.

[11] The Commission's Strategy Interim Evaluation Report 2019-2022.

2019-20 to 2022-23 Annual Work Plans

2.95 The Annual Work Plans for 2019-20 to 2022-23 identify actions across four priority areas:

- education and engagement;
- research;
- support services; and
- monitoring and evaluation.

2.96 The Annual Work Plans varied in format over the four years but broadly identified specific actions against each of the Strategy goals, with intended impacts or success measures identified for each goal. For the *2021-22 Annual Work Plan* timeframes for actions and deliverables were identified.

2023-2024 Annual Work Plan

2.97 For the *2023-2024 Annual Work Plan*, activities were assigned against the five objectives of the Strategy for Gambling Harm Prevention.

2.98 Unlike in previous years' Annual Work Plans, the activities assigned to each objective in the *2023-2024 Annual Work Plan* were not specific and lacked targets. For *Strategy Objective Four - Ensuring gambling environments and providers prevent and reduce gambling harm*, which is the most relevant to the scope of the audit, the *2023-2024 Annual Work Plan* stated:

> Strategy objective 4: Supporting and facilitating gambling harm prevention and reduction initiatives in licensee environments.
>
> Priorities: What we want to achieve
>
> - Tailored resources and support for gambling licensees to proactively prevent, monitor, and respond appropriately to gambling harm.
> - Consistent public health approach across the Commission's functions and engagement with gambling industry.
>
> Actions: How we will achieve it
>
> - Strengthen the capability of licensee staff, particularly of Gambling Contact Officers, and management to identify and respond to gambling harm within their venues.
> - Increase knowledge among licensee board members to improve compliance with, and exceeding, harm prevention and reduction obligations.
> - Support industry in implementing the exclusion scheme and using the incident recording register appropriately to monitor gambling harm.

- Ensure collaboration across Access Canberra's gambling compliance, investigations, harm prevention and licensing functions. [12]

2.99 The actions identified to support the priorities and, in turn, the strategy objective are not specific with respect to timeframes and deliverables, or roles and responsibilities.

2.100 For completeness, the activities identified in the *2023-2024 Annual Work Plan* for *Strategic Objective Two - Increasing understanding about gambling harm amongst government, gambling industry, communities, families and individuals* and *Strategic Objective Three - Providing a wide range of accessible, responsive and effective services and initiatives that prevent and reduce gambling harm* are shown in Appendix A.

2.101 In 2019, the GRC developed the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024* (Strategy for Gambling Harm Prevention). The Strategy focuses on developing, implementing and monitoring initiatives designed to prevent and reduce harm in the ACT. To support the implementation of the Strategy, the GRC has developed an Annual Work Plan each year since 2019-20. For the *2023-2024 Annual Work Plan*, activities were assigned against the five objectives of the Strategy. Unlike in previous years' Annual Work Plans, the activities assigned to each objective in the *2023-2024 Annual Work Plan* were not specific and lacked targets; the actions are not specific with respect to timeframes and deliverables, or roles and responsibilities. This has reduced transparency and accountability with respect to the GRC's planned activities.

Recommendation 5	**Annual work plans**
The Gambling and Racing Commission Board should ensure its annual work plans include specific and measurable actions that are supported by clearly identified timeframes, roles and responsibilities and performance targets.	

[12] Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019-2024

3 Communication and engagement

3.1 This chapter considers the GRC's activities to communicate and engage with gaming machine licensees and other stakeholders to encourage compliance with gaming laws.

Summary

Conclusions

The GRC, through Access Canberra, undertakes various activities to communicate and engage with gaming machine licensees to encourage compliance with gaming laws.

The GRC undertakes business engagement and compliance visits with licensees and communicates issues and findings arising from these visits to the licensees. There is an opportunity, however, for the GRC to more effectively share the information arising from these visits more widely across licensees.

The GRC facilitates a range of training to staff and management of gaming machine licensees, which is well-received.

Key findings

Communication and engagement	Paragraph
The GRC developed a *Communication and Engagement Plan 2022-2023* for the Strategy for Gambling Harm Prevention. The Plan sought to apply a 'public health approach to raise awareness, reduce barriers to support and building capacity of the industry to respond, support and refer to those experiencing gambling harm'. In February 2025 the GRC advised that the Plan is being used as a working document and is intended to be updated when the Strategy for Gambling Harm Prevention is prepared in May 2025 after the 2024 Gambling Survey has been received. The Plan does not specifically identify a strategy or action with respect to discussing or disseminating lessons learnt from its compliance and enforcement activities across gaming machine licensees more broadly.	3.11
The GRC, through Access Canberra, has sought to engage with the gambling industry, and gaming machine licensees specifically, through a Gambling and Racing Commission Advisory Committee and an Industry Survey conducted in August 2022. The Advisory Committee does not have a specific role in encouraging gaming machine licensee compliance with gaming laws,but has received information on the GRC's compliance activities, details of research funded by the GRC, developments and initiatives in other jurisdictions and gambling policy reform. The Industry Survey sought information from the industry on gambling harm prevention materials. A	3.22

similar survey has not been undertaken to seek the industry's views on the GRC's activities more generally, including with respect to encouraging licensee compliance with gaming laws.

In October 2022, Access Canberra undertook the ACT Gambling Exclusion Scheme Engagement Program, following the July 2022 release of a new version of the ACT Gambling Exclusion Database. Of the 24 gaming machine licensees in the ACT (i.e. Club groups), 22 chose to participate in the program and receive a visit. Various resources were disseminated to licensees during the conduct of the Program, which explained the key features of the ACT Gambling Exclusion Scheme Engagement Program. An Engagement Program Report was prepared and presented to the GRC Board. The Engagement Program Report did not explicitly report on the achievement of the measures of success and outcomes in the Engagement Program Plan, but did report against the plan's three outcomes. The Engagement Program Report identified a variety of feedback was received during the visits. The GRC (through Access Canberra) has not developed a plan for recognising and actioning the feedback that was received. 3.37

The Audit Office sought feedback from industry and community stakeholders on the activities of the GRC (and Access Canberra) to engage and communicate with gaming machine licensees. Stakeholders suggested there was a limited scope of education and engagement activities, which they perceived to be focused on: training for Gambling Contact Officers and Club Boards; and activities for Gambling Harm Awareness Week. Stakeholders identified a preference for more education and engagement activities to support compliance with gaming laws and further assistance in relation to providing information and research on better practice compliance. 3.48

Training programs

Recognition of the relevance and importance of training is set out in the *Gambling and Racing Code of Practice* (Code of Practice). Training programs are run by registered training organisations approved by Access Canberra and recorded in a Notifiable Instrument. The training programs must be consistent with the standard for a Responsible Service of Gambling course accredited under the Australian Quality Training Framework. The design and completeness of the training courses has not been supported by a risk assessment of licensee legislative obligations with a view to identifying whether: 3.53

- the training adequately covers the areas of gaming laws that present the highest risk of non-compliance; or
- there are potential gaps in the training or lack of coverage.

Licensee staff involved in providing gaming services must undertake Responsible Conduct of Gambling training every three years. Under the Code of Practice, the GRC (through Access Canberra) has a role in ensuring that the training is relevant, sufficiently comprehensive, accurate and up to date when it is approved. Once a course has been approved, however, Access Canberra does not have a process to periodically examine whether courses and their curriculum remain consistent with 3.57

the requirements of gaming laws. None of the approved Responsible Conduct of Gambling training courses have been reviewed by Access Canberra since the release of the last notifiable instrument in 2016.	
Gambling Contact Officers must undertake training on an annual basis. Training has been delivered under contracts with two external training providers. Survey responses from participants in the training consistently show a high level of satisfaction.	3.66
Training for members of Club Boards aims to provide information on issues associated with gambling harm. Prior to June 2023 only a single training session for 10 board members of a single club had been conducted. The impact of lockdowns due to the COVID-19 pandemic is noted to have affected this result. During 2023-24, however, six training sessions were provided with 43 participants attending.	3.70

Communication and engagement

3.2 As noted in paragraphs 2.81 to 2.83, Access Canberra's *Accountability Commitment - Gaming and Racing Framework (October 2020)* sets out an 'Engage, Educate, Enforce' model for its regulatory activities. Under this model, communication and engagement with the gambling industry, specifically gaming machine licensees, is an important component in promoting voluntary compliance with gaming laws.

Planning for communication and engagement

Communication and Engagement Plan 2022-2023

3.3 The GRC developed the *Communication and Engagement Plan 2022-2023* for the purpose of its Strategy for Gambling Harm Prevention. The Plan was intended to apply to the 2022 and 2023 calendar years. The Plan was intended to:

> … guide Annual Work Plan activities and initiatives, as we work together with our stakeholders to prevent and reduce gambling harm in the ACT.

3.4 The GRC advised the *Communication and Engagement Plan 2022-2023* was specific to the work of the Gambling Harm and Prevention team and sought to apply the 'public health approach to raise awareness, reduce barriers to support and building capacity of the industry to respond, support and refer to those experiencing gambling harm'. In doing so the plan was not designed to incorporate all functions of the GRC or the activities conducted by Access Canberra on behalf of the GRC.

3.5 There was no communication plan specifically for the GRC's engagement, compliance and investigation activity. In the absence of a specific communication plan for these activities, the Audit Office considered the use of the *Communication and Engagement Plan 2022-2023*, because the Strategy for Gambling Harm Prevention identifies the role of licensee compliance activity in supporting the GRC's planned outcomes.

3.6 The *Communication and Engagement Plan 2022-2023* remains in place. In February 2025 the GRC advised that the 2022-2023 plan is being used as a working document and is intended to be updated when the Strategy for Gambling Harm Prevention is prepared in May 2025 after the 2024 Gambling Survey has been received.

3.7 The *Communication and Engagement Plan 2022-2023* sought 'to support a consistent public health approach to gambling harm prevention and education in the ACT'. The Plan:

> … encourages engagement with all stakeholders to foster shared collaboration and contribution to building a safe, healthy and resilient community in Canberra through the prevention and reduction of harms from gambling. In line with the Strategy, it also recognises the importance of targeting the prevention and reduction of gambling related harm as experienced amongst the general population (universal), people at heightened risk (selective) and people already experiencing heightened levels of harm (indicated).

3.8 The *Communication and Engagement Plan 2022-2023* identified a range of different stakeholders and associated activities designed to communicate and engage with them. Specifically with respect to the 'gambling and racing industry' the Plan identified the following activities:

- update GRC website material 'incorporating new in-venue support material and further consider development of new [Gambling Contact Officer] video';
- work with the ACT Gambling Support Service (AGSS)[13] to become the contact for venues wanting printed materials and resources developed by the ACT Gambling Support Service. These resources were noted to be distributed at visits conducted by the GRC;
- provide training programs (including Responsible Conduct of Gambling, Gambling Contact Officer and Club Board training);
- 'undertake proactive and reactive venue visits, e.g. to inform consultation, to build relationships or in response to reported incidents (number or nature)';
- 'develop and implement an ACT Gambling Exclusions Database (ACTGED) training program and implementation communications'; and
- 'for clubs, facilitate access to information and/or supports for revenue diversification, promoting Diversification and Sustainability Support Fund in collaboration with JACS'.

[13] ACT Gambling Support Service - ACT Gambling and Support Service (AGSS) is free and confidential support for people experiencing harm as a result of their or someone else's gambling.

3.9 These activities were expected to lead to:

> Increasing understanding about gambling harm amongst government, gambling industry, communities, families and individuals.
>
> Ensuring gambling environments and providers prevent and reduce gambling harm.

3.10 Compliance and enforcement activities are a necessary component of Access Canberra's 'Engage, Educate, Enforce' model for regulatory compliance, as set out in its *Accountability Commitment - Gaming and Racing Framework (October 2020)*. However, the *Communication and Engagement Plan 2022-2023* does not identify ways to increase the impact of these activities beyond individual licensees, i.e. the Plan does not specifically identify an action with respect to discussing or disseminating lessons learnt from its compliance and enforcement activities across gaming machine licensees more broadly. For example, ongoing communication with licensees and representative bodies on compliance and enforcement activities and recurring issues of non-compliance or areas of risk have not been explicitly identified as a means to increase the impact of Access Canberra's activities to encourage gaming machine licensee compliance with gaming laws to prevent and reduce gambling harm.

3.11 The GRC developed a *Communication and Engagement Plan 2022-2023* for the Strategy for Gambling Harm Prevention. The Plan sought to apply a 'public health approach to raise awareness, reduce barriers to support and building capacity of the industry to respond, support and refer to those experiencing gambling harm'. In February 2025 the GRC advised that the Plan is being used as a working document and is intended to be updated when the Strategy for Gambling Harm Prevention is prepared in May 2025 after the 2024 Gambling Survey has been received. The Plan does not specifically identify a strategy or action with respect to discussing or disseminating lessons learnt from its compliance and enforcement activities across gaming machine licensees more broadly.

Industry engagement

Gambling and Racing Commission Advisory Committee

3.12 The GRC has established a Gambling and Racing Commission Advisory Committee. The purpose of the Advisory Committee, as documented in its terms of reference, is:

> … to represent a broad section of the ACT community, providing perspectives and recommendations to support the Commission in undertaking its legislative functions, with particular emphasis on the prevention and minimisation of gambling harm in the ACT.

3.13 The Advisory Committee seeks to represent a broad section of the ACT community and provide perspectives and recommendations to support the GRC in undertaking its legislative functions, with particular emphasis on the prevention and minimisation of gambling harm in the ACT. The Advisory Committee also provides a forum through which the GRC can liaise with the ACT community and relevant stakeholders, including:

- gambling and racing industry health and counselling service providers and other relevant community sector organisations;
- the research sector;
- ACT Government directorates; and
- other organisations with a role in the prevention and minimisation of gambling harm in the ACT.

3.14 The Advisory Committee comprises:

- the Chief Executive Officer of the GRC;
- three members from the gambling and racing industry;
- one member from the community sector;
- one member who has lived experience of gambling harm; and
- a member from the research sector.

3.15 The Advisory Committee is an advisory body and does not have a decision-making role. It meets quarterly, with secretariat support provided by Access Canberra. It provides its views to the Chief Executive Officer, who subsequently reports to the GRC Board.

3.16 The Advisory Committee does not have a specific role in encouraging gaming machine licensee compliance with gaming laws,but has received information on the GRC's compliance activities, details of research funded by the GRC, developments and initiatives in other jurisdictions and gambling policy reform.

3.17 In February 2025 the GRC advised that it had also re-established regular meetings with key industry stakeholders (including Clubs ACT) and community stakeholders (through the Community of Practice).

Industry Survey

3.18 Access Canberra conducted a survey of gambling industry venues (the Industry Survey) in August 2022 to inform the development of updated gambling harm materials, including material for the staff and management of venues and material for venues to provide to their patrons. The information obtained through the survey informed the development of material for the Every Story Matters campaign.[14]

3.19 The *Gambling Industry Survey Final Report* dated September 2022 was presented to the GRC Board.

3.20 The Report reflected feedback from respondents that:

- factsheets, case studies and posters were generally considered the most effective ways to convey information to management, staff and patrons;
- information for staff on how to interact with patrons, including having sensitive conversations and resolving conflicts was sought; and
- quarterly updates were the preferred way for Access Canberra to communicate with venues.

3.21 The Industry Survey was undertaken by the Chief Minister, Treasury and Economic Development Directorate's communications function with the explicit purpose of seeking information and feedback from the industry on gambling harm prevention materials. A similar survey has not been undertaken to seek the industry's views and feedback on:

- the GRC's communication and business engagement activities to encourage licensee compliance with gaming laws; and
- the effectiveness of training facilitated by the GRC, as assessed by licensees as employers of gaming staff (feedback is sought from training participants before and after training sessions but not from employers) and whether the training is effectively covering the areas of highest risk of non-compliance with gaming laws.

3.22 The GRC, through Access Canberra, has sought to engage with the gambling industry, and gaming machine licensees specifically, through a Gambling and Racing Commission Advisory Committee and an Industry Survey conducted in August 2022. The Advisory Committee does not have a specific role in encouraging gaming machine licensee compliance with gaming laws,but has received information on the GRC's compliance activities, details of research funded by the GRC, developments and initiatives in other jurisdictions and gambling policy reform. The Industry Survey sought information from the industry on gambling harm prevention materials. A similar survey has not been undertaken to seek the industry's views on the GRC's activities more generally, including with respect to encouraging licensee compliance with gaming laws.

[14] The Commission dedicates a week to raising awareness of gambling harm amongst the ACT community during Gambling Harm Awareness Week (GHAW), where people are encouraged to talk about the harms that can arise from gambling and the effects they can have on communities, families, friends, workplaces and individuals. Gambling harm can affect self-esteem, relationships, physical and mental health, financial security, work performance and social life. The Commission encourages people to seek information and help, should they need it, and highlighting the range of supports available.

Licensee engagement

3.23 Access Canberra has sought to engage with licensees as a means to encourage licensee compliance with gaming laws. Access Canberra has specifically sought to do this through:

- an ACT Gambling Exclusion Scheme Engagement Program; and
- training programs.

ACT Gambling Exclusion Scheme Engagement Program

3.24 In July 2022, a new version of the ACT Gambling Exclusion Database was released. In October 2022, Access Canberra undertook the ACT Gambling Exclusion Scheme Engagement Program. The Engagement Program sought to:

> Educate gaming machine licensees and staff at venues on:
>
> - the importance of ensuring self-excluded people are not gambling at their venue;
> - the importance (and legal requirement) to check ACTGED;
> - the incident reporting requirements; and
> - what happens if an excluded person was to play a gaming machine in their venue.
>
> Seek feedback and sentiment on the roll out of the new ACTGED, the ACT Gambling Exclusion scheme and any other general pressure points and/or obstacles.
>
> To continue to promote and facilitate an active working relationship between the gaming machine sector and Access Canberra.

Conduct of the program

3.25 All licensees were offered the opportunity of receiving a visit. Of the 24 gaming machine licensees in the ACT (i.e. club groups), 22 chose to participate in the program and receive a visit.

3.26 Where one club group was responsible for multiple venues, one visit was undertaken on behalf of all venues. Access Canberra advised that this was for the purpose of reducing the regulatory burden on licensees. There was no evidence that consideration was given to whether providing engagement support to licensees was perceived as a ‘regulatory burden’ and that such an approach was appropriate. There was also no follow-up to ensure that information provided to a licensee’s representative was disseminated across the licensee’s venues and gaming machine locations.

3.27 To guide the conduct of the ACT Gambling Exclusion Scheme Engagement Program Access Canberra developed:

- an *Engagement Program Plan* (September 2022); and

- engagement tracker to monitor progress of the program.

3.28 A Microsoft Excel spreadsheet was set up as an engagement tracker. The engagement tracker recorded:

- the details of each engagement visit, including when each visit was conducted; and
- the nature of feedback received from licensees.

3.29 The engagement team recorded what action was taken for some queries raised by licensees, including seeking assistance from other parts of Access Canberra. The recording of actions in response to the queries raised by licensees was not completed in all instances to demonstrate that they were appropriately addressed.

3.30 Various resources were disseminated to licensees during the conduct of the Program, which explained the key features of the ACT Gambling Exclusion Scheme Engagement Program, including:

- *Factsheet – ACT Gambling Exclusion Scheme*;
- *Factsheet – Quick Guide to ACTGED for licensees*; and
- *Factsheet – Engaging with an excluded person*.

3.31 The GRC also developed a post-engagement feedback survey that was disseminated to program participants.

Program outcomes

3.32 Measures of success and outcomes for the Program were identified in the Engagement Program Plan as:

- ‘engaged with **all** gaming machine licensees either in person, virtually or via email’;
- ‘provided gaming machine licensees with all the available information and resources to enable voluntary compliance’;
- ‘facilitate contact with relevant line areas for any questions that were unable to be answered at time of engagement’;
- ‘all industry feedback is collated and presented to Access Canberra executives and GRC board’;
- ‘receive positive feedback to our engagement activities’;
- ‘increased number of reports through ACTGED for the venues identified as having no or small number of reports’; and
- ‘improved compliance and/or understanding of legislative requirements’.

3.33 An Engagement Program Report was prepared by the Senior Director, Fair Trading and Compliance and presented to the GRC Board. The Engagement Program Report did not explicitly report on the achievement of the measures of success and outcomes in the Engagement Program Plan, but did report against the plan's three outcomes. Reported results included that Access Canberra had:

- educated gaming machine licensees and staff on the Gambling Exclusion Scheme;
- received 'overwhelming feedback on obstacles and pressure points businesses are facing'; and
- resolved some issues by connecting clubs with relevant areas of Access Canberra.

3.34 The Engagement Program Report identified that three of the licensees had not accessed the ACT Gambling Exclusions Database at the time of the visit and that a further 12 of the 22 licensees had issues with the Database with the 'security feature of having to log in to the ACTGED using The Two-factor authentication (**2FA**) [being] the biggest issue'.

3.35 The Engagement Program Report identified a variety of feedback was received during the visits. The feedback was summarised as follows:

> Training: Periodic refresher training on the new ACTGED database will be useful for the venues. Some feedback provided by venues as suggestions to improve the new database were already in place, indicating that the venues did not appear to be aware of all available features ...
>
> Fostering Voluntary Compliance: Almost all Clubs agreed that a self-assessment checklist would be helpful to enable self-audits, in relation to gambling and liquor…
>
> Red Tape Reduction: The administrative 'double ups' in reporting any changes to the Club board structure could be minimised. One suggestion raised was to introduce a single Smart Form for gaming machine venues to easily update their details for their gaming license, liquor licence/s and incorporated association.

3.36 The GRC (through Access Canberra) has not developed a plan for recognising and actioning the feedback that was received.

3.37 In October 2022, Access Canberra undertook the ACT Gambling Exclusion Scheme Engagement Program, following the July 2022 release of a new version of the ACT Gambling Exclusion Database. Of the 24 gaming machine licensees in the ACT (i.e. Club groups), 22 chose to participate in the program and receive a visit. Various resources were disseminated to licensees during the conduct of the Program, which explained the key features of the ACT Gambling Exclusion Scheme Engagement Program. An Engagement Program Report was prepared and presented to the GRC Board. The Engagement Program Report did not explicitly report on the achievement of the measures of success and outcomes in the Engagement Program Plan, but did report against the plan's three outcomes. The Engagement Program Report identified a variety of feedback was received during the visits.

The GRC (through Access Canberra) has not developed a plan for recognising and actioning the feedback that was received.

Community engagement

Community of Practice

3.38 In 2022-23, the GRC established a Gambling Harm Prevention Community of Practice in partnership with the ACT Gambling Support Service. The Community of Practice is open to all individuals engaged in local community and primary health care work with an interest in gambling harm, including those from government, health, education, community and advocacy services. New members from the identified sectors can apply to join by submitting an expression of interest to the Access Canberra Gambling and Harm Prevention team.[15]

3.39 There are currently 29 ACT community sector organisations engaged in the Community of Practice, including:

- ACT Council of Social Services;
- ACT Multicultural Advisory Council;
- Alcohol Tobacco and Other Drug Association ACT;
- Canberra Gambling Reform Alliance;
- Menslink;
- Office for Mental Health and Wellbeing (ACT Health);
- Yeddung Mura; and
- Youth Coalition of the ACT.

3.40 The purpose of the Community of Practice is to create a structure that allows community and primary health care workers to share learnings, build shared understandings and create opportunities for collaboration in gambling harm education, prevention, early intervention, counselling and referral across the ACT.

3.41 The Community of Practice does not consider the GRC's functions as a regulator or its activities to encourage licensee compliance with gaming laws. The members of the Community of Practice are not licensees but community support organisations and, as such, the regulatory functions of the GRC (or Access Canberra) or licensees' obligations under the gaming laws are not incorporated into these forums.

[15] Community Sector - ACT Gambling and Racing Commission

Community Sector Round Table

3.42 The Community Sector Round Table was an initiative of the GRC during Gambling Harm Awareness Week 2021 to hear the community support sector's perspectives on the effectiveness of gambling harm prevention messaging and associated initiatives. The Community Sector Round Table focused on the public health approach to minimising gambling harm and did not consider the regulatory functions of the GRC (or Access Canberra) or licensees' obligations under the gaming laws.

Industry and community stakeholder feedback

3.43 The Audit Office sought feedback from industry and community stakeholders on the activities of the GRC (and Access Canberra) to engage and communicate with gaming machine licensees. Stakeholders suggested there was a limited scope of education and engagement activities, which they perceived to be focused on:

- training for Gambling Contact Officers and Club Boards; and
- activities for Gambling Harm Awareness Week.

3.44 Stakeholders identified a preference for more education and engagement activities to support compliance with gaming laws and further assistance in relation to:

- providing information and research on better practice compliance; and
- increasing awareness of available supports such as the Small Clubs Liaison function (reporting to the GRC Board shows this function has received nine enquiries since September 2020).

3.45 In response to the draft proposed report, Access Canberra noted 'the onus is on each licensee, through its board, CEO and key management personnel, to understand and fulfil licensing obligations and requirements'.

3.46 Stakeholders thought that there was an opportunity for better monitoring and sharing of information and research on compliance matters through periodic communications or forums. Stakeholders also thought that there was a role for the GRC as a conduit of information to government and for providing feedback on gaming laws that the stakeholders perceived as outdated and ineffective in supporting gambling harm.

3.47 In response to the draft proposed report, Access Canberra noted:

> While Access Canberra notes the statements and recommendations relating to 'stakeholder feedback', it is noted that stakeholder relationships for a regulator must avoid regulatory capture and prevent undue influence by the industry that it is responsible for regulating.

3.48 The Audit Office sought feedback from industry and community stakeholders on the activities of the GRC (and Access Canberra) to engage and communicate with gaming machine licensees. Stakeholders suggested there was a limited scope of education and engagement activities, which they perceived to be focused on: training for Gambling Contact Officers and Club Boards; and activities for Gambling Harm Awareness Week. Stakeholders identified a preference for more education and engagement activities to support compliance with gaming laws and further assistance in relation to providing information and research on better practice compliance.

Recommendation 6 Communication and engagement activities

The Gambling and Racing Commission Board should, as part of its forthcoming review of its communication and engagement planning, document and implement communication activities and initiatives that specifically:

a) address licensee compliance with gaming laws;

b) address feedback received from licensees and community stakeholders on compliance with gaming laws, and document its response to these issues; and

c) encourage sharing of better practice and lessons learned from licensee non-compliance and other jurisdictions.

Training programs

3.49 Recognition of the relevance and importance of training is set out in the *Gambling and Racing Code of Practice* (Code of Practice) (Part 2 Division 2.2 Section 9) which states:

> Approved training programs
>
> (1) A person may apply to the commission for approval of a training program about the responsible provision of gambling services. Note: If a form is approved under the Act, s53D for this provision, the form must be used.
>
> (2) The commission may approve a training program (an approved training program) if satisfied that the program content is relevant, sufficiently comprehensive, accurate and up to date.
>
> (3) An approval is a notifiable instrument.

3.50 The GRC has a factsheet on its website to assist the gaming and racing industry to understand the various types of training available and their obligations regarding training.

3.51 As per the Code of Practice (Part 2 Division 2.2 Section 9), training programs are run by registered training organisations approved by Access Canberra and recorded in a Notifiable Instrument. The training programs must be consistent with the standard for a Responsible

Service of Gambling course accredited under the Australian Quality Training Framework. There are three different types of training required under the Code of Practice:

- **Responsible Conduct of Gambling** - staff members directly involved in providing gambling services to patrons and people who supervise such staff must complete an approved training program within the previous three years [Code of Practice section 1.4(1)(i)];
- **initial training for Gambling Contact Officers** - an approved training program which Gambling Contact Officers must have completed no more than three years prior to their appointment [Code of Practice section 1.9(3)]; and
- **refresher training for Gambling Contact Officers -** Gambling Contact Officer must complete an approved training session each year to remain eligible for appointment [Code of Practice section 1.9(4)].

Coverage of training

3.52 The design and completeness of the training courses has not been supported by a risk assessment of licensee legislative obligations with a view to identifying whether:

- the training adequately covers the areas of gaming laws that present the highest risk of non-compliance; or
- there are potential gaps in the training or lack of coverage.

3.53 Recognition of the relevance and importance of training is set out in the *Gambling and Racing Code of Practice* (Code of Practice). Training programs are run by registered training organisations approved by Access Canberra and recorded in a Notifiable Instrument. The training programs must be consistent with the standard for a Responsible Service of Gambling course accredited under the Australian Quality Training Framework. The design and completeness of the training courses has not been supported by a risk assessment of licensee legislative obligations with a view to identifying whether:

- the training adequately covers the areas of gaming laws that present the highest risk of non-compliance; or
- there are potential gaps in the training or lack of coverage.

Responsible Conduct of Gambling training

3.54 To have a training program approved, a training provider must submit a form which is available on the GRC's website. When reviewed for the purpose of the audit in February 2024, the form had outdated references and broken web links.

3.55 Five registered training providers have been approved by Access Canberra to provide Responsible Conduct of Gambling training. There have been no new requests to accredit Responsible Conduct of Gambling training since July 2022.

3.56 The Code of Practice requires the GRC (through Access Canberra) to approve a training program if it is satisfied that the program content is relevant, sufficiently comprehensive, accurate and up to date (subsection 9(2)). Once a course has been approved, Access Canberra does not have a process to periodically examine whether courses and their curriculum remain consistent with the requirements of gaming laws. None of the approved Responsible Conduct of Gambling training courses have been reviewed by Access Canberra since the release of the last notifiable instrument in 2016.

3.57 Licensee staff involved in providing gaming services must undertake Responsible Conduct of Gambling training every three years. Under the Code of Practice, the GRC (through Access Canberra) has a role in ensuring that the training is relevant, sufficiently comprehensive, accurate and up to date when it is approved. Once a course has been approved, however, Access Canberra does not have a process to periodically examine whether courses and their curriculum remain consistent with the requirements of gaming laws. None of the approved Responsible Conduct of Gambling training courses have been reviewed by Access Canberra since the release of the last notifiable instrument in 2016.

Gambling Contact Officer training

3.58 The GRC (through Access Canberra) provides training for Gambling Contact Officers. The training must be taken annually. These programs are delivered under contracts with two external training providers: Wisdom and Lifeline Canberra.

Wisdom

3.59 The Gambling Contact Officer training delivered by Wisdom provides four hours of face-to-face training. Learning outcomes sought from the training include the ability for Gambling Contact Officers to:

- understand the public health approach to gambling harm prevention;
- identify the signs of gambling harm;
- understand obligations relating to gambling harm;
- know how and when to appropriately assist patrons who show signs of gambling harm; and
- understand current resources available to assist a patron.

3.60 There have been a total of 322 attendees at 26 Gambling Contact Officer sessions held by Wisdom since July 2020. The course outline indicates that an Access Canberra representative is expected to attend the training to answer participant questions. However, this did not occur at four sessions.

3.61 The GRC Board advised that Wisdom provided the last Gambling Contact Officer training on 4 July 2024 and a new agreement was executed with Access Recognised Training on 26 September 2024.

Lifeline Canberra

3.62 The Gambling Contact Officer training delivered by Lifeline Canberra was developed to provide more choice to participants who may have done the Wisdom training numerous times. The course is focused on developing conversational skills to allow Gambling Contact Officers to confidently engage with, and support, patrons who are at risk or are already being impacted by gambling harm.

3.63 The learning outcomes of Lifeline Canberra's Gambling Contact Officer training package include:

- enhanced communication skills with patrons adversely affected by gambling harm;
- increased levels of confidence in conversations with individuals affected by gambling harm;
- improved ability to recognise and address individuals that may be struggling with gambling behaviour;
- knowledge and skills on how and when to refer individuals to specialised support services and resources;
- develop strategies for setting and maintaining appropriate boundaries; and
- self-care and self-reflection practices.

3.64 The course was initially run as a pilot with four sessions run between October 2022 and June 2023 across four venues within the Vikings Group. A further 11 sessions were held between October 2023 and November 2024 with a total of 142 participants.

Feedback on Gambling Contact Officer training

3.65 After training is completed, participants are asked to complete a satisfaction survey. Access Canberra consistently receives high scores for this activity from participants.

3.66 Gambling Contact Officers must undertake training on an annual basis. Training has been delivered under contracts with two external training providers. Survey responses from participants in the training consistently show a high level of satisfaction.

Club Board training

3.67 Training for members of Club Boards aims to provide information on issues associated with gambling harm. The *Interim Evaluation Report 2019-2022* for the *Strategy for Gambling*

Harm Prevention, which was prepared in June 2023, noted that only a single training session for 10 board members of a single club had been conducted. The GRC Board advised this was due to the impact of COVID-19 and public health restrictions.

3.68 Wisdom Training has since started delivering this training and during 2023-24, six training sessions were provided with 43 participants attending.

3.69 The scenarios included in the training were reported to be relevant to Club Board members. Additional impacts of this training identified by the evaluation included a better understanding of the potential legal and reputational implications and risks for the club if the responsibilities are not fully met.

3.70 Training for members of Club Boards aims to provide information on issues associated with gambling harm. Prior to June 2023 only a single training session for 10 board members of a single club had been conducted. The impact of lockdowns due to the COVID-19 pandemic is noted to have affected this result. During 2023-24, however, six training sessions were provided with 43 participants attending.

Recommendation 7 Approved training programs

The Gambling and Racing Commission Board should:

a) undertake periodic reviews of registered training providers to ensure they remain fit-for-purpose and continue to deliver training required to support licensee compliance with gaming laws; and

b) undertake periodic assessments of the content of approved training programs to ensure they remain relevant, comprehensive and up-to-date.

4 Compliance and enforcement

4.1 This chapter considers the GRC's compliance and enforcement activities to encourage gaming machine licensee compliance with gaming laws.

Summary

Conclusions

The GRC, through Access Canberra, undertakes various compliance and enforcement activities in relation to gaming machine licensees and their compliance with gaming laws.

In doing so, however, the GRC has not systematically assessed the risks of non-compliance with gaming laws and used this information to inform its compliance and enforcement regime. The GRC has not analysed compliance obligations under gaming laws of licensees, or itself, and used this analysis to design effective controls to address these risks or document their acceptance. In the absence of a systematic assessment of the legislation, and associated legislative compliance risks, the GRC is not in a position to effectively plan for, and undertake, risk-based compliance and enforcement activities.

The management of complaints about compliance with gaming laws is poor. The GRC Board has not had effective oversight of complaints management activity undertaken on its behalf by Access Canberra. Access Canberra has not effectively tracked and managed complaints that it receives and work that it undertakes to progress and respond to complaints is not effectively documented.

The management of investigations into potential non-compliance with gaming laws has been poor. The GRC Board has had poor oversight of investigations undertaken by Access Canberra on its behalf. The conduct of investigations has been inconsistent and has not consistently conformed to Access Canberra's requirements for investigations.

Key findings

Planning for licensee compliance and enforcement activity	Paragraph
The GRC has not prepared a legislative compliance framework, or similar tool, that seeks to document compliance obligations along with controls to address non-compliance risks, including controls to be implemented by licensees and controls to be implemented by the GRC (or Access Canberra on its behalf).	4.6
A review of the GRC's recognition of licensees' mandatory obligations through its regulatory activities as they relate to the scope of the audit shows that, of a total of	4.16

91 licensee obligations under gaming laws, the GRC's current regulatory activities could be expected to provide:

- assurance about licensee compliance with 25 obligations under gaming laws;
- partial assurance about licensee compliance with 40 obligations under gaming laws; and
- no assurance about licensee compliance with 14 obligations under gaming laws.

A review of the GRC's recognition of its own mandatory obligations through its regulatory activities as they relate to the scope of the audit shows that, of a total of 129 obligations for the GRC under gaming laws, the GRC's current regulatory activities could be expected to provide: 4.23

- assurance about its compliance with 17 obligations under gaming laws;
- partial assurance about its compliance with 32 obligations under gaming laws; and
- no assurance about its compliance with 66 obligations under gaming laws.

The GRC has not systematically analysed and documented the risks of non-compliance with gaming laws through a risk assessment exercise. The GRC's strategic risk register, which identifies a total of 12 risks, does not consider the risks of non-compliance with legislation, along with the sources for such a risk. In February 2025 the GRC advised that it is working on finalising a revised strategic risk register. 4.29

In accordance with section 31 of the GRC Act, a person may lodge a complaint with the GRC about compliance with a gaming law of the Territory. Between July 2020 and November 2023, 48 complaints relating to gaming machines have been recorded by Access Canberra. Four significant complaints, for which further investigative activity was apparent, were reported to the GRC Board. Complaints for which no further investigative activity was apparent were not reported to the GRC Board. This means the GRC Board had limited oversight of the majority of complaints that were received and how they have been handled and resolved by Access Canberra. The GRC, or Access Canberra on its behalf, does not analyse complaints to understand trends with respect to licensee behaviour that could potentially inform its engagement and compliance activities. Since 2024 all complaints have been reported by Access Canberra at GRC Board meetings. 4.39

In 2014, the GRC implemented the ACT Gambling Exclusions Database (Exclusions Database) to facilitate recording and reporting of: gambling harm incidents; and gambler self-exclusion breaches. The most recent version of the Exclusions Database, revised and updated in 2022, has sought to improve the recording and accessibility of exclusion, revocation and incident data as well as monitoring and reporting functions. 4.53

Under gaming laws, licensees are required to report exclusion breaches and incidents of gambling harm within three trading days. The GRC, through Access Canberra, does not monitor licensee compliance with this requirement, despite the data being available within the database. A review of mandatory reporting data shows ongoing late reporting on the part of gaming machine licensees, including: 4.54

- 2,752 incidents were reported up to 7 days late;
- 423 incidents were reported up to 14 days late;
- 109 incidents were reported up to 28 days late;
- 109 incidents were reported more than 28 days late; and
- 179 incidents where the date of the event was incorrectly entered after it was recorded in the database.

Licensing and registration

Access Canberra officers in the Licensing and Registration Branch manage the licensing and registration of gaming venues and associated aspects such as gaming machine technicians and manufacturers on behalf of the GRC. In doing so, officers refer to various standard operating procedures for processing licensing and registration transactions, some of which have not been reviewed for a number of years. A review of 60 processed forms showed shortcomings in documentation of processes and evidence of decision-making. 4.67

The GRC Board is provided with a report of licensing and registration applications received and processed by the Access Canberra Licensing and Registration Branch at each monthly meeting. Notwithstanding the information that is available, neither Access Canberra nor the GRC Board analyses the data to understand trends with respect to licensee behaviour that could generate improved insights to inform regulatory activities. The use of a bespoke legacy information system to record this data means that any analysis would require high-volume manual processing, and would introduce a greater risk of human error. 4.68

Licensee compliance and enforcement

Access Canberra conducted a multifocal compliance program of gaming machine licensees in early 2021. It found a low level of compliance, with only 17.5 percent of licensees being compliant with all 287 requirements assessed in the program. Follow up inspections were conducted, after which 97.0 percent of licensees were compliant after having been made aware of instances of non-compliance on the first visit. The program also included inspection of 1,826 gaming machines of which 80.0 percent were compliant with gaming laws. The GRC continues to place reliance on this work, but in doing so has not assessed the risk of non-compliant behaviour returning. 4.80

The 2023 Excluded Persons Program had a stated objective 'to reduce the number of excluded persons accessing a gaming area and reduce the number of excluded persons being paid winnings'. The program involved inspections of all 45 licensees of 4.93

gaming machines. Supporting documentation for the program shows records of inspections were not available for 19 of the 45 licensees inspected by Access Canberra. Inspections were limited to queries with the venue manager and did not involve discussions with Gambling Contact Officers or other venue staff.	
The review of licensee documentation was limited to whether policies and procedures for the exclusion scheme existed, but did not involve an assessment of their quality or comprehensiveness. Licensees advised that feedback would be welcomed, as would the sharing of better practice. The GRC Board and Access Canberra advised that they do not approve or endorse documents and the onus is on licensees to ensure they comply with relevant requirements.	4.94
Access Canberra has undertaken ad hoc compliance inspections to follow up on issues identified in the 2021 multifocal compliance program. There was no evidence of planning, including an assessment of risks by individual licensees, to inform the scope of the ad hoc program and the selection of licensees. Nine licensees were inspected, of which eight were identified as 'non-compliant'. Following feedback from Access Canberra, licensees were given the opportunity to address areas of non-compliance. A further inspection was conducted at the eight non-compliant licensees and all eight were subsequently found to be compliant.	4.99
The GRC Board had poor processes to oversight investigations undertaken by Access Canberra prior to April 2023. Access Canberra investigations were not managed consistently and lacked formal oversight. Since April 2023, Access Canberra implemented the Regulatory Activity Monitor to provide oversight of investigations and make recommendations to the GRC Board on potential investigation activity.	4.135
Three completed investigations were considered by the audit. While investigation updates were provided to the GRC Board, they were often verbal and not always provided regularly. For one matter that has taken a significant period of time to be completed, there were significant gaps in board updates. Access Canberra's investigation policy requires an investigation plan and evidence matrix be prepared at the outset of the investigation to guide its conduct; both of these were evident in one investigation, while another only had an investigation plan and another only had an evidence matrix. Advice to the GRC Board to support decisions for two investigations was comprehensive, but one investigation had evidence of inaccuracies in the support for the decision made.	4.136

Planning for licensee compliance and enforcement activity

4.2 Compliance and enforcement activity relies on having an effective understanding of the:

- gaming laws that licensees must comply with; and
- risks associated with non-compliance.

4.3 By understanding these factors, the GRC will be in a better position to develop and implement targeted compliance and enforcement activity.

Legislative compliance framework

4.4 A better practice approach to developing and demonstrating an effective understanding of gaming laws that licensees must comply with is through a legislative compliance framework. A legislative compliance framework can help to identify the impacts of non-compliance and what is needed to implement a risk-based approach that:

- prioritises those requirements that have a high risk of non-compliance; and
- dedicates resources to encouraging licensee compliance where the impact is greatest.

4.5 The first component of an effective legislative compliance framework is to document compliance obligations along with controls to address non-compliance risks, including controls to be implemented by licensees and controls to be implemented by the GRC (or Access Canberra on its behalf). The GRC has not done this.

4.6 The GRC has not prepared a legislative compliance framework, or similar tool, that seeks to document compliance obligations along with controls to address non-compliance risks, including controls to be implemented by licensees and controls to be implemented by the GRC (or Access Canberra on its behalf).

Identification of relevant gaming laws

4.7 In the absence of a documented legislative compliance framework by the GRC, the Audit Office reviewed gaming laws applicable to both the GRC and licensees and identified relevant mandatory obligations (i.e. the 'must' requirements). Mandatory obligations applicable to both the GRC and licensees are presented in Table 4-1. In undertaking this analysis the Audit Office did not consider obligations that are discretionary (i.e. the 'should' requirements).

Table 4-1 Mandatory gaming law requirements

Gaming Legislation[16]	Gaming machine licensees	Gambling and Racing Commission
Gambling and Racing Control Act 1999	0	24
Gambling and Racing Control (Code of Practice) Regulation 2002	34	19
Gaming Machine Act 2004	46	98
Gaming Machine Regulations 2004	11	2
Total	**88**	**129**

Source: Audit Office analysis of mandatory obligations under the gaming laws

[16] Refer to Chapter One – Key Legislation section

4.8 The Audit Office considered the extent to which the regulatory activities of the GRC have effectively considered and recognised the mandatory obligations as they relate to the regulation of gaming machines.

4.9 The analysis does not consider whether licensees or the GRC have complied with these obligations, but whether the GRC has implemented processes that allows it to understand and promote compliance. In doing so the analysis makes an assessment based on the following four categories:

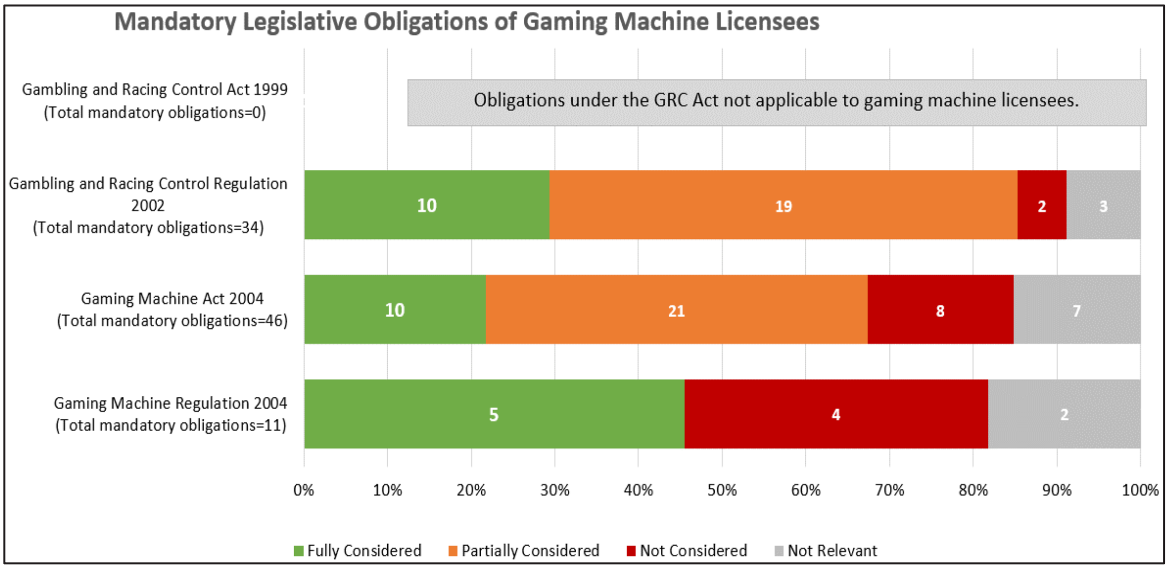
- Fully Considered – the regulatory activities undertaken by the GRC effectively addressed the mandatory obligation;
- Partially Considered - the regulatory activities undertaken by the GRC partially addressed the mandatory obligation;
- Not Considered - the regulatory activities undertaken by the GRC have not addressed the mandatory obligation; and
- Not Relevant – the mandatory obligations are not relevant to the scope of the audit.

Recognition of relevant gaming laws by the GRC

Recognition of licensees' mandatory obligations by the GRC

4.10 The results of a review of the GRC's recognition of licensees' mandatory obligations through its regulatory activities is shown in Figure 4-1.

Figure 4-1 Recognition of licensees' mandatory obligations under gaming laws by the GRC



Source: Audit Office analysis of mandatory obligations of licensees under gaming laws

4.11 Figure 4-1 shows a total of 91 licensee obligations under gaming laws. The GRC's regulatory activities could be expected to provide:

- assurance about licensee compliance with 25 obligations under gaming laws;
- partial assurance about licensee compliance with 40 obligations under gaming laws; and
- no assurance about licensee compliance with 14 obligations under gaming laws.

4.12 The remaining 12 obligations were outside the scope of the audit.

4.13 A full assessment of licensees' mandatory obligations under the gaming laws relevant to the scope of the audit and observation on whether and how the GRC has designed processes that allows it to perform an assessment of compliance is shown in Appendix B.

4.14 Examples of each of these categories include:

- Fully Considered: the GRC's gaming machine multifocal compliance program of 2021 provided assurance with respect to licensee requirements for a variety of legislative obligations such as gaming machine signage, cash facilities and unredeemed gaming credits;
- Partially Considered: the GRC may have processes to receive complaints or data about non-compliance with legislative requirements, but did not provide evidence of sufficiently active processes to monitor licensee compliance with gaming laws. Examples of this included determining whether licensees were not encouraging patrons to gamble beyond their means;
- Not Considered: the GRC did not provide sufficient evidence of effective controls to understand and promote licensee compliance with legislative requirements. These were most often activities that do not occur regularly, and for which the GRC lacked policies and processes to ensure legislative requirements were met. It also included activities that the GRC advised that it undertakes but could not supply evidence of recent activity. An example of this included the inspection of the management of linked jackpot winnings; and
- Not Relevant: these related to obligations that were outside the scope of the audit. An example of this included processes to reduce the number of gaming machines in the Territory to below 4,000, which was completed in 2019 prior to the conduct of the multifocal compliance program in early 2021.

4.15 The Audit Office provided the results of its analysis to the GRC Board during the audit. In February 2025, the GRC advised that it had provided the Audit Office's analysis of licensee legislative compliance to the relevant Access Canberra operational area. The GRC advised that the analysis has been used to inform the upcoming Board Strategic Plan for 2025 to 2028 and will be used to inform forthcoming planning for its compliance activities.

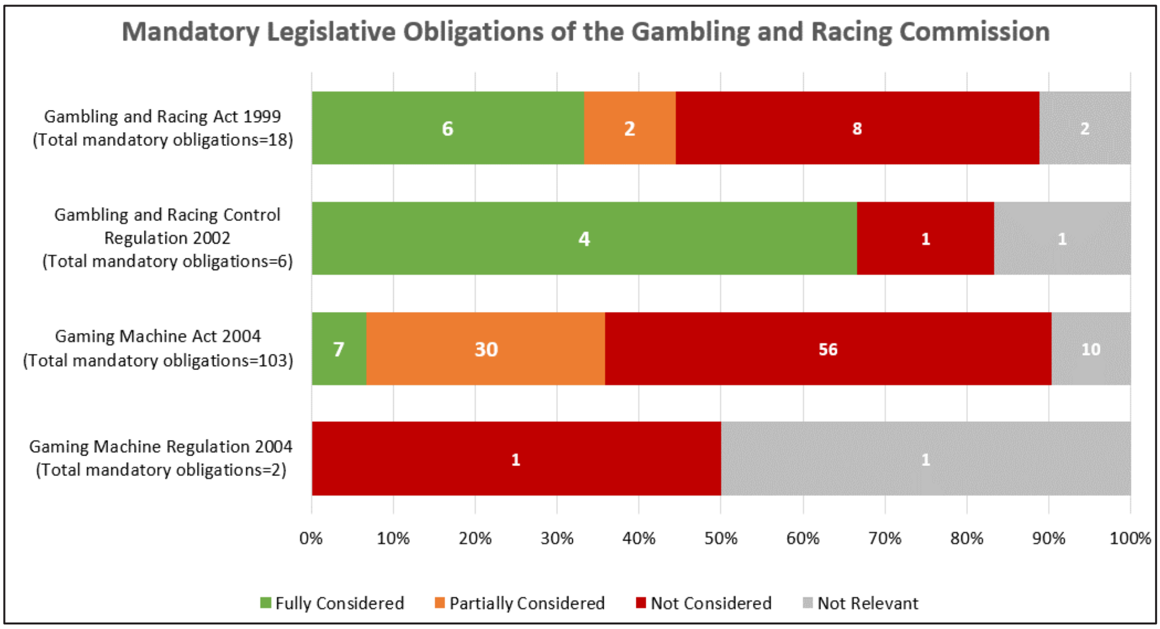
4.16 A review of the GRC's recognition of licensees' mandatory obligations through its regulatory activities as they relate to the scope of the audit shows that, of a total of 91 licensee obligations under gaming laws, the GRC's current regulatory activities could be expected to provide:

- assurance about licensee compliance with 25 obligations under gaming laws;
- partial assurance about licensee compliance with 40 obligations under gaming laws; and
- no assurance about licensee compliance with 14 obligations under gaming laws.

Recognition of GRC's own mandatory obligations

4.17 The results of a review of the GRC's recognition of its own mandatory obligations through its regulatory activities is shown in Figure 4-2.

Figure 4-2 Recognition of the GRC's mandatory obligations under gaming laws



Source: Audit Office analysis of mandatory obligations of the Commission under the gaming laws

4.18 Figure 4-2 shows a total of 129 obligations for the GRC under gaming laws. The GRC's regulatory activities could be expected to provide:

- assurance about its compliance with 17 obligations under gaming laws;
- partial assurance about its compliance with 32 obligations under gaming laws; and
- no assurance about its compliance with 66 obligations under gaming laws.

4.19 The remaining 14 obligations were outside the scope of the audit.

4.20 A full assessment of the GRC's mandatory obligations under the gaming laws relevant to the scope of the audit and an assessment of whether the GRC has designed processes that allows it to perform an assessment of compliance is shown in Appendix C.

4.21 Examples of each of these categories included:

- Fully Considered: the GRC has implemented the ACT Gamblers Exclusion Database (ACTGED) to record problem gambling incidents and provide an exclusion register to fulfill obligations under the Code of Practice;
- Partially Considered: the GRC provided evidence of making decisions and disciplinary actions, but lacked documented processes to support its activity;
- Not Considered: the GRC lacked evidence of processes for some licensing and authorisation activities. Gaming laws provide for a variety of activities, decisions and events that may not occur regularly. The GRC had not assessed these obligations and documented how these would be addressed; and
- Not Relevant: these related to obligations that were outside the scope of the audit. An example of this included processes under the Gaming Machine Act relating to the GRC publishing information about community contributions by clubs.

4.22 The Audit Office provided the results of its analysis to the GRC Board during the audit. In February 2025 the GRC advised that it had provided the Audit Office's analysis of licensee legislative compliance to the relevant Access Canberra operational area. The GRC advised that the analysis has been used to inform the upcoming Board Strategic Plan for 2025- to 2028 and will be used to inform forthcoming planning for its compliance activities.

4.23 A review of the GRC's recognition of its own mandatory obligations through its regulatory activities as they relate to the scope of the audit shows that, of a total of 129 obligations for the GRC under gaming laws, the GRC's current regulatory activities could be expected to provide:

- assurance about its compliance with 17 obligations under gaming laws;
- partial assurance about its compliance with 32 obligations under gaming laws; and
- no assurance about its compliance with 66 obligations under gaming laws.

Assessing risks of non-compliance with gaming laws

4.24 The second component of an effective legislative compliance framework is to assess the risk of non-compliance with legislative obligations.

Strategic risk register

4.25 The GRC has developed a strategic risk register. The strategic risk register has been reviewed by the GRC Board on an annual basis. The GRC Board advised in its response to the draft proposed report that it is now a standing agenda item and amended more regularly. The strategic risk register identifies 12 risks, including three risks that relate to issues associated with encouraging licensee compliance with gaming laws:

- inability to effectively regulate new products entering the market;
- GRC acting outside the scope of its legislative authority; and
- loss of stakeholder confidence.

4.26 All three risks are rated as a medium risk. A variety of controls are identified including participation in forums, legislation, delegations and engagement with industry. After these controls are applied the management of the risk is rated 'adequate' by the GRC.

Risks of legislative non-compliance

4.27 The risk register does not consider the risks of non-compliance with legislation, along with the sources for such a risk. Sources of risk that may increase the risk of non-compliance with gaming laws include:

- legislative obligations that are significant or complex;
- a high degree of public interest in ensuring licensees are compliant with their obligations;
- significant consequences resulting from non-compliance; and
- significant resourcing is required from licensees and/or the GRC to monitor and encourage compliance.

4.28 In February 2025 the GRC advised that it had undertaken a risk management workshop with the ACT Insurance Authority to assess the strategic risk matrix and secondary-level risk matrices. An amended strategic risk register is being finalised. In response to the draft proposed report, the GRC Board noted that consideration of risk was implicit in the work of the GRC and that 'when inspection surveys and programs are developed, they are informed by legislative obligations on a risk/harm basis'.

4.29 The GRC has not systematically analysed and documented the risks of non-compliance with gaming laws through a risk assessment exercise. The GRC's strategic risk register, which identifies a total of 12 risks, does not consider the risks of non-compliance with legislation, along with the sources for such a risk. In February 2025 the GRC advised that it is working on finalising a revised strategic risk register.

Recommendation 8	**Legislative compliance risk assessment**

The Gambling and Racing Commission Board should:

a) undertake a legislative compliance risk assessment that assesses the risks of licensee and GRC non-compliance with gaming laws; and

b) document, implement and monitor controls to address any unacceptable risks.

Other indicators of licensee risk

4.30 There are different data sources available to the GRC that may be used to inform its understanding of licensee compliance risk. These include:

- complaints; and
- breaches of gambling exclusions and reporting of gambling harm incidents.

Complaints

4.31 In accordance with section 31 of the GRC Act, a person may lodge a complaint with the GRC about compliance with a gaming law of the Territory. A complaint may be lodged via the GRC website.

4.32 As per the MoU between the GRC and Access Canberra, gambling complaints are received and managed by Access Canberra on behalf of the GRC (including complaints lodged through the GRC website).

Handling of complaints

4.33 When a gambling complaint is received it is recorded in Access Canberra’s customer relationship management system, Salesforce. Once a complaint is received, Access Canberra aims to respond to the complaint within five working days. Access Canberra advised that complaints are prioritised on the level of harm and the potential impact of the behaviour. A risk assessment is recorded against the complaint as part of this process. However, there was no evidence of how this risk assessment was used to prioritise individual complaints.

4.34 Records associated with the management and investigation of a complaint are maintained in Access Canberra’s recordkeeping system, Objective. Complaint records in Salesforce were closed when this occurred. There was little documentation associated with decision-making around the closure of complaints in Salesforce. Complaint records in Salesforce usually had comments such as ‘finalised-unsubstantiated’, ‘resolved’, ‘closed’ or ‘no breach identified’ but did not provide any detail of the basis of this judgment. Complaint records in Salesforce were also not updated at the conclusion of any further investigative activity, meaning that information on the handling of a complaint is maintained across multiple systems.

4.35 The Audit Office examined all 48 complaints recorded in Salesforce relating to gaming machines received by Access Canberra between July 2020 and November 2023. A review of the 48 complaints shows:

- 26 complaints were received for which Access Canberra was able to demonstrate that it had considered and satisfactorily resolved the complaint;
- seven complaints were received for which it was apparent that Access Canberra did not have the authority to resolve the issue. Examples of these complaints included members of the public complaining about the ability of patrons to make repeated withdrawals from a licensee EFTPOS facility or where there were abandoned credits on gaming machines;
- 12 complaints were received for which there was insufficient evidence of how the complaint was considered and resolved; and
- three complaints were related to other forms of gambling but incorrectly categorised as ‘gaming machines’. Aside from identifying these complaints as being incorrectly recorded, they were not examined further as they were outside of the scope of the audit.

Use and analysis of complaints data

4.36 Significant complaints, for which further investigative activity was apparent, were reported to the GRC Board. It was apparent that four complaints subject to further investigative activity were reported to the GRC Board. Complaints for which no further investigative activity was apparent were not reported to the GRC Board. This means the GRC Board has limited oversight of the majority of complaints that are received and how they have been handled and resolved by Access Canberra. The GRC Board advised in its response to the draft proposed report that since 2024, all complaints have been reported by Access Canberra at board meetings.

4.37 The GRC, or Access Canberra on its behalf, does not analyse complaints to understand trends with respect to licensee behaviour that could potentially inform its engagement and compliance activities. Analysis with respect to the following areas could highlight potential difficulties in compliance for licensees or highlight individual licensees as presenting higher risk of non-compliance:

- occurrences at multiple licensees, e.g. if the complaints are in relation to a number of venues;
- occurrences at select licensees, e.g. if the complaints are in relation to a single licensee; and

- root cause analysis of the issues contributing to the complaints e.g. if the issues are attributable to certain traits or operations of the licensees.

4.38 In its response to the draft proposed report, Access Canberra advised:

> Access Canberra has an established complaints management process. Complaints are centralised through the Resolution Support Team (RST), triaged and allocated to the relevant business unit. This process is underpinned by the Access Canberra Accountability Commitment – Regulatory Complaint and Investigation Policy. It is RST business practice to allocate gaming complaints to a senior case manager due to the greater level of knowledge and expertise required to review and appropriately triage the complaint.
>
> When complaints relating to the gambling and racing industry are allocated to the Compliance team, a senior compliance officer assesses the complaint and assigns an inspector based on industry knowledge and previous engagements.
>
> Case/venue complaint history is available in Salesforce. Records are kept in Objective and licensee information/engagement history is stored in IBS. These sources are reviewed by the Compliance team to inform approach.

4.39 In accordance with section 31 of the GRC Act, a person may lodge a complaint with the GRC about compliance with a gaming law of the Territory. Between July 2020 and November 2023, 48 complaints relating to gaming machines have been recorded by Access Canberra. Four significant complaints, for which further investigative activity was apparent, were reported to the GRC Board. Complaints for which no further investigative activity was apparent were not reported to the GRC Board. This means the GRC Board had limited oversight of the majority of complaints that were received and how they have been handled and resolved by Access Canberra. The GRC, or Access Canberra on its behalf, does not analyse complaints to understand trends with respect to licensee behaviour that could potentially inform its engagement and compliance activities. Since 2024 all complaints have been reported by Access Canberra at GRC Board meetings.

Gambling exclusions and incidents of gambling harm

Exclusion from gaming machine venues

4.40 To reduce the risk of gambling harm for gaming machine users, the Code of Practice establishes processes for patrons to be excluded from gaming machine venues. Patrons can:

- choose to exclude themselves by completing a deed of self-exclusion; or
- be excluded from a venue by a licensee if they are observed showing significant risks of gambling harm.

4.41 Under the self-exclusion scheme in the ACT, a patron can exclude themselves from gambling at one or more licensed gambling venues in the ACT, including:

- clubs and taverns with gaming machines;

- all Tabcorp ACT (TAB) facilities, including branches, agencies, telephone and online; and
- Casino Canberra.

4.42 Exclusion means that the patron will be prevented from entering gambling areas in the venues that they choose to exclude themselves from. Self-exclusion is voluntary and free and the patron can decide the length of time, from six months up to a maximum of three years.

Reporting of gambling harm incidents

4.43 A licensee is required to report incidents of problem gambling to the GRC. Problem gambling incidents have been defined by the Code of Practice as ’anyone who shows signs of having a gambling problem when in the gambling facility; or dealing with the licensee; and any action taken by the licensee in relation to the person’.[17]

4.44 The GRC has made information and resources available on its website to guide and assist gambling operators to recognise and respond to signs of gambling harm. The website also contains information on training opportunities that are available.

ACT Gambling Exclusions Database (ACTGED)

4.45 In 2014, the GRC implemented the ACT Gambling Exclusions Database (Exclusions Database) to facilitate recording and reporting of:

- gambling harm incidents; and
- gambler self-exclusion breaches.

4.46 The Exclusions Database is a result of section 20 of the Code of Practice, which states the GRC:

> … must establish a register (an exclusion register) of people who are excluded from gambling at a gambling facility under the code of practice.
>
> The exclusion register may be kept electronically.
>
> The exclusion register must include the following for each person excluded from gambling at a gambling facility:
>
> (a) sufficient particulars to identify the person
>
> Examples: 1. the person’s name and address
>
> 2. an image of the person’s face or a description of the person

[17] Gambling and Racing Control (Code of Practice) 2002 Division 1.6A (1) a & b

(b) each gambling facility from which the person is excluded;

(c) the period of the exclusion from each gambling facility from which the person is excluded;

(d) for any deed or notice of exclusion applying to the person—

(i) a copy of the deed or notice; and

(ii) if a deed or notice of exclusion applied to the person in the 7 years before the day the current deed or notice of exclusion was entered into or given—a copy of the previous deed or notice.

Reporting of gambling harm incidents by licensees

4.47 Under gaming laws, licensees are required to report exclusion breaches and incidents of gambling harm within three trading days.[18] The GRC, through Access Canberra, does not monitor licensee compliance with mandatory reporting requirements, despite this data being available within the database. A review of mandatory reporting data shows:

- 2,752 incidents were reported up to seven days late;
- 423 incidents were reported up to 14 days late;
- 109 incidents were up to 28 days late;
- 109 incidents were more than 28 days late; and
- 179 incidents where the date of the event was incorrectly entered after it was recorded in the database.

Summary reporting of Exclusions Database data

4.48 Access Canberra can obtain statistics from the Exclusions Database and provide monthly reports to the GRC Board with respect to:

- number of people excluded by licensees;
- number of people recording self-exclusions;
- number of people who have breached their exclusion by venue;
- action taken by licensees in response to an exclusion breach or gambling harm incident and the outcome of the action;
- action taken by Gambling Contact Officers in response to an exclusion breach or gambling harm incident; and
- observed incidents of gambling harm.

[18] As set out in "1.6A -*Recording problem gambling incidents"* of the CoP, section 4 a) A licensee must, within 3 consecutive trading days after becoming aware of a problem gambling incident record the incident in the problem gambling incident register.

4.49 The Exclusions Database also facilitates the recording and sharing of exclusion records by licensees across venues. Prior to the database, exclusion records were maintained in files by the licensees.

4.50 The initial version of the Exclusions Database (introduced in 2014) was 'transaction based' and not 'profile based', meaning that individual exclusion records could be identified, but patrons with multiple exclusions across multiple venues were difficult to identify. This made it difficult for the GRC to track, connect and retrieve patron information. The database was upgraded and migrated to the Salesforce platform on 26 July 2022. The upgrade was aimed at improving the recording and accessibility of exclusion, revocation and incident data as well as monitoring and reporting functions.

4.51 An *ACT Gamblers Exclusion Database Data Report* was presented to the GRC Board subsequent to the upgrade in July 2022. The report summarised yearly trends from 2015-16 to 2022-23 for exclusions, revocations, breaches and incidents, with specific areas of focus noted below:

- sex and age trends;
- exclusions by type of licensee (TAB, Casino or gaming machine);
- the length of time between self-exclusion and subsequent revocations;
- the locations where breaches were identified in venues;
- the reporting of gambling incidents by licensees;
- incident types; and
- staff and Gambling Contact Officer actions and outcomes for breaches and incidents.

4.52 The report was hampered by data quality issues. Data in the old Exclusions Database included more use of free text, which resulted in inconsistency in data recording and completeness of information across licensees, venues and for individual gaming staff. The revised database now includes more input controls and pre-configured data fields which is intended to improve data analysis.

4.53 In 2014, the GRC implemented the ACT Gambling Exclusions Database (Exclusions Database) to facilitate recording and reporting of: gambling harm incidents; and gambler self-exclusion breaches. The most recent version of the Exclusions Database, revised and updated in 2022, has sought to improve the recording and accessibility of exclusion, revocation and incident data as well as monitoring and reporting functions.

4.54 Under gaming laws, licensees are required to report exclusion breaches and incidents of gambling harm within three trading days. The GRC, through Access Canberra, does not monitor licensee compliance with this requirement, despite the data being available within the database. A review of mandatory reporting data shows ongoing late reporting on the part of gaming machine licensees, including:

- 2,752 incidents were reported up to 7 days late;
- 423 incidents were reported up to 14 days late;
- 109 incidents were reported up to 28 days late;
- 109 incidents were reported more than 28 days late; and
- 179 incidents where the date of the event was incorrectly entered after it was recorded in the database.

Recommendation 9	**Gambling exclusions breaches and incidents management**

The Gambling and Racing Commission Board should formally establish and implement procedures to review the use of the ACT Gambling Exclusions Database. This should include:

a) consideration of the timeliness of reporting incidents of exclusion breaches and incidents of gambling harm by licensees; and

b) analysis of data related to breaches and incidents for the purpose of understanding licensee behaviours and informing the Commission's compliance activities.

Licensing and registration

4.55 Access Canberra officers in the Licensing and Registration Branch manage the licensing and registration of gaming venues and associated aspects such as gaming machine technicians and manufacturers on behalf of the GRC. The audit considered whether:

- the GRC website provided useful and relevant information to licensees on the licensing and registration process; and
- Access Canberra, on behalf of the GRC, effectively managed its licensing and registration activities to promote legislative compliance.

GRC website

4.56 Access Canberra's *Accountability Commitment – Gambling and Racing* notes that the GRC website 'includes resources to assist industry to achieve compliance and provide compliant and safe services to the community'.

4.57 The Audit Office reviewed forms and templates available on the GRC website for licensees in the following categories:

- gaming machine forms and fees;
- gaming machine tax;

- link jackpot arrangements;
- technician certificates; and
- manufacturers.

4.58 A review of the forms and templates available on the GRC website shows that licensing and registration forms supported licensees to comply with their obligations under gaming laws. The forms and templates requested information that was required by gaming laws to allow the GRC to process the relevant application.

4.59 At the time of the review, however, the list of licensees was out of date and there were some broken website links. This indicated a lack of periodic review of the GRC website to ensure information was accurate and current. The GRC Board advised in its response to the draft proposed report that content on GRC website has since been reviewed and updated.

Documentation of GRC licensing and registration process

4.60 In early 2024 Access Canberra's Licensing and Registrations Branch developed process maps to support the Electronic Gaming Machine Reform Program. The Electronic Gaming Reform Program involves the implementation of a central monitoring system for gaming machines along with lower bet and credit limits. The processes covered by the process maps include applications and transactions received from licensees, technicians and manufacturers of gaming machines. These include changes to gaming machines, submitting applications and tax returns.

4.61 Access Canberra officers in the Licensing and Registrations Branch also developed 15 standard operating procedures for processing various licensing and registration transactions. This included procedures for processing gaming machine tax returns and processing applications from licensees and technicians. Eight of these procedure documents had been reviewed or created in the previous two years. The other seven had not been recently reviewed, with four not being updated since 2017. Nevertheless, the procedure documents provided an acceptable level of detail to support Access Canberra officers process the licensing and registration transactions.

Processing of licensing and registration transactions

4.62 The Audit Office reviewed a selection of 60 processed forms received from licensees and technicians. This included a selection of:

- issue and renewal of gaming machine technician licenses (20);
- changes to gaming machines by licensees (9) including:
  - authorisation for trade/sale of gaming machine;
  - storage or reinstatement of gaming machine; and
  - disposal of gaming machines.

- certificate of authorisation amendments (31) for:
  - adding a new gaming machine;
  - licensee trading name detail change;
  - conversion of a gaming machine; and
  - removal of an existing gaming machine.

4.63 For the 60 processed forms that were reviewed, the Audit Office found:

- 16 of the forms did not have evidence of delegate approval of the decision that was made;
- 13 of the forms were missing records to support decision making. By way of example processed forms were missing revised gaming machine authorisation and storage permit schedules showing what decisions had been made by the GRC;
- four of the forms were characterised by unexplained discrepancies between the information in the form and the decision that was made. By way of example, this included where the number of gaming machines that an application related to differed between the documentation that was submitted by the licensee and the number that was ultimately approved by the GRC; and
- seven of the forms were missing documentation such as tax invoices and receipts of payment by licensees and technicians for processing applications.

Analysis of licensing and registration activities

4.64 The GRC Board is provided with a report of licensing and registration applications received and processed by the Access Canberra Licensing and Registration Branch at each monthly meeting. The report is supported by discussion and analysis of significant decisions for the month and other matters of relevance to the management of the application process.

4.65 Notwithstanding the information that is available, neither Access Canberra nor the GRC Board analyses the data to understand trends with respect to licensee behaviour that could generate improved insights to inform regulatory activities. For example, there is no analysis of transactions by licensees over time to determine if there is an increasing risk of non-compliance with gaming laws. If a licensee makes substantial changes to its operations or fleet of gaming machines over time, it may suggest there is an opportunity for inspection activity to ensure compliance is maintained.

4.66 The GRC Board advised in its response to the draft proposed report that the use of a bespoke legacy information system is a factor that leads to a lack of transaction evidence and impairs analysis of transaction data. The GRC Board advised that such analysis would require high-volume manual processing and would introduce a greater risk of human error.

4.67 Access Canberra officers in the Licensing and Registration Branch manage the licensing and registration of gaming venues and associated aspects such as gaming machine technicians and manufacturers on behalf of the GRC. In doing so, officers refer to various standard operating procedures for processing licensing and registration transactions, some of which have not been reviewed for a number of years. A review of 60 processed forms showed shortcomings in documentation of processes and evidence of decision-making.

4.68 The GRC Board is provided with a report of licensing and registration applications received and processed by the Access Canberra Licensing and Registration Branch at each monthly meeting. Notwithstanding the information that is available, neither Access Canberra nor the GRC Board analyses the data to understand trends with respect to licensee behaviour that could generate improved insights to inform regulatory activities. The use of a bespoke legacy information system to record this data means that any analysis would require high-volume manual processing, and would introduce a greater risk of human error.

Recommendation 10 **Licensing and registration**

The Gambling and Racing Commission Board should:

a) implement formal procedures to guide the conduct of its licensing and registration processes to facilitate consistency in its assessment of applications; and

b) analyse data obtained through licensing and registration activities to understand trends with respect to licensee behaviour that could inform future regulatory and compliance activities.

Licensee compliance and enforcement

Multifocal compliance program

4.69 In early 2021, Access Canberra, on behalf of the GRC, undertook a multifocal compliance program. The GRC advised that the multifocal compliance program provided a baseline assessment of licensee compliance with gaming laws and has since been a primary source of guidance with respect to its regulatory activities.

4.70 The multifocal compliance program was recognised as a key source of assurance in the Audit Office's review of the GRC's recognition of licensees' mandatory obligations, and its own mandatory obligations, through its regulatory activities (refer to paragraphs 4.4 to 4.29).

4.71 The multifocal compliance program involved an assessment of licensee compliance with 287 requirements across nine different legislative instruments, including relevant gaming laws. The program included an assessment of compliance by all 40 gaming machine licensees. The assessment involved a review of each licensee's gaming machine control procedures, exclusion procedures and activities with respect to advertisements, promotions and inducements. It also included onsite inspections of gaming machines by Access Canberra compliance inspectors.

4.72 Access Canberra considers that the multifocal compliance program has provided a consistent and objective baseline assessment of licensee compliance in relation to the following areas:

- gaming machines and associated procedures;
- gambling harm reduction activities;
- TAB facility requirements;
- liquor, tobacco and security requirements;
- designated outdoor smoking areas; and
- public unleased land permits.

Conduct of the program

4.73 In preparing for the program, Access Canberra prepared a 'compliance inspection program scope' document, through which it assessed the risk of each of the areas of focus, at a global level across all licensees. With respect to gaming laws, Access Canberra assessed:

- the risk of breaches of gambling harm minimisation legislation (across all licensees) to be 'severe'; and
- the risk of breaches of gaming machine requirements (across all licensees) to be 'medium'.

4.74 These assessments were informed by Access Canberra's consideration of the heightened risk of licensee non-compliance through factors such as whether:

- licensees had experienced a high degree of staff turnover, leading to a loss of knowledge about compliance with gaming laws;
- other business pressures and priorities had reduced the focus on gambling harm minimisation and legislative compliance; and
- an extended period of time had elapsed since previous compliance inspections.

4.75 Inspectors were given a survey form with the 287 requirements to be inspected at licensee venues. The completed survey forms only identified the legislative requirement and allowed for a recording of a binary assessment of whether the licensee was *compliant* or *non-compliant*. The survey form did not identify the procedures inspectors undertook in assessing compliance (although it is noted that the steps to be taken for some activities, such as checking signage, were self-evident). There was no quality assurance process over the conduct of the inspections to ensure that reviews undertaken by different inspectors were conducted consistently. In response to the draft proposed report, however, the GRC

Board and Access Canberra noted there were processes to ensure consistency in approach and survey completion, through pre-inspection and post inspection meetings between compliance officers and the compliance program manager.

Outcomes of the program

4.76 Following the completion of the multifocal compliance program, the GRC Board was briefed on the results. The results of the program showed:

- an initial inspection of all 40 gaming machine licensees found a low level of compliance. Only seven of the licensees were identified as compliant with all 287 requirements across the program;
- a follow up inspection of 33 gaming machine licensees who were observed to be non-compliant found compliance improved after directions were given by the GRC's inspectors. All but one of the 33 licensees were subsequently found to be compliant; and
- a sample of 1826 gaming machines (from a total of 3594 gaming machines as at March 2021) was inspected, of which 80 percent were identified as compliant. The most consistent areas of non-compliance related to inadequate signage on the gaming machines or in gaming machine areas.

4.77 The briefing to the GRC Board noted 'requirements found to be non-compliant were often areas that had not been a recent area of focus in compliance-related activities'.

4.78 As discussed at paragraph 4.72, the GRC continue to place reliance on the results of the multifocal compliance program as being reflective of a continuing high level of compliance with gaming laws by licensees and because of this the GRC reduced the number of compliance visits to licensees. However, the GRC has not validated this assumption or otherwise sought to determine the current level of licensee compliance.

4.79 The GRC has also not assessed the coverage of the multifocal compliance program against the full set of compliance obligations under gaming laws, and whether any areas of untreated risk remain. The comprehensiveness of the GRC's activities to monitor licensee compliance is discussed further in paragraphs 4.10 to 4.16.

4.80 Access Canberra conducted a multifocal compliance program of gaming machine licensees in early 2021. It found a low level of compliance, with only 17.5 percent of licensees being compliant with all 287 requirements assessed in the program. Follow up inspections were conducted, after which 97.0 percent of licensees were compliant after having been made aware of instances of non-compliance on the first visit. The program also included inspection of 1,826 gaming machines of which 80.0 percent were compliant with gaming laws. The GRC continues to place reliance on this work, but in doing so has not assessed the risk of non-compliant behaviour returning.

Licensee compliance programs

4.81 Since the completion of the multifocal compliance program in August 2021, the GRC has completed:

- a compliance program on excluded persons in the second half of 2023; and
- ad hoc inspections.

4.82 The GRC included an activity to 'monitor licensee protection of excluded persons' in its *Statement of Expectations 2024-2025*. Monthly compliance inspections are envisaged, and these are a standing agenda item at GRC Board meetings for which a monthly activity statement is presented.

2023 Excluded Persons Program

4.83 The 2023 Excluded Persons Program had a stated objective 'to reduce the number of excluded persons accessing a gaming area and reduce the number of excluded persons being paid winnings'. The program involved inspections of all 45 licensees of gaming machines.

4.84 The scope of the program included an assessment of the following licensee obligations under the Code of Practice:

- prepared, written procedures dealing with how people are to be excluded from gambling at the facility (section 1.17 of the Code);
- accurate identification of persons prior to payment of winnings and not paying winnings to excluded persons (section 1.23AA of the Code);
- reporting of all problem gaming incidents via the ACT Gambling Exclusions Database incident register (section 1.6A of the Code); and
- having a Gambling Contact Officer who is fulfilling their functions as prescribed under the Code (Sections 1.9 and 1.10 of the Code).

4.85 A stakeholder engagement and analysis plan was developed, which identified key stakeholders and an approach for interacting and communicating with them. Internal stakeholders within Access Canberra, as well as external stakeholders, were identified for each stage of the program along with their needs for each stage. This included ensuring that other teams within Access Canberra were aware of the progress of the program and were contacted if licensees had queries about compliance and licensing matters.

4.86 An operational risk assessment was undertaken that identified and assessed risks associated with the program. It focused predominantly on work, health and safety risks, and did not consider risks associated with the execution of the program against its objectives or risks associated with the program procedures.

4.87 A staff briefing document was used to inform and guide inspectors through the process of conducting inspections for the purpose of the program. An inspection survey form was developed for inspections conducted under the program, which included a hard copy checklist and an electronic form to assist with information gathering, communication and assessment of licensee compliance.

4.88 Supporting documentation for the Excluded Persons Program shows records of inspections were not available for 19 of the 45 licensees inspected by Access Canberra.

4.89 The Audit Office reviewed a selection of six records of inspections. The review showed all six licensees were identified as 'non-compliant'. Two licensees were issued with a warning notice and the remaining four licensees were re-inspected at a later date after providing feedback and returned to compliance.

4.90 Some inconsistencies were noted in assessing deeds of exclusion held by licensees. Some were noted as 'N/A', 'Not assessed' or 'to be determined'. There was no explanation of why relevant compliance obligations were not assessed for these cases.

4.91 The Audit Office accompanied Access Canberra officers during four excluded persons inspections and noted:

- inspections were limited to queries with the venue manager and did not involve discussions with Gambling Contact Officers or other venue staff; and
- the review of licensee documentation was limited to whether policies and procedures for the exclusion scheme existed, but did not involve an assessment of their quality or comprehensiveness.

4.92 Access Canberra advised that it does not review the quality or comprehensiveness of policies and procedures in order to avoid providing assurance to the licensee in case future exclusion breaches occurred. Licensees were critical of this approach and advised that feedback would be welcomed, as would the sharing of better practice. The GRC Board advised in its response to the draft proposed report that it does not approve or endorse documents that are outside its authority or delegated function. The GRC Board further noted:

> Holding a licence or authorisation is a privilege, not a right, and it is [licensees'] responsibility to understand and fulfil their legislated obligations and have processes in place to meet those obligations.

4.93 The 2023 Excluded Persons Program had a stated objective 'to reduce the number of excluded persons accessing a gaming area and reduce the number of excluded persons being paid winnings'. The program involved inspections of all 45 licensees of gaming machines. Supporting documentation for the program shows records of inspections were not available for 19 of the 45 licensees inspected by Access Canberra. Inspections were limited to queries with the venue manager and did not involve discussions with Gambling Contact Officers or other venue staff.

4.94 The review of licensee documentation was limited to whether policies and procedures for the exclusion scheme existed, but did not involve an assessment of their quality or comprehensiveness. Licensees advised that feedback would be welcomed, as would the sharing of better practice. The GRC Board and Access Canberra advised that they do not approve or endorse documents and the onus is on licensees to ensure they comply with relevant requirements.

Ad hoc compliance inspections

4.95 Access Canberra has undertaken ad hoc compliance inspections to follow up on issues identified in the 2021 multifocal compliance program. The inspections focused on ’ensuring that harm minimisation requirements are being upheld following the second lockdown of the industry due to COVID-19’. Nine licensee clubs were visited for the purpose of these inspections.

4.96 There was no evidence of planning, including an assessment of risks by individual licensees, to inform the scope of the ad hoc program and the selection of licensees. An engagement tracker was maintained to monitor the progress and completion of visits and record the conduct of inspections. The progress was discussed as part of informal meetings and weekly updates to the Executive Branch Manager, Fair Trading and Compliance in Access Canberra.

4.97 A survey form was used by compliance inspectors during their visits, which was based on obligations from relevant gaming laws including:

a. appropriate staff training in the provision of gambling services and dealing with gambling related incidents and exclusions;

b. use and review of the ACT Gamblers Exclusion Database (ACTGED); and

c. appropriate gambling harm minimisation signage being displayed at or near gaming areas, and on gaming machines.

4.98 Nine licensees were inspected, of which eight were identified as ’non-compliant’. Following feedback from Access Canberra, licensees were given the opportunity to address areas of non-compliance. A further inspection was conducted at the eight non-compliant licensees and all eight were subsequently found to be compliant. The results and outcomes of these inspections were evaluated and reported to the GRC Board.

4.99 Access Canberra has undertaken ad hoc compliance inspections to follow up on issues identified in the 2021 multifocal compliance program. There was no evidence of planning, including an assessment of risks by individual licensees, to inform the scope of the ad hoc program and the selection of licensees. Nine licensees were inspected, of which eight were identified as 'non-compliant'. Following feedback from Access Canberra, licensees were given the opportunity to address areas of non-compliance. A further inspection was conducted at the eight non-compliant licensees and all eight were subsequently found to be compliant.

2025 Gambling Harm Minimisation Program

4.100 In 2025, Access Canberra commenced a compliance program to examine licensee processes and practices to identify, monitor and support persons experiencing gambling harm. The program was to include all licensees with a purpose to review:

- whether licensee staff had completed an approved training program and a Gambling Contact Officer had been appropriately appointed;
- procedures, processes and staff attitudes to providing information and support to persons experiencing gambling harm;
- gaming machine area design; and
- access to ATM and EFTPOS facilities.

4.101 The 2025 Gambling Harm Minimisation Program Plan identified an intention to complete the program by June 2025.

Recommendation 11 Compliance activity effectiveness

The Gambling and Racing Commission Board should document and implement appropriate quality assurance and evaluation methodologies to assess the effectiveness of its compliance activities and programs.

Licensee enforcement activities

4.102 Access Canberra's approach to investigations is outlined in the *Accountability Commitment - Gaming and Racing*:

> Access Canberra conducts investigations into alleged or detected breaches of the ACT gaming laws. Information is obtained from a variety of sources including the public, industry, and other government and regulatory agencies. This information is verified to determine compliance with relevant legislation. An investigation may then be initiated into the matter to: collect background information; determine the nature and length of any alleged or detected breach; and determine what contributed to the alleged or detected breach". Investigations are initiated by way of complaints that are allegedly prioritised based on the risk or harm (or potential risk or harm) posed to the community, and in line with the Commission's GaHP strategy.

Framework for the conduct of investigations

4.103 Access Canberra has developed a suite of policies and procedures to guide the conduct of its investigations.

Standard for Conducting an Investigation and Compliance Activity

4.104 The *Standard for Conducting an Investigation and Compliance Activity* 'outlines the process to conduct an investigation'. The Standard outlines principles for the conduct of an investigation, including the phases of an investigation, the role of managers, supervisors and quality assurance processes and the importance of procedural fairness.

Standard for Conducting Major Investigations

4.105 The *Standard for Conducting Major Investigations* 'outlines the process to identify, determine and conduct a major investigation'. It defines a major investigation as 'an investigation of significant importance which is investigating a serious regulatory breach. This will commonly be triaged by the Complaints Management Team as a Category One or Two matter'.

4.106 The *Standard for Conducting Major Investigations* sets out principles for the identification, determination and conduct of a major investigation. The Standard addresses what constitutes a major investigation, characteristics and resources of a major investigation and provides a model for the management of a major investigation, including roles and responsibilities.

Standard for Compliance and Investigation Planning

4.107 The *Standard for Compliance and Investigation Planning* 'outlines the role of planning in conducting an investigation'. The Standard outlines requirements for the conduct of an investigation, including requirements to complete an investigation plan. The Standard sets out a risk matrix for use during investigative planning and provides an example of a Standard Investigation Plan and a Complex Investigation Plan.

4.108 Access Canberra refers to the *Standard for Compliance and Investigation Planning* for investigations conducted on behalf of the GRC. The requirement to develop and complete an investigation plan is a key principle identified in the standard. The purpose of the investigation plan is to determine the key purpose and characteristics of the investigation and how it is expected to be conducted. It can also be updated as new avenues of inquiry are identified or evidence received to assess whether any changes to the investigation need to be made. There are two types of investigation plan templates provided in the standard: one for standard investigations; and one for complex investigations.

4.109 Investigation plans for complex matters require an evidence matrix to be developed alongside the investigation plan, which documents additional detail about the matter including:

- details of the matter;
- elements of the alleged offence(s);
- evidence required to prove the elements;
- sources of evidence;
- avenue of inquiry; and
- statutory defences.

4.110 An investigation plan and evidence matrix was completed for one of three investigations examined by the Audit Office. The plan was developed early in the investigation and was updated as the investigation progressed during initial stages. Avenues of inquiry were developed, but the plan was not consistently updated to show when and how these investigations were completed and what the result was. It is apparent that the investigation was handled by seven different investigators over the course of the investigation, and the extent to which each investigator completed or updated different parts of the plan was not able to be determined.

4.111 For the remaining two investigations, no investigation plan was prepared. One of these investigations also did not have an evidence matrix. The lack of an investigation plan means that these investigations did not conform with Access Canberra's own methodology for investigations.

Register of investigations

4.112 Access Canberra maintains a register of investigations to track completed and in-progress investigations across its various enforcement responsibilities, including regulation of gaming laws.

4.113 The register is used to manage investigations in progress and the outcomes of completed investigations. As investigations progress and decisions are made on enforcement activity, the register is updated as needed. This can assist with the oversight of investigations and provide an evidence base to ensure equity in treatment in investigating instances of non-compliance.

4.114 Prior to April 2023, investigations were managed informally. Such an approach could lead to variations in practices between investigation teams. Access Canberra advised that the investigations register may not have been consistently used during this time.

4.115 Since April 2023, a new oversight committee, the Regulatory Activity Monitor, was implemented within Access Canberra. Access Canberra advised that the Regulatory Activity Monitor provides more consistent oversight over Access Canberra's investigation activities. Access Canberra expects that this has improved the consistency with which the investigations register is used. However, records of the Regulatory Activity Monitor are not comprehensive and the Audit Office could not confirm the effectiveness of this body's oversight.

Public register of disciplinary actions

4.116 The GRC maintains a public register of disciplinary actions relating to disciplinary actions under the *Gaming Machine Act 2004*. The register identifies one decision in 2023.

4.117 In February 2025 the GRC advised that it initiated an assessment of the public register to ensure it is up-to-date and to ascertain if the current law allows the scope of what is published to be expanded. In response to the draft proposed report, the GRC Board advised the register is up to date and that 'matters, information and details that can be included on the public register are narrow in scope and restricted by legislation to disciplinary actions under the *Gaming Machine Act 2004*'.

Completed investigations

4.118 The Audit Office examined documentation associated with three investigations into alleged breaches of the Code of Practice.

First investigation – payment of winnings to an excluded person

4.119 The first investigation related to one instance of a licensee paying winnings to a patron who had completed an exclusion deed to prohibit themselves from entering the licensee's gaming machine area in April 2022. The patron received part of their winnings in cash, but a cheque was required for the remaining amount of their prize. At this time, gaming staff identified that the patron should have been excluded. The licensee contacted the GRC to seek advice on the payment of winnings to the patron two days after the incident.

4.120 An evidence matrix was prepared as part of planning for the investigation (in July 2022) but no investigation plan was prepared. The investigation report identified that while initial investigations commenced shortly after the issue was discovered, formal investigation activities commenced in September 2022 when the licensee was supplied with a notice to supply information under section 22 of the *Gambling and Racing Control Act 1999.* The investigation report was completed in January 2023. The GRC notified the licensee of its proposed decision in March 2023, and the decision was finalised in December 2023. The decision included a financial penalty on the licensee, an official reprimand and requirements to review the licensee's excluded persons procedures and training for staff.

4.121 Some inconsistent and inaccurate information was noted in the investigation report and the enforcement decision made by the GRC:

- the investigation report noted, as part of its recommendations to the GRC Board on deciding a penalty for non-compliance, that the licensee had self-reported the breach to the GRC. This was noted by the GRC as a consideration in reducing the assessed severity of any sanction from the breach. Other information held by the GRC identified that the breach had not been self-reported. Rather, the licensee had contacted the GRC after paying part of the winnings and then sought advice on how to pay the remainder of the winnings to the excluded person; and
- insufficient consideration was given to the compliance history of the licensee. The GRC determined in its decision that it was 'satisfied that this matter was an isolated incident'. Evidence received as part of the investigation noted that the licensee had previously failed to prevent excluded people from accessing the gaming area, including the same person that the decision related to just over a year prior to the investigated incident.

Second investigation – failure to identify a person experiencing gambling harm

4.122 The second investigation related to an instance of a licensee that allowed multiple cash withdrawals and failed to identify a person experiencing gambling harm. In May 2022, a patron was able to withdraw over $4,000 through a combined total of over 20 ATM and EFTPOS transactions during a period of approximately three hours. The patron subsequently raised their concerns with the licensee and the GRC. The GRC decided to conduct an investigation in July 2022.

4.123 Neither an investigation plan or evidence matrix was prepared for this investigation. While updates were provided to the GRC Board as the investigation progressed, monthly activity reports lacked detail on the investigation's progress.

4.124 An investigation report and notice of decision was prepared. The investigation report provided a history of the matter, evidence of potential breaches of gaming laws, consideration of appropriate sanctions and reasons for the decision.

4.125 Once the GRC advised the licensee of its proposed decision, which included an official reprimand and financial penalty, the licensee proposed an alternative enforceable undertaking in lieu:

- making a donation to a charity equivalent to the financial penalty;
- ensuring all staff are appropriately trained in gambling harm prevention and reporting responsibilities; and
- continuing to invest in a harm minimisation program for two years.

4.126 The GRC Board accepted this proposal.

Third investigation – failure to identify patrons experiencing gambling harm

4.127 The third investigation related to the failure of a licensee to identify patrons experiencing gambling harm and exclude them from gambling. The investigation also examined significant ongoing withdrawals from an EFTPOS facility.

4.128 An investigation plan and evidence matrix was prepared for the investigation. A draft disciplinary notice was developed throughout the investigation in lieu of an investigation report. The draft notice was provided to the GRC Board.

4.129 A detailed briefing was provided to the GRC Board two and a half years after the matter was first reported. An investigation report was also provided, which included new evidence not previously provided to the GRC Board. As part of the briefing, a recommendation was made to the GRC Board to provide the licensee with a 'show cause letter'. A substantial amount of detail was included to support the recommendation that was made to the GRC Board. The detailed briefing provided evidence from the investigation to support the recommended decision, evidence of potential breaches of gaming laws, reasons for the proposed decision and consideration of appropriate sanctions. A disciplinary notice was served on the licensee following consideration of additional information.

4.130 The investigation took a significant period of time to complete. In June 2024, the GRC Board reviewed the conduct of the investigation to determine the reasons for the time taken. Key reasons interfering with the timeliness of the investigation included:

- the challenging and complex nature of the investigation with substantial amounts of evidence to analyse;
- a high standard of evidence required to demonstrate a breach of legislation for some parts of the investigation;
- delays in receiving information from third parties to support the investigation, including expert and legal advice;
- the impact of both COVID-19 lockdowns in 2020 and 2021 affecting the investigation;
- staff turnover and the need to onboard and train new investigators. It is noted that the investigation had seven different investigators involved throughout its conduct;
- the lack of a case management system with reliance on a records management system and staff practices to progress investigations;
- information not presented clearly to the GRC Board to support decision-making; and
- a lack of effective expectations management of complainants through not clearly explaining the investigations process and how information can or cannot be shared with them.

4.131 The GRC Board discussed improvements that can be made in learning for the experiences of this investigation, including:

- supplementing Access Canberra investigations personnel with outsourced capacity as needed;
- improving GRC Board visibility of how conflicts of interest are managed by Access Canberra; and
- clarifying processes for complaints management and resolving confusion between complaints about the GRC and complaints about regulatory matters.

4.132 The GRC Board also discussed the need for an internal audit of compliance and investigation activities.

4.133 A total of 12 action items to respond to these issues were raised for the Fair Trading and Compliance Branch of Access Canberra, the GRC CEO and the GRC Board with specific actions raised for the Chair and Deputy Chair. As at December 2024, one action item remained for completion – the conduct of an internal audit of compliance and investigation activities.

4.134 In February 2025, the GRC Board also advised that it had initiated an assessment of the timeliness of operations related to regulating racing and gaming laws, and identified areas for continuous improvement, and that this is informing its new Strategic Plan 2025-2028.

4.135 The GRC Board had poor processes to oversight investigations undertaken by Access Canberra prior to April 2023. Access Canberra investigations were not managed consistently and lacked formal oversight. Since April 2023, Access Canberra implemented the Regulatory Activity Monitor to provide oversight of investigations and make recommendations to the GRC Board on potential investigation activity.

4.136 Three completed investigations were considered by the audit. While investigation updates were provided to the GRC Board, they were often verbal and not always provided regularly. For one matter that has taken a significant period of time to be completed, there were significant gaps in board updates. Access Canberra's investigation policy requires an investigation plan and evidence matrix be prepared at the outset of the investigation to guide its conduct; both of these were evident in one investigation, while another only had an investigation plan and another only had an evidence matrix. Advice to the GRC Board to support decisions for two investigations was comprehensive, but one investigation had evidence of inaccuracies in the support for the decision made.

Recommendation 12 Oversight of investigations

The Gambling and Racing Commission Board should undertake a more active role in the oversight of investigations into potential non-compliance with gaming laws, through:

a) oversight and approval of investigation planning documentation at the commencement of investigations; and

b) review of regular written reports on the conduct of investigations.

5 Evaluation and reporting

5.1 This chapter considers the GRC's activities to evaluate and report its activities to encourage licensee compliance with gaming laws.

Summary

Conclusions

The GRC has sought to evaluate the effectiveness of its performance with reference to the *Strategy for Gambling Harm Prevention in the ACT, A Public Health Approach 2019*-2024. The GRC undertook an interim evaluation of its actions to progress the strategy in 2022 but has not effectively responded to the interim evaluation report or demonstrated how it would address shortcomings in its performance identified through the evaluation.

The GRC's annual reporting of its work to encourage licensee compliance with gaming laws does not support accountability or public transparency. The GRC's Accountability Indicators are measures of activity that do not provide assurance on its performance.

Key findings

Evaluation activities	Paragraph
An interim evaluation of the Strategy for Gambling Harm Prevention was conducted by an external consulting firm in 2022. A *Strategy Interim Evaluation Report 2019-2022* was produced in June 2023, which found the Strategy had 'reduced some of the risks of gambling harm for some people in the ACT, with substantial opportunities for further gains to be made'. Following the interim evaluation, the consulting firm that conducted the evaluation provided the GRC with an Outcomes Monitoring Framework 'to allow the Commission to measure the impact of its Strategy for its remaining duration' and 'build on the findings of the interim evaluation, including assessment of information gaps, to enable a more complete assessment of the impact of the Strategy after five years implementation'.	5.12
Although this was not its initial intention, the Outcomes Monitoring Framework represents an opportunity to direct compliance and enforcement activity as it supports monitoring the impact of its work to reduce gambling harm. There has been no further work to develop the Framework or use it to inform gaps in the GRC's monitoring and evaluation activities or compliance and enforcement activities.	5.13
The Outcomes Monitoring Framework is comprised of 13 indicators and 42 measures, which are intended to assess progress towards the objectives of the Strategy for Gambling Harm Prevention. Reporting against the Framework is	5.26

expected to be supported by information from 12 data sources, including quantitative measures identified in the Framework itself and additional quantitative and qualitative information. Two performance indicators identified in the Outcomes Monitoring Framework appear to be specifically relevant to gaming machine licensees' legislative obligations for compliance: *Performance Indicator 2.2 - Increased understanding about gambling harm by the gambling industry*; and *Performance Indicator 4.1 - Increased functionality of the exclusion scheme and incident recording register*.

The Outcomes Monitoring Framework identifies additional data sources relevant to inform an assessment of performance against *Performance Indicator 4.1*. The additional data sources include information associated with the operation of the Gambling Exclusions Database and GRC or ACT Gambling Support Service 'initiatives to increase the functionality of the exclusion scheme' as well as an assessment of understanding of the variation in the gambling harm prevention cultures and commitment in licensed venues. The GRC (through Access Canberra) has not used any of these additional data sources to analyse trends, themes or issues associated with licensee compliance with gaming laws or to otherwise help determine the priorities for its compliance programs. 5.27

Annual reporting

The GRC has a strategic objective in its annual Statement of Intent in relation to gambling operators' compliance with legislation: *Strategic Objective 2 - Ensure Gambling Operators' Compliance With Legislation*. The GRC identified two Strategic Indicators as relevant to supporting the Objective, one of which was specifically relevant to compliance and enforcement: *Strategic Indicator 2: Regulatory Education and Engagement Activities Result in a Decreasing use of Formal Enforcement Powers*. No data was provided in the GRC's *2023-24 Annual Report* (or *2022-23 Annual Report*) to support Strategic Indicator 2 to show the effectiveness of regulatory education and engagement activities. 5.36

Up to 2022-23, the GRC had four Accountability Indicators directly relevant to its work to encourage licensee compliance with gaming laws. This included an indicator that showed rates of compliance following compliance and inspection activity. In 2023-24, the GRC significantly reduced the scope of its Accountability Indicators. Two of these indicators are binary in nature ('the GRC has a public statement of expectation' and 'regulatory activity in line with the public statement is reported annually' and are simply satisfied by the GRC publishing its planned regulatory activity on its website and providing a statement to the Minister for Government Services and Regulatory Reform (that is not publicly available). The simplification of the Accountability Indicators and their reduction in scope does not provide useful information on the performance of the GRC and its effectiveness in regulating gaming operators, including gaming machine licensees. 5.48

The GRC reports on its compliance and enforcement activities in its annual report. The GRC reports the number of complaints received and resolved each year as well as information on compliance inspections and detected breaches of gaming laws. The GRC does not: 5.53

- have a documented and established procedure in place to produce this reporting; or
- prepare evidence and working papers to support the preparation of this data and its accuracy.

Evaluation activities

Evaluation of the Strategy for Gambling Harm

5.2 An interim evaluation of the Strategy for Gambling Harm Prevention was conducted by an external consulting firm in 2022.

Objective of the interim evaluation

5.3 The objective of the interim evaluation was to:

> Assess the achievements of the Strategy objectives.
>
> Assess the outputs of the Strategy aligned with achievements against the Strategy objectives.
>
> Assess whether the Strategy principles have been adhered to.
>
> Assess whether the Strategy is fit-for purpose.
>
> Inform the development of an Outcomes Monitoring Framework to guide the Commission's ongoing monitoring of the outcomes and impact of the Strategy.
>
> Provide actionable insights to the Commission and stakeholders, and contribute to the evidence base to enhance prevention of gambling harm.

5.4 A *Strategy Interim Evaluation Report 2019-2022* was produced in June 2023. The report noted:

> The evaluation includes only those outcomes and impacts that can be attributed in part or fully to the Strategy. Thus, a number of factors that can influence the risk of gambling are not included in the evaluation. Specifically, this includes some components of gambling-specific factors related to the environment, exposure to gambling and the different types of gambling products, as well as general sociocultural and individual factors.

5.5 The *Strategy Interim Evaluation Report 2019-2022* conclusions included:

> The risk of gambling harm has been reduced through implementation of the Strategy between 2019-20 and 2021-22. The Strategy has reduced some of the risks of gambling harm for some people in the ACT, with substantial opportunities for further gains to be made. There is no data to assess whether there has been a change in the population prevalence of gambling harm in the ACT in that period.

Outcomes Monitoring Framework

5.6 Following the interim evaluation, the consulting firm that conducted the evaluation provided the GRC with an Outcomes Monitoring Framework. The *Interim Evaluation Report 2019-2022* stated:

> An Outcome Monitoring Framework, including indicators of success, will be developed to allow the Commission to measure the impact of its Strategy for its remaining duration. The framework will build on the findings of the interim evaluation, including assessment of information gaps, to enable a more complete assessment of the impact of the Strategy after five years implementation.

5.7 The Outcomes Monitoring Framework identifies one of its purposes as:

> [To] measure what matters to demonstrate the impact of the Strategy directly or through direct influence of the Strategy.

5.8 The *Interim Evaluation Report 2019-2022* identified that the Outcomes Monitoring Framework was to:

> … address the following evaluation and monitoring gaps in the interim Strategy evaluation
>
> Population
>
> - Change in population prevalence of gambling and gambling harm from the 2019 baseline, including changes in the modes of gambling.
>
> - Prevalence of gambling harm literacy and stigma by people and towards people who experience gambling harm.
>
> - Reach of community awareness programs, based on consistent measurement.
>
> Industry
>
> - Assessment of the impact of licensee Board member training on where gambling harm prevention sites in their strategy, objectives and responsibilities as board directors.
>
> - Consistent assessment of the change in GCO's knowledge of the signs of gambling harm, their obligations as GCO's and their ability to support patrons as a result of the GCO training.
>
> - Impact of industry outreach activities on knowledge, attitudes and initiatives.
>
> - Number of active exclusions (self-exclusions and licensees-exclusions).
>
> Community sector
>
> - Community of practice impact and the strength of the partnership built.
>
> - Impact of community sector outreach activities.
>
> Gambling support services

- Evaluation needs to clearly align to the program logic of the financial and therapeutic counselling services, with consistent evaluation questions used to allow for analysis of trends over time.

- Robust evaluation of the counselling service requires an increased response rate from attendees and greater sensitivity of the survey measures potentially as a result of a wider scale of response options.

5.9 The GRC Board noted the Outcomes Monitoring Framework at its May 2023 meeting prior to its acceptance by the CEO in June 2023. Since then, there has been no further work to develop the Framework or use it to inform gaps in the GRC's monitoring and evaluation activities or compliance and enforcement activities.

5.10 In response to the draft proposed report the GRC Board advised that the Outcomes Monitoring Framework was not intended to be used for compliance and enforcement activities. While this is acknowledged, the Audit Office considers the Outcomes Monitoring Framework represents an opportunity to direct compliance and enforcement activity as it supports monitoring the impact of its work to reduce gambling harm. Encouraging licensees to comply with gaming laws through its regulatory and compliance work can be reasonably expected to support the reduction of gambling harm by aiming to reduce non-compliant behaviour.

5.11 In response to the draft proposed report the GRC Board also advised that the Outcomes Monitoring Framework will be evaluated along with the Strategy for Gambling Harm Prevention in 2025.

5.12 An interim evaluation of the Strategy for Gambling Harm Prevention was conducted by an external consulting firm in 2022. A *Strategy Interim Evaluation Report 2019-2022* was produced in June 2023, which found the Strategy had 'reduced some of the risks of gambling harm for some people in the ACT, with substantial opportunities for further gains to be made'. Following the interim evaluation, the consulting firm that conducted the evaluation provided the GRC with an Outcomes Monitoring Framework 'to allow the Commission to measure the impact of its Strategy for its remaining duration' and 'build on the findings of the interim evaluation, including assessment of information gaps, to enable a more complete assessment of the impact of the Strategy after five years implementation'.

5.13 Although this was not its initial intention, the Outcomes Monitoring Framework represents an opportunity to direct compliance and enforcement activity as it supports monitoring the impact of its work to reduce gambling harm. There has been no further work to develop the Framework or use it to inform gaps in the GRC's monitoring and evaluation activities or compliance and enforcement activities.

Performance measurement relevant to licensee compliance activities

5.14 The Outcomes Monitoring Framework states that it:

> … will enable monitoring and evaluation of the Strategy as a whole and inform the Commission Board and the Commission's strategic direction, planning and resource allocation, and inform program evaluations. To achieve the Commission's vision, each of the five objectives of the Strategy must be achieved. The objectives are outcomes, that is, achievements in factors that change the risk of gambling harm.

5.15 The Outcomes Monitoring Framework further states that it:

> … is structured to provide assessment of achievement of each of the five objectives of the Strategy, the outcomes of the Strategy, and the Commission's vision. For the vision and each objective, indicators of success are listed with multiple measures to assess achievement of the indicator.

5.16 The Outcomes Monitoring Framework is comprised of 13 indicators and 42 measures, which are intended to assess progress towards the Strategy objectives. Reporting against the Framework is expected to be supported by information from 12 data sources, including quantitative measures identified in the Framework itself and additional quantitative and qualitative information.

5.17 Neither the Strategy for Gambling Harm Prevention or the Outcomes Monitoring Framework seeks to demonstrate how the GRC's activities to encourage gaming machine licensee compliance supports the reduction of gambling harm. There is implicit recognition that it does, however, and two performance indicators identified in the Outcomes Monitoring Framework appear to be specifically relevant to legislative obligations for compliance:

- *Performance Indicator 2.2 - Increased understanding about gambling harm by the gambling industry*; and
- *Performance Indicator 4.1 - Increased functionality of the exclusion scheme and incident recording register*.

5.18 These indicators focus on licensee responsibilities to:

- identify, support and exclude patrons experiencing gambling harm; and
- report gambling harm incidents through the ACT Gambling Exclusions Database (ACTGED).

5.19 Details of the performance indicators, their relevance to the GRC's objectives and how they are to be measured are shown in Table 5-1.

Table 5-1 Performance measures specifically relevant to licensee compliance in the Outcomes Monitoring Framework

Objective	Indicator	Measure	Data source
2: Increasing understanding about gambling harm amongst government, gambling industry, communities, families and individuals	2.2 Increased understanding about gambling harm by the gambling industry	2.2.1 Change in ability to identify the signs of gambling harm following gambling contact officer (GCO) training	GCO training survey
		2.2.2 Change in ability to know how and when to appropriately assist patrons who show signs of gambling harm following GCO training	
		2.2.3 Change in ability to initiate conversations with patrons and show understanding of their situation following GCO training	
		2.2.4 Proportion of Board member training attendees who gained a fuller understanding of gambling harm prevention from the training	Club Board member training survey
		2.2.5 Proportion of Board member training attendees who feel more confident to talk about gambling harm with the people they work with at their club/venue following the training	
		2.2.6 Proportion of Board member training attendees who can see how they can better contribute to preventing and reducing gambling harm as a Club Board Member, following the training	
4: Ensuring gambling environments and	4.1 Increased functionality of the exclusion scheme and	4.1.1 Proportion of GCOs attending annual training, who reported that the exclusion	GCO training survey

Objective	Indicator	Measure	Data source
providers prevent and reduce gambling harm	incident recording register	process worked well in the venue/s they worked in	
		4.1.2 Change in ability GCOs attending annual training, to understand their obligations for recording signs of gambling harm in their main employment venue	

Source: Gambling and Racing Commission, Outcomes Monitoring Framework

5.20 According to the Outcomes Monitoring Framework there are two key data sources for *Performance Indicator 2.2 – Increased understanding about gambling harm by the gambling industry* and *Performance Indicator 4.1 - Increased functionality of the exclusion scheme and incident recording register*:

- the Gambling Contact Officer training survey, which records self-reported perceptions on their capability to deal with patrons experiencing gambling harm; and
- the Club Board member training survey, which assesses club board members' self-reported perceptions of the quality of their exclusion and incident reporting processes and of their understanding of their obligations with respect to excluding patrons and reporting gambling harm incidents.

5.21 Both performance indicators rely on self-reported perceptions of gaming industry participants.

Additional sources of data

5.22 Subsequently, the Outcomes Monitoring Framework identifies additional data sources to inform an assessment of performance against *Performance Indicator 4.1: Increased functionality of the exclusion scheme and incident recording register*. The Framework states 'in addition to the quantitative measures, information to support interpretation of the indicators can be derived from':

- number of active exclusions, new exclusions, new general incidents, new breaches and new revocations (ACTGED);
- range and scope of industry and/or Commission and/or ACT Gambling Support Service initiatives to increase the functionality of the exclusion scheme; and
- assessment of understanding of the variation in the gambling harm prevention cultures and commitment in licensed venues, and in the needs and ability to implement the exclusion scheme and other functions of venues in gambling harm reduction (TBD).

5.23 The GRC (through Access Canberra) has not used any of these additional data sources to analyse trends, themes or issues associated with licensee compliance with gaming laws or to otherwise help determine the priorities for its compliance programs.

5.24 The Outcomes Monitoring Framework also identifies several other data sources more generally, to measure the performance of the Strategy for Gambling Harm Prevention:

- Annual Gambling Harm Awareness Week 2020-21, 2021-22, 2022-23 – annual activity to raise community awareness of gambling harm;
- ACT Gambling Support Service counselling evaluation client survey – survey by service provider of clients affected by gambling harm;
- Community of Practice survey – survey of community service organisations; and
- JACS Directorate survey – survey for mid-point evaluation of the Strategy.

5.25 The GRC (through Access Canberra) has not used any of these other sources of data to analyse trends, themes or issues about licensee compliance with gaming laws or to help determine priorities for its compliance programs.

5.26 The Outcomes Monitoring Framework is comprised of 13 indicators and 42 measures, which are intended to assess progress towards the objectives of the Strategy for Gambling Harm Prevention. Reporting against the Framework is expected to be supported by information from 12 data sources, including quantitative measures identified in the Framework itself and additional quantitative and qualitative information. Two performance indicators identified in the Outcomes Monitoring Framework appear to be specifically relevant to gaming machine licensees' legislative obligations for compliance: *Performance Indicator 2.2 - Increased understanding about gambling harm by the gambling industry*; and *Performance Indicator 4.1 - Increased functionality of the exclusion scheme and incident recording register*.

5.27 The Outcomes Monitoring Framework identifies additional data sources relevant to inform an assessment of performance against *Performance Indicator 4.1*. The additional data sources include information associated with the operation of the Gambling Exclusions Database and GRC or ACT Gambling Support Service 'initiatives to increase the functionality of the exclusion scheme' as well as an assessment of understanding of the variation in the gambling harm prevention cultures and commitment in licensed venues. The GRC (through Access Canberra) has not used any of these additional data sources to analyse trends, themes or issues associated with licensee compliance with gaming laws or to otherwise help determine the priorities for its compliance programs.

Recommendation 13 **Outcomes Monitoring Framework**

The Gambling and Racing Commission Board should use the Outcomes Monitoring Framework developed in 2022 to inform planning for its ongoing activities to encourage licensee compliance with gaming laws. This could include recognising data sources identified in the Framework to:

a) facilitate reporting on its effectiveness in encouraging licensee compliance; and

b) inform priorities for its activities to encourage licensee compliance.

Annual reporting

Strategic Indicators

5.28 As discussed at paragraph 2.64, the GRC has a strategic objective in its annual Statement of Intent in relation to gambling operators' compliance with legislation: *Strategic Objective 2 - Ensure Gambling Operators' Compliance With Legislation*.

5.29 Two Strategic Indicators are identified in support of this objective:

- *Strategic Indicator 2: Regulatory Education and Engagement Activities Result in a Decreasing use of Formal Enforcement Powers*:
  - an increase in successful engagement with, and education of, licensees is likely to reduce the need for formal enforcement powers as licensee behaviour demonstrates a higher level of regulatory compliance.
- *Strategic Indicator 3: Increase the Accuracy of Gambling Taxation Returns*
  - the increase in the accuracy percentage, as a proportion of returns, will indicate the success, or otherwise, of engagement and education with operators.

Strategic Indicator 2: Regulatory Education and Engagement Activities Result in a Decreasing use of Formal Enforcement Powers

5.30 No data was provided in the GRC's *2023-24 Annual Report* (or *2022-23 Annual Report*) to support Strategic Indicator 2 to show the effectiveness of regulatory education and engagement activities. The GRC's *2023-24 Annual Report* stated:

> The approach of the Commission is to engage and educate through the conduct of compliance programs and when responding to enquiries or complaints. This approach supports the goal of supporting licensees to achieve voluntary compliance.
>
> …

> The Excluded Persons Compliance Program aimed to reduce the number of excluded persons accessing a gaming area and reduce the number of excluded persons being paid winnings through engagement and education with gaming machine licensees. The program initially found 28 of 38 licensed venues compliant. Follow up engagement and obtaining further information identified an additional 4 as compliant. Six venues in total were determined to be non-compliant. As a result of the program, the Commission worked with the venues and all non-compliant venues were brought into compliance. This brings the total compliance rate of inspected venues to 100% percent.
>
> Throughout 2023-24, the Commission has continued to take a proportionate enforcement response on matters where the risk, harm, or level of detriment to a party warrants action.

5.31 No additional data is provided to support this indicator.

Strategic Indicator 3: Increase the Accuracy of Gambling Taxation Returns

5.32 In relation to Strategic Indicator 3, the GRC's *2023-24 Annual Report* showed the accuracy of licensees' gambling taxation returns as a measure of compliance. The GRC reported that the accuracy of gambling taxation returns increased from 88.9 percent in 2022-23 to 91.7 percent in 2023-24. These results were below forecasted compliance rates.

5.33 The GRC stated in its *2022-23 Annual Report* that:

> Access Canberra undertook a highly targeted approach to gaming machine licensee inspections in 2022-23 in the context of high compliance rates seen in the compliance programs across the 2020-21 and 2021-2022 financial years.

5.34 No data or analysis is provided to support this assertion, despite the significant gap between forecast and actual compliance.

5.35 In 2023-24 the GRC reported that it completed 51 compliance inspections, in addition to its excluded persons compliance program (refer to paragraph 4.83).

5.36 The GRC has a strategic objective in its annual Statement of Intent in relation to gambling operators' compliance with legislation: *Strategic Objective 2 - Ensure Gambling Operators' Compliance With Legislation*. The GRC identified two Strategic Indicators as relevant to supporting the Objective, one of which was specifically relevant to compliance and enforcement: *Strategic Indicator 2: Regulatory Education and Engagement Activities Result in a Decreasing use of Formal Enforcement Powers*. No data was provided in the GRC's *2023-24 Annual Report* (or *2022-23 Annual Report*) to support Strategic Indicator 2 to show the effectiveness of regulatory education and engagement activities.

Accountability Indicators

2022-23 Accountability Indicators

5.37 Up to 2022-23 the GRC had a number of Accountability Indicators directly relevant to its work to encourage licensee compliance with gaming laws:

- percentage of customers satisfied with the GRC – target 90 percent;
- percentage of the Canberra community satisfied with the ease of interacting with the GRC – target 90 percent;
- compliance rate during targeted campaign inspections – target 90 percent; and
- average level of helpfulness after issuing a notice or before issuing a licence/authorisation – target 4.2 out of 5.

5.38 The GRC also had a fifth Accountability Indicator, which was focused on the conduct of research and evaluation activities:

- undertake evidence (e.g. research and evaluation) informed activities to prevent and reduce gambling harm, including through the Gambling Harm Prevention and Mitigation Fund – target 12.

5.39 Table 5-2 shows the Accountability Indicators relevant to the GRC's work to encourage licensee compliance with gaming laws and the results for the three years to 2022-23.

Table 5-2 GRC Accountability Indicators relevant to encouraging licensee compliance with gaming laws (2020-21 to 2022-23)

Accountability Indicator	Target	2020-21 result	2021-22 result	2022-23 result
Percentage of customers satisfied with the GRC	90%	100%	100%	100%
Percentage of the Canberra community satisfied with the ease of interacting with the GRC	95%	100%	100%	100%
Compliance rate during targeted campaign inspections	90%	97%	100%	86%
Average level of helpfulness after issuing a notice or before issuing a licence/authorisation	4.2 out of 5	5 out of 5	5 out of 5	4.8 out of 5

Source: GRC annual reports (2020-21 to 2022-23)

5.40 Performance reporting against these Accountability Indicators between 2020-21 and 2022-23 presented the following issues:

- the GRC's reported compliance rate during targeted inspections is the rate at which licensees are found to be compliant after two compliance inspections:
  - an initial assessment where feedback is given; and
  - a subsequent visit after the licensee has had an opportunity to address any issues found. It would be more relevant and informative to show the rate of compliance after the first visit, or both, but not solely the second visit.
- the source data for licensee feedback for the GRC over the three years was 22 respondents who were predominantly management or Gambling Contact Officers. The low survey response rate is not disclosed in the GRC's annual reports.

2023-24 Accountability Indicators

5.41 In 2023-24 the GRC significantly reduced the scope of its Accountability Indicators. The three Accountability Indicators are now:

- the Gambling and Racing Commission proactively communicates its priorities for risk-based regulation:
  - the Commission has a public statement of expectation – target 100 percent
  - regulatory activity in line with the public statement is reported annually – target 100 percent
- percentage of the Canberra community that find it easy to interact with the Gambling and Racing Commission – target 90 percent.

5.42 Except for 'percentage of the Canberra community that find it easy to interact with the GRC', most of the previous measures were removed. In 2023-24, the reported performance for this measure was 87 percent (below the target of 90 percent).

5.43 New Accountability Indicators were included from 2023-24:

- The GRC proactively communicates its priorities for risk-based regulation:
  - the GRC has a public statement of expectation (target 100%, result 100%)
  - regulatory activity in line with the public statement is reported annually (target 100%, result 100%).

5.44 For 2023-24, the GRC reported 100 percent achievement against the two new Accountability Indicators. These are binary measures, which are simply satisfied by:

- publishing its planned regulatory activity on its website; and
- providing a statement to the Minister for Government Services and Regulatory Reform that is not publicly available.

5.45 These measures provide no insight for the public into the GRC's performance in encouraging licensee compliance with gaming laws. In response to the draft proposed report, the GRC Board noted it was reviewing its Strategic Indicators and Accountability Indicators as part of developing its Statement of Intent for 2025-26 but has not made changes to its Accountability Indicators. The GRC Board expects to undertake a further review of its Accountability Indicators in 2026-27.

Compliance and enforcement activity

5.46 Between 2020-21 and 2022-23, the GRC provided little information on its compliance enforcement activity in its annual reports. This changed in its *2023-24 Annual Report* when it provided the following commentary:

> During 2023-24, seven investigations were opened into allegations of breaches by licensees in relation to gaming legislation. At the close of the financial year, six investigations were ongoing. Disciplinary action was undertaken in one instance and an Enforceable Undertaking was accepted in one instance. The Commission took disciplinary action against one licensee for breaches of the legislation regarding the exclusion of people at risk or exclusion under deed; no winnings for excluded or underage patrons; and failure to comply with a condition. The Commission accepted an Enforceable Undertaking by a licensee for a failure to record a problem gambling incident.

5.47 No Accountability Indicators or other performance measures about the cost or timeliness of enforcement activities are identified in the annual report.

5.48 Up to 2022-23, the GRC had four Accountability Indicators directly relevant to its work to encourage licensee compliance with gaming laws. This included an indicator that showed rates of compliance following compliance and inspection activity. In 2023-24, the GRC significantly reduced the scope of its Accountability Indicators. Two of these indicators are binary in nature ('the GRC has a public statement of expectation' and 'regulatory activity in line with the public statement is reported annually' and are simply satisfied by the GRC publishing its planned regulatory activity on its website and providing a statement to the Minister for Government Services and Regulatory Reform (that is not publicly available). The simplification of the Accountability Indicators and their reduction in scope does not provide useful information on the performance of the GRC and its effectiveness in regulating gaming operators, including gaming machine licensees.

Licensee compliance and enforcement activities

5.49 The GRC has included information on its compliance and enforcement activities in its annual report. The GRC reports the number of complaints received and resolved each year as well as information on compliance inspections and observed breaches of gaming laws. The GRC does not:

- have a documented and established procedure in place to produce this reporting; or

- prepare evidence and working papers to support the preparation of this data and its accuracy.

Complaints data

5.50 The GRC responds to complaints received from the public about compliance with gaming laws. It reports on the number of complaints received and resolved in its annual report. A summary of the information, for the years 2020-21 to 2023-24, is shown in Table 5-3. The Audit Office was unable to validate this data.

Table 5-3 Gaming machine complaints received by the GRC from the public

Year	Complaints received	Substantiated	Not substantiated	Ongoing	Incapable of Determination	Withdrawn
2020-21	6	0	3	2	1	0
2021-22	7	1	4	1	1	0
2022-23	3	0	1	0	2	0
2023-24	9	2	2	3	2	0

Source: GRC Annual Reports

5.51 Despite ongoing complaints in 2020-21 and 2021-22 and 2023-24, the GRC reported in each year that 'all complaints were resolved to the satisfaction of the Commission'. The Audit Office could not determine whether ongoing complaints were resolved in subsequent years from the source data.

Compliance inspection and breaches data

5.52 The GRC (through Access Canberra) undertakes compliance inspections on a yearly basis, the number of which are reported in its annual report along with any breaches detected. A summary of the information, for the years 2020-21 to 2023-24, is shown in Table 5-4. The Audit Office was unable to validate this data.

Table 5-4 GRC compliance inspection and breach statistics

Year	Compliance inspections	Breaches detected
2020-21	222	42
2021-22	123	15
2022-23	14	3
2023-24	51[19]	9

Source: GRC Annual Reports

[19] In addition to the excluded persons compliance program (refer paragraph 4.87)

5.53 The GRC reports on its compliance and enforcement activities in its annual report. The GRC reports the number of complaints received and resolved each year as well as information on compliance inspections and detected breaches of gaming laws. The GRC does not:

- have a documented and established procedure in place to produce this reporting; or
- prepare evidence and working papers to support the preparation of this data and its accuracy.

Recommendation 14 Annual reporting

The Gambling and Racing Commission Board should:

a) adopt Accountability Indicators that provide meaningful information on the performance of the GRC in encouraging licensee compliance with gaming laws;

b) faithfully and accurately report its performance in addressing complaints, completing compliance inspections and addressing breaches of gaming laws in its annual report; and

c) develop and implement reporting procedures that ensure appropriate supporting documentation is retained to allow validation and analysis of performance.

Appendix A: Extracts from 2023-24 Annual Work Plan

Strategy objective 2: Increasing understanding about gambling harm amongst government, gambling industry, communities, families and individuals.

Priorities: What we want to achieve

- Increased awareness of the nature and extent of gambling harm and support and information services.
- Reduced stigma associated with gambling harm across the ACT community.

Actions: How we will achieve it

- Promote the significance and relevance of gambling harm as a public health issue.
- Explore best practice approaches to addressing stigma in the community.
- Continue strengthening the effectiveness and reach of tailored harm prevention messaging for people experiencing gambling harm via the Gambling Harm Awareness Week and Always On campaigns.
- Enhance availability and accessibility to quality information about gambling harm and support services, including materials for gambling licensees.
- Increase awareness of support and information services and resources, including through the Community of Practice.

Strategy objective 3: Providing a wide range of accessible, responsive and effective services and initiatives that prevent and reduce gambling harm.

Priorities: What we want to achieve

- Increased accessibility and uptake of gambling harm reduction support and information services and resources.
- A diverse range of services and initiatives addressing harm prevention, reduction and community awareness.

Actions: How we will achieve it

- Investigate, assess, and implement targeted approaches to reach and support a broad range of audiences, including culturally and linguistically diverse (CALD) communities.
- Develop tailored initiatives aimed at secondary school students, their parents, carers, and educators to reduce the impact of early exposure to gambling and gambling simulated products.
- Facilitate and encourage collaboration across the community sector via the Community of Practice.
- Resource well-targeted harm prevention and reduction initiatives through the Gambling Harm Prevention and Mitigation Fund.

- Continue to improve and support the Self-Exclusion Scheme as a tool empowering vulnerable individuals.

Appendix B: Legislative compliance assessment for licensee compliance with gaming laws

Table B-1 Legislative compliance assessment

Legislation Reference	Requirement	Audit assessment
Gaming Machine Act Division 2A.2 10D	**Surrender of authorisations and authorisation certificates on voluntary surrender day** (3) If a licensee has a gaming machine associated with a surrendered authorisation, the licensee must— (a) take meter readings from the gaming machine; and (b) render the machine inoperable; and (c) within 3 working days, give the commission— (i) a written statement of the meter readings mentioned in paragraph (a) and confirmation that the machine is inoperable; and (ii) if the surrendered authorisation results from the surrender of an authorisation certificate—any outstanding amount payable by the licensee in relation to the operation of the gaming machine under the surrendered authorisation certificate.	Out of scope – related to activities before September 2020
Gaming Machine Act Division 2B.3 25	**Issue of authorisation certificate for class C gaming machines—number of gaming machines to be operated** Note 1 The licensee must not acquire a gaming machine for premises authorised under an authorisation certificate if the licensee does not hold an authorisation for the gaming machine (see s 98 (4)). Note 2 The licensee must not operate a gaming machine if the operation of the gaming machine is not allowed under an authorisation certificate (see s 104).	GRC relies on inspection activities and received intelligence, but no applications received to validate control is effective.
Gaming Machine Act Division 2B.5 37B	**Authorisation certificate amendment—technical amendment** (2) The licensee must notify the commission about the proposed technical amendment.	Audit Office reviewed a selection of applications, but no controls cited by GRC.
Gaming Machine Act Division 2B.6 37E	**Transferring an authorisation certificate** (1) If a licensee (the outgoing licensee) transfers an authorisation certificate to another licensee (the incoming licensee), the incoming licensee must tell the commission about the transfer.	Monthly data is published on the GRC website, but no controls cited on validating this information.

Legislation Reference	Requirement	Audit assessment
	(2) If an authorisation certificate is transferred under subsection (1), the outgoing licensee must give the commission the following: (a) the outgoing licensee's computer cabinet access register; (b) the accounts kept by the outgoing licensee under section 52 (Accounts relating to gaming machines) that relate to amounts taken during the month when the transfer is made; (c) any other accounts kept in connection with the licence under section 52 that the commission requires; (d) any outstanding amount payable by the outgoing licensee under this Act. Note Amounts are payable by licensees under provisions including s 143, s 159 and s 172B.	Monthly trading data cited by GRC, but publication of data does not confirm these requirements are met.
Gaming Machine Act Division 2B.6 37F	**Surrender of licences, authorisation certificates and authorisations** (5) If an authorisation certificate or authorisation is surrendered or cancelled under this section, the licensee must—	Audit Office reviewed a selection of applications, but no controls cited by GRC.
Gaming Machine Act Division 3.2 48	**Approved statement to be displayed** It is a condition of a licence that, if the Minister approves a statement under section 126, the statement is clearly displayed on each gaming machine at authorised premises.	Requirement met by multifocal compliance program.
	It is a condition of a licence that the licensee must— (a) keep full and separate accounts of all amounts taken from each gaming machine on the licensee's authorised premises; and (b) keep the accounts in a way that allows them to be conveniently and properly audited; and (c) correctly balance the accounts at the end of each month.	No controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Division 3.3 54	**Annual report of clubs** (2) Not later than 10 working days after giving the commission a copy of the licensee's audited financial statements or certified income and expenditure statement under section 158, the licensee must— (a) give the commission an electronic copy of the licensee's annual report; and (b) publish the annual report on a website of the licensee that can be accessed by the public free of charge.	No controls in place by GRC to ensure licensee compliance.

Legislation Reference	Requirement	Audit assessment
Gaming Machine Act Division 3.3 62A	**Disciplinary action in relation to trading authorisations and gaming machines—directions** (4) The licensee must comply with the directions.	Disciplinary action undertaken by Compliance and Investigations team, but no controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Division 6.1 71	**Computer cabinet access register** (1) A licensee must keep a register for gaming machines on authorised premises (the computer cabinet access register). (2) If an approved technician or other person authorised in writing by the commission opens or replaces the computer cabinet in a gaming machine on authorised premises, the technician or other person must enter the access details in the computer cabinet access register. (3) If an authorised officer opens the computer cabinet in a gaming machine on authorised premises, the authorised officer must enter the access details in the computer cabinet access register. (4) In this section: access details means the following details: (a) information that clearly identifies the gaming machine, including the machine's serial number; (b) the date when the computer cabinet was opened or replaced; (c) a description of why the computer cabinet was opened or replaced; (d) the new computer cabinet seal number that was applied; (e) the name and signature of the approved technician, other person or authorised officer; (f) the name and signature of the licensee;	Licensee compliance inspected as part of the multifocal compliance program.
Gaming Machine Act Division 6A.1 99	**Acquisition of authorisations and gaming machines—notification** (2) The licensee must notify the commission about the proposed acquisition.	Audit Office reviewed a selection of applications, but no controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Division 6A.1 100	**Acquisition of gaming machines—amendment of authorisation schedule etc** Note 2 The licensee must not acquire a gaming machine for premises authorised under an authorisation	Audit Office reviewed a selection of applications, but no

Legislation Reference	Requirement	Audit assessment
	certificate if the licensee does not hold an authorisation for the gaming machine (see s 98 (4)).	controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Division 6A.3 113A	**Disposal of gaming machines—notifiable action** Note The licensee must apply for a storage permit for the gaming machines that are not being traded with the authorisation (see div 6A.7). (2) The licensee must notify the commission about the proposed disposal of the gaming machine. Note 1 The disposal of a gaming machine is a notifiable action (see pt 13A and sch 2). Note 2 A notifiable action takes place— (a) the prescribed number of days after the day the commission receives the notification (see s 173E (a)); or (b) if the commission allows the notifiable action to take place on an earlier day—that day (see s 173E (b)); or (c) if the commission asks for additional information under s 173E (c)—when the commission has notified the licensee that it is satisfied in relation to the additional information (see s 173E (c)).	Audit Office reviewed a selection of applications, but no controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Division 6A.3 113C	**Disposal of gaming machines—direction about manner of disposal** (1) The commission may, in writing, direct a licensee to dispose of a gaming machine under this Act in the manner stated in the direction. (2) The licensee must comply with the direction within the reasonable time stated in the direction.	Audit Office reviewed a selection of applications, but no controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Subdivision 6A.6.2 127C	**Selling class B authorisations** (2) The disposing licensee must notify the commission about the disposal of a class B authorisation to a class C licensee or the casino licensee.	Audit Office reviewed a selection of applications, but no controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Subdivision 6A.6.3	**Trading class C authorisations and gaming machines** (4) The acquiring licensee must forfeit 1 authorisation to the Territory for every 4 authorisations the licensee acquires under this section.	No controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Subdivision 6A.6.4 127J	**Trading authorisations—disposal of gaming machines** (2) The disposing licensee must— (a) apply for a storage permit for an interim purpose under section 127O (Storage permit—application) for the gaming machine; and	Audit Office reviewed a selection of applications, but no controls in place by GRC to ensure

Legislation Reference	Requirement	Audit assessment
	(b) dispose of the gaming machine in accordance with section 113A (Disposal of gaming machines—notifiable action).	licensee compliance.
Gaming Machine Act Subdivision 6A.7.5 127T	**Storage permit—conditions** (1) A storage permit is subject to the following conditions: (a) the licensee must comply with this Act; (b) the licensee must not exchange a stored gaming machine with another gaming machine that the licensee may operate under an authorisation certificate; Note The licensee must apply for— (a) an amendment of the permit to remove the details of the stored gaming machine; and (b) if a new gaming machine is to be stored in place of the stored gaming machine—a new permit for the new gaming machine. (i) take meter readings from each gaming machine to be stored under the permit; and (ii) immediately after taking the meter readings, render the gaming machine inoperable; and (iii) give the commission details of the meter readings taken under subparagraph (i); (d) the licensee may dispose of a stored gaming machine if— (i) the disposal is in accordance with division 6A.6 (Trading of authorisations and gaming machines), an approval under section 113 (Approval of disposal of gaming machines) or section 113A (Disposal of gaming machines—notifiable action); and (ii) the licensee gives the commission a notification under section 127X (Permit amendment—notification) to amend the permit;	Audit Office reviewed a selection of applications, but no controls in place by GRC to ensure licensee compliance.
	(e) a stored gaming machine must not be operated during the period of the permit; (f) the licensee must not operate another gaming machine under the authorisation for a stored gaming machine; (h) if the licensee receives an inspection notice, the licensee must allow an authorised officer to inspect the stored gaming machines and the premises where the gaming machines are stored;	Licensee compliance inspected as part of the multifocal compliance program. Right of access included in inspection standard.
	(i) for a permit issued for an interim purpose—the licensee must dispose of the gaming machine stored under the permit before the permit ends.	No controls in place by GRC to ensure licensee compliance.

Legislation Reference	Requirement	Audit assessment
Gaming Machine Act Subdivision 6A.7.6 127X	**Storage permit amendment—notification** (2) The licensee must notify the commission about the proposed disposal or proposed removal.	Audit Office reviewed a selection of applications, but no controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Subdivision 6A.7.7 127ZB	**Trading authorisations under storage permits—procedure** (2) The disposing licensee must give the commission— (a) details of the acquiring licensee; and (b) written notice to—	Audit Office reviewed a selection of applications, but no controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Part 8 133	**Operation of linked-jackpot arrangements** A person commits an offence if— (a) the person operates a linked-jackpot arrangement between gaming machines; and (b) the arrangement is not approved under section 134 or by a multi-user permit.	Requirement covered as part of the multifocal compliance program.
Gaming Machine Act Part 8 134	**Single-user approval for linked-jackpot arrangements** (4) It is a condition of an approval under this section that— (i) that the gaming machine is part of a linked-jackpot arrangement with other gaming machines on the authorised premises; and (ii) information about the linked-jackpot arrangement is available, on request, from the licensee; and	Requirement covered as part of the multifocal compliance program.
Gaming Machine Act Part 10 151	**Warning notices** (2) If the commission makes a determination under subsection (1), a licensee must ensure that a warning notice complying with the determination is displayed in a prominent position at or near each entrance to each gaming area within the authorised premises.	Requirement covered as part of the multifocal compliance program.
Gaming Machine Act Part 10 152A	**External visibility of gaming machines** (1) A licensee commits an offence if a gaming machine, or any peripheral equipment for a gaming machine, can be seen from outside the licensee's authorised premises.	Requirement covered as part of the multifocal compliance program.
Gaming Machine Act Part 10 153	**Cash facilities** (1) A licensee commits an offence if the licensee provides, or allows the provision of, a cash facility in a gaming area within the licensee's authorised premises.	Requirement covered as part of the multifocal compliance program.

Legislation Reference	Requirement	Audit assessment
Gaming Machine Act Division 11.1 157D	**Notice of change to club group status** (2) The licensee must give the commission written notice of the change within 7 days after the day the change occurs.	No controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Division 11.1 162	**Gaming machine tax returns** (1) Within 7 days after the end of a tax period, a licensee must give the commission a written return in relation to each authorised premises of the licensee.	Out of scope of audit.
Gaming Machine Act Division 11.2 163A	**Required payment to gambling harm prevention and mitigation fund** Note A licensee must give the commission a return for each tax period in relation to the gross revenue of the licensee's authorised premises.	Out of scope of audit.
Gaming Machine Act Division 11.2 163AA	**Gambling harm prevention and mitigation fund—annual payment option** (7) The participating licensee must pay the licensee's liability for the financial year within 7 days after receiving notice of the reconciliation.	Out of scope of audit.
Gaming Machine Act Part 12 167	**Minimum community contribution—clubs** (2) The minimum community contribution that the licensee must make, as a percentage of the licensee's net revenue is— (a) 0.4% of the licensee's net revenue for each authorised premises for a tax period, paid to the commission and transferred to the Chief Minister's Charitable Fund; and (b) 0.4% of the licensee's net revenue for each authorised premises for a tax period, paid to the gambling harm prevention and mitigation fund; and (c) 8% of the licensee's net revenue for all authorised premises for a reporting year for the licensee, made as a community purpose contribution.	Out of scope of audit.
Gaming Machine Act Part 12 170	**Licensee must engage with community—clubs** (1) A licensee that is a club must engage with the community by— (a) making the community aware that the licensee must make community purpose contributions; and (b) considering community needs in relation to making community purpose contributions. (2) A regulation may prescribe requirements for the engagement of clubs with the community in relation to community purpose contributions.	Out of scope of audit.
Gaming Machine Act Part 12	**Community contribution shortfall tax**	Out of scope of audit.

Legislation Reference	Requirement	Audit assessment
172B	(1) Tax (the community contribution shortfall tax) is imposed on a community contribution shortfall of a licensee that is a club at the rate of 150% for a reporting year. (2) The licensee must pay the community contribution shortfall tax. (3) Community contribution shortfall tax is payable 30 days after the day the licensee receives an assessment under the Control Act, part 6 (Tax administration).	
Gaming Machine Act Part 13A 173F	**Notifiable actions—amendment or cancellation** (2) The licensee must give the commission written notice of the amendment or cancellation before the notifiable action takes effect.	No controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Part 13A 173G	**Notifiable actions under s 37F** (1) This section applies to a notifiable action under section 37F (Surrender of licences, authorisation certificates and authorisations). (2) The notification for the notifiable action must also include the following information in relation to a gaming machine to be stored under a storage permit: (a) the place where the gaming machine is to be stored; (b) the gaming machine's serial number. Note For the issue of a storage permit, see s 127P. (3) On the date the notifiable action takes effect under section 173E (Notifiable actions—date of effect), the licensee must— (a) take meter readings from the gaming machine; and (b) render the gaming machine inoperable; and (c) give the commission the details of the meter readings.	No controls in place by GRC to ensure licensee compliance.
Gaming Machine Act Part 13A 173H	**Notifiable actions under div 6A.6—disposal of gaming machines** (4) On the date the notifiable action takes effect under section 173E (Notifiable actions—date of effect), the disposing licensee must— (a) take meter readings from the gaming machine; and (b) render the gaming machine inoperable; and (c) give the commission the details of the meter readings.	No controls in place by GRC to ensure licensee compliance.
Gaming Machine Regulation Part 6 31	**Cashless gaming system—offences relating to children** Note A licensee must not allow a child to play a gaming machine—see the Act, s 156.	Requirement covered as part of the multifocal compliance program.

Legislation Reference	Requirement	Audit assessment
Gaming Machine Regulation Part 6 32	**Cashless gaming systems—control procedures** A licensee's control procedures must require the licensee to— (a) keep a record of— (i) cashless gaming cards issued; and (ii) cashless gaming system transactions and the information contained in each transaction; and (iii) the value of unredeemed and expired gaming credits held by the licensee; and (iv) information identifying each player the licensee holds gaming credits for; and Examples—cashless gaming system transactions 1 credit added to a cashless gaming card 2 credit debited from a cashless gaming card 3 credit redeemed from a cashless gaming card (b) give a copy of the records to the commission if asked; and (c) prepare a written report of the records kept for each month within 1 week after the end of the month to which the information relates; and (d) keep the report for at least 2 years after the report was prepared; and (e) give the report to the commission if asked.	Requirement covered as part of the multifocal compliance program.
Gaming Machine Regulation Part 6 33	**Unredeemed gaming credits—excluded people** (2) The licensee must take reasonable steps to redeem the gaming credits not later than 14 days after the person is excluded from gambling at the premises. Examples—redeeming credits 1 posting a cheque to the person 2 transferring funds to the person by electronic fund transfer 3 giving cash to the person at an agreed place outside the authorised premises	Requirement covered as part of the multifocal compliance program.
Gaming Machine Regulation Part 6 34	**Unredeemed gaming credits—expiry after 1 year** (3) The licensee holding the gaming credits must distribute funds equivalent to the expired credits to patrons of the licensee's authorised premises— (a) by adding the funds to an existing linked-jackpot arrangement or to a stand-alone progressive jackpot at the premises where the gaming credits were accumulated; or	Requirement covered as part of the multifocal compliance program.

Legislation Reference	Requirement	Audit assessment
	(b) by using a lottery conducted under the Lotteries Act 1964 at the premises where the gaming credits were accumulated; or (c) in a way approved, in writing, by the commission. (4) If funds equivalent to the expired gaming credits are to be distributed under subsection (3) (c), the licensee must apply to the commission for approval within 12 months after the day the credits expire.	
Gaming Machine Regulation Part 8 49	**Payment of linked jackpots** A licensee must pay a linked jackpot to a person if— (a) the person claims to have won the jackpot; and (b) the licensee is satisfied, on reasonable grounds, that the person has won the linked jackpot on the licensee's gaming machine.	No controls in place by GRC to ensure licensee compliance.
Gaming Machine Regulation Part 8 53	**Uncollected linked jackpots** (1) This section applies if— (a) a person wins a linked jackpot; and (b) the person is not paid the jackpot before the end of the linked-jackpot arrangement under which the jackpot is won. (2) The licensee must pay the amount to the person as soon as practicable as if the linked-jackpot arrangement had not ended.	No controls in place by GRC to ensure licensee compliance.
Gaming Machine Regulation Division 8.2	**Multi-user permits** (2) A linked licensee must deposit the licensee's total linked-jackpot contribution into the jackpot trust account within 24 hours after receiving notice of the total under subsection (1) (b).	No controls in place by GRC to ensure licensee compliance.
Gaming Machine Regulation Division 8.2 61	**Link equipment** (3) A licensee must ensure that no-one interferes with link equipment on the authorised premises without the permission of the permit-holder.	No controls in place by GRC to ensure licensee compliance.
Gaming Machine Regulation Part 8A 62A	**Limits on EFTPOS facility at authorised premises** (2) A licensee must have not more than 1 EFTPOS facility that allows a person to withdraw cash at the licensee's authorised premises.	Requirement covered as part of the multifocal compliance program.
Gaming Machine Regulation Division 9.5 69K	**Working out value of in-kind community purpose contributions** (1) This section applies to an in-kind community purpose contribution by a licensee that is a club. (2) In working out the value of the contribution, the licensee must use the cost of providing the contribution or the market value of the contribution.	Out of scope of audit.

Legislation Reference	Requirement	Audit assessment
	(3) The licensee must keep records of its workings and evidence of its costs and market valuations.	
Gambling and Racing Code of Practice Regulations 11	**Gambling facility to have gambling contact officer** (1) The licensee of a gambling facility commits an offence if the licensee contravenes the code of practice, section 1.9 (1) (Gambling contact officers). Maximum penalty: 10 penalty units. (2) The licensee of a gambling facility must, as soon as practicable, give the commission— (a) the name and address of each gambling contact officer for the facility; and (b) if a detail given under paragraph (a) changes—details of the change. Maximum penalty: 10 penalty units. (3) An offence against this section is an offence of strict liability. Note: Reasonable excuse is available as a defence to a prosecution under this section, see s 26.	No controls in place by GRC to ensure licensee compliance.
Gambling and Racing Code of Practice Regulations 15	**Exclusion of people at risk or excluded under deed** (1) The licensee of a gambling facility commits an offence if the licensee contravenes the code of practice, section 1.14. Maximum penalty: 10 penalty units. (2) The licensee of a gambling facility must not use more force, or subject someone to greater indignity, than is necessary and reasonable to exclude the person from gambling at the facility.	No controls are in place by GRC to ensure licensee compliance.
Gambling and Racing Code of Practice Regulations 1.5B	**Independent audit of required training and refresher training** (1) If a licensee, or another person on the licensee's behalf, provides required training or refresher training, the licensee must engage a person (an independent reviewer) to conduct an audit of the training each year the training is provided. (2) The independent reviewer— (a) must not— (i) be employed by the licensee; or (ii) have been involved in any way in the development of the required training or refresher training to be audited; but (b) may be a law firm, accounting firm or auditing body with whom the licensee has an existing relationship. (3) The licensee must give the commission a copy of any completed audit within 3 months after the day the	Only training providers authorised by GRC may provide training.

Legislation Reference	Requirement	Audit assessment
	independent reviewer gives the licensee the completed audit. (4) The commission may, in writing, exempt the licensee from the requirement to engage an independent reviewer to conduct an audit of stated required training or refresher training if the training has been the subject of an investigation or inquiry by the commission.	
Gambling and Racing Code of Practice Regulations 1.6A	**Recording problem gambling incidents** (1) A licensee of a gambling facility must keep a record of the following incidents (a problem gambling incident): (a) anyone who shows signs of having a gambling problem when— (i) in the gambling facility; or (ii) dealing with the licensee; (b) any action taken by the licensee in relation to the person. Examples—signs that person has gambling problem 1 admitting being unable to stop gambling or to gamble within the person's means 2 expressing concern about the amount of time or money the person spends on gambling 3 acknowledging the person spends on gambling money needed for day-to-day living expenses, including for dependents 4 having a disagreement with a family member or friend about the person's gambling behaviour 5 making multiple ATM cash withdrawals in the gambling facility Example—par (a) (ii) contacting staff in the gambling facility by phone or email (2) The record— (a) for a prescribed licensee—must be kept on the problem gambling incident register; or (b) for any other licensee—must be in writing. Note A licensee commits an offence if the licensee fails to make a record available for inspection when asked by the commission (see s 10). (3) The record must include the following particulars: (a) the date and nature of the problem gambling incident;	Covered as part of the multifocal compliance program.

Legislation Reference	Requirement	Audit assessment
	(b) the name and address (if known), or description, of the person involved in the incident; (c) if any action was taken by the licensee in relation to the person—the following details: (i) the action taken; (ii) the names of the individuals who took the action; (iii) any related action taken by someone else of which the licensee is aware. Examples—subpar (iii) 1 police arrest and charge the person for an offence relating to the problem gambling incident 2 the person has been excluded from gambling at another gambling facility (4) A licensee must, within 3 consecutive trading days after becoming aware of a problem gambling incident— (a) for a prescribed licensee—record the incident in the problem gambling incident register; or (b) for any other licensee—make a written record of the incident. (5) In this section: prescribed licensee means— (a) a gaming machine licensee; and (b) a casino licensee; and (c) a totalisator licensee. problem gambling incident register—see section 1.6.	
Gambling and Racing Code of Practice Regulations 1.7	**Gambling beyond means** A licensee of a gambling facility must not encourage a person to gamble beyond the person's means.	No controls are in place by GRC to ensure licensee compliance.
Gambling and Racing Code of Practice Regulations 1.8	**Help in relation to gambling problems** If the licensee of a gambling facility is asked by a person in the facility about problem gambling, the licensee must take reasonable steps to give the person advice or information about counselling and advisory services available from support agencies.	Covered as part of the multifocal compliance program.
Gambling and Racing Code of Practice Regulations 1.9	**Gambling contact officers** (1) A licensee of a gambling facility must not conduct gambling at the facility unless at least 1 gambling contact officer has been appointed for the facility. (2) A gambling contact officer for the facility may be the licensee or a person appointed by the licensee.	Covered as part of the multifocal compliance program.

Legislation Reference	Requirement	Audit assessment
	(3) A person is eligible to be appointed as a gambling contact officer by the licensee only if the person has successfully completed an approved training program within the previous 3 years. Note: Approved training program—see the dictionary. (4) To remain eligible for appointment, a gambling contact officer must successfully complete an approved GCO training session in each year of the officer's appointment. (5) The commission may exempt a gambling contact officer, in writing, from complying with subsection (3) or (4). (6) An exemption may be conditional. (7) In this section: approved GCO training session means a training session approved by the commission for gambling contact officers about problem or responsible gambling. Examples—training sessions • conferences • seminars • online courses • lectures	
Gambling and Racing Code of Practice Regulations 1.13	**Deeds of exclusion** (1) A person claiming to have a gambling problem (the gambler) may sign a deed (a deed of exclusion) under which the person can be excluded from gambling at the gambling facility or facilities stated in the deed. Note: If a form is approved under the Act, s 53D for this provision, the form must be used. (2) The deed must state— (a) the name of each gambling facility (the nominated facility) from which the gambler wishes to be excluded from gambling; and (b) the period for which the gambler is to be excluded from the nominated facility (the exclusion period); and (c) that in the exclusion period the licensee of the nominated facility may— (i) remove the gambler from, or prevent the gambler from entering, the gaming area or gambling facility; or (ii) otherwise exclude the gambler from participating in gambling activities at the facility. Example—subpar (ii)	Covered as part of the multifocal compliance program.

Legislation Reference	Requirement	Audit assessment
	The XYZ Sports Club has a gaming area, bistro area and other facilities for use by its members. Kenny has entered into a deed of exclusion under which he agrees to be excluded from gambling at the gambling facility. The licensee of the gambling facility allows Kenny to enter the facility to use the bistro but does not allow Kenny to enter the gaming area. (3) For subsection (2) (b), the exclusion period must be at least 6 months, but not longer than 3 years. (4) If the gambler wants the deed to apply to the gambler, then the gambler must give the signed deed to 1 of the following (the receiver): (a) the licensee of a facility stated in the deed; (b) the commission; (c) someone else approved by the commission. (5) If the receiver is given a signed deed under subsection (4), the receiver must— (a) immediately sign the deed; or (b) if the deed is incomplete— (i) ask the gambler, not more than 1 day after receiving the signed deed, to do whatever is necessary to complete the deed; and (ii) sign the deed immediately after the gambler completes the deed. (6) The receiver must, not more than 3 consecutive trading days after receiving the completed signed deed— (a) give a copy of the signed deed to the gambler; and (b) include the matters mentioned in section 20 (3) (Exclusion register) on the exclusion register; and (c) tell each of the following that the matters mentioned in section 20 (3) have been included on the exclusion register: (i) the licensee of each facility mentioned in the deed; (ii) if the receiver is not the commission—the commission.	
Gambling and Racing Code of Practice Regulations 1.14	**Exclusion of people at risk or excluded under deed** (1) The licensee of a gambling facility must exclude a person from gambling at the facility if the licensee has reasonable grounds for believing that— (a) the welfare of the person, or any of the person's dependants, is seriously at risk because of the person's gambling problem; or (b) the person is someone to whom a deed applies.	Covered as part of the multifocal compliance program.

Legislation Reference	Requirement	Audit assessment
	(2) If a person is excluded under subsection (1) (a) the licensee must— (a) give the person a notice (a notice of exclusion) stating— (i) sufficient particulars to identify the person; and (ii) each gambling facility from which the person is excluded from gambling; and (iii) the period of the exclusion from each gambling facility from which the person is excluded from gambling; and (iv) the reasons for the exclusion; and Note: If a form is approved under the Act, s 53D for this provision, the form must be used.	
Gambling and Racing Code of Practice Regulations 1.15	**Matters to which licensee to have regard when deciding whether to exclude** (1) A decision by a licensee to exclude a person under section 1.14 (1) (a) must be reasonable in the circumstances. (2) In making the decision, the licensee must have regard to whether the exclusion— (a) is necessary to protect the welfare of the person, or any of the person's dependants, from risk in relation to the person's gambling problem; and (b) is in the public interest, particularly having regard to the social and economic costs of problem gambling.	No controls are in place by GRC to ensure licensee compliance.
Gambling and Racing Code of Practice Regulations 1.17	**Exclusion procedures** (1) The licensee of a gambling facility must prepare written procedures dealing with how people are to be excluded from gambling at the facility. (2) A person must comply with any written direction in relation to procedures given to the person by the commission under this section. (3) The procedures must be written as clearly and simply as possible to promote understanding by people using them. (4) The licensee of a gambling facility must ensure that staff members whose functions include the exclusion of a person under this code of practice are competent to exercise the function.	Covered as part of the multifocal compliance program, however, content of procedures is not examined by GRC.
Gambling and Racing Code of Practice Regulations 1.18	**Licensee must keep deeds and notices of exclusion** (1) A licensee of a gambling facility must keep— (a) the original of each deed of exclusion received by the licensee for 7 years from the day the deed is received; and	Covered as part of the multifocal compliance program.

Legislation Reference	Requirement	Audit assessment
	(b) a copy of each notice of exclusion given by the licensee for 7 years from the day the notice is given. (2) The licensee must, if requested by the commission— (a) allow the commission to inspect the deeds and notices; or (b) give the commission a copy of a deed or notice.	
Gambling and Racing Code of Practice Regulations 1.19	**Accounts of excluded people** If a person who holds an account with a licensee is excluded by the licensee under this division, the licensee must not allow someone else to use the person's account.	Covered as part of the multifocal compliance program.
Gambling and Racing Code of Practice Regulations 1.20	**Promotional material not to be given to certain excluded people** (1) The licensee of a gambling facility must not give any information or promotional material about gambling at the facility directly to a person excluded by the licensee under this division. Examples 1 information or promotional material given by personally addressed mail or email 2 information or promotional material given personally to the person or left with someone to be given personally to the person (2) For subsection (1), information or promotional material is not given directly to a person only because it is broadcast or made available to the public generally. Examples 1 information or promotional material given by television or radio broadcasts 2 information or promotional material given by websites accessible to anyone 3 information or promotional material given by letterbox drops that are not personally addressed	No controls are in place by GRC to ensure licensee compliance.
Gambling and Racing Code of Practice Regulations 1.21	**Cash facilities** (1) This section applies to a casino licensee. (2) The licensee of a gambling facility to whom this section applies must ensure that a cash facility is not located in a gaming area of the facility.	Covered as part of the multifocal compliance program.
	(3) In this section: cash facility means— (a) an automatic teller machine; or (b) an EFTPOS facility.	Covered as part of the multifocal compliance program, but has not been considered as part

Legislation Reference	Requirement	Audit assessment
		of the training program.
Gambling and Racing Code of Practice Regulations 1.23	**Other cash payment limits** (1) A licensee must not, for a particular event or contingency on which a gambling patron has staked or risked money, pay the patron winnings in cash that are more than the amount worked out under table 1.23. Table 1.23 column 1 item column 2 type of licensee column 3 maximum cash payable 1 bookmaker $25 000 2 totalisator $25 000 3 lotteries $5 000 4 keno $5 000 5 trackside $5 000 6 gaming machine $1 500 7 housie $1 250 Example A gambling patron wins $30 000 on a totalisator on race 3 Flemington Racecourse. The person must not be paid more than $25 000 in cash and must be paid any balance by cheque or electronic funds transfer. However, the person can be paid winnings in cash of not more than $25 000 if the person wins on a subsequent race. (2) To remove any doubt, subsection (1) does not prevent the payment of winnings, in excess of the maximum amount payable in cash, in any other way. (3) A gaming machine licensee must pay a gambling patron winnings from a gaming machine by cheque or electronic funds transfer if— (a) the winnings are more than $300; and (b) the patron has requested the winnings be paid by cheque or electronic funds transfer.	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.
Gambling and Racing Code of Practice Regulations 1.23AA	No winnings for excluded or underage patrons (1) A licensee of a gambling facility must not knowingly pay winnings to a person who— (a) has been excluded from gambling under section 1.14 (Exclusion of people at risk or excluded under deed); or (b) is under 18 years old.	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.

Legislation Reference	Requirement	Audit assessment
	(2) The licensee must keep any winnings of a person mentioned in subsection (1) and distribute them to other patrons of the facility in a way approved in writing by the commission.	
Gambling and Racing Code of Practice Regulations 1.23A	**Non-cash payment of winnings** (1) Winnings to be paid otherwise than in cash must be paid by the licensee as soon as practicable but within 3 days after the day of the winning event or contingency. (2) This section does not apply to a licensee mentioned in section 1.1, definition of licensee, paragraph (f).	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.
Gambling and Racing Code of Practice Regulations 1.24	**Cheques** (1) This section applies to a gaming machine licensee. (2) The licensee of a gambling facility to whom this section applies must not— (a) cash a cheque within a gaming area of the facility; or (b) allow a person to buy back or redeem a previously cashed personal cheque. (3) The licensee of a gambling facility to whom this section applies must not— (a) cash a patron's personal cheque for more than $250 on any day unless the person has made arrangements with the licensee on a previous day; or (b) cash a cheque of any other kind for the patron.	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.
Gambling and Racing Code of Practice Regulations 1.25	**Availability of information** (1) The licensee of a gambling facility must display in each gaming area of the facility signs to the effect that people under 18 years old, and intoxicated people, are not allowed to gamble. (2) Each sign must be prominently displayed and able to be readily read. (3) A licensee of a gambling facility must make available at the facility, in a conspicuous way, information that— (a) tells people about each of the following: (i) restrictions (if any) on cashing cheques; (ii) gambling limits (if any) at the facility; (iii) the chances of winning major prizes; (iv) the support services available to gamblers; (v) the use of a deed of exclusion by a person who has a gambling problem, particularly—	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.

Legislation Reference	Requirement	Audit assessment
	(A) the availability and effect of a deed; and (B) the confidentiality of a deed; and (C) who may be given a copy of a deed; (vi) the use of a notice of exclusion by the licensee in relation to a person who has a gambling problem; (vii) the exclusion register; and (b) tells people where each of the following can be found at the gambling facility: (i) a copy of the rules for each kind of gambling offered by the licensee; (ii) information about programs for exclusion from gambling; (iii) a gambling contact officer for the facility; (iv) a copy of the Gambling and Racing Control (Code of Practice) Regulation 2002 or this code of practice; (v) information about counselling services available in the ACT for problem gamblers; and (c) for a gaming machine licensee—tells people that winnings from a gaming machine must be paid by cheque or electronic funds transfer if— (i) the winnings are more than $300; and (ii) the patron has requested the winnings be paid by cheque or electronic funds transfer. (4) If asked for information about the availability of interpreter services to patrons at a gambling facility, the licensee for the facility must give the information. (5) This section is subject to section 1.27 (Directions about information, clocks and lighting).	
Gambling and Racing Code of Practice Regulations 1.26	**Clocks and lighting** (1) This section applies to— (a) a casino licensee; and (b) a gaming machine licensee. (2) The licensee of a gambling facility must prominently display the correct time in the facility. (3) The licensee of a gambling facility must ensure that lighting in the facility is adequate to allow clocks and signs required to be displayed under this code of practice to be clearly visible to people in the facility. (4) This section is subject to section 1.27.	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.

Legislation Reference	Requirement	Audit assessment
Gambling and Racing Code of Practice Regulations 1.27	**Directions about information, clocks and lighting** (1) The commission may give written directions to the licensee of a gambling facility to ensure compliance with section 1.25 (Availability of information) or section 1.26. (2) If the commission gives a direction to the licensee, the licensee must comply with the direction.	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.
Gambling and Racing Code of Practice Regulations 1.27A	**Alcohol service prohibited while gambling** A gaming machine licensee must not serve alcohol to a patron of the facility while the patron is— (a) playing a gaming machine; or (b) sitting at or standing by a gaming machine.	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.
Gambling and Racing Code of Practice Regulations 1.27B	**Operating times of gaming machines** A gaming machine licensee must not operate a gaming machine between 4 am and 9 am.	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.
Gambling and Racing Code of Practice Regulations 1.28	**Advertising, promotions and inducements** Division 1.4.1 Advertising requirements—general 1.28 Advertising (1) The licensee of a gambling facility must not publish advertising that— (a) encourages anyone to contravene a gaming law; or (b) shows people under 25 years old gambling; or (c) encourages people under 18 years old to gamble, or targets them; or (d) is false or misleading, particularly about the chances of winning or the expected return to a gambler; or (e) suggests that gambling is a form of financial investment; or (f) suggests that skill can influence games that are games of chance; or (g) shows or promotes the consumption of alcohol while gambling. (2) This section is subject to section 1.31 (Directions about advertising, promotions and inducements).	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.

Legislation Reference	Requirement	Audit assessment
Gambling and Racing Code of Practice Regulations 1.29	**Advertising requirements** (1) This section does not apply to someone mentioned in section 1.1, definition of licensee, paragraph (f). (2) The licensee of a gambling facility must not publish gambling advertising in relation to the facility unless it contains, or is published near, the name and telephone number of an approved gambling counselling service in the ACT. (3) This section is subject to section 1.31 (Directions about advertising, promotions and inducements). (4) In this section: gambling advertising—see section 1.29B.	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.
Gambling and Racing Code of Practice Regulations 1.29E	**Statements to be included in gambling advertising** A licensee must ensure that gambling advertising of a kind mentioned in column 2 of an item in table 1.29E includes— (a) a tagline mentioned in the item, column 3; and (b) the call to action mentioned in the item, column 4.	Out of scope of audit.
Gambling and Racing Code of Practice Regulations 1.29F	**Additional requirements about taglines and calls to action** (1) A licensee must ensure that a tagline or call to action in spoken form is clearly intelligible to a person listening to the tagline or call to action. (2) A licensee must ensure that a tagline or call to action that is in visual form is displayed in font that is of a type and size that is clearly legible to a person reading the tagline or call to action at the distance at which the gambling advertising is intended to be viewed. (3) A licensee must take reasonable steps to ensure that each tagline that can be used for a kind of gambling advertising is used approximately equally over a 12-month period.	Out of scope of audit.
Gambling and Racing Code of Practice Regulations 1.29G	**Electronic licensee must keep gambling advertising records** A licensee must keep a copy of gambling advertising published or communicated by or for the licensee for at least 12 months after the day the advertising was last published or communicated. Example A licensee runs an advertising campaign commencing on 1 January 2024. The campaign consists of 1 television advertisement and 1 radio advertisement. The television advertisement is broadcast for the last time on 1 March	Out of scope of audit.

Legislation Reference	Requirement	Audit assessment
	2024 and the radio advertisement is broadcast for the last time on 1 April 2024. The licensee must keep a copy of the television advertisement until 28 February 2025 and a copy of the radio advertisement until 31 March 2025.	
Gambling and Racing Code of Practice Regulations 1.30	**Promotions and inducements** (1) The licensee of a gambling facility must not— (a) conduct a promotion that requires or encourages people to gamble at the facility for a minimum period of time to qualify for rewards; (b) conduct a promotion that requires or encourages people to gamble a minimum amount to qualify for rewards; or (c) conduct a promotion for or including gambling at the facility that includes an offer of free or discounted alcohol. (2) Subsection (1) (b) does not apply to— (a) the promotion of a commission-based player scheme under the Casino Control Act 2006; or (b) a player reward scheme that is advertised only within the gambling facility or directly to members of the facility; or (c) someone mentioned in section 1.1, definition of licensee, paragraph (f); or (3) A gaming machine licensee must not— (a) conduct a promotion or offer an inducement that encourages people to increase their intensity of betting at the facility; or Examples—increased intensity of betting 1 increasing the amount of money spent on betting at the facility in a particular period of time 2 increasing the amount of each individual bet made at the facility (b) induce people to gamble at the licensee's facility by offering— (i) free or discounted alcohol; or (ii) cash, or free or discounted gambling credits, unless the offer of cash or credits is made to all patrons of the facility all of the time as part of the facility's usual or regular prize schedule. (4) The licensee of a gambling facility must ensure that promotional material relating to gambling at the facility— (a) contains the rules and conditions of the promotion; or	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.

Legislation Reference	Requirement	Audit assessment
	(b) states where at the facility the rules and conditions of the promotion can be inspected (5) The licensee of a gambling facility must make the rules and conditions of the promotion available for inspection at the facility. (8) If a person wishes to redeem points under a player reward scheme conducted by— (a) a gaming machine licensee or a casino licensee at a gambling facility and the licensee offers gambling credits, the licensee must offer the person rewards or benefits other than gambling credits for the points; or (b) a gaming machine licensee at a gambling facility, the licensee must not offer a reward or benefit to the person if the value of the reward or benefit is more than $1000. (9) For subsection (8) (b), if a reward or benefit is made up of 2 or more parts, the value of the reward or benefit is the total value of all the parts. 10) In this section: player reward scheme, at a gambling facility includes a player loyalty scheme, and means a scheme in which a patron of the facility— (a) earns points by participating in an activity at the facility; and (b) may redeem the points for a reward or benefit. winnings, from a bonus bet by a person, means the amount to be paid or credited to the person if the bet is successful. (11) This section is subject to section 1.31.	
Gambling and Racing Code of Practice Regulations 1.30A	**Gaming machine promotions—alternative ways to participate** (1) This section applies to a promotion conducted at a gambling facility that a patron of the facility may take part in by playing a gaming machine. (2) The licensee of the gambling facility must ensure that there is at least 1 other way a patron of the facility may take part in the promotion. Examples 1 entry to the facility 2 buying food or drink at the facility	Covered as part of the multifocal compliance program, but has not been considered as part of the training program.
Gambling and Racing Code of Practice Regulations 1.30B	**Personally addressed promotional material—gaming machine and casino licensees** (1) This section applies only to a gaming machine licensee or casino licensee.	Covered as part of the multifocal compliance program, but has not been

Legislation Reference	Requirement	Audit assessment
	(2) A patron of a gambling facility may, in writing, ask the licensee of the facility to not send the patron promotional material. (3) The patron may, in writing, revoke the patron's request under subsection (2) at any time. (4) If a patron makes a request under subsection (2), and does not revoke the request under subsection (3), the licensee must not send any promotional material to the patron that is personally-addressed to the patron.	considered as part of the training program.
Gambling and Racing Code of Practice Regulations 1.31	**Directions about advertising, promotions and inducements** (1) The commission may give a written direction to a licensee to ensure compliance with this part. (2) If the commission gives a direction to the licensee, the licensee must comply with the direction.	No controls are in place by GRC to ensure licensee compliance.

Source: ACT Audit Office

Appendix C: Legislative compliance assessment for GRC's compliance with gaming laws

Table C-1 Legislative compliance assessment

Legislation Reference	Requirement	Audit assessment
Gaming Machine Act Division 2B.1 13	Social impact assessment—publication (7) The commission must make the social impact assessment available for inspection by members of the public during the comment period— (a) at a place in the ACT named on the commission's website during ordinary business hours; and (b) by publishing the assessment on the commission's website. (8) The commission must not decide the application until the comment period has ended.	No documented process in place to publish social impact assessments.
Gaming Machine Act Division 2B.1 14	Applications to be dealt with in order of receipt etc (2) The commission must deal with properly completed licence applications and properly completed authorisation certificate applications in the order in which the commission receives the applications.	No documented process in place to deal with completed licence applications and authorisation certificate applications.
Gaming Machine Act Division 2B.2 17	**Class C licence—decision on application** (3) The commission must issue a class C licence to the applicant if satisfied on reasonable grounds that— (a) the applicant is an eligible person; and (b) a majority of the applicant's voting members who voted in a ballot conducted under a regulation voted for the applicant having gaming machines. Note 1 If a corporation is a club, the corporation is an eligible person if it is an eligible club (see s 7 (1) (b)). Note 2 The commission may refuse to issue a class C licence to a club if a ground for refusing the licence exists (see s 18).	No documented process in place on the issue and approval of Class C authorisation certificate.
Gaming Machine Act Division 2B.2 18	**Class C licence application—grounds for refusal** (2) However, the commission must not refuse to issue a class C licence under subsection (1) (a), (b) or (c) only because— (a) the commission is satisfied that the election of a member of the club's management committee or board has been decided, controlled or influenced in a significant way, or to a significant degree, by an associated organisation; or	No documented process in place to deal with the refusal of applications.

	(b) the voting members of the club, taken as a group, do not have complete control over the election of all members of the club's management committee or board because an associated organisation has some control; or (c) each voting member of the club does not have an equal right to elect people, or to nominate or otherwise choose people for election, to the club's management committee or board because an associated organisation has a right to elect, nominate or otherwise choose people for election.	
Gaming Machine Act Division 2B.3 23	**Authorisation certificate for class C gaming machines—decision on application** (2) The commission must issue an authorisation certificate to the applicant if satisfied on reasonable grounds— (a) that the applicant holds a class C licence; and (b) the gaming rules and control procedures the applicant has adopted for the purpose of controlling the operation of gaming machines are adequate for that purpose; and (c) taking into consideration the social impact assessment for the application and any submission made on the assessment within the comment period under section 13 (Social impact assessment—publication), the issue of the authorisation certificate is appropriate. (3) The commission must issue the authorisation certificate for the number of authorisations for gaming machines stated in the application if satisfied on reasonable grounds that the size and layout of the proposed gaming area are suitable for the installation of the number of gaming machines for which the authorisation certificate is sought. (5) In deciding the maximum number of authorisations for gaming machines under an authorisation certificate, the commission must consider the following: (a) the size and layout of the premises the application relates to; (b) the size and layout of the proposed gaming area; (c) the number of club members worked out under a regulation; (6) In deciding whether a proposed gaming area is suitable for the installation of the number of gaming machines the licensee may have under an authorisation certificate, the commission must consider harm minimisation strategies for patrons.	No documented process in place on the issue and approval of Class C authorisation certificate.

Gaming Machine Act Division 2B.3 29	**Class B licence and authorisation certificate—decision on application** (3) The commission must issue a class B licence and authorisation certificate to the applicant if satisfied on reasonable grounds that the applicant is an eligible person. (4) The commission must issue an authorisation certificate for each premises of the business for the number of authorisations for class B gaming machines the licensee who sold the business was authorised to have at the time of the sale, if satisfied on reasonable grounds—	No documented process in place on the issue and approval of Class C authorisation certificate.
Gaming Machine Act Division 2B.5 32	**Licence amendment decision—minor amendment** (3) The commission must— (a) tell the licensee, in writing, of a decision under subsection (2); and (b) if the commission refuses to amend the licence—give the reasons for the decision.	No documented process in place to deal with the refusal of applications.
Gaming Machine Act Division 2B.5 35	**Authorisation certificate amendment decision—gaming area amendment** (3) If the commission refuses to amend the authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision. Note For what must be included in a statement of reasons, see the Legislation Act, s 179. (4) The commission must amend the authorisation certificate in accordance with the application if it is satisfied that the gaming area proposed to be changed will be suitable for the operation of the number of gaming machines the licensee may have under the authorisation certificate. (5) In deciding whether a gaming area will be suitable for the operation of the number of gaming machines the licensee may have under the authorisation certificate, the commission must consider harm minimisation strategies for patrons.	No documented process in place to deal with the refusal of applications.
Gaming Machine Act Division 2B.5 36	**Authorisation certificate amendment decision—premises relocation amendment** (3) If the commission refuses to amend the authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision. Note For what must be included in a statement of reasons, see the Legislation Act, s 179. (4) In deciding whether to amend the authorisation certificate, the commission must consider the following: (5) If the application is for a premises relocation amendment in relation to premises in another suburb,	No documented process in place to deal with authorisation certificate amendment decisions and with the refusal of applications.

	the commission must amend the authorisation certificate in accordance with the application if satisfied that— (a) the size and layout of the new premises and the proposed gaming area are suitable for the operation of the number of gaming machines that would be allowed under the authorisation certificate; and (b) a majority of the voting members of the applicant who voted in a ballot conducted under a regulation voted for the club relocating to the new premises; and (c) taking into consideration the social impact assessment for the application and any submission made on the assessment within the comment period under section 13 (2), the amendment of the authorisation certificate is appropriate. (7) If the application is for a premises relocation amendment in relation to premises in the same suburb, the commission must amend the authorisation certificate in accordance with the application if satisfied that the size and layout of the new premises and the proposed gaming area are suitable for the operation of the number of gaming machines that would be allowed under the authorisation certificate.	
Gaming Machine Act Division 2B.5 37	**Authorisation certificate amendment decision—increase maximum amendment** (3) If the commission refuses to amend the authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision. (4) The commission must amend the authorisation in accordance with the application if satisfied that— (a) the application is accompanied by a social impact assessment that supports an increase in the maximum number of authorisations for gaming machines allowed at the authorised premises; and (b) the size and layout of the premises mentioned in the authorisation certificate is suitable for the operation of the number of gaming machines that would be allowed under the authorisation certificate. (5) In deciding the maximum number of authorisations for gaming machines under the amended authorisation certificate, the commission must consider the following: (a) the number of club members worked out under a regulation; Note Member, of a club, does not include a temporary member (see dict).	No documented process in place to deal with authorisation certificate amendment decisions.

	(b) the ratio of club members to the maximum number of authorisations for gaming machines sought by the licensee; (c) the extent to which the club has contributed to, or is likely to contribute to, the community and supported and benefited the community.	
Gaming Machine Act Division 2B.5 37C	**Amendment of licence, authorisation certificate etc—commission's own initiative** (3) If a licensee notifies the commission about the acquisition or disposal of an authorisation under division 6A.6 (Trading of authorisations and gaming machines), the commission must amend the licensee's authorisation schedule to— (a) for an acquisition—include the authorisation number of the acquired authorisation; or (b) for a disposal—remove the authorisation number of the disposed authorisation.	No documented process in place on amendment of licence, authorisation certificate, etc.
Gaming Machine Act Division 2B.5 37D	**Re-issue of amended licence, authorisation certificate etc** (1) If the commission amends a licence under this Act, the commission must issue the licensee with a licence that includes the amendment (a replacement licence). (3) If the commission amends an authorisation certificate (other than the schedule to the certificate) under this Act, the commission must issue the licensee with an authorisation certificate that includes the amendment (a replacement authorisation certificate). (5) If an authorisation schedule to an authorisation certificate is amended under this Act, the commission must issue the licensee with an authorisation schedule that includes the amendment (a replacement authorisation schedule).	No documented process in place on re-issue of amended licence, authorisation certificate.
Gaming Machine Act Division 2B.6 37F	**Surrender of licences, authorisation certificates and authorisations** (3) If a licensee notifies the commission about the surrender of the licensee's licence, the commission must— (a) cancel all authorisation certificates held by the licensee; and (b) give the licensee a storage permit for an interim purpose for each gaming machine under the cancelled authorisation certificates. (4) If a licensee surrenders an authorisation certificate or an authorisation under this section, the commission must give the licensee a storage permit for an interim purpose for each gaming machine under the surrendered certificate or authorisation.	No documented process in place on surrender of licences, authorisation certificates and authorisations.

Gaming Machine Act Division 2C.3 38D	**In-principle authorisation certificate—decision on application** (4) The commission must issue the in-principle authorisation certificate if satisfied that, taking into consideration the social impact assessment for the application and any submission made on the assessment within the comment period under section 13 (2) (Social impact assessment—publication), issuing the in-principle authorisation certificate is appropriate.	No documented process in place on in-principles authorisation certificates.
Gaming Machine Act Division 2C.4 38I	**In-principle authorisation certificate—decision on application** (3) If the commission refuses to transfer the in-principle authorisation certificate to the proposed new approval-holder, the commission must tell the applicant, in writing, the reasons for the decision. Note For what must be included in a statement of reasons, see the Legislation Act, s 179. (4) The commission must transfer the in-principle authorisation certificate to the proposed new approval-holder if satisfied that the proposed new approval-holder— (a) holds a licence; or (b) has applied for a licence.	No documented process in place on in-principles authorisation certificates.
Gaming Machine Act Division 2C.4 38K	**In-principle authorisation certificate—extension decision** (3) If the commission refuses to extend the term of the in-principle authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision.	No documented process in place on refusal of in-principles authorisation certificates.
Gaming Machine Act Division 2C.5 38N	**Conversion of in-principle authorisation certificate to authorisation certificate—decision** (3) If the commission refuses to convert the in-principle authorisation certificate to an authorisation certificate, the commission must tell the applicant, in writing, the reasons for the decision. Note For what must be included in a statement of reasons, see the Legislation Act, s 179. (4) The commission must convert the in-principle authorisation certificate to an authorisation certificate for the number of authorisations stated in the in-principle certificate if satisfied that— (6) If the commission converts an in-principle authorisation certificate to an authorisation certificate, the commission must issue an authorisation certificate to the applicant in the same terms, and subject to the same conditions, as the in-principle authorisation certificate.	No documented process in place on conversion of in-principles authorisation certificates to an authorisation certificate.

Gaming Machine Act Division 2C.5 38O	**Consequences of conversion—other in-principle authorisation certificates for the land or premises expire** (3) The commission must tell each approval-holder whose in-principle authorisation certificate expires under subsection (2) that the in-principle authorisation certificate has expired.	No documented process in place on conversion of in-principles authorisation certificates to an authorisation certificate.
Gaming Machine Act Division 3.2 48	**Approved statement to be displayed** It is a condition of a licence that, if the Minister approves a statement under section 126, the statement is clearly displayed on each gaming machine at authorised premises.	Inspected as part of multifocal compliance program
Gaming Machine Act Division 3.3 53	**Conditions about inequitable benefits** Note The commission must also publish information about community contributions made by the club (see s 172).	Out of scope of audit.
Gaming Machine Act Part 3A 55C	**Notice of decision and reasons for decision** The commission must give a person seeking to give a GM undertaking written notice of the commission's decision to accept or reject the GM undertaking and of the reasons for the decision. (4) If the commission accepts a GM undertaking before the proceeding or disciplinary action is finalised, the commission must take all reasonable steps to have the proceeding or action discontinued.	Managed by the Compliance and Investigations team and reported to the Board, however, no documented process.
Gaming Machine Act Part 4 59	**Relevant matters for decisions on disciplinary action and penalties** (1) In deciding what disciplinary action to take, and the amount of any penalty to be imposed, the commission must consider the following: (a) whether disciplinary action has been taken against the person before; (b) whether the disciplinary ground on which the disciplinary action is to be taken endangered the public or the public interest; (c) the seriousness of the disciplinary ground; (d) the duration or repetition of the person's conduct that contributed to the disciplinary ground; (e) any statement given by an individual in relation to the disciplinary ground's harmful impacts on the individual; (f) the person's capacity to pay any financial penalty; (g) for disciplinary action against a club—the impact of a financial penalty on the club.	Managed by the Compliance and Investigations team and reported to the Board, however, no documented process.
Gaming Machine Act	**A notice (a disciplinary notice) given to the licensee must—**	Grounds for disciplinary action

Division 3.3 61	(a) state the ground for disciplinary action that caused the notice to be given; and (b) tell the licensee that the licensee may, within 3 weeks after the day the licensee is given the notice, give a written response to the commission about the notice.	and three-week response period is stated on disciplinary notices.
Gaming Machine Act Part 4 62	**Commission may take disciplinary action against licensee** (5) If the disciplinary action consists of an action mentioned in section 58 (1) (g) (i), the commission must include in the written notice of the action the amount to be forfeited under that section.	Penalty amount is stated on notice.
Gaming Machine Act Division 6.1 69	**Approval of gaming machines and peripheral equipment** (1) The commission may approve— (a) a gaming machine; and (b) any peripheral equipment for the gaming machine. (2) However, the commission must not approve something under subsection (1) unless the commission has considered— (a) the results of a technical evaluation of the gaming machine and any peripheral equipment by an approved entity; and (b) any available research on the consumer protection and harm minimisation implications of the gaming machine or peripheral equipment proposed to be approved. (3) Also, the commission must not approve a gaming machine or peripheral equipment for a gaming machine under subsection (1) that allows the use of an audio device if the use of the device is not designed or intended primarily to assist a person with a hearing impairment. (4) The approval of a gaming machine or any peripheral equipment for a gaming machine is a notifiable instrument. Note A notifiable instrument must be notified under the Legislation Act. (5) In this section: approved entity means an entity approved (however described) under a law of a local jurisdiction about gaming machines to undertake technical evaluations for the law. audio device means an earphone, earpiece, headphone, headset or any other device to convert signals from a gaming machine to audible sound	No documented process in place for the approval of gaming machines and peripheral equipment.

	delivered to the ear of a person playing the machine to the exclusion of everyone else.	
Gaming Machine Act Division 6.1 71	**Computer cabinet access register** (1) A licensee must keep a register for gaming machines on authorised premises (the computer cabinet access register). (2) If an approved technician or other person authorised in writing by the commission opens or replaces the computer cabinet in a gaming machine on authorised premises, the technician or other person must enter the access details in the computer cabinet access register. (3) If an authorised officer opens the computer cabinet in a gaming machine on authorised premises, the authorised officer must enter the access details in the computer cabinet access register. (4) In this section: access details means the following details: (a) information that clearly identifies the gaming machine, including the machine's serial number; (b) the date when the computer cabinet was opened or replaced; (c) a description of why the computer cabinet was opened or replaced; (d) the new computer cabinet seal number that was applied; (e) the name and signature of the approved technician, other person or authorised officer; (f) the name and signature of the licensee;	Inspected as part of multifocal compliance program.
Gaming Machine Act Division 6.2 72	**Application and approval of corporation as supplier** (3) If the commission approves a corporation as a supplier, the commission must give the corporation a certificate stating that the corporation is an approved supplier.	No documented decision making process for approval of corporation as supplier.
Gaming Machine Act Division 6.2 73A	**Cancellation etc of supplier's approval** (4) In considering whether to take action under this section, the commission must consider the following: (a) whether action has been taken against the approved supplier under this section before; (b) the seriousness of any contravention of this Act; (c) the likelihood of further action needing to be taken against the supplier; (d) the public benefit of suppliers being regulated under this Act.	No documented process on cancellation of supplier approval.

Gaming Machine Act Division 6.3 77	**Ending short-term approvals** (2) The commission must, by written notice given to the technician— (a) refuse the person's application for approval as a technician; and (b) cancel the person's short-term approval as a technician.	No documented process on ending short term approval of technicians.
Gaming Machine Act Division 6.3 79	**Cancellation etc of technician's approval** (4) In considering whether to take action under this section, the commission must consider the following: (a) whether action has been taken against the approved technician under this section before; (b) the seriousness of any contravention of this Act; (c) the likelihood of further action needing to be taken against the technician; (d) the public benefit of technicians being regulated under this Act.	No documented process on decision making process for approval/cancellation of technicians.
Gaming Machine Act Division 6.3 80	**Certificates and identity cards for approved technicians** (2) The commission must give— (a) a certificate (the technician's approval certificate) to each approved supplier for the technician containing details of the approval; and (b) an identity card to the approved technician containing details of the approval.	No documented process for approval of technicians.
Gaming Machine Act Division 6.3 84	**Renewal of technician's approval** (3) On application under this section, the commission must renew the approval if satisfied that it would approve the applicant if the application were an application for initial approval.	No documented process for approval of technicians.
Gaming Machine Act Division 6A.1 100	**Acquisition of gaming machines—amendment of authorisation schedule etc** (2) The commission must amend the licensee's authorisation schedule for the authorised premises to record the gaming machine's serial number and anything else required by this Act to be included. (3) However, if the licensee acquires the gaming machine under division 6A.6 (Trading of authorisations and gaming machines), the commission must amend the licensee's authorisation schedule to remove 1 authorisation for a gaming machine for every 4 authorisations for gaming machines the licensee acquires. Note On receiving a notice under this section, the commission must also amend the register of licences and authorisations to include details about the	No documented process for the amendment of the authorisation schedule.

	number of authorisations for gaming machines to be held by the licensee after acquiring the gaming machines mentioned in the notice (see Control Act, s 52 (2)).	
Gaming Machine Act Division 6A.2 108	**Approval of repossession of gaming machines** (1) On application under section 107, the commission must approve, or refuse to approve, the repossession of a gaming machine. (2) The commission must approve the repossession unless the commission believes on reasonable grounds that the applicant would be likely to contravene a requirement of a condition on the approval.	No documented process in place on approval of repossession of gaming machines.
Gaming Machine Act Division 6A.2 109A	**Repossessed gaming machines—amendment of authorisation schedule** (3) On receiving a notice under subsection (2), the commission must— (a) amend the authorisation schedule for the gaming machine to remove the gaming machine's details; and (b) give the licensee a replacement authorisation schedule that includes the amendment.	No documented process in place on approval of repossession of gaming machines.
Gaming Machine Act Division 6A.3 113	**Approval of disposal of gaming machines** (1) On application under section 112, the commission must approve, or refuse to approve, the disposal of a gaming machine. (2) The commission must approve the disposal if— (a) the person (if any) who is to acquire the gaming machine is authorised— (i) to operate the gaming machine under an authorisation certificate; or (ii) if the gaming machine is to be sold or operated in a local jurisdiction—under a law of the local jurisdiction; or (iii) to destroy the gaming machine; and (b) for an applicant who has repossessed the gaming machine—the repossession is approved under section 108 (Approval of repossession of gaming machines) and the commission has no reason to believe that the approval has been contravened. (3) However, the commission must not approve the lease or hire of a gaming machine to any person.	Audit Office reviewed a selection of applications. Documented process in place.
Gaming Machine Act Division 6A.3 113B	**Destruction of gaming machines—commission's attendance** (3) If the commission decides to attend the gaming machine's destruction, the commission must give the licensee written notice to that effect.	No documented process in place on the destruction of gaming machines.

Gaming Machine Act Division 6A.3 113D	**Offence—failure to dispose of gaming machine within required time** (2) The commission must, in writing, direct the licensee to destroy the gaming machine in the way, and within the time, stated in the direction.	No documented process in place on the destruction of gaming machines.
Gaming Machine Act Subdivision 6A.2.7 127P	**Storage permit—decision on application** (1) This section applies if the commission receives an application for a storage permit under section 127O. (2) The commission must issue the storage permit to the licensee if satisfied— (a) that the gaming machine and authorisation (if any) to be stored under the permit are from the same authorised premises; and (b) that the type of premises where the gaming machines are to be stored are suitable for the storage of gaming machines; and (c) if the application is by a class B licensee for a storage permit for a general purpose—that the storage permit is needed for a good reason; and Examples 1 renovations are being carried out at the authorised premises where the gaming machines to be stored under the permit are located 2 the authorised premises where the gaming machines to be stored under the permit are located have been damaged (d) if 2 or more licensees are to store gaming machines at the premises— (i) that the premises where the gaming machines are to be stored are suitable for the storage of gaming machines by that number of licensees; and Note 1 The commission must include in the register the serial number of, and authorisation number for, a gaming machine stored under a storage permit for a general purpose (see Control Act, s 52 (2) (d)).	No documented process in place for approval of storage permits.
Gaming Machine Act Subdivision 6A.7.5	**Storage permits—conditions** (e) a stored gaming machine must not be operated during the period of the permit; (f) the licensee must not operate another gaming machine under the authorisation for a stored gaming machine;	Covered as part of multifocal compliance program.
Gaming Machine Act Subdivision 6A.7.5 127U	**Storage permit—term** (1) A storage permit comes into force on the day stated in the permit. (2) The commission must not issue—	No documented process in place for the approval of storage permits.

	(a) a storage permit for a general purpose for longer than 1 year; or (b) a storage permit for an interim purpose for longer than 3 months. Note The commission may extend the period of a storage permit for a general purpose (see s 127W). (3) A storage permit expires on the day stated in the permit.	
Gaming Machine Act Subdivision 6A.7.5 127W	**Storage permit—extension decision** (3) The commission must refuse to extend the term of the storage permit if, when the application is made, the storage permit has been in force for 3 years. (4) If the commission refuses to extend the term of the permit, the commission must tell the applicant, in writing, the reasons for the decision.	Audit Office reviewed a selection of applications. Documented process in place.
Gaming Machine Act Subdivision 6A.7.6 127ZA	**Storage permit amendment—reissue of storage permit** If the commission amends a storage permit under this division, the commission must give the licensee a new storage permit.	Audit Office reviewed a selection of applications. No documented process in place.
Gaming Machine Act Subdivision 6A.7.7 127ZC	**Trading authorisations under storage permits—decision on application by disposing licensee** (1) This section applies if the commission receives written notice from a disposing licensee under section 127ZB (2) for a storage permit for an interim purpose for a gaming machine to be disposed of under the trade mentioned in that section. (2) The commission must issue the storage permit to the disposing licensee.	Audit Office reviewed a selection of applications. No documented process in place.
Gaming Machine Act Part 7 131	**Rendering gaming machines inoperable on authorisation certificate ceasing to be in force** If an authorisation certificate for authorised premises ceases to be in force, the commission must ensure that each gaming machine on the authorised premises is inoperable—	No documented process in place on checking that gaming machines are inoperable on authorisation certificates ceasing to be in force.
Gaming Machine Act Part 8 133	**Operation of linked-jackpot arrangements** A person commits an offence if— (a) the person operates a linked-jackpot arrangement between gaming machines; and (b) the arrangement is not approved under section 134 or by a multi-user permit.	Covered as part of multifocal compliance program.
Gaming Machine Act Part 8	**Single-user approval for linked-jackpot arrangements** (3) The commission must approve the linked-jackpot arrangement if—	No documented process for the approval of linked

134	(a) each gaming machine proposed to be linked under the proposed arrangement— (i) is operated under a single authorisation certificate held by the applicant; and (ii) is the same class; and (iii) offers the same chance of winning linked jackpots as each other gaming machine in the arrangement, if played with the same stakes; and	jackpot arrangements.
	(4) It is a condition of an approval under this section that— (a) each gaming machine in the linked-jackpot arrangement displays at all times a sign stating clearly— (i) that the gaming machine is part of a linked-jackpot arrangement with other gaming machines on the authorised premises; and (ii) information about the linked-jackpot arrangement is available, on request, from the licensee; and	Covered as part of multifocal compliance program.
Gaming Machine Act Part 8 135	**Issue of multi-user permits** (3) The commission must issue the multi-user permit if— (a) the commission is satisfied, on reasonable grounds, that the applicant is an eligible person; and (b) each licensee consents to the arrangement; and (c) each gaming machine proposed to be linked under the proposed arrangement— (i) is the same class; and (ii) offers the same chance of winning linked jackpots as each other gaming machine in the arrangement, if played with the same stakes; and (d) the financial and operational aspects of the proposed arrangement is in accordance with the regulation; and (e) the commission is satisfied, on reasonable grounds, that the proposed arrangement is satisfactory, having regard to the interests of the people playing the gaming machines in the proposed arrangement.	No documented process for the issue of multi-user permits.
Gaming Machine Act Part 8 139	**Amendment of multi-user permit on request** (2) The commission must amend the multi-user permit, or refuse to amend the permit. (3) The commission must not amend the multi-user permit unless satisfied— (a) if an additional gaming machine is proposed to be included in a linked-jackpot arrangement—that the additional machine—	No documented process for the amendment of multi-user permits.

	(i) is the same class as the other gaming machines in the arrangement; and (ii) offers the same chance of winning linked jackpots as each other gaming machine in the arrangement, if played with the same stakes; and (b) if a new linked-jackpot arrangement is proposed to be included under a permit—that each gaming machine to be linked— (i) is the same class; and (ii) offers the same chance of winning linked jackpots as each other gaming machine in the arrangement, if played with the same stakes; and (c) if gaming machines on other authorised premises are proposed to be included in a linked-jackpot arrangement (whether or not the arrangement is an existing arrangement)—that the financial and operational aspects of the arrangement are in accordance with the regulation; and (d) that the proposed amendment is satisfactory, having regard to the interests of the people playing the gaming machines in each proposed linked-jackpot arrangement.	
Gaming Machine Act Part 8 140	**Amendment of financial and operational aspects of multi-user permits** (1) This section applies if a multi-user permit-holder applies in writing to the commission for an amendment of a financial or operational aspect of a linked-jackpot arrangement under a multi-user permit. (2) The commission must amend the multi-user permit, or refuse to amend the permit. (3) The commission must amend the multi-user permit in accordance with the application if— (a) the financial and operational aspects of the arrangement, as proposed to be amended, are in accordance with the regulation; and (b) the commission is satisfied that the proposed amendment is satisfactory, having regard to the interests of the people playing the gaming machines in the arrangement.	No documented process on the amendment of financial and operational aspects of multi-user permits.
Gaming Machine Act Part 8 141	**Transfer of multi-user permits** (2) The commission must transfer the permit to the proposed permit-holder if satisfied on reasonable grounds that the proposed permit-holder is an eligible person.	No documented process for the transfer of multi-user permits.
Gaming Machine Act Part 8 144	**Undisbursed jackpots**	No documented process for undisbursed jackpots.

	(4) The commission must extend the 4-week period mentioned in subsection (3) (b) if satisfied that the extension is needed for a good reason. Note The commission may extend the period even if it has ended (see Legislation Act, s 151C).	
Gaming Machine Act Part 9 148B	**Club constitution—consistency with gaming laws** (1) This section applies if the commission believes on reasonable grounds that— (a) a provision of a club's constitution is inconsistent with a gaming law; or (b) a function under a provision of a club's constitution would, if exercised, be inconsistent with a provision of a gaming law. (2) The commission must, in writing, direct the club to amend the constitution to remove the inconsistency. (3) A club must comply with a direction under subsection (2) within the reasonable time stated in the direction.	No documented process for the assessment of club constitutions.
Gaming Machine Act Part 10 151	**Warning notices** (2) If the commission makes a determination under subsection (1), a licensee must ensure that a warning notice complying with the determination is displayed in a prominent position at or near each entrance to each gaming area within the authorised premises.	Covered as part of multifocal compliance program.
Gaming Machine Act Part 10 152A	**External visibility of gaming machines** (1) A licensee commits an offence if a gaming machine, or any peripheral equipment for a gaming machine, can be seen from outside the licensee's authorised premises.	Covered as part of multifocal compliance program.
Gaming Machine Act Part 10 153	**Cash facilities** (1) A licensee commits an offence if the licensee provides, or allows the provision of, a cash facility in a gaming area within the licensee's authorised premises. (3) A licensee must comply with a direction under subsection (2).	Covered as part of multifocal compliance program.
Gaming Machine Act Part 11.1 157C	**Determination that licensee not part of club group** (3) However, the commission must not make a determination unless satisfied that the relationship between the licensee and the other licensee is casual, coincidental or otherwise insignificant.	No documented process for the determination that licensees are not part of a club group.
Gaming Machine Act Part 11.1 162C	**Gaming machine tax rebate—claim** (3) If the commission is not satisfied on reasonable grounds that the licensee is or will be a small or medium club, or is or will be part of a small or medium club group, for the year, the commission must give the	Out of scope of audit.

	licensee written notice that the licensee's claim is not accepted.	
Gaming Machine Act Part 11.1 162D	**Annual adjustment of gaming machine tax—GMT rebate** (1) At the end of each financial year for a licensee that is a club, the commission must assess the licensee's liability for gaming machine tax for the financial year, adjusted for— (a) any GMT rebate the licensee is entitled to for the financial year or part of the year; and (b) any amount of GMT rebate that the licensee has claimed during the financial year. (2) The commission must give the licensee written notice of the assessment, setting out— (a) the amount of the licensee's liability (including any adjustments); and (b) the day by which any unpaid gaming machine tax is payable.	Out of scope of audit.
Gaming Machine Act Part 11.2 163AA	**Gambling harm prevention and mitigation fund—annual payment option** (1) Before 1 May each year, the commission must assess each licensee's liability to pay the required percentage under section 163A (the licensee's liability) for the period beginning on 1 July in the previous year and ending on 31 March in the year the assessment is made (the assessment period). (6) At the end of each financial year, the commission must give each participating licensee written notice of a reconciliation of the licensee's liability for the financial year.	Out of scope of audit.
Gaming Machine Act Part 11.2 163B	**Gambling harm prevention and mitigation fund** (1) The commission must open and maintain a banking account (the gambling harm prevention and mitigation fund). (2) In this section:	Out of scope of audit.
Gaming Machine Act Part 11.3.2 163H	**Payments to diversification and sustainability support fund** (2) The commission must pay the amounts received under subsection (1) to the diversification and sustainability support fund.	Out of scope of audit.
Gaming Machine Act Part 12 172A	**Community contributions—commission must publish summary** (1) The commission must publish on the commission's website details of the following in relation to each licensee:	Out of scope of audit.

	(a) the minimum community contribution received from each licensee under section 167 (2) (a) or (b) or section 168 (1) (a) or (b); (b) for a licensee that is a club— (i) the amount of any community purpose contribution mentioned in section 166 (1), definition of community purpose contribution, paragraph (a) (ii) and (iii); and (ii) the percentage of the licensee's net revenue for all authorised premises for the reporting year that was made for each of the matters mentioned in section 172 (2); and	
Gaming Machine Act Part 12 172B	**Community contribution shortfall tax** (4) If an amount of community contribution shortfall tax is paid, the commission must transfer the amount to the gambling harm prevention and mitigation fund or, if another fund is prescribed by regulation, that fund.	Out of scope of audit.
Gaming Machine Act Part 13 173A	**Reviewable decision notices** If the commission makes a reviewable decision, the commission must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision. Note 1 The commission must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see ACT Civil and Administrative Tribunal Act 2008, s 67A). Note 2 The requirements for reviewable decision notices are prescribed under the ACT Civil and Administrative Tribunal Act 2008.	No documented process for reviewable decisions.
Gaming Machine Act Part 13A 173I	**Notifiable actions under div 6A.6—trading of class B authorisations** (2) On receiving notice of the notifiable action, the commission must— (a) if the class B authorisations are acquired by a class C licensee—amend the class C licensee's authorisation schedule to include the details of the acquired authorisations; and (b) either— (i) if all class B authorisations under the class B licensee's authorisation certificate are disposed of—cancel the licence and authorisation certificate; or (ii) in any other case—amend the authorisation schedule to remove the authorisations.	No documented process for trading of class B authorisations.
Gaming Machine Regulation Part 5	**Approval of CMS—Act, s 67 (1)** (1) The commission must not approve a CMS unless—	Out of scope of audit.

24	(a) the commission has considered the results of a technical evaluation of the system by an approved entity; and (b) the system (as approved) does not include the gaming machines connected to it.	
Gaming Machine Regulation Division 8.2 62	**Division of jackpot trust account on ending arrangement** (3) If the commission is given a recommendation under subsection (2), the commission must— (a) consider the recommendation; and (b) decide the distribution of the remaining balance of the jackpot trust account; and (c) tell the former permit-holder about the decision.	No documented process for the division of jackpot trust account on an ending arrangement.
Gambling and Racing Code of Practice Regulations 9	**Approved training programs** (1) A person may apply to the commission for approval of a training program about the responsible provision of gambling services. Note If a form is approved under the Act, s 53D for this provision, the form must be used. (2) The commission may approve a training program (an approved training program) if satisfied that the program content is relevant, sufficiently comprehensive, accurate and up-to-date. Note The power to make an instrument includes the power to amend or repeal the instrument. The power to amend or repeal the instrument is exercisable in the same way, and subject to the same conditions, as the power to make the instrument (see Legislation Act, s 46). (3) An approval is a notifiable instrument. Note A notifiable instrument must be notified under the Legislation Act. (4) If the commission revokes an approval, the commission must give a reviewable decision notice setting out the reasons for the revocation to any person whose interests are affected by the decision. Note The requirements for reviewable decision notices are prescribed under the ACT Civil and Administrative Tribunal Act 2008. (5) A person whose interests are affected by a decision of the commission to revoke approval of an approved training course may apply to the ACAT for review of the decision. Note If a form is approved under the ACT Civil and Administrative Tribunal Act 2008 for this provision, the form must be used.	Approved training programs are undertaken by external registered training providers, however, no evaluation of the training programs has been undertaken by GRC.

Gambling and Racing Code of Practice Regulations 16	**Commission's review of exclusion decision** (1) A person aggrieved by a licensee's decision under the code of practice, section 1.14 (1) (Exclusion of people at risk or excluded under deed) may apply, in writing, to the commission for review of the decision. (2) To review the decision, the commission must— (a) give the licensee a written notice telling the licensee that the licensee may, within 2 weeks beginning the day after the day the licensee receives the notice, give a written response to the commission about the matters in the notice; and (b) have regard to any response given by the licensee to the commission within the 2 weeks. (3) The commission must, by written notice, confirm, revoke or amend the licensee's decision, having regard to the matters mentioned in the code of practice, section 1.15 (Matters to which licensee to have regard when deciding whether to exclude). (4) The notice under subsection (3) must be in the form of a reviewable decision notice. Note 1 The commission must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see ACT Civil and Administrative Tribunal Act 2008, s 67A). Note 2 The requirements for reviewable decision notices are prescribed under the ACT Civil and Administrative Tribunal Act 2008.	No documented process on Commission's review of exclusion decision.
Gambling and Racing Code of Practice Regulations 19	**Exclusion procedures** (1) The licensee of a gambling facility commits an offence if the licensee contravenes the code of practice, section 1.17 (1) (which is about preparing procedures to deal with exclusions). Maximum penalty: 10 penalty units. (2) The commission may give written directions under the code of practice, section 1.17— (a) to the licensee of a gambling facility about the kind of procedures for the facility for dealing with people to be excluded from gambling at the facility; and (b) to the licensee, a staff member and anyone else involved in the exclusion of a person from the facility under this regulation, about the written procedures to ensure compliance with the procedures.	Recent exclusion procedures met requirements.

	(3) A person commits an offence if the person fails to comply with a direction of the commission given under the code of practice, section 1.17. Maximum penalty: 10 penalty units. (4) An offence against this section is an offence of strict liability. Note Reasonable excuse is available as a defence to a prosecution under this section, see s 26.	
Gambling and Racing Code of Practice Regulations 20	**Exclusion register** (1) The commission must establish a register (an exclusion register) of people who are excluded from gambling at a gambling facility under the code of practice, division 1.2.3 (Exclusion from gambling generally). Note A licensee must exclude a person from gambling at a gambling facility if a deed or notice of exclusion applies to the person (see sch 1, s 1.13 and s 1.14). (2) The exclusion register may be kept electronically. (3) The exclusion register must include the following for each person excluded from gambling at a gambling facility: (a) sufficient particulars to identify the person; Examples 1 the person's name and address 2 an image of the person's face or a description of the person (b) each gambling facility from which the person is excluded; (c) the period of the exclusion from each gambling facility from which the person is excluded; (d) for any deed or notice of exclusion applying to the person— (i) a copy of the deed or notice; and (ii) if a deed or notice of exclusion applied to the person in the 7 years before the day the current deed or notice of exclusion was entered into or given—a copy of the previous deed or notice. (4) The commission or an approved person may— (a) access the exclusion register; and (b) add a person's name to the exclusion register; and	GRC has ACT Gambler Exclusion Database (ACTGED) accessible to the licensees. No documented procedures available to support licensees.

	(c) amend particulars of a person registered in the exclusion register. (5) The commission may also— (a) correct the exclusion register; and (b) delete a person's name from the exclusion register. (6) In this section: approved person means— (a) a licensee of a gambling facility; or (b) someone else approved by the commission.	
Gambling and Racing Code of Practice Regulations 1.6	**Problem gambling incident register** (1) The commission must establish a register (a problem gambling incident register) of problem gambling incidents. (2) The register may be kept electronically.	GRC maintains the ACTGED where licensees record gambling incidents.
Gambling and Racing Code of Practice Regulations 1.6A	**Recording problem gambling incidents** (1) A licensee of a gambling facility must keep a record of the following incidents (a problem gambling incident): (a) anyone who shows signs of having a gambling problem when— (i) in the gambling facility; or (ii) dealing with the licensee; (b) any action taken by the licensee in relation to the person. Examples—signs that person has gambling problem 1 admitting being unable to stop gambling or to gamble within the person's means 2 expressing concern about the amount of time or money the person spends on gambling 3 acknowledging the person spends on gambling money needed for day-to-day living expenses, including for dependents 4 having a disagreement with a family member or friend about the person's gambling behaviour 5 making multiple ATM cash withdrawals in the gambling facility Example—par (a) (ii) contacting staff in the gambling facility by phone or email (2) The record— (a) for a prescribed licensee—must be kept on the problem gambling incident register; or	Covered as part of multifocal compliance program.

	(b) for any other licensee—must be in writing. Note A licensee commits an offence if the licensee fails to make a record available for inspection when asked by the commission (see s 10). (3) The record must include the following particulars: (a) the date and nature of the problem gambling incident; (b) the name and address (if known), or description, of the person involved in the incident; (c) if any action was taken by the licensee in relation to the person—the following details: (i) the action taken; (ii) the names of the individuals who took the action; (iii) any related action taken by someone else of which the licensee is aware. Examples—subpar (iii) 1 police arrest and charge the person for an offence relating to the problem gambling incident 2 the person has been excluded from gambling at another gambling facility (4) A licensee must, within 3 consecutive trading days after becoming aware of a problem gambling incident— (a) for a prescribed licensee—record the incident in the problem gambling incident register; or (b) for any other licensee—make a written record of the incident. (5) In this section: prescribed licensee means— (a) a gaming machine licensee; and (b) a casino licensee; and (c) a totalisator licensee. problem gambling incident register—see section 1.6. "	
Gambling and Racing Code of Practice Regulations 1.21	**Cash facilities** (1) This section applies to a casino licensee. (2) The licensee of a gambling facility to whom this section applies must ensure that a cash facility is not located in a gaming area of the facility. (3) In this section: cash facility means— (a) an automatic teller machine; or	Covered as part of multifocal compliance program.

	(b) an EFTPOS facility."	
Gambling and Racing Code of Practice Regulations 1.23	**Other cash payment limits** (1) A licensee must not, for a particular event or contingency on which a gambling patron has staked or risked money, pay the patron winnings in cash that are more than the amount worked out under table 1.23. Table 1.23 column 1 item column 2 type of licensee column 3 maximum cash payable 1 bookmaker $25 000 2 totalisator $25 000 3 lotteries $5 000 4 keno $5 000 5 trackside $5 000 6 gaming machine $1 500 7 housie $1 250 Example A gambling patron wins $30 000 on a totalisator on race 3 Flemington Racecourse. The person must not be paid more than $25 000 in cash and must be paid any balance by cheque or electronic funds transfer. However, the person can be paid winnings in cash of not more than $25 000 if the person wins on a subsequent race. (2) To remove any doubt, subsection (1) does not prevent the payment of winnings, in excess of the maximum amount payable in cash, in any other way. (3) A gaming machine licensee must pay a gambling patron winnings from a gaming machine by cheque or electronic funds transfer if— (a) the winnings are more than $300; and (b) the patron has requested the winnings be paid by cheque or electronic funds transfer.	Covered as part of multifocal compliance program.
Gambling and Racing Code of Practice Regulations 1.23AA	**No winnings for excluded or underage patrons** (1) A licensee of a gambling facility must not knowingly pay winnings to a person who— (a) has been excluded from gambling under section 1.14 (Exclusion of people at risk or excluded under deed); or (b) is under 18 years old.	Covered as part of multifocal compliance program.

	(2) The licensee must keep any winnings of a person mentioned in subsection (1) and distribute them to other patrons of the facility in a way approved in writing by the commission.	
Gambling and Racing Code of Practice Regulations 1.23A	**Non-cash payment of winnings** (1) Winnings to be paid otherwise than in cash must be paid by the licensee as soon as practicable but within 3 days after the day of the winning event or contingency. (2) This section does not apply to a licensee mentioned in section 1.1, definition of licensee, paragraph (f).	Covered as part of multifocal compliance program.
Gambling and Racing Code of Practice Regulations 1.24	**Cheques** (1) This section applies to a gaming machine licensee. (2) The licensee of a gambling facility to whom this section applies must not— (a) cash a cheque within a gaming area of the facility; or (b) allow a person to buy back or redeem a previously cashed personal cheque. (3) The licensee of a gambling facility to whom this section applies must not— (a) cash a patron's personal cheque for more than $250 on any day unless the person has made arrangements with the licensee on a previous day; or (b) cash a cheque of any other kind for the patron.	Covered as part of multifocal compliance program.
Gambling and Racing Code of Practice Regulations 1.25	**Availability of information** (1) The licensee of a gambling facility must display in each gaming area of the facility signs to the effect that people under 18 years old, and intoxicated people, are not allowed to gamble. (2) Each sign must be prominently displayed and able to be readily read. (3) A licensee of a gambling facility must make available at the facility, in a conspicuous way, information that— (a) tells people about each of the following: (i) restrictions (if any) on cashing cheques; (ii) gambling limits (if any) at the facility; (iii) the chances of winning major prizes; (iv) the support services available to gamblers; (v) the use of a deed of exclusion by a person who has a gambling problem, particularly—	Covered as part of multifocal compliance program.

	(A) the availability and effect of a deed; and (B) the confidentiality of a deed; and (C) who may be given a copy of a deed; (vi) the use of a notice of exclusion by the licensee in relation to a person who has a gambling problem; (vii) the exclusion register; and (b) tells people where each of the following can be found at the gambling facility: (i) a copy of the rules for each kind of gambling offered by the licensee; (ii) information about programs for exclusion from gambling; (iii) a gambling contact officer for the facility; (iv) a copy of the Gambling and Racing Control (Code of Practice) Regulation 2002 or this code of practice; (v) information about counselling services available in the ACT for problem gamblers; and (c) for a gaming machine licensee—tells people that winnings from a gaming machine must be paid by cheque or electronic funds transfer if— (i) the winnings are more than $300; and (ii) the patron has requested the winnings be paid by cheque or electronic funds transfer. (4) If asked for information about the availability of interpreter services to patrons at a gambling facility, the licensee for the facility must give the information. (5) This section is subject to section 1.27 (Directions about information, clocks and lighting).	
Gambling and Racing Code of Practice Regulations 1.26	**Clocks and lighting** (1) This section applies to— (a) a casino licensee; and (b) a gaming machine licensee. (2) The licensee of a gambling facility must prominently display the correct time in the facility. (3) The licensee of a gambling facility must ensure that lighting in the facility is adequate to allow clocks and signs required to be displayed under this code of practice to be clearly visible to people in the facility. (4) This section is subject to section 1.27.	Covered as part of multifocal compliance program.

Gambling and Racing Code of Practice Regulations 1.27B	**Operating times of gaming machines** A gaming machine licensee must not operate a gaming machine between 4 am and 9 am.	Covered as part of multifocal compliance program.
Gambling and Racing Code of Practice Regulations 1.28	**Advertising** (1) The licensee of a gambling facility must not publish advertising that— (a) encourages anyone to contravene a gaming law; or (b) shows people under 25 years old gambling; or (c) encourages people under 18 years old to gamble, or targets them; or (d) is false or misleading, particularly about the chances of winning or the expected return to a gambler; or (e) suggests that gambling is a form of financial investment; or (f) suggests that skill can influence games that are games of chance; or (g) shows or promotes the consumption of alcohol while gambling. (2) This section is subject to section 1.31 (Directions about advertising, promotions and inducements).	Covered as part of multifocal compliance program.
Gambling and Racing Code of Practice Regulations 1.29	**Advertising requirements** (1) This section does not apply to someone mentioned in section 1.1, definition of licensee, paragraph (f). (2) The licensee of a gambling facility must not publish gambling advertising in relation to the facility unless it contains, or is published near, the name and telephone number of an approved gambling counselling service in the ACT. (3) This section is subject to section 1.31 (Directions about advertising, promotions and inducements). (4) In this section: gambling advertising—see section 1.29B.	Covered as part of multifocal compliance program.
Gambling and Racing Code of Practice Regulations 1.30	**Promotions and inducements** (1) The licensee of a gambling facility must not— (a) conduct a promotion that requires or encourages people to gamble at the facility for a minimum period of time to qualify for rewards;	Covered as part of multifocal compliance program.

	(b) conduct a promotion that requires or encourages people to gamble a minimum amount to qualify for rewards; or (c) conduct a promotion for or including gambling at the facility that includes an offer of free or discounted alcohol. (2) Subsection (1) (b) does not apply to— (a) the promotion of a commission-based player scheme under the Casino Control Act 2006; or (b) a player reward scheme that is advertised only within the gambling facility or directly to members of the facility; or (c) someone mentioned in section 1.1, definition of licensee, paragraph (f); or (3) A gaming machine licensee must not— (a) conduct a promotion or offer an inducement that encourages people to increase their intensity of betting at the facility; or Examples—increased intensity of betting 1 increasing the amount of money spent on betting at the facility in a particular period of time 2 increasing the amount of each individual bet made at the facility (b) induce people to gamble at the licensee's facility by offering— (i) free or discounted alcohol; or (ii) cash, or free or discounted gambling credits, unless the offer of cash or credits is made to all patrons of the facility all of the time as part of the facility's usual or regular prize schedule. (4) The licensee of a gambling facility must ensure that promotional material relating to gambling at the facility— (a) contains the rules and conditions of the promotion; or (b) states where at the facility the rules and conditions of the promotion can be inspected (5) The licensee of a gambling facility must make the rules and conditions of the promotion available for inspection at the facility. (8) If a person wishes to redeem points under a player reward scheme conducted by— (a) a gaming machine licensee or a casino licensee at a gambling facility and the licensee offers gambling credits, the licensee must offer the person	

	rewards or benefits other than gambling credits for the points; or (b) a gaming machine licensee at a gambling facility, the licensee must not offer a reward or benefit to the person if the value of the reward or benefit is more than $1000. (9) For subsection (8) (b), if a reward or benefit is made up of 2 or more parts, the value of the reward or benefit is the total value of all the parts. 10) In this section: player reward scheme, at a gambling facility includes a player loyalty scheme, and means a scheme in which a patron of the facility— (a) earns points by participating in an activity at the facility; and (b) may redeem the points for a reward or benefit. winnings, from a bonus bet by a person, means the amount to be paid or credited to the person if the bet is successful. (11) This section is subject to section 1.31.	
Gambling and Racing Code of Practice Regulations 1.30A	**Gaming machine promotions—alternative ways to participate** (1) This section applies to a promotion conducted at a gambling facility that a patron of the facility may take part in by playing a gaming machine. (2) The licensee of the gambling facility must ensure that there is at least 1 other way a patron of the facility may take part in the promotion. Examples 1 entry to the facility 2 buying food or drink at the facility	Covered as part of multifocal compliance program.
Gambling and Racing Code of Practice Regulations 1.30B	**Personally addressed promotional material—gaming machine and casino licensees** (1) This section applies only to a gaming machine licensee or casino licensee. (2) A patron of a gambling facility may, in writing, ask the licensee of the facility to not send the patron promotional material. (3) The patron may, in writing, revoke the patron's request under subsection (2) at any time. (4) If a patron makes a request under subsection (2), and does not revoke the request under subsection (3), the licensee must not send any promotional material to the patron that is personally-addressed to the patron.	Covered as part of multifocal compliance program.

Gaming and Racing Control Act Section 7	**How commission must exercise its functions** How commission must exercise its functions The commission must exercise its functions in the way that best promotes the public interest, and in particular, as far as practicable— (a) promotes consumer protection; and (b) minimises the possibility of criminal or unethical activity; and (c) reduces the risks and costs, to the community and to the individuals concerned, of gambling harm.	Commission has not undertaken its own legislative compliance review.
Gaming and Racing Control Act Section 8	**Community consultation** In exercising its functions of reviewing legislation and policies to make recommendations to the Minister, the commission must engage in community consultation.	Community consultation satisfactory.
Gaming and Racing Control Act Section 11	**Establishment of governing board** Establishment of governing board The commission has a governing board. Note: An appointment of a governing board member is an appointment under this section (see Financial Management Act 1996, s 78 (7) (b)).	Establishment of governing board satisfactory.
Gaming and Racing Control Act Section 12	**Governing board members** (1) The governing board has 5 members, of whom 1 must have knowledge, experience or qualifications related to providing counselling services to people experiencing gambling harm. Note 1: The chair and deputy chair of the governing board must be appointed under the Financial Management Act 1996, s 79. Note 2: The chief executive officer of the authority is a member of the board (see Financial Management Act 1996, s 80 (4)).	Structure of governing board satisfactory.
Gaming and Racing Control Act Section 13	**Chief executive officer of commission** The chief executive officer of the commission must be a public servant. Note: A chief executive officer must be appointed under the Financial Management Act 1996, s 80 (2) and (3).	Appointment of Chief Executive Officer satisfactory.
Gaming and Racing Control Act Section 17	**Monitoring and research** (1) The commission must monitor the social and economic effects of gambling and gambling harm in the ACT, including the need for counselling and other services.	Outside scope of audit.

	(4) The commission must, at intervals of not less than 12 months, provide reports to the Minister on the results of its activities under this section.	
Gaming and Racing Control Act Section 18	**Code of practise** (2) A code of practice may include, but is not limited to, guidelines about the following: (a) advertising, promotional practices and the offering of inducements; (b) providing objective and accurate information about losing and winning; (c) limiting facilities that make it easy for a gambler to spend more than the gambler originally intended; Examples—facilities • automatic teller machines • credit facilities • allowing people to pay by cheque or credit card (d) providing mechanisms to allow people experiencing gambling harm to exclude themselves using a licensee's facilities for gambling; (e) training staff or executives or members of a licensee's board or management committee to recognise and deal appropriately with people who are experiencing gambling harm or are at risk; (f) developing methods of dealing with staff or clients who are experiencing gambling harm or are at risk; (g) protection of privacy; (h) providing workplace rights training for workers at premises of club licensees; (i) providing training in corporate governance to a club licensee's executives or members of a club licensee's board or management committee. (4) The commission must, for each licence under a gaming law that permits the licensee to conduct gambling, develop and review a code of practice to apply to the licensees and make recommendations to the Minister for appropriate regulations.	Some requirement covered by compliance activities, however, no evidence of workplace rights training for workers at premises of club licensees or training in corporate governance to a club licensee's executives or members of a club licensee's board or management committee.
Gaming and Racing Control Act Section 19	**Education and counselling** (1) The commission may carry out or sponsor— (a) counselling for people who are experiencing gambling harm; or (b) publicity and education programs— (i) providing consumer information for different kinds of gambling; or (ii) about the risks of gambling; or (iii) about gambling harm.	Requirement covered by GaHP Strategy, Education and Engagement Programs.

Gaming and Racing Control Act Section 23	**Powers of entry and investigation** (1) An authorised officer may, for a purpose related to the administration or enforcement of a gaming law, enter and inspect any premises at any reasonable time and do any of the following: (a) remain on the premises; (b) examine all documents and remove, or take copies of or extracts from, any document on behalf of the commission; (c) inspect any gaming equipment and remove any gaming equipment that the officer believes on reasonable grounds to be connected with an offence against a gaming law; (d) remove any thing that the officer believes on reasonable grounds might be used as evidence in a prosecution for an offence against a gaming law; (e) require any person on the premises to answer questions or otherwise give information, including information about the identity of the person or another person; (f) require any person on the premises to give access to any document in the person's custody or control, and to— (i) produce or display the document; or (ii) provide a copy of the document or a version of it in some form other than that in which it is normally kept; in any printed, electronic or other form that it is reasonably practicable to provide; (g) require any person on the premises to produce any gaming equipment in the person's custody or control; (h) require the owner or occupier of the premises to provide the officer with the assistance and facilities that are reasonably necessary to enable the officer to exercise powers under this part.	Covered through investigation procedures
Gaming and Racing Control Act Section 25	**Use and inspection of documents and record produced or seized** (4) The commission must permit a person who would be entitled to inspect the document if it were not in the possession of the commission to inspect the document at any reasonable time.	Access Canberra investigation standards do not cover this.
Gaming and Racing Control Act Section 31	**Investigation of complaints** (1) A person may lodge a complaint with the commission, in a form approved by the commission, about compliance with a gaming law. (2) If a complaint has been lodged under this section and investigated by the commission, the commission may give the complainant information about the	Covered through review and testing of the GRC's complaints management process.

	results of the investigation if the commission is satisfied that— (a) the complainant has a legitimate interest in the information; and (b) giving the information to the complainant would not unreasonably prejudice the privacy or other interests of another person.	
Gaming and Racing Control Act Section 37	**Permitted disclosures to particular people** (v) the auditor-general;	Covered through Regulatory Complaint and Investigation Policy.
Gaming and Racing Control Act Section 37B	**Public register—disciplinary actions and enforceable undertakings** (1) The commission must keep a public register that lists— (a) the business or trading names of licensees that have had disciplinary action taken against them under the Gaming Machine Act 2004, part 4; and (b) a description of the— (a) disciplinary action taken; and (b) disciplinary ground for which the action was taken.	Public register meet requirements.
Gaming and Racing Control Act Section 40	**Starting an inquiry** (1) The commission must inquire into any matter referred to it by the Minister or under a gaming law.	No documented process in place by GRC.
Gaming and Racing Control Act Section 41	**Interested people may make submissions** The commission must give any entity directly affected by or interested in the subject matter of an inquiry an opportunity to make submissions.	No documented process in place by GRC.
Gaming and Racing Control Act Section 42	**Hearings to be public** An inquiry by the commission must be heard in public unless the commission, for good reason, decides otherwise.	No documented process in place by GRC.
Gaming and Racing Control Act Section 44	**Record of proceedings** The commission must keep a record of its proceedings.	No documented process in place by GRC.
Gaming and Racing Control Act Section 46	**Report and recommendations** (1) The commission must report its findings in an inquiry, other than an inquiry mentioned in subsection (2), to the Minister and may make recommendations on its findings.	No documented process in place by GRC.
	(2) If a gaming law requires the commission to make an inquiry before taking a specified action, the commission must report its findings in the annual report.	No inquiries noted in GRC's annual reports for the past three years.

Gaming and Racing Control Act Section 50	**Cap on number of authorisations for electronic gaming in ACT** (1) The cap on the number of authorisations for electronic gaming for all authorised premises in the ACT is worked out as follows: SN - (NS + NC + NF) NC means the total number of authorisations cancelled after the relevant day. NF means the total number of authorisations forfeited to the Territory after the relevant day. NS means the total number of authorisations surrendered after the relevant day. SN means the number notified by the commission under subsection (3). (2) The total number of authorisations for electronic gaming under all authorisation schedules issued under a gaming law must not exceed the cap on the number worked out under subsection (1). (3) As soon as practicable after each time the cap on the number of authorisations for electronic gaming changes, the commission must prepare a notice stating the new cap on the number and the date of the change. (4) A notice under subsection (3) is a notifiable instrument.	No documented process in place by GRC.
Gaming and Racing Control Act Section 52	**Licenses and authorisation certificates – register** (1) The commission must keep a register of licences, authorisation certificates and authorisations. (2) The register must include the following details: (a) the date of issue, amendment or transfer of a licence or authorisation certificate; (b) the date of the suspension or cancellation of a licence or authorisation certificate; (c) for each authorisation certificate included in the register— (i) for an authorisation certificate in relation to gaming machines—the maximum number of authorisations for gaming machines the licensee may have under the authorisation certificate; and (ii) for an authorisation certificate in relation to casino gaming machines or casino FATG terminals—the maximum number of authorisations for casino gaming machines or casino FATG terminals the licensee is allowed under the authorisation certificate; and (iii) the authorisation number for each authorisation; and (iv) details of any gaming machine, casino gaming machine or casino FATG terminal under each authorisation;(d) if a licensee holds a storage permit—	Maintained within the gaming machine database.

	(i) whether the permit is for a general purpose or an interim purpose; and (ii) the serial number of each gaming machine to be stored under the permit; and (iii) for a storage permit for a general purpose—the authorisation number for each gaming machine's associated authorisation; (e) anything else prescribed by regulation. (3) The register may be kept in any form, including electronically, that the commission decides. (4) The commission may correct an error or omission in the register. (5) A licensee may ask the commission, in writing, to correct an error or omission in the register. (6) The commission may change a detail included in the register to keep the register up-to-date.	

Source: ACT Audit Office

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