



Club Gaming Code of Practice
MARCH 2023

ClubsNSW

From the Chairman



Playing gaming machines is an enjoyable recreational pursuit for millions of Australians, and through clubs, this activity provides significant social and economic benefits to the community.

However, for some people, excessive gaming can cause serious harm. Gaming machines can also be vulnerable to exploitation by criminals. Our industry proactively seeks to ensure clubs are a safe gaming environment, while preventing criminal activity in our venues.

The *Club Gaming Code of Practice* sets out a new and improved standard for responsible conduct of gaming and anti-money laundering practices in NSW clubs. It is a practical and cost-effective mechanism to achieve world's best gaming practice.

The club industry has collaborated with state and federal governments for many years to implement proven, cost-effective responsible gambling and anti-money laundering measures. The Code builds on that strong legislative foundation to ensure that clubs remain at the forefront of responsible gambling and anti-money laundering.

I encourage all clubs to embrace the *Club Gaming Code of Practice* and join ClubsNSW on its journey to make our state the safest gambling environment in the world.



Dr George Peponis OAM
ClubsNSW Chairman

COMMENCEMENT	PUBLISHED	VERSION
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Registered Clubs Association of NSW
ABN 66 087 054 439

Level 8, 51 Drutt Street, Sydney NSW 2000
ClubASSIST 1300 730 001 or enquiries@clubsnsw.com.au
www.clubsnsw.com.au

Club Gaming Code of Practice

MARCH 2023

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Introduction

- 1 The *Club Gaming Code of Practice* ('the Code') is a statement of common standards for the responsible conduct of gambling and Anti-Money Laundering & Counter-Terrorism Financing ('AML/CTF') for all Clubs that are members of ClubsNSW.

The Code expresses the club industry's commitment to Player and community wellbeing by providing safe and enjoyable gaming facilities.

Objectives

- 2 The objectives of the Code are:
 - to promote consistently high standards of gaming practice across the NSW club industry;
 - to increase community trust in the effectiveness, accountability and transparency of responsible gambling and AML/CTF measures in Clubs; and
 - to provide a mechanism for evaluating and addressing concerns about gaming practices in a Club.

Scope

- 3 This Code sets standards of conduct for Clubs that are members of ClubsNSW.
- 4 An alleged breach of the Code by a Club that is a member of ClubsNSW will be handled in accordance with this Code.
- 5 Compliance with the Code and all recommendations or directions made by the Code Adjudication Panel, Code Administrator and their delegates or representatives, is a condition of membership of ClubsNSW.
- 6 This Code is not binding on Clubs that are not members of ClubsNSW.
- 7 Complaints under this Code may only be made by a Member, Player, Family Member, Staff, Manager or Director of the Club. Complaints cannot be made on behalf of another person, except in cases of incapacity or in exceptional circumstances. This assessment will be made by the Code Adjudication Panel on a case-by-case basis.
- 8 This Code does not prevent a Club from undertaking additional responsible gambling or AML/CTF measures not outlined in this Code.

Conflict with Legislation

- 9 Where there is any conflict or inconsistency between this Code and any Commonwealth or NSW legislation, such that complying with the Code would require the Club to observe lower or weaker standards of responsible gambling or AML/CTF, the legislation will prevail to the extent of the conflict or inconsistency.

Citation

- 10 This Code may be cited as the *Club Gaming Code of Practice*.

Commencement

- 11 The requirements and standards in this Code, set out in Part B, commence on 1 July 2023, unless a later time is specified for the particular requirement or standard.
- 12 For the avoidance of doubt, all complaint made after the commencement of the Code, must relate to a breach that occurred or transpired after commencement.

Administration

- 13 The Code Adjudication Panel and Code Administrator will administer compliance with the Code.

Code Administrators

- 14 The Code Administrator will be appointed by ClubsNSW.
- 15 The Code Administrator will be entitled to appoint however many delegates as is required to assist in the management of their responsibilities under this Code.

Code Adjudication Panel

- 16 The Code Adjudication Panel will be appointed by ClubsNSW.
- 17 The Code Adjudication Panel is made up of an independent Chair and two or more persons selected for their knowledge of the gaming industry, responsible gambling, AML/CTF and regulatory frameworks, including the Code. All Code Adjudication Panel determinations are made by consensus agreement.
- 18 The Code Adjudication Panel will report to the Board of Directors of ClubsNSW annually or more frequently if deemed necessary.

PART B

CODE OF PRACTICE

Responsible Gambling

Responsible Gambling Policy Statement

- 19 A Club that operates gaming machines must have a Responsible Gambling Policy Statement approved by the Board of Directors.
- 20 The Responsible Gambling Policy Statement is to contain at a minimum the following commitments:
 - the Club will ensure the provision and use of gambling products occur in a safe and enjoyable manner;
 - the Club will prioritise customer welfare and sustainable gambling activities;
 - the Club will adopt responsible gambling and harm minimisation measures in accordance with the Code; and
 - the Club will promote the social and economic benefits of responsible gambling and the gaming industry.

Code of Practice Implementation Plan

- 21 The Club must have a plan outlining the operational processes it will undertake to comply with this Code.

Responsible Gambling Officer

- 22 The Club must nominate to ClubsNSW a Responsible Gambling Officer responsible for:
 - overseeing compliance with the Code of Practice Implementation Plan;
 - recording, reviewing and reporting on relevant matters as required by the Code; and
 - acting as the contact point for correspondence with the Code Administrator or delegates and the Code Adjudication Panel.
- 23 For the avoidance of doubt, a club that operated gaming machines in two or more premises may appoint one Responsible Gambling Officer for all premises.
- 24 The Responsible Gambling Officer may be an employee of the Club such as a Secretary Manager, Operations Manager, Gaming Manager or other suitably qualified person.
- 25 The Responsible Gambling Officer is not required to be on duty at all times gaming machines are operating.

Responsible Gambling Training

Responsible Gambling Oversight Training (Secretary Manager / Director)

- 26 The Secretary Manager and all Directors of a Club, other than a Small Club, must within 12 months of becoming a Secretary Manager or Director, complete the Responsible Gambling Oversight Training.
- 27 The following arrangements apply to the existing Secretary Manager and all existing Directors of a Club, other than a Small Club:
 - the Secretary Manager and at least 50 per cent of the existing Directors must complete the Responsible Gambling Oversight Training within 12 months; and
 - all remaining existing Directors must complete the Responsible Gambling Oversight Training within three (3) years.
- 28 The Secretary Manager and at least two (2) Directors of a Small Club must complete the Responsible Gambling Oversight Training, within 12 months.
- 29 If, at any time, the number of Directors of a Small Club who have completed the oversight training falls below two (2), another Director must, within 12 months, complete the Responsible Gambling Oversight Training.

Responsible Gambling Officer Training

- 30 The Responsible Gambling Officer at each Club must complete approved Responsible Gambling Officer Training within 12 months of their appointment.

Advanced RCG Training (Duty Manager)

- 31 The Duty Manager or holder of an equivalent position within a Club must undergo Advanced Responsible Gambling Training within 12 months of commencement as a Duty Manager or in the case of an existing Duty Manager within 12 months of the commencement of this Code.

Responsible Conduct of Gambling Training (Gaming Staff)

- 32 In accordance with section 47(2)(c) of the *Gaming Machines Act 2001* (NSW) ('GMA'), all staff involved in gaming machine operations must undergo the approved Responsible Conduct of Gambling Training and hold a valid RCG Competency Card.

Responsible Gambling Staff Induction Training (Non-Gaming Staff)

- 33 All Staff must be offered access to approved Staff Induction Training on responsible gambling within 3 months of commencement of employment.

Refresher Training

- 34 All Staff, Duty Managers, Licensees and Directors are to complete relevant responsible gambling refresher training at least every 5 years.

Customer Interaction

Indicators of Problem Gambling

- 35 For the purposes of this Code, the following are considered strong indicators of problem gambling:
- seeking credit for gambling;
 - seeking to borrow money for gambling;
 - seeking assistance or advice about controlling the person's gambling;
 - admitting to borrowing or stealing money to gamble;
 - enquiring about self-exclusion;
 - showing a significant decline in personal grooming and/or appearance over several days;
 - showing obvious or repeated signs of distress (e.g. shaking, swearing to themselves, crying after a loss, or outburst towards staff or machine);
 - Friends or family raise concerns about the person's gambling;
 - leaving a minor unattended while playing gaming machines.

Player Welfare Checks

- 36 The Club must perform a Player welfare check in the following circumstances:
- Staff observe the Player is displaying strong indicators of problem gambling; or
 - a Family Member raises concerns about a Player's gambling; or
 - a Player reaches any voluntary pre-commitment limit set; or
 - Staff observe a Player gambling for three (3) or more hours continuously.
- 37 The welfare check must include at least the following:
- enquiring as to the Player's welfare; and
 - in the event that the Player reports any level of distress or hardship:
 - a) offering the Player information about counselling and self-exclusion;
 - b) asking the Player to take a break from gambling for a period of not less than 24 hours (this break does not require the Player to cease using other Club facilities); and
 - c) making a record of the interaction in the Club's Gambling Incident Register (see section 57 of this Code).

Counselling & Support Service Interaction

Provision of Information

- 38 The Club must make readily available to Players, information about gambling counselling and support services.

Club & Service Provider Forums

- 39 A representative of the Club must each year attend at least one (1), or in the case of a Large Club, all locally held Club and counselling service provider forums organised by ClubsNSW or the NSW Office of Responsible Gambling.

Outreach Programs

- 40 The Club, where practical, should allow GambleAware counsellors and support service providers to conduct outreach activities within the Club.

Exclusions

Multi-Venue Exclusion

- 41 A Club must participate in a Multi-Venue Exclusion Scheme for all premises where gaming machines are operated.

Self-Exclusions

- 42 A Club must conduct self-exclusions in accordance with section 49(3)(b) of the GMA.

Family-Initiated Exclusion

- 43 A Club must allow a Family Member of a person to make an application to the Club's gambling counselling service provider (e.g. ClubSAFE or Bet Safe) to have that Player excluded from the gaming machine areas at multiple Club venues. ClubsNSW may prepare a relevant procedure from time to time.

The application must:

- a) provide the full name, address, date of birth and contact details of the Player to whom the application relates;
 - b) provide evidence that the family is being harmed by the Player's gambling;
 - c) provide evidence that the Player has refused to undertake a self-exclusion;
 - d) be endorsed by a qualified gambling counsellor as being necessary to protect the family from experiencing serious gambling-related harm; and
 - e) seek an exclusion period of at least 12 months.
- 44 The gambling counsellor will attempt to contact the Player to whom the application relates and provide them with an opportunity to provide a response to the application.
- 45 A Club must respect the privacy of the Family Member making an exclusion application and must not disclose their identity to the Player to whom the application relates, without the Family Member's consent.
- 46 A Player to whom a Family-Initiated Exclusion applies may appeal the decision to the Code Adjudication Panel at any time during the exclusion period (see section 54 – Revocation Process).

- 47 A Club must provide information about the Family-Initiated Exclusion Process to a Family Member that raises concerns about a Player's gambling.

Club-Initiated Exclusion

- 48 A Club may initiate a Multi-Venue Exclusion for a Player if it is of the opinion that it is necessary to prevent that Player from experiencing serious gambling-related harm. ClubsNSW may prepare a relevant procedure from time to time.
- 49 A Club must initiate a Multi-Venue Exclusion if a Player displays any of the following problem gambling behaviours:
- seeking credit for gambling;
 - seeking to borrow money for gambling;
 - admitting to borrowing or stealing money to gamble; or
 - leaving a minor unattended while playing gaming machines.
- 50 A Club may change a gaming area only exclusion to an entire Club premises exclusion if a Player breaches or attempts to breach their exclusion on two or more occasions.

Electronic Exclusion Detection

- 51 A Club, other than a Small Club, must have in place an Electronic Detection System linked to the Multi-Venue Exclusion System for the purposes of identifying excluded Players within a period of 12 months of the commencement of this Code.
- 52 A Small Club must have in place an Electronic Detection System linked to the Multi-Venue Exclusion System for the purposes of identifying excluded Players within a period of three (3) years of the commencement of this Code.

Breach Reporting

- 53 A Club must report any detected breach or attempted breach by a Player of an exclusion through an approved Multi-Club Exclusion Scheme and in the Club's Gambling Incident Register.

Exclusion Revocation Process

- 54 A Player may apply to the Code Administrator to have an exclusion revoked, after a minimum period of 6 months has elapsed.
- 55 Applications for revocation will be assessed by the Code Adjudication Panel using the criteria determined by ClubsNSW from time to time.

Correspondence with Excluded Persons

- 56 A Club must not send gambling advertising or promotional material to a person that has any gambling related exclusion from that Club.

Gambling Incident Register

- 57 A Club must maintain a Gambling Incident Register recording at least the following events:
- Player welfare checks where the Player reports any level of distress or hardship and outcomes;
 - requests for self-exclusions and outcomes;
 - third-party exclusion requests and outcomes;
 - breaches or attempted breaches of an exclusion; and
 - complaints in relation to the Club's compliance with its responsible gambling practices.
- 58 The Gambling Incident Register should detail information about each event including:
- time and date of the event;
 - the nature of the event;
 - the details of persons involved (where possible);
 - the details of the Staff involved; and
 - the action taken by the Club.
- 59 The Responsible Gambling Officer must review the Gambling Incident Register at least weekly. The weekly review is conducted for the following purposes:
- identify any shortcomings or opportunities for improvement in the handling of gambling-related events; and
 - determine if feedback or additional training is required for Staff involved in the handling of gambling-related events; and
 - consider whether a Club-Initiated Exclusion is appropriate for any Player who has been involved in one or more gambling-related events.
- 60 The Responsible Gambling Officer must report to the Board on a quarterly basis the findings of the review of the Gambling Incident Register and any associated activities. The report must not identify individual Players to which the events relate.

Access to Money

Credit

- 61 In accordance with section 47C of the GMA, the Club must not provide credit that could reasonably be used for the purpose of gambling including providing cash advances from credit cards.

ATMs

- 62 Where practical, ATMs must be screened so as not to be visible whilst seated at a gaming machine.

Player Information

Provision of information

- 63 A Club must make available to Players Responsible Gambling Information either in print or digitally.

Content of Information

- 64 The content of the Responsible Gambling Information must include at a minimum:
- Information about responsible gambling behaviours;
 - Information about how gaming machines operate including:
 - Randomness
 - Chances of winning jackpots
 - Return to Player.
 - Information about how to access gambling counselling and self-exclusion services.

Physical Environment

Minors

- 65 A Club must have clear policies, procedures and signage for preventing minors from accessing gaming machine areas.

Childcare and play areas

- 66 Where practical, gaming machines must not be visible from children's play areas or childcare centres.

Advertising, Promotions & Player Reward Schemes

Advertisement & Promotions

- 67 A Club must ensure that any gaming advertising or promotion complies with the following requirements:
- only appears inside the Club and cannot be seen or heard from outside the premises;
 - is not false, misleading or deceptive;
 - does not implicitly or explicitly misrepresent the probability of winning a prize;
 - does not give the impression that gambling is a reasonable strategy for financial betterment;
 - does not include misleading statements about odds, prizes or chances of winning;
 - does not focus exclusively on gambling;
 - is not implicitly or explicitly directed at minors;
 - has the consent of the Player prior to publishing anything which identifies a Player who has won a prize;
 - incorporates the required responsible gambling messages; and
 - is reviewed and approved by the Responsible Gambling Officer.
- 68 A Club must not send gaming machine advertising or promotions to a Player that has any current exclusion in place.

Player Reward Schemes

- 69 In addition to that outlined in sections 45 and 75A of the GMA, a Club must not allow the redemption of Player Reward Scheme bonus points for any of the following:
- cash or instruments that can be exchanged for cash within the Club;
 - prizes totalling more than \$1,000 in value in any 24-hour period;
 - credit card bill payments;
 - utility bill payments;
 - rent or mortgage payments;
 - knives or knife blades;
 - firearms or ammunition; or
 - tobacco products.
- 70 A Club must send to participants in its Player Rewards Scheme a notice about how the Player can set a Weekly Account Limit, at least once annually, unless that Player has opted out from receiving communications from the Club.
- 71 A Club must ensure that Players in its Player Rewards scheme have access to request Player Activity Statements online.

Promotional Prizes, Benefits & Rewards

- 72 A Club must not offer any benefit, promotional prize, or reward to a gaming machine player that is not part of a documented and publicised Player Rewards Scheme. For example:
- priority parking;
 - event tickets;
 - food and beverage discounts; and
 - liquor discounts and promotions

Anti-Money Laundering & Counter-Terrorism Financing AML/CTF Training

Executive/Board Oversight Training

- 73 The Secretary Manager and all Directors of a Club with 16 or more gaming machine entitlements, must within 12 months of commencement as a Secretary Manager or Director, complete the AML/CTF Oversight Training.
- 74 The following arrangements apply to the existing Secretary Manager and all existing Directors of a Club with 16 or more gaming machine entitlements:
- The Secretary Manager and at least 50 per cent of the existing Directors must complete the AML/CTF Oversight Training within 12 months; and
 - all remaining existing Directors must complete the AML/CTF Oversight Training within three (3) years.

- 75 AML/CTF Oversight Training will be made available to the Secretary Manager and Directors of a Club with 15 or fewer gaming machine entitlements.

AML/CTF Compliance Officer Training

- 76 The appointed AML/CTF Compliance Officer and Backup Compliance Officer must complete AML/CTF Compliance Officer Training within a period of 12 months of commencement, or in the case of an existing Compliance Officer or backup Compliance Officer within three (3) years from the commencement of this Code.
- 77 A Club with 15 or fewer gaming machine entitlements is exempt from all AML/CTF Compliance Officer and a Back-Up AML/CTF Compliance Officer requirements under the Code.

AML/CTF Staff Awareness Training

- 78 All Staff involved in a Club's gaming machine operations must undergo appropriate AML/CTF Staff Awareness Training.
- 79 All staff involved in a Club's wagering operations must undergo appropriate AML/CTF Staff Awareness Training.
- 80 All other Staff must be offered access to appropriate AML/CTF Staff Awareness Training.

Banned People Suspected of Money Laundering

- 81 A Player engaging in money laundering may exhibit the following behaviours:
- offering to pay cash to a legitimate player who has accumulated credits or has winning tickets; or
 - regularly inserting large amounts of cash or credits into gaming machines or multi-terminal gaming machines and engaging in minimal or no gameplay, before cashing out, without a valid explanation; or
 - presenting false identification when claiming a gaming machine payout.

If this occurs the Club must:

- if the Player is **a member** of the club
 - remove the Player from the club;
 - take steps to ban the Player from the club for conduct unbecoming of a member; and
 - report the relevant details of that Player to Australian Transaction Reports & Analysis Centre ('AUSTRAC') and NSW Police.
- if the Player is **not a member** of the club
 - remove the Player from the club;
 - issue the Player a notice that they are no longer permitted to enter the club; and
 - report the relevant details of that Player to AUSTRAC and NSW Police.

- 82 If a request is made by the regulator or NSW Police to ban a person suspected of money laundering, a Club must do the following:
- not allow that Player to become a member of the club;
 - if the Player is already a member of the club, take steps to ban the Player from the club for conduct unbecoming of a member; and
 - not allow the Player to enter the premises of the Club.

Assurance

Monitoring Compliance

Internal Auditing

- 83 A Club will at least annually audit compliance with this Code.

External Auditing

- 84 A Club, other than a Small Club, will engage the services of a suitably qualified external person to audit compliance with this Code at least once every 3 years or in the case of Small Club at least once every 5 years.
- 85 The audit must at a minimum include an assessment of the following:
- the extent to which the Code Implementation Plan is sufficient to ensure the requirements of the Code are met;
 - the extent to which the Code of Practice Implementation Plan is being put into practice and utilised by relevant Staff and Management;
 - compliance with the specific provisions of this Code.

Reporting

- 86 The results of any internal and external audit activities related to this Code must be provided to the Board of Directors for review.

Remediation Activity

- 87 All recommendations from any internal and external auditing will be considered by the Board of Directors and if necessary, a documented remediation plan must be developed.
- 88 If the Board decides to reject a recommendation from an internal or external audit report, the Board of Directors must document their reasons for rejecting the recommendation.

PART C

OPERATION OF THE CODE

Enforcement

Making a Complaint

- 89 Complainants should attempt to resolve their complaint directly with the Club prior to making a complaint under the Code.
- 90 The Code Administrator will receive complaints about alleged breaches of the Code.
- 91 Any complaint against a Club alleging serious misconduct or that is otherwise not captured by this Code, regardless of the Club membership status with ClubsNSW, may be referred by the Code Administrator or Code Adjudication Panel to Liquor and Gaming NSW or other relevant body, where appropriate.
- 92 Where a complainant has made a current or historical complaint about the Club with another organisation or a government agency, and/or legal action is pending in relation to the allegations made in the complaint, this must be identified by the complainant. The Code Administrator may decline to investigate matters that have been determined or are currently being investigated or pursued in other forums.
- 93 In order to be investigated, complaints should include:
 - the specific sections(s) of the Code that the Club is alleged to have breached;
 - particulars of the alleged breach;
 - what remedies are sought; and
 - the name and contact details of the complainant.
- 94 The Club to which the complaint relates will be provided with a copy of all materials and documents submitted by the complainant, in relation to any complaint.

Assessment of Complaints

- 95 The Code Administrator or delegates will initially investigate the matter. During this time, the Code Administrator will consult with the Club in respect of the complaint and make recommendations to the Club, if necessary, about the alleged breach and the Club's compliance with the Code.
- 96 If, after the conclusion of initial investigations by the Code Administrator, no clear potential breach of the Code is found or the Club has complied with the Code Administrator's recommendations such that no further action is required, the complainant will be duly notified, and the matter will be considered finalised.

- 97 If the results of the initial investigations indicate that further investigation or consideration is warranted, the matter will be referred to the Code Adjudication Panel for determination.
- 98 The Code Administrator may receive written submissions from both the complainant and the Club about alleged breaches of the Code. The Club will also have an opportunity to make written representations to the Code Adjudication Panel in respect of the steps the Club has taken to address the matter and to prevent the alleged breach or breaches of the Code from recurring. This information will be compiled by the Code Administrator and provided to the Code Adjudication Panel for consideration.
- 99 The Code Administrator will provide reports to the Code Adjudication Panel concerning the alleged breaches of the Code and the Club's response.
- 100 The Code Adjudication Panel will make findings regarding the alleged breaches of the Code as reported by the Code Administrator.

Directions and Sanctions

- 101 If the Code Adjudication Panel finds that a breach of the Code has not occurred, then both the complainant and the Club will be advised as such and the matter is considered finalised.
- 102 If the Code Adjudication Panel finds that a breach of the Code has occurred, and the steps taken by the Club in response to rectify the matter and prevent its recurrence are considered satisfactory, the Code Administrator will advise both the complainant and the Club in writing of that finding and the matter is considered finalised.
- 103 If the Code Adjudication Panel finds that a Club has:
- committed a breach of the Code and that steps (if any) taken for rectification or to stop the breach or breaches recurring are inadequate; or
 - committed a series of breaches of the Code indicating Systemic Failure
 - the Panel may apply one or more of the following directions or sanctions to the Club:
 - that the matter be rectified in line with the Code Adjudication Panel's determination;
 - that particular remedial steps be taken by the Club in accordance with a specified timetable;
 - that staff, management or director training be undertaken;
 - that the Club implements certain policies or procedures;
 - that the Club perform a specified community service;
 - that a compliance audit be undertaken;
 - that the matter be referred to ClubsNSW for review and potential discipline under their respective constitutions; and/or
 - that the matter be referred to Liquor & Gaming NSW, the Independent Liquor and Gaming Authority or AUSTRAC for further action.

- 104 When imposing any directions or sanctions on a Club, the Code Adjudication Panel will have regard to:
- the objectives and purpose of this Code;
 - the Club's previous compliance and governance history;
 - the severity of the breach of the Code and the appropriateness of the sanction; and
 - the degree to which the Club cooperated with the Code Administrator and/or the Code Adjudication Panel during the investigation and adjudication of the matter.
- 105 Where the Code Adjudication Panel imposes directions or sanctions under this section, the Code Administrator will provide a notice to the Board of Directors of the Club in writing of the determination and of the specific directions and/or sanctions. The notice issued under this section will specify the period in which the Club will have the opportunity to make written representations to the Code Administrator as to the manner in which the Club intends to comply with specific directions and/or sanctions or to make any further representations for the Code Adjudication Panel's consideration.
- 106 If at the end of that period, the Code Administrator is still of the opinion that:
- there has been a breach of this Code or a Systemic Failure;
 - the steps taken or proposed to be taken for rectification and to stop the breach or breaches recurring are inadequate; or
 - the Code Administrator may refer the matter back to the Code Adjudication Panel who may impose further directions and/or sanctions.
- 107 Where a Club takes disciplinary action or otherwise penalises a Player or employee, on the basis that the Player or employee has made a complaint to the Code Adjudication Panel, it will be considered an act of victimisation and a breach of this Code. This section does not apply where the complaint is published in another forum or if a complaint is deliberately false or misleading.

Review of Sanctions

- 108 A Club that is subject to a finding, direction or sanction under this Code may request that the Code Adjudication Panel review the matter for redetermination, in circumstances where the Club has reasonable grounds on which to establish that relevant new information not previously considered is available or where a factual or legal error has been made.
- 109 If a review occurs, any subsequent findings made by the Code Adjudication Panel are considered final and cannot be further reviewed.

Failure to Comply

- 110 Where a Club does not cooperate with the Code Administrator or does not comply with the directions and/or sanctions of the Code Adjudication Panel, it will be considered a breach of this Code, regardless of the nature of the original complaint. The Code

Adjudication Panel may subsequently avail itself of any sanction under section 103

111 Where a Club fails to comply with the Code Adjudication Panel's directions and/or sanctions, the matter must be reported to the Board of ClubsNSW for information.

112 Should the Code Administrator deem it appropriate, the matter may also be referred to the relevant regulator for review and investigation by that regulatory body.

Referral to ClubsNSW

113 Should the Code Adjudication Panel at any stage of the assessment of a complaint determine it is necessary to refer a Club to the Board of ClubsNSW for review and potential discipline under the ClubsNSW constitution. If so, the Code Administrator will provide a report outlining the complaint, any Club response and the facts relating to the referral by the Code Adjudication Panel to the Board of ClubsNSW.

114 A copy of the report to the ClubsNSW Board by the Code Administrator will be given to the Board of Directors of the Club, and the Club is entitled, within 20 business days of receiving that report, or such further period as the Code Adjudication Panel may permit, to make a submission to the Code Adjudication Panel in relation to the matters contained in the report. This submission will also be provided to the Board of ClubsNSW.

115 The Code Adjudication Panel, after considering any submission made by the Club under section 98, may make a further report to the Board of ClubsNSW, which may include recommendations for certain actions.

Reporting

116 The Code Administrator will report to the ClubsNSW Board on a quarterly basis, with deidentified statistics detailing:

- the number of complaints received by the Code Administrator about this Code;
- the subjects of these complaints, reported as a percentage of total complaints received in the reporting period; and
- the outcomes of these complaints, reported as a percentage of total complaints received in the reporting period.

Review

The Code will be reviewed in the following circumstances:

- upon recommendation by ClubsNSW; or
- due to legislative change that has occurred that will have a material impact on this Code; or
- as a result of a disciplinary decision of a Government regulatory agency that warrants a review of this Code.

DEFINITIONS

Advanced Responsible Gambling Training means a relevant training course approved by ClubsNSW or under the legislation, which may be provided by ClubsNSW or any Registered Training Organisation.

AML/CTF means Anti-Money Laundering & Counter-Terrorism Financing.

AML/CTF Act means the *Anti-Money Laundering & Counter-Terrorism Financing Act 2006*.

AML/CTF Compliance Officer Training means a relevant training course for AML/CTF Compliance Officers approved by ClubsNSW which may be provided by ClubsNSW or any Registered Training Organisation.

AML/CTF Oversight Training means a relevant training course for Secretary Managers and Directors approved by ClubsNSW which may be provided by ClubsNSW or any Registered Training Organisation.

AML/CTF Staff Awareness Training means training for staff which meets the requirements of Part 8.2 of the *Anti-Money Laundering & Counter-Terrorism Financing Rules 2007*.

Approved by the Board means the matter is approved at a meeting of the Board of Directors at which a majority of the votes cast support the approval.

AUSTRAC means the Australian Transaction Reports & Analysis Centre — an Australian government financial intelligence agency responsible for monitoring financial transactions to identify money laundering, organised crime, tax evasion, welfare fraud and terrorism financing .

Board means the governing body of the Club.

Club means a registered club within the meaning of the *Registered Clubs Act 1976 (NSW)*.

ClubsNSW means the Registered Clubs Association of NSW, a State organisation registered under section 222 of the *Industrial Relations Act 1996 (NSW)*. ClubsNSW is the peak body for the club industry, representing registered clubs in New South Wales.

Code means this Code of Practice as revised and published from time to time.

Code Adjudication Panel means the Adjudication Panel established under this Code.

Code Administrator means the individual authorised to investigate and prepare a report to the Code Adjudication Panel on complaints against clubs involving alleged breaches of the Code.

Director means a currently serving club director, duly elected and/or appointed under the club constitution or provisions of the *Corporations Act 2001 (Cth)*, *Registered Clubs Act 1976 (NSW)*, or any other legislation.

Duty Manager means a staff member responsible for overseeing general operations of the Club during their shift, including customer services, staff, and facilities.

Electronic Detection System means either a facial recognition or digital sign-in system that complies with the relevant standards approved by ClubsNSW.

Family Member means a spouse, domestic partner, parent, or adult child of the relevant person.

Large Club means a club with annual gaming machine profits of more than \$5,000,000.

Member means a member of a club.¹

Multi-Venue Exclusion Scheme means a system for registering the details of persons to be excluded from one or more gaming venues in NSW, that complies with the relevant standards approved by ClubsNSW.

Player means a person (member or otherwise) who used a Club's gaming machine facilities around the time of the alleged breach.

Player Activity Statement means a statement in accordance with requirements outlined in clause 97 of the *Gaming Machines Regulation 2019* (NSW).

Player Rewards Scheme means a system as defined under section 45(1) of the GMA.

Responsible Gambling Officer Training means a relevant training course approved by ClubsNSW.

Responsible Gambling Oversight Training means a relevant training course approved by ClubsNSW, which may be provided by ClubsNSW or a Registered Training Organisation.

Responsible Gambling Policy Statement means a statement approved by the Board and/or Licensee that outlines the Club's commitments to responsible gambling.

Secretary Manager means any person appointed under section 66 of the *Liquor Act 2007* (NSW) to manage premises of the Club.

Small Club means a club with gaming revenue of no more than \$1 million, based on the previous gaming machine tax year.

Staff means employees of a Club other than management.

Systemic Failure means a pattern of conduct or repeated Code breaches, that points to a serious and/or structural flaw in compliance, adherence to regulation or law, or organisational practice.

Weekly Account Limit means a limit on the amount of net expenditure (i.e. turnover less wins) per week from the account as defined in clause 99 of the *Gaming Machines Regulation 2019* (NSW).

¹ Unless otherwise stated a member means a full or lifetime member of a club and does not include temporary or provisional members.



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Registered Clubs Association of NSW
ABN 66 087 054 439

Level 8, 51 Druitt Street, Sydney NSW 2000
ClubASSIST 1300 730 001 or enquiries@clubsnsw.com.au
www.clubsnsw.com.au

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