

Hospitality and Racing

Compliance Campaign

Cash dispensing facility
location and signage
requirements

1 July 2024

www.liquorandgaming.nsw.gov

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Introduction

1. The regulation of the location of cash dispensing facilities under the Gaming Machines Regulation 2019 (NSW) (the Regulation) is a fundamental harm-minimisation requirement. It is designed to provide patrons of hotels and clubs a break in play from approved gaming machines and an opportunity to reconsider their spending.
2. Following continued breaches of regulations regarding the location of cash dispensing facilities in areas of hotels and clubs with gaming machines, the regulations have been amended to be clearer about where hotels and clubs can locate cash dispensing facilities, with new requirements coming into effect on 1 January 2025. There are also new requirements for signage relating to cash withdrawal facilities and gaming machines which will be enforced from 1 August 2024.
3. L&GNSW recognise these changes will require time and resources for venue operators to comply. This document provides clarification as to what the new responsibilities are and the time frames that apply.

What are the new requirements?

What is a 'cash dispensing facility'?

4. References to 'cash dispensing facilities' for the purpose of the regulations mean Automatic Teller Machines (ATMs) or EFTPOS with cash withdrawal facilities.

Location of cash dispensing facilities

5. From 1 January 2025, ATMs and EFTPOS terminals in hotels and clubs that are used to provide cash withdrawals to patrons must:
 - a. be located outside of a five (5) metre radius of any entrance to, or exit from, a gaming area in the hotel or club;
 - b. not be visible from a gaming machine or entry to a gaming room or area or room where gaming machines are located.
6. A gaming machine or jackpot sign must not be visible from a cash dispensing facility.
7. It is important to note that the distance requirement refers to a 'radius' and does not allow for ATMs within that area, even if the walking distance is greater than five metres. The distance is calculated from the nearest point of the ATM to the nearest point of the gaming room entrance.
8. From 1 September 2024, venues that cannot comply with the new location requirements will be able to apply to L&GNSW for an exemption if it is not possible to comply with the five-metre radius rule because it would result in your venue contravening:
 - i. The *Environmental Planning and Assessment Act 1979* (NSW), the regulations under that Act or an environmental planning instrument, or
 - ii. The *Work Health and Safety Act 2011* (NSW) or the regulations under that Act.

Your application must:

- demonstrate eligibility to apply under one or both criteria above, and
- include a proposed location for the relevant cash dispensing facility location which is the furthest possible location from the nearest gaming machine and the nearest entrance or exit of a gaming area in the hotel or club. This should include an explanation as to why the proposed location meets this requirement.

If an exemption is granted, you will receive written notice of the approval. From the date of approval, the relevant cash dispensing facility must be placed only in the approved location.

More information about how to apply for an exemption will be available at <https://www.liquorandgaming.nsw.gov.au/resources/changes-to-cash-dispensing-facility-signage-and-location-in-gaming-venues> from 1 September 2024.

Signage relating to cash dispensing facilities

- From 1 July 2024, hotels and clubs will be banned from placing any signage or advertising relating to gaming machines where it is visible from an ATM or EFTPOS with cash withdrawal facilities.
- In addition, any sign that advertises or gives direction to a cash dispensing facility is not allowed to be visible from a gaming machine or any part of a gaming area.
- There is a grace period until 1 August 2024 for you to comply with these new signage rules. Between 1 and 31 July 2024, L&GNSW will provide information to hotels and clubs concerning the requirements and will not investigate potential breaches if the hotel or club is taking active steps to meet these requirements. For example, temporarily covering signs is acceptable while you work toward removing them permanently.
- Signage that forms part of the unaltered physical ATM, for example, “ATM” written on the side of the physical machine, will not be enforced until 1 January 2025. From this date, the ATM must not be visible from any gaming entry/machine/area.
- All other signage requirements must be in place by 1 August 2024. From this date, L&GNSW will enforce these signage requirements and respond to any breaches appropriately and proportionately.

Application of the legislation

- The new laws are intended to reduce the harm associated with the location of cash dispensing facilities in hotels and clubs and give clear direction to operators within the industry.
- Table 1 shows certain examples of arrangements captured by these new laws. This list should not be considered exhaustive.

| Activity | Permitted | Relevant provision |
|--|-----------|------------------------------|
| ATMs located adjacent to gaming room entry and within a 5m radius of the entry | No | cl.28(1), cl.28(2), cl.28(3) |
| “VIP Trading Hours” or similar displayed on ATM screens | No | cl.28B(1) |

| Activity | Permitted | Relevant provision |
|--|---|---------------------|
| Jackpot signage or gaming machine advertising (including directions to the gaming room) located within view of an ATM | No | cl.28(2), cl.28B(1) |
| ATM directional signage visible from approved gaming machines or entry/exit, including the word "ATM" written on a door leading out of (or visible from) the gaming area | No | cl.28A |
| An EFTPOS machine that is used for cash withdrawal located in a gaming room bar or visible from gaming machine or exit/entry to the gaming area | No but EFTPOS machines that DO NOT provide cash withdrawals are permitted | cl.28(1) |

Implementation of the legislation

16. L&GNSW intends on enforcing the legislation and ensuring compliance with the new laws at all hotels and clubs which are authorised to keep approved gaming machines.
17. Having regard to the resourcing that will be required by hotels and clubs across NSW to adjust to the changes, L&GNSW will implement a staged approach. This staged approach is intended to afford venues the time to remove or relocate their cash dispensing facilities, and remove or relocate relevant internal signage, to ensure compliance with the new laws. It also recognises challenges potentially faced by regional venues meeting these requirements.

Key change for cash dispensing facilities:

From 1 August 2024, L&GNSW will be enforcing requirements for signage related to cash dispensing facilities. The only exception that will be provided beyond this date is any signage that forms part of the unaltered physical ATM - this signage will be dealt with as part of the 1 January 2025 change, when the ATM is required to be moved and not visible from a gaming room/area/machine.

From 1 January 2025, venues must have removed or relocated their cash dispensing facilities so that they are located outside a five (5) metre radius of any entry to the gaming room/area.

18. The stages for implementation are as follows:

Stage One: 1 July 2024 to 31 December 2024 (six months)

- Hotels and clubs must have signage relating to cash dispensing facilities that would offend the new regulations removed by 1 August 2024, with the exception of signage that forms part of the unaltered physical ATM.

- Hotels and clubs are afforded time to make the required changes to the location of their cash dispensing facilities.
- Hotels and clubs are encouraged to seek guidance through the [Hospitality Concierge](#) or through industry peak bodies as to the adequacy of their arrangements.
- While compliance with the new location requirements is not expected until 1 January 2025, L&GNSW will continue to enforce the *existing* requirements in clause 28 of the Gaming Machines Regulation, and enforcement action will be taken if cash dispensing facilities are located in the same part of the hotel or club where gaming machines are kept.
- L&GNSW will conduct educational engagements with licensees and club secretaries about the new location requirements.

Stage Two: 1 – 31 January 2025 – enforcement of location requirement

- Enforcement action will be taken in circumstances where no effort (or an inadequate effort) has been made to comply with the requirements.
- Hotel and club operators must be able to provide evidence that they have taken reasonable steps to relocate their cash dispensing facilities and that any delays faced in removing or relocating the cash dispensing facilities were outside of the operator’s control to avoid enforcement action being taken during this stage.

Stage Three: 1 February 2025 onwards – zero tolerance approach

- A zero-tolerance enforcement approach will apply to any cash dispensing facilities that are found to be non-compliant with the new requirements.

| 1 July 2024 to 31 December 2024 | 1 – 31 January 2025 | 1 February 2025 onwards |
|---|---|---|
| <p>Stage One</p> <p>Signage relating to cash dispensing facilities must be completely removed by 1 August 2024 (with one exception).</p> <p>Check and change the location of your cash dispensing facility if required.</p> <p>Apply for exemption for cash dispensing facility location if eligible.</p> | <p>Stage Two</p> <p>Cash dispensing facilities must comply with new requirements.</p> <p>L&GNSW will be assessing compliance at your venue.</p> | <p>Stage Three</p> <p>Strict enforcement.</p> <p>Zero tolerance approach.</p> |

Why are these changes being made?

19. Since August 2022, Liquor & Gaming NSW (L&GNSW) has been undertaking inspection programs focused on compliance with gaming harm-minimisation requirements. These programs have identified on-going concerns regarding the location of cash dispensing facilities in hotels and clubs.
20. In August 2022 and November 2022, L&GNSW issued Industry Alerts to all hotel and registered club licensees in response to these concerns. Subsequent inspection activity found little change in the location of cash dispensing facilities, which continued to be identified in areas where gaming machines were kept, and in locations that were inconsistent with the protective intent of the requirements.
21. The nature and extent of concerns identified differs from venue to venue, with some examples being:
 - a. Hotels keeping ATMs immediately next to the entrance of their gaming room or in specifically constructed airlocks preceding the gaming room.
 - b. Registered clubs with open plan gaming machine areas allowing direct line of sight between approved gaming machines and ATMs.
 - c. Hotels and registered clubs keeping ATMs in locations that compel patrons to enter or pass through a gaming area to withdraw cash.
 - d. Hotels and registered clubs allowing cash to be withdrawn over the bar via an EFTPOS terminal, often falsely misrepresenting such transactions on sales records.
 - e. Prominent signage indicating the location of ATMs visible from approved gaming machines and gaming machine areas.
22. The ongoing harm associated with the location of cash dispensing facilities in hotels and clubs has led to a review and strengthening of the legislative provisions within the Regulation.

Other new requirements

23. Throughout June 2024, L&GNSW provided hotels and clubs education and support for the new requirements relating to Responsible Gambling Officers (RGOs), Gaming Plans of Management, Gambling Incident Registers and Responsible Conduct of Gambling training requirements.
24. From 1 July 2024, L&GNSW will commence assessing compliance with these requirements.
25. L&GNSW will take a graduated, proportionate response to enforcement. Where a hotel or club has attempted to comply but fallen short, education will be provided however where a hotel or club has failed to comply with a requirement (for example, no RGOs on duty), an escalated enforcement approach may be considered.

Further information

26. Further information about requirements for Responsible Gambling Officers, Gaming Plans of Management and Gambling Incident Registers can be found on the Liquor & Gaming NSW website.
27. Licensees, managers, and club secretaries should seek further information about compliance with ATM and signage obligations from their peak body at first instance.

28. Venues are encouraged to contact us for further information regarding this campaign to ensure full understanding of its impact and implementation.
29. The Hospitality Concierge will be the primary point of contact for L&GNSW and will be able to clarify certain issues, although L&GNSW is unable to provide you with specific advice on your circumstances.

Hospitality Concierge

Email us at concierge@liquorandgaming.nsw.gov.au or book a call at a time that is convenient for you by using [the form on our website](#).

Relevant Legislation

30. Clause 25A of the Regulation provides the interpretations relevant to the new legislative provisions.
cash dispensing facility —

(a) means a facility for the withdrawal or transfer of money from a bank or authorised deposit-taking institution, including an ATM or EFTPOS terminal, but

(b) does not include an EFTPOS terminal that is not used for the withdrawal of cash.

gaming area, for a hotel or registered club, means the following —

(a) for a hotel — any of the following areas-

- i) if the hotel is required to have a gaming room under section 68- the gaming room
- ii) any other area or room in which approved gaming machines are located, or

(b) for a registered club- any area or room in which approved gaming machines are located

31. Clause 28(1) of the Regulation prohibits the visibility of a cash dispensing facility from an approved gaming machine and gaming entry points.

A hotelier or registered club must not permit a cash dispensing facility to be visible from the following —

(a) any approved gaming machine in the hotel or registered club,

(b) within, or from an entrance to or exit from, a gaming area in the hotel or registered club

Clause 28(1) is an offence provision. The maximum penalty attributable to breaches of that provision is 50 penalty units, or \$5,500, per offence.

This requirement comes into force **1 January 2025**.

32. Clause 28(2) of the Regulation prohibits the visibility of approved gaming machines, authorised progressive jackpot monitors and gaming area entries from cash dispensing facilities.

A hotelier or registered club must not permit the following to be visible from a cash dispensing facility —

(a) an approved gaming machine, or part of an approved gaming machine,

(b) a monitor used to display the jackpot prize from an authorised progressive system,

(c) an entrance to, or exit from, a gaming area.

Clause 28(2) is an offence provision. The maximum penalty attributable to breaches of that provision is 50 penalty units, or \$5,500, per offence.

This requirement comes into force **1 January 2025**.

33. Clause 28(3) of the Regulation provides the distance cash dispensing facilities must be located from approved gaming machines.

If a cash dispensing facility is located in a hotel or on a club premises, the hotelier or registered club must place the cash dispensing facility —

(a) unless the Secretary has granted the hotelier or registered club an approval under subclause (4) — in a location that is outside of a 5m radius of any entrance to, or exit from, a gaming area in the hotel or club, or

(b) if the Secretary has granted the hotelier or registered club an approval under subclause (6) — in the location specified in the approval.

Clause 28(3) is an offence provision. The maximum penalty attributable to breaches of that

provision is 50 penalty units, or \$5,500, per offence.

This requirement comes into force **1 January 2025**.

34. Clause 28(4) of the Regulation provides the circumstances in which the location of a cash dispensing facility can be determined by approval from the Secretary.

The Secretary may, on the application of the hotelier or registered club, approve a location in writing to a hotelier or registered club, if satisfied –

(a) compliance with subclause 3(a) is not possible because the hotelier or registered club will be in breach of the following –

(i) the Environmental Planning and Assessment Act 1979, the regulations under that Act or an environmental planning instrument,

(ii) the Work Health and Safety Act 2011 or regulations under that Act, and

(b) the location is the furthest location accessible to patrons in the hotel or on club premises that is possible from –

(i) the nearest approved gaming machine, and

(ii) the nearest entrance to, or exit from, a gaming area in the hotel or club.

Applications for an exemption may be submitted from **1 September 2024**

Signage relating to cash dispensing facilities

35. Clause 28A of the Regulation prohibits any signage relating to cash dispensing facilities located in a venue to be visible from an approved gaming machine or entry or exit point to a gaming area.

A hotelier or registered club must not permit signage in the hotel or on the club premises advertising or giving direction to a cash dispensing facility that is visible from the following –

(a) an approved gaming machine,

(b) any part of a gaming area in a hotel or registered club.

Clause 28A is an offence provision. The maximum penalty attributable to breaches of that provision is 50 penalty units, or \$5,500, per offence.

This requirement comes into force on 1 July 2024 but exceptions will be provided until **1 August 2024**.

36. Clause 28B(1) prohibits signage or advertising regarding approved gaming machines to be located on, or visible from, a cash dispensing facility.

(1) A hotelier or registered club must not permit signage or advertising about gaming machines in the hotel or on club premises that is –

(a) located on, or part of, a cash dispensing facility, including on a digital display of a cash dispensing facility, or

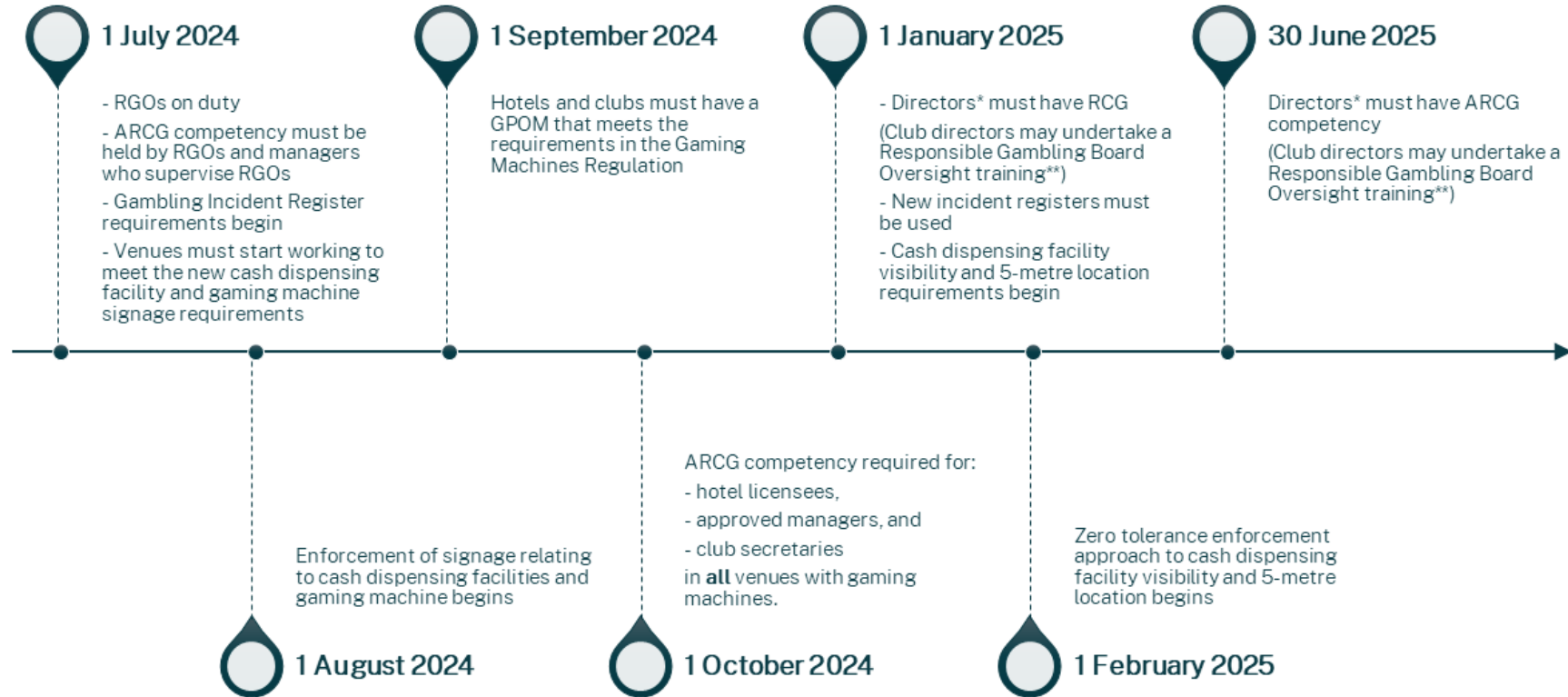
(b) visible from a cash dispensing facility.

Clause 28B(1) is an offence provision. The maximum penalty attributable to breaches of that provision is 50 penalty units, or \$5,500, per offence.

This requirement comes into force on 1 July 2024 but leniency will be provided until **1 August 2024**

Important dates

OFFICIAL



Department of Creative Industries, Tourism, Hospitality and Sport

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*Directors of a company that owns 1 or more hotels, if the director is involved in business operations, or club directors

** the Responsible Gambling Board Oversight training must be approved by L&GNSW

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