

TASMANIAN GAMING COMMISSION

CODE FOR ACCREDITED TESTING FACILITIES

In this Code the following words are interpreted as follows:

Regulator - is the Tasmanian Gaming Commission (unless otherwise stated).

Testing - refers to testing of those matters that the Regulator must regulate in accordance with the requirements of the *Gaming Control Act 1993* and the Internet Gaming Technical Requirements.

Evaluating - refers to evaluation of those matters that the Regulator must regulate in accordance with the requirements of the *Gaming Control Act 1993* and the Internet Gaming Technical Requirements.

Certifying - refers to certification of those matters that the Regulator must regulate in accordance with the requirements of the *Gaming Control Act 1993* and the Internet Gaming Technical Requirements.

Code – means the Tasmanian Gaming Commission Code for Accredited Testing Facilities.

SECTION 1

APPLICABLE TO THE EVALUATION OF GAMING MACHINES, GAMES AND ASSOCIATED IN-VENUE DEVICES

- (1) The Accredited Testing Facility (ATF) shall ensure that the highest levels of skill, impartiality, care and diligence are applied in testing, evaluating and certifying gaming equipment and systems. Any certification or evaluation of equipment must include detail of any non compliance with the Regulator's standards or requirements.
- (2) The ATF shall continue to operate its business consistently with the ATF's responses in its Expression of Interest seeking accreditation as an ATF.
- (3) The ATF shall remain independent from and not aligned to or influenced by any person or body in the gambling industry.
- (4) The ATF must not:
 - (a) enter into any commercial dealing with a manufacturer of gaming equipment;
 - (b) participate in or be involved in any engagement, arrangement, or contract with a manufacturer of gaming equipment or gaming systems;
 - (c) have any direct or indirect pecuniary interest in a manufacturer or operator of gaming equipment;
 - (d) participate in or be involved in a manufacturer's design, manufacture, selection, purchase, supply, installation, service or operation of any gambling products or services anywhere in the world.

- (5) Clauses 4(a) and 4(b) do not apply if:
 - (a) the ATF is testing, evaluating and certifying gaming equipment in accordance with the Code;
 - (b) the ATF has obtained the previous approval in writing from the Regulator.
- (6) If any person attempts, directly or indirectly, to improperly influence the ATF or any of its employees or contractors in or in connection with the evaluation of any gaming equipment or systems, the ATF must immediately provide full details thereof to the Regulator.
- (7) The ATF shall meet, and continue to meet the requirements specified in the current version of the document "Australian/New Zealand Guidelines for the Assessment of Gaming Machine Testing Facilities".
- (8) The ATF must not assign, delegate, subcontract or otherwise engage any person not directly employed by the ATF to carry out testing, evaluating or certifying gaming equipment or systems except for:
 - (a) the testing of electromagnetic, electrostatic, radio frequency, magnetic or similar interference;
 - (b) the testing against electricity standards;
 - (c) other testing functions previously approved in writing by the Regulator.
- (9) The ATF must maintain comprehensive records of all testing, evaluating and certifying of gaming equipment where the purpose is to establish whether the equipment or systems are suitable for approval.
- (10) The ATF must, if requested, provide to the Regulator a copy of any relevant record that is a record associated with the ATF's activities with the Regulator.
- (11) If the ATF maintains a testing facility outside the Regulator's jurisdiction:
 - (a) the ATF must satisfy the Regulator that it has the capacity to oversee the conduct of field trials of gaming equipment in the Regulator's jurisdiction;
 - (b) the ATF must satisfy the Regulator that any relevant records associated with the testing of gaming equipment, any gaming equipment or personnel shall be made available in the Regulator's jurisdiction.
- (12) The ATF must give prior notification in writing to the Regulator of any premises to be used in the Regulator's jurisdiction for the purpose of testing of gaming equipment.
- (13) The Regulator must at any time during normal business hours, be allowed to attend the ATF's premises to:
 - (a) inspect the ATF's premises;
 - (b) oversee the testing, evaluating and certifying of any relevant gaming equipment or systems;
 - (c) examine any record associated with the ATF's activities with the Regulator.
- (14) The ATF acknowledges that:
 - (a) no warranty as to the term of the accreditation is made;
 - (b) accreditation does not guarantee ongoing accreditation or the grant of a licence in the event that the legislative licensing of ATFs occurs;

- (c) no work is guaranteed as a result of this accreditation;
 - (d) the selection of an ATF by a manufacturer or operator to undertake testing on its behalf will usually be a matter entirely for that manufacturer or operator. Note: an example where that would not apply is if the Regulator directs that equipment be retested by an ATF other than the ATF that undertook the original testing;
 - (e) payment for any evaluation work undertaken by the ATF is entirely a matter between the ATF and the person/organisation who requested the provision of that service;
 - (f) the Regulator and the National Assessment Panel for Accreditation of Testing Facilities (the National Assessment Panel) are not committed contractually in any way to the ATF as a result of this accreditation;
 - (g) any failure to comply with these conditions or any unsatisfactory performance as an ATF may result in the accreditation being withdrawn. However, accreditation will not be withdrawn without the ATF being given an opportunity to be heard in respect of any proposal to withdraw the accreditation.
- (15) There shall be no change of directors, secretary or shareholders (5% or greater) of the ATF without prior written notification to the Regulator.
- (16) There shall be no change to the location of the ATF's premises used for the purpose of testing gaming equipment, without prior written notification to the Regulator.
- (17) When directed by a Regulator or the National Assessment Panel, the ATF shall agree to undergo periodic review by an entity nominated by the Regulator to ascertain the ATF's ability to comply with, and its actual compliance with, these conditions. The ATF shall cooperate with the entity nominated (at the ATF's premises) and will meet its own costs in providing the time and resources required to provide effective cooperation.
- (18) The ATF shall maintain a level of professional indemnity insurance to a minimum cover of \$5,000,000 or such other amount as the Regulator may from time to time determine and notify in writing.
- (19) The ATF shall have procedures and maintain records to ensure that all principals, directors and staff employed in the testing of gaming equipment, satisfy the requirements of the Regulator in regard to any probity checking and the obtaining of any necessary licences or approvals.
- (20) The ATF must maintain procedures and processes to ensure that:
- (a) any significant reduction in employee levels is advised to the Regulator as soon as practicable after this is known;
 - (b) if the ATF loses the services of any technical employee whose skills and experience are not possessed by other employees, the Regulator is to be promptly informed of that fact and notified of the action to be taken to rectify that situation;
 - (c) a written code of conduct binding on principals, directors and employees is in place and complied with;

- (d) each employee is made aware of and acknowledges their obligations under the secrecy provisions of any relevant gambling legislation;
 - (e) each employee has entered into an individual confidentiality undertaking in respect of commercial in confidence information obtained as a result of their employment;
 - (f) each employee has entered into an individual conflict of interest undertaking in respect of any work performed outside of their employment with the ATF;
 - (g) key performance indicators fixed by the Regulator are met, or if not met, addressed at a level which is satisfactory to the Regulator;
 - (h) evaluation reports and certifications are in the form specified by the Regulator.
- (21) The ATF shall develop a Compliance Committee which is empowered and appropriately staffed to undertake probity investigations, investigate business policies and practices as they relate to the testing of gaming equipment, and to investigate instances of the improper or inadequate conduct of evaluating, testing and certifying gaming equipment and systems.
- (22) The Compliance Committee shall undertake investigations as requested by the Regulator, and provide the results of those investigations in a written report to the Regulator as required.
- (23) The Regulator or the National Assessment Panel for the Accreditation of Testing Facilities may amend this Code provided the ATF is given:
- (a) at least four weeks notice of intention to amend;
 - (b) the opportunity to comment on any intended amendment.
- (24) The ATF must actively pursue and/or maintain accreditation to AS ISO/IEC 17025 by the National Association of Testing Authorities (NATA) Australia (or equivalent body recognised by NATA) in the field of Information Technology Testing for class 22.02 Gaming Systems Tests (.02 Terrestrial Gaming Equipment and .03 Wide Area Gambling Equipment).

SECTION 2

APPLICABLE TO INTERNET GAMING AND WAGERING SYSTEMS TESTING

- (1) The Accredited Testing Facility (ATF) shall ensure that the highest levels of skill, impartiality, care and diligence are applied in testing, evaluating and certifying Internet Gaming and Wagering Systems. Any certification or evaluation must include detail of any non compliance with the Regulator's standards or requirements.
- (2) The ATF shall continue to operate its business consistently with the ATF's responses in its application seeking accreditation as an ATF.
- (3) The ATF shall remain independent from and not aligned to or influenced by any person or body in the gambling industry.
- (4) The ATF must not:
 - (a) enter into any commercial dealing with a manufacturer, supplier or operator of Internet Gaming and Wagering Systems;
 - (b) participate in or be involved in any engagement, arrangement, or contract with a manufacturer, supplier or operator of Internet Gaming and Wagering Systems;
 - (c) have any direct or indirect pecuniary interest in a manufacturer, supplier or operator of Internet Gaming and Wagering Systems;
 - (d) participate in or be involved in a manufacturer's or supplier's design, manufacture, selection, purchase, supply, installation, service or operation of any gambling products or services anywhere in the world.
- (5) Clauses 4(a) and 4(b) do not apply if:
 - (a) the ATF is testing, evaluating and certifying gaming equipment and internet gaming and wagering systems in accordance with the Code;
 - (b) the ATF has obtained approval in writing from the Regulator.
- (6) If any person attempts, directly or indirectly, to improperly influence the ATF or any of its employees or contractors in or in connection with the evaluation of any Internet Gaming and Wagering Systems, the ATF must immediately provide full details thereof to the Regulator.
- (7) The ATF shall meet, and continue to meet the requirements specified in the current version of the document "Internet Gaming Technical Requirements".
- (8) The ATF must not assign, delegate, subcontract or otherwise engage any person not directly employed by the ATF to carry out testing, evaluating or certifying Internet Gaming and Wagering Systems except for:
 - (a) the testing of electromagnetic, electrostatic, radio frequency, magnetic or similar interference;
 - (b) the testing against electricity standards;
 - (c) other testing functions previously approved in writing by the Regulator.

- (9) The ATF must maintain comprehensive records of all testing, evaluating and certifying of Internet Gaming and Wagering Systems where the purpose is to establish whether the systems are suitable for approval.
- (10) The ATF must, if requested, provide to the Regulator a copy of any relevant record that is a record associated with the ATF's activities with the Regulator.
- (11) If the ATF maintains a testing facility outside the Regulator's jurisdiction:
 - (a) the ATF must satisfy the Regulator that it has the capacity to oversee the conduct of field trials of Internet Gaming and Wagering Systems in the Regulator's jurisdiction;
 - (b) the ATF must satisfy the Regulator that any relevant records associated with the testing of Internet Gaming and Wagering Systems, or personnel shall be made available in the Regulator's jurisdiction.
- (12) The ATF must give prior notification in writing to the Regulator of any premises to be used in the Regulator's jurisdiction for the purpose of testing of Internet Gaming and Wagering Systems.
- (13) The Regulator must at any time during normal business hours, be allowed to attend the ATF's premises to:
 - (a) inspect the ATF's premises;
 - (b) oversee the testing, evaluating and certifying of any relevant Internet Gaming and Wagering Systems;
 - (c) examine any record associated with the ATF's activities with the Regulator.
- (14) The ATF acknowledges that:
 - (a) no warranty as to the term of the accreditation is made;
 - (b) accreditation does not guarantee ongoing accreditation or the grant of a licence in the event that the legislative licensing of ATFs occurs;
 - (c) no work is guaranteed as a result of this accreditation;
 - (d) the selection of an ATF by a manufacturer, supplier or operator to undertake testing on its behalf will usually be a matter entirely for that manufacturer, supplier or operator. Note: an example where that would not apply is if the Regulator directs that equipment and systems be retested by an ATF other than the ATF that undertook the original testing;
 - (e) payment for any evaluation work undertaken by the ATF is entirely a matter between the ATF and the person/organisation who requested the provision of that service;
 - (f) the Regulator is not committed contractually in any way to the ATF as a result of this accreditation;
 - (g) any failure to comply with these conditions or any unsatisfactory performance as an ATF may result in the accreditation being withdrawn. However, accreditation will not be withdrawn without the ATF being given an opportunity to be heard in respect of any proposal to withdraw the accreditation.
- (15) There shall be no change of directors, secretary or shareholders (5% or greater) of the ATF without prior written notification to the Regulator..

- (16) There shall be no change to the location of the ATF's premises used for the purpose of testing Internet Gaming and Wagering Systems, without prior written notification to the Regulator.
- (17) When directed by a Regulator, the ATF shall agree to undergo periodic review by an entity nominated by the Regulator to ascertain the ATF's ability to comply with, and its actual compliance with, these conditions. The ATF shall cooperate with the entity nominated (at the ATF's premises) and will meet its own costs in providing the time and resources required to provide effective cooperation.
- (18) The ATF shall maintain a level of professional indemnity insurance to a minimum cover of \$5,000,000 or such other amount as the Regulator may from time to time determine and notify in writing.
- (19) The ATF shall have procedures and maintain records to ensure that all principals, directors and staff employed in the testing of internet gaming and wagering systems and equipment, satisfy the requirements of the Regulator in regard to any probity checking and the obtaining of any necessary licences or approvals.
- (20) The ATF must maintain procedures and processes to ensure that:
 - (a) any significant reduction in employee levels is advised to the Regulator as soon as practicable after this is known;
 - (b) if the ATF loses the services of any technical employee whose skills and experience are not possessed by other employees, the Regulator is to be promptly informed of that fact and notified of the action to be taken to rectify that situation;
 - (c) a written code of conduct binding on principals, directors and employees is in place and complied with;
 - (d) each employee is made aware of and acknowledges their obligations under the secrecy provisions of any relevant gambling legislation;
 - (e) each employee has entered into an individual confidentiality undertaking in respect of commercial in confidence information obtained as a result of their employment;
 - (f) each employee has entered into an individual conflict of interest undertaking in respect of any work performed outside of their employment with the ATF;
 - (g) key performance indicators fixed by the Regulator are met, or if not met, addressed at a level which is satisfactory to the Regulator;
 - (h) evaluation reports and certifications are in the form agreed by the Regulator.
- (21) The ATF shall develop a Compliance Committee which is empowered and appropriately staffed to undertake probity investigations, investigate business policies and practices as they relate to the testing of internet gaming and wagering systems and equipment, and to investigate instances of the improper or inadequate conduct of evaluating, testing and certifying internet gaming and wagering systems and equipment.

- (22) The Compliance Committee shall undertake investigations as requested by the Regulator, and provide the results of those investigations in a written report to the Regulator as required.
- (23) The Regulator may amend this Code provided the ATF is given:
 - (a) at least four weeks notice of intention to amend;
 - (b) the opportunity to comment on any intended amendment.
- (24) The ATF must actively pursue and/or maintain accreditation to AS ISO/IEC 17025 by the National Association of Testing Authorities (NATA) Australia (or equivalent body recognised by NATA) in the field of Internet Gaming Systems for class 22.02 Gaming Systems Tests (.01 Interactive Gaming Systems).