

DISPUTE RESOLUTION PROCEDURES

Section 3.5.20 *Gambling Regulation Act 2003*

YOUR OBLIGATION AS A VENUE OPERATOR

A venue operator must attempt to identify whether a patron complaint has resulted from a gaming machine malfunction or from a patron's misinterpretation of the game rules or pay tables. If you or your venue staff consider the complaint is due to a patron's misinterpretation, you must attempt to resolve the dispute by reviewing and discussing the game rules and pay tables with the patron.

Where a patron is not satisfied with your explanation or a malfunction is suspected, you must follow the procedures set out below:

1. Ensure further game play does not occur on the gaming machine in question until you are able to determine if the complaint is as a result of a suspected malfunction or a patron dispute arising from game play. As an immediate step, if it is arising from:
 - a. a suspected malfunction, the gaming machine must remain out of game play until a technical investigation of the suspected malfunction has been undertaken.
 - b. a patron dispute arising from game play, the gaming machine can be returned to game play once all evidence has been collected (see steps following) or if you have satisfactorily resolved the dispute and the matter is not to be escalated further.
2. Access the audit menu on the gaming machine and obtain all relevant game play, audit ticket and cash ticket history information. The game play history (including bet and spin combinations) as displayed on the on-screen game recall should be recorded onto a Game Play Recall Information form (or, if possible, photographed and attached to that form). Use a digital device (e.g. mobile phone, tablet, etc.) to capture a recording of the replayed games leading up to and including the disputed game played.
3. Review any applicable Closed Circuit Television (CCTV) footage of the gaming machine and disputed game play. Secure a copy of the CCTV footage, to prevent it being overwritten, in case it is required as evidence.
4. Secure the gaming machine for further investigation and preserve any evidence that may be required, by placing the gaming machine into audit mode or, alternatively, removing the bank note acceptor from the machine to create a fault state which will prevent any possible game play. Do not rely on the placement of a "machine reserved" sign on the gaming machine. They are too easily removed and vital evidence may be lost if further game play occurs.
5. Complete a Patron Dispute form, ensuring that the patron has completed their details and signed the form and, if desired by the patron, provided a written statement.
6. Provide the patron with a photocopy of the completed Patron Dispute form.

7. Advise the patron that, if the dispute has not been resolved to their satisfaction, they may lodge a complaint with the Victorian Gambling and Casino Control Commission (VGCCC), via the [Complaints](#) link on the home page of the VGCCC website, or call 1300 182 457 or email contact@vgccc.vic.gov.au to discuss their options.

Additionally, if the dispute is the result of a suspected malfunction of a gaming machine, in accordance with section 3.5.20(1) of the *Gambling Regulation Act 2003* ('the Act'), you must refuse to pay, or allow payment to be made to, the patron until such time that it is able to be determined that the dispute was not the result of a malfunction.

ASSESSMENT – INCONCLUSIVE

If you cannot determine whether or not a malfunction has occurred, you must ask the monitoring licensee (hereinafter called IGS) to disable the gaming machine, as required under Section 3.5.21 of the Act, until such time that it is confirmed to be functioning properly.

The coordination and conduct of a formal and technical investigation will commence as set out in the following sections.

In either case, if the patron has left the venue, you must advise the patron (in the manner requested by the patron in the Patron Dispute form) of the status or outcome of the incident within 72 hours.

TECHNICAL INVESTIGATION

You must have a technician attend the venue as soon as practicable. The technician will need to conduct relevant tests on the gaming machine software in order to determine if a malfunction has occurred. The gaming machine hardware will also need to be inspected for damage or defect and, where necessary, returned to the manufacturer and/or accredited testing facility for testing and replacement if required. (You must ensure that all software and hardware components are handled and transported in accordance with the manufacturer's or accredited testing facility's requirements in order to prevent deliberate or accidental tampering or damage to those components prior to testing).

You may request, from the IGS Help Desk, any available reports that may assist in determining whether a malfunction has occurred.

If a malfunction is determined by the manufacturer, accredited tester or technician, the technical report will provide the basis for formal advice to the patron that a malfunction did occur and that payment of amounts which resulted from the malfunction cannot be made, as required under section 3.5.20(1) of the Act.

It is expected that an onsite technical investigation be completed within seven days. However, if any manufacturer and/or accredited testing facility testing is required, a further seven days may be factored into the timeframe.

REPORTING TO THE COMMISSION

In circumstances where a technical investigation is required, the Commission must be notified of the incident and ensuing investigation. On conclusion of the investigation the Commission must be provided with a full report.

To report to the Commission, please email contact@vgccc.vic.gov.au or call 1300 182 457.

RETAINING DOCUMENTATION

On resolution of an incident, all documentation (including the Patron Dispute form and attachments, technical reports and any correspondence between yourself and the patron) must be retained on file for a period of 12 months, or longer if the complaint remains unresolved.

MALFUNCTION OF GAMING MACHINE – NO PATRON DISPUTE

In the event of a suspected malfunction of a gaming machine not relating to patron game play, you must complete a Suspected Malfunction of a Gaming Machine form, retain it on file and provide this information to the Commission on request.

If a suspected malfunction results in a technical investigation and subsequent confirmation that there is a fault in the software, the Commission must be notified immediately by email to contact@vgccc.vic.gov.au or calling 1300 182 457.