

2014

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GAMBLING AND RACING CONTROL (CODE OF PRACTICE) AMENDMENT
REGULATION 2014 (No 1)
SL2014-17**

EXPLANATORY STATEMENT

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GAMBLING AND RACING CONTROL (CODE OF PRACTICE) AMENDMENT REGULATION 2014 (NO 1)

BACKGROUND

The ACT Gambling and Racing Commission (the Commission) was established in December 1999. The *Gambling and Racing Control Act 1999* (the Control Act) outlines the functions of the Commission which include to:

- promote consumer protection; and
- minimise the possibility of criminal or unethical activity; and
- reduce the risks and costs, to the community and to the individuals concerned, of problem gambling.

To assist in reducing the risks and harms associated with problem gambling, the Control Act requires the Commission to develop a Code of Practice for each gambling provider in the ACT. Following extensive public consultation, the Commission developed the *Gambling and Racing Control (Code of Practice) Regulations 2002* (the Code). The Code commenced on 1 December 2002 and was the first mandatory code of its kind in Australia.

The Code provides gambling licensees with a minimum set of standards that must be met in providing patrons access to their gambling products. The Code recognises that some people may have difficulties controlling their gambling behaviour and that this may lead to harm experienced by the gambler themselves, their family and associates.

REVIEW PROCESS

As part of its functions under the Control Act, the Commission regularly reviews gaming laws to ensure their continued effectiveness. Since the Code's introduction in 2002, and subsequent review in 2004, a range of local and national research has been completed and a number of legislative changes in other jurisdictions have been implemented. As a result of these changes the Commission conducted a review of the Code to assess its continued effectiveness.

This decision was consistent with a recommendation of the ACT Auditor-General in her April 2012 Report on *Monitoring and Minimising Harm Caused by Problem Gambling in the ACT* that the Code be reviewed. The Commission's review of the Code fulfils the Government's agreement in its response to the Auditor-General's report to undertake such a review.

The Commission engaged in extensive consultation with industry and community stakeholders throughout the review process. In late 2012, the Commission prepared a Discussion Paper to commence the first round of public consultation. This Paper was designed to assist stakeholders in forming their views and to gather feedback on the effectiveness of the current framework of harm minimisation measures in the Code. The paper also sought comment on any other issues or measures that stakeholders considered relevant to reducing the harms caused by problem gambling.

A draft Policy Paper, including specific recommendations for legislative change, was circulated to stakeholders in March 2013 for comment as the second round of consultation.

The Commission then developed a final Policy Paper and recommendations, based on stakeholder feedback as well as comments made by the Economic Development Directorate. The Minister for Racing and Gaming endorsed the Paper, and the recommendations were used to instruct the Parliamentary Counsel's Office in drafting the amendments to the Code.

OVERVIEW OF THE BILL

Generally the review of the Code sought to enhance or clarify harm minimisation objectives.

A large number of the changes to the Code cover the operation of the newly developed online exclusion database and gambling incident register. Currently people seeking to exclude themselves from particular gambling facilities are required to fill out a paper-based Deed at the originating venue that is then faxed or mailed to any other venue nominated in the Deed. It is possible for a person to nominate all gambling facilities operating in the Territory.

The Commission has implemented an online exclusion register which will increase the effectiveness of the system by providing a central database and electronic method for advising venues of exclusions. The register will replace the existing paper-based system and will substantially reduce the administrative workload on both receiving and nominated venues.

Other amendments under these regulations include:

- enhancing the skills of Gambling Contact Officers and other gaming venue staff;
- limiting the maximum prize values that may be used as an inducement to gamble;
- restricting other forms of risky gambling inducements and promotions;
- making more information available to patrons on their options in regard to payment choices for winnings and receipt of promotional material;
- requiring licensees to offer a range of prizes, other than gaming credits, when a patron wishes to redeem loyalty or reward points they have accrued; and
- prohibiting the service of alcohol to people while they are playing gaming machines.

STRICT LIABILITY OFFENCE

This Bill contains one strict liability offence under subclause 20A(2)(b). This offence, incorporating strict liability elements, has been carefully considered during the Bill's development. A strict liability offence means that there are no fault elements for any of the physical elements of the offence. This means that conduct alone is sufficient to make the defendant culpable. A strict liability offence has a defence of mistake of fact in addition to the other defences in part 2.3 of the Criminal Code and any other defence included in the Act.

Strict liability offences arise in a regulatory context where for reasons such as consumer protection and public safety, the public interest in ensuring that regulatory schemes are observed, requires the sanction of criminal penalties. In particular, where a defendant can reasonably be expected, because of his or her professional involvement, to know what the requirements of the law are, the mental, or fault, element can justifiably be excluded.

This rationale is relevant to the gambling industry where staff are trained on the requirements of the Code of Practice and can therefore be expected to be aware of their duties, obligations and

responsibilities under the Code. This is especially relevant in ensuring the integrity and confidentiality of personal information to which a licensee has access through the online exclusion register.

The Commission has incorporated a number of security features into the online exclusion register to minimise the risk of the register being accidentally accessed. The register can only be accessed by authorised gambling venue staff using individual confidential logons and only from computers enabled by senior gambling venue managers and Commission staff.

The strict liability offence attracts a penalty of up to 10 penalty units where a person accesses, amends or deletes information from the exclusion register and they are not authorised under the regulations to do so.

CLAUSE NOTES

Clause 1 Name of Regulation

This clause is a formal provision setting out the name of the regulation as the *Gambling and Racing Control (Code of Practice) Amendment Regulation 2014 (No 1)*.

Clause 2 Commencement

This clause provides for the commencement of the regulations on a day fixed by the Minister by written notice. Following issue of such a notice, all provisions will commence 1 August 2014.

Clause 3 Legislation Amended

This clause provides that the legislation to be amended is the *Gambling and Racing Control (Code of Practice) Regulation 2002*.

Clause 4 Section 7, except note

This clause removes ACTTAB Limited from the offence provisions contained within the regulations as ACTTAB is captured by the disciplinary action provisions in the *Totalisator Act 2014*.

Clause 5 Section 7, note

This clause adds to the existing Note that a licensee under the *Totalisator Act 2014* (in addition to the existing identified licensees under their respective Acts) may be prosecuted under the relevant Act for not complying with the regulations. A provision is included in the *Totalisator Act 2014* that requires the totalisator licensee to comply with the Code of Practice and as a result the offence provisions in the regulations are redundant as the disciplinary provisions in the Act already cover them.

Clause 6 Section 9

This clause replaces the existing section 9 and gives power to the Commission to approve training programs about the responsible provision of gambling services. It ensures that training programs are of a high standard and are delivered by appropriate training organisations. It outlines the requirements for the approval of a training program by the Commission, and provides for the revocation of an approval if the conditions of the approval (that is, that the program content is relevant, sufficiently comprehensive, accurate and up-to-date) are no longer met. Revocation is a reviewable decision through the ACT Civil and Administrative Tribunal.

Clause 7 New section 10(1A)

This clause provides for an offence provision where a licensee does not record a problem gambling incident within three consecutive trading days after becoming aware of a problem gambling incident. Licensees must keep a record of any incidents where a person shows signs of having a gambling problem or where an excluded person is identified in the gaming area of the facility. The details of the incident must be recorded as well as any action that was taken by staff. This obligation is intended to ensure that licensees maintain an essential record or history in relation to particular

gamblers. It may also help to demonstrate that a licensee has fulfilled its obligations in relation to assisting people who may have problems with gambling.

Clause 8 Schedule 1, Section 20 and 20A

The Code provides for two types of exclusions, voluntary self-initiated exclusions and licensee-initiated exclusions. Self-exclusion is an important harm minimisation measure that enables a person to exclude or ban themselves from gambling at a gambling facility if the person recognises that this approach is likely to assist them to control their gambling. Self-exclusion is a voluntary measure that aims to remove the person from the temptation to gamble. Licensees are required to exclude a person (a Notice of Exclusion) if they reasonably believes that the welfare of the person or their dependants is seriously at risk because of the person's gambling problem.

This clause requires the Commission to establish a register of people who are excluded from gambling in the ACT under the Code (an exclusion register). The Commission has developed an online web-based exclusion register for this purpose. This increases the effectiveness of the exclusion system by providing a central database and electronic method for advising licensees of exclusions and reduces the administrative workload of licensees.

Use of the online exclusion register is mandatory for gaming machine, casino and totalisator licensees who are defined as 'prescribed licensees' under schedule 1, section 1.6A(5) of the regulations. A licensee provider under the *Interactive Gambling Act 1998* or the holder of a licence under the *Race and Sports Bookmaking Act 2001* is only required to maintain a paper-based exclusion register based on operational requirements.

An exclusion register must include the following information for each excluded person:

- sufficient details to enable venue staff to identify the person such as the person's name and address or a picture or description of the person;
- each gambling facility from which the person is excluded;
- the period of the exclusion from each gambling facility from which the person is excluded; and
- a copy of the current Deed or Notice of Exclusion applying to the person and a copy of any Deeds or Notices of Exclusion from the previous 7 years which apply to the person.

Access to the exclusion register is limited to the Commission and to 'approved persons' - defined under these regulations as a licensee of a gambling facility or someone else approved by the Commission. These approved persons may access the exclusion register, add a person's name to the exclusion register and amend details of an excluded person within the register. In addition, the regulations provide that only the Commission may correct the register and delete a person's name from it.

Clause 20A introduces offence provisions in relation to the exclusion database. These provisions are required to ensure that licensees utilise the exclusion register in a timely manner.

The licensee of a gambling facility commits an offence if they fail to comply with the requirements for Deeds of Exclusion and for the exclusion of people at risk or excluded under a Deed or Notice of Exclusion. These requirements are outlined under clauses 15 and 17 below and relate to the administrative requirements of the exclusion register.

To ensure that licensees' knowledge of exclusion lists are current and up to date, licensees are required to check their register within three consecutive trading days of receiving advice that a change has occurred in relation to their exclusion register. A licensee commits an offence where this does not occur. This change could include either a new Deed of Exclusion or an amendment to an existing Deed. For users of the online exclusion register this advice takes the form of an automatically generated email to an email account nominated by the licensee.

A person commits an offence where they access, amend or delete information from the exclusion register and they are not authorised under the regulations to do so. This is to protect the privacy of individuals and prevent unauthorised changes being made to the register. The offence is one of strict liability and attracts a penalty of up to 10 penalty units. The defence of reasonable excuse is available for such an offence.

The Commission has incorporated a number of security features into the online exclusion register to minimise the risk of the register being accidentally accessed. These features include individual user passwords and the register only being accessible on computers or devices that have been enabled by senior managers to do so.

Clause 9 Schedule 1, Section 1.2(1) and examples

This clause substitutes the definition of 'gambling problem' to state that a 'person has a gambling problem if the person has difficulty limiting the amount of money or time spent on gambling and this leads to adverse consequences for the person or another person'. The current definition of gambling problem in the Code of Practice differs from definitions found in other jurisdictions in that it does not contain an element of harm. The new definition is consistent with the nationally recognised term described by Gambling Research Australia in their 2005 research report '*Problem Gambling and Harm: Towards a National Definition*'.

Clause 10 Schedule 1, Section 1.4

This clause changes the frequency of staff training to require that all staff involved in the provision of gambling services must have undertaken an approved training program within the previous three years, rather than the existing five years. As the first point of contact for a patron, staff in these positions play an important role in monitoring and assisting people who may have a problem with gambling. Staff training is an essential measure in ensuring relevant staff provide responsible gambling environments; information and assistance to patrons; and are aware of their legislative responsibilities under the Code of Practice. More frequent training provides a reminder of the key points and maintains the currency and relevance of harm minimisation concepts.

Clause 11 Schedule 1, Section 1.6 and 1.6A

This clause changes some of the requirements for the recording of problem gambling incidents. It requires the Commission to establish an online incident register for licensees to use. This register forms one component of the online exclusion database (see clause 7 and 14) and complements the existing paper-based system. The incident register is an important record of a patron's activities and can assist a licensee to make decisions about the person's well-being, including whether to exclude them from gambling at the licensee's premises. Incorporating an electronic incident register into the online exclusion database promotes its use and assists licensees to fulfil their obligations by providing a standard template for licensees to utilise in a readily accessible form.

Use of the online incident register is mandatory for gaming machine, casino and totalisator licensees who are defined as 'prescribed licensees' under the schedule 1, section 1.6A(5) of the regulations. A licensee provider under the *Interactive Gambling Act 1998*, the holder of a licence under the *Race and Sports Bookmaking Act 2001* or any lottery licensee defined under section 5(f) of the Code of Practice are only required to maintain a manual paper-based incident register based on operational requirements.

This clause outlines the process for recording problem gambling incidents. Licensees are required to keep a record of any incident where a person shows signs of having a gambling problem while in the gambling facility or in the person's dealing with the licensee (such as by phone or email), or where an excluded person is identified in the gaming area of the facility. The details of the incident must be recorded as well as any action that was taken by staff, for example talking with the person, offering information about assistance or escorting the person from the premises.

Non-prescribed licensees must ensure that problem gambling incidents are recorded in writing and these licensees are expected to maintain a manual paper-based incident register.

Examples of signs that can indicate that a person has a gambling problem are provided in this section to assist licensees.

A problem gambling incident record must include the following particulars:

- the date and nature of the problem gambling incident;
- the name and address (if known), or description, of the person involved in the incident;
- if any action was taken by the licensee in relation to the person—the following details:
 - the action taken;
 - the names of the individuals who took the action;
 - any related action taken by someone else of which the licensee is aware. Examples of this are also provided for assistance and clarity.

All licensees must record the problem gambling incident within three days in their respective incident registers. Prescribed licensees are required to record the incident in the online problem gambling incident register while all other licensees must make a written record of the incident in their manual paper-based incident register.

Clause 12 Schedule 1, Section 1.9(3) and (4)

This clause changes the frequency of gambling contact officer (GCO) training so that a person is only eligible to be appointed as a GCO where they have undertaken a GCO specific approved training program within the previous three years, rather than the existing five years. The GCO is the key point of contact for staff and patrons seeking information about responsible gambling and dealing with problem gambling issues. Given the responsibilities of GCOs it is essential that GCOs maintain their skills and knowledge. Increasing the frequency of GCO training ensures that GCOs remain up to date with current gaming laws and harm minimisation practices. This allows a GCO to better monitor the gambling-related activities of patrons and assist other staff with minimising the harm from problem gambling.

Each GCO must undertake at least one approved training session or course per year in order to continue to be eligible to be a GCO. Given the important role the GCO plays as the main point of contact for problem gamblers, some level of training and development over and above that received by front-line staff is essential for them to perform their role.

In order for a training session or course to be approved by the Commission, it must be relevant to the GCO role and increase their knowledge about problem or responsible gambling. Attendance at an approved training program (see clause 6) would meet the requirements for that year.

Other training sessions that may be approved by the Commission include attendance at relevant conferences or seminars, completion of relevant on-line courses, or attendance at relevant discussion forums, lectures or structured internal training courses. Appropriate documentation of course content and attendance would need to be kept by licensees to ensure verification of meeting training session requirements.

The Commission may issue an exemption to a GCO from complying where appropriate, at its own discretion.

Clause 13 Schedule 1, Section 1.10(1)(d)

This clause removes the requirement for a GCO to arrange for details of excluded people to be entered in the exclusion register. Under the new administrative arrangements of the online exclusion register, this obligation falls on the receiver of the Deed or Notice of Exclusion.

Clause 14 Schedule 1, Section 1.11(3)(b)(i)

This clause replaces the reference to 'deed' with 'deed of exclusion' to include updated terminology.

Clause 15 Schedule 1, Section 1.13 and 1.13A

This clause outlines the process for a person to self-exclude from gambling at a gambling facility. In order for a person to voluntarily exclude themselves they must sign a Deed of Exclusion (a Deed). A Deed must state:

- the name of each gambling facility from which the gambler wishes to be excluded from gambling;
- the period for which the gambler is to be excluded from the nominated facility; and
- that in the exclusion period the licensee of the nominated facility may:
 - remove the gambler from, or prevent the gambler from entering, the gaming area or gambling facility; or
 - otherwise exclude the gambler from participating in gambling activities at the facility.

It remains a matter for each licensee to determine the best way to enforce a Deed or Notice of Exclusion at their gambling facility. For example, some licensees may choose to allow a patron to enter the facility to utilise other amenities, while others may determine that prohibiting entry to the whole venue is the most effective way to ensure an excluded patron does not gamble at their facility. New section 1.13(2) gives an example of this process.

The minimum time period for a Deed of Exclusion is six months and the maximum time period is three years. In order to recognise the voluntary nature of a self-exclusion Deed, the minimum exclusion period would be a condition of the Deed which would apply once the Deed is signed. The individual agrees to abide by the minimum exclusion period but also has the option to apply for the Deed to be revoked at any time.

A minimum exclusion period of six months has been applied on the basis that research and evidence from counsellors indicates that a shorter time period is unlikely to be an effective break for a person to re-adjust their habits and to recover from past gambling harms. The maximum period of three years is to ensure that personal information is kept up to date and that exclusions are reviewed for currency on a regular basis.

Minimum and maximum self-exclusion periods would not apply to existing Deeds, as the original conditions of a Deed agreed to by an individual should remain in place. For example, a Deed commencing in 2006 that nominated a 50 year period of exclusion would stand unless amended by the individual.

Where the individual wishes to lodge and enact their Deed of Exclusion, they must give their signed Deed to a licensee nominated in the Deed, the Commission or someone else approved by the Commission. The receiver of the Deed must review the Deed to ensure it has been completed correctly before signing the Deed. Where a Deed has not been completed correctly, the receiver must within one day request the additional information from the individual required to complete the Deed. Once this information is provided, the receiver must sign the Deed.

The receiver of the Deed must within three consecutive trading days give a copy of the completed Deed to the individual and include the required information on the exclusion register. This information must then be forwarded to each nominated licensee the individual wishes to exclude themselves from and to the Commission. The online register performs this function for all prescribed licensees (defined in section 1.6A) by sending an automatic email when the required details of the Deed are entered into the register. All other licensees are required to hand-deliver, post, email or fax a completed Deed to all nominated licensees and to the Commission.

New section 1.13A outlines the process for the revocation of a Deed of Exclusion. As the Deed is voluntary, a person may choose to revoke their exclusion before the nominated end date. To enact the revocation a person must give written notice of the revocation to any gambling licensee or to the Commission. The receiver of the revocation notice should then record and enter the details of the revocation on the exclusion register and then forward the notice to the Commission for final processing. This is facilitated through the online register.

The revocation does not take effect until seven days after its receipt by the Commission. This gives the patron a 'cooling-off' period and ensures that the person does not make an impulse decision to return to gambling. This period also gives each licensee sufficient time to consider, and issue where appropriate, a Notice of Exclusion under schedule 1, section 1.14. It is a matter for each licensee to determine their own processes and policies when deciding whether to allow a person who has previously signed a Deed to re-enter or gamble at their facility.

Clause 16 Schedule 1, Section 1.14(1), note

This clause omits the note regarding the use of an approved form. This note has been relocated to schedule 1, section 1.14(2).

Clause 17 Schedule 1, Section 1.14(2)

The clause details the process licensees must follow when excluding a person under s1.14(1). It includes a requirement for the licensee to give the person a Notice of Exclusion (a Notice), that states the following information:

- sufficient particulars to identify the person;
- each gambling facility from which the person is excluded from gambling;
- the period of the exclusion from each gambling facility from which the person is excluded from gambling; and
- the reasons for the exclusion.

The licensee must include details of a Notice issued by them on the exclusion register. For prescribed licensees this is the online exclusion database and for all other licensees this is their manual exclusion register. Requiring prescribed licensees to use the online database increases the effectiveness of the system by providing a central database and electronic method for maintaining the current details and status of excluded people. It also ensures that the licensee has easy access to an individual's history of gambling exclusion and incidents at the licensee's premises.

The licensee is then required to notify all relevant parties of the exclusion including the Commission. The online database performs this function for all prescribed licensees by sending an automatic email when the required details of the Notice are entered into the register. All other licensees are required to manually deliver the Notice.

Clause 18 Schedule 1, Section 1.17(3)

This clause omits this paragraph regarding a licensee's obligations to inform patrons about available support services and the use of a Deed of Exclusion. This provision is more relevant to the

requirements outlined under 'Availability of Information' and as such it has been relocated from this section to schedule 1, section 1.25.

Clause 19 Schedule 1, Section 1.18

This clause requires that licensees keep the original copy of each Deed of Exclusion lodged with the licensee and any Notices of Exclusion given by the licensee within the last of seven years. Many people experience a continuum of gambling harm over their lifetime and maintaining a copy of recent Deeds and Notices ensures that licensees have access to an individual's history of gambling exclusion at their facility. The regulation does not require all nominated licensees to keep a copy of a Deed of Exclusion, only the original licensee with whom the Deed was lodged.

The licensee must allow the Commission to inspect any Deed or Notice if requested, or provide the Commission with a copy of any Deed or Notice on request.

Clause 20 Schedule 1, Section 1.22(1)

This clause adjusts the maximum cash winnings payment limit able to be paid by a casino licensee to a gambling patron from \$20,000 to \$25,000 on any gaming day.

Restricting the payment of gambling winnings in cash after a large win provides patrons with a 'cooling off' period before they have the opportunity to gamble their winnings. This can assist patrons to avoid gambling more than they intended based on an impulsive decision. The limit has been adjusted broadly in line with CPI movements, given that the cash payment limit specified within the Code of Practice has not been changed since 2004.

Clause 21 Schedule 1, Section 1.22(1), example

This clause updates the example to reflect the adjustment to the maximum cash payment limit for a casino licensee as outlined in clause 20.

Clause 22 Schedule 1, Section 1.22(2)

This clause allows gambling patron winnings in excess of \$25,000 to be paid in a manner other than cash, reflecting the adjusted amount in clause 20.

Clause 23 Schedule 1, Table 1.23 and example

This clause substitutes a new table that details adjusted maximum cash payment limits for licensees to the following categories and limits: Bookmaker (from \$20,000 to \$25,000), Totalisator (from \$20,000 to \$25,000), Lotteries (from \$4,000 to \$5,000), Keno (from \$1,000 to \$5,000), Trackside (\$5,000), Gaming Machine (from \$1,200 to \$1,500) and Housie (from \$1,000 to \$1,250). The clause includes amendments to the listing of the categories by separating Housie and Keno and adding Trackside. The example is updated as a consequence of these adjustments. The limits have been adjusted broadly in line with CPI movements, given that the cash payment limit within the Code of Practice has not been changed since 2004.

Clause 24 Schedule 1, New Section 1.23(2A)

This clause introduces a requirement that gaming machine licensees must pay a gambling patron winnings from a gaming machine by cheque or electronic funds transfer when the winnings are more than \$300 and the patron has requested the winnings be paid in this manner. This clause enhances the harm minimisation value of restricting access to cash in a gambling venue while not adversely impacting on recreational players. Having this option available upon request assists patrons who find limiting their gambling difficult.

Clause 25 Schedule 1, Section 1.23(3)

This clause omits the definition of 'winnings' which has been relocated to the dictionary.

Clause 26 Schedule 1, New Section 1.23AA

This clause requires that a licensee must not knowingly pay winnings to a person who is under 18 years old or who is excluded from gambling under a Deed of Exclusion or Notice of Exclusion. Any winnings or prizes won by such a person must be retained by the licensee and dispersed to other patrons through a suitable mechanism of additional prizes or winnings approved by the Commission.

This clause makes explicit that excluded or underage persons, or anyone on their behalf, are not eligible to claim gambling prizes or winnings. It provides a disincentive for excluded and underage people to gamble, as they cannot claim any winnings.

Clause 27 Schedule 1, New Section 1.25(3)(a)(iv) to (3)(a)(vii)

This clause is a technical amendment that relocates the current requirements under schedule 1, section 1.17(3) to under schedule 1, section 1.25(3)(a) as it is more relevant to the requirements outlined under 'Availability of Information'. This assists licensees to understand their obligations to provide information to patrons.

Clause 28 Schedule 1, New Section 1.25(3)(c)

This clause requires gaming machine licensees to advertise the opportunity for gambling winnings from a gaming machine to be paid by cheque or electronic funds transfer where the winnings are more than \$300, as per clause 24 of these amendments. This information must be made available in a conspicuous way, such as a notice within the gaming area, at the cash desk or at another appropriate high visibility area.

Clause 29 Schedule 1, New Section 1.27A

This clause prohibits the service of alcohol to a person playing, seated or standing at a gaming machine. Consistent with the nationally agreed responsible gambling principles, this requirement reduces the risk that the service of alcohol to a patron at a gaming machine may encourage them to gamble for longer than intended and does not encourage a break in play. This provision does not prohibit a person from purchasing alcohol or consuming alcohol while gambling, provided that a person leaves a gaming machine in order to obtain the product.

Clause 30 Schedule 1, Section 1.30(2)(c)

This clause amends the regulation to require that the holder of an ACT sports bookmaking licence must not conduct a promotion that requires or encourages people to gamble a minimum amount to qualify for rewards. Such promotions are now prohibited under clause 33. Previously sports bookmakers were exempt from this restriction which allowed them to provide a signing-on bonus to gamblers who opened a sports bookmaking account and wagered a minimum amount. This restriction is consistent with a national agreement to limit the encouragement of sports bookmaking customers spending minimum amounts to obtain gambling credits or bonuses.

Clause 31 Schedule 1, Section 1.30(3)

This clause omits the definition of a ‘player reward scheme’ which is now located in new section 1.30(6D).

Clause 32 Schedule 1, Section 1.30(4)(a)

This clause clarifies that promotions or inducements by a gaming machine licensee must not encourage people to increase their intensity of betting at the facility. It clarifies the previous reference to ‘frequency of betting’. Examples of actions that would indicate increased intensity of betting are provided and focus on money gambled in particular timeframes.

Clause 33 Schedule 1, Section 1.30(6A) to 1.30(6D)

This clause amends the requirements for licensees in relation to promotions and inducements.

Consistent with other Australian jurisdictions, sports bookmaking promotions that offer inducements such as free or discounted gambling credits to open a bookmaking customer deposit account are prohibited for ACT sports bookmaking licensees. Restricting these promotions is among the national responsible gambling principles agreed by the Ministerial Council on Gambling in July 2009.

Section 6B requires the licensee, under player reward or loyalty schemes, to offer rewards or benefits other than gambling credits in exchange for the points, if gambling credits are offered. A player reward scheme is defined as a scheme in which a patron of a gambling facility earns points by participating in an activity at the facility and may redeem the points for a reward or benefit. It is also referred to as a player loyalty scheme. Such activities can include gaming at the facility. The requirement to offer a variety of rewards or prizes ensures that player reward schemes do not focus solely on gaming.

The clause also sets the maximum value of individual rewards or benefits available through player reward schemes at \$1,000. It prohibits a gaming machine licensee from offering a single reward or benefit which has a value greater than \$1,000. There is a risk that player reward schemes encourage players to spend more than intended which may increase problem gambling incidents by encouraging patrons to not only focus their spending at one venue but also to increase their overall level of activity. Limits on reward values assist patrons to control their expenditure while seeking prizes and rewards.

In addition, section 6C provides that if a reward or benefit consists of several components, then the value of the prize is the sum of the components. This means that, for example, a gaming machine licensee is prohibited from offering a flight worth \$1,200 as a reward, but may offer two unrelated rewards where each flight is valued at \$600 each, provided they are not part of a packaged arrangement.

Clause 34 Schedule 1, New Section 1.30A and 1.30B

This clause introduces the requirement that any promotion where a method of entry or participation is playing gaming machines, must include at least one alternative method of entry that does not require gaming participation, for example buying food or drinks at a venue or entering the venue. Promotions that are conducted as either a public or private lottery as defined under the *Lotteries Act 1964* are included in this requirement.

The clause ensures that promotions do not focus solely on gaming as a harm minimisation measure. Promotions that require patrons to gamble to participate may encourage vulnerable patrons to gamble where they otherwise would not, and may encourage patrons to gamble more than they intended.

Section 1.30B allows a patron to request that personally addressed promotional material not be sent to them and requires the licensee to comply with such a request. This request must be made in writing and may be revoked by the patron in writing at any time. The requirement applies to gaming machine, casino, totalisator and sports bookmaking licensees.

This regulation allows a person who has self-identified that receiving promotional material is problematic in controlling their gambling to request that this form of encouragement to attend the venue is removed.

Clause 35 Schedule 1, Section 1.31(1)

This clause amends the section references to reflect the updated section numbers under this regulation.

Clause 36 Dictionary, Definition of *approved training program*

This clause updates references in the regulations to reflect the updated section heading.

Clause 37 Dictionary, Definition of *deed*

This clause omits a redundant definition of 'deed'.

Clause 38 Dictionary, New definitions

This clause inserts seven new definitions to the dictionary which relate to new terms in this Bill.

Clause 39 Further amendments, Mentions of 5 penalty points

This clause increases the penalty units for an offence under certain sections in the Code to 10 penalty units and provides consistency across all Code offence provisions. This also aligns all offence provisions with the maximum penalty for an offence under the Code.

Clause 40 Gaming Machine Regulation 2004, Section 29(3), Definition of *prescribed amount*

This clause provides for a minor consequential amendment to update a definition reference for 'prescribed amount' under the *Gaming Machine Regulation 2004*.