



Australian Capital Territory

# **Gambling and Racing Control (Code of Practice) Regulations 2002 No 28**

made under the

**Gambling and Racing Control Act 1999**

**Republication No 1**

**Effective: 1 December 2002**

Republication date: 1 December 2002

Regulations not amended up to this date

Not all provisions are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Gambling and Racing Control (Code of Practice) Regulations 2002*, made under the *Gambling and Racing Control Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 December 2002. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Gambling and Racing Control (Code of Practice) Regulations 2002

made under the

**Gambling and Racing Control Act 1999**

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Australian Capital Territory

# **Gambling and Racing Control (Code of Practice) Regulations 2002**

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**Gambling and Racing Control Act 1999**

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## Part 1 Preliminary

### 1 Name of regulations

These regulations are the *Gambling and Racing Control (Code of Practice) Regulations 2002*.

### 2 Commencement

- (1) The following provisions commence on 1 May 2003:
  - regulation 9 (Staff training)
  - regulation 11 (3) (Gambling facility to have gambling contact officer)
  - regulation 19 (Exclusion procedures)
  - schedule 1, clause 4 (Staff care and training)
  - schedule 1, clause 17 (Exclusion procedures)
  - schedule 1, clause 25 (Availability of information)
  - schedule 1, clause 26 (Clocks and lighting).
- (2) The remaining provisions commence on 1 December 2002.

### 3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

*Note 1* The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or in other legislation.

For example, the signpost definition '*private lottery*—see the *Lotteries Act 1964*, section 6 (2).' means that the expression 'private lottery' is defined in that subsection and the definition applies to these regulations.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the



regulations, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

#### 4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

#### 5 Meaning of *licensee*

In these regulations:

*licensee*, of a gambling facility, means—

- (a) a gaming machine licensee; or

*Note* *Gaming machine licensee* is defined in the dictionary.

- (b) a casino licensee; or

*Note* *Casino licensee* is defined in the dictionary.

- (c) a licensed provider under the *Interactive Gambling Act 1998*; or

- (d) the holder of a race bookmaking licence, a race bookmaker's agent licence, a sports bookmaking licence or a sports bookmaker's agent licence under the *Race and Sports Bookmaking Act 2001*; or

- (e) ACTTAB Limited; or

- (f) anyone authorised to conduct a lottery, scheme or competition under the *Lotteries Act 1964* or the *Pool Betting Act 1964*, other than—

- (i) a calcutta sweepstake; or

- (ii) a trade promotion in which participants are given free entry to a contest that promotes a trade or business and

involves an element of chance in the allocation of the prize; or

- (iii) a raffle; or
- (iv) a progressive lottery or silver circle involving a number of draws on different days, including tipping competitions, in which regular or different prizes are drawn; or
- (v) a private lottery.

*Note 1* **Private lottery** is defined in the dictionary.

*Note 2* **Licensee** is defined in the same terms in the code of practice, cl 1.

## **Part 2**                      **Code of practice**

### **Division 2.1**              **General**

#### **6**        **Code of practice**

The code of practice in schedule 1 applies to licensees.

#### **7**        **Offences under pt 2**

A person may be prosecuted under this part for an offence only if the person is—

- (a) ACTTAB Limited; or
- (b) someone mentioned in regulation 5, definition of *licensee*, paragraph (f).

*Note*        The penalties set out in this part apply only in relation to the licensees mentioned in this definition. If 1 of the following licensees contravenes the code of practice, the Act under which the person is licensed or is a licensed provider deals with the disciplinary action that may be taken against the person for the contravention:

- a casino licensee
- a gaming machine licensee
- a licensed provider under the *Interactive Gambling Act 1998*
- the holder of a licence under the *Race and Sports Bookmaking Act 2001*.

## Division 2.2 Conduct of gambling

### 8 Licensees obligations generally

- (1) A licensee commits an offence if the licensee contravenes the code of practice, clause 3 (2) (which is about false or misleading information).

Maximum penalty: 5 penalty units.

- (2) A casino licensee or gaming machine licensee commits an offence if the licensee contravenes the code of practice, clause 3 (3) (which is about people gambling whose understanding of their actions may be unclear).

Maximum penalty: 10 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

### **U** 9 Staff training

*The commission may approve a training program (an **approved training program**) about providing gambling services in accordance with these regulations.*

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## **Division 2.3                      Problem gambling**

### **10      Recording problem gambling incidents**

- (1) A licensee commits an offence if, when asked by the commission, the licensee fails to make available for inspection by the commission a record of problem gambling incidents kept by the licensee under the code of practice.

Maximum penalty: 5 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

*Note*      Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

### **11      Gambling facility to have gambling contact officer**

- (1) The licensee of a gambling facility commits an offence if the licensee contravenes the code of practice, clause 9.

Maximum penalty: 5 penalty units.

- (2) A gambling contact officer for a gambling facility may be the licensee or a person appointed by the licensee.

- U** (3) *A person is eligible to be appointed as a gambling contact officer only if the person has successfully completed an approved training program.*

*Note*      **Approved training program** is defined in the dictionary.

- (4) The licensee of a gambling facility must, as soon as practicable, give the commission—

- (a) the name and address of each gambling contact officer for the facility; and

- (b) if a detail given under paragraph (a) changes—details of the change.

Maximum penalty: 5 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

## 12 Dealing with people with gambling problem

- (1) A gambling contact officer commits an offence if the gambling contact officer contravenes the code of practice, clause 11 (2) or (3) (which is about problem gamblers).

Maximum penalty: 5 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

## Division 2.4 Exclusion from gambling

### 13 Application of div 2.4

- (1) This division does not apply to someone mentioned in regulation 5, definition of *licensee*, paragraph (f).

- (2) Also, this division, other than regulation 15 (1) (Exclusion of people at risk or excluded under deed), regulation 21 (Accounts of certain excluded people) and regulation 22 (Promotional material not to be sent to certain excluded people), does not apply to—

(a) a casino licensee; or

(b) a licensed provider under the *Interactive Gambling Act 1998*.

*Note* The *Casino Control Act 1988* and *Interactive Gambling Act 1998* contain provisions about excluded or disqualified people.

## **14 Deeds of exclusion**

- (1) A licensee commits an offence if the licensee contravenes the code of practice, clause 13 (1) (which is about failing to sign a deed of exclusion if asked).

Maximum penalty: 10 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

## **15 Exclusion of people at risk or excluded under deed**

- (1) The licensee of a gambling facility commits an offence if the licensee contravenes the code of practice, clause 14.

Maximum penalty: 5 penalty units.

- (2) The licensee of a gambling facility must not use more force, or subject someone to greater indignity, than is necessary and reasonable to exclude the person from gambling at the facility.

- (3) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

## **16 Commission's review of exclusion decision**

- (1) A person aggrieved by a licensee's decision under the code of practice, clause 14 (1) (Exclusion of people at risk or excluded under deed) may apply, in writing, to the commission for review of the decision.

- (2) To review the decision, the commission must—

- (a) give the licensee a written notice telling the licensee that the licensee may, within 2 weeks beginning the day after the day the licensee receives the notice, give a written response to the commission about the matters in the notice; and

- (b) have regard to any response given by the licensee to the commission within the 2 weeks.
- (3) The commission must, by written notice, confirm, revoke or amend the licensee's decision, having regard to the matters mentioned in the code of practice, clause 15 (Matters to which licensee to have regard when deciding whether to exclude).
- (4) The notice under subregulation (3) must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

#### **17 Review of commission's decision under reg 16**

Application may be made to the administrative appeals tribunal for review of a decision by the commission to confirm, revoke or amend the licensee's decision.

#### **18 Compliance with decision to revoke or amend**

- (1) If the commission revokes or amends a licensee's decision to exclude a person from gambling, the commission may direct the licensee to give effect to the commission's decision.
- (2) The licensee commits an offence if the licensee fails to comply with the direction.  
Maximum penalty: 5 penalty units.
- (3) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.



**U** **19 Exclusion procedures**

- (1) *The licensee of a gambling facility commits an offence if the licensee contravenes the code of practice, clause 17 (1) (which is about preparing procedures to deal with exclusions).*

*Maximum penalty: 5 penalty units.*

- (2) *The commission may give written directions under the code of practice, clause 17—*

*(a) to the licensee of a gambling facility about the kind of procedures for the facility for dealing with people to be excluded from gambling at the facility; and*

*(b) to the licensee, a staff member and anyone else involved in the exclusion of a person from the facility under these regulations, about the written procedures to ensure compliance with the procedures.*

- (3) *A person commits an offence if the person fails to comply with a direction of the commission given under the code of practice, clause 17.*

*Maximum penalty: 5 penalty units.*

- (4) *An offence against this regulation is an offence of strict liability.*

*Note Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.*

**20 Register of excluded people**

- (1) *The licensee of a gambling facility commits an offence if the licensee contravenes the code of practice, clause 18.*

*Maximum penalty: 5 penalty units.*

- (2) *The register must include the following particulars:*

*(a) the name and address of each person excluded from gambling at the facility;*

- (b) the name of the licensee and each staff member involved in the exclusion;
  - (c) the circumstances that led to the person being excluded;
  - (d) any report or other relevant information about the person excluded;
  - (e) the period of exclusion.
- (3) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

## **21 Accounts of certain excluded people**

- (1) A licensee commits an offence if the licensee contravenes the code of practice, clause 19 (which is about not allowing others to use excluded people's accounts).

Maximum penalty: 10 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

## **22 Promotional material not to be sent to certain excluded people**

- (1) A licensee commits an offence if the licensee contravenes the code of practice, clause 20.

Maximum penalty: 10 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

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## **Division 2.5                      Financial controls and gambling environment**

### **23      Other cash payment limits**

- (1) A licensee, other than a casino licensee, commits an offence if the licensee contravenes the code of practice, clause 23.

Maximum penalty: 10 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

*Note*      Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

### **24      Directions about information, clocks and lighting**

- (1) The licensee commits an offence if the licensee contravenes the code of practice, clause 27 (2) (which is about compliance with the commission's directions).

Maximum penalty: 5 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

*Note*      Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

## **Division 2.6 Advertising, promotions and inducements**

### **25 Directions about advertising, promotions and inducements**

- (1) The licensee commits an offence if the licensee contravenes the code of practice, clause 31 (2) (which is about compliance with the commission's directions).

Maximum penalty: 5 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

## Part 3                      Miscellaneous

### 26      Reasonable excuse available as defence

The defence of reasonable excuse is available for each offence under these regulations that is an offence of strict liability.

## Schedule 1 Code of practice

(see reg 6)

### Part 1.1 Key concepts

#### 1 Meaning of *licensee*

In this code of practice:

*licensee* means—

- (a) the holder of a gaming machine licence under the *Gaming Machine Act 1987* (a ***gaming machine licensee***); or
- (b) a casino licensee under the *Casino Control Act 1988* (a ***casino licensee***); or
- (c) a licensed provider under the *Interactive Gambling Act 1998*; or
- (d) the holder of a race bookmaking licence, a race bookmaker's agent licence, a sports bookmaking licence or a sports bookmaker's agent licence under the *Race and Sports Bookmaking Act 2001*; or
- (e) ACTTAB Limited; or
- (f) anyone authorised to conduct a lottery, scheme or competition under the *Lotteries Act 1964* or the *Pool Betting Act 1964*, other than—
  - (i) a calcutta sweepstake; or
  - (ii) a trade promotion in which participants are given free entry to a contest that promotes a trade or business and involves an element of chance in the allocation of the prize; or

- (iii) a raffle; or
- (iv) a progressive lottery or silver circle involving a number of draws on different days, including tipping competitions, in which regular or different prizes are drawn; or
- (v) a private lottery.

*Note* **Private lottery** is defined in the *Lotteries Act 1964*, section 6 (3).

## **2 Meaning of *gambling problem***

- (1) For this code of practice, a person has a ***gambling problem*** if the person cannot manage properly the person's gambling activities.

### **Examples of signs that person has gambling problem**

- 1 admitting being unable to stop gambling or to gamble within the person's means
- 2 expressing concern about the amount of time or money the person spends on gambling
- 3 acknowledging the person spends on gambling money needed for day-to-day living expenses, including for dependants
- 4 having a disagreement with a family member or friend about the person's gambling behaviour.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see *Legislation Act*, s 126 and s 132).

- (2) Also, a person is taken to have a ***gambling problem***, if the person engages in any of the following behaviour:
- (a) seeking credit for gambling unless authorised under a gaming law;
  - (b) seeking to borrow or scavenge for money to gamble;
  - (c) seeking assistance or advice about controlling the person's gambling;

- (d) admitting to borrowing or stealing money to gamble.

## Part 1.2 Conduct of gambling

### Division 1.2.1 General

#### 3 Licensees obligations generally

- (1) A licensee of a gambling facility must conduct the facility honestly, responsibly and in accordance with this code of practice.
- (2) A licensee of a gambling facility must not give or make available to patrons information about gambling or gambling facilities that is false or misleading.
- (3) A casino licensee or gaming machine licensee must not allow a person (the *gambler*) to use the licensee's facility for gambling if the gambler—
  - (a) appears not to fully understand the nature or consequences of gambling generally, or a particular gambling activity, and the potential for financial loss; or
  - (b) appears to be intoxicated or under the influence of a drug to an extent that the gambler could not reasonably be expected to exercise rational judgment while gambling.

#### **U** 4 *Staff care and training*

- (1) *The licensee of a gambling facility must ensure that—*
  - (a) *each staff member who is directly involved in providing gambling services to patrons and each person who supervises the staff members—*
    - (i) *has successfully completed an approved training program; and*





- (5) *Subclause (1) (a) (ii), (2) (b) and (3) (a) (ii) apply to a person only if the person is on duty in the ordinary course of the person's employment at the gambling facility.*

## **5 Exemptions in relation to approved training courses**

The commission may, in writing, given to the licensee of a gambling facility, exempt the licensee or person in charge of the facility from the requirement to comply with clause 4 (1) (a) (i), (2) (a) or (3) (a) (i) during a stated time, or in stated circumstances.

## **Division 1.2.2 Problem gambling**

### **6 Recording problem gambling incidents**

- (1) A licensee of a gambling facility must keep a record of—
- (a) anyone in the gaming area of the facility—
    - (i) who shows signs of having a gambling problem; or
    - (ii) to whom a deed applies; or
    - (iii) who has been excluded under clause 14 (Exclusion of people at risk or excluded under deed); and
  - (b) any action taken by the licensee in relation to the person.
- Note* **Gaming area** is defined in the dictionary.
- (2) The record must include the following particulars:
- (a) the date and nature of the incident;
  - (b) the name and address (if known), or description, of the person in relation to whom action was taken;
  - (c) the action taken and by whom.

## **7 Gambling beyond means**

A licensee of a gambling facility must not encourage a person to gamble beyond the person's means.

## **8 Help in relation to gambling problems**

If the licensee of a gambling facility is asked by a person in the facility about problem gambling, the licensee must take reasonable steps to give the person advice or information about counselling and advisory services available from support agencies.

## **9 Gambling contact officers**

A licensee of a gambling facility must not conduct gambling at the facility unless at least 1 gambling contact officer has been appointed for the facility.

## **10 Gambling contact officers functions**

- (1) A gambling contact officer for a gambling facility has the following functions (as well as the functions under clause 11):
  - (a) to give the people about whom a report under clause 11 is made help to obtain information and counselling about problem gambling;
  - (b) if a complaint is made to the officer about problem gambling at the facility—
    - (i) to record details of the complaint and any action taken; and
    - (ii) to tell the complainant about any action taken or that action was not taken and the reasons why; and
    - (iii) to tell the complainant that a complaint can be made to the commission;

- (c) to report to the licensee about any complaints made to the officer about problem gambling at the facility;
  - (d) to arrange for details of excluded people to be entered in the register of excluded people under clause 18;
  - (e) to ensure, as far as possible, that there is no unauthorised or inappropriate disclosure of personal information obtained or kept under this code of practice.
- (2) A gambling contact officer has any other function given to the gambling contact officer under this code of practice.

*Note 1* The commission can investigate complaints about noncompliance with a gaming law (see the Act, s 31).

*Note 2* A complaint to the commission could include a complaint about a gambling contact officer.

## **11 Dealing with people with gambling problem**

- (1) The licensee of a gambling facility must ensure the gambling contact officer for the facility is told about—
- (a) any person in the facility whom the licensee or a staff member has reasonable grounds for believing has a gambling problem; and
  - (b) the details of the person's behaviour that led to the belief.
- (2) The gambling contact officer must keep a register of—
- (a) the name or a description of each person about whom the officer has been told under subclause (1); and
  - (b) details given to the officer under that subclause; and
  - (c) the name or a description of each person (other than someone mentioned in subclause (1) (a)) whom the officer has reasonable grounds for believing has a gambling problem; and

- (d) details of the person's behaviour that led to the gambling contact officer's belief.
- (3) The gambling contact officer must take reasonable steps, in relation to a person mentioned in subclause (2) (a) and (c), to—
  - (a) discuss the possible gambling problem with the person as soon as possible; and
  - (b) give the person advice or information about—
    - (i) counselling and advisory services available from support agencies; and
    - (ii) any other appropriate action that may be taken by the person, including the opportunity to sign a deed to ensure the person's exclusion from gambling at the facility.

## **Division 1.2.3 Exclusion from gambling generally**

### **12 Application of div 1.2.3**

- (1) This division does not apply to someone mentioned in clause 1, definition of *licensee*, paragraph (f).
- (2) Also, this division, other than clause 14 (1) (Exclusion of people at risk or excluded under deed), clause 19 (Accounts of certain excluded people) and clause 20 (Promotional material not to be sent to certain excluded people), does not apply to—
  - (a) a casino licensee; or
  - (b) a licensed provider under the *Interactive Gambling Act 1998*.

*Note* The *Casino Control Act 1988* and *Interactive Gambling Act 1998* contain provisions about excluded or disqualified people.

### 13 Deeds of exclusion

- (1) The licensee of a gambling facility must not, if asked by a person claiming to have a gambling problem to sign a deed of exclusion (a *deed*) with the person, fail to sign the deed.
- (2) The deed must include the following terms:
  - (a) a term stating the period, that is reasonable in the circumstances, for which the person is to be excluded from the facility;
  - (b) a term that the licensee may remove the person from, or prevent the person from entering, the gambling facility.

*Note* If the form for a deed is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms), the form must be used.

### 14 Exclusion of people at risk or excluded under deed

- (1) The licensee of a gambling facility must exclude a person from gambling at the facility if the licensee has reasonable grounds for believing that—
  - (a) the welfare of the person, or any of the person's dependants, is seriously at risk because of the person's gambling problem; or
  - (b) the person is someone to whom a deed applies.

*Note* If the form for excluding a person at risk is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms), the form must be used.

- (2) If a person is excluded under subclause (1) (a), the licensee must give the person written reasons for the exclusion when the person is excluded.

**15 Matters to which licensee to have regard when deciding whether to exclude**

- (1) A decision by a licensee to exclude a person under clause 14 must be reasonable in the circumstances.
- (2) In making the decision, the licensee must have regard to whether the exclusion—
  - (a) is necessary to protect the welfare of the person, or any of the person's dependants, from risk in relation to the person's gambling problem; and
  - (b) is in the public interest, particularly having regard to the social and economic costs of problem gambling.

**16 Commission's review of exclusion decisions**

A person aggrieved by a licensee's decision under clause 14 (Exclusion of people at risk or excluded under deed) may apply, in writing, to the commission for a review of the decision.

*Note* Application may be made to the administrative appeals tribunal for review of a decision by the commission under the regulations to confirm, revoke or amend the licensee's decision.

**U 17 Exclusion procedures**

- (1) *The licensee of a gambling facility must prepare written procedures dealing with how people are to be excluded from gambling at the facility.*
- (2) *A person must comply with any written direction in relation to procedures given to the person by the commission under this clause.*
- (3) *The licensee of a gambling facility must also tell patrons of the facility about—*
  - (a) *the support services available to gamblers; and*

- (b) *the use of a deed of exclusion, particularly—*
  - (i) *the availability and effect of a deed; and*
  - (ii) *the confidentiality of a deed; and*
  - (iii) *who may be given a copy of a deed; and*
- (c) *the register of excluded people under clause 18.*
- (4) *The procedures must be written as clearly and simply as possible to promote understanding by people using them.*
- (5) *The licensee of a gambling facility must ensure that staff members whose functions include the exclusion of a person under this code of practice are competent to exercise the function.*

## **18 Register of excluded people**

A licensee of a gambling facility must keep a register of people excluded from the facility under this division.

## **19 Accounts of certain excluded people**

- (1) This clause applies to a person's account held with a licensee if—
  - (a) for a casino licensee—the person is excluded by the licensee from a casino under the *Casino Control Act 1988*, section 70A (1) (Notification of exclusion by commissioner of police or commission); or
  - (b) for a licensee other than a casino licensee—the person is excluded by the licensee under this division.
- (2) The licensee must not allow someone else to use the person's account.



**20 Promotional material not to be sent to certain excluded people**

The licensee of a gambling facility must not send information or promotional material about gambling activities at the facility—

- (a) for a casino licensee—to a person excluded from the casino under the *Casino Control Act 1988*, section 70A (1); or
- (b) for a licensee other than a casino licensee—to a person excluded by the licensee under this division.

## Part 1.3                      Financial controls and gambling environment

### 21      Cash facilities

- (1) This clause applies to a casino licensee.
- (2) The licensee of a gambling facility to whom this clause applies must ensure that a cash facility is not located in a gaming area of the facility.
- (3) In this clause:

*cash facility* means—

- (a) an automatic teller machine; or
- (b) an EFTPOS facility.

### 22      Cash payment limits for casino licensees

- (1) A casino licensee must not pay to a gambling patron winnings in cash of more than \$20 000 in any 12 hour period.

**Example**

If a gambling patron in a casino wins \$25 000, and at 1pm the casino pays the person \$20 000 in cash and the balance of \$5 000 by cheque or electronic funds transfer, the person is not entitled to any further payment in cash until 1am on the next day.

*Note*      An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) However, subclause (1) does not prevent the payment of winnings, in excess of the \$20 000, by other means.

## 23 Other cash payment limits

- (1) A licensee, other than a casino licensee, must not, for a particular event or contingency on which a gambling patron has staked or risked money, pay to the patron winnings in cash that are more than the amount worked out under the table in this subclause.

column 1	column 2	column 3
item	type of licensee	maximum cash payable
1	bookmaker	\$20 000
2	ACTTAB	\$20 000
3	lotteries	\$4 000
4	gaming machine	\$1 000
5	housie and keno	\$1 000

### Example

If a gambling patron wins \$30 000 at ACTTAB on race 3 Flemington Racecourse, the person should be paid not more than \$20 000 in cash and the balance by cheque or electronic funds transfer. The gambling patron can still receive winnings paid in cash of not more than \$20 000 if the patron wins on subsequent races at the racecourse.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) However, subclause (1) does not prevent the payment of winnings, in excess of the maximum amount payable in cash, by other means.

## 24 Cheques

- (1) This clause applies to a gaming machine licensee.
- (2) The licensee of a gambling facility to whom this clause applies must not—
- (a) cash a cheque within a gaming area of the facility; or

- (b) allow a person to buy back or redeem a previously cashed personal cheque.
- (3) The licensee of a gambling facility to whom this clause applies must not—
  - (a) cash a patron's personal cheque for more than \$250 on any day unless the person has made arrangements with the licensee on a previous day; or
  - (b) cash a cheque of any other kind for the patron.

**U** 25 **Availability of information**

- (1) *The licensee of a gambling facility must display in each gaming area of the facility signs to the effect that people under 18 years old, and intoxicated people, are not allowed to gamble.*
- (2) *Each sign must be prominently displayed and able to be readily read.*
- (3) *A licensee of a gambling facility must make available at the facility, in a conspicuous way, information that—*
  - (a) *tells people about each of the following:*
    - (i) *restrictions (if any) on cashing cheques;*
    - (ii) *gambling limits (if any) at the facility;*
    - (iii) *the chances of winning major prizes; and*
  - (b) *tells people where each of the following can be found at the gambling facility:*
    - (i) *a copy of the rules for each kind of gambling offered by the licensee;*
    - (ii) *information about programs for exclusion from gambling;*

- (iii) *a gambling contact officer for the facility;*
  - (iv) *a copy of the Gambling and Racing Control (Code of Practice) Regulations 2002 or this code of practice;*
  - (v) *information about counselling services available in the ACT for problem gamblers.*
- (4) *If asked for information about the availability of interpreter services to patrons at a gambling facility, the licensee for the facility must give the information.*
- (5) *This clause is subject to clause 27 (Directions about information, clocks and lighting).*

**U 26 Clocks and lighting**

- (1) *This clause applies to—*
- (a) *a casino licensee; and*
  - (b) *a gaming machine licensee.*
- (2) *The licensee of a gambling facility must prominently display the correct time in the facility.*
- (3) *The licensee of a gambling facility must ensure that lighting in the facility is adequate to allow clocks and signs required to be displayed under this code of practice to be clearly visible to people in the facility.*
- (4) *This clause is subject to clause 27.*

**27 Directions about information, clocks and lighting**

- (1) The commission may give written directions to the licensee of a gambling facility to ensure compliance with clause 25 (Availability of information) or clause 26.
- (2) If the commission gives a direction to the licensee, the licensee must comply with the direction.

## Part 1.4 Advertising, promotions and inducements

### 28 Advertising

- (1) The licensee of a gambling facility must not publish advertising that—
  - (a) encourages anyone to contravene a gaming law; or
  - (b) shows people under 18 years old gambling; or
  - (c) encourages people under 18 years old to gamble, or targets them; or
  - (d) is false or misleading, particularly about the chances of winning or the expected return to a gambler; or
  - (e) suggests that gambling is a form of financial investment; or
  - (f) suggests that skill can influence games that are games of chance; or
  - (g) promotes the consumption of alcohol while gambling.
- (2) This clause is subject to clause 31 (Directions about advertising, promotions and inducements).

### 29 Advertising requirements

- (1) This clause does not apply to someone mentioned in clause 1, definition of *licensee*, paragraph (f).
- (2) The licensee of a gambling facility must not publish gambling advertising in relation to the facility unless it contains, or is published near, the name and telephone number of an approved gambling counselling service in the ACT.

- (3) This clause is subject to clause 31 (Directions about advertising, promotions and inducements).

### 30 Promotions and inducements

- (1) The licensee of a gambling facility must not—
- (a) conduct a promotion that encourages people to gamble at the facility for a minimum period of time to qualify for rewards;
  - (b) conduct a promotion that encourages people to gamble a minimum amount to qualify for rewards; or
  - (c) include in a promotion for gambling at the facility an offer of free or discounted alcohol.
- (2) Subsection (1) (b) does not apply to—
- (a) the promotion of a commission-based player scheme under the *Casino Control Act 1988*; or
  - (b) a player reward scheme that is advertised only within the gambling facility or directly to members of the facility; or
  - (c) someone mentioned in clause 1, definition of *licensee*, paragraph (f).
- (3) For subsection (2), a ***player reward scheme*** is a scheme in which the player of a gaming machine earns rewards (other than winnings decided by the machine) by playing the machine.
- (4) A gaming machine licensee must not—
- (a) conduct a promotion at the licensee's facility that encourages people to increase their frequency of betting at the facility or the amount of each bet; or
  - (b) induce people to gamble at the licensee's facility by offering—
    - (i) free or discounted alcohol; or

- (ii) cash, or free or discounted gambling credits, unless the offer of cash or credits is made to all patrons of the facility as part of the facility's usual or regular prize schedule.
- (5) The licensee of a gambling facility must ensure that promotional material relating to gambling at the facility—
  - (a) contains the rules and conditions of the promotion; or
  - (b) states where at the facility the rules and conditions of the promotion can be inspected.
- (6) The licensee of a gambling facility must make the rules and conditions of the promotion available for inspection at the facility.
- (7) This clause is subject to clause 31.

### **31 Directions about advertising, promotions and inducements**

- (1) The commission may give written directions to a licensee of a gambling facility to ensure compliance with clause 28 (Advertising), clause 29 (Advertising requirements) or clause 30 (Promotions and inducements).
- (2) If the commission gives a direction to the licensee, the licensee must comply with the direction.



## Dictionary

(see reg 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to these regulations.

*Note 2* In particular, the following terms that are defined in the Legislation Act, dict, pt 1, are particularly relevant to these regulations:

- administrative appeals tribunal
- amend
- contravene.

***approved*** means approved by the commission.

***approved training program*** means a training program approved under regulation 9 (Staff training).

***casino licensee***—see the *Casino Control Act 1988*, section 3.

***code of practice*** means the code of practice in schedule 1.

***deed***—see the code of practice, clause 13 (Deeds of exclusion).

***gambling*** means gaming or betting under a gaming law.

***gambling contact officer***, for a gambling facility, means a person whose details are given to the commission under regulation 11 (Gambling facility to have gambling contact officer).

***gambling facility***, of a licensee, means each place used by the licensee to conduct gambling under the licence.

***gambling problem***—see the code of practice, clause 2.

***gaming area*** means the part of a gaming facility—

- (a) approved under a gaming law for the conduct of gambling; or
- (b) where gambling takes place.

***gaming machine licensee*** means the holder of a licence under the *Gaming Machine Act 1987*.

*licensee*—see regulation 5.

*private lottery*—see the *Lotteries Act 1964*, section 6 (3).

*staff member*, for a gambling facility, means a member of the staff of the facility.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Gambling and Racing Control (Code of Practice) Regulations 2002 SL2002-28**

notified LR 16 October 2002

reg 1, reg 2 commenced 16 October 2002 (LA s 75 (1))

reg 9, reg 11 (3), reg 19, sch 1 cl 4, sch 1 cl 17, sch 1 cl 25, sch 1 cl 26  
commence 1 May 2003 (reg 2 (1))

remainder commenced 1 December 2002 (reg 2 (2))

### 4 Amendment history

#### **Name of regulations**

reg 1 am R1 LA

### 5 Uncommenced provisions

The following provisions have been included in this republication in italics because they were uncommenced at the republication date:

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### 9 Staff training

The commission may approve a training program (an *approved training program*) about providing gambling services in accordance with these regulations.

### 11 Gambling facility to have gambling contact officer

...

- (3) A person is eligible to be appointed as a gambling contact officer only if the person has successfully completed an approved training program.

*Note* *Approved training program* is defined in the dictionary.

...

## 19 Exclusion procedures

- (1) The licensee of a gambling facility commits an offence if the licensee contravenes the code of practice, clause 17 (1) (which is about preparing procedures to deal with exclusions).

Maximum penalty: 5 penalty units.

- (2) The commission may give written directions under the code of practice, clause 17—

(a) to the licensee of a gambling facility about the kind of procedures for the facility for dealing with people to be excluded from gambling at the facility; and

(b) to the licensee, a staff member and anyone else involved in the exclusion of a person from the facility under these regulations, about the written procedures to ensure compliance with the procedures.

- (3) A person commits an offence if the person fails to comply with a direction of the commission given under the code of practice, clause 17.

Maximum penalty: 5 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

*Note* Reasonable excuse is available as a defence to a prosecution under this regulation, see reg 26.

## Schedule 1 Code of practice

### 4 Staff care and training

- (1) The licensee of a gambling facility must ensure that—
- (a) each staff member who is directly involved in providing gambling services to patrons and each person who supervises the staff members—

## Endnotes

5 Uncommenced provisions

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- (i) has successfully completed an approved training program; and
    - (ii) does not take part, or allow anyone else to take part on their behalf, in a gambling activity at the facility except as part of the member's duty; and
  - (b) each staff member is aware of his or her obligations under this code of practice.
- (2) However, ACTTAB Limited and someone mentioned in clause 1, definition of *licensee*, paragraph (f), need only ensure that the person in charge of each gambling facility—
- (a) has successfully completed an approved training program; and
  - (b) does not take part, or allow anyone else to take part on their behalf, in a gambling activity at the facility except as part of the person's duty; and
  - (c) is made aware of his or her obligations under this code of practice.
- (3) The person in charge mentioned in subclause (2) must take all reasonable steps to ensure that—
- (a) each staff member who is directly involved in providing gambling services to patrons and each person who supervises the staff members—
    - (i) has successfully completed an approved training program; and
    - (ii) does not take part, or allow anyone else to take part on their behalf, in a gambling activity at the facility except as part of the member's duty; and
  - (b) each staff member is made aware of his or her obligations under this code of practice.
- (4) Subclause (1) (a) (i), (2) (a) and (3) (a) (i) are subject to clause 5.

- (5) Subclause (1) (a) (ii), (2) (b) and (3) (a) (ii) apply to a person only if the person is on duty in the ordinary course of the person's employment at the gambling facility.

## **17 Exclusion procedures**

- (1) The licensee of a gambling facility must prepare written procedures dealing with how people are to be excluded from gambling at the facility.
- (2) A person must comply with any written direction in relation to procedures given to the person by the commission under this clause.
- (3) The licensee of a gambling facility must also tell patrons of the facility about—
- (a) the support services available to gamblers; and
  - (b) the use of a deed of exclusion, particularly—
    - (i) the availability and effect of a deed; and
    - (ii) the confidentiality of a deed; and
    - (iii) who may be given a copy of a deed; and
  - (c) the register of excluded people under clause 18.
- (4) The procedures must be written as clearly and simply as possible to promote understanding by people using them.
- (5) The licensee of a gambling facility must ensure that staff members whose functions include the exclusion of a person under this code of practice are competent to exercise the function.

## **25 Availability of information**

- (1) The licensee of a gambling facility must display in each gaming area of the facility signs to the effect that people under 18 years old, and intoxicated people, are not allowed to gamble.

## Endnotes

5 Uncommenced provisions

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- (2) Each sign must be prominently displayed and able to be readily read.
- (3) A licensee of a gambling facility must make available at the facility, in a conspicuous way, information that—
  - (a) tells people about each of the following:
    - (i) restrictions (if any) on cashing cheques;
    - (ii) gambling limits (if any) at the facility;
    - (iii) the chances of winning major prizes; and
  - (b) tells people where each of the following can be found at the gambling facility:
    - (i) a copy of the rules for each kind of gambling offered by the licensee;
    - (ii) information about programs for exclusion from gambling;
    - (iii) a gambling contact officer for the facility;
    - (iv) a copy of the *Gambling and Racing Control (Code of Practice) Regulations 2002* or this code of practice;
    - (v) information about counselling services available in the ACT for problem gamblers.
- (4) If asked for information about the availability of interpreter services to patrons at a gambling facility, the licensee for the facility must give the information.
- (5) This clause is subject to clause 27 (Directions about information, clocks and lighting).

## 26 Clocks and lighting

- (1) This clause applies to—
  - (a) a casino licensee; and



- (b) a gaming machine licensee.
- (2) The licensee of a gambling facility must prominently display the correct time in the facility.
- (3) The licensee of a gambling facility must ensure that lighting in the facility is adequate to allow clocks and signs required to be displayed under this code of practice to be clearly visible to people in the facility.
- (4) This clause is subject to clause 27.

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