



Australian Capital Territory

Gambling and Racing Control (Code of Practice) Regulation 2002

SL2002-28

made under the

Gambling and Racing Control Act 1999

Republication No 13

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(republication for expiry of transitional provisions (sch 1 pt 1.10))

About this republication

The republished law

This is a republication of the *Gambling and Racing Control (Code of Practice) Regulation 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 27 May 2021. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 27 May 2021.

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):

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

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

Editorial changes

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 does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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Part 1 Preliminary

1 Name of regulation

This regulation is the *Gambling and Racing Control (Code of Practice) Regulation 2002*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*exempt lottery*—see the [Lotteries Act 1964](#), dictionary.' means that the term '*exempt lottery*' is defined in that dictionary and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

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

5 Meaning of *licensee*

(1) In this regulation:

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) a licensee of a totalisator under the *Totalisator Act 2014*; 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, other than a trade promotion that involves gambling, 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) an exempt lottery.

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

Note 2 **Licensee** is defined in the same terms in the code of practice, s 1.1.

(2) In this section:

exempt lottery does not include housie, unless the housie is exempt under the *Lotteries Act 1964*, section 6 (1) (a) (ii).

Note Under the *Lotteries Act 1964*, a lottery is an ***exempt lottery*** if the total value of the prizes does not exceed an amount determined by the commission (see s 6 (1) (a) (ii)) or if the lottery is a private lottery (see s 6 (1) (a) (iii)).

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 someone mentioned in section 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*
- a totalisator licensee
- 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, section 1.3 (2) (which is about false or misleading information).

Maximum penalty: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 26.

9 Approved training programs

- (1) A person may apply to the commission for approval of a training program about the responsible provision of gambling services.

Note If a form is approved under the [Act](#), s 53D for this provision, the form must be used.

- (2) The commission may approve a training program (an ***approved training program***) if satisfied that the program content is relevant, sufficiently comprehensive, accurate and up-to-date.

Note The power to make an instrument includes the power to amend or repeal the instrument. The power to amend or repeal the instrument is exercisable in the same way, and subject to the same conditions, as the power to make the instrument (see [Legislation Act](#), s 46).

- (3) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (4) If the commission revokes an approval, the commission must give a reviewable decision notice setting out the reasons for the revocation to any person whose interests are affected by the decision.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (5) A person whose interests are affected by a decision of the commission to revoke approval of an approved training course may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for this provision, the form must be used.

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: 10 penalty units.

- (2) A licensee commits an offence if the licensee contravenes the code of practice, section 1.6A (4) (Recording problem gambling incidents).

Maximum penalty: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 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, section 1.9 (1) (Gambling contact officers).

Maximum penalty: 10 penalty units.

- (2) 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: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 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, section 1.11 (2) or (3) (which is about problem gamblers).

Maximum penalty: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 26.

Division 2.4 Exclusion from gambling

13 Application of div 2.4

- (1) This division does not apply to someone mentioned in section 5, definition of *licensee*, paragraph (f).
- (2) Also, this division, other than section 15 (1) (Exclusion of people at risk or excluded under deed), section 21 (Accounts of certain excluded people), and section 22 (Promotional material not to be sent to certain excluded people), does not apply to a licensed provider under the *Interactive Gambling Act 1998*.

Note The *Interactive Gambling Act 1998* contains provisions about excluded or disqualified people.

14 Deeds of exclusion

- (1) A licensee commits an offence if the licensee contravenes the code of practice, section 1.13 (Deeds of exclusion).

Maximum penalty: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 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, section 1.14.

Maximum penalty: 10 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 section is an offence of strict liability.

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 26.

16 Commission's review of exclusion decision

- (1) A person aggrieved by a licensee's decision under the code of practice, section 1.14 (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, section 1.15 (Matters to which licensee to have regard when deciding whether to exclude).
- (4) The notice under subsection (3) must be in the form of a reviewable decision notice.

Note 1 The commission must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

17 Review by ACAT of commission's decision under s 16

A person whose interests are affected by a decision by the commission to confirm, revoke or amend the licensee's decision may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

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: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 26.

19 Exclusion procedures

- (1) The licensee of a gambling facility commits an offence if the licensee contravenes the code of practice, section 1.17 (1) (which is about preparing procedures to deal with exclusions).

Maximum penalty: 10 penalty units.

- (2) The commission may give written directions under the code of practice, section 1.17—
 - (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 this regulation, 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, section 1.17.

Maximum penalty: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 26.

20 Exclusion register

- (1) The commission must establish a register (an ***exclusion register***) of people who are excluded from gambling at a gambling facility under the code of practice, division 1.2.3 (Exclusion from gambling generally).

Note A licensee must exclude a person from gambling at a gambling facility if a deed or notice of exclusion applies to the person (see sch 1, s 1.13 and s 1.14).

- (2) The exclusion register may be kept electronically.
- (3) The exclusion register must include the following for each person excluded from gambling at a gambling facility:

- (a) sufficient particulars to identify the person;

Examples

- 1 the person's name and address
- 2 an image of the person's face or a description of the person

- (b) each gambling facility from which the person is excluded;
- (c) the period of the exclusion from each gambling facility from which the person is excluded;

- (d) for any deed or notice of exclusion applying to the person—
 - (i) a copy of the deed or notice; and
 - (ii) if a deed or notice of exclusion applied to the person in the 7 years before the day the current deed or notice of exclusion was entered into or given—a copy of the previous deed or notice.
- (4) The commission or an approved person may—
 - (a) access the exclusion register; and
 - (b) add a person’s name to the exclusion register; and
 - (c) amend particulars of a person registered in the exclusion register.
- (5) The commission may also—
 - (a) correct the exclusion register; and
 - (b) delete a person’s name from the exclusion register.
- (6) In this section:
 - approved person* means—
 - (a) a licensee of a gambling facility; or
 - (b) someone else approved by the commission.

20A Exclusion register—offences

- (1) A licensee of a gambling facility commits an offence if—
 - (a) the licensee fails to comply with the code of practice, section 1.13 (6) (Deeds of exclusion) or section 1.14 (2) (b) or (c) (Exclusion of people at risk or excluded under deed); or

- (b) the licensee fails to look at the exclusion register within 3 consecutive trading days after the receipt of a written notification from the commission or an approved person of—
 - (i) the inclusion of the matters mentioned in section 20 (3) on the exclusion register; or
 - (ii) a change to the exclusion register made under section 20 (4) (b) or (c) or section 20 (5).

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if—
 - (a) the person—
 - (i) accesses the exclusion register; or
 - (ii) adds to, or deletes from, the exclusion register a person's name; or
 - (iii) amends a person's particulars on the exclusion register; and
 - (b) the person is not authorised under section 20 (4) or (5) to do so.

Maximum penalty: 10 penalty units.

- (3) Strict liability applies to subsection (2) (b).
- (4) In this section:

approved person—see section 20 (6) (Exclusion register).

21 Accounts of certain excluded people

- (1) A licensee commits an offence if the licensee contravenes the code of practice, section 1.19 (which is about not allowing others to use excluded people's accounts).

Maximum penalty: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 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, section 1.20.

Maximum penalty: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 26.

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, section 1.23.

Maximum penalty: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 26.

24 Directions about information, clocks and lighting

- (1) The licensee commits an offence if the licensee contravenes the code of practice, section 1.27 (2) (which is about compliance with the commission's directions).

Maximum penalty: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 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, section 1.31 (2) (which is about compliance with the commission's directions).

Maximum penalty: 10 penalty units.

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

Note Reasonable excuse is available as a defence to a prosecution under this section, see s 26.

Part 3 Miscellaneous

26 Reasonable excuse available as defence

The defence of reasonable excuse is available for each offence against this regulation that is an offence of strict liability.

Schedule 1 Code of practice

(see s 6)

Part 1.1 Key concepts

1.1 Meaning of *licensee*

(1) In this code of practice:

licensee 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 *Casino Control Act 2006*, 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) a licensee of a totalisator under the *Totalisator Act 2014*; 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, other than a trade promotion that involves gambling, 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) an exempt lottery.
- (2) In this section:
exempt lottery—see section 5 (2).

1.2 Meaning of *gambling problem*

- (1) For this code of practice, 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.
- (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

1.3 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.

1.4 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 within the previous 3 years; 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, a licensee of a totalisator under the *Totalisator Act 2014* and someone mentioned in section 1.1, 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 within the previous 3 years; 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 subsection (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 within the previous 3 years; 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; and
- (c) if the person will be absent from the facility for longer than 1 week—the licensee is told who will be in charge of the facility during the person's absence.

- (4) For subsection (1) (a) (ii), (2) (b) and (3) (a) (ii), *staff member*, of a gambling facility, includes—
- (a) a person who is a full-time, part-time or casual staff member of the facility; and
 - (b) anyone who has worked in the facility in any other capacity within the previous 7 days.

Examples—par (b)

- 1 an approved technician
- 2 a person who provides housie services under contract to the patrons of the licensee

1.5 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 section 1.4 (1) (a) (i), (2) (a) or (3) (a) (i) during a stated time, or in stated circumstances.

Division 1.2.2 Problem gambling

1.6 Problem gambling incident register

- (1) The commission must establish a register (a *problem gambling incident register*) of problem gambling incidents.
- (2) The register may be kept electronically.

1.6A Recording problem gambling incidents

- (1) A licensee of a gambling facility must keep a record of the following incidents (a *problem gambling incident*):
 - (a) anyone who shows signs of having a gambling problem when—
 - (i) in the gambling facility; or
 - (ii) dealing with the licensee;

(b) any action taken by the licensee in relation to the person.

Examples—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 dependents
- 4 having a disagreement with a family member or friend about the person's gambling behaviour
- 5 making multiple ATM cash withdrawals in the gambling facility

Example—par (a) (ii)

contacting staff in the gambling facility by phone or email

(2) The record—

- (a) for a prescribed licensee—must be kept on the problem gambling incident register; or
- (b) for any other licensee—must be in writing.

Note A licensee commits an offence if the licensee fails to make a record available for inspection when asked by the commission (see s 10).

(3) The record must include the following particulars:

- (a) the date and nature of the problem gambling incident;
- (b) the name and address (if known), or description, of the person involved in the incident;

(c) if any action was taken by the licensee in relation to the person—the following details:

- (i) the action taken;
- (ii) the names of the individuals who took the action;
- (iii) any related action taken by someone else of which the licensee is aware.

Examples—subpar (iii)

- 1 police arrest and charge the person for an offence relating to the problem gambling incident
 - 2 the person has been excluded from gambling at another gambling facility
- (4) A licensee must, within 3 consecutive trading days after becoming aware of a problem gambling incident—
- (a) for a prescribed licensee—record the incident in the problem gambling incident register; or
 - (b) for any other licensee—make a written record of the incident.
- (5) In this section:

prescribed licensee means—

- (a) a gaming machine licensee; and
- (b) a casino licensee; and
- (c) a totalisator licensee.

problem gambling incident register—see section 1.6.

1.7 Gambling beyond means

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

1.8 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.

1.9 Gambling contact officers

- (1) 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.
- (2) A gambling contact officer for the facility may be the licensee or a person appointed by the licensee.
- (3) A person is eligible to be appointed as a gambling contact officer by the licensee only if the person has successfully completed an approved training program within the previous 3 years.

Note **Approved training program**—see the dictionary.

- (4) To remain eligible for appointment, a gambling contact officer must successfully complete an approved GCO training session in each year of the officer's appointment.
- (5) The commission may exempt a gambling contact officer, in writing, from complying with subsection (3) or (4).
- (6) An exemption may be conditional.

(7) In this section:

approved GCO training session means a training session approved by the commission for gambling contact officers about problem or responsible gambling.

Examples—training sessions

- conferences
- seminars
- online courses
- lectures

1.10 Gambling contact officers functions

- (1) A gambling contact officer for a gambling facility has the following functions (as well as the functions under section 1.11):
- (a) to give the people about whom a report under section 1.11 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 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 Act, s 31).

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

1.11 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 subsection (1); and
 - (b) details given to the officer under that subsection; and
 - (c) the name or a description of each person (other than someone mentioned in subsection (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 subsection (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 of exclusion to ensure the person’s exclusion from gambling at the facility.

Division 1.2.3 Exclusion from gambling generally

1.12 Application of div 1.2.3

- (1) This division does not apply to someone mentioned in section 1.1, definition of *licensee*, paragraph (f).
- (2) Also, this division, other than section 1.14 (1) (Exclusion of people at risk or excluded under deed), section 1.19 (Accounts of certain excluded people), and section 1.20 (Promotional material not to be given to certain excluded people), does not apply to a licensed provider under the *Interactive Gambling Act 1998*.

Note The *Interactive Gambling Act 1998* contains provisions about excluded or disqualified people.

1.13 Deeds of exclusion

- (1) A person claiming to have a gambling problem (the *gambler*) may sign a deed (a *deed of exclusion*) under which the person can be excluded from gambling at the gambling facility or facilities stated in the deed.

Note If a form is approved under the *Act*, s 53D for this provision, the form must be used.

- (2) The deed must state—
 - (a) the name of each gambling facility (the *nominated facility*) from which the gambler wishes to be excluded from gambling; and

- (b) the period for which the gambler is to be excluded from the nominated facility (the *exclusion period*); and
- (c) that in the exclusion period the licensee of the nominated facility may—
 - (i) remove the gambler from, or prevent the gambler from entering, the gaming area or gambling facility; or
 - (ii) otherwise exclude the gambler from participating in gambling activities at the facility.

Example—subpar (ii)

The XYZ Sports Club has a gaming area, bistro area and other facilities for use by its members. Kenny has entered into a deed of exclusion under which he agrees to be excluded from gambling at the gambling facility. The licensee of the gambling facility allows Kenny to enter the facility to use the bistro but does not allow Kenny to enter the gaming area.

- (3) For subsection (2) (b), the exclusion period must be at least 6 months, but not longer than 3 years.
- (4) If the gambler wants the deed to apply to the gambler, then the gambler must give the signed deed to 1 of the following (the *receiver*):
 - (a) the licensee of a facility stated in the deed;
 - (b) the commission;
 - (c) someone else approved by the commission.
- (5) If the receiver is given a signed deed under subsection (4), the receiver must—
 - (a) immediately sign the deed; or
 - (b) if the deed is incomplete—
 - (i) ask the gambler, not more than 1 day after receiving the signed deed, to do whatever is necessary to complete the deed; and

- (ii) sign the deed immediately after the gambler completes the deed.
- (6) The receiver must, not more than 3 consecutive trading days after receiving the completed signed deed—
- (a) give a copy of the signed deed to the gambler; and
 - (b) include the matters mentioned in section 20 (3) (Exclusion register) on the exclusion register; and
 - (c) tell each of the following that the matters mentioned in section 20 (3) have been included on the exclusion register:
 - (i) the licensee of each facility mentioned in the deed;
 - (ii) if the receiver is not the commission—the commission.

1.13A Deeds of exclusion—revocation

- (1) This section applies if a person has signed a deed of exclusion under section 1.13.
- (2) The person may revoke the person’s deed of exclusion before the end of the exclusion period.

Note If a form is approved under the [Act](#), s 53D for this provision, the form must be used.

- (3) The exclusion period ends on the first business day 7 days after the day the commission receives written notice from the person of the revocation, unless the person withdraws the revocation before that day.
- (4) In this section:
exclusion period—see section 1.13 (2) (b).

1.14 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.
- (2) If a person is excluded under subsection (1) (a) the licensee must—
 - (a) give the person a notice (a *notice of exclusion*) stating—
 - (i) sufficient particulars to identify the person; and
 - (ii) each gambling facility from which the person is excluded from gambling; and
 - (iii) the period of the exclusion from each gambling facility from which the person is excluded from gambling; and
 - (iv) the reasons for the exclusion; and

Note If a form is approved under the [Act](#), s 53D for this provision, the form must be used.
 - (b) include the matters mentioned in section 20 (3) (Exclusion register) on the exclusion register; and
 - (c) tell each of the following that the matters mentioned in section 20 (3) have been included on the exclusion register:
 - (i) the licensee of each facility mentioned in the deed;
 - (ii) the commission.

1.15 Matters to which licensee to have regard when deciding whether to exclude

- (1) A decision by a licensee to exclude a person under section 1.14 (1) (a) 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.

1.16 Commission's review of exclusion decisions

A person aggrieved by a licensee's decision under section 1.14 (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 ACAT for review of a decision by the commission under this regulation to confirm, revoke or amend the licensee's decision.

1.17 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 section.
- (3) The procedures must be written as clearly and simply as possible to promote understanding by people using them.
- (4) 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.

1.18 Licensee must keep deeds and notices of exclusion

- (1) A licensee of a gambling facility must keep—
 - (a) the original of each deed of exclusion received by the licensee for 7 years from the day the deed is received; and
 - (b) a copy of each notice of exclusion given by the licensee for 7 years from the day the notice is given.
- (2) The licensee must, if requested by the commission—
 - (a) allow the commission to inspect the deeds and notices; or
 - (b) give the commission a copy of a deed or notice.

1.19 Accounts of excluded people

If a person who holds an account with a licensee is excluded by the licensee under this division, the licensee must not allow someone else to use the person's account.

1.20 Promotional material not to be given to certain excluded people

- (1) The licensee of a gambling facility must not give any information or promotional material about gambling at the facility directly to a person excluded by the licensee under this division.

Examples

- 1 information or promotional material given by personally addressed mail or email
- 2 information or promotional material given personally to the person or left with someone to be given personally to the person

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- (2) For subsection (1), information or promotional material is not given directly to a person only because it is broadcast or made available to the public generally.

Examples

- 1 information or promotional material given by television or radio broadcasts
- 2 information or promotional material given by websites accessible to anyone
- 3 information or promotional material given by letterbox drops that are not personally addressed

Division 1.2.4 Betting accounts—totalisator and sports bookmaking licensees

1.20A Application—div 1.2.4

This division applies only to a totalisator licensee or a sports bookmaking licensee.

1.20B Definitions—div 1.2.4

In this division:

betting account means an account held by a person with a licensee into which funds are or can be deposited and used by the person to place a bet with the licensee.

deposit limit, for a person's betting account, means a limit to the amount that can be deposited into the account during a stated period or periods.

1.20C Information about deposit limits

- (1) A licensee must not open a betting account for a person unless—
 - (a) the licensee, in accordance with any guidelines made under section 1.20G, has—
 - (i) told the person they can set a deposit limit for the account; and
 - (ii) asked the person whether they want to set a deposit limit; and
 - (b) the person has set, or declined to set, a deposit limit for the account.
- (2) At least once every 12 months while a person has a betting account with a licensee, the licensee must, in accordance with any guidelines made under section 1.20G—
 - (a) if the account has no deposit limit—tell the person they can set a deposit limit and ask the person whether they want to set a deposit limit; and
 - (b) if the account has a deposit limit—ask the person whether they want to change the deposit limit.
- (3) Subsection (2) does not apply if the betting account has not been used to make or settle a bet within the previous 12 months.
- (4) A licensee must publish information promoting deposit limits—
 - (a) on the licensee’s website and on each communication channel a person can use to place a bet with the licensee; and
 - (b) in accordance with any guidelines made under section 1.20G.

1.20D No deposits over deposit limit

A licensee must not allow a person to deposit money into a betting account held with the licensee if depositing the amount would result in the deposit limit for the account being exceeded.

Examples

- 1 Ali has a betting account with XYZ licensee and has set a deposit limit of \$100 per week. Ali deposits \$100 into the account. Less than a week later, Ali attempts to deposit \$10 into the account. XYZ licensee must reject the transaction as it would exceed Ali's deposit limit of \$100 per week.
- 2 Pat has a betting account with XYZ licensee and has set a deposit limit of \$200 per fortnight. Pat deposits \$100 into the account. Less than a fortnight later, Pat attempts to deposit \$150 into the account. XYZ licensee must reject the transaction as it would exceed Pat's deposit limit of \$200 per fortnight.

1.20E Setting and changing deposit limits

- (1) A licensee must ensure that the process for a person to set and change a deposit limit for their betting account held with the licensee—
 - (a) is simple and easy for the person to use; and
 - (b) allows the person to choose the period or periods to which the limit applies, including a period or periods of 1, 7, 14 or 28 days; and
 - (c) complies with any guidelines made under section 1.20G.
- (2) A licensee must set or lower the deposit limit for a person's betting account with the licensee immediately when the licensee receives a request from the person to do so.
- (3) A licensee must not increase the deposit limit for a person's betting account with the licensee until at least 7 days after the licensee receives a request to do so.

1.20F Closing betting accounts

- (1) A licensee must, in accordance with any guidelines made under section 1.20G, ensure that the process for a person to close their betting account held with the licensee is—
 - (a) simple and easy for the person to use; and

- (b) prominently and clearly communicated on the licensee’s website and through any communication channel the person can use to place a bet with the licensee.
- (2) A licensee must ensure that a person can ask to close their betting account—
 - (a) by email; and
 - (b) by telephone; and
 - (c) by any other communication channel that the person can use to place a bet with the licensee.
- (3) After a licensee has received a request from a person to close their betting account, the licensee—
 - (a) must not accept a bet using the account; and
 - (b) must close the account as soon as practicable after all bets made using the account have been settled.
- (4) If a licensee receives a request from a person to close their betting account, the licensee—
 - (a) must not encourage or induce the person to cancel the request; but
 - (b) may explain to the person the effects of closing the account and ask the person whether they want to proceed with closing it.

Note A licensee must not send direct marketing to a person after the person has asked to close their betting account (see s 1.30C (3) (b)).

1.20G Guidelines about betting accounts

- (1) The Minister may make guidelines about—
 - (a) the information a licensee must provide in relation to setting, changing and promoting deposit limits and closing betting accounts; and

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- (b) the process for setting and changing deposit limits and closing betting accounts.
- (2) A guideline made under subsection (1) (a) may include requirements for the following:
 - (a) the content or form of information to be provided by a licensee;
 - (b) when information must be communicated by a licensee and to whom;
 - (c) where or how information must be communicated by a licensee.
- (3) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

1.20H Directions about betting accounts

- (1) The commission may give a written direction to a licensee to ensure compliance with this division.
- (2) If the commission gives a direction to a licensee, the licensee must comply with the direction.

Part 1.3 Financial controls and gambling environment

1.21 Cash facilities

- (1) This section applies to a casino licensee.
- (2) The licensee of a gambling facility to whom this section applies must ensure that a cash facility is not located in a gaming area of the facility.
- (3) In this section:
cash facility means—
 - (a) an automatic teller machine; or
 - (b) an EFTPOS facility.

1.22 Cash payment limits for casino licensees

- (1) A casino licensee must not pay to a gambling patron winnings in cash of more than \$25 000 in any gaming day.

Example

A gambling patron in a casino wins \$30 000, and at 10 pm on Wednesday the casino pays the person \$25 000 in cash and the balance of \$5 000 by cheque or electronic funds transfer. The casino must not make any further cash payments to the person until the casino re-opens to the general public at 12 noon on Thursday.

- (2) To remove any doubt, subsection (1) does not prevent the payment of winnings, in excess of \$25 000, in any other way.

(3) Subsection (1) does not apply to the payment of winnings to a person participating in a commission-based player scheme.

(4) In this section:

commission-based player scheme—see the *Casino Control Act 2006*, dictionary.

gaming day means—

- (a) the period from when the casino opens to the public on a day until it next closes; but
- (b) if the casino is open to the public for longer than 24 hours continuously—
 - (i) each 24-hour period for which it is open to the public; and
 - (ii) if the last period before it closes is less than 24 hours—that period.

1.23 Other cash payment limits

(1) A licensee must not, for a particular event or contingency on which a gambling patron has staked or risked money, pay the patron winnings in cash that are more than the amount worked out under table 1.23.

Table 1.23

column 1 item	column 2 type of licensee	column 3 maximum cash payable
1	bookmaker	\$25 000
2	totalisator	\$25 000
3	lotteries	\$5 000
4	keno	\$5 000
5	trackside	\$5 000

column 1 item	column 2 type of licensee	column 3 maximum cash payable
6	gaming machine	\$1 500
7	housie	\$1 250

Example

A gambling patron wins \$30 000 on a totalisator on race 3 Flemington Racecourse. The person must not be paid more than \$25 000 in cash and must be paid any balance by cheque or electronic funds transfer. However, the person can be paid winnings in cash of not more than \$25 000 if the person wins on a subsequent race.

- (2) To remove any doubt, subsection (1) does not prevent the payment of winnings, in excess of the maximum amount payable in cash, in any other way.
- (3) A gaming machine licensee must pay a gambling patron winnings from a gaming machine by cheque or electronic funds transfer if—
 - (a) the winnings are more than \$300; and
 - (b) the patron has requested the winnings be paid by cheque or electronic funds transfer.

1.23AA No winnings for excluded or underage patrons

- (1) A licensee of a gambling facility must not knowingly pay winnings to a person who—
 - (a) has been excluded from gambling under section 1.14 (Exclusion of people at risk or excluded under deed); or
 - (b) is under 18 years old.
- (2) The licensee must keep any winnings of a person mentioned in subsection (1) and distribute them to other patrons of the facility in a way approved in writing by the commission.

1.23A Non-cash payment of winnings

- (1) Winnings to be paid otherwise than in cash must be paid by the licensee as soon as practicable but within 3 days after the day of the winning event or contingency.
- (2) This section does not apply to a licensee mentioned in section 1.1, definition of *licensee*, paragraph (f).

1.24 Cheques

- (1) This section applies to a gaming machine licensee.
- (2) The licensee of a gambling facility to whom this section 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 section 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.

1.25 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;
 - (iv) the support services available to gamblers;
 - (v) the use of a deed of exclusion by a person who has a gambling problem, particularly—
 - (A) the availability and effect of a deed; and
 - (B) the confidentiality of a deed; and
 - (C) who may be given a copy of a deed;
 - (vi) the use of a notice of exclusion by the licensee in relation to a person who has a gambling problem;
 - (vii) the exclusion register; 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) Regulation 2002* or this code of practice;
 - (v) information about counselling services available in the ACT for problem gamblers; and

- (c) for a gaming machine licensee—tells people that winnings from a gaming machine must be paid by cheque or electronic funds transfer if—
 - (i) the winnings are more than \$300; and
 - (ii) the patron has requested the winnings be paid by cheque or electronic funds transfer.
- (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 section is subject to section 1.27 (Directions about information, clocks and lighting).

1.26 Clocks and lighting

- (1) This section 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 section is subject to section 1.27.

1.27 Directions about information, clocks and lighting

- (1) The commission may give written directions to the licensee of a gambling facility to ensure compliance with section 1.25 (Availability of information) or section 1.26.
- (2) If the commission gives a direction to the licensee, the licensee must comply with the direction.

1.27A Alcohol service prohibited while gambling

A gaming machine licensee must not serve alcohol to a patron of the facility while the patron is—

- (a) playing a gaming machine; or
- (b) sitting at or standing by a gaming machine.

1.27B Operating times of gaming machines

A gaming machine licensee must not operate a gaming machine between 4 am and 9 am.

Part 1.4 Advertising, promotions and inducements

1.28 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 25 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) shows or promotes the consumption of alcohol while gambling.
- (2) This section is subject to section 1.31 (Directions about advertising, promotions and inducements).

1.29 Advertising requirements

- (1) This section does not apply to someone mentioned in section 1.1, 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 section is subject to section 1.31 (Directions about advertising, promotions and inducements).

1.30 Promotions and inducements

- (1) The licensee of a gambling facility must not—
- (a) conduct a promotion that requires or encourages people to gamble at the facility for a minimum period of time to qualify for rewards;
 - (b) conduct a promotion that requires or encourages people to gamble a minimum amount to qualify for rewards; or
 - (c) conduct a promotion for or including gambling at the facility that includes 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 2006*; 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 section 1.1, definition of *licensee*, paragraph (f); or
 - (d) a promotion that requires or encourages the single lowest available bet on a gambling activity unless the bet is combined with, or required to be made in addition to, any other bet.

Examples—par (d)

- 1 The requirement to have a single unit on a boxed trifecta could be used as an entry to a promotion as this is the lowest available bet on this wager.
- 2 The requirement to have 3 betting tickets for a win cannot be used as an entry requirement into a promotion as this requires the combination of bets.
- 3 The requirement to have a win bet ticket, regardless of the amount of the bet, can be used as an entry into a promotion as it does not require a particular size of bet above the minimum.

- (3) A gaming machine licensee must not—
- (a) conduct a promotion or offer an inducement that encourages people to increase their intensity of betting at the facility; or
Examples—increased intensity of betting
 - 1 increasing the amount of money spent on betting at the facility in a particular period of time
 - 2 increasing the amount of each individual bet made at the facility
 - (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 all of the time as part of the facility’s usual or regular prize schedule.
- (4) 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.
- (5) The licensee of a gambling facility must make the rules and conditions of the promotion available for inspection at the facility.
- (6) A totalisator licensee or sports bookmaking licensee must not offer an inducement to a person—
- (a) to open a betting account with the licensee; or
 - (b) to refer another person to open a betting account with the licensee.

Examples—inducements

- 1 free or discounted gambling credits
- 2 vouchers or other rewards

- (7) A totalisator licensee or sports bookmaking licensee must not give or offer a person a complimentary or discounted betting credit or token (a **bonus bet**) unless any winnings from the bonus bet—
- (a) can be withdrawn by the person; and
 - (b) are not subject to a requirement that they be used to place further bets.
- (8) If a person wishes to redeem points under a player reward scheme conducted by—
- (a) a gaming machine licensee or a casino licensee at a gambling facility and the licensee offers gambling credits, the licensee must offer the person rewards or benefits other than gambling credits for the points; or
 - (b) a gaming machine licensee at a gambling facility, the licensee must not offer a reward or benefit to the person if the value of the reward or benefit is more than \$1000.
- (9) For subsection (8) (b), if a reward or benefit is made up of 2 or more parts, the value of the reward or benefit is the total value of all the parts.
- (10) In this section:
- betting account**—see section 1.20B.
- player reward scheme**, at a gambling facility includes a player loyalty scheme, and means a scheme in which a patron of the facility—
- (a) earns points by participating in an activity at the facility; and
 - (b) may redeem the points for a reward or benefit.
- winnings**, from a bonus bet by a person, means the amount to be paid or credited to the person if the bet is successful.
- (11) This section is subject to section 1.31.

1.30A Gaming machine promotions—alternative ways to participate

- (1) This section applies to a promotion conducted at a gambling facility that a patron of the facility may take part in by playing a gaming machine.
- (2) The licensee of the gambling facility must ensure that there is at least 1 other way a patron of the facility may take part in the promotion.

Examples

- 1 entry to the facility
- 2 buying food or drink at the facility

1.30B Personally addressed promotional material—gaming machine and casino licensees

- (1) This section applies only to a gaming machine licensee or casino licensee.
- (2) A patron of a gambling facility may, in writing, ask the licensee of the facility to not send the patron promotional material.
- (3) The patron may, in writing, revoke the patron's request under subsection (2) at any time.
- (4) If a patron makes a request under subsection (2), and does not revoke the request under subsection (3), the licensee must not send any promotional material to the patron that is personally-addressed to the patron.

1.30C Direct marketing—totalisator and sports bookmaking licensees

- (1) This section applies only to a totalisator licensee or sports bookmaking licensee.

- (2) The licensee must ensure that the licensee's direct marketing is not sent to a person unless—
 - (a) the person has expressly consented to receive the direct marketing; and
 - (b) the direct marketing complies with any guidelines made under section 1.30D.
- (3) The licensee must ensure that the licensee's direct marketing is not sent to a person after 5 business days from the date a request is received from the person to—
 - (a) stop getting the direct marketing; or
 - (b) close their betting account.
- (4) In this section:

direct marketing includes any advertising, promotion or offer from a licensee, or from a person on the licensee's behalf, that is made directly to a person by telephone, SMS, email, internet application, post or other direct means.

1.30D Guidelines for direct marketing by totalisator and sports bookmaking licensees

- (1) The Minister may make guidelines about direct marketing by a totalisator licensee or sports bookmaking licensee.
- (2) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).
- (3) In this section:

direct marketing—see section 1.30C.

1.31 Directions about advertising, promotions and inducements

- (1) The commission may give a written direction to a licensee to ensure compliance with this part.
- (2) If the commission gives a direction to the licensee, the licensee must comply with the direction.

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- ACAT
- amend
- contravene
- reviewable decision notice.

Note 3 Terms used in this regulation have the same meaning that they have in the [Gambling and Racing Control Act 1999](#) (see [Legislation Act](#), s 148.) For example, the following terms are defined in the [Gambling and Racing Control Act 1999](#), s 3:

- casino
- commission
- gaming law.

approved means approved by the commission.

approved training program means a training program approved under section 9 (Approved training programs).

casino licensee—see the [Casino Control Act 2006](#), dictionary.

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

deed of exclusion—see section 1.13 (Deeds of exclusion).

exclusion register—see section 20 (Exclusion register).

exempt lottery—see the [Lotteries Act 1964](#), dictionary.

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 section 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, section 1.2.

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 2004](#).

licensee—see section 5.

notice of exclusion—see section 1.14 (2) (a) (Exclusion of people at risk or excluded under deed).

sports bookmaking licensee means the holder of a sports bookmaking licence under the [Race and Sports Bookmaking Act 2001](#)

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

totalisator licensee means a licensee under the [Totalisator Act 2014](#).

trading day, for a licensee of a gambling facility, means a day when the licensee is open for business.

winnings, from a gaming machine, includes all accumulated credits on the machine (whether the credits were added by machine play or by a person adding credits to the machine).

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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This regulation was originally the *Gambling and Racing Control (Code of Practice) Regulations 2002 (No 1)*. It was renamed under the *Legislation Act 2001*.

Gambling and Racing Control (Code of Practice) Regulation 2002 SL2002-28

notified LR 16 October 2002
s 1, s 2 commenced 16 October 2002 (LA s 75 (1))
s 9, s 11 (3), s 19, sch 1 s 1.4, sch 1 s 1.17, sch 1 s 1.25, sch 1 s 1.26
commenced 1 May 2003 (s 2 (1))
remainder commenced 1 December 2002 (s 2 (2))

as amended by

Gambling and Racing Control (Code of Practice) Amendment Regulations 2004 (No 1) SL2004-31

notified LR 2 August 2004
s 1, s 2 commenced 2 August 2004 (LA s 75 (1))
remainder commenced 1 October 2004 (s 2 and [CN2004-15](#))

Casino Control Act 2006 A2006-2 sch 1 pt 1.2

notified LR 22 February 2006
s 1, s 2 commenced 22 February 2006 (LA s 75 (1))
sch 1 pt 1.2 commenced 1 May 2006 (s 2 and [CN2006-6](#))

Statute Law Amendment Act 2007 (No 2) A2007-16 sch 3 pt 3.17

notified LR 20 June 2007
s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))
sch 3 pt 3.17 commenced 11 July 2007 (s 2 (1))

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.46

notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.46 commenced 2 February 2009 (s 2 (1) and see [ACT Civil
and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

Totalisator Act 2014 A2014-4 sch 2 pt 2.2

notified LR 26 March 2014
s 1, s 2 commenced 26 March 2014 (LA s 75 (1))
sch 2 pt 2.2 commenced 27 March 2014 (s 2)

Gambling and Racing Control (Code of Practice) Amendment Regulation 2014 (No 1) SL2014-17

notified LR 28 July 2014

s 1, s 2 commenced 28 July 2014 (LA s 75 (1))

remainder commenced 1 August 2014 (s 2 and [CN2014-11](#))

Gaming Legislation Amendment Regulation 2015 (No 1) SL2015-27 pt 2

notified LR 24 August 2015

s 1, s 2 commenced 24 August 2015 (LA s 75 (1))

pt 2 commenced 31 August 2015 (s 2 and see [Gaming Machine \(Reform\) Amendment Act 2015 A2015-21](#), s 2 and [CN2015-18](#))

Lotteries (Approvals) Amendment Act 2015 A2015-41 sch 1

notified LR 4 November 2015

s 1, s 2 commenced 4 November 2015 (LA s 75 (1))

sch 1 commenced 5 November 2015 (s 2)

Gambling and Racing Control (Code of Practice) Amendment Regulation 2019 (No 1) SL2019-10

notified LR 24 May 2019

s 1, s 2 commenced 24 May 2019 (LA s 75 (1))

remainder commenced 26 May 2019 (s 2)

Endnotes

4 Amendment history

4 Amendment history

Name of regulation

s 1 am R1 LA; R4 LA

Commencement

s 2 om LA s 89 (4)

Dictionary

s 3 am [SL2004-31](#) s 4; [A2007-16](#) amdt 3.66

Meaning of *licensee*

s 5 am [SL2004-31](#) ss 5-7; [A2014-4](#) amdt 2.3; [A2015-41](#) amdt 1.1, amdt 1.2

Offences under pt 2

s 7 am [A2014-4](#) amdt 2.4; pars renum R8 LA; [SL2014-17](#) s 4, s 5

Licensees obligations generally

s 8 am [SL2004-31](#) s 8; ss renum R3 LA (see [SL2004-31](#) s 8); [SL2014-17](#) s 39

Approved training programs

s 9 sub [SL2014-17](#) s 6

Recording problem gambling incidents

s 10 am [SL2014-17](#) s 7, s 39; ss renum R9 LA

Gambling facility to have gambling contact officer

s 11 am [SL2004-31](#) s 10, s 11; ss renum R3 LA (see [SL2004-31](#) s 12); [SL2014-17](#) s 39

Dealing with people with gambling problem

s 12 am [SL2014-17](#) s 39

Application of div 2.4

s 13 am [A2006-2](#) amdt 1.5

Deeds of exclusion

s 14 am [SL2004-31](#) s 13

Exclusion of people at risk or excluded under deed

s 15 am [SL2014-17](#) s 39

Commission's review of exclusion decision

s 16 am [A2008-37](#) amdt 1.207

Review by ACAT of commission's decision under s 16

s 17 sub [A2008-37](#) amdt 1.208

Compliance with decision to revoke or amend

s 18 am [SL2014-17](#) s 39

Exclusion procedures

s 19 am [SL2014-17](#) s 39

Exclusion register

s 20 sub [SL2014-17](#) s 8

Exclusion register—offences

s 20A ins [SL2014-17](#) s 8

Directions about information, clocks and lighting

s 24 am [SL2014-17](#) s 39

Directions about advertising, promotions and inducements

s 25 am [SL2014-17](#) s 39

Code of practice

sch 1 ss renum R4 LA

Meaning of *licensee*

sch 1 s 1.1 am [SL2004-31](#) ss 14-16; [A2006-2](#) amdt 1.6; [A2014-4](#) amdt 2.5; [A2015-41](#) amdt 1.3, amdt 1.4

Meaning of *gambling problem*

sch 1 s 1.2 am [SL2014-17](#) s 9

Staff care and training

sch 1 s 1.4 am [SL2004-31](#) ss 17-21; [A2014-4](#) amdt 2.6; [SL2014-17](#) s 10

Problem gambling incident register

sch 1 s 1.6 sub [SL2014-17](#) s 11

Recording problem gambling incidents

sch 1 s 1.6A ins [SL2014-17](#) s 11

Gambling contact officers

sch 1 s 1.9 sub [SL2004-31](#) s 22
am [SL2014-17](#) s 12

Gambling contact officers functions

sch 1 s 1.10 am [SL2014-17](#) s 13; pars renum R9 LA

Dealing with people with gambling problem

sch 1 s 1.11 am [SL2014-17](#) s 14

Application of div 1.2.3

sch 1 s 1.12 am [A2006-2](#) amdt 1.7

Deeds of exclusion

sch 1 s 1.13 sub [SL2004-31](#) s 23; [SL2014-17](#) s 15

Deeds of exclusion—revocation

sch 1 s 1.13A ins [SL2014-17](#) s 15

Endnotes

4 Amendment history

Exclusion of people at risk or excluded under deed

sch 1 s 1.14 am [SL2014-17](#) s 16, s 17

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

sch 1 s 1.15 am [SL2004-31](#) s 24

Commission's review of exclusion decisions

sch 1 s 1.16 am [A2008-37](#) amdt 1.209

Exclusion procedures

sch 1 s 1.17 am [SL2014-17](#) s 18; ss renum R9 LA

Licensee must keep deeds and notices of exclusion

sch 1 s 1.18 sub [SL2014-17](#) s 19

Accounts of excluded people

sch 1 s 1.19 sub [A2006-2](#) amdt 1.8

Promotional material not to be given to certain excluded people

sch 1 s 1.20 sub [SL2004-31](#) s 25
am [A2006-2](#) amdt 1.9

Betting accounts—totalisator and sports bookmaking licensees

sch 1 div 1.2.4 hdg ins [SL2019-10](#) s 4

Application—div 1.2.4

sch 1 s 1.20A ins [SL2019-10](#) s 4

Definitions—div 1.2.4

sch 1 s 1.20B ins [SL2019-10](#) s 4
def **betting account** ins [SL2019-10](#) s 4
def **deposit limit** ins [SL2019-10](#) s 4

Information about deposit limits

sch 1 s 1.20C ins [SL2019-10](#) s 4

No deposits over deposit limit

sch 1 s 1.20D ins [SL2019-10](#) s 4

Setting and changing deposit limits

sch 1 s 1.20E ins [SL2019-10](#) s 4

Closing betting accounts

sch 1 s 1.20F ins [SL2019-10](#) s 4

Guidelines about betting accounts

sch 1 s 1.20G ins [SL2019-10](#) s 4

Directions about betting accounts

sch 1 s 1.20H ins [SL2019-10](#) s 4

Cash payment limits for casino licensees

sch 1 s 1.22 sub [SL2004-31](#) s 26
am [A2006-2](#) amdt 1.10; [SL2014-17](#) ss 20-22

Other cash payment limits

sch 1 s 1.23 sub [SL2004-31](#) s 27
am [A2014-4](#) amdt 2.7; [SL2014-17](#) ss 23-25; ss renum R9 LA

No winnings for excluded or underage patrons

sch 1 s 1.23AA ins [SL2014-17](#) s 26

Non-cash payment of winnings

sch 1 s 1.23A ins [SL2004-31](#) s 28

Availability of information

sch 1 s 1.25 am [SL2014-17](#) s 27, s 28

Alcohol service prohibited while gambling

sch 1 s 1.27A ins [SL2014-17](#) s 29

Operating times of gaming machines

sch 1 s 1.27B ins [SL2015-27](#) s 4

Advertising

sch 1 s 1.28 am [SL2004-31](#) s 29, s 30

Promotions and inducements

sch 1 s 1.30 am [SL2004-31](#) ss 31-34; [A2006-2](#) amdt 1.11; [SL2014-17](#)
ss 30-33; pars and ss renum R9 LA, [SL2019-10](#) s 5, s 6;
ss renum R12 LA

Gaming machine promotions—alternative ways to participate

sch 1 s 1.30A ins [SL2014-17](#) s 34

Personally addressed promotional material—gaming machine and casino licensees

sch 1 s 1.30B hdg sub [SL2019-10](#) s 7
sch 1 s 1.30B ins [SL2014-17](#) s 34
am [SL2019-10](#) s 8

Direct marketing—totalisator and sports bookmaking licensees

sch 1 s 1.30C ins [SL2019-10](#) s 9

Guidelines for direct marketing by totalisator and sports bookmaking licensees

sch 1 s 1.30D ins [SL2019-10](#) s 9

Directions about advertising, promotions and inducements

sch 1 s 1.31 am [SL2014-17](#) s 35, [SL2019-10](#) s 10

Endnotes

4 Amendment history

Transitional—Gambling and Racing Control (Code of Practice) Amendment Regulation 2019 (No 1)

sch 1 pt 1.10 hdg ins [SL2019-10](#) s 11
exp 26 May 2021 (s 1.101)

Existing account holders—deposit limits

sch 1 s 1.100 ins [SL2019-10](#) s 11
exp 26 May 2021 (s 1.101)

Expiry—pt 1.10

sch 1 s 1.101 ins [SL2019-10](#) s 11
exp 26 May 2021 (s 1.101)

Dictionary

dict am [SL2004-31](#) s 35; [A2008-37](#) amdt 1.210; amdt 1.211
def **approved training program** am [SL2014-17](#) s 36
def **casino licensee** sub [A2006-2](#) amdt 1.12
def **deed** om [SL2014-17](#) s 37
def **deed of exclusion** ins [SL2014-17](#) s 38
def **exclusion register** ins [SL2014-17](#) s 38
def **exempt lottery** ins [SL2004-31](#) s 36
sub [A2007-16](#) amdt 3.67
def **notice of exclusion** ins [SL2014-17](#) s 38
def **private lottery** om [SL2004-31](#) s 37
def **sports bookmaking licensee** ins [SL2014-17](#) s 38
def **totalisator licensee** ins [SL2014-17](#) s 38
def **trading day** ins [SL2014-17](#) s 38
def **winnings** ins [SL2014-17](#) s 38

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	1 December 2002
2	not amended	1 May 2003
3	SL2004-31	1 October 2004
4	SL2004-31	4 November 2004
5	A2006-2	1 May 2006
6	A2007-16	11 July 2007
7	A2008-37	2 February 2009
8	A2014-4	27 March 2014
9	SL2014-17	1 August 2014
10	SL2015-27	31 August 2015
11	A2015-41	5 November 2015
12	SL2019-10	26 May 2019

Endnotes

6 Expired transitional or validating provisions

6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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