



Australian Capital Territory

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

Subordinate Law SL2004-31

The Australian Capital Territory Executive makes the following regulations under the *Gambling and Racing Control Act 1999*.

Dated 2 August 2004.

TED QUINLAN
Minister

BILL WOOD
Minister

2004-059S

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



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1 Name of regulations

These regulations are the *Gambling and Racing Control (Code of Practice) Amendment Regulations 2004 (No 1)*.

2 Commencement

These regulations commence on a day fixed by the Minister by written notice.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

3 Legislation amended

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

4 Regulation 3, note 1

substitute

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

For example, the signpost definition ‘*exempt lottery*—see the *Lotteries Act 1964*, section 6 (1).’ means that the term ‘exempt lottery’ is defined in that subsection and the definition applies to these regulations.

5 Regulation 5 (f) (ii)

substitute

- (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

6 Regulation 5 (f) (v)

substitute

- (v) an exempt lottery other than housie.

7 Regulation 5, note 1

substitute

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

8 Regulation 8 (2)

omit

9 Regulation 8

renumber subregulations when regulations next republished under Legislation Act

10 Regulation 11 (1)

omit

clause 9

substitute

clause 9 (1) (Gambling contact officers)

11 Regulation 11 (2) and (3)

omit

12 Regulation 11

renumber subregulations when regulations next republished under Legislation Act

13 Regulation 14 (1)

omit

clause 13 (1) (which is about failing to sign a deed of exclusion if asked)

substitute

clause 13 (Deeds of exclusion)

14 Schedule 1, clause 1 (f) (ii)

substitute

- (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

15 Schedule 1, clause 1 (f) (v)

substitute

- (v) an exempt lottery other than housie.

16 Schedule 1, clause 1, note

substitute

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

17 Schedule 1, clause 4 (1) (a) (i)

substitute

- (i) has successfully completed an approved training program within the previous 5 years; and

18 Schedule 1, clause 4 (2) (a)

substitute

- (a) has successfully completed an approved training program within the previous 5 years; and

19 Schedule 1, clause 4 (3) (a) (i)

substitute

- (i) has successfully completed an approved training program within the previous 5 years; and

20 Schedule 1, clause 4 (3) (b)

substitute

- (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.

21 Schedule 1, clause 4 (4) and (5)

substitute

- (4) For subclause (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.

Example for par (b)

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

Note An example is part of the regulations, 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).

22 Schedule 1, clause 9

substitute

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—
 - (a) the person has successfully completed an approved training program within the previous 5 years; or
 - (b) the commission exempts the person, in writing, from the need to comply with paragraph (a).

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

- (4) An exemption may be given subject to conditions stated in the exemption.

23 Schedule 1, clause 13

substitute

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 the gambling facility or facilities stated in the deed.

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

- (2) The deed must state—
- (a) the name and address of each gambling facility (the ***nominated facility***) from which the gambler wishes to be excluded; and
 - (b) the period (reasonable in the circumstances) for which the gambler is to be excluded from the nominated facility or facilities; and
 - (c) that the licensee of a nominated facility may remove the gambler from, or prevent the gambler from entering, the facility.
- (3) If there is only 1 nominated facility, the gambler may give the signed deed to the licensee of the facility.
- (4) The licensee of the facility must—
- (a) immediately sign the deed; or
 - (b) if the deed is incomplete—
 - (i) ask the gambler, within 1 day after the day the licensee receives the deed, to do whatever is necessary to complete the deed; and

(ii) sign the deed immediately after the gambler does so.

Note A copy of the deed must immediately be given to the gambler (see cl (9)).

- (5) If there is more than 1 nominated facility, the gambler may give the signed deed to the licensee of any of the nominated facilities (the **receiving licensee**).
- (6) The receiving licensee must—
- (a) immediately sign the deed; or
 - (b) if the deed is incomplete—
 - (i) ask the gambler, within 1 day after the day the licensee receives the deed, to do whatever is necessary to complete the deed; and
 - (ii) sign the deed immediately after the gambler does so.
- (7) Within 1 day after the day the receiving licensee receives the signed deed, the receiving licensee must send a copy of the deed to each other nominated licensee, whether or not the deed is complete.
- (8) A nominated licensee who receives a copy of the deed from the receiving licensee must—
- (a) immediately sign the deed; or
 - (b) if the deed is incomplete—
 - (i) ask the gambler, within 1 day after the day the licensee receives the deed, for whatever is necessary to complete the deed; and
 - (ii) sign the deed immediately after the gambler does so.
- (9) If a licensee signs the deed, the licensee must immediately give a copy of the signed deed to the gambler.

(10) In this clause:

incomplete—a deed is *incomplete* if the deed has not been fully completed by the gambler.

24 Schedule 1, clause 15 (1)

substitute

(1) A decision by a licensee to exclude a person under clause 14 (1) (a) must be reasonable in the circumstances.

25 Schedule 1, clause 20

substitute

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) for a casino licensee—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—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

Note An example is part of the regulations, 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) For subclause (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

26 Schedule 1, clause 22

substitute

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 gaming day.

Example

A gambling patron in a casino wins \$25 000, and at 10pm on Wednesday the casino pays the person \$20 000 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.

Note An example is part of the regulations, 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) To remove any doubt, subclause (1) does not prevent the payment of winnings, in excess of \$20 000, in any other way.
- (3) Subclause (1) does not apply to the payment of winnings to a person participating in a commission-based player scheme.
- (4) In this clause:

commission-based player scheme—see the *Casino Control Act 1988*, section 3.

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.

27 Schedule 1, clause 23

substitute

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	\$20 000
2	ACTTAB	\$20 000
3	lotteries	\$4 000
4	gaming machine	\$1 200
5	housie and keno	\$1 000

Example

A gambling patron wins \$30 000 on ACTTAB on race 3 Flemington Racecourse. The person must not be paid more than \$20 000 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 \$20 000 if the person wins on a subsequent race.

Note An example is part of the regulations, 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) To remove any doubt, subclause (1) does not prevent the payment of winnings, in excess of the maximum amount payable in cash, in any other way.
- (3) In this clause:
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).

28 Schedule 1, new clause 23A

insert

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 clause does not apply to a licensee mentioned in clause 1, definition of *licensee*, paragraph (f).

29 Schedule 1, clause 28 (1) (b)

omit

18

substitute

25

30 Schedule 1, clause 28 (1) (g)

substitute

(g) shows or promotes the consumption of alcohol while gambling.

31 Schedule 1, clause 30 (1) (a) and (b)

omit

that encourages

substitute

that requires or encourages

32 Schedule 1, clause 30 (1) (c)

substitute

(c) conduct a promotion for or including gambling at the facility that includes an offer of free or discounted alcohol.

33 Schedule 1, clause 30 (2) (c)

substitute

- (c) the holder of a sports bookmaking licence under the *Race and Sports Bookmaking Act 2001*; or
- (d) someone mentioned in clause 1, definition of *licensee*, paragraph (f); or
- (e) 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 for par (e)

- 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.

Note An example is part of the regulations, 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).

34 Schedule 1, clause 30 (4) (b) (ii)

substitute

- (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.

35 Dictionary, new note 3

insert

Note 3 Terms used in these regulations 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*, section 3:

- casino
- commission
- gaming law.

36 Dictionary, new definition of *exempt lottery*

insert

exempt lottery—see the *Lotteries Act 1964*, section 6 (1).

37 Dictionary, definition of *private lottery*

omit

Endnotes

1 Notification

Notified under the Legislation Act on 2 August 2004.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
