



Australian Capital Territory

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

Subordinate Law SL2014-17

The Australian Capital Territory Executive makes the following regulation under the *Gambling and Racing Control Act 1999* and the *Gaming Machine Act 2004*.

Dated 25 July 2014.

JOY BURCH
Minister

ANDREW BARR
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Gambling and Racing Control (Code of Practice) Amendment Regulation 2014 (No 1)*.

2 Commencement

This regulation commences on a day fixed by the Minister by written notice.

Note 1 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

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

Note This regulation also amends the *Gaming Machine Regulation 2004* (see s 40).

4 Section 7, except note

substitute

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).

5 Section 7, note

after

- a licensed provider under the *Interactive Gambling Act 1998*

insert

- a totalisator licensee

6 Section 9

substitute

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.

7 New section 10 (1A)

insert

- (1A) 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.

8 Section 20

substitute

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

Note An example is part of the regulation, 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).

(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).

9 Schedule 1, section 1.2 (1) and examples

substitute

- (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.

10 Schedule 1, section 1.4

omit

5 years

substitute

3 years

11 Schedule 1, section 1.6

substitute

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

Note An example is part of the regulation, 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) 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.

12 Schedule 1, section 1.9 (3) and (4)

substitute

- (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

Note An example is part of the regulation, 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).

13 Schedule 1, section 1.10 (1) (d)

omit

14 Schedule 1, section 1.11 (3) (b) (ii)

after

deed

insert

of exclusion

15 Schedule 1, section 1.13

substitute

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.

Note An example is part of the regulation, 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).

- (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).

16 Schedule 1, section 1.14 (1), note

omit

17 Schedule 1, section 1.14 (2)

substitute

- (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.

18 Schedule 1, section 1.17 (3)

omit

19 Schedule 1, section 1.18

substitute

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.

20 Schedule 1, section 1.22 (1)

omit

\$20 000

substitute

\$25 000

21 Schedule 1, section 1.22 (1), example

omit

wind \$25 000, and at 10 pm on Wednesday the casino pays the person \$20 000

substitute

wins \$30 000, and at 10 pm on Wednesday the casino pays the person \$25 000

22 Schedule 1, section 1.22 (2)*omit*

\$20 000

substitute

\$25 000

23 Schedule 1, table 1.23 and example*substitute***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 |
| 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.

Note An example is part of the regulation, 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).

24 Schedule 1, new section 1.23 (2A)

insert

- (2A) 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.

25 Schedule 1, section 1.23 (3)

omit

26 Schedule 1, new section 1.23AA

before section 1.23A, insert

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.

27 Schedule 1, new section 1.25 (3) (a) (iv) to (vii)

insert

- (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

28 Schedule 1, new section 1.25 (3) (c)

insert

- (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.

29 Schedule 1, new section 1.27A

in part 1.3, insert

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.

30 Schedule 1, section 1.30 (2) (c)

omit

31 Schedule 1, section 1.30 (3)

omit

32 Schedule 1, section 1.30 (4) (a)

substitute

- (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

33 Schedule 1, new section 1.30 (6A) to (6D)

insert

- (6A) A sports bookmaking licensee must not induce people to open a bookmaking customer deposit account.

Example

offering free or discounted gambling credits

- (6B) 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.
- (6C) For subsection (6B) (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.
- (6D) In this section:
- 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.

34 Schedule 1, new sections 1.30A and 1.30B

insert

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

Note An example is part of the regulation, 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).

1.30B Personally-addressed promotional material

- (1) This section applies to the following licensees:
- (a) a gaming machine licensee;
 - (b) a casino licensee;
 - (c) a totalisator licensee;
 - (d) a sports bookmaking 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.

35 Schedule 1, section 1.31 (1)

omit

or section 1.30 (Promotions and inducements)

substitute

, section 1.30 (Promotions and inducements), section 1.30A (Gaming machine promotions—alternative ways to participate) and section 1.30B (Personally-addressed promotional material)

36 Dictionary, definition of *approved training program*

omit

section 9 (Staff training)

substitute

section 9 (Approved training programs)

37 Dictionary, definition of *deed*

omit

38 Dictionary, new definitions

insert

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

exclusion register—see section 20 (Exclusion register).

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](#).

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).

39 Further amendments, penalties

omit

Maximum penalty: 5 penalty units.

substitute

Maximum penalty: 10 penalty units.

in

- section 8
- sections 10 to 12
- section 15
- sections 18 to 19
- sections 24 and 25

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

omit

item 4

substitute

item 6

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 28 July 2014.

2 Republications of amended laws

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

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