

Australian Capital Territory

Gambling and Racing Control (Code of Practice) Amendment Regulation 2022 (No 1)

Subordinate Law SL2022-17

The Australian Capital Territory Executive makes the following regulation under the [Gambling and Racing Control Act 1999](http://www.legislation.act.gov.au/a/1999-46).

Dated 11 November 2022.

Andrew Barr

Chief Minister

Shane Rattenbury

Minister



Australian Capital Territory

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[Gambling and Racing Control Act 1999](http://www.legislation.act.gov.au/a/1999-46%22%20%5Co%20%22A1999-46)

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1 Name of regulation

This regulation is the *Gambling and Racing Control (Code of Practice) Amendment Regulation 2022 (No 1)*.

2 Commencement

This regulation commences on 14 November 2022.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This regulation amends the [Gambling and Racing Control (Code of Practice) Regulation 2002](http://www.legislation.act.gov.au/sl/2002-28).

4 Schedule 1, new section 1.1A

before section 1.1, insert

1.1A Definitions—code of practice

In this code of practice:

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.

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.

electronic race bookmaking licensee means the holder of a race bookmaking licence under the [Race and Sports Bookmaking Act 2001](http://www.legislation.act.gov.au/a/2001-49) who accepts a bet using a telecommunication service.

Examples—telecommunication service

telephone, email, internet

5 Schedule 1, section 1.4 (1) (b)

omit

his or her

substitute

the staff member’s

6 Schedule 1, section 1.4 (2) (c)

omit

his or her

substitute

the person’s

7 Schedule 1, section 1.4 (3) (b)

omit

his or her

substitute

the staff member’s

8 Schedule 1, division 1.2.4 heading

substitute

Division 1.2.4 Betting accounts—electronic race bookmaking, sports bookmaking and totalisator licensees

9 Schedule 1, sections 1.20A and 1.20B

substitute

1.20A Application—div 1.2.4

This division applies to the following licensees:

 (a) an electronic race bookmaking licensee;

 (b) a sports bookmaking licensee;

 (c) a totalisator licensee.

1.20B Meaning of deposit limit—div 1.2.4

In this division:

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.

10 Schedule 1, new division 1.2.5

insert

Division 1.2.5 Betting accounts—activity statements

1.20I Application—div 1.2.5

This division applies to the following licensees:

 (a) an electronic race bookmaking licensee;

 (b) a sports bookmaking licensee;

 (c) a totalisator licensee.

1.20J Definitions—div 1.2.5

In this division:

account holder, for a betting account—see section 1.20K (1).

activity statement, for a betting account—see section 1.20K (1).

bonus bet—see section 1.30 (7).

online betting account means a betting account that can be used to make and settle bets online.

statement period, for an activity statement—see section 1.20K (1).

transaction, in relation to a betting account, means doing any of the following:

 (a) using the account to make or settle a bet, including a bonus bet;

 (b) depositing money into the account;

 (c) withdrawing money from the account.

transaction record, for a betting account, means a document setting out the following information for each transaction made in relation to the account:

 (a) the kind of transaction;

 (b) the date of the transaction;

 (c) the amount of the transaction.

1.20K Activity statements for betting accounts

 (1) Each month, a licensee must give each person who holds a betting account with the licensee (an account holder) a document setting out any transactions made in relation to the account (an activity statement) for the month (the statement period).

 (2) However, the licensee need not give an account holder an activity statement for a statement period if the account holder has not made any transactions in relation to the betting account during the statement period.

Note Despite s (2), an account holder may ask a licensee for an activity statement at any time (see s 1.20L).

 (3) The licensee must give an account holder an activity statement—

 (a) by email; or

 (b) if the account holder asks the licensee to provide the activity statement by mail—by mail.

 (4) The licensee must not charge a fee for giving an account holder an activity statement.

 (5) However, if an account holder asks for an activity statement to be provided by mail, the licensee may charge the account holder a fee of not more than the cost of the postage.

1.20L Requests for activity statements

 (1) Despite section 1.20K (2), an account holder may, at any time, ask a licensee to give the account holder an activity statement for the account holder’s betting account for any statement period—

 (a) within the last 7 years; or

 (b) if the account has been open for less than 7 years—since the account was opened.

 (2) An account holder may make a request under subsection (1)—

 (a) by email; or

 (b) by telephone; or

 (c) for an online betting account—through the account.

 (3) A licensee must, as soon as practicable after the licensee receives a request under subsection (1), give the account holder the activity statement, and the accompanying transaction record, in the way requested by the account holder.

Example—in the way requested

an account holder asks a licensee to provide an activity statement by mail

 (4) In this section:

account holder includes a person who previously held a betting account with a licensee that is now closed.

1.20M Contents of activity statements

 (1) An activity statement for a betting account for a statement period must include the following information:

 (a) the opening and closing balances of the account for the period;

 (b) the total amount spent on betting during the period;

 (c) the number of bets made using the account during the period;

 (d) the number of winning bets settled using the account during the period;

 (e) the number of losing bets settled using the account during the period;

 (f) the net amount spent on, or gained from, betting, taking into account all wins and losses, during the period;

 (g) any amounts deposited into, or withdrawn from, the account for the period;

 (h) a column graph comparing the total amount spent on betting with the net amount spent on, or gained from, betting for—

 (i) the period, and

 (ii) each of the 5 previous activity statement periods; and

 (iii) the same statement period in the previous year;

 (i) information about support services available to gamblers, including websites for the services.

 (2) An activity statement must be accompanied by—

 (a) if the activity statement is provided electronically—an online link to a transaction record for the betting account for the statement period; or

 (b) if the account holder asked the licensee to provide the activity statement by mail—a paper copy of the transaction record.

 (3) An activity statement must not include—

 (a) any direct marketing or other advertising, promotion or offer from the licensee; or

 (b) any information mentioned in subsection (1) in relation to making or settling a bonus bet.

1.20N Form of activity statements

 (1) An activity statement must be—

 (a) in writing; and

 (b) simple and easy for an account holder to read.

 (2) An activity statement for a betting account—

 (a) must set out the following information in legible black text on a white background:

 (i) the number of winning bets;

 (ii) the net amount gained from betting; and

 (b) must set out the following information in legible red text on a white background:

 (i) the number of losing bets;

 (ii) the net amount spent on betting;

 (iii) the total amount spent on betting; and

 (c) must not set out any information in green text.

1.20O Access to activity statements and transaction records for online betting accounts

 (1) This section applies if an account holder holds an online betting account with a licensee.

 (2) The licensee must ensure that the account holder can access, through the online betting account, all activity statements and transaction records for the account for each active statement period—

 (a) within the last 7 years; or

 (b) if the account has been open for less than 7 years—since the account was opened.

 (3) In this section:

account holder includes a person who previously held a betting account with a licensee that is now closed.

active statement period, for a betting account, means a statement period during which the account holder made at least 1 transaction in relation to the betting account.

1.20P Requests for transaction records for accounts other than online betting accounts

 (1) This section applies if—

 (a) an account holder holds a betting account with a licensee; and

 (b) the account is not an online betting account.

 (2) The account holder may, at any time, ask the licensee to give the account holder a transaction record for the betting account for any statement period—

 (a) within the last 7 years; or

 (b) if the account has been open for less than 7 years—since the account was opened.

 (3) An account holder may make a request under subsection (2)—

 (a) by email; or

 (b) by telephone.

 (4) A licensee must, within 14 days after the licensee receives a request under subsection (2), give the account holder the transaction record in the way requested by the account holder.

Example—in the way requested

an account holder asks a licensee to provide a transaction record by mail

 (5) In this section:

account holder includes a person who previously held a betting account with a licensee that is now closed.

1.20Q Access to electronic activity statements

 (1) This section applies if a licensee gives an account holder an activity statement—

 (a) by email; or

 (b) through an online betting account.

 (2) The licensee must ensure the account holder can access the activity statement without needing to use any kind of security measure, other than a security measure used to access the account holder’s email account or online betting account.

Example—security measure

a password

11 Schedule 1, section 1.30 (6) and (7)

omit

totalisator licensee

substitute

totalisator licensee, electronic race bookmaking licensee or sports bookmaking licensee

12 Schedule 1, section 1.30 (10), definition of betting account

omit

13 Schedule 1, section 1.30C heading

substitute

1.30C Direct marketing—electronic race bookmaking, sports bookmaking and totalisator licensees

14 Schedule 1, section 1.30C (1)

substitute

 (1) This section applies to the following licensees:

 (a) an electronic race bookmaking licensee;

 (b) a sports bookmaking licensee;

 (c) a totalisator licensee.

15 Schedule 1, section 1.30C (4)

omit

16 Schedule 1, section 1.30D heading

substitute

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

17 Schedule 1, section 1.30D (1)

substitute

 (1) the Minister may make guidelines about direct marketing by the following licensees:

 (a) an electronic race bookmaking licensee;

 (b) a sports bookmaking licensee;

 (c) a totalisator licensee.

18 Schedule 1, section 130D (3)

omit

19 Dictionary, notes 1 to 3

substitute

Note 1 The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) contains definitions relevant to this regulation. For example:

 ACAT

 amend

 contravene

 may (see s 146)

 month

 must (see s 146)

 reviewable decision notice.

Note 2 Terms used in this regulation have the same meaning that they have in the [Gambling and Racing Control Act 1999](http://www.legislation.act.gov.au/a/1999-46). For example, the following terms are defined in the [Gambling and Racing Control Act 1999](http://www.legislation.act.gov.au/a/1999-46), dict:

 casino

 commission

 gaming law.

20 Dictionary, new definitions

insert

account holder, for a betting account, for schedule 1, division 1.2.5 (Betting accounts—activity statements)—see schedule 1, section 1.20K (1).

activity statement, for a betting account, for schedule 1, division 1.2.5 (Betting accounts—activity statements)—see schedule 1, section 1.20K (1).

betting account, for schedule 1 (Code of practice)—see schedule 1, section 1.1A.

bonus bet, for schedule 1 , division 1.2.5 (Betting accounts—activity statements)—see schedule 1, section 1.30 (7).

21 Dictionary, definition of deed of exclusion

substitute

deed of exclusion, for schedule 1 (Code of practice)—see schedule 1, section 1.13.

22 Dictionary, new definitions

insert

deposit limit, for schedule 1, division 1.2.4 (Betting accounts—electronic race bookmaking, sports bookmaking and totalisator licensees)—see schedule 1, section 1.20B.

direct marketing, for schedule 1 (Code of practice)—see schedule 1, section 1.1A.

electronic race bookmaking licensee, for schedule 1 (Code of practice)—see schedule 1, section 1.1A.

23 Dictionary, definition of exclusion register etc

substitute

exclusion register—see section 20.

gambling problem, for schedule 1 (Code of practice)—see schedule 1, section 1.2.

licensee—

 (a) for this regulation generally—see section 5.

 (b) for schedule 1 (Code of practice)—see schedule 1, section 1.1.

notice of exclusion—see schedule 1, section 1.14 (2) (a).

24 Dictionary, new definitions

insert

online betting account, for schedule 1, division 1.2.5 (Betting accounts—activity statements)—see schedule 1, section 1.20J.

statement period, for an activity statement, for schedule 1, division 1.2.5 (Betting accounts—activity statements)—see schedule 1, section 1.20K (1).

transaction, in relation to a betting account, for schedule 1, division 1.2.5 (Betting accounts—activity statements)—see schedule 1, section 1.20J.

transaction record, for a betting account, , for schedule 1, division 1.2.5 (Betting accounts—activity statements)—see schedule 1, section 1.20J.

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 11 November 2022.

2 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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