



Australian Capital Territory

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

Subordinate Law SL2022-17

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

Dated 11 November 2022.

ANDREW BARR  
Chief Minister

SHANE RATTENBURY  
Minister

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[Gambling and Racing Control Act 1999](#)

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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](#), s 75 (1)).

## 3 Legislation amended

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

## 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* 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.

**1.200 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](#) 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](#). For example, the following terms are defined in the [Gambling and Racing Control Act 1999](#), 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.

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## Endnotes

### 1 Notification

Notified under the [Legislation Act](#) 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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