



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 4

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under Legislation Act)

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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 4 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 4 November 2004.

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 includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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 *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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R4
04/11/04

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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*, section 6 (1).' means that the term '*exempt lottery*' is defined in that subsection 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*

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) ACTTAB Limited; 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 other than housie.

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.

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—

- (a) ACTTAB Limited; or
- (b) 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*
- 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: 5 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 Staff training

The commission may approve a training program (an *approved training program*) about providing gambling services in accordance with this regulation.

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: 5 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.

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: 5 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: 5 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: 5 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) a casino licensee; or
 - (b) a licensed provider under the *Interactive Gambling Act 1998*.

Note The *Casino Control Act 1988* and the *Interactive Gambling Act 1998* contain 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: 5 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 accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

17 Review of commission's decision under s 16

Application may be made to the administrative appeals tribunal for review of a decision by the commission to confirm, revoke or amend the licensee's decision.

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: 5 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: 5 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: 5 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 Register of excluded people

- (1) The licensee of a gambling facility commits an offence if the licensee contravenes the code of practice, section 1.18.

Maximum penalty: 5 penalty units.

- (2) The register must include the following particulars:

- (a) the name and address of each person excluded from gambling at the facility;
- (b) the name of the licensee and each staff member involved in the exclusion;
- (c) the circumstances that led to the person being excluded;
- (d) any report or other relevant information about the person excluded;
- (e) the period of exclusion.

- (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.

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: 5 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: 5 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*

In this code of practice:

licensee means—

- (a) the holder of a gaming machine licence under the *Gaming Machine Act 2004* (a ***gaming machine licensee***); or
- (b) a casino licensee under the *Casino Control Act 1988* (a ***casino licensee***); or
- (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) ACTTAB Limited; 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 other than housie.

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

1.2 Meaning of *gambling problem*

- (1) For this code of practice, a person has a ***gambling problem*** if the person cannot manage properly the person's gambling activities.

Examples of 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 dependants
- 4 having a disagreement with a family member or friend about the person's gambling behaviour

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) 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;

Schedule 1 Code of practice
Part 1.1 Key concepts

Section 1.2

- (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 5 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, ACTTAB Limited 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 5 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 5 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.

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 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).

1.5 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 Recording problem gambling incidents

- (1) A licensee of a gambling facility must keep a record of—
- (a) anyone in the gaming area of the facility—
- (i) who shows signs of having a gambling problem; or

- (ii) to whom a deed applies; or
 - (iii) who has been excluded under section 1.14 (Exclusion of people at risk or excluded under deed); and
- (b) any action taken by the licensee in relation to the person.

Note **Gaming area** is defined in the dictionary.

- (2) The record must include the following particulars:
- (a) the date and nature of the incident;
 - (b) the name and address (if known), or description, of the person in relation to whom action was taken;
 - (c) the action taken and by whom.

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—
- (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.

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 arrange for details of excluded people to be entered in the register of excluded people under section 1.18;
 - (e) 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 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 sent to certain excluded people), does not apply to—
 - (a) a casino licensee; or

- (b) a licensed provider under the *Interactive Gambling Act 1998*.

Note The *Casino Control Act 1988* and the *Interactive Gambling Act 1998* contain 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 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 s (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 section:
- incomplete*—a deed is *incomplete* if the deed has not been fully completed by the gambler.

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.

Note If the form for excluding a person at risk is approved under the *Gambling and Racing Control Act 1999*, s 53D the form must be used.

- (2) If a person is excluded under subsection (1) (a), the licensee must give the person written reasons for the exclusion when the person is excluded.

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 administrative appeals tribunal 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 licensee of a gambling facility must also tell patrons of the facility about—
 - (a) the support services available to gamblers; and
 - (b) the use of a deed of exclusion, particularly—
 - (i) the availability and effect of a deed; and
 - (ii) the confidentiality of a deed; and
 - (iii) who may be given a copy of a deed; and
 - (c) the register of excluded people under section 1.18.

- (4) The procedures must be written as clearly and simply as possible to promote understanding by people using them.
- (5) 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 Register of excluded people

A licensee of a gambling facility must keep a register of people excluded from the facility under this division.

1.19 Accounts of certain excluded people

- (1) This section applies to a person's account held with a licensee if—
 - (a) for a casino licensee—the person is excluded by the licensee from a casino under the *Casino Control Act 1988*, section 70A (1) (Notification of exclusion by commissioner of police or commission); or
 - (b) for a licensee other than a casino licensee—the person is excluded by the licensee under this division.
- (2) 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) 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 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) 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

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 \$20 000 in any gaming day.

Example

A gambling patron in a casino wins \$25 000, and at 10 pm 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 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) To remove any doubt, subsection (1) does not prevent the payment of winnings, in excess of \$20 000, 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 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.

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	\$20 000
2	ACTTAB	\$20 000
3	lotteries	\$4 000
4	gaming machine	\$1 200

Section 1.23A

column 1 item	column 2 type of licensee	column 3 maximum cash payable
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 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) 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) In this section:

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).

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; 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.
- (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.

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 1988*; or
 - (b) a player reward scheme that is advertised only within the gambling facility or directly to members of the facility; or
 - (c) the holder of a sports bookmaking licence under the *Race and Sports Bookmaking Act 2001*; or
 - (d) someone mentioned in section 1.1, 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 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), a ***player reward scheme*** is a scheme in which the player of a gaming machine earns rewards (other than winnings decided by the machine) by playing the machine.
- (4) A gaming machine licensee must not—
 - (a) conduct a promotion at the licensee’s facility that encourages people to increase their frequency of betting at the facility or the amount of each bet; or
 - (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.
- (5) 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.
- (6) The licensee of a gambling facility must make the rules and conditions of the promotion available for inspection at the facility.
- (7) This section is subject to section 1.31.

1.31 Directions about advertising, promotions and inducements

- (1) The commission may give written directions to a licensee of a gambling facility to ensure compliance with section 1.28 (Advertising), section 1.29 (Advertising requirements) or section 1.30 (Promotions and inducements).
- (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:

- administrative appeals tribunal
- amend
- contravene.

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 (Staff training).

casino licensee—see the *Casino Control Act 1988*, section 3.

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

deed—see the code of practice, section 1.13 (Deeds of exclusion).

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

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.

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

Endnotes

1 About the endnotes

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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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

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

3 Legislation history

This regulation was originally the *Gambling and Racing Control (Code of Practice) Regulations 2002*. 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)

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

Meaning of licensee

s 5 am SL2004-31 ss 5-7

Licensees obligations generally

s 8 am SL2004-31 s 8; ss renum R3 LA (see SL2004-31 s 8)

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)

Deeds of exclusion

s 14 am SL2004-31 s 13

Endnotes

4 Amendment history

Code of practice

sch 1 ss renum R4 LA

Meaning of *licensee*

sch 1 s 1.1 am SL2004-31 ss 14-16

Staff care and training

sch 1 s 1.4 am SL2004-31 ss 17-21

Gambling contact officers

sch 1 s 1.9 sub SL2004-31 s 22

Deeds of exclusion

sch 1 s 1.13 sub SL2004-31 s 23

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

sch 1 s 1.15 am SL2004-31 s 24

Promotional material not to be given to certain excluded people

sch 1 s 1.20 sub SL2004-31 s 25

Cash payment limits for casino licensees

sch 1 s 1.22 sub SL2004-31 s 26

Other cash payment limits

sch 1 s 1.23 sub SL2004-31 s 27

Non-cash payment of winnings

sch 1 s 1.23A ins SL2004-31 s 28

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

Dictionary

dict am SL2004-31 s 35
def ***exempt lottery*** ins SL2004-31 s 36
def ***private lottery*** om SL2004-31 s 37

5 Earlier replications

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

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

Replication No	Amendments to	Replication date
1	not amended	1 December 2002
2	not amended	1 May 2003
3	SL2004-31	1 October 2004

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