



Australian Capital Territory

Gambling and Racing Control (Code of Practice) Amendment Regulation 2019 (No 1)

Subordinate Law SL2019-10

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

Dated 24 May 2019.

GORDON RAMSAY
Minister

MICK GENTLEMAN
Minister



Australian Capital Territory

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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 2019 (No 1)*.

2 Commencement

This regulation commences on 26 May 2019.

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 division 1.2.4

insert

Division 1.2.4 Betting accounts—totalisator and sports bookmaking licensees

1.20A Application—div 1.2.4

This division applies only to a totalisator licensee or a sports bookmaking licensee.

1.20B Definitions—div 1.2.4

In this division:

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.

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.

1.20C Information about deposit limits

- (1) A licensee must not open a betting account for a person unless—
 - (a) the licensee, in accordance with any guidelines made under section 1.20G, has—
 - (i) told the person they can set a deposit limit for the account; and
 - (ii) asked the person whether they want to set a deposit limit; and
 - (b) the person has set, or declined to set, a deposit limit for the account.
- (2) At least once every 12 months while a person has a betting account with a licensee, the licensee must, in accordance with any guidelines made under section 1.20G—
 - (a) if the account has no deposit limit—tell the person they can set a deposit limit and ask the person whether they want to set a deposit limit; and
 - (b) if the account has a deposit limit—ask the person whether they want to change the deposit limit.
- (3) Subsection (2) does not apply if the betting account has not been used to make or settle a bet within the previous 12 months.
- (4) A licensee must publish information promoting deposit limits—
 - (a) on the licensee's website and on each communication channel a person can use to place a bet with the licensee; and
 - (b) in accordance with any guidelines made under section 1.20G.

1.20D No deposits over deposit limit

A licensee must not allow a person to deposit money into a betting account held with the licensee if depositing the amount would result in the deposit limit for the account being exceeded.

Examples

- 1 Ali has a betting account with XYZ licensee and has set a deposit limit of \$100 per week. Ali deposits \$100 into the account. Less than a week later, Ali attempts to deposit \$10 into the account. XYZ licensee must reject the transaction as it would exceed Ali's deposit limit of \$100 per week.
- 2 Pat has a betting account with XYZ licensee and has set a deposit limit of \$200 per fortnight. Pat deposits \$100 into the account. Less than a fortnight later, Pat attempts to deposit \$150 into the account. XYZ licensee must reject the transaction as it would exceed Pat's deposit limit of \$200 per fortnight.

1.20E Setting and changing deposit limits

- (1) A licensee must ensure that the process for a person to set and change a deposit limit for their betting account held with the licensee—
 - (a) is simple and easy for the person to use; and
 - (b) allows the person to choose the period or periods to which the limit applies, including a period or periods of 1, 7, 14 or 28 days; and
 - (c) complies with any guidelines made under section 1.20G.
- (2) A licensee must set or lower the deposit limit for a person's betting account with the licensee immediately when the licensee receives a request from the person to do so.
- (3) A licensee must not increase the deposit limit for a person's betting account with the licensee until at least 7 days after the licensee receives a request to do so.

1.20F Closing betting accounts

- (1) A licensee must, in accordance with any guidelines made under section 1.20G, ensure that the process for a person to close their betting account held with the licensee is—
 - (a) simple and easy for the person to use; and
 - (b) prominently and clearly communicated on the licensee’s website and through any communication channel the person can use to place a bet with the licensee.
- (2) A licensee must ensure that a person can ask to close their betting account—
 - (a) by email; and
 - (b) by telephone; and
 - (c) by any other communication channel that the person can use to place a bet with the licensee.
- (3) After a licensee has received a request from a person to close their betting account, the licensee—
 - (a) must not accept a bet using the account; and
 - (b) must close the account as soon as practicable after all bets made using the account have been settled.
- (4) If a licensee receives a request from a person to close their betting account, the licensee—
 - (a) must not encourage or induce the person to cancel the request; but
 - (b) may explain to the person the effects of closing the account and ask the person whether they want to proceed with closing it.

Note A licensee must not send direct marketing to a person after the person has asked to close their betting account (see s 1.30C (3) (b)).

1.20G Guidelines about betting accounts

- (1) The Minister may make guidelines about—
 - (a) the information a licensee must provide in relation to setting, changing and promoting deposit limits and closing betting accounts; and
 - (b) the process for setting and changing deposit limits and closing betting accounts.
- (2) A guideline made under subsection (1) (a) may include requirements for the following:
 - (a) the content or form of information to be provided by a licensee;
 - (b) when information must be communicated by a licensee and to whom;
 - (c) where or how information must be communicated by a licensee.
- (3) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

1.20H Directions about betting accounts

- (1) The commission may give a written direction to a licensee to ensure compliance with this division.
- (2) If the commission gives a direction to a licensee, the licensee must comply with the direction.

5 Schedule 1, section 1.30 (6) and example

substitute

- (6) A totalisator licensee or sports bookmaking licensee must not offer an inducement to a person—
 - (a) to open a betting account with the licensee; or

- (b) to refer another person to open a betting account with the licensee.

Examples—inducements

- 1 free or discounted gambling credits
 - 2 vouchers or other rewards
- (6A) A totalisator licensee or sports bookmaking licensee must not give or offer a person a complimentary or discounted betting credit or token (a *bonus bet*) unless any winnings from the bonus bet—
- (a) can be withdrawn by the person; and
 - (b) are not subject to a requirement that they be used to place further bets.

6 Schedule 1, section 1.30 (9), new definitions

insert

betting account—see section 1.20B.

winnings, from a bonus bet by a person, means the amount to be paid or credited to the person if the bet is successful.

7 Schedule 1, section 1.30B heading

substitute

1.30B Personally addressed promotional material—gaming machine and casino licensees

8 Schedule 1, section 1.30B (1)

substitute

- (1) This section applies only to a gaming machine licensee or casino licensee.

9 Schedule 1, new sections 1.30C and 1.30D

insert

1.30C Direct marketing—totalisator and sports bookmaking licensees

- (1) This section applies only to a totalisator licensee or sports bookmaking licensee.
- (2) The licensee must ensure that the licensee's direct marketing is not sent to a person unless—
 - (a) the person has expressly consented to receive the direct marketing; and
 - (b) the direct marketing complies with any guidelines made under section 1.30D.
- (3) The licensee must ensure that the licensee's direct marketing is not sent to a person after 5 business days from the date a request is received from the person to—
 - (a) stop getting the direct marketing; or
 - (b) close their betting account.
- (4) In this section:

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.

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

- (1) The Minister may make guidelines about direct marketing by a totalisator licensee or sports bookmaking licensee.

- (2) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (3) In this section:

direct marketing—see section 1.30C.

10 Schedule 1, section 1.31 (1)

substitute

- (1) The commission may give a written direction to a licensee to ensure compliance with this part.

11 Schedule 1, new part 1.10

insert

Part 1.10 Transitional—Gambling and Racing Control (Code of Practice) Amendment Regulation 2019 (No 1)

1.100 Existing account holders—deposit limits

- (1) Within 6 months after the commencement day, a licensee must—
- (a) tell each existing account holder of the licensee that they can set a deposit limit for their betting account; and
 - (b) ask each account holder whether they want to set a deposit limit.
- (2) For the purposes of section 1.20C (2), the initial 12-month period for an existing account holder begins on the day the licensee asks the account holder, under subsection (1) (b), whether they want to set a deposit limit.

(3) In this section:

betting account—see section 1.20B

commencement day means the day the *Gambling and Racing Control (Code of Practice) Amendment Regulation 2019 (No 1)*, section 3 commences.

deposit limit—see section 1.20B.

existing account holder means a person who holds a betting account with a licensee that has been used to make or settle a bet within 12 months before the commencement day.

licensee means the following:

- (a) a totalisator licensee;
- (b) a sports bookmaking licensee.

1.101 Expiry—pt 1.10

This part expires on 26 May 2021.

Note Transitional provisions are kept in the regulation for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 24 May 2019.

2 Republications of amended laws

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

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