



Australian Capital Territory

Gambling and Racing Control (Code of Practice) Amendment Regulation 2023 (No 1)

Subordinate Law SL2023-8

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

Dated 25 May 2023.

ANDREW BARR
Chief Minister

SHANE RATTENBURY
Minister



Australian Capital Territory

Gambling and Racing Control (Code of Practice) Amendment Regulation 2023 (No 1)

Subordinate Law SL2023-8

made under the

[Gambling and Racing Control Act 1999](#)

Contents

	Page
1 Name of regulation	1
2 Commencement	1
3 Legislation amended	1
4 Schedule 1, section 1.1A, definition of <i>direct marketing</i>	1

J2023-169

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

	Page
5	Schedule 1, section 1.1A, new definitions of <i>electronic sports bookmaking licensee</i> and <i>electronic totalisator licensee</i> 1
6	Schedule 1, new sections 1.5A and 1.5B 2
7	Schedule 1, new division 1.4.1 heading 5
8	Schedule 1, new section 1.29 (4) 5
9	Schedule 1, new division 1.4.2 5
10	Schedule 1, new division 1.4.3 heading 11
11	Schedule 1, new division 1.4.4 heading 11
12	Schedule 1, new division 1.4.5 heading 11
13	Dictionary, new definitions 12
14	Dictionary, definition of <i>direct marketing</i> 12
15	Dictionary, new definitions 12

1 Name of regulation

This regulation is the *Gambling and Racing Control (Code of Practice) Amendment Regulation 2023 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

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, section 1.1A, definition of *direct marketing*

omit

internet application

substitute

app

5 Schedule 1, section 1.1A, new definitions of *electronic sports bookmaking licensee* and *electronic totalisator licensee*

before the examples, insert

electronic sports bookmaking licensee means the holder of a sports bookmaking licence under the [Race and Sports Bookmaking Act 2001](#) who accepts a bet using a telecommunication service.

electronic totalisator licensee means the holder of a totalisator licence under the [Totalisator Act 2014](#) who accepts a bet using a telecommunication service.

6 Schedule 1, new sections 1.5A and 1.5B

in division 1.2.1, insert

1.5A Training for responsible service of interactive wagering and betting services

- (1) This section applies to the following licensees:
 - (a) an electronic race bookmaking licensee;
 - (b) an electronic sports bookmaking licensee;
 - (c) an electronic totalisator licensee.
- (2) The licensee must ensure that each relevant staff member successfully completes—
 - (a) the required training within 1 month after becoming a staff member and before beginning to provide interactive wagering or betting services; and
 - (b) refresher training within every subsequent 12 months.
- (3) For subsection (2) (a), ***required training*** means—
 - (a) the national unit of competency; or
 - (b) a training course provided by the licensee, or another person on behalf of the licensee, that is substantially equivalent to the national unit of competency.
- (4) For subsection (2) (b), ***refresher training*** means—
 - (a) the micro-credential course; or
 - (b) a course provided by the licensee, or another person on behalf of the licensee, that is substantially equivalent to the micro-credential course.

(5) In this section:

interactive wagering or betting service means a gambling service in which a bet is accepted using a telecommunication service.

micro-credential course means the course MCC00045 Responsible service of online wagering provided by TAFE Queensland.

national unit of competency means unit of competency CHCFIN005 (Provide responsible online wagering services) provided by TAFE Queensland.

registered training organisation—see the [National Vocational Education and Training Regulator Act 2011](#) (Cwlth).

relevant staff member means a staff member who—

- (a) is directly involved in providing interactive wagering or betting services; or
- (b) has capacity to influence an interactive wagering or betting service.

TAFE Queensland means the registered training organisation known as TAFE Queensland.

1.5B Independent audit of required training and refresher training

- (1) If a licensee, or another person on the licensee's behalf, provides required training or refresher training, the licensee must engage a person (an ***independent reviewer***) to conduct an audit of the training each year the training is provided.
- (2) The independent reviewer—
 - (a) must not—
 - (i) be employed by the licensee; or

- (ii) have been involved in any way in the development of the required training or refresher training to be audited; but
 - (b) may be a law firm, accounting firm or auditing body with whom the licensee has an existing relationship.
- (3) The licensee must give the commission a copy of any completed audit within 3 months after the day the independent reviewer gives the licensee the completed audit.
- (4) The commission may, in writing, exempt the licensee from the requirement to engage an independent reviewer to conduct an audit of stated required training or refresher training if the training has been the subject of an investigation or inquiry by the commission.
- (5) In this section:

licensee means a licensee to whom section 1.5A applies.

micro-credential course—see section 1.5A (5).

micro-credential test means an online micro-credential test administered by TAFE Queensland that evaluates the knowledge and skills consistent with the national unit of competency or the micro-credential course.

national unit of competency—see section 1.5A (5).

refresher training means the training mentioned in section 1.5A (4) (b), other than training that requires participants to complete a micro-credential test.

required training means the training mentioned in section 1.5A (3) (b), other than training that requires participants to complete a micro-credential test.

TAFE Queensland—see section 1.5A (5).

7 Schedule 1, new division 1.4.1 heading

insert

Division 1.4.1 Advertising requirements—general

8 Schedule 1, new section 1.29 (4)

insert

(4) In this section:

gambling advertising—see section 1.29B.

9 Schedule 1, new division 1.4.2

after section 1.29, insert

Division 1.4.2 Advertising requirements—electronic licensees

1.29A Application—div 1.4.2

This division applies to the following licensees:

- (a) an electronic race bookmaking licensee;
- (b) an electronic sports bookmaking licensee;
- (c) an electronic totalisator licensee.

1.29B Definitions—div 1.4.2

In this division:

app advertising means gambling advertising published or communicated on an app, including a smartphone or tablet app, but does not include—

- (a) radio advertising; or

(b) television or video advertising.

call to action—see section 1.29D.

digital advertising means visual or audiovisual gambling advertising published or communicated in a digital display or on a website, but does not include the following:

- (a) app advertising;
- (b) direct marketing;
- (c) radio advertising;
- (d) social media advertising;
- (e) television or video advertising;
- (f) website advertising.

direct marketing includes any gambling advertising sent by the licensee, or by another person on behalf of the licensee, by telephone, SMS, email, app, post or other direct means.

gambling advertising means any advertising that promotes, refers to, depicts or otherwise mentions a gambling product or activity.

print advertising means gambling advertising published or communicated in print but does not include direct marketing.

radio advertising means gambling advertising published or communicated by radio, including by—

- (a) a podcast; or
- (b) a digital radio on-demand or streaming service; or
- (c) a website, social media or app.

social media advertising—

- (a) means gambling advertising published or communicated on social media by a licensee or another person on behalf of the licensee; and
- (b) includes direct marketing published or communicated using social media and sent by SMS, text message, or push notification.

tagline—see section 1.29C.

television includes free-to-air television, subscription television and over-the-top television.

Example—over-the-top television

a television streaming service

television or video advertising means gambling advertising published or communicated by television, including by a website, social media or app.

website advertising means gambling advertising published or communicated on the website of a licensee, but does not include—

- (a) radio advertising; or
- (b) television or video advertising.

1.29C Meaning of *tagline*—div 1.4.2

For this division, each statement mentioned in an item in table 1.29C is a *tagline*.

Table 1.29C Taglines

column 1 item	column 2 tagline
1	You win some. You lose more.
2	Chances are you're about to lose.
3	What's gambling really costing you?
4	Imagine what you could be buying instead.
5	What are you really gambling with?
6	Think. Is this a bet you really want to place?
7	What are you prepared to lose today? Set a deposit limit.

1.29D Meaning of *call to action*—div 1.4.2

For this division, each statement mentioned in an item in table 1.29D is a *call to action*.

Table 1.29D Calls to action

column 1 item	column 2 call to action
1	For free and confidential support visit gamblinghelponline.org.au
2	For free and confidential support, call the number on the screen or visit the website.
3	Set a deposit limit
4	For free and confidential support call 1 800 858 858 or visit gamblinghelponline.org.au

1.29E Statements to be included in gambling advertising

A licensee must ensure that gambling advertising of a kind mentioned in column 2 of an item in table 1.29E includes—

- (a) a tagline mentioned in the item, column 3; and
- (b) the call to action mentioned in the item, column 4.

Table 1.29E Statements to be included in gambling advertising

column 1 item	column 2 gambling advertising	column 3 table 1.29C, tagline item	column 4 table 1.29D, call to action item
1	app advertising	2, 3, 4, 5, 6, 7	3
2	digital advertising	2, 3, 4, 5, 6, 7	3
3	print advertising	2, 3, 4, 5, 6, 7	4
4	radio advertising—15 seconds or less	1, 2, 3, 4, 5	not required
5	radio advertising—more than 15 seconds	1, 2, 3, 4, 5	4
6	social media advertising—160 written characters or less	2, 3, 4, 5, 6, 7	3
7	social media advertising—more than 160 written characters	2, 3, 4, 5, 6, 7	4
8	television or video advertising—15 seconds or less	1, 2, 3, 4, 5	4
9	television or video advertising—more than 15 seconds	1, 2, 3, 4, 5	2 in spoken form together with 4 in visual form
10	website advertising	2, 3, 4, 5, 6, 7	3

1.29F Additional requirements about taglines and calls to action

- (1) A licensee must ensure that a tagline or call to action in spoken form is clearly intelligible to a person listening to the tagline or call to action.
- (2) A licensee must ensure that a tagline or call to action that is in visual form is displayed in font that is of a type and size that is clearly legible to a person reading the tagline or call to action at the distance at which the gambling advertising is intended to be viewed.
- (3) A licensee must take reasonable steps to ensure that each tagline that can be used for a kind of gambling advertising is used approximately equally over a 12-month period.
- (4) The following must be published or communicated only in spoken form:
 - (a) a tagline mentioned in table 1.29C, item 1 (*tagline 1*);
 - (b) a call to action mentioned in table 1.29D, item 1 or 2.
- (5) However, if tagline 1 is published or communicated as part of a television or video advertisement, it must be published or communicated in visual and spoken form at the same time.
- (6) If the content of the call to action is included in the tagline, it is not necessary to repeat the content of the call to action.

1.29G Electronic licensee must keep gambling advertising records

A licensee must keep a copy of gambling advertising published or communicated by or for the licensee for at least 12 months after the day the advertising was last published or communicated.

Example

A licensee runs an advertising campaign commencing on 1 January 2024. The campaign consists of 1 television advertisement and 1 radio advertisement. The television advertisement is broadcast for the last time on 1 March 2024 and the radio advertisement is broadcast for the last time on 1 April 2024. The licensee must keep a copy of the television advertisement until 28 February 2025 and a copy of the radio advertisement until 31 March 2025.

10 Schedule 1, new division 1.4.3 heading

before section 1.30, insert

Division 1.4.3 Promotions and inducements**11 Schedule 1, new division 1.4.4 heading**

before section 1.30C, insert

Division 1.4.4 Direct marketing**12 Schedule 1, new division 1.4.5 heading**

before section 1.31, insert

Division 1.4.5 Miscellaneous

13 Dictionary, new definitions

insert

app advertising, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29B.

call to action, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29D.

digital advertising, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29B.

14 Dictionary, definition of *direct marketing*

substitute

direct marketing—

- (a) for schedule 1 (Code of Practice) generally—see schedule 1, section 1.1A; and
- (b) for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29B.

15 Dictionary, new definitions

insert

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

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

gambling advertising, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29B.

print advertising, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29B.

radio advertising, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29B.

social media advertising, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29B.

tagline, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29C.

television, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29B.

television or video advertising, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29B.

website advertising, for schedule 1, division 1.4.2 (Advertising requirements—electronic licensees)—see schedule 1, section 1.29B.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 30 May 2023.

2 Republications of amended laws

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