
Gambling Codes of Practice (General) Variation Notice 2015

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SOUTH AUSTRALIA

GR Notice No. 6 of 2015
**Gambling Codes of Practice (General) Variation
Notice 2015**

[26 March 2015]

By this notice, the Independent Gambling Authority varies prescribed advertising and responsible gambling codes of practice, as follows:

1 Citation, commencement, authorising provisions, etc

- (1) This notice may be cited as the Gambling Codes of Practice (General) Variation Notice 2015.
- (2) This notice comes into operation—
 - (a) subject to paragraph (b), on the day following its publication in the Government Gazette; and
 - (b) as to clause 8(3), on 1 July 2016.
- (3) This notice is authorised by—
 - (a) section 6A of the *Authorised Betting Operations Act 2000*, in particular section 6A(9);
 - (b) section 41A of the *Casino Act 1997*, in particular section 41A(9);
 - (c) section 10A of the *Gaming Machines Act 1992*, in particular section 10A(10); and
 - (d) section 13B of the *State Lotteries Act 1966*, in particular section 13B(8).

2 Purpose

This notice varies the Gambling Codes of Practice Notice 2013 (“**the Principal Notice**”)¹ to—

- (a) allow the space and time requirements for the mandatory warning message to be variable by management plan;

¹ GR Notice No. 8 of 2013, *South Australian Government Gazette*, 18 December 2013 (No. 81 of 2013), pages 4798–4844, varied by Gambling Codes of Practice (In-Venue Messaging) Variation Notice 2014, GR Notice No. 1 of 2014, *South Australian Government Gazette*, 20 February 2014 (No. 14 of 2014), pages 1014–1024.

- (b) allow dispensations to be granted from the prohibition on inducements to gamble where the inducement would not increase the risk of problem gambling;
- (c) ensure that permitted inducements to gamble may be advertised;
- (d) regulate the use of self-service terminals in terrestrial gambling environments;
- (e) make further transitional provision for the training of casino and gaming employees; and
- (f) make miscellaneous textual revisions.

3 Variation of clauses 6 and 22—management plan arrangements

- (1) In clause 6(6) of the Principal Notice, for “21 days”, **substitute** “42 days”.
- (2) In clause 22(6) of the Principal Notice, for “sub-clauses (1)(b), (c) and (d)”, **substitute** “sub-clauses (1) and (2)”.

4 Variation of clause 7—dispensations

After clause 7(1)(ca) of the Principal Notice, **insert**—

- “(cb) a dispensation from the operation of clause 54 where the Authority is satisfied that the dispensation does not present a material risk of an increase in problem gambling; and”.

5 Variation of clauses 16 and 54—advertising of permitted inducements to gamble

- (1) In clause 16(2) of the Principal Notice, after “trade promotion lottery”, **insert** “, or of a complimentary gambling product.”.
- (2) In clause 54(2), for “This clause”, **substitute** “Sub-clause (1)(a)”.

6 Variation of Chapter 3—self-service terminals

- (1) After clause 50 of the Principal Notice, **insert**—

“50A Self-service terminals

If a gambling provider (other than a gaming provider) installs, in a place in which it is otherwise authorised to provide its gambling product, a device which allows customers to purchase the gambling product and process winnings without the assistance of an operator, the gambling provider must ensure that—

- (a) subject to paragraph (b), the device is configured to allow the gambling product to be purchased using a customer's gambling account; and
- (b) if the device is configured to allow the gambling product to be purchased other than by using a gambling account, enhanced responsible gambling measures approved by the Authority in respect of the device (or class of device) are being implemented; and
- (c) the device is not operated by the insertion of cash.”.

(2) At the foot of clause 59, **insert** (as a note)—

Note: By operation of section 3(3) of the *Authorised Betting Operations Act 2000*, a reference to telephone, Internet or other electronic means is a reference to a means of communicating at a distance by the use of electronic devices.”.

7 Variation of clause 69—casino training

For clause 69(2) of the Principal Notice, **substitute**—

- “(2) Where clause 67(1) imposes an obligation in respect of a person who—
- (a) was a casino gaming employee or a casino supervisor on the transition day; or;
 - (b) started as a casino gaming employee or a casino supervisor between 1 July 2014 and 31 December 2014—

the gambling provider will be deemed to have complied with the obligation if by—

- (c) 31 March 2015, at least 30% of those casino gaming employees and casino supervisors;
- (d) 30 September 2015, at least 60% of those casino gaming employees and casino supervisors;
- (e) 31 March 2016, at least 90% of those casino gaming employees and casino supervisors;
- (f) 30 June 2016, 100% of those casino gaming employees and casino supervisors—

have undertaken the training which is the subject of the obligation.”.

8 Variation of clause 72—gaming training

(1) In clause 72(1) of the Principal Notice—

(a) after the definition of “advanced training”, **insert**—

‘ “**APGIT**” means training recognised as a course of advanced problem gambling intervention training under section 10B of the *Gaming Machines Act 1992* or training which would have had that status but for the commencement of section 65 of the *Statutes Amendment (Gambling Reform) Act 2013* on 1 July 2014; ’.

(b) for the definition of “starting”, **substitute**—

‘ “**starting**” means the day a person first works as a gaming employee or as a gaming manager in South Australia (regardless of where or for whom); ’.

(2) For clause 72(2) of the Principal Notice, **substitute**—

“(2) Until 60 days after the second course of basic training is recognised by publication of a notice in the Government Gazette, completion of the nationally accredited training identified as SITHGAM201 and SITHGAM202 is to be regarded as completion of basic training.

(3) Until 60 days after the first course of advanced training is recognised by publication of a notice in the Government Gazette, completion of APGIT is to be regarded as completion of advanced training.

(4) For the purposes of sub-clause (5) in the period ending on 30 June 2016, the requirements of clause 70(1) are deemed to be satisfied in the following circumstances in the manners described—

(a) a person who, as an approved gaming machine employee or approved gaming machine manager prior to the transition day, had undertaken—

(i) training which complied with clause 10 of the Gaming Machines Responsible Gambling Code of Practice; or

(ii) the nationally accredited training identified as SITHGAM201 and SITHGAM202—

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will meet the requirements for—

- (iii) a gaming employee, if the person completes basic training or advanced training; and
- (iv) a gaming manager, if the person completes advanced training;

Note: This assumes that a person, in order to satisfy the requirements for APGIT or advanced training, will have demonstrated the competencies required for basic training.

(b) a person has never undertaken training which complied with clause 10 of the Gaming Machines Responsible Gambling Code of Practice, or basic training, will meet the requirements for—

- (i) a gaming employee, if the person completes basic training; and
- (ii) a gaming manager, if the person completes basic training and advanced training;

(5) A gaming machine licensee must ensure that by—

- (a) 31 March 2015, at least 30% of its gaming employees and gaming managers;
- (b) 30 September 2015, at least 60% of its gaming employees and gaming managers;
- (c) 31 March 2016, at least 90% of its gaming employees and gaming managers;
- (d) 30 June 2016, 100% of its gaming employees and gaming managers (excluding those who started after 31 March 2016)—

have received the training required by sub-clause (4).

(6) Sub-clauses (2)–(5) apply regardless of whether particular training was commenced and completed, or required to be commenced or completed, before or after the commencement of clause 8(2) of the Gambling Codes of Practice (General) Variation Notice 2015. ”.

(3) In clause 72 of the Principal Notice—

- (a) the expression “and transitional” is **deleted** from the clause heading;
- (b) the expression “(1)” is **deleted** from sub-clause (1);
- (c) the definition of “APGIT” in sub-clause (1) is **deleted**; and

(d) sub-clauses (2)–(6) are **deleted**.

9 Miscellaneous

(1) The expression “and” is deleted—

- (a) from the end of clause 7(1)(c);
- (b) from the end of clause 9(b);
- (c) from the end of clause 22(1)(a); and
- (d) from the end of clause 63(a).

(2) In—

- (a) clause 67(1)(a)(i);
- (b) clause 67(1)(b)(i);
- (c) clause 70(1)(a)(i); and
- (d) clause 70(1)(b)(i)—

of the Principal Notice, for “within 3 months after starting, commences and completes”, **substitute** “within the 3 months before or after starting, completed”.

NOTE

1. The commencements proposed by clause 1(2)(a) were certified under section 10AA of the *Subordinate Legislation Act 1978* by the Minister for Business Services and Consumers on 16 January 2015 and by the Minister for Finance on 18 March 2015.

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NOTES ON CLAUSES

This notice varies the Gambling Codes of Practice Notice 2013 for several purposes: to allow the space and time requirements for the mandatory warning message to be variable by management plan; to allow dispensations to be granted from the prohibition on inducements to gamble where the inducement would not increase the risk of problem gambling; to ensure that permitted inducements to gamble may be advertised; to regulate the use of self-service terminals in terrestrial gambling environments; to make further transitional provision for the training of casino and gaming employees; and to make miscellaneous textual revisions.

Clause 1 sets out the title of the notice and the commencement dates of its provisions.

Sub-clause (1) provides for the citation.

Sub-clause (2) provides for commencement generally on the date following publication of the notice in the Government Gazette, on the basis that these variations do not impose new substantive obligations and should be available as soon as possible. (Please note that clause 8(3), which commences specifically on 1 July 2016, is a housekeeping measure which removes transitional and temporary provisions.)

Sub-clause (3) recites the authorising provisions

Clause 2 sets out the purpose of the variation notice.

Clause 3 implements a decision of the Authority to allow the expanded warning message requirements of clause 22(1) and the time and space requirements of clause 22(2) to be variable by management plan. The Authority has communicated to the gambling providers affected by the change that engagement with the Office for Problem Gambling on the proposed alternative regulatory obligations will be a pre-condition to a management plan. To assist in the implementation of this, the default commencement period for management plans making such a change has been extended from 3 weeks to 6 weeks.

The Authority has also prepared guidelines indicating how to apply for exercise of the discretion.

Management Plans (Clause 22) Guidelines

The Gambling Codes of Practice Notice 2013 has been varied to allow the requirements of clause 22(2) to be variable by management plan. These provisions include the 25% rule for the presentation of the mandatory warning message on

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Notes on clauses

television, which is regarded by both the Independent Gambling Authority (as the regulator) and the Office for Problem Gambling (as the policy agency for gambler rehabilitation) as a critical feature of the regulatory regime.

For that reason, the board of the Independent Gambling Authority will be seeking comment from the Office for Problem Gambling on management plan filings which propose the variation of clause 22(2).

The following have been prepared as a guide for gambling providers in respect of the key expectations of the Independent Gambling Authority and the Office for Problem Gambling when gambling providers are proposing to place additional responsible gambling messaging under a management plan.

1. Responsible gambling advertising should, consistent with the base requirements of clause 22(2), represent at least 10% of the gambling provider's advertising placement. For example, where a gambling provider places 20 minutes of advertising across 24 hours, 2 minutes of that should be responsible gambling messaging.

2. Where a gambling provider advertises more than one product in a 24 hour period, there should be at least 2 instances of responsible gambling messaging (regardless of how many minutes total advertising time is placed in the 24 hour period).

3. Responsible gambling messaging should be renewed or refreshed every 6 months.

4. Responsible gambling messaging should be unbranded (although the gambling provider's name may be discreetly included in the end panel of the television commercial).

5. The product advertising will still need to carry mandatory warning messaging meeting, at a minimum, the regulatory requirements of another jurisdiction in which it is aired (for example, the requirement NSW message).

6. Responsible gambling messaging should include the national gambling helpline number 1800 858 858. The number must be legible and onscreen for the a significant part of the advertisement.

7. Gambling providers should be able to demonstrate that the content of responsible gambling messaging and its timing will direct the responsible gambling advertising to the target group of the product advertising.

8. Gambling providers are advised to liaise with the Office for Problem Gambling before filing a management plan proposing a variation to clause 22(2) and to anticipate a turnaround time of 30 days.

Clause 4 expands the Authority's capacity to grant dispensations in respect of the prohibition on inducements. This will allow the Authority to respond for requests for graduated inductions to high value player programs. The provision requires the applicant to satisfy that the dispensation will not give rise to a material risk of problem gambling. (These programs are directed to attraction and retention of customers who, by definition, would not be problem gamblers.)

Clause 5 addresses an unintended consequence of the inclusion, in the revised responsible gambling codes, of the concept of an acceptable trade promotion lottery. It reinforces the proposition that wagering (and lottery) providers not offer inducements to open gambling accounts.

Clause 6 requires self-service terminals (presently intended for deployment on racecourses and at some off-course sites) to be operated in conjunction with a gambling account (with which pre-commitment is required to be available) or under approved enhanced responsible gambling measures.

The sorts of enhanced measures which might be used, either alone or in combination, are automated risk monitoring, card-based pre-commitment (assuming that a re-usable stored value card is used), additional training for cashiers on problem gambler identification and the provision of special messaging, either on the system or on associated collateral (such as the card itself).

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The clause makes it clear that note accepters cannot be installed on a self-service terminal.

Clause 7 extends certain training deadlines applicable to the licensee of the Adelaide Casino. This has been made necessary due to the process for recognition of the new basic and advanced training taking longer than was assumed when the codes were prescribed in December 2013.

Clause 8 extends certain training deadlines applicable to gaming machine licensees and sets targets for licensees to achieve certain levels of training. These provisions have been made necessary by the implementation of those new arrangements taking longer than was assumed when the codes were prescribed in December 2013.

Clause 9 makes inconsequential changes to the notice to improve consistency of wording and eliminate non-contentious unintended consequences of drafting.