

Gambling Codes of Practice Notice 2013
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SOUTH AUSTRALIA

GR Notice No. 8 of 2013
Gambling Codes of Practice Notice 2013
[18 December 2013]

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

Chapter 1—General

PART 1—PRELIMINARY

1 Citation, commencement, etc

- (1) This notice may be cited as the Gambling Codes of Practice Notice 2013.
- (2) This notice comes into operation as follows:
 - (a) Chapter 1 and the schedules—upon publication;
 - (b) Chapter 2—on 1 March 2014;
 - (c) Chapter 3—
 - (i) sub-clauses (1)–(5) of clause 43—on the same day as section 135 of the *Statutes Amendment (Gambling Reform) Act 2013*;
 - (ii) clause 55(2)—on 1 January 2016;
 - (iii) Part 5, Division 1—on the same day as section 28 of the *Statutes Amendment (Gambling Reform) Act 2013*;
 - (iv) Part 5, Division 2—on the same day as section 65(1) of the *Statutes Amendment (Gambling Reform) Act 2013*;
 - (v) clause 75—on 1 July 2014;
 - (vi) all provisions other than those referred to in sub-paragraphs (i)–(v)—on 1 March 2014.

2 Authorising provisions

- (1) 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);

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- (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) Chapter 2, when read together with this Chapter, operates as the prescribed advertising code of practice for the purposes of the provisions referred to in sub-clause (1).
- (3) Chapter 3, when read together with this Chapter, operates as the prescribed responsible gambling code of practice for the purposes of the provisions referred to in sub-clause (1).

3 Definitions

- (1) In this notice, as the context requires—

“acceptable loyalty program”—*see clause 55;*

“acceptable trade promotion lottery”—*see clause 56;*

“ATM” includes—

- (a) an automatic teller machine in or near premises containing a gambling area;
- (b) an electronic funds transfer device in or near premises containing a gambling area—

over which the relevant gambling provider could reasonably be expected to exercise control;

“authorised interstate betting operator” has the same meaning as in the *Authorised Betting Operations Act 2000*;

“Broadcasting Services Act” means the *Broadcasting Services Act 1992* (Commonwealth) as in force from time to time;

“casino licensee” means the holder of the casino licence under the *Casino Act 1997*;

“celebrity commentary” means any commentary on radio or television about the performance or prospects of an entrant in an event on which betting takes place made directly or indirectly by a person expressly or impliedly representing a gambling provider;

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“**code**” means the code of practice prescribed by the Chapter in which the expression appears, and “**advertising code**” and “**responsible gambling code**” have corresponding meanings;

“**condensed warning message**” means the following message—

“Gamble Responsibly.”;

“**dedicated sports channel**” means a radio broadcasting service or a television broadcasting service principally operated for the purpose of promoting gambling products of the nature of a gambling provider’s products, or events related to those gambling products;

“**direct customer communication**” means a message (including an email message) sent to an account holder or a person enrolled in a loyalty program at an address provided for that purpose;

“**expanded warning message**”—*see sub-clause (5)*;

“**gambling advertising**”—*see sub-clause (2)*;

“**gambling area**” means—

- (a) the immediate environs of—
 - (i) the point of sale for a totalisator product;
 - (ii) the point of sale for a fixed odds betting product;
 - (iii) a bookmaker’s stand or a betting ring;
- (b) the immediate environs of the point of sale for a product authorised under the *State Lotteries Act 1966*;
- (c) an area in a casino under the *Casino Act 1997* in which table games may be played or gaming machines may be operated;
- (d) a gaming area within the meaning of the *Gaming Machines Act 1992*;

“**gambling provider**”, except in Part 4 of Chapter 3, means—

- (a) an authorised interstate betting operator;
 - (b) the casino licensee;
 - (c) a gaming machine licensee;
 - (d) a licensed bookmaker;
 - (e) the Lotteries Commission;
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(f) a licensed racing club; and

(g) SA TAB;

“gaming machine licensee” means a holder of a gaming machine licence under the *Gaming Machines Act 1992*;

“gaming provider” means—

(a) the casino licensee; and

(b) a gaming machine licensee;

“helpline card” means a card of approximately 90 mm by 50 mm giving the name and telephone number of a widely available gambling help service, identified by its usual name;

“helpline sticker” means a sticker giving the name and telephone number of a widely available gambling help service, identified by its usual name, or a virtual representation of such a sticker;

“licensed bookmaker” means the holder of a bookmaker’s licence under the *Authorised Betting Operations Act 2000*;

“licensed racing club” means a holder of an on-course totalisator betting licence under the *Authorised Betting Operations Act 2000*;

“logo”, in relation to a gambling provider, means—

(a) a design or device which identifies the gambling provider; or

(b) the name of the gambling provider, whether or not in stylised text—

and any combination of them;

“Lotteries Commission” means the Lotteries Commission of South Australia established under the *State Lotteries Act 1966*;

“management plan”—*see clause 6*;

“mandatory warning message” means the condensed warning message or the expanded warning message;

“non-skill gambling” means any form of gambling to which this notice applies, apart from skill gambling;

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“peak body” includes—

- (a) a genuine association formed to protect or promote the interests of a section of the gambling industry;
- (b) in relation to gaming machine licensees, a body recognised for the purposes of section 10B(1)(a) of the *Gaming Machines Act 1992*;¹
- (c) in relation to a person who is an agent of a gambling provider, the principal in the agency relationship;²
- (d) in relation to a licensed racing club receiving totalisator services from SA TAB, SA TAB;

“permitted external sign” means a sign—

- (a) affixed to the outside of a building containing a gambling area; or
- (b) affixed to the outside of a permanent structure, within the immediate environs of a building containing a gambling area, being a structure under the control of the relevant gambling provider—

which—

- (c) identifies the gambling provider; or
- (d) indicates the availability of a gambling activity inside the building;

“plug” means—

- (a) any mention on radio or television which—
 - (i) includes information about a gambling provider’s gambling products; or
 - (ii) associates a gambling provider or one or more of the gambling provider’s gambling products with a particular program or period of programming; or
- (b) celebrity commentary;

¹ Club Safe or Gaming Care.

² See also clause 4.

“private webpage” means a webpage or any other computer screen to which a person may gain access only after entering a personalised confidential password issued by or registered with a gambling provider;

“radio or television” means any kind of radio or television broadcasting service within the meaning given by the Broadcasting Services Act and **“radio”** and **“television”** have corresponding meanings;

“recognised broadcasting code” means a code, or specified provisions of a code—

- (a) which is a registered code of practice within the meaning given by the Broadcasting Services Act;
- (b) with which a licensee under the Broadcasting Services Act is required to comply (whether by licence condition or otherwise); and
- (c) which has been recognised by the Authority by instrument in writing;

“responsible gambling agreement” has the same meaning as in the *Gaming Machines Act 1992*;

“SA TAB” means the holder of the major betting operations licence under the *Authorised Betting Operations Act 2000*;

“skill gambling” means—

- (a) in respect of casino games—
 - (i) a card game where the outcome of one round of play can limit the outcomes available in the next round of play;³
 - (ii) a card game where players compete against each other rather than against the house;⁴
- (b) any betting authorised by the *Authorised Betting Operations Act 2000* where the outcome does not involve an element of lottery;

³ This would include Blackjack played against the house where successive rounds of play are drawn from the same shoe of cards (without being shuffled between rounds of play).

⁴ This would include both commission poker and tournament poker (but not, for example, Caribbean Stud poker), and all other card tournaments.

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“**small logo**” means a logo occupying no more than 5400 mm² with no linear dimension longer than 180 mm;

“**suggest**” includes—

- (a) imply; and
- (b) state;

“**text message**” means an electronic message of 160 characters or less in length;

“**virtual gambling area**” means a webpage, or a display on an internet-enabled device, which provides for a person to gamble with a gambling provider.

(2) For the purposes of this notice, gambling advertising includes—

- (a) advertising by a gambling provider of a particular gambling product or particular gambling products;
- (b) advertising by a gambling provider which does not refer—
 - (i) to particular gambling or products; or
 - (ii) to products which are not gambling—

but does draw attention to the name of the gambling provider which, due to the nature of the name, brings gambling to mind;

- (c) advertising by a gambling provider of the opportunity to open a gambling account with the gambling provider—

and a provision of this notice which requires that gambling advertising have (or not have) a particular quality or attribute must be read as imposing a corresponding obligation on a gambling provider to ensure that its gambling advertising has (or does not have) that quality or attribute.

(3) For the purposes of this notice, a gambling provider will be regarded as advertising—

- (a) if a provider of radio or television runs—
 - (i) a plug (other than celebrity commentary) in exchange for a payment or for some other form of valuable consideration (including an agreement to purchase advertising); or
 - (ii) a plug in the nature of celebrity commentary; and

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- (b) if a provider of radio or television, or a publisher, includes content in exchange for a payment or for some other form of valuable consideration (including an agreement to purchase advertising).
- (4) For the purposes of this notice, a gambling provider will not be regarded as advertising when—
- (a) the gambling provider sends a direct customer communication;
 - (b) the gambling provider draws attention, on a private webpage, to its gambling products;
 - (c) the gambling provider draws attention, in printed point of sale material, to its gambling products; or
 - (d) a person, by use of an internet search engine, an automated indexing system or any like facility, views or retrieves a link or reference to the gambling provider (whether or not the gambling provider has paid for the link to appear or to have greater prominence that it would otherwise).
- (5) A message listed as an expanded warning message in the table in Schedule 1 is the expanded warning message for the purposes of this notice during—
- (a) the period of 6 months listed beside it as the first relevant period; and
 - (b) the period of 6 months commencing on every third anniversary of the commencement of the first relevant period.
- (6) A gambling provider which—
- (a) provides gambling services by telephone, internet or other electronic means; and
 - (b) has taken reasonable steps to ensure that it records valid addresses for its account holders—
- will only be regarded, for the purposes of this notice, as providing those gambling services to a person in South Australia (being an account holder) if the person's address as recorded in good faith by the gambling provider has a postcode in the range 5000–5999.
- (7) Nothing in this notice is intended to apply to the non-gaming activities of an entity which is a gambling provider by virtue of being a sporting club which holds a gaming machine licence.
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4 Codes to apply to actions of gambling provider’s agent as though agent were principal

- (1) If a gambling provider routinely provides a gambling product via an agent, the gambling provider is required by this clause to ensure that the actions of its agent conform with this code as though the agent were the gambling provider.
- (2) For the purposes of sub-clause (1), if the agency arrangement involves one or more intermediate agency appointments, the gambling provider’s obligations under that clause extend to the actions of all of the agents.

5 Indirect liability

- (1) If a person other than a gambling provider (“**third party**”) is under an obligation to comply with, or to facilitate compliance with, an advertising code or a responsible gambling code, the obligation extends only to matters within the reasonable control of the third party and in respect of which the third party has received a payment or some other form of valuable consideration (including an agreement to purchase advertising).
- (2) This clause does not apply to obligations arising from—
 - (a) contractual arrangements for the provision by a third party to a gambling provider of services other than advertising;
 - (b) arrangements under which a third party is the agent of a gambling provider.

PART 2—ADMINISTRATIVE PROVISIONS

6 Management plans

- (1) A management plan sets out—
 - (a) variable requirements with which the gambling provider proposes not to comply; and
 - (b) substitute requirements with which the gambling provider proposes to comply—
 - (i) as compensation for non-compliance with the variable requirements; or

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- (ii) as the equivalent of the variable provisions—
and during a period in which the management plan is effective—
- (c) the gambling provider is exempted in the terms set out in the management plan from compliance with the variable requirements; and
- (d) the gambling provider is required to comply with the substitute requirements—
- by operation of this clause.
- (2) A management plan must recite the basis on which the gambling provider says substitute requirements compensate for, or are the equivalent of, variable requirements.
- (3) For the purposes of this clause, a variable requirement is a requirement of Chapter 2 or Chapter 3 which the Chapter expressly identifies as being variable by a management plan.
- (4) A management plan is constituted by one or more documents filed by a gambling provider with the Authority.
- (5) Subject to sub-clauses (6) and (7), the establishment, alteration or revocation of a management plan is effective from the commencement date or dates set out in the relevant filing.
- (6) A commencement date under sub-clause (5) cannot be earlier than 21 days after the date on which filing was made, unless the Authority specifically authorises that commencement.
- (7) The Authority may disallow a management plan in whole or in part by notice of disallowance given to the gambling provider.
- (8) A notice of disallowance under sub-clause (7) is operative—
- (a) in the case of a notice given in respect of the establishment or alteration of a management plan before the date on which the plan or variation commences, forthwith;
- (b) in the case of a notice given in respect of provisions of a management plan which have commenced—
- (i) 28 days after the notice is given; or
- (ii) on the date (no earlier than 28 days after notice is given) set out in the notice.

7 Dispensations

(1) The Authority may, on such terms as it sees fit and subject to conditions, grant—

(a) a dispensation from a requirement of Chapter 2 if the Authority is satisfied that a regulatory requirement of another State, or of a Territory, in which the gambling provider advertises, presents a suitable alternative;

(b) a dispensation from—

(i) the radio blackout requirement of clause 23, in respect of advertising on a radio broadcasting service; and

(ii) the television blackout requirement of clause 24, in respect of advertising on a television broadcasting service—

if the Authority is satisfied that the advertising will not be incompatible with family time or that the dispensation is otherwise in the public interest;

(c) a dispensation from a requirement of Chapter 3 (other than a requirement relating to pre-commitment) if the Authority is satisfied that a regulatory requirement of another State, or of a Territory, in which the gambling provider operates presents a suitable responsible gambling alternative; and

(d) a time limited or transitional dispensation from the application of a new requirement or obligation.

Example: A “new” requirement would be, on 1 March 2014, the requirement for the mandatory warning message to be spoken at the same time as it appears on television, because that is not a requirement of any of the codes this notice replaces.

(2) A dispensation may be granted under sub-clause (1) on the application of a gambling provider or an agent of a gambling provider, or on the initiative of the Authority.

(3) A dispensation under sub-clause (1) may be granted for the benefit of the applicant, for the benefit of a class of gambling providers or for the benefit of gambling providers generally.

8 Role of peak bodies

(1) A gambling provider may satisfy a code of practice obligation through the actions of a peak body.

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(2) This clause—

(a) applies to obligations which—

- (i) are amenable to satisfaction through the actions of a peak body; and
- (ii) are consistent with the actual relationship between the gambling provider and the peak body;

Examples: Clause 46(4)(c) requires a gambling provider to maintain management level contact with an appropriate gambling rehabilitation agency. This provision would allow the necessary relationship to be established for a gaming machine licensee by Club Safe or Gaming Care. In the case of an SA TAB agent, the relationship could be established by SA TAB on behalf of its agents. In the case of an SA Lotteries agent, the relationship could be established by either Tatts (as master agent) or the Lotteries Commission itself.

(b) does not apply to the training obligations in Part 5 of Chapter 3.

PART 3—GAMING MACHINE LICENSING

9 Designations as mandatory provisions

For the purposes of section 47 of the *Gaming Machines Act 1992*—

- (a) a provision of Chapter 2 or Chapter 3 listed in Column A of the table in Schedule 2 is designated as a mandatory provision;
- (b) if the letter “A”, “B”, “C” or “D” appears in Column B of the table in Schedule 2 next to the listing of a mandatory provision, contravention or failure to comply with the mandatory provision is declared to be an offence in the category corresponding to that letter; and
- (c) if the letter “A”, “B”, “C” or “D” appears in Column C of the table in Schedule 2 next to the listing of a mandatory provision, the offence of contravention or failure to comply with the mandatory provision is declared to be an expiable offence in the category corresponding to that letter;
- (d) the other provisions of Schedule 2 have effect in their terms.

Chapter 2—Advertising code of practice

PART 1—PURPOSE OF THE ADVERTISING CODE

10 Objects stated

This Chapter provides a framework through which gambling providers can ensure that their advertising—

- (a) is consistent with the community's expectations that gambling businesses will be conducted in a responsible manner so as to minimise the harm caused by gambling; and
- (b) is socially responsible.

11 Objects as an aid to interpretation

Interpretations of this code which promote the objects stated in clause 10 are to be preferred to any other interpretations.

PART 2—CONTENTS OF GAMBLING ADVERTISING

12 Compliance with general laws and codes

- (1) Gambling advertising must be compliant with applicable State and Federal laws.
- (2) Gambling advertising must be compliant with relevant industry codes of practice (whether mandatory or voluntary).

13 Specific provisions

- (1) Gambling advertising—
 - (a) must not encourage a breach of the law;
 - (b) must not depict children gambling;
 - (c) must not be false, misleading or deceptive;
 - (d) must not suggest that winning will be a definite outcome of participating in gambling activities;
 - (e) must not suggest that participation in gambling activities is likely to improve a person's financial prospects;
 - (f) must not promote the consumption of alcohol while engaging in gambling activities;
 - (g) must be published in accordance with decency, dignity and good taste; and
-

- (h) must not offer any credit, voucher or reward as an inducement to participate, or to participate frequently, in any gambling activity (including as an inducement to open a gambling account).
- (2) Gambling advertising must not make claims related to winning or the prizes that can be won—
 - (a) that are not based on fact; or
 - (b) that are unable to be proven; or
 - (c) that are exaggerated.
- (3) Gambling advertising must not—
 - (a) in relation to non-skill gambling, suggest that a player’s skill can influence the outcome of gambling activity; or
 - (b) in relation to skill gambling, exaggerate the extent to which skill can influence the outcome of gambling activity.
- (4) Gambling advertising must not include the sounds of, or sounds suggestive of, coins landing in the tray of a gaming machine.

14 Unqualified use of “WIN” and “\$”

- (1) A gambling provider must not include, in any gambling advertising, material which includes one or more of the following expressions (or anything analogous to them)—
 - (a) “win”; and
 - (b) “\$”—unless that expression is used in relation to—
 - (c) a particular prize which has been determined or is payable; or
 - (d) a reasonable approximation or estimate of a prize which can be won.
- (2) For avoidance of any doubt, this clause applies to signs on the exterior of a gambling provider’s premises or in their immediate environs.

15 Prize promotions and advertising—specific obligations

- (1) If gambling advertising refers to, or relies on, the value or nature of one of the prizes which are available to be won (whether or not the prize is a prize of money) or the frequency with which the prize might be won, the advertising—
 - (a) must include sufficient information to allow a reasonably informed person to understand the overall return to player or, if the product does not have an overall return to player, the odds of winning; and
 - (b) must, if the advertising is intended to encourage a person to gamble during a particular period, include sufficient information to allow a reasonably informed person to appreciate how likely it is that the prize will be won by someone during that period.

- (2) If, in seeking to comply with this clause, a gambling provider—
 - (a) calculates the theoretical number, value and frequency of prizes to be won;
 - (b) in the advertising, suggests an outcome no less favourable to the gambling provider than that theoretical outcome; and
 - (c) obtains an actual outcome more favourable than that which was advertised—the gambling provider will still be regarded as complying with this clause.

- (3) Sub-clause (1)(a) does not apply to advertising of a trade promotion lottery offered in conjunction with the purchase of a gambling product if the odds or chance of winning the trade promotion lottery are—
 - (a) affected by the number of entrants; or
 - (b) dependent on similar factors beyond the control of the gambling provider.

16 Permissible advertising of loyalty programs

- (1) A gambling provider may, despite clause 13(1)(h), advertise an inducement in the form of participation in an acceptable loyalty program by—
 - (a) drawing attention to the name of the loyalty program and its availability to customers of the gambling provider;
 - (b) publishing the program's terms, conditions and benefits—
 - (i) on a public webpage; or

- (ii) on signs in or near a gambling area; or
 - (iii) in a document available in or near a gambling area—
so long as the terms, conditions and benefits are published in their entirety.
- (2) A gambling provider may, despite clause 13(1)(h), advertise an inducement in the form of participation in an acceptable trade promotion lottery by drawing attention to the prizes.

PART 3—MANDATORY WARNING MESSAGES

Division 1—All gambling advertising to include mandatory warning message

17 General position—expanded warning message to be used

- (1) Gambling advertising must include the expanded warning message.
- (2) This clause does not require the inclusion of the expanded warning message if, in the case of particular gambling advertising, that would not be reasonable or practicable.

18 Condensed warning message

If gambling advertising does not include the expanded warning message, the gambling advertising must include the condensed warning message.

19 Warning message to be respected

When a mandatory warning message is included in gambling advertising, the manner of its inclusion must be consistent with the message being a warning message.

20 Relationship between general and special provisions

When a provision of another Division of this Part is inconsistent with this Division, that provision will prevail over this Division to the extent of the inconsistency.

Division 2—Special provisions for radio and television

21 Presentation of message on radio

- (1) Gambling advertising on radio—
 - (a) despite clause 17, may always be accompanied by the condensed warning message; and

- (b) in the case of a plug, must end with the condensed warning message and the national gambling helpline number 1800 858 858.
- (2) When announced on radio, a mandatory warning message must be—
 - (a) spoken in a neutral tone; and
 - (b) otherwise presented in a way which reflects the importance of a warning message.
- (3) A gambling provider must ensure, through the provision of instructions about its obligations under this code, that a mandatory warning message is appropriately respected—
 - (a) in live announcements of its gambling advertising on radio;
 - (b) when mentioned by radio announcers before or after the broadcast of its gambling advertising.
- (4) The requirement in sub-clause (1)(b) is variable by a management plan.

22 Presentation of message on television

- (1) Gambling advertising on television—
 - (a) in the case of an advertisement longer than 15 seconds—must, despite anything in clause 17(2), always be accompanied by the expanded warning message; and
 - (b) in the case of a plug other than celebrity commentary—must feature the superimposition, for the duration of the plug, of the condensed warning message and the national gambling helpline number 1800 858 858;
 - (c) in the case of celebrity commentary—must include the person expressly or impliedly representing the gambling provider mentioning the national gambling helpline number 1800 858 858 and the need to gamble responsibly;
 - (d) in the case of the presence of a logo on screen (other than as part of a television commercial which includes a mandatory warning message)—must include the placement of the condensed warning message adjacent to the logo, occupying no less space than that occupied by the logo.
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- (2) When a mandatory warning message appears in gambling advertising (other than a plug) on television—
 - (a) the message must—
 - (i) occupy at least 25% of the screen area for at least one-sixth of the length of the advertisement;⁵ or
 - (ii) occupy the whole of the screen area for at least one-tenth of the length of the advertisement;⁶ and
 - (b) the message must be spoken in a neutral tone at the same time as it appears on the screen.
- (3) A gambling provider must ensure, through the provision of instructions about its obligations under this code, that the mandatory warning message is appropriately presented.
- (4) The following provisions do not apply in respect of gambling advertising which appears on television only because the broadcast image is of a public event at which the gambling advertising has been placed—
 - (a) clauses 17 and 18 [gambling advertising to include expanded or condensed warning message];
 - (b) sub-clause (2)(a) [mandatory warning message to appear for at least one-sixth of the time and occupy at least 25% of the screen]; and
 - (c) sub-clause (2)(b) [mandatory warning message to be spoken].
- (5) Sub-clauses (1)(d) and (4) do not apply to logos regulated by clause 29 [participant uniforms].
- (6) The requirements in sub-clauses (1)(b), (c) and (d) are variable by a management plan.

23 Radio blackout

- (1) Gambling advertising must not be placed on radio between 6.00am and 8.30am, Monday to Friday (both days inclusive).

⁵ For example, for 5 seconds in a 30 second advertisement.

⁶ For example, for 1.5 seconds in a 15 second advertisement.

- (2) This clause does not apply to gambling advertising on a dedicated sports channel.

24 Television blackout

- (1) Gambling advertising must not be placed on television between 4.00pm and 7.30pm, Monday to Friday (both days inclusive).
- (2) This clause does not apply to gambling advertising on a dedicated sports channel.

Division 3—Special provisions for print media, outdoor, etc, advertising

25 National helpline number to be included with condensed message

If the condensed warning message is used in advertising to which this Division applies, it must be accompanied by the national gambling helpline number 1800 858 858.

26 Print media

- (1) In gambling advertising in print (including in newspapers, magazines and on handbills), the mandatory warning message—
- (a) must be presented in a font, in a colour and with sufficient contrast such as to make it distinct; and
 - (b) must occupy at least 10% of the space occupied by the advertising.
- (2) The requirement in sub-clause (1)(b) is variable by a management plan.

27 Outdoor signage generally

- (1) In outdoor gambling advertising (other than a permitted external sign or advertising covered by clause 28), the mandatory warning message—
- (a) must be presented in a font, in a colour and with sufficient contrast such as to make it distinct; and
 - (b) must occupy at least 10% of the space occupied by the advertising.
- (2) Gambling advertising in the form of a permitted external sign need not be accompanied by a mandatory warning message.

28 Ground signage

- (1) This clause applies to gambling advertising which is an outdoor or indoor display or sign at a place which is the venue—
 - (a) for any sort of event which is broadcast on television; or
 - (b) for an event on which betting takes place.
- (2) Subject to sub-clause (3), in gambling advertising to which this clause applies, the mandatory warning message—
 - (a) must be presented in a font, in a colour and with sufficient contrast such as to make it distinct; and
 - (b) must occupy at least 10% of the space occupied by the advertising.
- (3) If gambling advertising to which this clause applies is presented by means of a display which—
 - (a) is constantly moving, scrolling or changing; or
 - (b) is capable of immediate or scheduled systematic change—
the mandatory warning message—
 - (c) must be presented in a font, in a colour and with sufficient contrast such as to make it distinct; and
 - (d) must occupy at least 25% of the space occupied by the advertising.
- (4) The requirements in sub-clauses (2) and (3) are variable by a management plan.

29 Participant uniforms

- (1) This clause applies to gambling advertising which is the placement of a logo on the apparel of a participant (including an official) in—
 - (a) an event which is broadcast on television in South Australia;
 - (b) an event on which gambling takes place; or
 - (c) a class of event on which gambling takes place—
and, in this clause, “**participant**” and “**event**” have corresponding meanings.
 - (2) Subject to sub-clause (3), gambling advertising to which this clause applies must be accompanied by the placement of the condensed warning message adjacent to the logo, occupying no less than half the space occupied by the logo.
-

- (3) Gambling advertising in the form of a small logo need not be accompanied by a mandatory warning message.
- (4) A gambling provider must ensure that participants do not wear its logo on occasions (other than events) when they are engaging solely or mainly with children.
- (5) The requirement in sub-clause (2) is variable by a management plan.

30 Exemption for inclusion of sponsor’s identity in event or venue name

- (1) Gambling advertising which is no more than the inclusion in—
 - (a) the title of an event or the name of a team participating in an event; or
 - (b) the name of a place—
of—
 - (c) a sponsor’s name; or
 - (d) the name of a sponsor’s brand—without design elements which distinguish it within the event title, team name or place name, need not be accompanied by a mandatory warning message.
- (2) This clause does not apply to gambling advertising regulated by clause 29 [participant uniforms].

Division 4—Special provisions for short messages

31 Messages of 160 characters or less

Gambling advertising which is a text message must be concluded with the condensed warning message.

32 Messages longer than 160 characters

Gambling advertising which is an electronic message of more than 160 characters must be concluded with the condensed warning message and the national gambling helpline number 1800 858 858.

PART 4—LIVE ODDS

33 Live odds—application

- (1) Subject to sub-clause (2), this Part applies to gambling advertising which—
 - (a) encourages betting on a form of gambling to which clause 34 states this Part applies; and
 - (b) is undertaken at a time to which clause 35 states this Part applies.
- (2) This Part does not apply to gambling advertising placed in a live sporting broadcast in a manner which complies with a recognised broadcasting code.

34 Live odds—forms of gambling

- (1) The forms of gambling to which this Part applies are—
 - (a) betting on a contingency as to the outcome of an event;
Examples: These forms of betting include predicting the winner of a match, the winning margin for a match, etc.
 - (b) betting on a contingency which is dependent on the holding of an event; and
Examples: These forms of betting include predicting the lead at particular intervals (quarter-by-quarter scores, etc), the identity of the first scorer in an event, the number of possessions, kicks, catches, wickets achieved by a player, etc.
 - (c) betting on a contingency which is dependent on the outcomes of multiple related events or rounds of events (a “**tournament**”).
Examples: These forms of betting include predicting the outcome of a whole year or series of competition, which teams will make a finals series, or a particular level in a finals series, etc.
 - (2) For the purposes of this Part, gambling advertising encourages betting on a form of gambling if—
 - (a) it quotes a price; or
 - (b) it draws attention to the time period in which the form of gambling is available; or
 - (c) it draws attention in any way to the availability of the form of gambling; or
 - (d) it otherwise encourages the betting—regardless of whether that form of gambling is approved, or capable of being approved, for the gambling provider in South Australia.
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35 Live odds—applicable times

The times to which this Part applies are—

- (a) in respect of an event which is completed in a single period of 24 hours—any time after the commencement of the event;

Example: Live odds on any outcome of a football game could not be advertised once play has commenced in the first quarter.

- (b) in respect of an event which is scheduled to be completed over more than one period of 24 hours—

- (i) if the relevant contingency relates to the actual outcome of the event—any time after the commencement of the event during the 24 hour period in which the event is scheduled to conclude; and

Example: Live odds on the outcome of a 5 day test cricket match could not be advertised after the start of play on the fifth day.

- (ii) if sub-paragraph (i) does not apply—any time between the commencement of the event in a particular period of 24 hours and the end of the event in that period; and

Example: This relates to the “derivative” forms of betting—the identity of the first scorer in an event, the number of possessions, kicks, catches, wickets achieved by a player, etc—and also to contingencies such as that the event will conclude early, or on the day of the bet.

- (c) in respect of a tournament—the commencement of the related event or round of events (as the case requires) by or in which the relevant contingency will be determined.

Example: Live odds on a tennis player reaching the semi-finals of a tournament could not be advertised after the start of the player’s quarter-final round match.

36 Regulation of live odds advertising

Gambling advertising to which this Part applies may only be undertaken—

- (a) in print media;
- (b) on a public webpage;
- (c) by telephone voice call; or
- (d) in a gambling area.

PART 5—GAMING MACHINE LICENSING

37 On premises advertising

Unless a gaming machine licensee is party to a responsible gambling agreement—

- (a) the licensee must ensure that there is no advertising of its gambling product on the exterior of its premises or in their immediate environs;
- (b) the licensee must ensure that there is no advertising of its gambling product within its premises except for—
 - (i) material in gambling areas within the premises; and
 - (ii) directional signage in areas of the premises other than gambling areas; and
- (c) its gambling advertising must not refer to factors that might induce a person to engage in gambling activity including, but not limited to, prizes or benefits other than those available on gaming machines.

Chapter 3—Responsible gambling code of practice

PART 1—PURPOSE OF THE RESPONSIBLE GAMBLING CODE

38 Object stated

This Chapter provides a framework through which gambling providers can ensure that their general gambling practices are consistent with the community's expectations that their gambling businesses will be conducted in a responsible manner so as to minimise the harm caused by gambling.

39 Object as an aid to interpretation

Interpretations of this code which promote the object stated in clause 38 are to be preferred to any other interpretations.

PART 2—RESPONSIBLE GAMBLING OPERATIONS

Division 1—General

40 Compliance with general laws and codes

A gambling provider must—

- (a) conduct its business in accordance with all applicable laws and legal requirements; and
- (b) co-operate with regulatory bodies and government agencies in all matters, including their investigations of compliance with legal obligations.

41 Responsible gambling documents

- (1) A gambling provider must, for any gambling areas, virtual gambling areas and gambling telephone lines through which it provides its gambling products, ensure the existence of a document or documents (whether hard copy or otherwise) detailing—
 - (a) the manner in which staff training and measures for intervention with problem gamblers are implemented; and
 - (b) the roles of staff (described by name or by job title) in the implementation of this code.
- (2) A document required by sub-clause (1) must be—
 - (a) readily available to; and

- (b) made known to—
the staff to which it relates.
- (3) A document required by sub-clause (1) may be incorporated with any other operational document maintained by the gambling provider.

42 Internal reporting of problem gamblers

- (1) A gambling provider must establish a reporting process in respect of the identification of suspected problem gamblers by staff and the recording of those gamblers' details.
- (2) A gambling provider must ensure that a manager (however described)—
 - (a) reviews the record of suspected problem gamblers on a regular basis; and
 - (b) documents, as part of the record—
 - (i) the fact of the review; and
 - (ii) any steps taken to intervene in suspected problem gamblers' gambling behaviour.
- (3) Reviews will be regarded as being conducted on a regular basis, for the purposes of sub-clause (2)(a), if—
 - (a) the reviews are conducted fortnightly or more frequently; or
 - (b) the gambling provider can substantiate, in the context of the location of the venue and the nature of the gambling business conducted there, that a longer frequency for review is appropriate and the reviews are actually conducted on that frequency.

43 Duty to offer barring

- (1) The purpose of this clause is to impose duties in respect of the making of barring orders under Part 4 of the *Independent Gambling Authority Act 1995*.
- (2) A gambling provider must facilitate the operation of the barring orders scheme in Part 4 of the *Independent Gambling Authority Act 1995* for the benefit of problem gamblers, their family members dependent upon them, and those with a genuine interest in the welfare of problem gamblers and their families.

- (3) Without limiting sub-clause (2), a gambling provider must—
- (a) if a gambler requests voluntary exclusion, bar the person forthwith unless there is good reason not to;
 - (b) if a person requests the involuntary barring of a gambler, promptly make a considered decision.
- (4) Without limiting sub-clause (2), a gambling provider must document and implement procedures to ensure that it responds to enquiries about barring (regardless of who initiates them) and approaches for the making of barring orders in a manner which is—
- (a) informative;
 - (b) timely, with the aims of—
 - (i) dealing with a telephone enquiry in one call; and
 - (ii) dealing with an in-venue approach while the person is in the venue; and
 - (c) culturally appropriate, including by the use of a telephone interpretation service.
- (5) A gambling provider may respond to enquiries or approaches for barring under Part 4 of the *Independent Gambling Authority Act 1995* with flexible informal arrangements to limit, manage or control a gambler's access to gambling if—
- (a) the gambling provider has adequate resources; and
 - (b) it is reasonable to expect that informal arrangements would be better for the gambler.
- (6) A gambling provider must ensure that any loyalty program database and any like list does not include a person who is excluded (whether by formal barring order or otherwise).

44 Direct customer communications

A gambling provider must include in or with a direct customer communication—

- (a) in the case of a direct customer communication which is not a text message—information about how the customer could obtain help for a gambling problem; and
 - (b) in the case of a text message—the condensed warning message or the national gambling helpline number 1800 858 858.
-

Division 2—Venue operations

45 Gambling areas

- (1) A gambling provider must in each gambling area—
 - (a) display prominently a message (whether alone or in combination with one or more other mandated messages) indicating that gambling operations are governed by a code of practice; and
 - (b) ensure that a copy of this code is made available, on request, to people in the gambling area.
- (2) A gambling provider must ensure the prominent display of the condensed warning message and (or within) a helpline sticker—
 - (a) if there is a gaming machine in a gambling area—on the cabinet of the gaming machine;
 - (b) if a gambling product other than a gaming machine is offered in a gambling area—on or near each point of sale; and
 - (c) if there is an electronic display in the gambling area which is used for displaying venue generated messages in the nature of internal advertising—on that display.
- (3) A gambling provider must ensure that the time of day is—
 - (a) prominently displayed; and
 - (b) visible—throughout gambling areas.
- (4) A gaming provider—
 - (a) must take all reasonable and practicable steps to ensure that a person plays no more than one gaming machine at a time; and
 - (b) without limiting paragraph (a), must—
 - (i) in respect of a patron offending for the first time on a given day, give a warning; and
 - (ii) in respect of a patron who does not heed a warning, require the patron to leave the gambling area for 24 hours.

46 Customer information and signage

- (1) A gambling provider must—
- (a) prominently display and renew responsible gambling materials (including a poster and a pamphlet) in gambling areas in a form which includes—
 - (i) the expanded warning message; or
 - (ii) if it is not reasonable or practicable to include the expanded warning message, the condensed warning message; and
 - (b) make available its responsible gambling poster in the following 5 languages other than english—
 - (i) arabic;
 - (ii) chinese;
 - (iii) greek;
 - (iv) italian;
 - (v) vietnamese—together with any other language which the gambling provider considers appropriate.
- (2) A gambling provider must—
- (a) ensure the prominent display of the condensed warning message and (or within) a helpline sticker on or near each ATM; and
 - (b) ensure that a quantity of helpline cards is available at or near each gaming machine, on or near each ATM and at other places throughout gambling areas.
- (3) A gambling provider must take all reasonable steps to ensure that a patron who demonstrates difficulty in controlling his or her personal expenditure on gambling products has his or her attention drawn to the name and telephone number of a widely available gambling help service.

- (4) A gambling provider must—
 - (a) identify a gambling rehabilitation agency that patrons can readily access (including the location of the agency and a key operational contact who can be asked for by name);
 - (b) ensure that staff are sufficiently informed about the identity and location of the gambling rehabilitation agency so as to be able to direct patrons to the agency;
 - (c) ensure that management level contact is established and maintained with the gambling rehabilitation agency about problem gambling matters.

- (5) A gambling provider must reinforce its responsible gambling policy in appropriate customer newsletters and other communications.

47 Alcohol and gambling

- (1) A gambling provider must take all practicable steps—
 - (a) to prevent a person from being allowed to gamble if—
 - (i) the person is intoxicated; or
 - (ii) the person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor.
 - (b) to prevent the entry of a person into a gambling area, or a person remaining in a gambling area, if—
 - (i) the person is intoxicated; or
 - (ii) the person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor.
 - (c) to ensure that liquor is not supplied to reward, promote or encourage continued gambling.

- (2) The casino licensee must ensure that a person is not served liquor while seated or standing at a gaming machine or at an automated table game (unless the automated table game is conducted by a dealer).

- (3) A gaming machine licensee must ensure that a person is not served liquor while seated or standing at a gaming machine.

48 Young children in and around premises

A gaming provider must—

- (a) establish and keep current; and
- (b) implement—

a written procedure addressing the issue of young children (being children aged 10 years or less) who might, but for the procedure, be left unattended on the gaming provider's premises or in a motor vehicle parked in a car park over which the gaming provider has direct power and control.

49 Gaming machines and coin availability

A gaming provider must ensure that coin can only be obtained from—

- (a) a cashier; or
- (b) an automated coin dispensing machine which is located so as to enable patron activity to be monitored.

50 Cashing cheques in gambling areas

- (1) Subject to sub-clause (2), a gaming provider must not cash a cheque in a gambling area.
- (2) The Authority may, on the application of a gaming provider, give an exemption in respect of a gambling area by notice in writing stating—
 - (a) the reason for the exemption (such as the location of the premises containing the gambling area); and
 - (b) any conditions attached to the exemption.

51 Provision of cheques for winnings

- (1) Subject to sub-clause (2), a gaming provider must, if requested to provide a cheque on premises in respect of an undisputed prize, winnings or redemption of credits in aggregate of \$1 000 or more, provide the cheque—
 - (a) as soon as practicable; and
 - (b) in any event, within 30 minutes after the patron makes the request and completes any formalities required by law.
- (2) The Authority must, if satisfied on application by a gaming provider that exceptional circumstances exist, fix a period longer than 30 minutes for the purposes of sub-clause (1)(b).

Division 3—Virtual and telephone operations

52 Virtual gambling areas and account holder information and signage

- (1) A gambling provider must in each virtual gambling area—
 - (a) display prominently a message indicating that its gambling operations are governed by a code of practice; and
 - (b) ensure that a copy of this code is available from the webpage or screen that constitutes the virtual gambling area.
- (2) A gambling provider must provide prominent access to its responsible gambling materials on each website which includes a virtual gambling area.
- (3) A gambling provider must ensure the prominent display of the condensed warning message at every point of sale in its virtual gambling areas.
- (4) A gambling provider must—
 - (a) at the time of establishing a gambling account—
 - (i) indicate that its gambling operations are governed by a code of practice; and
 - (ii) provide its responsible gambling materials (including a printed or electronic pamphlet) to the account holder; and
 - (b) when providing a statement for a gambling account, include a mandatory warning message as part of the statement.
- (5) For the purposes of sub-clauses (2) and (4), a gambling provider must—
 - (a) publish its responsible gambling materials in a form which includes the contents of a helpline card and the expanded warning message; and
 - (b) make available a short form of its responsible gambling materials in the following 5 languages other than english—
 - (i) arabic;
 - (ii) chinese;
 - (iii) greek;
 - (iv) italian;

- (v) vietnamese—
- together with any other language which the gambling provider considers appropriate.
- (6) A gambling provider must take all reasonable steps to ensure that an account holder who demonstrates difficulty in controlling his or her personal expenditure on gambling products has his or her attention drawn to the name and telephone number of a widely available gambling help service.
- (7) A gambling provider must reinforce its responsible gambling policy in account holder newsletters and other communications.

53 Alcohol and gambling

A gambling provider which is operating a gambling telephone line must take all practicable steps to prevent a person from being allowed to gamble if—

- (a) the person is intoxicated; or
- (b) the person's speech or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor.

PART 3—INDUCEMENTS AND LOYALTY

54 Inducements

- (1) A gambling provider must not offer or provide any inducement—
- (a) directed at encouraging patrons to gamble;
- (b) directed at encouraging people to open gambling accounts.
- (2) This clause does not apply to—
- (a) the offering or provision of participation in an acceptable loyalty program;
- (b) the offering or provision of participation in an acceptable trade promotion lottery or of a complimentary gambling product;
- (c) the offering or provision in a gambling area of an inducement in the form of complimentary non-alcoholic beverages and refreshments of nominal value; or

- (d) the offering or provision of an inducement in respect of a pre-commitment trial approved in writing by the Authority, within and subject to the terms of the instrument of approval.
- (3) This clause does not prevent the payment of commissions to, or in respect of, identified high value patrons.

55 Acceptable loyalty programs

- (1) A loyalty program is an acceptable loyalty program—
 - (a) if it is a structured program which—
 - (i) is conducted in accordance with published terms and conditions;
 - (ii) is advertised in a manner consistent with the advertising requirements for the gambling provider’s gambling products;
 - (iii) offers rewards proportionate to gambling activity (including non-monetary privileges attached to tiers in a stepped rewards system);
 - (iv) offers regular activity statements; and
 - (v) offers “high value patron” status only to those who meet and, on periodic review, maintain numerical and narrative tests of high value play; or
 - (b) if it has been specifically approved by the Authority by reference to its rules and conditions and the manner in which it is advertised and promoted.
- (2) In addition to the matters required by sub-clause (1)(a), an acceptable loyalty program must include a facility for predictive monitoring of the patterns of gamblers’ gambling activity, with the purpose of intervening in cases where there is a risk of problem gambling.

56 Acceptable trade promotion lotteries

- (1) A lottery is an acceptable trade promotion lottery if—
 - (a) being a trade promotion lottery within the meaning of the Lottery and Gaming Regulations 2008, it is an authorised lottery or an exempted lottery under the *Lottery and Gaming Act 1936*;

- (b) its dominant purpose is to reward or retain existing patrons rather than to encourage patrons to gamble more than they would otherwise; and
 - (c) it has been approved by the Authority—
 - (i) specifically, by reference to its rules and conditions and the manner in which it will be advertised; or
 - (ii) by reference to a class of lottery meeting minimum standards for its rules and conditions and the manner in which it will be advertised.
- (2) The grant of an approval under sub-clause (1)(c) may be made contingent on the grant, in particular terms, of a licence under the Lottery and Gaming Regulations 2008.

57 High value patron

For the purposes of this Part, a high value patron is a gambling customer—

- (a) whose expected annual gambling activity will exceed—
 - (i) \$16 000 net expenditure over a year; or
 - (ii) \$160 000 gross turnover over a year—when assessed by reference to the most recent three months of activity or by another method specifically approved by the Authority; and
- (b) who, in the informed opinion of the gambling provider, has the means or resources to sustain the expected level of gambling activity indefinitely.

PART 4—PRE-COMMITMENT, ETC

Division 1—Account based gambling operations

58 Application to particular gambling providers

This Part applies to—

- (a) an authorised interstate betting operator;
 - (b) a licensed bookmaker;
 - (c) the Lotteries Commission
 - (d) a licensed racing club; and
-

(e) SA TAB—

and a reference in this Part to a gambling provider is to be construed accordingly.

59 Certain gambling to be account based gambling

A gambling provider must not provide gambling services to a person in South Australia by telephone, internet or other electronic means unless the gambling provider has established a gambling account for the person.

60 Elimination of duplicate accounts

A gambling provider must ensure that each account holder has no more than one gambling account except where—

- (a) the account holder has a fortnightly turnover consistent with an annual turnover of more than \$1 million and the gambling provider is satisfied that there is good reason for the account holder to have more than one gambling account; or
- (b) the gambling provider offers only the net betting losses pre-commitment option referred to in clause 61(2)(b)(i).

Division 2—Limits and periods

61 Gambling provider to offer weekly pre-commitment

- (1) A gambling provider must, in respect of account based gambling, provide a pre-commitment scheme.
- (2) A pre-commitment scheme referred to in sub-clause (1) must meet the following minimum requirements—
 - (a) an account holder must be able to set a pre-commitment limit for a fixed period of 7 days (the “**relevant period**”);
 - (b) the pre-commitment limit set by the account holder may apply, at the election of the gambling provider, to—
 - (i) net betting losses by the account holder (regardless of the number of accounts held) during the relevant period;
 - (ii) deposits made to the account during the relevant period; or

- (iii) a combination of both;
 - (c) a gambling account must not be able to be used until the account holder has set a pre-commitment limit or chosen not to set a pre-commitment limit;
 - (d) the gambling provider, at intervals of no less than 2 years, must contact each account holder who has chosen not to set a pre-commitment limit to offer the choice to set a pre-commitment limit;
 - (e) a decision by an account holder to—
 - (i) increase or revoke a pre-commitment limit; or
 - (ii) change the start day for the relevant period—must not come into effect for a period of 7 days;
 - (f) a decision by an account holder to decrease a pre-commitment limit must be given effect as soon as practicable.
- (3) A pre-commitment scheme referred to in sub-clause (1) may include additional limits and features so long as they do not conflict with the minimum requirements set out in sub-clause (2).

62 Account balances

A gambling provider must provide an account holder with an account balance—

- (a) whenever money is withdrawn (other than for the purchase of a gambling product); and
- (b) whenever money is deposited into a gambling account via an online transaction; and
- (c) in the case of a bet placed by internet—whenever a bet is made from the account; and
- (d) upon request by the account holder.

63 Pre-commitment to be promoted

A gambling provider must promote the availability of the pre-commitment scheme—

- (a) on any brochures, pamphlets or marketing information (other than advertising) that provides information on how a gambling account may be established; and

- (b) as part of the welcome pack (however described) provided to an account holder upon account establishment;
- (c) on the gambling provider's website—both on the homepage and on any point of sale page; and
- (d) on account balances (when provided in writing) and activity statements.

Division 3—Activity statements

64 Gambling provider to send activity statements

- (1) A gambling provider must send an account holder a routine activity statement—
 - (a) for each calendar month in which there are 50 or more transactions conducted on a gambling account; and
 - (b) for each period of consecutive calendar months (up to three calendar months) in which more than 40 transactions are conducted on a gambling account (which statement may be combined with a statement required by paragraph (a)); and
 - (c) at least once in each period of 12 months following the provision of an activity statement—so as to provide a continuous record of gambling activity.
- (2) A gambling provider must, in addition to activity statements required by sub-clause (1), send a special activity statement to an account holder upon request for the period nominated by the account holder.
- (3) Despite sub-clause (1), a gambling provider may meet the requirements for routine activity statements by sending activity statements on a rolling monthly basis (whether or not the statement periods are calendar months).
- (4) The frequency requirements of sub-clauses (1)(a), (b) and (c) are variable by a management plan.
- (5) Despite sub-clause (1)(c), a gambling provider is not required to send an annual activity statement in respect of an account—
 - (a) which has a credit balance of \$10 or less at the end of the relevant year; and
 - (b) in respect of which there has been no gambling activity in the relevant year.

65 Statement to be in writing

- (1) An activity statement must be sent in writing.
- (2) A gambling provider may satisfy the requirement to send an activity statement in writing by sending the statement—
 - (a) if the gambling provider is able to send the statement by email and the account holder elects to receive the statement that way—by email; or
 - (b) by facsimile transmission; or
 - (c) by post or some other form of physical delivery.
- (3) If—
 - (a) a gambling provider is able to send activity statements by email;
 - (b) an account holder elects to receive activity statements by post or some other form of delivery—

the gambling provider is not prevented by this code from recovering the additional cost occasioned by the mode of delivery.

66 Contents of activity statement

- (1) An activity statement must include details of each transaction in the statement period, including the amount, date, time and a description of the transaction.
- (2) If—
 - (a) an account holder elects to receive activity statements by email;
 - (b) on any one day during the relevant period, the statement would record 20 or more transactions; and
 - (c) the gambling provider offers a facility by which the account holder may view individual transactions online—

the gambling provider may provide the statement in a form which aggregates on a daily basis the amounts deposited, withdrawn, bet and won.

PART 5—STAFF AND TRAINING

Division 1—Casino

67 Training

- (1) The casino licensee must ensure that—
 - (a) each casino gaming employee—
 - (i) within 3 months after starting, commences and completes basic training; and
 - (ii) at intervals of no more than 2 years after first completing basic training, commences and completes basic training or advanced training; and
 - (b) each casino supervisor—
 - (i) within 3 months after starting, commences and completes basic training (if the casino supervisor has not already completed basic training) and advanced training; and
 - (ii) at intervals of no more than 2 years after first completing advanced training, commences and completes further advanced training.
 - (2) The casino licensee may make the following applications for the purposes of section 41A(2)(e)(ii) of the *Casino Act 1997*—
 - (a) for an exemption that deems training undertaken and experience acquired prior to, or within the 12 months after, the transition day as whole or partial satisfaction of a requirement under sub-clause (1); and
 - (b) for an exemption that deems—
 - (i) partial completion of particular basic training or advanced training by a class of casino gaming employee as whole or partial satisfaction of a requirement under sub-clause (1)(a)(ii);
 - (ii) partial completion of particular advanced training by a class of casino supervisor as whole or partial satisfaction of a requirement under sub-clause (1)(b)(ii).
 - (3) An application under sub-clause (2)—
 - (a) must be made in writing to the Authority; and
 - (b) must be accompanied by supporting documentary material.
-

68 Staff welfare

The casino licensee must take reasonable steps to ensure that staff with a potential or actual gambling problem (not limited to a casino gaming problem) are identified and referred for counselling, support or therapy.

69 Definitions and transitional

(1) In this Division—

“**advanced training**” means a course of training recognised as advanced training under section 33A(1)(b) of the *Casino Act 1997*;

“**basic training**” means a course of training recognised as basic training under section 33A(1)(a) of the *Casino Act 1997*;

“**casino gaming employee**” means a person approved under Part 4, Division 2 of the *Casino Act 1997* to hold a sensitive position in table games, gaming machines, surveillance or security operations or perimeter control;

“**casino supervisor**” means a person approved under Part 4, Division 2 of the *Casino Act 1997* to hold a sensitive position or a position of responsibility—

(a) in host responsibility;

(b) in a premium gaming area⁷; or

(c) managing or supervising casino gaming employees in table games, gaming machines, surveillance or security operations at the casino;

“**starting**” means the later of—

(a) the day on which this Division comes into operation under clause 1(2); and

(b) the day a person first works as a casino gaming employee or as a casino supervisor;

“**transition day**” means 1 July 2014.

(2) Where clause 67(1) imposes an obligation in respect of a person who—

(a) was an employee of the casino licensee on the transition day; and

⁷ For the definition of “premium gaming area” see section 3 of the *Casino Act 1997*.

(b) had received training within the preceding 2 years which complied with the responsible gambling code of practice then in force—

a requirement that basic or advanced training be provided within 3 months of starting is to be taken as a requirement that that training be provided within 12 months after the transition day.

Division 2—Gaming machines

70 Training

(1) A gaming machine licensee must ensure that—

(a) each gaming employee—

(i) within 3 months after starting, commences and completes basic training; and

(ii) at intervals of no more than 2 years after first completing basic training, commences and completes basic training or advanced training; and

(b) each gaming manager—

(i) within 3 months after starting, commences and completes basic training (if the gaming manager has not already completed basic training) and advanced training; and

(ii) at intervals of no more than 2 years after first completing advanced training, commences and completes further advanced training.

(2) A gaming machine licensee or a peak body (in respect of gaming machine licensees it represents) may make the following applications for the purposes of section 10A(2)(ca)(ii) of the *Gaming Machines Act 1992*—

(a) for an exemption that deems training undertaken and experience acquired prior to, or within the 12 months after, the transition day as whole or partial satisfaction of a requirement under sub-clause (1); and

(b) for an exemption that deems—

(i) partial completion of particular basic training or advanced training by a class of gaming employee as whole or partial satisfaction of a requirement under sub-clause (1)(a)(ii);

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- (ii) partial completion of particular advanced training by a class of gaming manager as whole or partial satisfaction of a requirement under sub-clause (1)(b)(ii).
- (3) An application under sub-clause (2)—
 - (a) must be made in writing to the Authority; and
 - (b) must be accompanied by supporting documentary material.

71 Staff welfare

A gaming machine licensee must take reasonable steps to ensure that staff with a potential or actual gambling problem (not limited to a gaming machine problem) are identified and referred for counselling, support or therapy.

72 Definitions and transitional

- (1) In this Division—
 - “**advanced training**” means a course of training recognised as advanced training under section 10B(1)(b)(ii) of the *Gaming Machines Act 1992*;
 - “**basic training**” means a course of training recognised as basic training under section 10B(1)(b)(i) of the *Gaming Machines Act 1992*;
 - “**starting**” means the later of—
 - (a) the day on which this Division comes into operation under clause 1(2); and
 - (b) the day a person first works as a gaming employee or as a gaming manager;
 - “**transition day**” means 1 July 2014.
- (2) Where clause 70(1) imposes an obligation in respect of a person who—
 - (a) was a gaming employee or a gaming manager on the transition day; and
 - (b) had received within the preceding 2 years—
 - (i) training which complied with clause 10 of the Gaming Machines Responsible Gambling Code of Practice; or

- (ii) training recognised as a course of advanced problem gambling intervention training under section 10B of the *Gaming Machines Act 1992*—

a requirement that basic or advanced training be provided within 3 months of starting is to be taken as a requirement that that training be provided within 12 months after the transition day.

Division 3—Wagering and Lotteries

73 Training

- (1) A gambling provider (other than a gaming provider) must—
 - (a) ensure that all people involved in selling its gambling products, or otherwise dealing with patrons, receive problem gambling training—
 - (i) for all staff at induction—basic training which identifies problem gambling and which explains the role and process of barring and exclusion; and
 - (ii) for supervisory and managerial staff (including the person in charge of a call centre, a physical point of sale or a physical gambling area)—advanced training on the identification of, and intervention techniques for, problem gambling;
 - (b) provide refresher courses for all staff at least each 2 years;
 - (c) include responsible gambling information in employee newsletters and magazines; and
 - (d) provide responsible gambling materials in the workplace to remind staff of policies and their responsibilities.
 - (2) If the gambling provider uses an external provider for training, that training provider must be a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* (Commonwealth).
 - (3) For the purposes of sub-clause (1), basic and advanced training programs must be designed to—
 - (a) provide information about the potential effect of gambling on customers;
 - (b) include information on the recognition and identification of problem gambling traits; and
-

- (c) ensure that the processes for approach, intervention, referral and follow-up are clear and well understood.
- (4) A gambling provider (other than a gaming provider) must—
 - (a) make arrangements to ensure that training programs provided to its staff are the subject of an annual review of or audit for their compliance with the requirements of this code; and
 - (b) provide a report of the outcome of each review or audit to the Authority within 28 days after completion.
- (5) The Authority, on the application of a gambling provider (other than a gaming provider) or a relevant peak body, may grant exemptions from the operation of this clause—
 - (a) in respect of the deferral of training required on induction by up to 3 months; and
 - (b) in respect of transitional issues arising on the enactment of the *Statutes Amendment (Gambling Reform) Act 2013*.
- (6) Sub-clauses (1)(a) and (b) do not apply (at the election of the gambling provider) in respect of a person on the staff of an agent which is coincidentally a gaming provider if that person has received, and is current with, training required by Division 1 or Division 2 of this Part.

74 Staff welfare

A gambling provider (other than a gaming provider) must take reasonable steps to ensure that staff with a potential or actual gambling problem (involving any sort of gambling) are identified and referred for counselling, support or therapy.

PART 6—INTERVENTION INITIATIVES

75 Casino

- (1) The casino licensee must maintain a host responsibility program.
- (2) For the purposes of sub-clause (1), a host responsibility program and its circumstances must meet the following minimum requirements—
 - (a) there must be at least one program employee available to attend in a gambling area whenever the casino is operating;

- (b) the casino licensee must provide program employees with free and unrestricted access to the licensee’s premises, other staff and patrons at all times the casino is open for business;
- (c) the casino licensee must undertake to its staff that they will in no way be the subject of prejudice or unfavourable treatment due to making reports of problem gambling behaviour or suspected problem gambling behaviour;
- (d) the casino licensee must consent to, and must facilitate, comprehensive annual and more frequent periodic reporting to the Authority by program staff of their activities, as required by the Authority from time to time; and
- (e) the casino licensee must notify the Authority of the terms of reference for the program, and procure the Authority’s acceptance of them.

76 Gaming machine licensees

Unless a gaming machine licensee is party to a responsible gambling agreement—

- (a) the licensee must ensure that it is not possible to see into a gambling area from within other parts of the premises or from outside the premises;
- (b) the licensee must ensure that, to the greatest extent practicable, sounds associated with gambling are not audible in parts of the premises other than gambling areas or in any area outside the premises;
- (c) the licensee must ensure that patron activity on automated coin dispensing machines is routinely and regularly monitored; and
- (d) the licensee must not allow participation in a loyalty program other than one which includes a pre-commitment program approved by the Authority.

Schedule 1

<i>Expanded warning message</i>	<i>First relevant period</i>
Know when to stop. Don’t go over the top. Gamble responsibly.	1 January 2014–30 June 2014

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Schedule 2

<i>Expanded warning message</i>	<i>First relevant period</i>
Think of the people who need your support. Gamble responsibly.	1 July 2014–31 December 2014
Don't chase your losses. Walk away. Gamble responsibly.	1 January 2015–30 June 2015
Don't let the game play you. Stay in control. Gamble responsibly.	1 July 2015–31 December 2015
Stay in control. Leave before you lose it. Gamble responsibly.	1 January 2016–30 June 2016
You know the score. Stay in control. Gamble responsibly.	1 July 2017–31 December 2017

Schedule 2

TABLE
Gaming Machines Act 1992
Mandatory Provisions, Categories of Offences and Expiations

<i>Item No.</i>	<i>Column A Clause No.</i>	<i>Column B Offence category</i>	<i>Column C Expiation category</i>	<i>Additional provisions</i>
1	6	A	A	
2	12(1)	A	A	
3	12(1)	A	A	
4	13(1)(a)	B	B	
5	13(1)(b)	D	D	
6	13(1)(c)	A	A	
7	13(1)(d)	C	C	
8	13(1)(e)	D	D	
9	13(1)(f)	D	D	
10	13(1)(g)	D	D	
11	13(1)(h)	D	D	
12	13(2)	C	C	
13	13(3)(a)	C	C	
14	13(3)(b)	C	C	
15	13(4)	C	C	
16	14(1)(a)	C	C	
17	14(1)(b)	C	C	

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<i>Item No.</i>	<i>Column A Clause No.</i>	<i>Column B Offence category</i>	<i>Column C Expiation category</i>	<i>Additional provisions</i>
18	15(1)(a)	C	C	
19	15(1)(b)	C	C	
20	17(1)	D	D	This penalty applies where the condensed message is used when the expanded warning message should have been used.
21	18	B	B	This penalty applies where no warning message appears.
22	19	C	C	
23	21(1)(b)	B	B	
24	21(2)	C	C	
25	21(3)(a)	C	C	
26	21(3)(b)	C	C	
27	22(1)(a)	B	B	
28	22(1)(b)	B	B	
29	22(1)(c)	B	B	
30	22(1)(d)	B	B	
31	22(2)(a)	C	C	
32	22(2)(b)	C	C	
33	22(3)	C	C	
34	23(1)	B	B	
35	24(1)	B	B	
36	25	B	B	
37	26(1)	C	C	
38	27(1)	C	C	
39	28(2)	C	C	
40	28(3)	C	C	
41	29(2)	B	B	
42	29(4)	C	C	

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<i>Item No.</i>	<i>Column A Clause No.</i>	<i>Column B Offence category</i>	<i>Column C Expiation category</i>	<i>Additional provisions</i>
43	31	B	B	
44	32	B	B	
45	37(a)	A	A	
46	37(b)	B	B	
47	37(c)	D	D	
48	40	A	A	
49	41(1)	B	B	
50	41(2)	B	B	
51	42(1)	A	A	
52	42(2)	D	D	
53	43(2)	A	A	
54	43(3)(a)	A	A	
55	43(3)(b)	D	D	
56	43(4)	D	D	
57	44	D	D	
58	45(1)(a)	D	D	
59	45(1)(b)	D	D	
60	45(2)(a)	D	D	
61	45(2)(c)	D	D	
62	45(3)	D	D	
63	45(4)	D	D	
64	46(1)(a)	D	D	
65	46(1)(b)	D	D	
66	46(2)(a)	D	D	
67	46(2)(b)	D	D	
68	46(3)	B	B	
69	46(4)	B	B	
70	46(5)	D	D	

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<i>Item No.</i>	<i>Column A Clause No.</i>	<i>Column B Offence category</i>	<i>Column C Expiation category</i>	<i>Additional provisions</i>
71	47(1)(a)	B	B	
72	47(1)(b)	D	D	
73	47(1)(c)	D	D	
74	47(3)	D	D	
75	48	B	B	
76	49	A	A	
77	50(1)	B	B	
78	51(1)	D	D	
79	54(1)	B	B	
80	70(1)	D	D	
81	71	A	A	
82	76(a)	A	A	
83	76(b)	A	A	
84	76(c)	B	B	
85	76(d)	D	D	

NOTES

1. A certificate under section 10AA of the *Subordinate Legislation Act 1978* was granted in respect of the commencement of this notice by the Minister for Finance on 9 December 2013 in respect of the operation of the notice under the *State Lotteries Act 1966* and by the Minister for Business Services and Consumers on 4 December 2013 in all other respects.

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Note 2

2. The following table compares the provisions of this notice with the provisions of the uniform codes of practice in force prior to 1 December 2013.

Key to symbols: * — no corresponding provision;
 † — wagering codes only;
 ‡ — licensed racing club code only

<i>Clause No.</i>	<i>Advertising Code provision</i>	<i>Responsible Gambling Code provision</i>	<i>Description</i>
1	*	*	Short title, commencement, etc.
2	*	*	Authorising provisions.
3	6	11	Definitions.
4	8	13	Codes to apply to actions of gambling provider's agent as though agent were principal (State Lotteries and SA TAB only).
5	*	*	Codes not intended to create indirect liability (though third party incorporation).
6	*	*	Management plans.
7	8	13	Dispensations (authorised interstate betting operators only).
8	*	*	Role of peak bodies.
9	6(5)	11(3)	Designation of certain gaming machines provisions as mandatory.
10	1		Objects of advertising codes stated.
11	*		Objects as an aid to interpretation.
12(1)	3(1)(a)		Compliance with applicable state and federal laws.
12(2)	3(1)(b)		Compliance with relevant industry codes of practice.
13(1)(a)	*		Not to encourage breach of the law.
13(1)(b)	3(2)(b) 3(3)(b)†		Not to depict children gambling.
13(1)(c)	2(b)		Not to be false, misleading or deceptive.
13(1)(d)	*		Not to suggest gambler will definitely win.
13(1)(e)	3(2)(d) 3(3)(d)†		Not to suggest that gambling is likely to improve financial prospects.

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<i>Clause No.</i>	<i>Advertising Code provision</i>	<i>Responsible Gambling Code provision</i>	<i>Description</i>
13(1)(f)	3(2)(i) 3(3)(h)†		Not to promote the consumption of alcohol while gambling.
13(1)(g)	*		To be published in accordance with decency, dignity and good taste.
13(1)(h)	3(2)(k) 3(3)(j)†		Inducements.
13(2)	3(2)(g) 3(3)(f)†		Advertising claims must be based on fact, able to be proven and not exaggerated.
13(3)	3(2)(h); 3(3)(g)		Advertising claims about non-skill gambling and skill gambling.
13(4)	3(3)		Sounds of coins landing in gaming machine tray.
14	6(3)		Unqualified use of “WIN” and “\$”.
15	5		Prize advertising—specific obligations.
16	*		Permissible advertising of loyalty programs.
17	3(1A) 3(2)†		General position—expanded warning message to be used.
18	3(1A)(b) 3(2)(a)†		Availability of condensed warning message.
19	*		Message to be used in a manner consistent with a warning message.
21	*		Presentation of message on radio.
22	*		Presentation of message on television.
23	4(a)		Radio blackout.
24	4(b)		Television blackout.
25	*		National helpline number to be used with condensed message.
26	*		Print media—requirements regarding size, colour and percentage of space.

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<i>Clause No.</i>	<i>Advertising Code provision</i>	<i>Responsible Gambling Code provision</i>	<i>Description</i>
27	*		Outdoor signage generally—requirements regarding size, colour and percentage of space.
28	*		Ground signage— requirements regarding size, colour and percentage of space.
29	*		Participant uniforms—placement of logos.
30	*		Exemption for including sponsor’s identity in event name.
31	*		Messages of 160 characters or less.
32	*		Messages longer than 160 characters.
33	Schedule 1†		Live odds—application.
34	Schedule 1†		Live odds—forms of gambling.
35	Schedule 1†		Live odds—times.
36	Schedule 1†		Regulation of live odds advertising.
37(a)	3(1B)		On premises advertising—exterior of premises.
37(b)	3(1C)		On premises advertising—within premises.
37(c)	3(2)(k)		On premises advertising—not to refer to factors that might induce gambling activity.
38		1	Purpose of the code.
39		*	Object as an aid to interpretation.
40		3	Gambling provider to comply with applicable laws etc.
41		2	Terrestrial gambling—responsible gambling document, etc
42		8A	Register of suspected problem gambling.
43		9	Facilitation of barring.
44		*	Direct customer communications to include help service information.

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Key to symbols: * — no corresponding provision;
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<i>Clause No.</i>	<i>Advertising Code provision</i>	<i>Responsible Gambling Code provision</i>	<i>Description</i>
45		2 4(1) 4(2)	Terrestrial gambling—Refer to code of practice, display responsible gambling material, display time, have mandatory warning message at point of sale, refer patrons to help services, etc.
46(1)		5(1) 5(3)†	Display responsible gambling materials, five languages other than english, etc.
46(2)		5(2) 5(3)† 5(4)‡	ATMs, messages and helpline cards.
46(3)		5(3) 5(4)† 5(5)‡	Helpline name and phone number to be provided to persons displaying problem gambling behaviour.
46(4)		5(3A)	Relationship to be established between gambling provider and gambling rehabilitation agency.
46(5)		5(5) 5(6) 5(7)	Responsible gambling policy to be included in customer communications.
47(1)(a)		6(1)(a)	Intoxicated person not to gamble.
47(1)(b)		6(1)(b)	Intoxicated person not in gambling area.
47(1)(c)		6(1)(c) 6(b)	Alcohol to not be supplied to reward/encourage gambling.
47(2)		6(2)	No liquor at gaming machine or automated table game in casino.
47(3)		6(2)	No liquor at gaming machine in gaming machine venue.
48		7	Young children left unattended on premises or in car parks.
49		*	Gaming machines and coin availability.
50		8(1)	Cheque cashing.
51		8(2) 8(3)	Provision of cheques for winnings.

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<i>Clause No.</i>	<i>Advertising Code provision</i>	<i>Responsible Gambling Code provision</i>	<i>Description</i>
52		2‡ 4(1)(b) † 5(3)–(7)†	Interactive gambling—Refer to code of practice, display responsible gambling material, have mandatory warning message at point of sale, refer account holders to help services, etc
53		6	Intoxicated person not to gamble.
54		6A	Inducements to gamble.
55		11	Acceptable loyalty programs
56		*	Acceptable trade promotion lotteries
57		*	High value patron
58		*	Gambling providers to which pre-commitment applies.
59		7(1)	Telephone, internet, etc, gambling services to be provided only to account holders.
60		7(2)	One gambling account per person.
61		7(3)	Mandatory pre-commitment scheme.
62		7(4)(a)	Account balances.
63		7(6)	Promote pre-commitment scheme.
64		7(4)(b) 7(4A)	Activity statements—frequency.
65		7(5A) 7(5C)	Activity statements—form and mode of despatch.
66		7(5) 7(5B)	Contents of an activity statement.
67		10(1)–(5)	Casino training requirements.
68		10(6)	Referral of casino staff with gambling problem.
69		*	Casino training—definitions and transitional.
70		10(1)–(5)	Gaming machines training requirements.

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Key to symbols: * — no corresponding provision;
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<i>Clause No.</i>	<i>Advertising Code provision</i>	<i>Responsible Gambling Code provision</i>	<i>Description</i>
71		10(6)	Referral of gaming staff with gambling problem.
72		*	Gaming machines training—definitions and transitional.
73		10(1)–(5)	Wagering and lotteries providers training.
74		10(6)	Referral of wagering and lotteries staff with gambling problem.
75		*	Casino host responsibility program requirements.
76		4A(1)–(2) 6A(1)(b)	Gaming machines obligations contingent on having responsible gambling agreement.