

## **CHANGES TO THE CODE OF PRACTICE SUMMARY**

The ACT Gambling and Racing Commission's review of the *Gambling and Racing Control (Code of Practice) Regulation 2002* (the Code) has resulted in a number of amendments to the Code. These amendments are made by the *Gambling and Racing Control (Code of Practice) Amendment Regulation 2014* (the Regulation) which is expected to be approved by the ACT Executive in the near future. The Regulation and its accompanying explanatory statement (which explains in detail each clause of the Regulation) is available from the ACT Legislation Register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

### **SUMMARY OF KEY AMENDMENTS**

#### Commencement

The amendments to the Code of Practice will take effect on 1 August 2014.

#### Who do the amendments effect?

The Code of Practice amendments affect all licensees to some degree. The changes to the Code are made through a Regulation and are therefore mandatory under ACT law. If a breach of the Code occurs, a licensee may be liable for disciplinary action under the Act through which they are licensed. Under disciplinary action a licensee may be liable for a reprimand, monetary penalty or a suspension or cancellation of their licence.

### **ACT ONLINE GAMBLING EXCLUSION SCHEME**

#### ACT Online Gambling Exclusion Database (ACTGED)

The most significant change to the previous exclusion scheme is the implementation of the ACT Online Gambling Exclusion Database (ACTGED). ACTGED is a secure online web-based exclusion register and is the core component of the revised ACT Online Gambling Exclusion Scheme. ACTGED allows self-exclusions to be entered and distributed to all nominated venues in the ACT as soon as a Deed is completed and provided by the applicant. This will increase the effectiveness of the exclusion system by providing a central database and electronic method for advising licensees of exclusions and reducing the administrative workload of licensees.

The Regulation does not change who must be excluded from gambling under the Code of Practice. The Code of Practice provides for two types of exclusions, voluntary self-initiated exclusions and licensee-initiated exclusions. Self-exclusion enables a person to exclude or ban themselves from gambling at a gambling facility if the person recognises that this approach is likely to assist them to control their gambling. Licensees must also exclude a person if they reasonably believe that the welfare of the person or their dependants is seriously at risk because of the person's gambling problem.

#### Features of the Scheme

##### *Who must use ACTGED?*

All gaming machine licensees, the totalisator licensee and the casino are required to use ACTGED for all self-exclusions and licensee-initiated exclusions under the Code of Practice. Interactive gambling

providers and race and sports bookmaking licensees are only required to maintain a paper-based exclusion register based on operational requirements.

#### *Who may access ACTGED?*

Only approved persons may access ACTGED. These include the Commission, a licensee of a gambling facility or someone else approved by the Commission (such as a third party contracted by the licensee to enter their exclusions into the Database). ACTGED can only be accessed by authorised gambling venue staff using individual confidential logons and only from computers authorised by senior gambling venue managers and Commission staff. Licensees must seek approval from the Commission for all staff who will need access to the Database. A form for this purpose has been made available to all licensees and additional copies are available from the Commission.

#### *ACTGED Exclusion Forms*

The Commission has developed new exclusion forms which must be used. These include a 'Deed of Exclusion' for self-initiated exclusions, a 'Notice of Exclusion' for licensee-initiated exclusions and a 'Revocation of a Deed of Exclusion' for revoking a Deed of Exclusion. These new forms are available from the Commission's website. When a licensee enters a patron's information into ACTGED, the Database will auto-populate the information into the approved form which can be printed by the licensee and signed by the patron.

#### *Minimum and Maximum Periods of Exclusion*

The minimum time period for a Deed of Exclusion is six months and the maximum time period is three years. In order to recognise the voluntary nature of a self-exclusion Deed, the minimum exclusion period is a condition of the Deed which would apply once the Deed is signed. The individual agrees to abide by the minimum exclusion period but also has the option to apply for the Deed to be revoked at any time.

#### *Timeframe for Entering and Viewing Exclusion Information in ACTGED*

Whilst it is preferable for staff to enter self-exclusions directly into the Database with the applicant present, the Commission acknowledges that for operational reasons that may not always be possible. In these circumstances staff should assist the applicant complete a paper copy of a new Deed and enter the information including a photo of the applicant into ACTGED as soon as the opportunity becomes available. A licensee must ensure they enter the required exclusion information and send the completed Deed to all nominated licensees and the Commission using ACTGED as soon as practical and within 3 consecutive trading days of the completed Deed being received.

A nominated licensee will then be advised via email that there has been a change to their exclusion register which they must view within three consecutive trading days following receipt of this advice. This will ensure that licensees' knowledge of exclusion lists are current and up to date.

#### *New Deed of Exclusion Questions*

The new Deed of Exclusion form contains two questions for self excluding patrons which licensees must ensure are answered. When a patron self-excludes they will be asked to indicate on their Deed of Exclusion form whether they agree to be contacted to participate in gambling research. This research will include asking about their experience of the online gambling exclusion scheme. This

user experience of the scheme and feedback from gambling venue staff will provide important information for ongoing review and development of the scheme.

Applicants will also be asked if they would like to be contacted by a counsellor from the ACT Gambling Counselling and Support Service. If they do wish to be contacted, the Commission will advise the Service of the person's preferred contact details.

#### *Revocation of a Deed of Exclusion*

A person may choose to revoke their Deed of Exclusion before the nominated end date at any time. To do this, they must lodge a 'Revocation of a Deed of Exclusion' form with any gambling licensee or to the Commission. The receiver of the revocation notice should then record and enter the details of the revocation on ACTGED and then forward the application to the Commission for final processing. This is facilitated through ACTGED.

The revocation does not take effect until seven days after its receipt by the Commission. This gives the patron a 'cooling-off' period and ensures that the person does not make an impulse decision to return to gambling. This period also gives each licensee sufficient time to consider, and issue where appropriate, a licensee-initiated exclusion. It is a matter for each licensee to determine their own processes and policies when deciding whether to allow a person who has previously been excluded to re-enter or gamble at their facility.

#### *Pre-Existing Deeds of Exclusion*

Minimum and maximum self-exclusion periods do not apply to an existing Deed of Exclusion, as the original conditions of a Deed agreed to by an individual should remain in place. For example, a Deed commencing in 2006 that nominated a 50 year period of exclusion would stand unless amended by the individual.

#### *Record Keeping*

Licensees must keep the original copy of each Deed of Exclusion lodged with the licensee and any Notices of Exclusion given by the licensee within the last of seven years. The requirement does not require all nominated licensees to keep a copy of a Deed of Exclusion, only the original licensee with whom the Deed was lodged.

#### *Problem Gambling Incident Register*

The Commission has established an online incident register for licensees to use. This register forms one component of ACTGED and complements the existing paper-based system. The incident register is an important record of a patron's activities and can assist a licensee to make decisions about the person's well-being, including whether to exclude them from gambling at the licensee's premises. Incorporating an electronic incident register into ACTGED will promote its use and assist licensees to fulfil their obligations by providing a standard template for licensees to utilise in a readily accessible form. All licensees must record a problem gambling incident within 3 consecutive days after becoming aware of the incident.

Use of the online incident register is mandatory for gaming machine licensees, the totalisator licensee and the casino. Interactive gambling providers, race and sports bookmaking licensees and

lottery providers covered by the Code of Practice are only required to maintain a paper-based incident register based on operational requirements.

### *Exclusion Procedures*

Licensees are required to prepare written procedures dealing with how people are to be excluded from gambling at the licensee's facility. The implementation of the new exclusion scheme requires these procedures to be updated. The Commission will allow a period of six months for licensees to update their procedures to become compliant with the new requirements of the ACT Online Gambling Exclusion Scheme.

### *Further Assistance*

Phone and email help desk support will be provided by Commission staff during business hours. The help desk can be contacted at:

Email: [exclusionsupport@act.gov.au](mailto:exclusionsupport@act.gov.au)

Phone: 6207 0359

Where licensees experience difficulties with ACTGED after business hours, printed forms may be used for recording patron information. Commission staff will be available to assist licensees on the next business day.

## **OTHER SIGNIFICANT AMENDMENTS**

### Definition of Gambling Problem

The definition of gambling problem has been amended to *'a person has a gambling problem if the person has difficulty limiting the amount of money or time spent on gambling and this leads to adverse consequences for the person or another person'*. The new definition is consistent with the nationally recognised term described by Gambling Research Australia in their 2005 research report *'Problem Gambling and Harm: Towards a National Definition'*.

### Staff Training Requirements

Each staff member who is directly involved in providing or supervising gambling services to patrons must now have completed an approved training program within the previous three years. Previously re-training was required every five years. The Commission will allow a period of six months for staff who completed training within the previous five years to become compliant with the new requirements. After this period an exemption must be lodged by the licensee for consideration by the Commission.

### Gambling Contact Officers (GCO) Training Requirements

GCOs must have completed an approved training course within the previous three years. Previously re-training was required every five years. As outlined above, the Commission will allow a period of six months for GCOs who completed training within the previous five years to become compliant with the new requirements. After this period the licensee must lodge an exemption for consideration by the Commission.

In addition, each GCO must undertake at least one approved training session or course per year in order to continue to be eligible to be a GCO. In order for a training session or course to be approved

by the Commission, it must be relevant to the GCO role and increase their knowledge about problem or responsible gambling. Attendance at an approved training program would meet the requirements for that year. Other training sessions that may be approved by the Commission include attendance at relevant conferences or seminars, completion of relevant on-line courses, or attendance at relevant discussion forums, lectures or structured internal training courses. Licensees should keep appropriate documentation of course content and attendance to ensure verification of meeting training session requirements.

#### Cash Payment Limits

The maximum cash winnings payment limit (the maximum cash payable to a patron for one payout or event) for each licensee has been adjusted to the following amounts:

Type of Licensee	Maximum Cash Payable
Casino	\$25,000
Bookmaker	\$25,000
Totalisator	\$25,000
Lotteries	\$5,000
Keno	\$5,000
Trackside	\$5,000
Gaming Machine	\$1,500
Housie	\$1,250

Any winnings for a payout over the above amount must be in the form of a cheque or other non-cash means (eg. electronic transfer).

#### Payment of Gaming Machine Winnings over \$300

A patron may request that any winnings over \$300 from a gaming machine be paid to them by cheque or electronic funds transfer. This opportunity must be advertised within a venue in a conspicuous way, such as a notice within the gaming area, at the cash desk or at another appropriate high visibility area. Licensees must comply with this request.

#### Winnings of Excluded or Underage Patrons

A licensee must not knowingly pay winnings or prizes to a person who is under 18 years of age or who is excluded from gambling under a Deed of Exclusion or Notice of Exclusion. Any winnings won by such a person must be retained by the licensee and dispersed to other patrons through a suitable mechanism of additional prizes or winnings approved by the Commission (similar to the current requirements for the disbursement of link jackpot arrangements). A licensee must seek approval from the Commission prior to dispersing the winnings.

#### Alcohol Service While Gambling

A gaming machine licensee must not serve alcohol to a person playing, seated or standing at a gaming machine. This does not prohibit a person from purchasing alcohol or consuming alcohol while gambling, provided that a person leaves the gaming machine in order to obtain the product.

## Promotions and Inducements

### *Player Machine Promotions – Alternative Methods of Entry*

Any promotion where a method of entry or participation is playing gaming machines must include at least one alternative method of entry that does not require gaming participation. This could include entry mechanisms such as buying food or drinks at a venue or entering the venue. Promotions that are conducted as either a public or private lottery as defined under the *Lotteries Act 1964* are included in this requirement.

### *Inducements to Open a Bookmaking Customer Deposit Account*

An ACT sports bookmaking licensee must not conduct a promotion that offers inducements such as free or discounted gambling credits to open a bookmaking customer deposit account.

## Player Reward Scheme

### *Player Reward Points Redemption*

A gaming machine and casino licensee must ensure that where gambling credits are offered as a prize in exchange for player reward scheme points, a patron is able to redeem their points for a prize other than gambling credits.

### *Player Reward Scheme Prizes*

The maximum value of an individual reward or benefit available through a gaming machine licensee's player reward schemes is \$1,000. If a reward or benefit consists of several components, then the value of the prize is the sum of the components. For example, a gaming machine licensee must not offer a flight worth \$1,200 as a reward, but may offer two unrelated rewards where each flight is valued at \$600, provided they are not part of a packaged arrangement.

## Personally Addressed Promotional Material

A patron may request that personally addressed promotional material not be sent to them by a gaming machine, casino, totalisator and sports bookmaking licensee. This would include any information sent via mail, email, fax or other method and applies to all promotional material, not just material related to gambling. This request must be made in writing and may be revoked by the patron in writing at any time.

## **ADDITIONAL INFORMATION**

For further information please contact the ACT Gambling and Racing Commission.

Mail: PO Box 214 CIVIC SQUARE ACT 2608

Phone: 6207 0359

Fax: 6207 7390

Website: [www.gamblingandracing.act.gov.au](http://www.gamblingandracing.act.gov.au)

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