

Gambling Reform Update

Authorised Betting Operators

Key reforms for authorised betting operators

December 2020

On 12 December 2019, State Parliament passed legislation to significantly reform the regulation of gambling in South Australia.

In support of these reforms, amendments have been made to the regulations under each of the gambling acts, changes are being made to advertising and responsible gambling codes of practice, and new gambling administration guidelines developed.

CBS has also upgraded its systems and operations in support of these reforms.

New Regulatory Framework

On 3 December 2020, the *Gambling Administration Act 1995* will be repealed and a new administrative and regulatory framework introduced under a new Act, the *Gambling Administration Act 2019*.

The new Act—

- sets out the powers and functions of the Liquor and Gambling Commissioner including the power to:
 - conduct an inquiry, proceedings or give directions;
 - prescribe advertising and responsible gambling codes of practice;
 - issue guidelines (the *gambling administration guidelines*);
 - appoint persons as Inspectors for the purposes of a gambling act;
 - take disciplinary action against gambling providers;

- introduces new welfare barring arrangements which will allow gambling providers to respond to requests or to initiate a barring order in relation to multiple venues and to impose a barring period of more than 3 months or for an unlimited period;
- requires the Commissioner to establish the new Gambling Advisory Council; and
- sets out various administrative requirements.

Regulations to support this new Act, the *Gambling Administration Regulations 2020*, will also commence.



New Code of Practice

The Commissioner appreciates the valuable participation of key stakeholders, including industry bodies and help service providers, in contributing to the review process to date of the Code of Practice for Authorised Betting Operations.

Work on this review has progressed and a new draft code of practice for authorised betting operators has been prepared for further consultation and feedback.

The draft code includes proposed measures that change—

- the way that gambling products and activities may be advertised in direct communications to customers, on private webpages and in printed point of sale material;
- times of day when gambling advertising is not permitted on radio or television (including subscription television and streaming services); and
- the use of the Barring and Online Employee Notification (BOEN) system.

In response to feedback received, in the next iteration of the draft Code, requirements around messaging and signage have reverted back to reflect the existing requirements, noting that a more fulsome review of messaging will be undertaken separately.

The Commissioner intends to work with the new Gambling Advisory Council and consult with industry bodies and help service providers early in the New Year regarding additional changes to the code of practice to encourage further responsible gambling practices including—

- prescription of permissible internal and external signage; and
- new responsible gambling messaging.

The code will then be amended to reflect the outcomes of such review at a later date.

Once settled and finalised, authorised betting operators will be provided with a reasonable transition period in order to adjust their practices to comply with any new requirements in the code of practice.

Please forward any comments on this latest draft code of practice, in writing by email to CBReforms@sa.gov.au by close of business on **Friday 15th January 2021**.

In the meantime, authorised betting operators remain subject to the requirements in the existing Advertising and Responsible Gambling Codes of Practice.

New Gambling Administration Guidelines

On **3 December 2020**, new gambling administration guidelines (the “guidelines”) will replace prescription notices issued by the former Independent Gambling Authority (IGA) in relation to systems and procedures designed to prevent gambling by children.

A copy of these guidelines are available from the CBS website at www.cbs.sa.gov.au/gambling-reforms.

Approved contingencies

From **3 December 2020**, prior to approving or varying contingencies, the Commissioner will need to be satisfied that betting operations in relation to such contingencies do not allow betting in relation to amateur sporting events or sporting events where the only participants are children.

A copy of the latest approved contingencies is available on the CBS website at <https://www.sa.gov.au/topics/business-and-trade/gambling/racing-betting-bookmakers/approved-contingencies-and-wagering-rules>

Employee training

It is proposed that courses of training to be undertaken by staff involved in betting operations, as required under the Code of Practice, will need to be approved by the Commissioner in the future.

The Commissioner intends to consult with key stakeholders in the New Year about possible changes to the code of practice which would require authorised betting operators to undertake an approved course of responsible gambling training.

Barring orders

On **3 December 2020**, changes will be made to the Barring and Online Employee Notification (BOEN) system to meet new legislative and regulatory requirements.

This will include new functionality which will allow a gambling provider to make a barring order for any period, or for an unlimited period, doing away with the previous 3 month period limitation.

Requirement to notify of changes in prescribed particulars

To ensure that the contact details of authorised betting operators remain accurate and up to date, any of the following changes must, from **3 December 2020**, be notified to CBS—

- any address for service or other email address;
- telephone number;
- street address or postal address; or
- any other particulars of a kind prescribed by the regulations.

Authorised betting operators can keep their contact details up to date, by using the Liquor and Gaming online portal on the CBS website at www.cbs.sa.gov.au/liquor-portal.

A contravention of, or failure to notify CBS of a change of particulars is an offence (Maximum Penalty: \$2 500 or Expiation fee: \$210).

Requirements to be fit and proper

From **3 December 2020**, the Commissioner must, on the grant or renewal of an “on-course totalisator betting licence”, “bookmakers licence” or “agents licence”, be satisfied that the applicant is a fit and proper person to hold the licence.

The Commissioner must also be satisfied that a person seeking to be approved as a designated person under the “major betting operations licence” is also a fit and proper person to become a designated person in relation to the licensee.

A person will not be a fit and proper person if—

- (a) the person has been found guilty or convicted of an offence as prescribed by the regulations; or
- (b) in the case of a body corporate—
 - (i) the body corporate is a body corporate, or is a body corporate of a class, prescribed by the regulations; or
 - (ii) the body corporate is a prescribed organisation; or
- (c) in the case of a natural person, the person—
 - (i) is—
 - (A) a member of a prescribed organisation; or
 - (B) a close associate of a person who is a member of a prescribed organisation or is subject to a control order under the *Serious and Organised Crime (Control) Act 2008*; or

- (ii) is an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth.

For determining whether a person is a fit and proper person, the Commissioner—

- (a) may cause the person's photograph to be taken; and
- (b) may cause the person's fingerprints to be taken; and
- (c) may have regard to the following—
 - (i) the corporate structure of the person;
 - (ii) the person's financial background and resources;
 - (iii) the person's reputation;
 - (iv) the character, reputation and financial background of the person's close associates;
 - (v) any representations made by the Minister;
 - (vi) any other matters the Commissioner thinks fit.

The following are prescribed organisations:

- (a) a declared organisation within the meaning of the *Serious and Organised Crime (Control) Act 2008*;
- (b) a criminal organisation within the meaning of Division 1 or Division 2 of Part 3B of the *Criminal Law Consolidation Act 1935*;
- (c) any other organisation prescribed by the regulations for the purposes of the definition.

Lottery and trade promotion licensing

In the New Year, work will continue on proposed changes to the way that various lotteries and trade promotions are

licensed.

The current provisions under the existing *Lottery and Gaming Act 1936* will be repealed and a new licensing and regulatory framework established under the *Lotteries Act 2019*.

Stakeholders will be consulted on these changes, including the drafting of new regulations which will govern the conduct of lotteries and trade promotions under the new *Lotteries Act 2019*.

Betting shop licence

On 3 December 2020, the betting shop class of licence will be repealed.

Further information

We encourage you to visit the CBS website at www.cbs.sa.gov.au/gambling-reforms which is regularly updated with important information about these reforms.

For industry advice, representation or advocacy concerning these reforms, please contact your relevant industry body.

For any queries relating to gambling regulation, enforcement or barring orders, please contact CBS on 131 882 or gamingadministration@sa.gov.au.



Government of South Australia
Attorney-General's Department