

Gambling Industry Update

Important information for Wagering and Lottery Operators

February 2022



Message from the Commissioner.....

"Late last year, the final stage of the Government's gambling reform program commenced, bringing to an end one of the most extensive packages of legislative reform to affect the State's gambling industries in more than a decade.

Most recently, new Gambling Codes of Practice for the wagering and lottery industries have been introduced following the prescription of stand-alone codes for the operators of gaming machines in South Australian hotels and clubs.

There are also new rules for conducting lotteries, trade promotions and bingo sessions under the new Lotteries Act 2019 and Lotteries Regulations 2021. These important changes aim to ensure that these activities are supported and remain viable, by finding the right balance between meeting community expectations around the conduct of lotteries, without placing unnecessary regulatory burden on those who conduct them.

I was also pleased to have attended the launch of the [Here For The Game](#) campaign as part of Gambling Harm Awareness Week, held by the Office for Problem Gambling in November last year.

This campaign is a joint initiative of the Adelaide United Football Club and the South Australian Government and aims to raise awareness of the risks of online sports betting and gambling advertising to young people and children.

I urge you to check out the online campaign at hereforthegame.com.au and to contact the [Office for Problem Gambling](#) for further information.

Of particular interest to interactive wagering service providers that operate in South Australia, measures for customer verification and activity statements (including betting account history), which form part of the National Consumer Protection Framework (NCPF) for Online Wagering will also be implemented in the coming months.

I encourage you to review your procedures to ensure that your wagering, gaming and lottery operations remain compliant."

Dini Soulio
Liquor and Gambling Commissioner



What's in this edition?

Information for **authorised betting and lottery operators** about:

- the latest gambling harm awareness campaign and Gambling Harm Investment Plan for 2021-2026;
- gambling advertising and using the latest expanded responsible gambling message;
- the new Gambling Advisory Council and
- new gambling codes of practice and the use of complimentary gambling products.

Information for **interactive wagering service providers** that operate in South Australia, about the implementation of new harm minimisation measures under the National Consumer Protection Framework (NCPF) for Online Wagering.

Information for **organisations and business** about changes to fund-raising and lottery laws.

Information for all Gambling Providers

Here for the Game

Sports betting is growing in popularity in South Australia, with young men aged 18 to 34 most likely to participate. Young people's gambling is influenced by their family and friends and by beliefs that betting is a normal part of life and an easy way to make money.

Behind the massive growth in sports betting in young people is the rise of gambling advertising on TV and online, and easy access to digital platforms, especially through mobile phones.

The [Office for Problem Gambling \(OPG\)](#) has partnered with the Adelaide United Football Club to deliver '[Here for the Game](#)' a program to disrupt the normalisation of betting in sport. 'Here for the Game' aims to get young people, their parents and peers focused on all the things we love about sport, the big kicks, the tense moments, the winning goal, the cheers, the excitement, the love of your team.

Consumer and Business Services (CBS) is pleased to support this program and encourages other sporting clubs to join the program.

I urge you to check out the campaign and to contact [OPG](#) if you require any further information.

Gambling Harm Investment Plan 2021-2026

Following changes to the way that gambling is regulated in South Australia, the Government has committed to providing additional funding of \$1M per annum to the [Gamblers Rehabilitation Fund \(GRF\)](#).

The fund is administered by the Office for Problem Gambling (OPG) within the [Department of Human Services](#) and funds programs and initiatives which aim to minimise problem gambling.

In a first, the new laws also commit to requiring investment of the GRF in prevention, early intervention, public education and gambling research.

The OPG has developed the [Minimising Gambling Harm - Investment Plan 2021-26](#), setting out the steps that OPG will take over the next 5 years to prevent and minimise gambling harm in South Australia.

A copy of the Investment Plan is available from the OPG website at problemgambling.sa.gov.au.

Advertisements, mandatory messaging and signage requirements

All gambling providers are reminded that there are very specific rules that apply to all forms of gambling advertising. This includes advertising on social media, indoor and outdoor signage, websites, television and radio.

The rules are contained within codes of practice and include:

- how the expressions "win" and "\$" may be used in advertisements;
- black-out periods for advertising on television and radio;
- prohibitions on including minors or the consumption of alcohol in advertising;
- prohibitions on advertising which suggests a player's skill can influence the outcome of the game; and
- prohibitions on gambling advertising that is false, misleading or deceptive.

The following codes of practice have been issued by the Commissioner:

- [Gaming Machines Gambling Code of Practice](#)
- [Authorised Betting Operations Gambling Code of Practice—new](#)
- [State Lotteries Gambling Code of Practice—new](#)

The code of practice for the Adelaide Casino is currently under review by the Commissioner. Until a new code is issued, the operations of the casino must continue to comply with the [Gambling Codes of Practice Notice 2013](#).

Mandatory warning messages

Gambling providers are reminded that gambling advertising must include the mandatory expanded warning message as specified in the relevant [Gambling Code of Practice](#).

The prescribed message which is to be used between 1 January 2022 and 30 June 2022 is—

***“Stay in control. Leave before you lose it.
Gamble responsibly.”***

If including the warning message is unreasonable or impractical, the condensed warning message of **"Gamble responsibly 1800 858 858"** must be used.

A contravention or failure to comply with a mandatory provision of the code of practice is an offence and penalties of up to \$20 000 can apply.

Gambling Advisory Council

South Australia's newly-established Gambling Advisory Council provides a forum for the exchange of information and views between industry, welfare and government sectors concerning issues relating to responsible gambling and harm-minimisation practices.

The council comprises of appointed representatives from government, the gambling sector and non-government community and welfare organisations.

The Commissioner has referred a number of matters to the Council for consideration, in particular, whether any further changes should be made to the rules relating to:

- permissible internal and external advertising;
- appropriate warning messages and signage; and
- restrictions around the sights and sounds of gambling.

Members of the Gambling Advisory Council are appointed by the Commissioner and are currently:

- Hon Tim Anderson QC (Chair)
- Clair Ralfs – CEO, Relationships Australia SA (Deputy Chair)
- Ruth Ambler – Executive Director, Community and Investment Support, Dept for Human Services
- Ross Womersley – CEO, SACOSS
- Ian Horne – General Manager, Australian Hotels Association (SA)
- Mike Penfold – CEO, Clubs SA
- David Christian – Chief Operating Officer, SkyCity Australia
- Thomas Callochor – General Manager Government Affairs, TABCORP

Authorised Betting Operators and State Lotteries

New Codes of Practice

CBS has completed its review of the advertising and responsible gambling code of practice for Authorised Betting Operators and State Lotteries.

- [Authorised Betting Operations Gambling Code of Practice—new](#)
- [State Lotteries Gambling Code of Practice—new](#).

The new codes of practice were published in the Government Gazette and came into operation on 23 December 2021 and include:

- changes to the way that wagering and lottery products may be advertised;
- prohibitions on a second-hand dealer or pawnbroker from conducting business on premises that are subject to a gaming machine licence;
- expanded requirements for identifying and providing assistance to people displaying signs of gambling harm;
- requirements that all staff involved in selling the gambling provider's gambling products, or otherwise dealing with customers must log into the barring register each time when on duty to review any new or updated barring information;
- limitations on the use of self-service betting terminals;
- additional requirements for loyalty programs and acceptable trade promotion lotteries.

Wagering and lottery providers must make every best effort to comply with these new codes.

However, to allow time for gambling providers to transition to these new arrangements, the Commissioner has determined that wagering and lottery providers will have **until 30 June 2022** until full compliance with the code will be enforced.

Authorised Betting and Lottery Retail Operations

Agents, such as the holders of gaming machine licences may also provide retail services on behalf of authorised betting and lottery operators (for example 'a Pub TAB' or on behalf of 'the Lott').

If so, betting and lottery operators should ensure that their agents are familiar with the new gambling codes of practice which commenced on 23 December 2021 governing the advertising and sale of these products. Retail agents should contact the relevant authorised betting or lottery provider if they have any queries concerning the advertising and sale of these gambling products or compliance with these codes.

Inducements and Complimentary Gambling Products

The [Authorised Betting Operations Gambling Code of Practice](#) (code of practice) does not allow gambling providers to offer or advertise certain rewards or benefits that may encourage a person to gamble or to gamble more than they normally would.

These rewards or benefits are called “*inducements*”. However, there are a few exceptions where this does not apply, being “*the offering or provision...*”

- *of participation in a rewards program (an acceptable loyalty program);*
- *of participation in an acceptable trade promotion lottery, drawing attention to the prizes;*
- *of a complimentary gambling product (subject to conditions); and*
- *in a gambling area, of complimentary non-alcoholic beverages and refreshments of nominal value.”*

The Commissioner has published [guidelines](#) in the Government Gazette that are intended to provide authorised betting operators with guidance about the offering and advertising of inducements in South Australia.

Authorised betting operators includes the holder of a licence under the *Authorised Betting Operation Act 2000* or an interstate betting operator who has given the Commissioner notice of their intention to conduct betting operations in South Australia.

A contravention or failure to comply with a mandatory provision of the code of practice is an offence and penalties of up to \$20 000 can apply.

National Consumer Protection Framework (NCPF) for Online Wagering

The Commonwealth, State and Territory governments have developed a set of standard minimum protections for online gamblers, which must be adhered to by all online wagering providers, known as the National Consumer Protection Framework (NCPF) for Online Wagering.

Interactive gambling services which are licensed as an extension to a pre-existing licence for land based wagering services, are also in scope of the NCPF. This includes telephone and/or internet betting services conducted by South Australian licensed bookmakers.

These protections are being implemented through a mix of Commonwealth, state and territory legislation and regulation.

Measures for customer verification and activity statements (including betting account history) are scheduled to commence in the coming months. Interactive wagering service providers, including the holder of the major betting operations licence – UBET SA Pty Ltd and affected licensed South Australian Bookmakers are encouraged to start making arrangements to comply with these changes.

The Commonwealth Government has also indicated that the National Self-Exclusion Register (NSER) is also scheduled to commence mid-2022.

Customer verification timeframe

“Reduced to a maximum of 72 hours from 2 May 2022.”

Commonwealth, State, and Territory Governments have agreed to a policy commitment that underpins customer verification by further reducing the customer verification timeframe as a further harm minimisation measure.

From 2 May 2022, the timeframe for customer verification **will be reduced from 14 days to a maximum of 72 hours**. The reduced timeframe will help to ensure underage and self-excluded customers, and those operating under assumed names, do not access online wagering.

The Australian Transaction Reports and Analysis Centre (AUSTRAC) will be amending the Anti-Money Laundering and Counter Terrorism Financing Rules (AML/CTF Rules) to also reduce the customer verification timeframe to 72 hours.

AUSTRAC has commenced a formal four-week period of consultation with interactive wagering service providers from 31 January 2022.

National Self Exclusion Register (NSER)

“NSER to commence mid-2022”

A key feature of the NCPF will allow consumers experiencing gambling harm to exclude themselves from all interactive wagering services nationwide by using a simple online registration process administered by the Australian Communications and Media Authority (ACMA).

Once the NSER comes into operation (*scheduled for mid-2022*), it will be an offence for an interactive wagering service provider to open an account for a person who has been placed on the NSER.

Wagering providers are encouraged to consider the implications of the NSER when implementing changes to the customer verification timeframe which takes effect from 2 May 2022.

Further information about the NSER is available from the Australian Communications and Media Authority www.acma.gov.au/national-self-exclusion-register.

Activity statements and betting history

“Activity statements must be meaningful and accessible”

Commonwealth, State, and Territory Governments have also agreed as a harm minimisation measure that interactive wagering service providers must provide consumers with meaningful activity statements to easily track and monitor their online wagering spending, wins and losses.

Activity statements must—

- be provided to a consumer monthly (within seven days after the end of the month) where the consumer has been active within the statement period;
- not be provided if the consumer has had no wagering activity within the statement period; and
- be accessible by a consumer on request at any time by email or telephone (in their preferred format) and online through their wagering account.

A record of betting account transactions must also be available to a consumer, either—

- immediately online through their ‘My Account’ profile window, for consumers who bet online; or
- by email or mail for consumers who place bets through other means (for example by telephone) within 14 days of a consumer making the request.

A best practice prototype of an activity statement which specifies the text colour that is required to be used for transactions (**red** for losses and **black** to show wins – the use of **green** coloured text is prohibited) has been jointly developed by Commonwealth, State, and Territory Governments.

The South Australian Bookmakers League (SABL) and UBET SA has been provided with this best practice prototype and additional further information about the NCPF and frequently asked questions regarding the implementation of these measures.

The Commissioner is proposing to implement this measure for interactive wagering service providers which operate in South Australia by varying the [Authorised Betting Gambling Code of Practice](#) by 31 July 2022.

Formal notice of this change to the code of practice will be made in due course.

Changes to Lottery and Fundraising Laws

Many community organisations use lotteries as a way to raise funds. Business also use lotteries as a way to promote their goods and services.

From 10 December 2021, [new rules](#) for conducting lotteries, trade promotions and bingo sessions under the [Lotteries Act 2019](#) and [Lotteries Regulations 2021](#) commenced.

This new legislation replaced measures which have now been repealed from the *Gaming Offences Act 1936* (formerly the *Lottery and Gaming Act 1936*).

The changes aim to ensure these activities are supported and remain viable, by finding the right balance between meeting community expectations around the conduct of lotteries, without placing unnecessary regulatory burden on those who conduct them.

Key changes include:

- changing the terminology of lotteries that can be conducted without a licence from ‘*exempted lotteries*’ to ‘*permitted lotteries*’;
- changing the terminology of lotteries that can only be conducted with a licence from ‘*authorised lotteries*’ to ‘*licensed lotteries*’;
- allowing the Commissioner to exempt a lottery or class of lotteries from specified provisions of the *Lotteries Act 2019*;
- providing for the nomination of a person who will be responsible for complying with the requirements under the Act for applications made by unincorporated associations; and
- introducing expiation fees for breaches of the *Lotteries Act 2019*.

Further regulatory amendments include changes to:

- the distribution of proceeds for fundraising purposes;
- the publication of winners details;
- simplify the way that lotteries and trade promotions are advertised;
- the availability and disclosure of terms and conditions;
- auditing and reporting requirements;
- allow card jackpot lotteries without a licence under strict operating requirements;
- allow minor bingo sessions without a licence when certain conditions in relation to gross proceeds are met;

- allow new prescribed products, including bingo sheets and instant lottery ticket vending machines; and
- prohibit certain persons involved in a lottery from entering.

Further information about these changes is available on the [CBS website](#), by contacting CBS lotteries licensing via email at lotterylicensing@sa.gov.au or calling CBS on 131 882 (option 6).

Note: *These changes do not apply to the operations of the Lotteries Commission of South Australia under the State Lotteries Act 1966.*

Further information

CBS Online

Further information about gaming licences, running a licensed gaming venue, wagering and lotteries in South Australia is available at sa.gov.au/gambling.

For any queries relating to liquor and gaming licensing, please contact CBS liquor and gambling on 131 882 (option 5) or by email at liquorandgambling@sa.gov.au.

For any queries relating to gambling regulation, using BOEN, barring orders, lotteries or to contact a CBS Barring Officer, please contact CBS gambling administration on 131 882 (option 6) or by email at gamblingadministration@sa.gov.au.

Industry assistance

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

[Gaming Care](#) – 8100 2499

[Club Safe](#) – 8290 2200

[Responsible Wagering Australia](#) – (03) 9621 2562

[SA Bookmakers League](#) – 7070 2710

[Greyhound Racing SA](#) – 8243 7100

[Racing SA](#) – 8179 9800

[Harness Racing SA](#) – 8285 2899

Problem Gambling Assistance

The Office for Problem Gambling (OPG) provides free resources to gambling providers and gambling services funded by the GRF to help people understand gambling harm. These resources and services are available at problemgambling.sa.gov.au

Other Useful Contacts

National Gambling Help Line – 1800 858 858

Gambling Help Online - gamblinghelponline.org.au

[Aust Lottery and Newsagents' Assoc](#) – (02) 9978 3400