



# Victoria Government Gazette

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## **Gambling Regulation Act 2003**

### MINISTERIAL DIRECTION PURSUANT TO SECTION 10.6.1

#### Self-exclusion program

I, Marlene Kairouz MP, Minister for Consumer Affairs, Gaming and Liquor Regulation, pursuant to section 10.6.1(1) of the **Gambling Regulation Act 2003** (Act) as in force on 19 September 2018, revoke the direction made on 30 September 2008 under section 10.6.1(1)(a) and (b) and in substitution give the following direction in relation to the standards and requirements that must be met by a self-exclusion program conducted by or at the request of a venue operator.

#### **Administration of a self-exclusion program**

A self-exclusion program must:

- (a) meet the requirements of the Act; and
- (b) comply with this and any other relevant Ministerial direction.

A venue operator must:

- (a) provide the Victorian Commission for Gambling and Liquor Regulation (Commission) with a copy of the self-exclusion program that will be conducted by the venue operator; or
- (b) where the venue operator provides a self-exclusion program that is conducted on its behalf by another person, notify the Commission of the name of the person conducting the self-exclusion program on the venue operator's behalf.

Where a person conducts a self-exclusion program on behalf of a venue operator, that person is required to provide a copy of the self-exclusion program conducted by that person to the Commission.

A self-exclusion program may be amended by a venue operator, or by a person conducting a self-exclusion program on behalf of a venue operator.

Where a self-exclusion program is amended, the venue operator or the person conducting a self-exclusion program on behalf of a venue operator must provide a copy of the amended self-exclusion program to the Commission.

#### **Preservation of self-exclusion programs conducted before 19 September 2018**

A venue operator who immediately before 19 September 2018 conducted a self-exclusion program that was approved by the Commission will be deemed to be conducting that self-exclusion program from 19 September 2018 until such time as the venue operator notifies the Commission that it has amended its self-exclusion program or has implemented a new self-exclusion program.

A venue operator whose self-exclusion program was immediately before 19 September 2018 conducted on its behalf by another person will be deemed to be conducting that self-exclusion program from 19 September 2018 until such time as the venue operator notifies the Commission that it has amended its self-exclusion program or has implemented a new self-exclusion program.

#### **Process for self-excluding**

A self-exclusion program must establish a process for self-exclusion and must specify the steps a person:

- (a) needs to take to voluntarily self-exclude;
- (b) must take to revoke a decision to self-exclude; and
- (c) must take to vary the terms of a self-exclusion.

A self-exclusion program must be designed so that:

- (a) a person considering self-exclusion is not deterred by unnecessary administrative requirements and complexities; and
- (b) there is capacity to assist a person who chooses to self-exclude to also self-exclude from gaming venues that have a different self-exclusion program.

**SPECIAL**

**Duration of self-exclusion**

A self-exclusion program must identify:

- (a) how long a customer's decision to self-exclude will last; and
- (b) how that period can be extended or revoked.

**The provision of information to customers**

A self-exclusion program must detail:

- (a) how the venue operator will ensure that customers are made aware of the availability of the program; and
- (b) how information about the self-exclusion program will be made available to customers.

**Identification of a self-excluded person in the gaming machine area**

A self-exclusion program must:

- (a) require the venue operator to take reasonable steps to ensure that a self-excluded person does not enter the gaming machine area of the venue;
- (b) detail the procedure that will be adopted to detect self-excluded persons who enter the gaming machine area of the venue; and
- (c) detail the procedure that will be adopted when a self-excluded person is detected in the gaming machine area.

Any procedure for detecting self-excluded persons specified in a self-exclusion program must have due regard for the privacy and dignity of the self-excluded person.

**Staff training**

A self-exclusion program must detail the training that will be provided to gaming staff to enable them to:

- (a) help a person seeking information about self-exclusion or wishing to self-exclude;
- (b) identify self-excluded persons; and
- (c) understand how to appropriately manage persons who have self-excluded.

**Availability of support services**

A self-exclusion program must require a venue operator, or a person who manages a self-exclusion program on the venue operator's behalf, to maintain regular contact with problem gambling support services and to develop agreed protocols in order to facilitate:

- (a) referral of a person to problem gambling support services; and
- (b) the enhancement of the venue operator's self-exclusion program.

A self-exclusion program must detail how regular contact will occur.

**Data management**

A self-exclusion program must require the venue operator, or a person who manages a self-exclusion program on the venue operator's behalf, to keep a record of the number of:

- (a) persons who have self-excluded;
- (b) self-excluded persons detected in the gaming machine area of the venue (including data on repeated breaches); and
- (c) self-excluded persons who extend or revoke their self-exclusion.

A self-exclusion program must specify how this information will be collected, retained and provided to the Commission.

Data relating to self-exclusion must be collected and maintained in a manner that:

- (a) enables the Commission to monitor compliance by the venue operator with the self-exclusion program; and
- (b) respects the privacy of persons who have self-excluded.

**Complaints process**

A self-exclusion program must specify a process for resolving complaints from a person about the operation of the program.

The complaints process must:

- (a) specify how a complaint can be made;
- (b) specify how information about complaints will be collected and retained; and
- (c) enable the Commission to monitor compliance with the complaints process.

This direction takes effect on 19 September 2018.

Dated 10 September 2018

HON. MARLENE KAIROUZ MP  
Minister for Consumer Affairs, Gaming and Liquor Regulation  
Minister for Local Government

**Gambling Regulation Act 2003**

## MINISTERIAL DIRECTION PURSUANT TO SECTION 10.6.6

## Responsible Gambling Codes of Conduct

I, Marlene Kairouz MP, Minister for Consumer Affairs, Gaming and Liquor Regulation, pursuant to section 10.6.6(1) of the **Gambling Regulation Act 2003** (Act) as in force on 19 September 2018, revoke the direction made on 29 September 2009 under section 10.6.6(1)(a) and (b) and in substitution give the following direction in relation to the standards and requirements that a Responsible Gambling Code of Conduct (code) implemented by a relevant person must meet and the content that must be included in a code implemented by a relevant person.

**Definitions**

Unless the context otherwise requires or the contrary intention appears, terms defined in the Act or the **Casino Control Act 1991** have the same meaning.

In this direction:

**Code administrator** means an industry representative association or other person engaged by a relevant person to prepare and administer the relevant person's code.

**Commission** means the Victorian Commission for Gambling and Liquor Regulation established by section 6 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011**.

**Customer complaint** means a complaint from a customer about the provision of gambling and includes a complaint relating to a code.

**Customer loyalty scheme** means a system conducted by or on behalf of a relevant person that tracks a person's expenditure on a gambling product and rewards that expenditure with bonus, loyalty or reward points and includes a 'loyalty scheme' as defined in section 1.3 of the Act.

**Model code** is a code prepared by a code administrator and published on the Commission's website.

**Payment of winnings** for the purposes of this direction, includes accumulated credits on a gaming machine.

**Pre-commitment decision** means a decision a person makes before commencing a session of gambling to set a specified limit on his or her expenditure or time spent gambling.

**Relevant person** means a person defined as a relevant person in accordance with section 10.6.5 of the Act.

**PART 1: ADOPTING AND AMENDING A CODE****Preservation of codes implemented before 19 September 2018**

Where a relevant person has a code that was approved by the Commission before 19 September 2018 the code approved by the Commission will be deemed to be the relevant person's code for the purposes of this direction until such time as it is amended or replaced by a new code.

Where a relevant person has before 19 September 2018 notified the Commission that the relevant person has adopted a model code approved by the Commission, the adopted model code will be deemed to be the relevant person's code for the purposes of this direction until such time as it is amended or replaced by a new code.

#### **Copy of code to be provided to Commission**

A relevant person must, except where that relevant person has adopted a model code, provide a copy of the code that will be implemented by the relevant person to the Commission for publication on the Commission's website.

A code provided by a relevant person to the Commission and published on the Commission's website will be deemed to be the code that must be implemented by the relevant person.

#### **Amending a code**

A code may be amended by the relevant person or, in the case of a model code, the code administrator.

Where a code is amended the relevant person or in the case of a model code the code administrator must provide a copy of the amended code to the Commission.

#### **Model codes**

A relevant person can meet the standards and requirements set out in this direction by adopting a model code provided that model code complies with this direction.

Where a relevant person adopts a model code, the model code published on the Commission's website will be deemed to be the code that will be implemented by the relevant person.

A relevant person who has adopted a model code must notify the Commission:

- (a) that the relevant person has adopted a model code; and
- (b) the name of the code administrator whose code has been adopted.

#### **Availability of the code**

A code must be available:

- (a) to customers (and must specify how this will occur); and
- (b) where the relevant person has a website, on that website.

### **PART 2: CONTENTS OF A CODE**

#### **Consistency with the Act**

A code implemented by a relevant person must:

- (a) meet the requirements of the Act and where relevant the **Casino Control Act 1991**; and
- (b) comply with this and any other relevant ministerial direction.

#### **Clarity of the code**

A code must be written in a manner that will enable it to be readily understood by customers. As a minimum requirement, a code must be written in plain English and be presented in such a way as to be reasonably accessible to customers, including customers from culturally and linguistically diverse backgrounds.

#### **Responsible gambling message**

A code must:

- (a) include a responsible gambling message that identifies the relevant person's commitment to responsible gambling; and
- (b) require the display of that responsible gambling message wherever the relevant person conducts gambling so that it will be clearly visible to customers.

**Responsible gambling information**

A code must specify the information about responsible gambling that the relevant person will make available to customers. This must include information about:

- (a) how to gamble responsibly;
- (b) how to make and keep a pre-commitment decision;
- (c) the availability of gambling support services;
- (d) restrictions that apply to the payment of winnings by cheque and the provision of credit or the lending of money for the purposes of gambling; and
- (e) self-exclusion programs.

A code must state how this information will be made available.

**Gambling product information**

A code must state how information about any relevant rules for gambling will be made available to customers.

Where the relevant person is a venue operator or a casino operator, the code must specify how customers will be informed about accessing product information available on gaming machines.

**Customer loyalty scheme information**

Where a customer loyalty scheme is offered to customers, a code must specify:

- (a) that the relevant person will make appropriate information about the customer loyalty scheme available to participants; and
- (b) how that information will be provided.

A code must identify how and when participating customers will be informed about any benefits they have accrued as part of the loyalty scheme.

**Pre-commitment strategy**

Other than a code applying to a commercial raffle organiser, a code must specify what the relevant person will do to:

- (a) assist a customer to make a pre-commitment decision; and
- (b) support a customer who has made a pre-commitment decision.

**Interaction with customers**

A code must require the relevant person to interact with customers to foster responsible gambling, and must identify how this will occur.

In particular, a code must specify a process for interacting with those customers who:

- (a) have requested information about, or assistance with, a gambling problem or self-exclusion; and
- (b) are displaying indicators of distress that may be related to problem gambling.

A code must require that interaction with customers occurs in a manner that respects the customer's right to privacy.

**Interaction with staff**

A code must state whether a staff member is permitted to participate in gambling offered by the relevant person and, if so, when.

A code must identify a process for providing information and assistance to a staff member who indicates that he or she has a gambling problem.

A code must require that interaction with staff occurs in a manner that respects the staff member's right to privacy.

**Interaction with problem gambling support services**

A code must require the relevant person to interact with problem gambling support services and specify the process for that contact and how frequently contact will occur.

**Customer complaints**

A code must require the relevant person to implement and comply with a process for resolving complaints from customers about compliance with and the operation of the code.

The complaint process must:

- (a) specify how a complaint can be made;
- (b) specify the process for resolution of a complaint;
- (c) provide for independent review of decisions made by the relevant person about customer complaints;
- (d) specify how information about complaints will be collected and retained; and
- (e) enable the Commission to monitor compliance with the complaints process.

**Compliance with the prohibition on gambling by minors**

A code must specify what steps the relevant person will take to ensure compliance with the law in relation to the prohibition on:

- (a) the sale of gambling products and services to minors; and
- (b) the entry of minors into areas where gambling is conducted.

**The gambling environment**

A code must identify what the relevant person will do:

- (a) to discourage customers from engaging in extended and intensive gambling; and
- (b) where appropriate, to ensure customers are made aware of the passage of time.

**Financial Transactions**

A code must specify:

- (a) the rules that apply to cashing customer cheques, where the cashing of cheques is permitted under the Act;
- (b) how and when customers will be advised of those rules; and
- (c) the records that will be kept of cheques that have been cashed.

A code must specify the options that are available to customers for the payment of winnings including payment by cheque.

**Responsible advertising and promotions**

A code must specify that any advertising and promotions permitted under the Act that is related to gambling undertaken by or on behalf of the relevant person will:

- (a) comply with the advertising code of ethics adopted by the Australian Association of National Advertisers;
- (b) not be false, misleading or deceptive about odds, prizes or the chances of winning;
- (c) have the consent of any person identified as winning a prize prior to publication;
- (d) not be offensive or indecent in nature;
- (e) not create an impression that gambling is a reasonable strategy for financial betterment; and
- (f) not promote the consumption of alcohol while purchasing gambling products.

A code must specify the measures that the relevant person will adopt to ensure that advertising and promotions comply with these requirements.

This direction takes effect on 19 September 2018 and remains in force until revoked.

Dated 10 September 2018

HON. MARLENE KAIROUZ MP  
Minister for Consumer Affairs, Gaming and Liquor Regulation  
Minister for Local Government

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