



# Victoria Government Gazette

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## Gambling Regulation Act 2003

### MINISTERIAL DIRECTION PURSUANT TO SECTION 6A.7.2 OF THE GAMBLING REGULATION ACT 2003

I, Melissa Horne MP, Minister for Consumer Affairs, Gaming and Liquor Regulation, acting pursuant to section 6A.7.2 of the **Gambling Regulation Act 2003** direct that a keno game provider, whether physically located in Victoria or elsewhere, who provides keno games to Victorian residents or, if the keno provider is licensed in Victoria, in any Australian jurisdiction, via a website or other digital platform or interface, must comply with the requirements set out in this direction.

#### 1. Definitions

**Account holder** means a person who has a keno account with a keno game provider.

**Active keno account** means an account that has been used to purchase an entry in a keno game within the preceding 12 months but does not include a keno account that has been closed.

**Approved information** means information approved by the Minister for the purpose of Clause 7, if any.

**Bet** includes a wager and any activity where a person stakes money or something of value for the opportunity to win a prize of money or something else of value.

**Keno account** means an account held with a keno game provider into which funds are or can be deposited and used by the account holder for participating in keno games with that keno game provider.

**Bonus games and rewards** includes free games or additional games where entry is purchased through a complimentary or discounted credit or token.

**Deposit limit** means a limit on the amount of money that can be deposited into a betting account.

**Direct marketing** includes any advertising, promotion or offer made by or on behalf of a keno game provider directly to a person by means of telephone, email, SMS, text message, post, electronic transmission, datacast or other direct means, including directly to an internet application, website or broadcast service that can be used by an account holder to enter a keno game (but does not include those parts of an internet application, website or broadcast service that can only be accessed by an existing account holder).

**Money** includes physical currency, cheques, drafts, credit card and e-wallet payments, vouchers or credit redeemable for betting account credit, cryptocurrency and e-currency, whether in Australian currency or another currency, or any other thing of value that can be used to purchase an entry in a keno game.

**Keno game** means a game:

- a) that is a rapid draw lottery that meets the prescribed minimum frequency of draws (if any); and
- b) the outcome of which is determined by a random number generator that draws –
  - i. a number from a set of numbers; or
  - ii. a set of numbers from a larger set of numbers;
- c) that is not conducted on a totalisator;
- d) the results of which are not based on the outcome of a live event; and
- e) that meets any other prescribed requirements.

This does not include a game that is prescribed not to be a keno game under the Gambling Regulations 2015.

**SPECIAL**

**Keno game provider** means:

- a) a keno licensee; or
- b) a person authorised or permitted to conduct a keno game, in Victoria or elsewhere, under a licence, other than a keno licence, issued under the **Gambling Regulation Act 2003** or another Act; or
- c) a person authorised or permitted to conduct a keno game, in Victoria or elsewhere, under the law of another State or a Territory; or
- d) an employee or agent of a person mentioned in paragraph (a), (b) or (c).

**Unsubscribe** means to withdraw consent to receiving direct marketing from or on behalf of a keno game provider.

**2. Interpretation**

- 2.1 An approval by the Minister of anything required to be approved for the purposes of this direction may include requirements as to its content, frequency, form, size, font, colour, placement, timing and mode of delivery, which may differ according to the circumstance or betting platform (for example, direct marketing material, broadcast advertising, or telephone, website, datacasting service or internet application keno platform).

**3. Commencement**

- 3.1 This direction takes effect on 14 April 2022.

**4. Inducements**

- 4.1 A keno game provider must not offer any credit, voucher or reward to a person as an inducement to open an account or refer another person to open a keno account.
- 4.2 A keno game provider must not offer or provide free games or free credit, voucher or reward to a person unless winnings from a keno game entered with the provided credit, voucher or reward can be withdrawn from the account holder's betting account without being subject to a requirement that the account holder continue to enter keno games with those winnings.

**5. Direct marketing**

- 5.1 A keno game provider must not send any direct marketing to a person unless that person has provided their express consent to receive direct marketing.
- 5.2 A person must be able to create a keno account with a keno game provider without providing consent to receive direct marketing or being required to take additional steps to opt out of receiving direct marketing.
- 5.3 A keno game provider must not provide direct marketing to a person who has consented to receive direct marketing unless that person can unsubscribe and the process for unsubscribing is easy to access and use.
- 5.4 A keno game provider must not send direct marketing to a person at any time after five business days from the day it has received notification from that person that he or she has unsubscribed.
- 5.5 A keno game provider must not provide any credit, voucher or reward or other benefit to encourage a person to consent or to continue to consent to receive direct marketing.

**6. Account closure**

- 6.1 A keno game provider must not provide keno games to a keno account holder unless the process available to the account holder for closing their keno account with the keno game provider:
- (a) is clearly explained and prominently displayed on:
    - (i) the keno game provider's website; and
    - (ii) where an account holder is able to enter a keno game using an internet application, website or datacasting service, either on the account holder's 'My account' window or its equivalent or via a single link from the account holder's 'My account' window or its equivalent.

- (b) is simple and easy for the account holder to use;
  - (c) allows the account holder to make a request to close their active keno account by telephone, email and, where the account holder is able to enter a keno game by using an internet application, website or datacasting service, using that application, website or service; and
  - (d) results in the closure of the account holder's keno account as soon as practicable after the request is received by the keno game provider and after all outstanding entries in keno games have completed.
- 6.2 A keno game provider must not encourage or offer any credit, voucher or reward or other benefit to induce an account holder to keep a keno account open after an account holder has made a request to close their keno account (a keno game provider may however explain the consequences of closing a keno account and ask the account holder if they wish to proceed).
- 6.3 A keno game provider must not provide any direct marketing to a person at any time after seven days from the day it has received a request from that person to close their keno account.
- 7. Account deposit limits**
- 7.1 A keno game provider must not open a keno account for a person or provide keno services to an account holder unless the person or account holder has set a deposit limit.
- 7.2 Notwithstanding Clause 7.1, a keno game provider may open a keno account for a person and provide keno games to an account holder where the person or account holder has expressly indicated that they do not wish to set a deposit limit (opt-out).
- 7.3 The process for setting a deposit limit must:
- (a) be clearly explained and prominently displayed on:
    - (i) the keno game provider's website; and
    - (ii) where an account holder is able to enter a game using an internet application, website or datacasting service, either on the account holder's 'My account' window or its equivalent, or via a single link from the account holder's 'My account' window or its equivalent;
  - (b) be simple and easy for the account holder to use to set and change a deposit limit;
  - (c) allow the account holder to choose the period during which the deposit limit applies (for example, a week, fortnight, calendar month or calendar year or a combination of these);
  - (d) allow the account holder to set a deposit limit by email, telephone and, where the person is able to enter a game by using an internet application, website or datacasting service, using that internet application, website or datacasting service; and
  - (e) if the Minister has approved information for the purposes of Clause 7, require a person or account holder who wants to opt-out of setting a deposit limit pursuant to Clause 7.2 to do so only after being given by the required method, approved information about the benefits of setting a deposit limit.
- 7.4 A keno game provider must not allow a person to deposit money into a keno account where a deposit limit set by the account holder has been reached or would be exceeded if the money were deposited.
- 7.5 A keno game provider must ensure that a request to lower a deposit limit set by an account holder is applied to the account holder's betting account immediately after the request is received by the keno game provider.
- 7.6 A keno game provider must ensure that a request to increase a deposit limit set by an account holder is not applied to the account holder's keno account until seven days after the day the request is received by the keno game provider.

- 7.7 A keno game provider must, within the required time and using the required method, ensure that an account holder with an active keno account is asked:
- (a) where the account holder has set a deposit limit, if they wish to change their deposit limit; and
  - (b) where the account holder has not set a deposit limit, if they wish to set a deposit limit.
- 7.8 For the purpose of this Clause, except Clause 7.3(e):
- (a) the **required time** is on or before the day that is 12 months after the day the account holder entered their first keno game using the keno account and on or before that date each subsequent year, except where the account holder's keno account is not an active keno account on that date; and
  - (b) the **required method** is the method the account holder usually uses to enter keno games (for example, using an internet application, website, datacasting service, email or telephone).
- 7.9 For the purpose of Clause 7.3(e), the **required method** is:
- (a) where the person can open an account or enter keno games using an internet application, website or datacasting service by navigating to an application screen, web page or datacasting page that contains the approved information and after viewing the approved information the person or account holder can provide their express indication that they wish to opt-out of setting a deposit limit; and
  - (b) where the person can open an account or enter keno games using the telephone, by the approved information being provided verbally to the person or account holder and after being provided with the approved information the person or account holder is expressly asked if they still wish to opt-out of setting a deposit limit.
- 8. Self-exclusion**
- 8.1 A keno game provider must have a system in place that allows account holders to exclude themselves from being able to purchase entries into the keno game provider's keno games. Self-exclusion must be simple and easy for the account holder to use.
- 8.2 A self-exclusion program must detail:
- (a) that an account holder's decision to self-exclude will last a minimum of three months;
  - (b) that an account holder cannot apply to revoke their self-exclusion within one month of signing up to the self-exclusion process (the cooling off period);
  - (c) how an account holder can extend their self-exclusion; and
  - (d) how an account holder can revoke their self-exclusion after the cooling off period.
- 8.3 A keno game provider must not permit a keno account holder who has self-excluded to:
- (a) deposit money into a keno account; or
  - (b) enter online keno games using their account.
- 8.4 A self-exclusion process must detail the support services available in Victoria and how an account holder can access these services.
- 8.5 During the self-exclusion period a keno game provider must not communicate with the account holder unless it is to discuss:
- (a) information on or referral to gambling help services;
  - (b) to respond to an account holders' question on the period of self-exclusion, request to extend or revoke the self-exclusion.
  - (c) to inform an account holder that their self-exclusion period is ending, ask the account holder if they would like to extend the self-exclusion period or encourage the account holder to extend the self-exclusion period.

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- 8.6 A keno game provider must not communicate with a self-excluded account holder to encourage revocation of the self-exclusion.
- 8.7 A keno game provider must keep a record of the number of:
- (a) account holders who have self-excluded; and
  - (b) self-excluded persons who extend or revoke their self-exclusion.
- 8.8 A self-exclusion program must specify a process for resolving complaints from a person about the operation of self-exclusion.
- 8.9 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 Victorian Gambling and Casino Control Commission to access complaints and monitor compliance with the complaints process.
- 9. Maximum draw frequency**
- 9.1 A keno game must allow a break of at least two minutes and 30 seconds between draws.
- 9.2 A keno game provider must have a maximum draw frequency that will apply to multiple draws by the same keno game provider so that a customer cannot enter a draw from the same keno game provider more frequently than every two minutes and 30 seconds.
- 10. Harm minimisation data and information**
- 10.1 On request by the Minister, a keno game provider must provide data and information to the Department of Justice and Community Safety, within the time and by the method specified by the State in its request, for the purposes of monitoring potential gambling harm and the effect of harm minimisation measures.

Dated 13 April 2022

HON. MELISSA HORNE MP  
Minister for Consumer Affairs, Gaming and Liquor Regulation

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