



Victoria Government Gazette

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Gambling Regulation Act 2003

MINISTERIAL DIRECTION PURSUANT TO SECTION 4.8A.2 OF THE GAMBLING REGULATION ACT 2003

I, Melissa Horne MP, Minister for Consumer Affairs, Gaming and Liquor Regulation, acting pursuant to section 4.8A.2 of the **Gambling Regulation Act 2003** revoke the direction dated 25 May 2020 and published in the Government Gazette on 26 May 2020, and in substitution direct that:

- (a) a wagering service provider licensed in Victoria that provides interactive wagering and betting services; or
- (b) a wagering service provider elsewhere that provides interactive wagering and betting services to a Victorian resident –

must comply with the requirements set out in this direction.

1. Definitions

Account holder means a person who has a betting account with a wagering service provider.

Active betting account means a betting account that has been used to make or settle a bet within the preceding 12 months but does not include a betting account that has been closed.

Approved information means information approved by the Minister for the purpose of Clause 6, 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.

Betting account means an account held with a wagering service provider into which funds are or can be deposited and used by the account holder for making a bet with that wagering service provider.

Bonus bet includes a complimentary or discounted betting credit or betting token.

Commission refers to the Victorian Gambling and Casino Control Commission.

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 wagering service 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 make a bet (but does not include those parts of an Internet application, website or broadcast service that can only be accessed by an existing account holder).

External Training means online micro-credential training provided by TAFE Queensland, or accredited training developed by a Registered Training Organisation or TAFE, that meets the National Unit of Competency.

In-house Training means training developed and delivered by a wagering service provider that meets the National Unit of Competency and that:

- (a) is subject to an independent review annually by an Independent Reviewer to ensure that the training meets the National Unit of Competency standard; or
- (b) includes a requirement for all participants to successfully complete the Online Wagering Knowledge Test as part of the course assessment.

Independent Reviewer of a wagering service provider's Responsible Service of Wagering Training is a person who is:

- (a) external to the wagering service provider and has not have been involved, in any way, in the development or delivery of the wagering service provider's staff training materials;

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- (b) understands the overall aims of the staff training measure of the National Consumer Protection Framework;
- (c) has an adequate understanding of the training requirements set out in the National Unit of Competency; and
- (d) holds one of the following qualifications:
 - i. a registered Solicitor.
 - ii. a registered Certified Practising Accountant or Chartered Accountant.
 - iii. Diploma of Training Design and Development.
 - iv. a registered Qualified Internal Auditor (such individuals must still be external to the provider they are conducting the independent review for).

Interactive wagering and betting service includes a wagering and betting service that enables a person to make a bet using:

- (a) a telephone
- (b) an Internet application
- (c) a website
- (d) a datacasting service
- (e) a broadcast service.

Online Wagering Knowledge Test refers to the online micro-credential test administered by TAFE Queensland, that evaluates the knowledge and skills consistent with the National Unit of Competency.

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 make a bet.

National Unit of Competency refers to the training unit of competency *CHCFIN005 – Provide responsible online wagering services* published on the website, training.gov.au

Responsible Service of Wagering Training means an initial training course that meets the standards of the National Unit of Competency.

Responsible Service of Wagering Refresher Training means a training course completed annually that meets the standards of the National Unit of Competency.

Transaction refers to any action which affects the amount of money in an account holder's account with a wagering service provider, this includes both external transactions (for example between a wagering account and a bank account) and internal transactions (for example placing a bet or receiving winnings from a bet).

Unsubscribe means to withdraw consent to receiving direct marketing from or on behalf of a wagering service provider.

Wagering service provider means a person who:

- (a) operates a totalisator
- (b) operates a betting exchange
- (c) carries on business as a bookmaker, turf commission agent or betting aggregator
- (d) is an agent of a person mentioned in paragraph (a), (b) or (c).

Wagering services means the services provided to an account holder by a wagering service 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 circumstance or betting platform (for example, direct marketing material, broadcast advertising, or telephone, website, datacasting service or Internet application betting platform).

3. Commencement

3.1 This direction takes effect on the date that it is published in the Government Gazette.

4. Inducements

4.1 A wagering service provider must not offer any credit, voucher, reward, or other benefit to an account holder as an inducement to refer another person to open a betting account.

4.2 A wagering service provider must not offer or provide a bonus bet to a person unless winnings from a bet made with that bonus bet can be withdrawn from the account holder's betting account without being subject to a requirement that the account holder continue to bet with those winnings.

5. Direct marketing

5.1 A wagering service provider or a person acting on behalf of a wagering service provider must not send any direct marketing to a person unless that person has provided his or her express consent to receive direct marketing.

5.2 From 30 June 2023, a wagering service provider must allow a prospective account holder to create an account without providing consent to receive direct marketing or being required to take additional steps to opt out of receiving direct marketing.

5.3 A wagering service provider or person acting on behalf of a wagering service 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 wagering service provider or a person acting on behalf of a wagering service 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 wagering service 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 deposit limits

6.1 A wagering service provider must not open a betting account for a person or provide wagering services to an account holder unless the person or account holder has set a deposit limit.

6.2 Notwithstanding Clause 6.1, a wagering service provider may open a betting account for a person and provide wagering services to an account holder where the person or account holder has expressly indicated that he or she does not wish to set a deposit limit (opt-out).

6.3 The process for setting a deposit limit must:

- (a) be clearly explained and prominently displayed on:
 - (i) the wagering service provider's website
 - (ii) where an account holder is able to place a bet 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 place a bet by using an Internet application, website or datacasting service, using that Internet application, website or datacasting service
- (e) if the Minister has approved information for the purposes of Clause 6, require a person or account holder who wants to opt-out of setting a deposit limit pursuant to Clause 6.2 to do so only after being given by the required method approved information about the benefits of setting a deposit limit.

- 6.4 A wagering service provider must not allow a person to deposit money into a betting account where a deposit limit set by the account holder has been reached or would be exceeded if the money were deposited.
- 6.5 A wagering service 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 wagering service provider.
- 6.6 A wagering service provider must ensure that a request to increase a deposit limit set by an account holder is not applied to the account holder's betting account until seven days after the day the request is received by the wagering service provider.
- 6.7 A wagering service provider must, within the required time and using the required method, ensure that an account holder with an active betting account is asked:
- (a) where the account holder has set a deposit limit, if he or she wishes to change his or her deposit limit
 - (b) where the account holder has not set a deposit limit, if he or she wishes to set a deposit limit.
- 6.8 For the purpose of this Clause, except Clause 6.3(e):
- (a) the **required time** is on or before the day that is 12 months after the day the account holder placed his or her first bet using the betting account and on or before that date each subsequent year, except where the account holder's betting account is not an active betting account on that date
 - (b) the **required method** is the method the account holder usually uses to place a bet (for example, using an Internet application, website, datacasting service, email or telephone).
- 6.9 For the purpose of Clause 6.3(e), the required method is:
- (a) where the person can open an account or make a bet 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 his or her express indication that he or she wishes to opt-out of setting a deposit limit
 - (b) where the person can open an account or make a bet 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 he or she still wishes to opt-out of setting a deposit limit.
- 7. Account closure**
- 7.1 A wagering service provider must not provide wagering services to an account holder unless the process available to the account holder for closing his or her betting account with the wagering service provider:
- (a) is clearly explained and prominently displayed on:
 - (i) the wagering service provider's website
 - (ii) where an account holder is able to place a bet 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 his or her betting account by telephone, email and, where the account holder is able to place a bet by using an Internet application, website or datacasting service, using that application, website or service
 - (d) results in the closure of the account holder's betting account as soon as practicable after the request is received by the wagering service provider and after all bets made using that betting account have settled.

- 7.2 A wagering service provider or a person acting on behalf of a wagering service provider must not encourage or offer any credit, voucher or reward or other benefit to induce an account holder to keep a betting account open after an account holder has made a request to close his or her betting account (a wagering service provider may however explain the consequences of closing a betting account and ask the account holder if he or she wishes to proceed).
- 7.3 A wagering service provider or a person acting on behalf of a wagering service provider must not provide any direct marketing to a person at any time after five business days from the day it has received a request from that person to close his or her betting account.

8. Activity Statements

- 8.1 A wagering service provider must provide a monthly activity statement within the required time to an account holder who has made a transaction on their betting account within the preceding month.
- 8.2 The activity statement must provide information using plain English so that it can be clearly and easily understood by account holders.
- 8.3 The activity statement must include:
- (a) segmented information clearly showing monthly information on betting activity and account transactions about:
 - (i) amount spent
 - (ii) wins and losses
 - (iii) number of bets placed
 - (iv) overall net win/loss for the specified period of the activity statement
 - (v) opening and closing balances
 - (vi) deposits and withdrawals
 - (vii) the account balance
 - (b) a column graph to illustrate wagering activity comparing amount spent against net result over time for the last six months (cumulative), and shows a clear comparison tracking to the same time from the last year
 - (c) a link to an account holder's transaction list
 - (d) links and information on support services and a safe gambling messaging that promotes available consumer protection tools.
- 8.4 The activity statement must be given by sending it to an email or postal address nominated by the account holder.
- 8.5 If the activity statement is sent by email, a wagering service provider must ensure that:
- (a) the statement is included as an attachment to the email or that the email includes a direct link to open the activity statement document; and
 - (b) the account holder is not required to complete additional security checks to open the activity statement, such as a password
- 8.6 The activity statement must be provided free of charge except for a reasonable cost for postage if the statement is to be sent to a postal address.
- 8.7 If there are no transactions made by the account holder during the statement period, the wagering service provider must not provide a statement unless requested to do so by the account holder.
- 8.8 In addition to the activity statement required under Clause 8.1, a wagering service provider must make the activity statement for the previous month accessible by an account holder:
- (a) on request at any time by email or telephone and in a format of the account holder's choosing (i.e. e-statement or paper statement) within the required time; and
 - (b) through a betting account at any time, where the betting account is accessed via a website or internet application.

- 8.9 In addition to the monthly activity statement, a wagering service provider must ensure that account holders have access to a record of betting account transactions:
- (a) immediately at all times via an account holder's 'My Account' window where the betting account is accessed via a website or internet application
 - (b) by email or post for account holders who bet through other means (e.g. via telephone) within 14 days of the account holder's request for a copy of their account transactions
 - (c) for a time period specified by the account holder, up to at least 7 years preceding the request.
- 8.10 Activity statements must not include any advertising or direct marketing information. They must use red text to show losses and black to show wins and must not use green text.
- 8.11 For the purpose of this Clause:
- (a) the **required time** is no later than seven days after the conclusion of each calendar month.
 - (b) where a statement is requested by an account holder, the **required time** is no later than seven days after that request is received by the wagering service provider.
- 8.12 The provisions in Clause 8 take effect from 31 July 2022, subject to Clause 8.13.
- 8.13 Despite Clause 8.12, a wagering service provider is not required to comply with Clause 8 until 14 November 2022 if the Commission is satisfied that the wagering service provider has demonstrated one of the following:
- (a) there has been a significant and unforeseen disruption to the business caused by the COVID-19 pandemic and that such disruption has affected the business over an extended period of time; or
 - (b) the occurrence of significant and unforeseen outages or system vulnerabilities which necessitated the redirection of capability; or
 - (c) unavoidable delays or disruptions encountered by a contractor which are beyond the control of the wagering service provider; or
 - (d) there is a genuine need to redirect capability to respond to other critical regulatory requirements and the wagering service provider has provided sufficient evidence to demonstrate that no technical resource capability or alternative exists; or
 - (e) it has been granted an extension in another Australian jurisdiction in which it is licensed.

9. Staff Training

- 9.1 From 31 March 2023, a wagering service provider must ensure that all relevant persons complete training that meets the minimum requirements of the National Unit of Competency as follows:
- (a) for existing relevant persons as at 28 February 2023, *Responsible service of wagering training* no later than 31 March 2023;
 - (b) for other relevant persons, *Responsible service of wagering training* no later than one month after commencing employment or work with the wagering service provider.
- 9.2 After completing *Responsible service of wagering training*, a relevant person must complete *Responsible service of wagering refresher training* within 12 months of the date of completion and every 12 months thereafter.
- 9.3 The training requirements in Clause 9.1 can be met through External Training or In-house Training.
- 9.4 A wagering service provider must retain and produce upon request by the Commission the following records:
- (a) training records for all relevant persons, including the relevant persons commencement date, training completed and dates of completion; and

(b) records relating to any independent review of In-house Training developed and delivered by the wagering service provider.

9.5 The records referred to in Clause 9.4 must be retained for at least 7 years after the training to which they relate was conducted.

9.6 For the purpose of this Clause, a relevant person is an individual who:

(a) is a director, employee or contractor of a wagering service provider; and

(b) is involved in the provision of interactive wagering and betting services by the provider, including being involved in decisions that affect the provision of the betting services.

Dated 4 July 2022

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

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