



# Victoria Government Gazette

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## Gambling Regulation Act 2003

### MINISTERIAL DIRECTION PURSUANT TO SECTION 10.6.6

#### Responsible Gambling Codes of Conduct

I, Hon. Melissa Horne MP, Minister for Casino, Gaming and Liquor Regulation pursuant to section 10.6.6(1) of the **Gambling Regulation Act 2003** (Act):

1. give the following direction, set out in Clause A below, in relation to the content that must be included in a Responsible Gambling Code of Conduct (code) implemented by a casino operator; and
2. vary the direction published in the Victoria Government Gazette No. S 430 on 17 September 2018 pursuant to section 10.6.6(1) of the Act as set out in Clause B below to revoke its application to a casino operator.

#### CLAUSE A: DIRECTION ABOUT RESPONSIBLE GAMBLING CODES OF CONDUCT FOR A CASINO OPERATOR

The following direction applies to a casino operator, as defined in section 1.3 of the Act.

#### PART 1: 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:

**Break in play** means a break away from the gambling zone for the specified period of time commencing from the time a patron of a casino leaves the gambling zone;

**Commission** means the Victorian Gambling and Casino Control Commission established by section 6 of the **Victorian Gambling and Casino Control Commission Act 2011**;

**Gambling zone** means any area within the casino that is within two metres of a gaming machine or table game. The gambling zone excludes any food and beverage areas more than 2 metres from a gaming machine or table game;

**International patron** is a patron not ordinarily resident in Australia;

**International Premium Players Program** is a program including international patrons who are engaged in a premium player arrangement as defined in the **Casino Control Act 1991**;

**Intervene** means taking one of the actions described at 3.3;

**Loyalty scheme** means a 'loyalty scheme' as defined in section 1.3 of the Act;

**Patron complaint** means a complaint from a patron of a casino operator about the provision of gambling and includes a complaint relating to the implementation of a code;

**Play period** means the length of time a patron of a casino plays gaming machines and/or table games;

**Reasonable steps** means actions within the reasonable and practicable control of the casino operator, taking into consideration the casino operator's overall business operations, reasonably commercially available technology, and the practicality of any action. In determining reasonable steps, the casino operator must consider the best operating practices in casinos of a similar size and nature with the aim to be a global leader in the reduction of gambling harm;

**Responsible Service of Gambling Register** is as described at 10; and

**Signs of gambling harm** are the signs listed at 2.2 and 3.1.

**SPECIAL**

## PART 2: ADOPTING AND AMENDING A CODE

### Copy of code to be provided to Commission

A casino operator must provide a copy of the code consistent with this Direction that will be implemented by the casino operator to the Commission for publication on the Commission's website.

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

### Amending a code

A code may be amended by a casino operator.

Where a code is amended, the casino operator must provide a copy of the amended code to the Commission.

### Evaluating a code

The casino operator must, at least once every two years, evaluate the effectiveness of the code and report to the Commission on its operation.

### Availability of the code

A code must be available:

- (a) to patrons (and must specify how this will occur); and
- (b) on a casino operator's website.

### Consistency with the Act

A code implemented by a casino operator 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 patrons.

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 patrons, including patrons from culturally and linguistically diverse backgrounds and patrons with disability.

## PART 3: CONTENTS OF A CODE

### A code must include the following provisions.

#### 1. Responsible service of gambling obligations

A code must specify that a casino operator has a duty to:

- (a) provide gambling services in a safe environment;
- (b) take all reasonable steps to prevent a patron experiencing harm as a result of gambling at its casino;
- (c) take all reasonable steps to actively monitor for patrons displaying signs of gambling harm and to monitor patrons' welfare;
- (d) intervene when a patron is observed displaying signs of gambling harm to offer support and minimise that harm; and
- (e) ensure there are sufficient appropriately skilled and trained staff available to fulfill the requirements of this code at all times, including to monitor all patrons actively for signs of harm.

#### 2. Monitoring for signs of gambling harm

- 2.1. A casino operator must at all times take reasonable steps to monitor patrons for observable signs of gambling harm by staff observations, interactions with patrons, and including monitoring the use of reasonably commercially available technology.

- 2.2. For the purposes of paragraph 2.3, ‘machines’ includes both electronic gaming machines and electronic table games.
- 2.3. A casino operator must take all reasonable steps to identify patrons showing observable signs of gambling harm.
- 2.4. These signs may include:
- (a) tries obsessively to win on one machine or table game;
  - (b) asks to change large notes in the casino before gambling;
  - (c) rummages around in purse or wallet for additional money;
  - (d) rushes from one machine or table game to another;
  - (e) significant increase in spending pattern;
  - (f) has run out of all money when they leave the venue;
  - (g) spends \$300 or more in a session (excluding any premium player areas);
  - (h) bets \$3 or more per spin most of the time (excluding any premium player areas);
  - (i) gambles on two or more machines at once;
  - (j) gambles most days;
  - (k) complains to staff about losing, or blames venue or machines for losing;
  - (l) rituals or superstitious behaviours such as rubbing belly of machine or screen, talking to machine or use of lucky charms;
  - (m) gambles right through normal mealtimes; and
  - (n) stays on to gamble when friends leave the venue.
- 2.5. Where a casino operator observes any of the above signs of gambling harm, a casino operator must take reasonable steps to increase observations of the patron to determine if other signs of gambling harm are present.

### **3. Intervening where signs of gambling harm are observed**

- 3.1. Where a casino operator observes two or more of the following observable signs of gambling harm:
- (a) gets cash out on two or more occasions through EFTPOS or ATMs;
  - (b) puts large wins back into the machine and keeps playing;
  - (c) leaves venue to find money to continue gambling;
  - (d) plays very fast;
  - (e) gambles intensely without reacting to what is going on around them;
  - (f) shows signs of distress after gambling (for example, looks sad/depressed, crying, holding head in hands, nervous/edgy, shaking, sweating);
  - (g) gets angry while gambling (for example, kicking, hitting machines, swearing, playing aggressively);
  - (h) becomes angry or stands over others if someone takes their favoured machine;
  - (i) avoids contact or conversation with others;
  - (j) tries to borrow money from others or asks for credit from the venue;
  - (k) is rude or impolite to casino staff (about gambling);
  - (l) generally poor hygiene or significant decline in personal grooming or appearance;
  - (m) conceals presence at the casino (for example, not answering their phone, makes calls outside or asks staff not to let others know they are there);
  - (n) self-disclosure of the experience of harm from gambling or request to self-exclude;
  - (o) unrealistic remarks about gambling;
  - (p) threats of self-harm;

- (q) family and/or friends express concern or request assistance about an individual's gambling behaviour;
- (r) conflict over gambling between family members or friends;
- (s) children left unattended whilst parent/guardian gambles; and
- (t) sleeps on the gaming floor –

the casino operator must intervene by taking one or more of the following actions:

- (a) encouraging a patron to take a break away from the gambling zone\*;
- (b) discussing pre-commitment limit setting or other harm minimisation functions of the carded play system;
- (c) discussing self-exclusion;
- (d) discussing gambling harm services; and
- (e) issuing a temporary exclusion order or other exclusion order.

\*Note: The casino operator is not required to take reasonable steps to require the patron takes a break away from the gambling zone except in the circumstances set out in paragraph 5.1.

- 3.2. The intervention must be reasonably proportionate to the level of harm displayed by the patron.
- 3.3. Where an intervention occurs, it must be recorded in the Responsible Service of Gambling Register.

#### 4. Interaction and communication with patrons

- 4.1. A casino operator must ensure that interactions and communications with patrons do not:
  - (a) reinforce or encourage fallacies or misconceptions about gambling including but not limited to:
    - i telling a patron that they can make money playing a gaming machine and/or table game;
    - ii telling a patron that a gaming machine or gaming machine jackpot has or has not paid, or that it is due to pay, winnings;
    - iii discussing luck or superstitions;
    - iv telling a patron that a 'near miss' means the gaming machine is about to pay winnings;
    - v suggesting or encouraging the belief that a spin on a gaming machine is not independent of another spin on that gaming machine;
    - vi suggesting or encouraging the belief that there are strategies that a patron can use to win when playing a gaming machine or table game (for example, increasing or decreasing the amount bet per line or number of lines on which a bet is made); or
    - vii telling a person that they deserve to win.
- 4.2. A casino operator must ensure that, where relevant, staff communications with patrons discourage intensive and prolonged gambling.
- 4.3. With the exception of EFTPOS or ATM signage, a casino operator must not induce a patron to:
  - (a) withdraw money, or withdraw more money, from a cash facility; or
  - (b) leave the casino to obtain money, or obtain more money, to enable them to play, or to continue to play, a gaming machine and/or table game.
- 4.4. A casino operator may, however, direct a patron to a cash facility when requested to do so by a patron.

#### 5. Play periods and breaks in play

- 5.1. A casino operator must take reasonable steps to require a patron to take an uninterrupted break in play of:
  - (a) at least 15 minutes after a continuous play period of three (3) or more hours (referred to in this direction as the 3-hour play period);

- (b) of at least twenty-four (24) hours after a cumulative play period of a total of twelve (12) or more hours in any twenty-four (24) hour period (referred to in this Direction as the 24-hour play period); and
  - (c) for the remaining time in any seven (7) day period after a cumulative play period of a total of thirty-six (36) or more hours in that seven (7) day period (referred to in this Direction as the 36-hour play period).
- 5.2. A continuous play period involves a period of play without a 15 minute break and may involve play on multiple machines or both table games and gaming machines.
- 5.3. Play periods apply to both table games and gaming machines. The play period is cumulative and includes time spent on either product.
- 5.4. The casino operator must use reasonably commercially available technology and reasonable staff resources to monitor and enforce play periods.
- 5.5. A casino operator must take all reasonable steps to:
  - (a) not allow a patron to gamble on a gaming machine or table game –
    - i continuously for more than three (3) hours;
    - ii more than twelve (12) hours in any twenty-four (24) hour period; and
    - iii more than thirty-six (36) hours in any seven (7) day period.
  - (b) require a patron to take the required break in play.
- 5.6. For the purposes of paragraph 5.5(a), reasonable steps may include:
  - (a) monitoring the gambling zone for patrons engaged in long periods of play;
  - (b) where the relevant period covers different staff shifts, making an entry in the Responsible Service of Gambling Register; and
  - (c) where carded play is in use, ensuring that it is used to alert staff to play periods being reached.
- 5.7. For the purposes of paragraph 5.5(b), reasonable steps may include:
  - (a) providing the patron with relevant information and resources;
  - (b) suggesting that the patron take a break;
  - (c) asking the patron to leave the gambling zone;
  - (d) observing the patron leaving the floor and monitoring the area for their return; and
  - (e) making an entry in the Responsible Service of Gambling Register.
- 5.8. Where a patron refuses to take the required break in play, the casino operator must take reasonable steps to:
  - (a) require the patron to leave the gambling zone for the duration of the break in play, which commences when the patron leaves the gambling zone;
  - (b) impose a temporary exclusion order, if this is required to ensure the patron takes the required break in play;
  - (c) discuss self-exclusion and gambling support services with the patron and offer to accompany the patron to the Responsible Service of Gaming Centre (however described);
  - (d) record the details of the temporary exclusion order, break in play and the intervention with the patron in the Responsible Service of Gambling Register; and
  - (e) ensure that a record is kept of each temporary exclusion order associated with the relevant player card.

**6. Play period exemptions**

A casino operator may provide the following exemptions from the break in play and play period requirements set out in section 5.1 for:

- (a) international players as part of the International Premium Players Program spending seven days or less at the casino from the 3-hour, 24-hour and 36-hour play period and related break in play requirements; and
- (b) poker tournaments from the 24-hour and 36-hour play period and related break in play requirements.

**7. Casino staff**

7.1. A casino operator must:

- (a) ensure that staff do not play a gaming machine and table games, or any other form of gambling offered by the casino, on a rostered day of work at the casino where the staff member is employed;
- (b) provide information and training to staff so that they are aware of their increased risk of harm from gambling, and
- (c) develop agreed protocols in order to facilitate referral of staff to gambling harm treatment and support services.

**8. Interaction with gambling harm treatment and support services**

A casino operator must ensure that appropriate gambling harm advisers liaise formally on a six-monthly basis with appropriate gambling harm treatment and support providers to ensure adequacy of contact and referral processes.

**9. Gambling harm adviser**

9.1. A casino operator must nominate gambling harm advisers.

9.2. Sufficient gambling harm advisers must be available in the casino at all times gaming machines and table games are available for gaming to enable regular monitoring of patrons and interventions to occur.

9.3. A casino operator must display prominently in the casino a notice advising that gambling harm advisers are available for assistance at all times.

9.4. A gambling harm adviser must take all reasonable steps to:

- (a) monitor the gambling zone and ensure compliance with the Act, **Casino Control Act 1991**, gaming regulations and this code;
- (b) ensure that staff record observations of signs of gambling harm and interventions in the Responsible Service of Gambling Register;
- (c) observe patrons who display behaviour that is consistent with gambling harm and intervene to provide assistance as necessary;
- (d) provide advice to staff about detecting gambling harm and how to respond to signs of gambling harm;
- (e) undertake interventions where signs of harm are observed or where play periods are reached; and
- (f) respond to patron enquiries and complaints about the supply of gambling in the casino.

9.5. A gambling harm adviser has a duty to report known or suspected breaches of the code to a casino inspector of the Commission.

9.6. A gambling harm adviser must complete responsible service of gaming training approved by the Commission, if any, within one month of commencing in the role.

**10. Responsible Service of Gambling Register**

10.1. A casino operator must establish and maintain a Responsible Service of Gambling Register and must ensure that details of interventions are recorded in this register, including the:

- (a) date and time the intervention occurred;

- (b) details of the intervention;
  - (c) details of the intervention made or support provided in response;
  - (d) details of the patron's response to the intervention, if known;
  - (e) date and time the entry was recorded in the Responsible Service of Gambling Register; and
  - (f) information allowing identification of the patron, up to and including the name of the patron, if the name is provided voluntarily by that patron.
- 11.2. A casino operator must retain the information in the Responsible Service of Gambling Register for not less than six months from the day it was recorded in the Responsible Service of Gambling Register.
- 11.3. A casino operator must provide a copy of the Responsible Service of Gambling Register to the Commission on request.

### **11. Gambling Advertising**

- 11.1. Any advertising and promotions permitted under the Act or the **Casino Control Act 1991**, including as part of a loyalty scheme, that is undertaken by or on behalf of the casino operator in relation to gambling must:
- (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 in the advertising or promotion (except as otherwise required by law);
  - (d) not be offensive or indecent in nature;
  - (e) not create an impression that gambling is a reasonable strategy for financial betterment;
  - (f) not perpetuate gambling myths or fallacies; and
  - (g) not promote the consumption of alcohol while purchasing gambling products;
- 11.2. A casino operator must specify the measures that it will adopt to ensure that its advertising and promotions comply with these requirements.

### **12. Direct marketing**

- 12.1. A casino operator must not send any direct marketing to any person unless that person has provided their express consent to receive direct marketing.
- 12.2. A person must be able to sign up for a player card or loyalty scheme without providing consent to receive direct marketing or being required to take additional steps to opt out of receiving direct marketing.
- 12.3. A casino operator 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.
- 12.4. A casino operator must not send direct marketing to a person at any time after five (5) business days from the day the casino operator has received notification from that person that they have unsubscribed.
- 12.5. A casino operator 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.

### **13. Patron complaints**

- 13.1. A casino operator must implement and comply with a process for resolving complaints from patrons about compliance with and the operation of the code.
- 13.2. A casino operator must make patrons aware of the complaints process via signage, brochures and its website.

13.3. 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 casino operator about patron complaints;
- (d) specify how information about complaints will be collected and retained; and
- (e) enable the Commission to monitor compliance with the complaints process.

#### **CLAUSE B: VARIATION OF DIRECTION**

The direction published in the Victoria Government Gazette No S. 430 on 17 September 2018 pursuant to section 10.6.6(1) of the Act (as varied by the direction published in the Victoria Government Gazette No S 85 on 21 February 2020) is varied as follows:

1. For the definition of '*Relevant person*' substitute:

*'Relevant person* means

- (a) the wagering and betting licensee;
- (b) a registered bookmaker;
- (c) a public lottery licensee or temporary public lottery licensee;
- (d) a keno licensee;
- (e) a holder of a commercial raffle organiser's licence;
- (f) a bingo centre operator.'

2. In Part 2: Contents of a Code, under the heading 'Gambling product information' omit the sentence:

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

This direction takes effect on 20 March 2023 and remains in force until revoked.

THE HON. MINISTER HORNE MP  
Minister for Casino, Gaming and Liquor Regulation

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