



Independent Gambling Authority

**Inquiry concerning advertising and responsible
gambling codes of practice**

First Supplementary Report—December 2003



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1. INTRODUCTION

This report supplements a longer report submitted to the Minister for Gambling on 30 May 2003 in respect of the inquiries which the Independent Gambling Authority has been conducting for the purposes of determining the content of advertising and responsible gambling codes of practice.

At the same time as submitting that report, the Authority gave individual notices to the gambling providers of the terms proposed for their codes of practice, offering a final opportunity for representations to be made.

The gambling providers' immediate response was together to seek an extension of the time for the making of representations. The Authority gave an immediate extension of time and also gave encouragement to the gambling providers to engage with the Concern Sector (led by the South Australian Heads of Churches Gambling Taskforce) in making their responses. The gambling providers indicated a willingness to do so and this was taken into account by the Authority in its allowance of time.

During the period these consultations were taking place between the Industry and Concern Sectors, the Authority also received delegations from two peak media bodies (Commercial Television Australia Limited and Commercial Radio Australia Limited) with respect to their concerns about the proposed advertising codes.

By early October 2003, the Authority had been provided with joint memoranda setting out agreement between each of the key gambling providers and the Concern Sector as to measures which, it was agreed between them, should be included in the codes of practice. Not all of the matters which had been the subject of the first stage consultations resulted in agreement between the Industry and Concern Sectors, although a significant number did.

In coming to a determination of the measures which should be included, the Authority has been greatly assisted by these agreements and has adopted many of the proposed measures set out in them.

In a small number of cases, the Authority has declined to adopt the agreed position between the Industry and Concern Sectors. This is entirely consistent with the Authority's independent role and responsibilities under the statutory provisions with respect to the codes of practice.

The Authority has now issued further 14-day notices, which gave one final opportunity to the stakeholders to make any final submissions, and received further representations in response. This process has enabled a working through of the issues on which the Authority differed from the Industry/Concern Sector agreed positions.

Attached (see the Appendix) is a composite document setting out the final codes measures. This will form the basis for the formal notices—now to be given to the Industry Sector stakeholders—approving or requiring the alteration of codes (as each case requires) for tabling in Parliament. The Authority will ensure that the timing of this formal step will allow for coordination with the peak bodies for hotels and clubs licensed for gaming machines (that is, the AHA and Clubs SA) and licensed racing clubs prior to the despatch of the 650-odd notices required by the statutes.

In reaching its final decision on this stage of the codes of practice, the Authority has noted that, despite some concern expressed following the submission of the 30 May report, it has been possible for these measures to apply with a high degree of uniformity across all the gambling providers.

Some brief reasons for the Authority's decision follow.

2. ADVERTISING CODES OF PRACTICE

2.1 Electronic media blackout

Clause 4 of the draft codes circulated on 30 May 2003 proposed a blackout on electronic media advertising for periods which corresponded with the periods in which television programming was required to be suitable for children (weekdays, 6.00am to 8.30am and 4.00pm to 7.30pm; weekends, 6.00am to 7.30pm).

While it was important that the blackout covered periods when children were likely to be watching, the Authority made it clear at the time that the blackout was about family viewing and listening times free of gambling advertising. This would mean that families preparing for the day or dining together at night could do so, if they wished, while watching television or listening to radio, without concern that this time would be intruded upon by gambling advertising which might be unwelcome or troubling for one or more family members.

This proposal attracted a great deal of comment. SA TAB and the racing industry expressed concern for their dedicated information channels (Sky Television and Radio TAB). Other interested parties questioned the extent of the restriction and whether it would, for instance, prevent a hotel advertising meals after 4.00pm.

In their agreements with the Concern Sector, the AHA and the Lotteries Commission accepted the proposal for a blackout on gambling advertising, the casino operator (Sky City) indicated that it was exploring options aimed at reducing children's exposure to the advertising, while SA TAB and the racing clubs proposed the removal of the blackout whilst also being prepared to pursue reduced exposure at children's viewing times.

The Authority remains of the view that the primary purpose of a blackout should be to provide a time of haven, when gambling advertising would not unexpectedly intrude

on people's activities. In order for this to be achieved, the blackout times for all gambling providers must be uniform.

The Authority accepts that this decision will necessarily be accompanied by some stakeholder disappointment. However, this measure provides an example of the sort of situation in which the Authority, having clearly set out the purpose for a particular measure, has not adopted the measures agreed to between the Concern Sector and various of the industry stakeholders.

The Authority has taken careful note of the possibility that this measure could have had an unequal impact on different providers because of the differences in their approaches to advertising. The operation of the blackout has been tailored to avoid this.

Under the final codes, the blackout—

- ◆ for radio, will be 6.00am to 8.30am, weekdays;
- ◆ for television, will be 4.00pm to 7.30pm, weekdays;
- ◆ will not apply to channels dedicated to the provision of information about a gambling product—such as Radio TAB;
- ◆ will not apply on weekends.

As a result of close consultation and examination, the Authority has been satisfied that the integrity of the blackout notion would not be impaired by separating the times of blackout as between radio and television. The Authority also accepts that a person selecting Radio TAB is deliberately exposing him or herself to advertising material.

The Authority has also been careful to make it clear that the blackout applies to gambling products, rather than to advertisers who might also happen to be gambling providers. This will allow hotels to advertise meals and the casino to advertise music, as was always the intention.

In coming to this position, the Authority has appreciated the input of the peak bodies for commercial radio and television which, among other functions, have a role in the administration of industry codes of practice under the licensing regime for broadcasting services.

It is the Authority's clear understanding that its jurisdiction extends only to the gambling providers for which it is responsible. It will be to the gambling providers that the Authority would direct its scrutiny if it appeared that advertising was being broadcast during the blackout periods.

2.2 The sounds of gaming

In their agreements with the Concern Sector, both the AHA and Sky City accepted the proposed restriction on the sounds of gaming (including the sound of coins landing in a tray) in radio and television advertising.

This issue had been raised with the Authority, at the very earliest stage in its codes consultations, as contributing to harm, particularly as the advertising affected people with a problem or who were at risk. The Authority is satisfied that this measure will address that harm.

2.3 Odds and chances of winning

Clause 5 of the draft codes circulated on 30 May 2003 attracted some comment.

The Authority remains of the view that it is important, when particular prizes are advertised to the general public, that the advertising be accompanied by sufficient information about the prizes.

However, the Authority believes that the substance of the issues raised has been addressed by drafting changes which make it clear that the only prizes which are covered by this clause are prizes which can be won by gamblers (as opposed to the prizes which may be won by runners in an event on which gambling takes place).

2.4 Publication and display of TAB odds, other prizes, &c

Some concern had been expressed about possible unintended effects of an interpretation clause (clause 6(3)) inserted to assist in the operation of clause 3(2)(g)—a clause dealing with exaggerated or non-factual claims.

Further work has been done to ensure that this clause will not inadvertently prevent Sky City from advertising the amount of actual prizes won or the publication of a form guide with advertising from SA TAB.

2.5 Meaning of “gambling product”

A concern raised by the licensed racing clubs that there may have been ambiguity between what is referred to as gambling product and the racing event is addressed by a special definition in the advertising code applying to licensed racing clubs.

2.6 Advertising not covered by the codes

In the course of public consultations, a number of stakeholders raised concerns about advertising which is not within the Authority’s jurisdiction—principally advertising by bookmakers licensed in other Australian jurisdictions and advertising on the internet of all manner of gambling products.

The Authority is aware that licensed and regulated gambling providers will always be operating at some form of disadvantage to those who choose to operate outside the confines of the relevant jurisdiction; it is also the case that these non-licensed providers make no contribution to South Australia through the payment of taxes or product fees.

The Authority is mindful of the proposition that, if a gambling product is not licensed in South Australia, the advertising of it would most likely be illegal, not just by the advertiser (who is by definition outside the jurisdiction) but also by the publisher or broadcaster of the advertisement (who is by definition within the jurisdiction).

The Authority is hopeful that, by raising this issue, there will be achieved a greater degree of awareness in the print and broadcast media of which advertising is legal and appropriate and which is not.

2.7 The introductory words

Having noted some stakeholders' suggestions for changes to clauses 1 and 2, the Authority determined that their original wording conveyed the appropriate context and intent and it has been retained.

3. RESPONSIBLE GAMBLING CODES OF PRACTICE

3.1 In-venue document and display of codes

Clause 2 of the draft codes circulated on 30 May 2003 would have required the gambling provider to create a document setting out the manner in which the relevant responsible gambling code was to be implemented.

As part of the hotels' agreement with the Concern Sector, the suggestion was made that this clause should instead require the display of the codes and require the creation of a document setting out how staff training and problem gambler intervention measures would be implemented.

The Authority was assisted by this suggestion and determined that it would be appropriate to apply the same provision in respect of other gambling providers.

In further discussion, some practical issues have arisen with respect to the display of the codes, and the code provision has been revised to require the display of a sign drawing attention to the existence of codes of practice, and to require the codes to be available in gambling areas.

The Authority will follow closely the implementation of this measure, particularly with respect to the documented processes for intervention. It will also be looking to the Concern Sector to provide input to industry to inform those processes.

3.2 Multiple-machine play

Clause 4(3) of the draft casino and gaming machines codes circulated on 30 May 2003 would have required the gambling provider to ensure that a person did not play more than one machine at a time.

The Authority has accepted suggested varied wording that would require the gambling provider to take “all reasonable and practicable steps” to ensure that this did not occur and to insert provisions for follow up action.

The Authority is satisfied that this measure will address harm by effectively eliminating multiple-machine play and, in the circumstance of a patron who attempts to play more than one machine at a time, by providing an intervention.

3.3 Automated coin dispensing machines

Clause 4(4) of the draft casino and gaming machines codes circulated on 30 May 2003 would have required the removal of automated coin dispensing machines from gambling areas. The Authority received strong representations as to how this might affect the operations of operators and possibly inconvenience recreational gamblers.

The Authority was particularly concerned at the impact of coin dispensing machines in the context of the statutory prohibition on note accepters being fitted to gaming machines. If an automated coin dispensing machine, with a note accepter, is placed very near to a gaming machine, the prohibition might appear to be evaded. The Authority saw the need to leave a gambling area to change notes into coin as providing an important break in play.

However, the Concern Sector’s agreed position with Sky City does not include this measure. In relation to hotels, the Concern Sector identified a number of conditions on which automatic coin dispensers could safely be retained in gambling areas (including using systematic monitoring of them to identify opportunities for intervention).

Noting that the AHA and Sky City have committed to the development of in-venue intervention measures and that there may be said to be issues of parity on this issue between the casino and gaming machine venues, the Authority has determined not to proceed with the this proposed measure at this time.

As mentioned, one of the matters raised between the hotels and the Concern Sector was that automated coin dispensing machines would be placed under some form of surveillance as a pointer to intervention. This is a matter which might well be documented in the venue responsible gambling documents now mandated by clause 2.

The Authority, in its research program to identify the impact of codes of practice measures, will pay careful attention to the effect of automatic coin dispensing machines on problem gambling behaviour and to the efforts gambling providers employ to ensure that they do not contribute to harm.

3.4 Responsible gambling materials

The Authority, having noted a number of suggestions concerning the requirement for the creation of responsible gambling materials and the display of posters in gambling areas. In particular, the Authority has noted that work has been undertaken on the

development of a common multi-lingual poster and pamphlet. The final wording of the requirement has been framed to facilitate this.

3.5 Alcohol and gambling

Clause 6 of the draft codes circulated on 30 May 2003 sought to impose limitations on the service of gambling products to persons affected by alcohol, to restrict the entry of intoxicated persons to gambling areas and to require that alcohol not be served to a person while engaging in a gambling activity.

The Authority remains concerned about the potential for the disinhibiting effect of alcohol to reduce gamblers' capacity for control and sees a significant harm minimisation opportunity available through the separation of the service of alcohol and provision of gambling products providing an opportunity for a break in play.

The 30 May draft had sought to apply parity of treatment in these areas to all gambling providers, although in practice wagering and lottery products have not tended to be provided together with alcohol.

So far seeking to limit the service of alcohol to patrons engaged in a gambling activity might be applied in relation to Lotteries and SA TAB outlets in hotels and clubs, some other issues were raised. From the evidence presented, the Authority is satisfied that it would not be necessary to require the gambling provider to prevent intoxicated persons from entering a gambling area. This is because the process of purchasing Lotteries and SA TAB products differs relevantly from gaming machines and also because racecourses are structured and operate differently.

Further, as a result of the consultation involving the Concern Sector, there emerged an acceptance by the peak bodies for hotel and club gaming machine licensees of the proposal to ban the service of alcohol at gaming machines.

This raises an issue of parity as between the casino and hotels and clubs. The Authority has been persuaded that such a ban should not apply in respect of casino table games. This is based on the role which can be played by a game's dealer, which would allow an opportunity for intervention. This leaves the issue of service of alcohol to casino patrons sitting or standing at gaming machines.

In response to its 14 day notice, Sky City Adelaide argued that this measure should not be imposed and that there should be no restriction on the service of alcohol in the casino. Having carefully considered Sky City's arguments, the Authority remains of the view that the break in play opportunity provided by this measure will address the risk of problem gambling in the casino. The casino code includes a prohibition on service of alcohol at gaming machines.

3.6 Children

The Authority received a number of representations in respect of proposed clause 7, which deals with measures seeking to ameliorate the risks posed to children by the

problem gambling of their parents. These representations included submissions made in a formal hearing on behalf of the licensed racing clubs and the hotels.

Those submissions dealt with potential impacts of the proposed code provision, including operational issues for gambling providers and possible legal impacts, including the possibility that the imposition of a code of practice requirement—a requirement which would be enforceable only as a licence condition in the discretion of the relevant licensing body—would give rise to new public liability duties of care.

It has also become clear to the Authority that the on-going discussions between the Industry and Concern Sectors have given rise to progress in seeing this issue addressed.

While not satisfied that the imposition of the original wording would have had unmanageable operational consequences or that the submitted legal impacts would arise, the Authority has been satisfied that its concerns in this area should for the time being be addressed to the gaming machine and casino sectors only, and in the form of a recommendation.

3.7 Miscellaneous issues

The Authority has accepted a number of suggestions made, particularly those contained in the agreement between the Concern Sector and the AHA, with respect to training and compliance obligations, including by allowing a genuine association formed to protect or promote the interests of a section of the gambling industry to take responsibility for certain compliance obligations.

The importance of training cannot be understated as a means not only to only raise awareness of those working in gambling areas to the issue of problem gambling but also to equip them with means of addressing that harm sensitively and effectively. The involvement of the peak bodies, particularly in ensuring that obligations are able to be complied with, will make a major contribution to the effectiveness of the codes.

The licensed racing clubs have indicated that, as their on-course betting operations are presently structured, they do not employ the gambling staff and cannot therefore require them to attend training. The Authority has noted that SA TAB presently provides the on-course service as a contractor to the licensed racing clubs. The Authority expects that the licensed racing clubs will seek to discharge their obligation to ensure the provision of training through the contractual arrangements they have, and that such contractual arrangements, properly managed, will provide adequately for compliance with the code requirement.

3.8 The introductory words

Having noted some stakeholders' suggestions for changes to clause 1, the Authority determined that its original wording conveyed the appropriate context and intent and it has been retained.

4. CONCLUSION

The Authority recognises that, in this position being reached, there have been significant achievements made by the stakeholders in moving forward with harm minimisation.

The Authority will shortly be formalising the code requirements set out in the appendix in the form of notices which will also be forwarded for tabling in Parliament, with a view to the codes commencing fully on 30 April 2004.

In the meantime, the Authority is continuing its consultation on the second stage issues identified in the 30 May 2003 report.

For and on behalf of the Authority

Stephen Howells
PRESIDING MEMBER

Adelaide, 7 December 2003

APPENDIX

PROPOSED ADVERTISING CODE

1. Purpose

This code provides a framework through which [*name of gambling provider*] the holder of [*a/the*] [*type of licence*] licence (“**gambling provider**”) can ensure that its advertising activities are consistent with the community’s expectations that the licensed business will be conducted in a responsible manner so as to minimise the harm caused by gambling.

In Lotteries Code—“This code provides a framework through which the Lotteries Commission of South Australia (“**gambling provider**”) can ensure that its advertising activities are consistent with the community’s expectations that the SA Lotteries business will be conducted in a responsible manner so as to minimise the harm caused by gambling.”

2. General principle

The gambling provider will ensure that all gambling related advertising is undertaken in a manner that—

- (a) is socially responsible; and
- (b) does not mislead or deceive the customer.

3. Specific provisions

- (1) The gambling provider will ensure that, when it advertises its gambling products, the advertising complies with—
 - (a) applicable Commonwealth and State laws; and
 - (b) relevant advertising industry codes of practice—
as in force from time to time.
- (2) The gambling provider will ensure that, when it advertises its gambling products, the advertising—
 - (a) is not directed at minors;
 - (b) does not portray minors participating in gambling activities;
 - (c) is not explicitly or exclusively directed at vulnerable or disadvantaged groups (including recovering problem gamblers);
 - (d) does not promote gambling as a means of relieving financial or personal difficulties;

Appendix continued—Proposed Advertising Code, clause 4

- (e) does not promote gambling as a means of enhancing social standing or employment, social or sexual prospects;
- (f) does not state or imply that gambling is a means to pay for household staples, education or rent, or to meet mortgage commitments;
- (g) does not make claims related to winning or the prizes that can be won—
 - (i) that are not based on fact; or
 - (ii) that are unable to be proven; or
 - (iii) that are exaggerated;
- (h) does not exaggerate the extent to which a player’s skill can influence the outcome of a gambling activity;

In Gaming Machines Code: “does not state or imply that a player’s skill can influence the outcome of a gambling activity”.

In Lotteries Code, same as for Gaming Machines Code.

- (i) does not associate gambling with excessive alcohol consumption; and
 - (j) does not exaggerate the connection between the gambling activity and the use to which the gambling provider’s profits may be put.
- (3) The gambling provider will, when it advertises on radio or television, ensure that the advertising does not include sounds normally associated with the playing of gaming machines, including but not limited to—
- (a) the sound of coins landing in a coin tray;
 - (b) any sound made by a gaming machine when a prize is won.

SA TAB Code: sub-clause (3) not included.

Racing Clubs Code: sub-clause (3) not included

Lotteries Code: sub-clause (3) not included

4. Electronic media—time periods

The gambling provider will, in relation to advertising on radio or television, refrain from advertising its gambling products during the following periods:

- (a) for radio advertising, between 6.00am and 8.30am, Monday to Friday (both days inclusive);
- (b) for television advertising, between 4.00pm and 7.30pm, Monday to Friday (both days inclusive).

5. Prize advertising—specific obligations

- (1) If, when it advertises a gambling product, the gambling provider refers to, or relies on, the value or nature of one of the prizes which are available to be won

Appendix continued—Proposed Advertising Code, clause 6

(whether or not the prize is a prize of money) or the frequency with which the prize might be won, the advertising—

- (a) will include sufficient information to allow a reasonably informed person to understand the overall return to player or, if the product does not have an overall return to player, the odds of winning; and

Lotteries Code: for "odds", substitute "chance"

- (b) in addition, if the advertising is intended to encourage a person to gamble during a particular period, will include sufficient information to allow a reasonably informed person to appreciate how likely it is that the prize will be won by someone during that period.

- (2) If, in seeking to comply with this clause, the gambling provider—

- (a) calculates the theoretical number, value and frequency of prizes to be won;
- (b) in the advertising or promotion, suggests an outcome no less favourable to the gambling provider than that theoretical outcome; and
- (c) obtains an actual outcome more favourable than that which was advertised—

the gambling provider will still be regarded as complying with this clause.

- (3) Sub-clause (1)(a) does not apply to advertising of a trade promotion lottery offered in conjunction with the purchase of a gambling product if the odds or chance of winning the trade promotion lottery are dependent on factors beyond the control of the gambling provider.

Lotteries Code: add "or to a radio advertisement which includes a warning message".

6. Definitions and interpretation

- (1) In this code—

“gambling area” means a public area of the Casino;

Gaming Machines Code: "... means a gaming area within the meaning of the Gaming Machines Act 1992".

SA TAB Code: "... means a public area of an office, agency or branch in which provision is made for people to prepare for the making of bets, to make bets and to await the outcome of bets".

Racing Clubs Code: "... means a public area of a racecourse in which provision is made for people to make bets".

Lotteries Code: "... means a public area of an office or agency in which provision is made for people to prepare to enter or participate in lotteries, to enter or participate in lotteries and to await the outcome of their entry or participation in lotteries".

Appendix continued—Proposed Advertising Code, clause 6

“**gambling product**” means a bet which can be accepted by the gambling provider as part of on-course totalisator betting operations, and “**gamble**” and “**gambling**” have corresponding meanings;

Casino Code: not included.

Gaming Machines Code: not included.

SA TAB Code: not included.

Lotteries Code: not included.

“**plug**” means an announcement on radio or television which includes information about the gambling provider’s gambling products or which associates one of the gambling provider’s gambling products with a particular program or period of programming;

“**radio or television**”—

- (a) means any kind of radio or television broadcasting service within the meaning given by the *Broadcasting Services Act 1992* (Commonwealth); but
- (b) does not include a radio or television broadcasting service principally operated for the purpose of promoting gambling products of the nature of those provided by the gambling provider, or related events—

and “**radio**” and “**television**” have corresponding meanings.

- (2) For the purposes of this code, the gambling provider will be regarded as advertising—
 - (a) if a provider of radio or television runs a plug in exchange for a payment or for some other form of valuable consideration (including an agreement to purchase advertising);
 - (b) if a provider of radio or television or a publisher includes content in exchange for a payment or for some other form of valuable consideration (including an agreement to purchase advertising).
- (3) Subject to sub-clause (4), advertising will be regarded as offending against clause 3(2)(g) if it contains material—
 - (a) which is neither information which is reasonably believed to be factual nor opinion which is reasonably held; and
 - (b) which includes one or more of the following expressions (or anything analogous to them)—
 - (i) “Win”;
 - (ii) “\$”.

Appendix continued—Proposed Advertising Code, clause 7

- (4) For the avoidance of doubt, sub-clause (3) does not apply to a sign or display which is in, or is visible from, a gambling area and which states the amount of—
- (a) a particular prize which has been determined or is payable; or
 - (b) an approximation or estimate of a prize which can be won.

Lotteries Code: add paragraph to state that sub-clause (3) does not apply “to the provision of information in relation to a draw for a gambling product, to a telecast of a draw for a gambling product or to the publication of the results arising from a draw for a gambling product.”

7. Operative dates and transitional

This code comes into operation on 30 April 2004.

Casino Code: “The provisions of clauses 1–7 of this code as substituted by the Code Alteration (Adelaide Casino) (Advertising) (No. 1) 2003 apply from 30 April 2004”.

Gaming Machines Code: “The provisions of clauses 1–7 of this code as substituted by the Code Alteration ([name of venue]) (Advertising) (No. 1) 2003 apply from 30 April 2004”.

8. Application to agents

In respect of the provision of the gambling provider’s gambling products by or through an agent, the gambling provider will ensure that the actions of its agent conform with this code as though the agent were the gambling provider.

Clause not included in Casino Code.

Clause not included in Gaming Machines Code.

Clause not included in Racing Clubs Code.

Appendix continued

PROPOSED RESPONSIBLE GAMBLING CODE

1. Purpose

This code provides a framework through which [*name of gambling provider*] the holder of [*a/the*] [*type of licence*] licence (“**gambling provider**”) can ensure that its general gambling practices are consistent with the community’s expectations that the licensed business will be conducted in a responsible manner so as to minimise the harm caused by gambling.

In Lotteries Code—“This code provides a framework through which Lotteries Commission of South Australia (“**gambling provider**”) can ensure that its general gambling practices are consistent with the community’s expectations that the SA Lotteries business will be conducted in a responsible manner so as to minimise the harm caused by gambling.”

2. Venue responsible gambling documents

The gambling provider will—

- (a) in each gambling area—
 - (i) display prominently a sign indicating that gambling operations are governed by a code of practice; and
 - (ii) ensure that a copy of this code is made available to people in the gambling area, on request; and
- (b) for each gambling area, prepare and keep current a document detailing—
 - (i) the manner in which staff training and measures for intervention with problem gamblers are implemented; and
 - (ii) the roles of staff (described by name or by job title) in the implementation of this code.

3. Legislation and regulation

The gambling provider will—

- (a) conduct its business in accordance with all applicable laws and legal requirements; and
- (b) co-operate with regulatory bodies and government agencies in all matters, including their investigations of compliance with legal obligations.

Appendix continued—Proposed Responsible Gambling Code,
clause 4

4. Gambling areas

- (1) The gambling provider will ensure the display of a warning message—
 - (a) on a gaming machine—
 - (i) on the cabinet of the gaming machine—in the form of a helpline sticker;
 - (ii) if the gaming machine is capable of displaying a message on a second game screen in a manner approved by the Authority—on that second screen;
 - (b) in the form of a helpline sticker on or near each gaming table.

Gaming Machines Code: omit paragraph (b) and redesignate sub-paragraphs (a)(i) and (a)(ii) as paragraphs (a) and (b) respectively.

SA TAB Code: “The gambling provider will ensure the display of a helpline sticker on or near each point of sale terminal”.

Racing Clubs Code: “The gambling provider will ensure the display of a helpline sticker on or near each point of sale terminal of the on-course totalisator”.

Lotteries Code: “The gambling provider will ensure the display of a helpline sticker on or near each point of sale terminal”.

- (2) The gambling provider will ensure that the time of day is prominently displayed throughout gambling areas.
- (3) The gambling provider will take all reasonable and practicable steps to ensure that a person plays no more than one gaming machine at a time, including—
 - (a) the gambling provider displaying a warning sign that it does not permit any person to play more than one gaming machine at a time; and
 - (b) the gambling provider giving a warning to a patron offending for the first time and, should such a warning not be heeded, asking the patron to leave the gaming room for 24 hours.

SA TAB Code: not included.

Racing Clubs Code: not included.

Lotteries Code: not included.

- (4) The gambling provider will ensure that a copy of the gambling rules is available to customers in each gambling area.

Gaming Machines Code: not included—Act contains no concept of “rules”.

Racing Clubs Code: “The gambling provider will ensure that a copy of the gambling rules is available for public inspection at the Secretary’s office on the racecourse.”

Appendix continued—Proposed Responsible Gambling Code,
clause 5

5. Customer information and signage

- (1) The gambling provider will—
 - (a) prominently display responsible gambling materials (including a poster and a pamphlet) in an agreed form in gambling areas; and
 - (b) make available its responsible gambling poster and pamphlet in the following 5 languages other than english—
 - (i) arabic;
 - (ii) chinese;
 - (iii) greek;
 - (iv) italian;
 - (v) vietnamese—together with any other language which the gambling provider considers appropriate.
- (2) The gambling provider will—
 - (a) ensure the display of a helpline sticker on or near each ATM;
 - (b) ensure that a quantity of helpline cards is available at each point of sale terminal, on or near each ATM and at other places throughout gambling areas.

Casino Code: “ensure that a quantity of helpline cards is available at or near each gaming machine and gaming table, on or near each ATM and at other places throughout gambling areas”.

Gaming Machines Code: “ensure that a quantity of helpline cards is available at or near each gaming machine, on or near each ATM and other places throughout gambling areas”.
- (3) The gambling provider will take all reasonable steps to ensure that a patron who demonstrates difficulty in controlling his or her personal expenditure on gambling products has his or her attention drawn to the name and telephone number of a widely available gambling referral service.
- (4) The gambling provider will—
 - (a) from time to time file with the Authority; and
 - (b) to the greatest extent practicable, publish on its website (if it has one) a representation of—the responsible gambling materials referred to in sub-clause (1).
- (5) The gambling provider will reinforce its responsible gambling policy in appropriate customer newsletters and other communications.

Appendix continued—Proposed Responsible Gambling Code,
clause 6

- (6) If the gambling provider is a member of a peak body, the gambling provider may comply with sub-clauses (4) and (5) through the activities of the peak body.

Casino Code: not included.

SA TAB Code: not included.

Racing Clubs Code: not included.

Lotteries Code: not included.

6. Alcohol and gambling

- (1) The gambling provider will take all practicable steps—

- (a) to prevent a person who appears to be intoxicated from being allowed to gamble; and
- (b) to prevent the entry of intoxicated people into gambling areas, or them remaining there; and

SA TAB Code: not included.

Racing Clubs Code: not included.

Lotteries Code: paragraph (b) not included.

- (c) to ensure that alcohol is not supplied to reward, promote or encourage continued gambling; and
- (d) to provide education to staff about the effect of alcohol on patrons; and

Gaming Machines Code: not included.

SA TAB Code: not included.

Racing Clubs Code: not included.

Lotteries Code: not included.

- (e) to include guidelines to recognise excessive alcohol consumption in staff training programs.

Gaming Machines Code: not included.

SA TAB Code: not included.

Racing Clubs Code: not included.

Lotteries Code: not included.

- (2) The gambling provider will ensure that a person is not served alcohol while seated or standing at a gaming machine.

SA TAB Code: not included.

Racing Clubs Code: not included.

Appendix continued—Proposed Responsible Gambling Code,
clause 7

Lotteries Code: not included.

7. Children

It is recommended that the gambling provider develop a protocol addressing the issue of young children (being children aged 10 years or less) who may otherwise be left unattended on the gambling provider's premises or in a motor vehicle parked in a car park over which the gambling provider has direct power and control.

SA TAB Code: not included.

Racing Clubs Code: not included.

Lotteries Code: not included.

8. Cheques

- (1) The gambling provider will not cash cheques in a gambling area, unless the Authority has given an exemption from this prohibition to the gambling provider in respect of the gambling area, by notice in writing stating the reason for the exemption (such as the location of the premises containing the gambling area).
- (2) The gambling provider will, if requested to provide a cheque in respect of a prize, winnings or redemption of credits in aggregate of \$1 000 or more, provide the cheque within the 24 hours after the patron makes the claim.

SA TAB Code: "if requested to provide a cheque in respect of a prize or winnings in aggregate...".

Racing Clubs Code: "if requested to provide a cheque in respect of a prize or winnings in aggregate...".

Lotteries Code: sub-clause (2) not included.

- (3) For the avoidance of doubt, nothing in this clause shall prevent the gambling provider cashing a cheque in the Secretary's office on the racecourse.

Casino Code: not included.

Gaming Machines Code: not included.

SA TAB Code: not included.

Lotteries Code: not included.

9. Self-exclusion facility

- (1) The gambling provider will facilitate the indefinite voluntary exclusion of customers from one or more identified gambling areas.

Appendix continued—Proposed Responsible Gambling Code,
clause 10

- (2) The gambling provider will ensure that every approach by a customer about self-exclusion is responded to while the customer is on premises or on the telephone.
- (3) Self-exclusion will include—
 - (a) provision of a translation service (which may be a telephone interpreter service) during the application process, if requested;
 - (b) provision for immediate referral to, or liaison with, a counselling agency;
 - (c) provision for the review of self-exclusion notices with customers before notices are rescinded;
 - (d) removal of self excluded people from loyalty mailing databases.
- (4) The gambling provider will ensure, to the extent reasonably possible, that self excluded customers are not allowed to enter, or remain in, gambling areas from which they have been excluded.

Lotteries Code: In lieu of the whole of clause 9 substitute: "Database removal facility—The gambling provider will ensure that, at each point of sale, a facility is provided for the removal, at a person's request, of his or her details from loyalty databases."

10. Staff and training

- (1) The gambling provider will—

Casino Code

- (a) ensure that all staff receive problem gambling training, provided at four distinct levels—
 - (i) for all staff at induction—training which identifies problem gambling (1 hour); and
 - (ii) for staff employed in positions associated with Gaming, Food and Beverage, Security, Surveillance, and Action Hosts—further training which identifies problem gambling (2 hours); and
 - (iii) for all supervisors within the Gaming, Food and Beverage, Security, Surveillance, and Action Scheme departments—training identifying initial procedures for first level identification, and referral, of customers and supervised staff requiring assistance (4 hours); and

Appendix continued—Proposed Responsible Gambling Code,
clause 10

(iv) for appropriate senior employees—advanced training on the identification of, and intervention techniques for, problem gambling, including administration of the self-bar process (8 hours);

(b) provide refresher courses for all staff at least each two years;

Gaming Machines Code

(a) ensure that all approved gaming managers and all approved gaming employees receive problem gambling training—

(i) for all approved gaming employees—training which identifies problem gambling; and

(ii) for appropriate senior staff (including the person in charge of a gambling area)—advanced training on the identification of, and intervention techniques for, problem gambling, including administration of the self-exclusion process;

(b) if the gaming provider—

(i) is a member of a peak body or has access to on-going training and support by the peak body, ensure that all gaming staff are kept up to date on responsible gambling initiatives and information provided by the peak body, and conduct in-house training where necessary;

(ii) does not have access to on-going training and support by the peak body, provide formal refresher courses for all staff at least each 2 years;

Racing Clubs and SA TAB Codes

(a) ensure that all people involved in selling its gambling products receive problem gambling training—

(i) for all staff at induction—training which identifies problem gambling; and

(ii) for appropriate senior staff (including the person in charge of a point of sale or a gambling area)—advanced training on the identification of, and intervention techniques for, problem gambling, including administration of the self-exclusion process;

(b) provide refresher courses for all staff at least each two years;

Appendix continued—Proposed Responsible Gambling Code,
clause 10

Lotteries Code

- (a) ensure that all people selling its gambling products at an office or agency receive problem gambling training, through—
 - (i) at least one person usually working at that place receiving training which includes a “train the trainer” module, provided—
 - (A) if the place is an agency conducted by an agent who had been appointed prior to the commencement of this clause, through on-site training provided by the Lotteries Commission; and
 - (B) if the place is an office or an agency conducted by an agent appointed on or after the commencement of this clause, through off-site training provided either by the Lotteries Commission or another person;
 - (ii) other staff receiving training provided on site;
 - (b) provide refresher courses for all staff at least each two years;
 - (c) include responsible gambling information in employee newsletters and magazines; and
 - (d) display responsible gambling material in back of house areas to remind staff of policies and their responsibilities.
- (2) If the gambling provider is to use an external provider for training, that training provider must be appropriately accredited in a manner acceptable to the Authority.
- (3) Problem gambling training programs will be designed to—
- (a) provide information about the potential effect of gambling on customers;
 - (b) include information on the recognition and identification of problem gambling traits; and
 - (c) ensure that the processes for approach, intervention, referral and follow-up are clear and well understood; and
 - (d) reinforce the obligations on agents under the terms of the *State Lotteries Act 1966* and will include, but not be limited to, selling tickets to minors and seeking to ensure that they do not sell tickets to people purchasing on behalf of minors and at the request of minors.

Casino Code: paragraph (d) not included.

Gaming Machines Code: paragraph (d) not included.

SA TAB Code: paragraph (d) not included.

Racing Clubs Code: paragraph (d) not included.

Appendix continued—Proposed Responsible Gambling Code,
clause 11

- (4) The gambling provider will ensure that problem gambling training programs are regularly reviewed and revised.
- (5) The gambling provider will—
 - (a) arrange for its training programs to be audited annually for compliance with the requirements of this code; and
 - (b) provide a report of the outcome of each audit to the Authority within 28 days after completion.
- (6) The gambling provider will take reasonable steps to ensure that staff with a potential or actual gambling problem are identified and referred for treatment.
- (7) If the gambling provider provides training through an appropriately accredited external provider, the gambling provider may comply with sub-clauses (3) and (4) through the activities of that external provider.
- (8) If the gambling provider is a member of a peak body or has access to on-going training and support by a peak body, the gambling provider may comply with sub-clauses (3), (4) and (5) through the activities of the peak body.

Casino Code: not included.

SA TAB Code: not included.

Racing Clubs Code: not included.

Lotteries Code: not included.

11. Definitions and interpretation

- (1) In this code—

“ATM” includes—

- (a) an automatic teller machine in or near premises containing a gambling area;
- (b) an electronic funds transfer device in or near premises containing a gambling area—

over which the gambling provider could reasonably be expected to exercise control;

“gambling area” means a public area of the Casino;

Gaming Machines Code: “... means a gaming area within the meaning of the *Gaming Machines Act 1992*”.

SA TAB Code: “... means a public area of an office, agency or branch in which provision is made for people to prepare for the making of bets, to make bets and to await the outcome of bets”.

Appendix continued—Proposed Responsible Gambling Code,
clause 12

Racing Clubs Code: "... means a public area of a racecourse in which provision is made for people to make bets".

Lotteries Code: "... means a public area of an office or agency in which provision is made for people to prepare to enter or participate in lotteries, to enter or participate in lotteries and to await the outcome of their entry or participation in lotteries".

“gambling rules” means the rules from time to time approved under section 41(1)(a) of the *Authorised Betting Operations Act 2000*;

Casino Code: definition reads “means the rules of games from time to time approved by the Liquor and Gambling Commissioner”.

Gaming Machines Code: definition not included (concept of rules does not exist in Gaming Machines Act).

Lotteries Code: “means the rules from time to time in force under section 18 of the *State Lotteries Act 1966*”.

“helpline card” means a card of approximately 9 cm by 5 cm giving the name and telephone number of a widely available gambling referral service, identified by its usual name;

“helpline sticker” means a sticker giving the name and telephone number of a widely available gambling referral service, identified by its usual name;

“peak body” means a genuine association formed to protect or promote the interests of a section of the gambling industry.

Casino Code: not included.

SA TAB Code: not included.

Racing Clubs Code: not included.

Lotteries Code: not included.

12. Operative dates and transitional

- (1) This code comes into operation on 30 April 2004.

Clause in Casino Code reads “The provisions of clauses 1–12 of this code as substituted by the Code Alteration (Adelaide Casino) (Responsible Gambling) (No. 1) 2003 apply from 30 April 2004”.

Clause in Gaming Machines Code reads “The provisions of clauses 1–12 of this code as substituted by the Code Alteration ([name of venue]) (Responsible Gambling) (No. 1) 2003 apply from 30 April 2004”.

- (2) For the purposes of clause 10—

- (a) the gambling provider will be taken to be in compliance with the clause within the first 12 months after its commencement if, by the end of that period, 75% of all people at that time involved in selling its gambling products have received problem gambling training; and

Appendix continued—Proposed Responsible Gambling Code,
clause 13

- (b) a person will be deemed to have received problem gambling training if the person has received responsible gambling training (however described) in connection with employment in a hotel or club in respect of which a gaming machine licence is in force under the *Gaming Machines Act 1992*.

Casino Code: sub-clause (2) not included.

Gaming Machines Code: sub-clause (2) not included.

13. Application to agents

In respect of the provision of the gambling provider's gambling products by an agent, the gambling provider will ensure that the actions of its agent conform with this code as though the agent were the gambling provider.

Clause not included in Casino Code.

Clause not included in Gaming Machines Code.

Clause not included in Racing Clubs Code.



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