

SOUTH AUSTRALIA

AUTHORISED BETTING OPERATIONS ACT 2000

Responsible Gambling Codes of Practice (Pre-commitment) Variation Notice 2009

[23 December 2009]

By this notice, the Independent Gambling Authority varies notices prescribing responsible gambling codes of practice, as follows:

1. Citation, commencement

- (1) This notice may be cited as the Responsible Gambling Codes of Practice (Pre-commitment) Variation Notice 2009.
- (2) This notice comes into operation on 31 December 2009.
- (3) In this notice, a reference to a named responsible gambling code of practice is a reference to a notice published under section 6A(1)(b) of the *Authorised Betting Operations Act 2000* prescribing a responsible gambling code of practice of that name.
- (4) This notice is made under section 6A(4) of the *Authorised Betting Operations Act 2000*.

2. Amendments to the Responsible Gambling (Authorised Interstate Betting Operators) Code of Practice¹

- (1) In this clause, the Responsible Gambling (Authorised Interstate Betting Operators) Code of Practice is referred to as “the code”.
- (2) For clause 7(2) of the code, **substitute**—
 - “(2) A gambling provider must ensure that each account holder has no more than one gambling account.
 - (3) A gambling provider must, in relation to a gambling account, provide a pre-commitment scheme which includes the following features—
 - (a) an account holder must be able to set a pre-commitment limit for a fixed period of 7 days (the

¹ Code prescribed by notice published in the *South Australian Government Gazette* on 27 February 2009 (No. 14 of 2009) at pages 884–889 and varied by a further notice published on 14 May 2009 (Gazette No. 33 of 2009, pages 1723–1724).

Authorised Betting Operations Act 2000
Responsible Gambling Codes of Practice (Pre-commitment)
Variation Notice 2009

Clause 2T

“relevant period”);

- (b) the pre-commitment limit set by the account holder may apply to—
 - (i) net betting losses from the account during the relevant period;
 - (ii) deposits made to the account during the relevant period; or
 - (iii) a combination of both;
 - (c) a gambling account must not be able to be used until the account holder has set a pre-commitment limit or chosen not to set a pre-commitment limit;
 - (d) the gambling provider, at intervals of no less than 2 years, must contact each account holder who has chosen not to set a pre-commitment limit to offer the choice to set a pre-commitment limit;
 - (e) a decision by an account holder to—
 - (i) increase or revoke a pre-commitment limit; or
 - (ii) change the start day for the relevant period—must not come into effect for a period of 7 days;
 - (f) a decision by an account holder to decrease a pre-commitment limit must be given effect as soon as practicable.
- (4) A gambling provider must provide to an account holder—
- (a) an account balance—
 - (i) whenever money is withdrawn from or deposited into a gambling account; and
 - (ii) in the case of a bet placed by internet—whenever a bet is made from the account; and
 - (iii) upon request; and
 - (b) an account statement—
 - (i) for each calendar month in which more than one transaction is conducted on a gambling account; and
 - (ii) upon request; and
-

Authorised Betting Operations Act 2000
Responsible Gambling Codes of Practice (Pre-commitment)
Variation Notice 2009

Clause 2T

- (iii) at least once in each period of 12 months.
- (5) An account statement must be provided in writing (which may include being sent by email) and must include details of each transaction since the last issued statement, including the amount, date, time and a description of the transaction.
- (6) A gambling provider must promote the availability of the the pre-commitment scheme to account holders and prospective account holder—
- (a) on any brochures, pamphlets or marketing information (other than advertising) that provides information on how a gambling account may be established; and
 - (b) as part of the welcome pack (however described) provided to an account holder upon account establishment; and
 - (c) on the gambling provider’s website—both on the homepage and on any point of sale page; and
 - (d) on account balances (when provided in writing) and account statements.”.
- (3) In clause 12(1) of the code, **omit** “, other than clause 7(2),”.
- (4) For clause 12(2) of the code, **substitute**—
- “(2) Clauses 7(2) to 7(6) inclusive of this code come into operation on 1 September 2010.
- (3) Despite the commencement of clause 7(2) on 1 September 2010, a gambling provider is deemed, in respect of an account holder having more than one existing gambling account in the period 1 September 2010 to 31 August 2011, not to be in breach of clause 7(2) if—
- (a) the gambling operator has, on or before 1 September 2010, instituted a data integrity program designed to eliminate duplicate account holdings by the end of 31 August 2011; and
 - (b) the gambling operator can demonstrate that the program is being effectively prosecuted.

Authorised Betting Operations Act 2000
Responsible Gambling Codes of Practice (Pre-commitment)
Variation Notice 2009

Clause 3T

(4) Despite the commencement of clause 7(3)(c) on 1 September 2010, a gambling provider is deemed, in respect of an account holder being able to use an existing gambling account without the account holder having set a pre-commitment limit or having made the choice not to set a pre-commitment limit, not to be in breach of clause 7(3)(c) if—

(a) the gambling operator has, on or before 1 September 2010, instituted a program designed to ensure that contact is made with each existing account holder to offer the choice to set a pre-commitment limit by the end of 28 February 2011; and

(b) the gambling operator can demonstrate that the program is being effectively prosecuted.

(4) In sub-clauses (3) and (4), “**existing account**” means a gambling account which was opened before 1 September 2010 and “**existing account holder**” has a corresponding meaning.”.

(5) For clause 13 of the code, **substitute**—

“13. Dispensations

The Authority may grant a dispensation to a gambling provider, on such terms as it sees fit, from a provision of this code (other than clause 7) if the Authority is satisfied that a regulatory requirement of another State, or of a Territory, in which the gambling provider conducts betting operations presents a suitable responsible gambling alternative to that provision.”.

3. Amendments to the Responsible Gambling (Bookmakers) Code of Practice²

(1) In this clause, the Responsible Gambling (Bookmakers) Code of Practice is referred to as “the code”.

(2) For clause 7(2) of the code, **substitute**—

“(2) A gambling provider must ensure that each account

² Code published in the *South Australian Government Gazette* on 27 February 2009 (No. 14 of 2009) at pages 890–895 and varied a by further notice published on 14 May 2009 (Gazette No. 33 of 2009, pages 1724–1725).

Authorised Betting Operations Act 2000
Responsible Gambling Codes of Practice (Pre-commitment)
Variation Notice 2009

Clause 3T

holder has no more than one gambling account.

- (3) A gambling provider must, in relation to a gambling account, provide a pre-commitment scheme which includes the following features—
- (a) an account holder must be able to set a pre-commitment limit for a fixed period of 7 days (the “**relevant period**”);
 - (b) the pre-commitment limit set by the account holder may apply to—
 - (i) net betting losses from the account during the relevant period;
 - (ii) deposits made to the account during the relevant period; or
 - (iii) a combination of both;
 - (c) a gambling account must not be able to be used until the account holder has set a pre-commitment limit or chosen not to set a pre-commitment limit;
 - (d) the gambling provider, at intervals of no less than 2 years, must contact each account holder who has chosen not to set a pre-commitment limit to offer the choice to set a pre-commitment limit;
 - (e) a decision by an account holder to—
 - (i) increase or revoke a pre-commitment limit; or
 - (ii) change the start day for the relevant period—must not come into effect for a period of 7 days;
 - (f) a decision by an account holder to decrease a pre-commitment limit must be given effect as soon as practicable.
- (4) A gambling provider must provide to an account holder—
- (a) an account balance—
 - (i) whenever money is withdrawn from or deposited into a gambling account; and
 - (ii) in the case of a bet placed by internet—whenever a bet is made from the account; and

Authorised Betting Operations Act 2000
Responsible Gambling Codes of Practice (Pre-commitment)
Variation Notice 2009

Clause 3T

- (iii) upon request; and
 - (b) an account statement—
 - (i) for each calendar month in which more than one transaction is conducted on a gambling account; and
 - (ii) upon request; and
 - (iii) at least once in each period of 12 months.
 - (5) An account statement must be provided in writing (which may include being sent by email) and must include details of each transaction since the last issued statement, including the amount, date, time and a description of the transaction.
 - (6) A gambling provider must promote the availability of the the pre-commitment scheme to account holders and prospective account holder—
 - (a) on any brochures, pamphlets or marketing information (other than advertising) that provides information on how a gambling account may be established; and
 - (b) as part of the welcome pack (however described) provided to an account holder upon account establishment; and
 - (c) on the gambling provider’s website—both on the homepage and on any point of sale page; and
 - (d) on account balances (when provided in writing) and account statements.”.
 - (3) In clause 12(1) of the code, **omit** “, other than clause 7(2),”.
 - (4) For clause 12(2) of the code, **substitute**—
 - “(2) Clauses 7(2) to 7(6) inclusive of this code come into operation on 1 September 2010.
 - (3) Despite the commencement of clause 7(2) on 1 September 2010, a gambling provider is deemed, in respect of an account holder having more than one existing gambling account in the period 1 September 2010 to 31 August 2011, not to be in breach of clause 7(2) if—
-

Authorised Betting Operations Act 2000
Responsible Gambling Codes of Practice (Pre-commitment)
Variation Notice 2009

Clause 4T

- (a) the gambling operator has, on or before 1 September 2010, instituted a data integrity program designed to eliminate duplicate account holdings by the end of 31 August 2011; and
 - (b) the gambling operator can demonstrate that the program is being effectively prosecuted.
- (4) Despite the commencement of clause 7(3)(c) on 1 September 2010, a gambling provider is deemed, in respect of an account holder being able to use an existing gambling account without the account holder having set a pre-commitment limit or having made the choice not to set a pre-commitment limit, not to be in breach of clause 7(3)(c) if—
 - (a) the gambling operator has, on or before 1 September 2010, instituted a program designed to ensure that contact is made with each existing account holder to offer the choice to set a pre-commitment limit by the end of 28 February 2011; and
 - (b) the gambling operator can demonstrate that the program is being effectively prosecuted.
- (4) In sub-clauses (3) and (4), “**existing account**” means a gambling account which was opened before 1 September 2010 and “**existing account holder**” has a corresponding meaning.”.

4. Amendments to the Responsible Gambling (SA TAB) Code of Practice³

- (1) In this clause, the Responsible Gambling (SA TAB) Code of Practice is referred to as “the code”.
- (2) For clause 7(2) of the code, **substitute**—
 - “(2) A gambling provider must ensure that each account holder has no more than one gambling account.
 - (3) A gambling provider must, in relation to a gambling account, provide a pre-commitment scheme which includes the following features—

³ Code published in the *South Australian Government Gazette* on 27 February 2009 (No. 14 of 2009) at pages 903–910 and varied a by further notice published on 14 May 2009 (Gazette No. 33 of 2009, pages 1726–1727).

Authorised Betting Operations Act 2000
Responsible Gambling Codes of Practice (Pre-commitment)
Variation Notice 2009

Clause 4T

- (a) an account holder must be able to set a pre-commitment limit for a fixed period of 7 days (the “**relevant period**”);
 - (b) the pre-commitment limit set by the account holder may apply to—
 - (i) net betting losses from the account during the relevant period;
 - (ii) deposits made to the account during the relevant period; or
 - (iii) a combination of both;
 - (c) a gambling account must not be able to be used until the account holder has set a pre-commitment limit or chosen not to set a pre-commitment limit;
 - (d) the gambling provider, at intervals of no less than 2 years, must contact each account holder who has chosen not to set a pre-commitment limit to offer the choice to set a pre-commitment limit;
 - (e) a decision by an account holder to—
 - (i) increase or revoke a pre-commitment limit; or
 - (ii) change the start day for the relevant period—must not come into effect for a period of 7 days;
 - (f) a decision by an account holder to decrease a pre-commitment limit must be given effect as soon as practicable.
- (4) A gambling provider must provide to an account holder—
- (a) an account balance—
 - (i) whenever money is withdrawn from or deposited into a gambling account; and
 - (ii) in the case of a bet placed by internet—whenever a bet is made from the account; and
 - (iii) upon request; and
 - (b) an account statement—
 - (i) for each calendar month in which more than one transaction is conducted on a gambling
-

Authorised Betting Operations Act 2000
Responsible Gambling Codes of Practice (Pre-commitment)
Variation Notice 2009

Clause 4T

- account; and
- (ii) upon request; and
- (iii) at least once in each period of 12 months.
- (5) An account statement must be provided in writing (which may include being sent by email) and must include details of each transaction since the last issued statement, including the amount, date, time and a description of the transaction.
- (6) A gambling provider must promote the availability of the the pre-commitment scheme to account holders and prospective account holder—
- (a) on any brochures, pamphlets or marketing information (other than advertising) that provides information on how a gambling account may be established; and
- (b) as part of the welcome pack (however described) provided to an account holder upon account establishment; and
- (c) on the gambling provider’s website—both on the homepage and on any point of sale page; and
- (d) on account balances (when provided in writing) and account statements.”.
- (3) In clause 12(1) of the code, **omit** “, other than clause 7(2),”.
- (4) For clause 12(2) of the code, **substitute**—
- “(2) Clauses 7(2) to 7(6) inclusive of this code come into operation on 1 September 2010.
- (3) Despite the commencement of clause 7(2) on 1 September 2010, a gambling provider is deemed, in respect of an account holder having more than one existing gambling account in the period 1 September 2010 to 31 August 2011, not to be in breach of clause 7(2) if—
- (a) the gambling operator has, on or before 1 September 2010, instituted a data integrity program designed to eliminate duplicate account holdings by the end of 31 August 2011; and

Authorised Betting Operations Act 2000
Responsible Gambling Codes of Practice (Pre-commitment)
Variation Notice 2009

Clause 4T

- (b) the gambling operator can demonstrate that the program is being effectively prosecuted.
 - (4) Despite the commencement of clause 7(3)(c) on 1 September 2010, a gambling provider is deemed, in respect of an account holder being able to use an existing gambling account without the account holder having set a pre-commitment limit or having made the choice not to set a pre-commitment limit, not to be in breach of clause 7(3)(c) if—
 - (a) the gambling operator has, on or before 1 September 2010, instituted a program designed to ensure that contact is made with each existing account holder to offer the choice to set a pre-commitment limit by the end of 28 February 2011; and
 - (b) the gambling operator can demonstrate that the program is being effectively prosecuted.
 - (4) In sub-clauses (3) and (4), “**existing account**” means a gambling account which was opened before 1 September 2010 and “**existing account holder**” has a corresponding meaning.”.
-