
Responsible Gambling (Authorised Interstate Betting Operators) Code of Practice

Version No. 003, as at 1 August 2010

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Version No. 003
Reprinted, incorporating amendments, as at 1 August 2010

Responsible Gambling (Authorised Interstate Betting Operators) Code of Practice

This code of practice is prescribed under section 6A(1)(b) of the *Authorised Betting Operations Act 2000* as the code for the purposes of section 62C of that Act:

1. Purpose

- (1) This code provides a framework through which an authorised interstate betting operator (“**gambling provider**”) can ensure that its general gambling practices are consistent with the South Australian community’s expectations that its authorised business will be conducted in a responsible manner so as to minimise the harm caused by gambling.
- (2) This code applies only to betting operations authorised under section 40A(4) of the *Authorised Betting Operations Act 2000*.

2. Responsible gambling documents

A gambling provider must—

- (a) on each of its gambling websites—
 - (i) display prominently a message (whether alone or in combination with one or more other mandated messages) indicating that its gambling operations are governed by a code of practice; and
 - (ii) ensure that a copy of this code is available on the website; and
- (b) at the time of establishing a gambling account, provide information indicating that its gambling operations are governed by a code of practice; and
- (c) for each of its gambling websites and gambling telephone lines, 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.

*Sub-
paragraph (i)
amended by
No. 2 of 2010,
cl. 2(2)*

3. Legislation and regulation

A gambling provider must—

- (a) conduct its business in accordance with all applicable laws and legal requirements; and

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- (b) co-operate with regulatory bodies and government agencies in all matters, including their investigations of compliance with legal obligations.

4. Gambling operations

- (1) A gambling provider must ensure the prominent display of a warning message in the form of the condensed warning message at the point of sale page on each of its gambling websites.
- (2) A gambling provider must ensure that a copy of the gambling rules is available for inspection—
 - (a) upon request; and
 - (b) on its website (if it has one).

5. Customer information

- (1) A gambling provider must prominently display its responsible gambling materials on its website (if it has one).
- (2) The gambling provider must—
 - (a) at the time of establishing a gambling account, provide its responsible gambling materials (including a pamphlet) to the account holder; and
 - (b) when providing a statement for a gambling account, include an expanded warning message as part of the statement.
- (3) For the purposes of sub-clauses (1) and (2), a gambling provider must—
 - (a) publish its responsible gambling materials in a form which includes a helpline message and an expanded warning message, rotated according to the protocol set out in clause 11(2); and
 - (b) make available its responsible gambling materials in the following 5 languages other than english—
 - (i) arabic;
 - (ii) chinese;
 - (iii) greek;
 - (iv) italian;
 - (v) vietnamese—

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together with any other language which the gambling provider considers appropriate.

- (4) A gambling provider must 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 help service.
- (5) A gambling provider must reinforce its responsible gambling policy in customer newsletters and other communications.

6. Alcohol and gambling

A gambling provider who is operating a gambling telephone line must take all practicable steps to prevent a person from being allowed to gamble if—

- (a) the person is intoxicated; or
- (b) the person's speech or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor.

*Clause 6
substituted by
No. 2 of 2010,
cl. 2(3)*

6A. Inducements

The gambling provider must not offer any inducement to gamble.

*Clause 6A
inserted by
No. 2 of 2009,
cl. 2(2)*

7. Gambling accounts

- (1) A gambling provider must not provide gambling services to a person by telephone, internet or other electronic means unless the gambling provider has established a gambling account for the person.
- (2) A gambling provider must ensure that each account holder has no more than one gambling account except where—
 - (a) the account holder has a fortnightly turnover consistent with an annual turnover of more than \$1 million and the gambling provider is satisfied that there is good reason for the account holder to have more than one gambling account; or
 - (b) the gambling provider offers only the net betting losses pre-commitment option referred to in sub-clause (3)(b)(i).
- (3) A gambling provider must, in relation to a gambling account, provide a pre-commitment scheme which includes the following features—

*Sub-clause (2)
substituted by
No. 2 of 2010,
cl. 2(4)(a)*

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- (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 by the account holder (regardless of the number of accounts held) 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.

Sub-paragraph (i) substituted by No.2 of 2010, cl. 2(4)(b)

Sub-clause (4) substituted by No. 2 of 2010, cl. 2(4)(c)

- (4) A gambling provider must provide to an account holder—
 - (a) an account balance—
 - (i) whenever money is withdrawn (other than for the placement of a bet); and
 - (ia) whenever money is deposited into a gambling account via an online transaction; and
 - (ii) in the case of a bet placed by internet—whenever a bet is made from the account; and
 - (iii) upon request by the account holder; and
 - (b) an activity statement—
 - (i) for each calendar month in which there are 25 or more transactions conducted on a gambling account; and

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- (ii) for each period of consecutive calendar months (up to three calendar months) in which more than one transaction is conducted on a gambling account (which statement may be combined with a statement required by sub-paragraph (i)); and
- (iii) at least once in each period of 12 months following the provision of an activity statement.
- (4A) A gambling provider will, in addition to activity statements required by sub-clause (4) provide an activity statement to the account holder upon request for the activity period nominated by the account holder.
- (5) An activity statement must include details of each transaction since the last issued statement, including the amount, date, time and a description of the transaction. *Sub-clause (5)
substituted by
No. 2 of 2010,
cl. 2(4)(c)*
- (5A) An activity statement must be provided in writing— *Sub-clause
(5A)
substituted by
No. 2 of 2010,
cl. 2(4)(c)*
- (a) if the account holder elects to receive the statement by email and the gambling provider is able to transmit it—by email; or
- (b) by facsimile transmission; or
- (c) by post or some other form of physical delivery.
- (5B) If— *Sub-clause
(5B)
substituted by
No. 2 of 2010,
cl. 2(4)(c)*
- (a) an account holder elects to receive activity statements by email; and
- (b) on any one day during the relevant period, the statement would record 20 or more transactions; and
- (c) the gambling provider offers a facility by which the account holder may view individual transactions online—
- the gambling provider may provide the statement in a form which aggregates on a daily basis the amounts deposited, withdrawn, bet and won.
- (5C) If a gambling provider offers to provide an activity statement by email and the account holder elects to receive the statement by post or some other form of delivery, the gambling provider is not prevented by this code from recovering the additional cost occasioned by the mode of delivery. *Sub-clause
(5C)
substituted by
No. 2 of 2010,
cl. 2(4)(c)*

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- (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 activity statements.

*Paragraph (d)
amended by
No. 2 of 2010,
cl. 2(4)(c)*

8. Not included

* * * * *

9. Self-exclusion facility

- (1) A gambling provider must facilitate the voluntary exclusion of customers from one or more of its gambling websites or gambling telephone lines for—
- (a) a fixed period; or
 - (b) an indefinite period.
- (2) A gambling provider must ensure that every approach by a customer about self-exclusion is responded to—
- (a) while the customer is on the telephone; or
 - (b) in the case of an approach made by the internet—within 24 hours of the approach being made.
- (3) Self-exclusion must include—
- (a) in the case of a gambling telephone line—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 gambling help service;
 - (c) in the case of indefinite exclusion—provision for the review of self-exclusion notices with customers before notices are rescinded; and

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- (d) removal of excluded people from loyalty mailing databases.
- (4) A gambling provider must ensure, to the extent reasonably possible, that the gambling provider does not provide gambling services to a person who has been excluded.

10. Staff and training

- (1) A gambling provider must—
- (a) ensure that all people involved in selling its gambling products receive problem gambling training;
 - (b) provide refresher courses for all staff at least each two years;
 - (c) include responsible gambling information in employee newsletters and magazines; and
 - (d) provide responsible gambling materials in the workplace to remind staff of policies and their responsibilities.
- (2) If a 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 must 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.

11. Definitions and interpretation

- (1) In this code—

“condensed warning message” means the following message—

“Gamble Responsibly.”

“expanded warning message” means one of the following messages—

- (a) “Don’t chase your losses. Walk away. Gamble responsibly.”;
- (b) “Don’t let the game play you. Stay in control. Gamble responsibly.”;

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(c) “Stay in control. Leave before you lose it. Gamble responsibly.”;

(d) “You know the score. Stay in control. Gamble responsibly.”;

(e) “Know when to stop. Don’t go over the top. Gamble responsibly.”;

(f) “Think of the people who need your support. Gamble responsibly.”;

“gambling help service” means a gambling help service that is physically located in South Australia;

“gambling telephone line” means a telephone line operated by a gambling provider on which persons may gamble;

“gambling website” means a website operated by a gambling provider on which persons may gamble;

“gambling rules” means the rules applying to a gambling product or type of gambling product;

*Definition of
“gambling
rules”
amended by
No. 2 of 2009,
cl. 2(3)(a)*

“helpline message” means a message giving the national gambling helpline 1800 858 858;

*Definition of
“helpline
message”
amended by
No. 2 of 2009,
cl. 2(3)(b)*

“inducement to gamble” means any inducement designed to encourage a person to establish a gambling account, and includes an inducement in the nature of—

*Definition of
“inducement to
gamble”
inserted by
No. 2 of 2009,
cl. 2(3)(c)*

(a) a credit, voucher, reward or rebate; and

(b) any other valuable consideration—

but does not include a trade promotion lottery;

“trade promotion lottery” means—

(a) a minor trade promotion lottery conducted so as to comply with regulation 30 of the Lottery and Gaming Regulations 2008; and

*Definition of
“trade
promotion
lottery”
inserted by
No. 2 of 2009,
cl. 2(3)(c)*

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- (b) a major trade promotion lottery or a trade promotion (instant prize) lottery for which a licence has been granted under regulation 17 of the Lottery and Gaming Regulations 2008.
- (2) For the purposes of rotating the six expanded warning messages over 3 years, the gambling provider must—
 - (a) always use the same expanded warning message at the same time;
 - (b) to the greatest extent practicable, use an expanded warning message for six months at a time;
 - (c) take reasonable steps to consult with the holder of the major betting operations licence with a view to ensuring, to the greatest extent practicable, that the gambling provider is using the same expanded warning message as the holder of the major betting operations licence.

12. Operative dates and transitional

- (1) This code comes into operation on 1 March 2009. *Sub-clause (1)
amended by
No. 3 of 2009,
cl. 2(3)*
- (2) Clauses 7(2) to 7(6) inclusive of this code come into operation on 1 September 2010. *Sub-clause (2)
substituted by
No. 3 of 2009,
cl. 2(4)*
- (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.
- (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

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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.

(5) 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.

Clause 13
substituted by
No. 3 of 2009,
cl. 2(5)

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

NOTES

1. The Responsible Gambling (Authorised Interstate Betting Operators) Code of Practice was made by the Independent Gambling Authority on 27 February 2009, under section 6A(1)(a) of the *Authorised Betting Operations Act 2000*, and came into operation on 1 March 2009. It was published in the South Australian Government Gazette, No. 14 of 2009, on 27 February 2009, at pages 884–889.
2. Marginal annotations to revoked clauses will not necessarily include all amendment history of the revoked clause. An earlier reprint or version should be consulted for pre-revocation amendment history.
3. This reprint incorporates amendments made to the Responsible Gambling (Authorised Interstate Betting Operators) Code of Practice, since 1 March 2009, by the following notices:

<i>No.</i>	<i>Title, making and gazettal details</i>	<i>Commencement details</i>
2 of 2009	Responsible Gambling Code of Practice (Inducements) Variation Notice 2009 14 May 2009 (Government Gazette, No. 33 of 2009, 14 May 2009, pages 1723–1727)	Whole of notice on 1 June 2009.

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Note 3

<i>No.</i>	<i>Title, making and gazettal details</i>	<i>Commencement details</i>
3 of 2009	Responsible Gambling Codes of Practice (Pre-commitment) Variation Notice 2009 23 December 2009 (Government Gazette, No. 97 of 2010, 23 December 2009, pages 6416–6419)	Whole of notice on 31 December 2009.
2 of 2010	Responsible Gambling Codes of Practice (Miscellaneous) Variation Notice 2010 15 July 2010 (Government Gazette, No. 46 of 2010, 15 July 2010, pages 3424–3432)	Whole of notice on 1 August 2010.