
Gambling Regulation Act 2003

MINISTERIAL DIRECTION PURSUANT TO SECTION 10.6.6

Responsible Gambling Codes of Conduct

I, Marlene Kairouz MP, Minister for Consumer Affairs, Gaming and Liquor Regulation, pursuant to section 10.6.6(1) of the **Gambling Regulation Act 2003** (Act) as in force on 19 September 2018, revoke the direction made on 29 September 2009 under section 10.6.6(1)(a) and (b) and in substitution give the following direction in relation to the standards and requirements that a Responsible Gambling Code of Conduct (code) implemented by a relevant person must meet and the content that must be included in a code implemented by a relevant person.

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:

Code administrator means an industry representative association or other person engaged by a relevant person to prepare and administer the relevant person's code.

Commission means the Victorian Commission for Gambling and Liquor Regulation established by section 6 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011**.

Customer complaint means a complaint from a customer about the provision of gambling and includes a complaint relating to a code.

Customer loyalty scheme means a system conducted by or on behalf of a relevant person that tracks a person's expenditure on a gambling product and rewards that expenditure with bonus, loyalty or reward points and includes a 'loyalty scheme' as defined in section 1.3 of the Act.

Model code is a code prepared by a code administrator and published on the Commission's website.

Payment of winnings for the purposes of this direction, includes accumulated credits on a gaming machine.

Pre-commitment decision means a decision a person makes before commencing a session of gambling to set a specified limit on his or her expenditure or time spent gambling.

Relevant person means a person defined as a relevant person in accordance with section 10.6.5 of the Act.

PART 1: ADOPTING AND AMENDING A CODE**Preservation of codes implemented before 19 September 2018**

Where a relevant person has a code that was approved by the Commission before 19 September 2018 the code approved by the Commission will be deemed to be the relevant person's code for the purposes of this direction until such time as it is amended or replaced by a new code.

Where a relevant person has before 19 September 2018 notified the Commission that the relevant person has adopted a model code approved by the Commission, the adopted model code will be deemed to be the relevant person's code for the purposes of this direction until such time as it is amended or replaced by a new code.

Copy of code to be provided to Commission

A relevant person must, except where that relevant person has adopted a model code, provide a copy of the code that will be implemented by the relevant person to the Commission for publication on the Commission's website.

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

Amending a code

A code may be amended by the relevant person or, in the case of a model code, the code administrator.

Where a code is amended the relevant person or in the case of a model code the code administrator must provide a copy of the amended code to the Commission.

Model codes

A relevant person can meet the standards and requirements set out in this direction by adopting a model code provided that model code complies with this direction.

Where a relevant person adopts a model code, the model code published on the Commission's website will be deemed to be the code that will be implemented by the relevant person.

A relevant person who has adopted a model code must notify the Commission:

- (a) that the relevant person has adopted a model code; and
- (b) the name of the code administrator whose code has been adopted.

Availability of the code

A code must be available:

- (a) to customers (and must specify how this will occur); and
- (b) where the relevant person has a website, on that website.

PART 2: CONTENTS OF A CODE

Consistency with the Act

A code implemented by a relevant person 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 customers. 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 customers, including customers from culturally and linguistically diverse backgrounds.

Responsible gambling message

A code must:

- (a) include a responsible gambling message that identifies the relevant person's commitment to responsible gambling; and
- (b) require the display of that responsible gambling message wherever the relevant person conducts gambling so that it will be clearly visible to customers.

Responsible gambling information

A code must specify the information about responsible gambling that the relevant person will make available to customers. This must include information about:

- (a) how to gamble responsibly;
- (b) how to make and keep a pre-commitment decision;
- (c) the availability of gambling support services;
- (d) restrictions that apply to the payment of winnings by cheque and the provision of credit or the lending of money for the purposes of gambling; and
- (e) self-exclusion programs.

A code must state how this information will be made available.

Gambling product information

A code must state how information about any relevant rules for gambling will be made available to customers.

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

Customer loyalty scheme information

Where a customer loyalty scheme is offered to customers, a code must specify:

- (a) that the relevant person will make appropriate information about the customer loyalty scheme available to participants; and
- (b) how that information will be provided.

A code must identify how and when participating customers will be informed about any benefits they have accrued as part of the loyalty scheme.

Pre-commitment strategy

Other than a code applying to a commercial raffle organiser, a code must specify what the relevant person will do to:

- (a) assist a customer to make a pre-commitment decision; and
- (b) support a customer who has made a pre-commitment decision.

Interaction with customers

A code must require the relevant person to interact with customers to foster responsible gambling, and must identify how this will occur.

In particular, a code must specify a process for interacting with those customers who:

- (a) have requested information about, or assistance with, a gambling problem or self-exclusion; and
- (b) are displaying indicators of distress that may be related to problem gambling.

A code must require that interaction with customers occurs in a manner that respects the customer's right to privacy.

Interaction with staff

A code must state whether a staff member is permitted to participate in gambling offered by the relevant person and, if so, when.

A code must identify a process for providing information and assistance to a staff member who indicates that he or she has a gambling problem.

A code must require that interaction with staff occurs in a manner that respects the staff member's right to privacy.

Interaction with problem gambling support services

A code must require the relevant person to interact with problem gambling support services and specify the process for that contact and how frequently contact will occur.

Customer complaints

A code must require the relevant person to implement and comply with a process for resolving complaints from customers about compliance with and the operation of the code.

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 relevant person about customer complaints;
- (d) specify how information about complaints will be collected and retained; and
- (e) enable the Commission to monitor compliance with the complaints process.

Compliance with the prohibition on gambling by minors

A code must specify what steps the relevant person will take to ensure compliance with the law in relation to the prohibition on:

- (a) the sale of gambling products and services to minors; and
- (b) the entry of minors into areas where gambling is conducted.

The gambling environment

A code must identify what the relevant person will do:

- (a) to discourage customers from engaging in extended and intensive gambling; and
- (b) where appropriate, to ensure customers are made aware of the passage of time.

Financial Transactions

A code must specify:

- (a) the rules that apply to cashing customer cheques, where the cashing of cheques is permitted under the Act;
- (b) how and when customers will be advised of those rules; and
- (c) the records that will be kept of cheques that have been cashed.

A code must specify the options that are available to customers for the payment of winnings including payment by cheque.

Responsible advertising and promotions

A code must specify that any advertising and promotions permitted under the Act that is related to gambling undertaken by or on behalf of the relevant person will:

- (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;
- (d) not be offensive or indecent in nature;
- (e) not create an impression that gambling is a reasonable strategy for financial betterment; and
- (f) not promote the consumption of alcohol while purchasing gambling products.

A code must specify the measures that the relevant person will adopt to ensure that advertising and promotions comply with these requirements.

This direction takes effect on 19 September 2018 and remains in force until revoked.

Dated 10 September 2018

HON. MARLENE KAIROUZ MP
Minister for Consumer Affairs, Gaming and Liquor Regulation
Minister for Local Government

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