

# State Lotteries Gambling Code of Practice

## Part 1 – Preliminary

### 1. Scope

This code of practice is prescribed under section 15 of the *Gambling Administration Act 2019*, for the purposes of the *State Lotteries Act 1966*, and is inclusive of the advertising code of practice (*Part 2*) and the responsible gambling code of practice (*Part 3*).

### 2. Commencement

This code of practice comes into operation on 23 December 2021.

### 3. Purpose of the code

- (1) The purpose of this code of practice is to promote the objects of the *Gambling Administration Act 2019* and, in particular—
  - (a) to reduce the prevalence and severity of harm associated with the misuse and abuse of gambling activities; and
  - (b) to foster responsible conduct in relation to gambling and in particular, to ensure that gambling is conducted responsibly, fairly and honestly, with regard to minimising the harm associated with gambling; and
  - (c) to facilitate the balanced development and maintenance, in the public interest, of an economically viable and socially responsible gambling industry in the State recognising the positive and negative impacts of gambling on communities; and
  - (d) to ensure that gambling is conducted honestly and free from interference, criminal influence and exploitation; and
  - (e) to ensure, as far as practicable, that the conduct of gambling is consistent with the expectations and aspirations of the public.
- (2) For the purposes of clause 3(1)(a) harm associated with the misuse and abuse of gambling activities includes—
  - (a) the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community); and
  - (b) the adverse economic, social and cultural effects on communities (whether on a community as a whole or a group within a community); and
  - (c) the adverse effects on a person's health or welfare; and
  - (d) the adverse effects on a person's family, friends and work colleagues.

- (3) The intention of this code of practice is to commit gambling providers to:
- (a) ensure that gambling practices are consistent with the community's expectations that gambling businesses will be conducted in a responsible manner so as to minimise the harm caused by gambling;
  - (b) ensure that gambling advertising is consistent with the community's expectations that gambling businesses will be conducted in a responsible manner so as to minimise the harm caused by gambling and is socially responsible;
  - (c) consider and implement measures to minimise harm associated with gambling activities;
  - (d) maintain standards of operational practice that, as a matter of course, address harm minimisation;
  - (e) not undertake operational practices involving unacceptable risk of harm.

## 4. Interpretation

- (1) Unless the contrary intention appears, expressions defined in the *Gambling Administration Act 2019* and *State Lotteries Act 1966* have the same meanings in this code of practice.

**condensed warning message** means the following message – “*Gamble responsibly*”

**gambling advertising** means any advertising by a gambling provider of a particular gambling product, products or gambling activity (including to open a gambling account), whether in print or electronic form, including media (internet and all electronic and social media), radio, television, print media, signs and billboards, and any advertising on radio or television in the nature of a plug or endorsement, celebrity commentary, or program content which is in exchange for payment, or some other form of valuable consideration.

**gambling provider** for the purpose of this code means the Lotteries Commission of South Australia (the Lotteries Commission).

**gambling area** means the immediate environs of the point of sale for a product authorised under the *State Lotteries Act 1966*.

**inducement** means any credit, voucher or reward offered to a person as an inducement to participate, or to participate frequently, in any gambling activity (including as an inducement to open a gambling account, or as an inducement to not close a gambling account).

**permitted external sign** means a sign affixed to the outside of a building containing a gambling area or affixed to the outside of a permanent structure within the immediate environs of a building containing a gambling area, which is under the control of the gambling provider that –

- (a) displays the gambling provider's logo or name; or
- (b) indicates the availability of a gambling activity inside the building.

**virtual gambling area** means a webpage, application or a display on an internet-enabled device, which provides for a person to gamble with the gambling provider.

## 5. Mandatory nature of the code

- (1) Under section 15 of the *Gambling Administration Act 2019*, the Liquor and Gambling Commissioner (the Commissioner) may prescribe advertising codes of practice and responsible gambling codes of practice.
- (2) The gambling provider must not contravene or fail to comply with a provision of a code of practice.
- (3) For the purposes of section 16 of the *Gambling Administration Act 2019*—
  - (a) If the letter “A”, “B”, “C” or “D” appears in column B of the table in Schedule 2 next to the listing of a provision, contravention or failure to comply with the provision is declared to be an offence in the category corresponding to that letter;
  - (b) If the letter “A”, “B”, “C” or “D” appears in column C of the table in Schedule 2 next to the listing of a provision, the offence of contravention or failure to comply with the provision is declared to be an expiable offence in the category corresponding to that letter.

## 6. Application of this code of practice under section 15 of the *Gambling Administration Act 2019*

- (1) Part 2 of this code of practice operates as the prescribed advertising code of practice for the purposes of section 15(1)(a) of the *Gambling Administration Act 2019*.
- (2) Part 3 of this code of practice operates as the prescribed responsible gambling code of practice for the purposes of section 15(1)(b) of the *Gambling Administration Act 2019*.
- (3) The Commissioner may vary or revoke a code of practice or a provision of a code of practice by notice in the Government Gazette.
- (4) The Commissioner may, at any time, undertake a review of the codes of practice.

## 7. Liability for act or default of agent

For the purposes of this code, an act or default of an agent of the gambling provider will be taken to be an act or default of the gambling provider unless the Commissioner is satisfied that the agent acted outside the scope of the agent’s actual, usual and ostensible authority, or in a manner inconsistent with obligations imposed by the gambling provider on the agent.

## 8. Role of peak bodies

The gambling provider may satisfy a code of practice obligation through the actions of a peak body, except in relation to the gambling provider’s obligations in respect to training.

A peak body is a genuine association formed to protect or promote the interests of a section of the gambling industry.

Peak body includes, in relation to a person who is an agent of the gambling provider, the principal in the agency relationship. In the case of a SA Lotteries agent, the relationship could be established by either Tatts Lotteries SA Pty Ltd (Tatts), as master agent, or the Lotteries Commission itself.

## Part 2 – Required advertising practices

The gambling provider is to ensure that gambling advertising is conducted in a responsible manner that takes into account the potential adverse impact it may have on the community, particularly minors, people experiencing gambling-related harm or at risk of developing negative consequences associated with their gambling.

Gambling advertising must be compliant with applicable State and Federal laws and any relevant industry codes of practice.

### 9. Responsible gambling advertising

- (1) The gambling provider must ensure that gambling advertising—
  - (a) does not encourage a breach of law;
  - (b) does not depict children gambling;
  - (c) is not false, misleading or deceptive;
  - (d) does not suggest that winning will be a definite outcome of participating in gambling activities;
  - (e) does not promote the consumption of alcohol while engaging in gambling activities;
  - (f) must be published in accordance with decency, dignity and good taste;
  - (g) does not offer any credit, voucher or reward, as an inducement to participate, or to participate frequently, in any gambling activity (including as an inducement to open a gambling account).
  - (h) does not make claims related to winning or the prizes that can be won that are not based on fact, are unable to be proven or that are exaggerated;
  - (i) does not suggest that a player's skill can influence the outcome of gambling activity in relation to gambling where a player's skill cannot influence the outcome of the gambling activity;
  - (j) does not exaggerate the extent to which skill can influence the outcome of gambling activity in relation to gambling where the outcome does not involve an element of lottery;
  - (k) does not include the expressions "Win" or "\$", unless these expressions specifically relate to a prize that has been determined or is payable, or to an estimate of a prize which can be won.
- (2) For the purposes of this clause, the gambling provider will not be regarded as advertising when—
  - (a) the gambling provider sends communication direct to a customer;
  - (b) the gambling provider draws attention on its website to its gambling products or gambling activities;
  - (c) the gambling provider draws attention, in printed point of sale material, to its gambling products or gambling activities;
  - (d) a person, by use of an internet search engine, an automated indexing system or any like facility, views or retrieves a link or reference to the gambling provider (whether or not the gambling provider has paid for the link to appear or to have greater prominence than it would otherwise).

- (e) the gambling provider draws attention to the community benefits of lotteries, rather than to its gambling products or gambling activities.
- (3) The gambling provider must keep a copy (in print or electronic form) of any gambling advertising, including advertising of acceptable trade promotion lotteries, available for inspection for a period of 12 months following the conclusion of the advertising campaign.

## 10. Prize promotions and advertising

- (1) Gambling advertising that refers to, or relies on prizes which are available to be won, or the frequency the prize may be won (whether or not the prize is a prize of money)—
  - (a) must include sufficient information for a reasonable person to understand the overall return to player or odds of winning; and
  - (b) if intended to encourage a person to gamble during a particular period, include sufficient information for a reasonable 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 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 lottery are affected by the number of entrants, or dependent on similar factors beyond the control of the gambling provider.

## 11. Permissible advertising of inducements and complimentary gambling products

- (1) Despite clause 9(1)(g), the gambling provider may advertise an inducement for participation in an acceptable loyalty program by drawing attention to the name of the loyalty program, its availability to customers and the benefits to members of the program, as long as the customer is directed to the program's full terms, conditions and benefits that are published on a public website, or on signs in or near a gambling area, or in a document available in or near a gambling area.
- (2) Despite clause 9(1)(g), the gambling provider may advertise an inducement in the form of participation in an acceptable trade promotion lottery by drawing attention to the prizes, or of the offering of a complimentary gambling product.

## 12. Mandatory warning messages

- (1) Expanded warning messages, as set out in Schedule 1 for the periods stated, must be included in gambling advertising, unless the inclusion of the expanded warning message in that particular advertising would be unreasonable or impracticable.
- (2) If gambling advertising does not include an expanded warning message, the gambling advertising must include the condensed warning message.
- (3) When a mandatory warning message is included in gambling advertising, the manner of its inclusion must be consistent with the message being a warning message.

- (4) Gambling advertising which is a text message, tweet, email or social media posting of less than 160 characters must be concluded with the condensed warning message. If the text message is more than 160 characters it must be concluded with the condensed warning message and the national gambling helpline number 1800 858 858.

### 13. Advertising on Radio and Television

- (1) Gambling advertising must not be placed on radio between 6.00am and 8.30am, Monday to Friday (both days inclusive).
- (2) Gambling advertising must not be placed on television between 4.00pm and 7.30pm, Monday to Friday (both days inclusive).
- (3) Despite clause 12, gambling advertising on radio may be accompanied by the condensed warning message and in the case of a plug or commentary, must end with the condensed warning message.
- (4) Despite clause 12, gambling advertising on television that is longer than 15 seconds, must be accompanied by the expanded warning message and in the case of a plug or commentary, must end with the condensed warning message and the national gambling helpline number 1800 858 858.
- (5) A mandatory warning message announced on radio or television must be spoken in a neutral tone, at a speed that is clear and easily understood and otherwise presented in a way which reflects the importance of a warning message.
- (6) The gambling provider must ensure, through instructions about their obligations under this code, that a mandatory warning message is appropriately respected for gambling advertising in live announcements and when mentioned by announcers before or after the broadcast of its gambling advertising.
- (7) In the case of the presence of the gambling provider's logo on a screen, other than as part of a commercial which includes a mandatory warning message, the logo must include the condensed warning message adjacent to the logo occupying no less space than that occupied by the logo. This does not include logos on participants' uniforms (*see clause 14(7), (8) and (9)*).
- (8) A mandatory warning message appearing in gambling advertising on television must occupy at least 25% of the screen area for at least 1/6th of the length of the advertisement, or occupy the whole screen area for at least 1/10th of the length of the advertisement.
- (9) The mandatory warning message must be spoken at the same time as it appears on a television screen.
- (10) Clauses 13(6), (7) and (8) do not apply where gambling advertising appears on television only because the broadcast image is of a public event at which the advertising has been placed.

### 14. Additional requirements for print media, outdoor and other forms of advertising

- (1) If the condensed warning message is used in advertising to which this clause applies, it must be accompanied by the national gambling helpline number 1800 858 858.
- (2) In printed gambling advertising, the mandatory warning message must be presented in a font and colour with sufficient contrast as to make it distinct, and must occupy at least 10% of the space occupied by the advertising.
- (3) In outdoor gambling advertising (other than a permitted external sign) the mandatory warning message must be presented in a font and colour with sufficient contrast as to make it distinct, and must occupy at least 10% of the space occupied by the advertising.
- (4) Gambling advertising in the form of a permitted external sign need not be accompanied by a mandatory warning message.

- (5) An outdoor or indoor display or sign at a venue for any sort of event which is broadcast on television; or for an event on which betting takes place, the mandatory warning message must be presented in a font and colour with sufficient contrast as to make it distinct, and must occupy at least 10% of the space occupied by the advertising.
- (6) If the gambling advertising referred to in sub-clause (5) is presented by means of a display which is constantly moving, scrolling or changing, or is capable of immediate or scheduled systematic changes, the mandatory warning message must be presented in a font and colour with sufficient contrast as to make it distinct and must occupy at least 25% of the space occupied by the advertising.
- (7) Gambling advertising which is the placement of a logo on the apparel of a participant (including an official) in an event which is broadcast on television in South Australia, or at an event at which gambling takes place, must be accompanied by the placement of the condensed warning message adjacent to the logo, occupying no less than half the space occupied by the logo.
- (8) Gambling advertising in the form of a small logo (occupying no more than 5400mm<sup>2</sup> with no linear dimension longer than 180mm) need not be accompanied by a mandatory warning message.
- (9) Gambling providers must ensure that participants do not wear its logo on occasions when they are engaging solely or mainly with minors.
- (10) Gambling advertising which is no more than the inclusion in—
  - (a) the title of an event or the name of a team participating in an event; or
  - (b) the name of a place of a sponsor's name or brand,

need not be accompanied by a mandatory warning message. This does not apply to gambling advertising in relation to participant uniforms, as set out in sub-clauses (7) and (8).

## Part 3 – Responsible gambling practices

The gambling provider must ensure that their general gambling practices are consistent with community expectations that gambling operations will be conducted responsibly and in a manner that minimises the harm caused by gambling, and is socially responsible.

The gambling provider must conduct their business in accordance with all applicable State and Federal laws and legal requirements, and co-operate with regulatory bodies and government agencies in all matters, including compliance with legal obligations.

### 15. Responsible gambling operations

- (1) The gambling provider must, for all gambling areas, virtual gambling areas, gambling telephone lines and internet sites, through which it provides its gambling products, ensure the existence of a document or documents (whether hard copy or otherwise) detailing—
  - (a) the manner in which staff training and measures for interventions with problems gamblers are implemented;
  - (b) the roles of staff (by job title) in the implementation of this code.
- (2) A document required by sub-clause (1) may be incorporated with any other operational document maintained by the gambling provider, but must be made known to and readily available to staff and staff must be trained and ensure compliance with the documents.
- (3) The gambling provider must develop and implement effective policies and procedures that enable staff to—
  - (a) identify people displaying signs of gambling harm by, but not limited to, reviewing player accounts for changes in patterns of play (e.g. increase in frequency of gambling, increase in spend), reviewing pre-commitment arrangements (including requests to increase spend and play limits), and reviewing customer communication (written and verbal) that may indicate the person may be experiencing harm; and
  - (b) respond to people displaying signs of gambling harm by engaging in a conversation about their gambling behaviour, offering pre-commitment and barring options, and referring them to a gambling help service; and
  - (c) ensure staff are trained in and carry out their functions in accordance with such policies and procedures.
- (4) The gambling provider must establish a reporting process for the identification of suspected problem gamblers by staff and the recording of their details.
- (5) The gambling provider must ensure they have a system in place to identify and monitor problem gambling indicators, and review the record of suspected problem gamblers at least weekly, including the details of the review and any steps taken to intervene. Data captured by this system may only be used for the purpose of harm minimisation and no other purpose.
- (6) The record of suspected problem gamblers must include sufficient detailed information to enable staff in gambling areas to identify the patron, and must be readily available to staff at any time and the Commissioner upon request.
- (7) If any loyalty program data or account data indicate that a person may be at risk of harm from gambling, the gambling provider must limit the person's gambling activities (e.g. by suspending the account) until the customer is able to verify that they are able to sustain an increased level of gambling;
- (8) If a person requests voluntary exclusion, the gambling provider must bar the person forthwith in accordance with Part 6 of the *Gambling Administration Act 2019*.



- (9) If a person requests third party involuntary barring of a gambler, the gambling provider must promptly make a considered decision.
- (10) The gambling provider must document and implement procedures to ensure that enquiries about barring (regardless of who initiates them) and approaches for the making of barring orders, are responded to in a manner that is informative, timely and culturally appropriate, with the aim of dealing with an in-venue approach while the person is in the venue and dealing with telephone enquiries in one call where possible, using an interpretation service if required.
- (11) The gambling provider may make flexible informal arrangements with patrons, only if the arrangements limit, manage or control a gamblers access to gambling and the gambling provider reasonably expects that informal arrangements would be beneficial for the gambler. This clause does not apply if a person requests a voluntary exclusion.
- (12) The gambling provider must note the details of any informal arrangements, including details of any agreed pre-commitment arrangements, and make them available to the Commissioner upon request.
- (13) All staff involved in selling the gambling provider's gambling products, or otherwise dealing with customers must log into the barring register each time when on duty, or be provided with a current printed consolidated barring list from the barring register to review any new or updated barring information.
- (14) The gambling provider must ensure that at least one employee has "Administrator" access for the purpose of updating and registering information into the barring register within the prescribed timeframe.
- (15) The gambling provider must ensure that any loyalty program database, account holders database or any like list identifies a person who is excluded (whether by formal barring order or otherwise) and ensures that person is not sent any marketing communications.
- (16) The gambling provider must take reasonable steps to ensure that staff with a potential or actual gambling problem (involving any sort of gambling) are identified and referred for counselling, support or therapy.
- (17) The gambling provider must ensure that there is adequate natural or artificial lighting in gambling areas to enable clocks and signs to be easily read and the faces of people within the gambling area to be easily identified.
- (18) The gambling provider must not permit a second-hand dealer or pawnbroker to conduct business in gambling areas.

## 16. Customer information and signage in gambling areas

- (1) The gambling provider must—
  - (a) ensure the prominent display of the condensed warning message and the national gambling helpline number 1800 858 858 on or near each point of sale of its gambling product and on any electronic display in a gambling area which is used for displaying venue generated messages in the nature of internal advertising;
  - (b) in each gambling area display prominently a message indicating that gambling operations are governed by a code of practice and ensure that a copy of this code is made available on request;
  - (c) ensure that a quantity of helpline cards are available on or near each ATM and other places throughout gambling areas; and
  - (d) ensure that the time of day is prominently displayed and visible throughout gambling areas.

- (2) The gambling provider must—
- (a) prominently display and renew responsible gambling materials (including a poster and pamphlet) in gambling areas in a form which includes the expanded warning message, or if it is not reasonable or practicable to include the expanded warning message, the condensed warning message; and
  - (b) make available its responsible gambling poster written in English, Arabic, Chinese, Greek, Italian, Vietnamese, and any other relevant language.
- (3) If a gaming machine or casino licensee is also the agent of the Lotteries Commission and has placed additional responsible gambling signage and a multi-lingual sign in areas which are gambling areas for the purposes of the Lotteries Commission, the Lotteries Commission is deemed to have complied with the requirements of sub-clauses (1) and (2).

## 17. Self-service terminals

- (1) If the gambling provider installs, in a place in which it is otherwise authorised to provide its gambling product, a device which allows customers to purchase the gambling product and process winnings without the assistance of an operator, the gambling provider must ensure that—
- (a) subject to sub-paragraph (b), the device is configured to allow the gambling product to be purchased using a customer's gambling account; and
  - (b) if the device is configured to allow the gambling product to be purchased other than by using a gambling account, enhanced responsible gambling measures approved by the Commissioner in respect of the device (or class of device) are being implemented; and
  - (c) if the device is able to be operated by the insertion of cash—
    - (1) the device must have a maximum cash deposit limit of \$100; and
    - (2) the device must have pause functionality if the gambling provider's staff suspect the customer may be under the age of 18 years old, may be barred, is demonstrating difficulty controlling their gambling or is intoxicated; and
    - (3) the device must display the relevant expanded warning message on the screen at no more than 10 minute intervals; and
    - (4) the device must display the relevant expanded warning message alternating with the condensed warning message and the national helpline number 1800 858 858, at the bottom of the screen at all times, at no more than 10 minute intervals; and
    - (5) when the device's screen has been idle for a period of time, the length of which is approved by the Commissioner, a message must be displayed including:
      - i. a statement that the device is restricted to people aged 18 or more (18+ only)
      - ii. a statement that the device is regulated by state law and codes of practice and that it is subject to inspection by an agency of the State, along with advice as to a telephone number to call to register a complaint; and
  - (d) the device must have the functionality to send high volume alerts, at levels approved by the Commissioner, to the gambling provider's staff, for the purpose of monitoring patrons who may be demonstrating behaviours indicative of having problems controlling their gambling; and
  - (e) the device must be installed in line of sight of the gambling provider's staff; and
  - (f) there must be electronic surveillance of the device with recordings to be kept for a period of time approved by the Commissioner.

## 18. Customer interaction and help information

- (1) The gambling provider must take all reasonable steps to ensure that a patron who demonstrates difficulty in controlling their personal expenditure on gambling products has their attention drawn to the name and telephone number of a widely available gambling help service.
- (2) The gambling provider must –
  - (a) identify a gambling rehabilitation agency that their patrons and families can readily access (including the location of the agency and a direct number to a contact person at the agency);
  - (b) ensure that staff are sufficiently informed about the identity and location of the gambling rehabilitation agency so as to be able to direct patrons to the agency; and
  - (c) ensure that management level contact is established and maintained with the gambling rehabilitation agency about problem gambling matters.

## 19. Account holder information and signage for virtual gambling areas

- (1) The gambling provider must in each virtual gambling area—
  - (a) display prominently a message indicating that its gambling operations are governed by a code of practice; and
  - (b) ensure that a copy of this code is available from the webpage or screen that constitutes the virtual gambling area.
- (2) The gambling provider must provide prominent access to its responsible gambling materials on each website which includes a virtual gambling area.
- (3) The gambling provider must ensure the prominent display of the condensed warning message at every point of sale in its virtual gambling areas.
- (4) The gambling provider must—
  - (a) at the time of establishing a gambling account indicate that its gambling operations are governed by a code of practice and provide its responsible gambling materials (including a printed or electronic pamphlet) to the account holder; and
  - (b) when providing a statement for a gambling account, include a mandatory warning message as part of the statement.
- (5) For the purposes of sub-clauses (2) and (4), the gambling provider must—
  - (a) publish its responsible gambling materials in a form which includes the contents of a helpline card and the expanded warning message;
  - (b) make available a short form of its responsible gambling materials written in English, Arabic, Chinese, Greek, Italian, Vietnamese and any other language which the gambling provider considers appropriate.
- (6) The gambling provider must take all reasonable steps to ensure that an account holder who demonstrates difficulty in controlling their personal expenditure on gambling products has their attention drawn to the name and telephone number of a widely available gambling help service.
- (7) The gambling provider must reinforce its responsible gambling policy in account holder newsletters and other communications.

## 20. Alcohol and Gambling

- (1) In gambling areas, the gambling provider must take all practicable steps—
  - (a) to prevent a person from being allowed to gamble if their speech, balance, coordination or behaviour is noticeably affected and it is reasonable to believe that the affected speech, balance, coordination or behaviour is the result of the consumption of liquor or some other substance;
  - (b) to prevent a person entering or remaining in a gambling area if their speech, balance, coordination or behaviour is noticeably affected and it is reasonable to believe that the affected speech, balance, coordination or behaviour is the result of the consumption of liquor or some other substance;
  - (c) to ensure that liquor is not supplied to reward, promote or encourage continued gambling.
- (2) If the gambling provider is operating a gambling telephone line, the gambling provider must take all practicable steps to prevent a person from being allowed to gamble if the person's speech, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor or some other substance.

## 21. Inducements

- (1) The gambling provider must not offer or provide any inducement directed at encouraging a person to gamble.
- (2) Sub-clause (1) does not apply to—
  - (a) the offering or provision of participation in an acceptable loyalty program (*see clause 22*);
  - (b) the offering or provision of participation in an acceptable trade promotion lottery (*see clause 23*), by drawing attention to the prizes;
  - (c) the offering or provision of a complimentary gambling product;
  - (d) the offering or provision in a gambling area of complimentary non-alcoholic beverages and refreshments of nominal value; or
  - (e) the offering or provision of an inducement in respect of a pre-commitment trial approved by the Commissioner, subject to the terms of the approval.

## 22. Acceptable loyalty programs

- (1) A loyalty program is an acceptable loyalty program if it is a structured program which—
  - (a) is conducted in accordance with published terms and conditions;
  - (b) is advertised in a manner consistent with the advertising requirements for the gambling providers gambling products;
  - (c) offers rewards proportionate to gambling activity (including non-monetary privileges attached to tiers in a stepped rewards system);
  - (d) offers regular activity statements;
  - (e) includes a facility for predictive monitoring of the patterns of gamblers' gambling activity, with the purpose of intervening in cases where there is a risk of problem gambling, which provides in respect of each person participating in the loyalty program—
    - (1) the identification of changes of significance between the most recent month (whether or not a calendar month) and past months of the amount of money spent;

- (2) the amount of time spent; and
- (3) the intensity of the person's activity, with parameters which are able to be adjusted to produce a manageable number of cases for consideration of intervention; and
- (f) it has been approved by the Commissioner in terms of its rules, conditions, promotions, predictive monitoring processes and the manner in which it is to be advertised and promoted.

## 23. Acceptable trade promotion lotteries

- (1) A lottery is an acceptable trade promotion lottery if—
  - (a) being a trade promotion lottery within the meaning of the Lotteries Regulations 2021, it is a licensed lottery or a permitted lottery under the *Lotteries Act 2019*;
  - (b) its dominant purpose is to reward or retain existing patrons, rather than attracting new patronage or encouraging patrons to gamble more than they would otherwise;
  - (c) the advertising is limited to promotion to account holders, on a private webpage on the gambling provider's own website, by direct communication to customers that have expressly agreed to receiving advertising and within gambling areas.
  - (d) the advertising of the promotion draws attention to the prize(s) of the promotion, rather than the gambling product itself;
  - (e) the promotion does not encourage people to gamble for a minimum period or for a minimum amount to qualify for a reward or benefit; and
  - (f) in respect of an authorised lottery referred to in (a) above, it has been approved by the Commissioner in terms of its rules, conditions and the manner in which it will be advertised.

## 24. Gambling accounts

Where this clause, and any following clauses makes reference to account holders being able to purchase an entry with the gambling provider by telephone, internet or other electronic means, this is a reference to a means of communicating at a distance by the use of electronic devices.

- (1) The gambling provider must not provide gambling services to a person in South Australia by telephone, internet or other electronic means unless the gambling provider has established a gambling account for the person.
- (2) If the gambling provider has established a gambling account for a person—
  - (a) the account—
    - (1) may only be credited with funds deposited by the person, or at the person's direction from a third party (not being a person in a close associate relationship with the gambling provider); and
    - (2) must not be allowed to have a negative balance;
  - (b) the terms and conditions governing the account must not operate—
    - (1) to impose a waiting period on withdrawals from the account;
    - (2) to allow funds pending withdrawal to be used for gambling; or
    - (3) to require a particular level of gambling, or a particular use of funds in the account, as a condition of withdrawal; and

- (c) the gambling provider must ensure that its business systems—
  - (1) facilitate withdrawals from the account as soon as practicable; and
  - (2) do not allow funds pending withdrawal to be applied to any purpose other than the withdrawal.
- (3) Sub-clause (2) does not operate—
  - (a) to preclude the following routine transactions on a gambling account –
    - (1) the crediting of winnings or prizes, or the making of refunds on the outcome of a protest or like transaction;
    - (2) the redemption of rewards as part of the operation of an acceptable loyalty program;
    - (3) the redemption of prizes won in an acceptable trade promotion lottery; and
    - (4) the making of *ex gratia* payments resolving complaints or disputes;
  - (b) to preclude the gambling provider from implementing—
    - (1) procedures reasonably necessary to ensure compliance with laws relating to the handling of money or the reporting of financial transactions;
    - (2) procedures required by or under the licence or other authority authorising the gambling provider to conduct its gambling business;
    - (3) procedures for the holding of a major prize pending identification of those entitled to claim the prize; or
  - (c) to preclude a gambling account having a negative balance as the result of the reversal of an individual transaction.

## 25. Duplicate accounts

- (1) The 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 losses pre-commitment option referred to in clause 26(2)(b)(1).

## 26. Pre-commitment limits and periods

- (1) The gambling provider must, in respect of account based gambling, provide a pre-commitment scheme.
- (2) A pre-commitment scheme referred to in sub-clause (1) must meet the following minimum requirements—
  - (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, at the election of the gambling provider, to—
    - (1) net losses by the account holder (regardless of the number of accounts held) during the relevant period;

- (2) deposits made to the account during the relevant period; or
  - (3) 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—
    - (1) increase or revoke a pre-commitment limit; or
    - (2) 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.
- (3) A pre-commitment scheme referred to in sub-clause (1) may include additional limits and features so long as they do not conflict with the minimum requirements set out in sub-clause (2).

## 27. Account balances

- (1) The gambling provider must provide an account holder with an account balance—
- (a) whenever money is withdrawn (other than for the purchase of a gambling product); and
  - (b) whenever money is deposited into a gambling account via an online transaction; and
  - (c) in the case of a purchase placed by internet, whenever a purchase is made from the account; and
  - (d) upon request by the account holder.

## 28. Pre-commitment to be promoted

- (1) The gambling provider must promote the availability of the pre-commitment scheme—
- (a) on any brochures, pamphlets or marketing information (other than advertising) that provides information on how a gambling account may be established;
  - (b) as part of the welcome pack (however described) provided to an account holder upon account establishment;
  - (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.

## 29. Activity statements

- (1) The gambling provider must send an account holder a routine activity statement—
- (a) for each calendar month in which there are 50 or more transactions conducted on a gambling account; and

- (b) for each period of consecutive calendar months (up to three calendar months) in which more than 40 transactions are conducted on a gambling account (which statement may be combined with a statement required by paragraph (a)); and
  - (c) at least once in each period of 12 months following the provision of an activity statement, so as to provide a continuous record of gambling activity.
- (2) The gambling provider must, in addition to activity statements required by sub-clause (1), send a special activity statement to an account holder upon request for the period nominated by the account holder.
  - (3) Despite sub-clause (1), the gambling provider may meet the requirements for routine activity statements by sending activity statements on a rolling monthly basis (whether or not the statement periods are calendar months).
  - (4) Despite sub-clause (1)(c), the gambling provider is not required to send an annual activity statement in respect of an account that has a credit balance of \$10 or less at the end of the relevant year and which there has been no gambling activity in that year.
  - (5) An activity statement must be sent in writing.
  - (6) The gambling provider may satisfy the requirement to send an activity statement in writing by sending the statement, by email if the account holder elects to receive the statement that way, by post or some other form of physical delivery.
  - (7) If an account holder elects to receive activity statements 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.
  - (8) An activity statement must include details of each transaction in the statement period, including the amount, date, time, description of the transaction, and the amount of spotters' fees relating to the account in the statement period.
  - (9) If an account holder elects to receive activity statements by email, the statement records 20 or more transactions on any one day during the relevant period and the gambling provider offers a facility for the account holder to 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.

### 30. Required training

- (1) The gambling provider must—
  - (a) ensure that all people involved in selling its gambling products, or otherwise dealing with patrons, receive problem gambling training—
    - (1) for all staff at induction – basic training which identifies problem gambling and which explains the role and process of barring and exclusion; and
    - (2) for supervisory and managerial staff (including the person in charge of a call centre, a physical point of sale or a physical gambling area) – advanced training on the identification of, and intervention techniques for, problem gambling;
  - (b) provide refresher courses for all staff at least each 2 years;
  - (c) include responsible gambling information in employee newsletters and magazines;
  - (d) provide responsible gambling materials in the workplace to remind staff of policies and their responsibilities; and



- (e) if the gambling provider installs, in a place in which it is otherwise authorised to provide its gambling products, a device which allows customers to purchase the gambling product and process winnings without the assistance of an operator and the device is configured to allow the gambling product to be purchased other than by using a gambling account, must have enhanced training for staff to ensure the use of the devices are adequately monitored and additional harm minimisation measures are understood and implemented as required.
- (2) If the gambling provider uses an external provider for training, that training provider must be a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* (Commonwealth).
- (3) For the purposes of sub-clause (1), basic and advanced 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.
- (4) The gambling provider must —
  - (a) make arrangements to ensure that training programs provided to its staff are the subject of an annual review of or audit for their compliance with the requirements of this code; and
  - (b) provide a report of the outcome of each review or audit to the Commissioner within 28 days after completion.
- (5) The Commissioner, on the application of a gambling provider or a relevant peak body, may grant exemptions from the operation of this clause in respect to the deferral of training required on induction by up to 3 months.
- (6) Sub-clauses (1)(a) and (b) do not apply (at the election of the gambling provider) in respect of a person on the staff of an agent which is coincidentally a gaming machine or casino licensee, if that person has received and is current with the training required by their relevant code of practice.

### 31. Individual exemptions

- (1) The Commissioner may, on application by a gambling provider, exempt the gambling provider from a specified provision of this code of practice.
- (2) The Commissioner may impose conditions in respect of an exemption.
- (3) The Commissioner may on the Commissioner's own initiative, by written notice to a gambling provider or on application by a gambling provider, vary or revoke an exemption.

# Schedule 1—

*State Lotteries Act 1966*

## Expanded warning messages

Don't let the game play you. Stay in control. Gamble responsibly.	1 July 2021 to 31 December 2021
Stay in control. Leave before you lose it. Gamble responsibly.	1 January 2022 to 30 June 2022
You know the score. Stay in control. Gamble responsibly.	1 July 2022 to 31 December 2022
Know when to stop. Don't go over the top. Gamble responsibly.	1 January 2023 to 30 June 2023
Think of the people who need your support. Gamble responsibly.	1 July 2023 to 31 December 2023
Don't chase your losses. Walk away. Gamble responsibly.	1 January 2024 to 30 June 2024



## Schedule 2 –

State Lotteries Act 1966

### Categories of Offences and Expiations

Column A Clause No.	Column B Offence category	Column C Expiation category
9(1)(a)	A	A
9(1)(b)	B	B
9(1)(c)	A	A
9(1)(d)	B	B
9(1)(e)	D	D
9(1)(f)	D	D
9(1)(g)	D	D
9(1)(h)	C	C
9(1)(i)	C	C
9(1)(j)	C	C
(9)(1)(k)	C	C
9(3)	C	C
10(1)(a)	C	C
10(1)(b)	C	C
12(1) This penalty applies where the condensed message is used when the expanded warning message should have been used.	D	D
12(2) This penalty applies where no warning message appears.	B	B
12(3)	C	C
12(4)	B	B
13(1)	B	B
13(2)	B	B
13(3)	B	B
13(4)	B	B
13(5)	B	B

Column A Clause No.	Column B Offence category	Column C Expiation category
13(6)	C	C
13(7)	B	B
13(8)	C	C
13(9)	C	C
14(1)	B	B
14(2)	C	C
14(3)	C	C
14(5)	C	C
14(6)	C	C
14(7)	B	B
14(9)	C	C
15(1)	B	B
15(2)	B	B
15(3)	A	A
15(4)	D	D
15(5)	C	C
15(8)	A	A
15(9)	D	D
15(10)	D	D
15(12)	C	C
15(13)	D	D
15(14)	D	D
15(15)	A	A
15(16)	A	A
15(17)	C	C
15(18)	C	C
16(1)(a)	D	D
16(1)(b)	D	D
16(1)(c)	D	D
16(1)(d)	D	D



Column A Clause No.	Column B Offence category	Column C Expiation category
16(2)(a)	B	B
16(2)(b)	D	D
17(1)(b)	B	B
17(1)(c)	A	A
18(1)	B	B
18(2)(a)	B	B
19(1)	D	D
19(2)	C	C
19(3)	D	D
19(4)(a)	D	D
19(4)(b)	D	D
19(5)(a)	D	D
19(5)(b)	D	D
19(6)	B	B
19(7)	D	D
20(1)(a)	B	B
20(1)(b)	D	D
20(1)(c)	D	D
20(2)	D	D
21(1)	B	B
24(1)	B	B
24(2)	B	B
26(1)	A	A
26(2)(a)(b)(c)(d)	D	D
26(2)(e)(f)	A	A
27	D	D
28	C	C
29	C	C
30(1)	D	D
30(4)	D	D

End of Code of Practice

