

# A GUIDE TO AUSTRALASIA'S GAMBLING INDUSTRIES

Facts, Figures and Statistics

CHAPTER TWELVE

The Regulatory Environment

2017/18

austgamingcouncil.org.au

### A Guide to Australasia's Gambling Industries

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#### **AUSTRALIAN LEGISLATIVE INSTRUMENTS & CODES OF PRACTICE**

Gambling is one of the most heavily regulated past-times and industries in Australasia. Links to some of the major Acts, Regulations and Codes throughout Australia and some brief information regarding the regulatory environment is provided below.

Please note this information is provided as an overview only.

**Australian Capital Territory** 

Legislation and Regulation

Casino Control Act 2006 Casino Control Regulation 2006 Gambling and Racing Control (Code of Practice) Regulation 2002 Gambling and Racing Control Act 1999 Gaming Machine Act 2004 Gaming Machine Regulations 2004 Interactive Gambling Act 1998 Lotteries Act 1964 Pool Betting Act 1964 Race and Sports Bookmaking Act 2001 Race and Sports Bookmaking Regulation 2001 Racing Act 1999 Totalisator Act 2014 Unlawful Gambling Act 2009

The <u>Gambling and Racing Control (Code of Practice) Regulation 2002</u> (in force from 1 December 2002) is designed to provide minimum standards of harm minimisation across all gambling providers.

The Code is mandatory and has penalties for breach. The penalties may be in the form of prosecution or by way of disciplinary action under specific regulatory legislation. A review of the code was completed in July 2014, resulting in a number of amendments in force from 5 November 2015.

#### **Regulatory Bodies**

The <u>ACT Gambling and Racing Commission</u> is an independent body established under the *Gambling and Racing Control Act 1999.* Functions of the Commission include:

- regulating the activities of the casino, gaming machines, lotteries, racing, betting and interactive gambling;
- approving gaming and racing activities;
- monitoring and researching the social effects of gambling and of problem gambling;
- reviewing legislation and policies relating to gaming and racing and making recommendations to the Minister on those matters;
- providing education and counselling services;
- investigating and conducting inquiries into issues and activities of persons in relation to gaming and racing related matters;
- monitoring, researching and funding activities relating to gaming and racing;
- engaging in community consultation, as appropriate; and
- collecting taxes, fees and charges imposed or authorised by or under gaming laws.

#### **New South Wales**

Legislation and Regulation

Betting and Racing Act 1998 Betting and Racing Regulation 2012 Betting Tax Act 2001 Bookmaker Declared Betting Event Rules Casino Control Act 1992 **Casino Control Regulation 2019** Gambling (Two-Up) Act 1998 Gaming and Liquor Administration Act 2007 Gaming and Liquor Administration Regulation 2016 Gaming Machines Act 2001 Gaming Machines Regulation 2019 Gaming Machine Tax Act 2001 Interactive Gambling Act 1998 **Registered Clubs Act 1976** Totalizator Act 1997 Totalizator Amendment Regulation 2015 Totalizator Regulation 2012 Unlawful Gambling Act 1998

#### **Regulatory Bodies**

Created on 1 February 2016, <u>Liquor & Gaming NSW</u> is responsible for the regulation of liquor, wagering, gaming and registered clubs in NSW.

Liquor & Gaming NSW sits within the New South Wales Department of Customer Service. It's responsibilities include:

- advising in relation to the development and implementation of government policy;
- ensuring compliance
- monitoring revenue collected from gaming activity;
- overseeing technical standards for gaming machines; and
- administering the Responsible Gambling Fund, which funds services for problem gamblers.

New South Wales also has an **Independent Liquor and Gambling Authority (ILGA).** The role of the ILGA is to promote fair and transparent decision making under the Gaming and Liquor Administration Act 2007.

The ILGA has functions under the gaming and liquor legislation relating to:

- determining contentious licensing proposals;
- determining disciplinary action taken against licensees and others; and
- reviewing certain delegated decisions made on its behalf by Liquor & Gaming NSW.

#### **Northern Territory**

#### Legislation and Regulation

Oversight of Gambling and Racing in the Northern Territory is undertaken by the **<u>Northern Territory</u> <u>Government Department of Business and Industry</u> which administers the:** 

Gaming Control Act 1993 Gaming Control (Community Gaming) Regulations 2006 Gaming Control (Gaming Machines) Regulations 1995 Gaming Control (Internet Gaming) Regulations 1998 Gaming Control (Licensing) Regulations 1995 Gaming Control (Reviewable Decisions) Regulations 2014 Gaming Control (Taxes and Levies) Regulations 2015 Gaming Machine Act 1995 Gaming Machine Regulations 1995 Gaming Machine Rules 2001 Racing and Betting Act 1983 Racing and Betting Regulations 1984 Totalisator Licensing and Regulation Act 2000 Totalisator Licensing and Regulation Regulations 2000 Totalisator Licensing and Regulation (Arbitration) Regulations 2000 Totalisator Licensing and Regulation (Wagering) Rules 2011 Unlawful Betting Act 1989

Two codes of practice for the Northern territory gambling industry came into effect as of 1 March 2016:

- Northern Territory Code of Practice for Responsible Gambling 2016;
- Northern Territory Code of Practice for Responsible Online Gambling 2016

#### Queensland

Legislation and Regulation

Brisbane Casino Agreement Act 1992 Cairns Casino Agreement Act 1993 Casino Control Act 1982 Casino Control Regulation 1999 Gaming Machine Act 1991 Gaming Machine Regulation 2002 Interactive Gambling (Player Protection) Act 1998 Keno Act 1996 Lotteries Act 1997 Racing Act 2002 Racing Regulation 2013 Wagering Act 1998

The voluntary **Queensland Responsible Gambling Code of Practice** commits the gambling industry to implement and adhere to responsible gambling practices, with a particular focus on customer protection measures. The voluntary Code was launched 29 May 2002 by Queensland Government and was developed by the Queensland Responsible Gambling Advisory Committee.

The Code of Practice is supplemented by responsible gambling resource manuals developed by each industry sector in collaboration with the Office of Liquor and Gaming Regulation:

- <u>Bingo</u>
- <u>Casinos</u>
- <u>Charitable and non profit</u>
- <u>Clubs</u>
- Hotels
- Keno
- Lotteries
- <u>Racing</u>
- <u>TAB</u>

#### **Regulatory Bodies**

The <u>Queensland Office of Liquor and Gaming Regulation (QOLGR)</u> is located in the Queensland Department of Justice and Attorney-General.

Led by a Commissioner, the organisation is structured in divisions responsible for:

- Licensing and changes to licensing applications, approvals and probity investigations;
- Compliance, technical audits and inspections, complaints enforcement and risk assessments; and
- Organisational services including financial and information management services, administration and management of the Gambling Community Benefit Fund.

QOLGR's Office of Regulatory Policy is further responsible for:

- Indigenous policy;
- development and management of gambling harm minimisation; and
- strategic communication programs.

South Australia

Legislation and Regulation

Authorised Betting Operations Act 2000 Casino Act 1997 Gaming Machines Act 1992 Gambling Administration Act 1995 Problem Gambling Family Protection Orders Act 2004 Statutes Amendment and Appeal (Budget Measures) Act 2018 State Lotteries Act 1966

Further regulatory instruments are available on the website of the <u>South Australia. Consumer and Business</u> <u>Services (CBS).</u>

In 2013, several industry specific responsible gambling and advertising Codes of Practice were consolidated by the South Australian Independent Gambling Authority (IGA) into the one <u>Gambling Codes of Practice</u> <u>Notice 2013.</u>

#### **Regulatory Bodies**

The <u>South Australian Government Department of Consumer and Business Services</u> is responsible for administering the *Authorised Betting Operations Act 2000, Casino Act 1997, and the Gaming Machines Act 1992.* 

The **Independent Gambling Authority (IGA)** is the senior South Australian regulator for commercial forms of gambling in the State – including casino gambling, gaming machines in hotels and clubs, wagering on races and sports and commercial lotteries.

The Authority is established as a statutory corporation, and has functions and powers under the *Independent Gambling Authority Act 1995.* 

The IGA is required to perform its functions independently of Ministerial direction and is accountable to Parliament through the Minister for Consumer and Business Services.

#### Tasmania

Legislation and Regulation

Gaming Control Act 1993 Gaming Control Regulations 2014 Gaming Control (Infringement Notices) Amendment Regulations 2015 TT Line Gaming Act 1993 TT Line Gaming Regulations 2014

The *Gaming Control Act 1993* provides the legislative framework for the licensing and regulation of all forms of gambling in Tasmania. Activities regulated by the Act include gaming machines and keno, casino gaming, totalizator wagering, sports betting, interactive gaming and wagering, foreign games permits and minor gaming.

Tasmania has a mandatory responsible gambling code of practice: <u>Responsible Gambling Mandatory Code</u> of Practice for Tasmania.

The **Tasmanian Liquor and Gaming Commission** has also established technical standards and licence holder requirements that must be adhered to: **Rules and Standards for Gambling**.

Further information regarding gaming legislation in Tasmania can be found on the <u>Tasmanian Government</u>, <u>Department of Treasury and Finance</u> website.

#### **Regulatory Bodies**

The **Tasmanian Liquor and Gaming Commission** is an independent body responsible for the regulation of gaming in Tasmania, established under the *Gaming Control Act 1993*.

#### Victoria

Legislation and Regulation

<u>Casino (Management Agreement) Act 1993</u> <u>Casino Control (Boundary Redefinition Fee) Regulations 2005</u> <u>Casino Control Act 1991</u> <u>Gambling Regulation Act 2003</u> <u>Racing Act 1958</u> <u>Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014</u> <u>Racing (Racing Integrity Assurance) Regulations 2010</u> <u>Victorian Responsible Gambling Foundation Act 2011</u> <u>Gambling Regulations 2015</u>

From the commencement of EGM gaming in Victoria the Code of Practice applicable to Gaming Machine Venues at hotels and clubs was the voluntary, industry based Victorian Gaming Machine Industry (VGMI) accord.

Gambling providers are now required to have a <u>**Responsible Gambling Code of Conduct**</u> approved by the Victorian Commission for Gambling Regulation (VCGLR). The requirement came into effect on 1 December 2008.

While the individual venue Codes may vary to some degree, their prescribed content is outlined in the relevant Victorian Ministerial Direction for Responsible Gambling Codes of Conduct.

Victorian Gambling providers must also adhere to Ministerial directions and guidelines covering various matters including:

- Assessment of Children's Play Areas in Gaming Venues;
- Automatic Teller Machines in Gaming Venues;
- Player Information Standards;
- Self-Exclusion programs;
- Your Play/Pre-commitment requirements.

#### For further information, please click here.

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) have also established further directions and guidelines for gaming licensees and operators as well as technical standards that gaming manufacturers must comply with for equipment operated in Victoria.

#### **Regulatory Bodies**

In Victoria <u>The Office of Liquor and Gaming</u> (within the Department of Justice and Community Safety) provides strategic policy advice and support to the Minister for Gaming and Liquor Regulation, the Minister for Racing and the department's Secretary on:

- the development and implementation of liquor, gambling and racing legislation and regulation;
- current and emerging liquor, gambling and racing issues;
- the management of selected racing industry initiatives;
- racing related licensing and appeal matters; and
- leadership and support for gambling research initiatives.

The <u>Victorian Commission for Gambling and Liquor Regulation (VCGLR)</u> is the independent statutory authority that regulates Victoria's gambling and liquor industries.

The VCGLR regulates businesses focusing on the people, premises, products and promotions involved in supplying gambling and liquor to ensure the integrity of Victoria's gambling and liquor industries and to minimise harm.

Western Australia

Legislation and Regulation

 Betting Control Act 1954

 Casino (Burswood Island) Agreement Act 1985

 Casino Control Act 1984

 Gaming & Wagering Commission (Continuing Lotteries Levy) Act 2000

 Gaming & Wagering Commission Act 1987

 Racing & Wagering Western Australia Act 2003

 Racing Bets Levy Act 2009

 Racing Penalties Appeal Act 1990

#### **Regulatory Bodies**

The <u>Gaming and Wagering Commission</u> of Western Australia is responsible for governing gambling regulation in the State, supported by the <u>Department of Gaming, Racing and Liquor</u>.

The Department is responsible for the regulation of the community gaming and casino gaming industries through the provision of licensing and the conduct of audits and inspections.

## AUSTRALIAN STATE & TERRITORY REGULATORY BODIES – CONTACT DETAILS

Key agencies for each jurisdiction are listed below with relevant links.

**Australian Capital Territory** 

#### ACT Gambling and Racing Commission

Building, 21/Cosmopolitan Bowes Place Phillip ACT 2606 Phone: (02) 6207 0359 GPO Box 158 Canberra ACT 2601

Email: n/a

**New South Wales** 

Liquor and Gaming NSW 4 Parramatta Square, 12 Darcy St Parramatta NSW 2051 Phone: 1300 024 720

GPO Box 7060 Sydney NSW 2001 Email: <u>contact.us@liquorandgaming.nsw.gov.au</u>

#### Independent Liquor and Gaming Authority

4 Parramatta Square, 12 Darcy St Parramatta NSW 2051 Phone: 1300 024 720 GPO Box 7060 Sydney NSW 2001 Email: <u>contact.us@liquorandgaming.nsw.gov.au</u>

#### **Northern Territory**

#### Gambling and Licensing (NT Department of Business)

Level 3, NAB BuildingPO Box 115471 Smith StreetDarwin NT 0801Darwin NT 0800Email: agd,licensingnt@nt.gov.au

#### Northern Territory Racing Commission (NT Department of the Attorney-General and Justice.)

Level 3, NAB Building 71 Smith Street Darwin NT 0800 Phone: (08) 8999 1800 PO Box 1154 Darwin NT 0801

Email: racing.commision@nt.gov.au

#### Queensland

#### Office of Liquor and Gaming Regulation

63 George Street Brisbane QLD 4000 Phone: 13 QGOV (13 74 68) Locked Bag 180 City East QLD 4002 Email: <u>olgrlicensing@justice.qld.gov.au</u> <u>gamingcompliance@justice.qld.gov.au</u>

Further regulatory information is available from the Queensland Government's business and industry portal:

#### Liquor and Gaming

#### Office of Racing (Department of Local Government, Racing and Multicultural Affairs)

Phone: 13 QGOV (13 74 68)

PO Box 15009 City East QLD 4002 Email: racing@dlgrma.qld.gov.au

#### **South Australia**

#### **Consumer and Business Services**

CBS Customer Service Centre	GPO Box 1719			
91-97 Grenfell Street	Adelaide SA 5001			
Adelaide SA 5000				
Phone: 131 882	Email: n/a			
Independent Gambling Authority				

Level 4, 45 Grenfell Street Adelaide SA 5000 Phone: 08 8226 7233

GPO Box 1719 Adelaide SA 5001 Email: n/a

#### Department of Treasury and Finance - Gambling Regulation

200 Victoria Square Adelaide SA 5000 Phone: 08 8226 9500 PO Box 1045 Adelaide SA 5001 Email: commservices@sa.gov.au

#### Tasmania

#### Liquor & Gaming Branch (Department of Treasury and Finance)

4 Salamanca Place Hobart TAS 7000 Phone: (03) 6166 4040 GPO Box 1374 Hobart TAS 7001 Email: gaming@treasury.tas.gov.au

#### Tasmanian Liquor & Gaming Commission

4 Salamanca Place Hobart TAS 7000 Phone: (03) 6166 4040

**GPO Box 1374** Hobart TAS 7001 Email: gaming@treasury.tas.gov.au

#### Victoria

#### Office of Liquor, Gaming and Racing (Department of Justice and Community Safety)

Department of Justice & Community Safety PO Box 18055 121 Exhibition Street Melbourne VIC 3000 Phone: (03) 8684 0000

Collins Street East Melbourne VIC 8003 Email: n/a

#### Victorian Commission for Gambling and Liquor Regulation (VCGLR)

Level 3, 12 Shelley Street, Richmond, VIC 3121 Phone: 1300 1 VCGLR (1300 182 457)

**GPO Box 1988** Melbourne VIC 3001 Email: contact@vcglr.vic.gov.au

Western Australia

#### Department of Racing, Gaming & Liquor - Gaming and Wagering Commission

Gordon Stephenson House Level 2, 140 William Street Perth WA 6000 Phone: (08) 6551 4888

PO Box 8349 Perth Business Centre WA 6849 Email: rgl@dlgsc.wa.gov.au

#### NATIONAL

While gambling is largely a matter of state jurisdiction in Australia the <u>Council of Australian Governments</u> (<u>COAG</u>) provides a peak intergovernmental gambling policy forum.

#### National Framework on Problem Gambling (2004-2008)

In November 2000, COAG requested that the Ministerial Council on Gambling (MCG) develop a <u>National</u> <u>Framework on Problem Gambling (NFPG)</u> to be implemented by State and Territory Governments, in order to minimise the negative consequences of problem gambling to individuals, families and the community.

The NFPG was endorsed in 2014 to address four key focus areas and objectives:

- Public awareness, education and training;
- Responsible gambling environments;
- Intervention, counselling and support services; and
- National research and data collection.

#### **Productivity Commission**

Following a decision by the Council of Australian Governments, in 2008 the Australian Government asked the Productivity Commission to undertake a public inquiry into gambling.

The inquiry provided an update on developments in gambling and the gambling environment since a previous report undertaken by the Commission in 1999 [Productivity Commission (1999) Australia's Gambling Industries, Report no 10, Canberra].

The Productivity Commission's final report was provided to the Australian Government on 26 February 2010 [Productivity Commission (2010) Gambling, Report No 50, Canberra]. The Government publicly released the report on 23 June 2010.

#### Federal Government Legislation

The Australian Government announced a **<u>National Policy on Tackling Problem Gambling</u>** in January of 2012.

Subsequent legislative change included the <u>National Gambling Reform Act 2012</u>, the <u>National Gambling</u> <u>Reform (Related Matters) Act (No. 1) 2012</u> and the <u>National Gambling Reform (Related Matters) Act (No.</u> <u>2) 2012.</u> The legislation received Royal Assent in December 2012.

This legislation also established a new centre of study in the **Australian Gambling Research Centre** (AGRC).

In March 2014 a new Federal Parliament passed amendments to the *National Gambling Reform Act 2012*, and repealed the *National Gambling Reform (Related Matters) Act (No. 1) 2012* and the *National Gambling Reform (Related Matters) Act (No. 2) 2012*.

These Acts are replaced by the **<u>Gambling Measures Act 2012</u>** which took effect in late March 2014.

#### **Interactive Gambling**

The **Interactive Gambling Act 2001** (IGA) was introduced to regulate the online gambling environment, primarily to prohibit Australian gambling operators from providing or advertising online gambling to Australian residents.

Under the IGA, only Australian licenced and regulated lottery and wagering (racing and sporting) operators are permitted to offer their products over the internet. The IGA received assent on the 11 July 2001.

The then Federal Government Department of Broadband, Communication and the Digital Economy (DBCDE) - now the Department of Communications - conducted a review of the IGA in 2011-12

#### A final review report, **Review of the Interactive Gambling Act 2001**, was released in March 2013.

The final report made 32 recommendations and proposed an overarching strategy to reduce harm from online gambling by encouraging major unlicensed gambling service providers to become licensed on condition they:

- cease providing higher risk types of online gambling to Australians; and
- adopt a national standard for harm minimisation.

A further review of Interactive Gambling - focussing on The Impact of Illegal Offshore Wagering - was undertaken in 2015. Led by former NSW Premier Barry O'Farrell, <u>this report and the government response</u> to the report can be found here.

The Government response to this report supported:

- Establishing a strong national consumer protection framework;
- Implementing a crackdown on illegal offshore gambling providers by:
  - Amending the law to make it clear that it is illegal for overseas gambling companies to offer gambling products to Australian's; and empowering the Australian Communications Media authority (ACMA) with civil penalties to enforce the law.
  - Introducing other disruption measures to curb illegal offshore gambling activity, such as placing company directors of illegal offshore companies on the movement alert list.
- Clarifying the law by prohibiting 'click-to-call' in-play wagering services to respect the original intent of the *Interactive Gambling Act 2001.*
- Not expanding the online betting market in Australia by legalising in-play betting

In November 2016, the Commonwealth Government introduced the Interactive Gambling Amendment Bill 2016, which amends the Interactive Gambling Act 2001 (IGA), to implement the Government's response to the 2015 O'Farrell Review into Illegal Offshore Wagering.<sup>1</sup>

#### National Consumer Protection Framework for Online Gambling (2018 – Present)

In November 2018, the **National Consumer Protection Framework** (NCPF) for online gambling providers was launched. The development of the framework was the culmination of a large amount of collaboration between Federal and State governments and gaming providers.

<sup>&</sup>lt;sup>1</sup> https://www.dss.gov.au/communities-and-vulnerable-people/programmes-services/gambling

The framework provides operators with minimum standard consumer protections measures to reduce to risk of harm associated with online gambling.

As well as responsible gambling product offerings and changes, the framework also contains measures addressing gambling advertising, the offering of credit gambling and inducements.

Included in the framework is an Australian first National Self Exclusion Register (NSER) which will allow those wishing to stop their gambling the ability to exclude from all operators in one place, reducing the risk of harm.

#### Below are the 10 measures included in the NCPF:

- 1. Prohibition of credit gambling in place since February 2018
- 2. Restriction of payday lending
- 3. Reduction of customer verification window to 14 Days
- 4. Restriction on Inducements
- 5. Allowing customers to close their account online
- 6. Voluntary opt-out pre-commitment scheme at sign up
- 7. Activity statements provided to customers to track spending
- 8. Consistent gambling messaging in all verticals
- 9. Standardised staff training
- 10. National Self-Exclusion Register

States and territories around Australia have begun enacting these measures since May 2019 into legislation including the Northern Territory where a large portion of online gambling operators in Australia are based and licenced.

All measures will be progressively rolled out 18-24 months from the release of the framework.

For more information on the NCPF, the Department of Social Services (DSS) has created a fact sheet that may be downloaded here.

#### **NEW ZEALAND**

#### Legislation and Regulation

The New Zealand gambling environment is regulated under the following legislative framework:

Gambling Act 2003 Racing Act 2003 Gambling (Venue Payments) Regulations 2016 Gambling (Fees) Regulations 2015 Gambling (Class 4 Proceeds) Amendment Regulations 2014 Gambling (Problem Gambling Levy) Regulations 2016 Gambling (Class 4 Net Proceeds) Amendment Regulations 2011 Gambling (Class 4 Net Proceeds) Amendment Regulations 2011 Gambling (Class 4 Banking) Regulations 2006 Gambling (Prohibited Property) Regulations 2005 Gambling (Licensed Promoters) Regulations 2005 Racing (Harm Prevention and Minimisation) Regulations 2004 Gambling (Class 4 Net Proceeds) Regulations 2004

The main legislative tool that regulates gambling in New Zealand is the Gambling Act 2003.

The Act regulates six classes of gambling in New Zealand, from Class 1, representing low stake gambling such as club housie sessions, to Class 5 casino gambling, and Class 6 gambling established to regulate the large scale lotteries conducted by the New Zealand Lotteries Commission.

#### **Regulatory Bodies**

There are two key organisations in New Zealand responsible for the administration of gambling legislation and compliance: the **Department of Internal Affairs** and the **NZ Gambling Commission**.

The Department of Internal Affairs is responsible for issuing licences and ensuring regulatory compliance for all forms of gambling in New Zealand, except casino gambling.

The Gambling Commission considers and determines applications for casino operators and casino venue licences, and is charged with hearing appeals against decisions made by the NZ Department of Internal Affairs.

#### **NEW ZEALAND REGULATORY BODIES – CONTACT DETAILS**

#### NZ Department of Internal Affairs

Gambling Compliance	PO Box 10-095
Department of Internal Affairs	Wellington 6011
45 Pipitea St	
Wellington 6011	
Phone: 0800 25 78 87 (NZ only)	
Phone: (+64 4) 495 7200	Email: gambling@dia.govt.nz
NZ Gambling Commission	

#### Level 1, 41 Bath St

Parnell Auckland 1140 Phone: +64 9 353 7223 PO Box 137295 Parnell Auckland 1052 Email: info@gamblingcom.govt.nz