

Gambling Regulation Act 2003

MINISTERIAL ORDER PURSUANT TO SECTION 4.8A.2 OF THE GAMBLING REGULATION ACT 2003

I, Marlene Kairouz MP, Minister for Consumer Affairs, Gaming and Liquor Regulation, pursuant to section 4.8A.2 of the **Gambling Regulation Act 2003**, direct that a wagering service provider, in Victoria or elsewhere, providing interactive wagering and betting services to a Victorian resident must comply with the requirements set out in this order.

1. Definitions

Account holder means a person who has a betting account with a wagering service provider.

Active betting account means a betting account that has been used to make or settle a bet within the preceding 12 months but does not include a betting account that has been closed.

Approved activity statement means an activity statement approved by the Minister for the purpose of clause 7, if any.

Approved gambling message means a message approved by the Minister for the purpose of clause 9, if any.

Approved information means information approved by the Minister for the purpose of clause 6, if any.

Approved responsible service of interactive wagering and betting training means training approved by the Minister for the purpose of clause 11, if any.

Approved responsible service of interactive wagering and betting refresher training means training approved by the Minister for the purpose of clause 11, if any.

Bet includes a wager and any activity where a person stakes money or something of value for the opportunity to win a prize of money or something else of value.

Betting account means an account held with a wagering service provider into which funds are or can be deposited and used by the account holder for making a bet with that wagering service provider.

Bonus bet includes a complimentary or discounted betting credit or betting token.

Deposit limit means a limit on the amount of money that can be deposited into a betting account.

Direct marketing includes any advertising, promotion or offer made by or on behalf of a wagering service provider directly to a person by means of telephone, email, SMS, text message, post, electronic transmission, datacast or other direct means, including directly to an Internet application, website or broadcast service that can be used by an account holder to make a bet (but does not include those parts of an Internet application, website or broadcast service that can only be accessed by an existing account holder).

Interactive wagering and betting service includes a wagering and betting service that enables a person to make a bet using:

- (a) a telephone
- (b) an Internet application
- (c) a website
- (d) a datacasting service

(e) a broadcast service.

Money includes physical currency, cheques, drafts, credit card and e-wallet payments, vouchers or credit redeemable for betting account credit, cryptocurrency and e-currency, whether in Australian currency or another currency, or any other thing of value that can be used to make a bet.

Unsubscribe means to withdraw consent to receiving direct marketing from or on behalf of a wagering service provider.

Wagering service provider means a person who:

- (a) operates a totalisator
- (b) operates a betting exchange
- (c) carries on business as a bookmaker, turf commission agent or betting aggregator
- (d) is an agent of a person mentioned in paragraph (a), (b) or (c).

Wagering services means the services provided to an account holder by a wagering service provider.

2. Interpretation

2.1 An approval by the Minister of anything required to be approved for the purposes of this order may include requirements as to its content, frequency, form, size, font, colour, placement, timing and mode of delivery, which may differ according to circumstance or betting platform (for example, direct marketing material, broadcast advertising, or telephone, website, datacasting service or Internet application betting platform).

3. Commencement

- 3.1 This direction takes effect on the day it is published in the Government Gazette.
- 3.2 The requirements in clause 4 come into effect on 26 May 2019.
- 3.3 The requirements in clause 5 come into effect on 26 May 2019.
- 3.4 The requirements in clause 6 come into effect on 26 May 2019.
- 3.5 The requirements in clause 7 come into effect on 26 May 2020.
- 3.6 The requirements in clause 8 come into effect on 26 May 2020.
- 3.7 The requirements in clause 9 come into effect on 26 May 2020.
- 3.8 The requirements in clause 10 come into effect on 26 May 2019.
- 3.9 The requirements in clause 11 come into effect on 26 May 2020.

4. Inducements

- 4.1 A wagering service provider must not offer any credit, voucher or reward to an account holder as an inducement to refer another person to open a betting account.
- 4.2 A wagering service provider must not offer or provide a bonus bet to a person unless winnings from a bet made with that bonus bet can be withdrawn from the account holder's betting account without being subject to a requirement that the account holder continue to bet with those winnings.

5. Direct marketing

- 5.1 A wagering service provider or a person acting on behalf of a wagering service provider must not send any direct marketing to a person unless that person has provided his or her express consent to receive direct marketing.
- 5.2 A wagering service provider or person acting on behalf of a wagering service provider must not provide direct marketing to a person who has consented to receive direct marketing unless that person can unsubscribe and the process for unsubscribing is easy to access and use.
- 5.3 A wagering service provider or a person acting on behalf of a wagering service provider must not send direct marketing to a person at any time after five business days from the day it has received notification from that person that he or she has unsubscribed.
- 5.4 A wagering service provider must not provide any credit, voucher or reward or other benefit to encourage a person to consent or to continue to consent to receive direct marketing.

6. Account deposit limits

- 6.1 A wagering service provider must not open a betting account for a person or provide wagering services to an account holder unless the person or account holder has set a deposit limit.
- 6.2 Notwithstanding clause 6.1, a wagering service provider may open a betting account for a person and provide wagering services to an account holder where the person or account holder has expressly indicated that he or she does not wish to set a deposit limit (opt-out).
- 6.3 Notwithstanding clause 6.1, a wagering service provider may continue to provide wagering services to an account holder who had opened a betting account before the effective date of clause 6 for up to twelve months after the effective date of clause 6.
- 6.4 The process for setting a deposit limit must:
 - (a) be clearly explained and prominently displayed on:
 - (i) the wagering service provider's website
 - (ii) where an account holder is able to place a bet using an Internet application, website or datacasting service, either on the account holder's 'My account' window or its equivalent, or via a single link from the account holder's 'My account' window or its equivalent
 - (b) be simple and easy for the account holder to use to set and change a deposit limit
 - (c) allow the account holder to choose the period during which the deposit limit applies (for example, a week, fortnight, calendar month or calendar year or a combination of these)
 - (d) allow the account holder to set a deposit limit by email, telephone and, where the person is able to place a bet by using an Internet application, website or datacasting service, using that Internet application, website or datacasting service
 - (e) require a person or account holder who wants to opt-out of setting a deposit limit pursuant to clause 6.2 to do so only after being given by the required method approved information about the benefits of setting a deposit limit.
- 6.5 A wagering service provider must not allow a person to deposit money into a betting account where a deposit limit set by the account holder has been reached or would be exceeded if the money were deposited.

6.6 A wagering service provider must ensure that a request to lower a deposit limit set by an account holder is applied to the account holder's betting account immediately after the request is received by the wagering service provider.

6.7 A wagering service provider must ensure that a request to increase a deposit limit set by an account holder is not applied to the account holder's betting account until seven days after the day the request is received by the wagering service provider.

6.8 A wagering service provider must, within the required time and using the required method, ensure that an account holder with an active betting account is asked:

(a) where the account holder has set a deposit limit, if he or she wishes to change his or her deposit limit

(b) where the account holder has not set a deposit limit, if he or she wishes to set a deposit limit.

6.9 For the purpose of this clause, except clause 6.4(e):

(a) the **required time** is on or before the day that is 12 months after the day the account holder placed his or her first bet using the betting account and on or before that date each subsequent year, except where the account holder's betting account is not an active betting account on that date

(b) the **required method** is the method the account holder usually uses to place a bet (for example, using an Internet application, website, datacasting service, email or telephone).

6.10 For the purpose of clause 6.4(e), the **required method** is:

(a) where the person can open an account or make a bet using an Internet application, website or datacasting service by navigating to an application screen, web page or datacasting page that contains the approved information and after viewing the approved information the person or account holder can provide his or her express indication that he or she wishes to opt-out of setting a deposit limit

(b) where the person can open an account or make a bet using the telephone, by the approved information being provided verbally to the person or account holder and after being provided with the approved information the person or account holder is expressly asked if he or she still wishes to opt-out of setting a deposit limit.

7. Activity statements

7.1 A wagering service provider must, within the required time and by the required method, provide to an account holder who has an active betting account an approved activity statement.

7.2 An approved activity statement must include details of the account holder's betting activity for the 12 months immediately preceding the date the approved activity statement was issued including:

(a) each bet made and the result of that bet

(b) account balance as at the day the statement was issued

(c) money deposited into and withdrawn from the betting account

(d) the net win/loss outcome.

- 7.3 A wagering service provider must not require or accept a fee from an account holder for providing an approved activity statement provided in accordance with under clause 7.1.
- 7.4 Notwithstanding clause 7.3, a wagering service provider may require an account holder to pay the cost of sending a statement by ordinary post where the account holder has requested the wagering service provider to provide a statement by ordinary post.
- 7.5 For the purpose of this clause:
- (a) where the statement will be the account holder's first statement since he or she opened a betting account with the wagering service provider, the **required time** is no later than seven days after the day that is 12 months after the account holder placed his or her first bet using the betting account
 - (b) after a statement has been issued pursuant to clause 7.5(a), the **required time** is no later than seven days after the day that is 12 months after the day that the previous statement was issued
 - (c) where a statement is requested by an account holder, the **required time** is no later than seven days after that request is received by the wagering service provider
 - (d) the **required method** is the method the account holder usually uses to place a bet (for example, using an Internet application, website, datacasting service or email or, where bets are placed by telephone, email) or ordinary post where requested by the account holder.

8. Betting account history

- 8.1 A wagering service provider must when requested to do so by a person (including a person whose betting account has been closed) provide to that person within the required time and by the required method that person's betting account history.
- 8.2 Notwithstanding clause 8.1, a wagering service provider is only required to provide a person's betting history for the seven years immediately preceding the day on which the person requests his or her betting history or from the day on which the person's betting account was opened with that wagering service provider, whichever is the later date.
- 8.3 A wagering service provider must not require or accept a fee from a person for providing that person's betting account history.
- 8.4 Notwithstanding clause 8.3, a wagering service provider may require a person to pay the cost of sending their betting account history by ordinary post where the person requesting his or her history has requested that it be provided by ordinary post.
- 8.5 For the purpose of this clause:
- (a) **betting account history** includes:
 - (i) each bet made and the outcome of that bet
 - (ii) the account balance
 - (iii) total money deposited into and withdrawn from the betting account
 - (iv) total net win/loss.
 - (b) **required time** is:

- (i) for an account holder (not including a person whose betting account has been closed) who can make a bet using an Internet application, website or datacasting service, in relation to betting account history within the previous 12 months of the date of the request, immediately when that application, website or service can be used to make a bet
- (ii) in any other case, within 14 days after the day the person requests his or her betting account history.

(c) required method is:

- (i) for an account holder who can make a bet using an Internet application, website or datacasting service (not including a person whose betting account has been closed) by making the betting account history available on that Internet application, website or datacasting service
- (ii) for an account holder who cannot make a bet using an Internet application, website or datacasting service (not including a person whose betting account has been closed), by email or ordinary post
- (iii) for a person whose betting account has been closed, by email or ordinary post.

9. Approved gambling messages

9.1 A wagering service provider must display or cause to be displayed an approved gambling message:

- (a) where the account holder is able to place a bet using an Internet application, website or datacasting service, on an account holder's betting account 'My account' window or its equivalent
- (b) on its Internet application, website and datacasting service
- (c) on all direct marketing material
- (d) on all print and broadcast advertising.

10. Account closure

10.1 A wagering service provider must not provide wagering services to an account holder unless the process available to the account holder for closing his or her betting account with the wagering service provider:

- (a) is clearly explained and prominently displayed on:
 - (i) the wagering service provider's website
 - (ii) where an account holder is able to place a bet using an Internet application, website or datacasting service, either on the account holder's 'My account' window or its equivalent or via a single link from the account holder's 'My account' window or its equivalent
- (b) is simple and easy for the account holder to use
- (c) allows the account holder to make a request to close his or her betting account by telephone, email and, where the account holder is able to place a bet by using an Internet application, website or datacasting service, using that application, website or service

(d) results in the closure of the account holder's betting account as soon as practicable after the request is received by the wagering service provider and after all bets made using that betting account have settled.

- 10.2 A wagering service provider or a person acting on behalf of a wagering service provider must not encourage or offer any credit, voucher or reward or other benefit to induce an account holder to keep a betting account open after an account holder has made a request to close his or her betting account (a wagering service provider may however explain the consequences of closing a betting account and ask the account holder if he or she wishes to proceed).
- 10.3 A wagering service provider or a person acting on behalf of a wagering service provider must not provide any direct marketing to a person at any time after five business days from the day it has received a request from that person to close his or her betting account.

11. Staff training

11.1 A wagering service provider must ensure that all its employees, contractors and agents involved in the provision of interactive wagering and services and any person who has the capacity to control or influence the provision of interactive wagering and betting services have within the required time completed approved responsible service of **interactive wagering and betting** training and approved responsible service of **interactive wagering and betting** refresher training.

11.2 For the purposes of clause 11.1 the **required time**:

- (a) for approved responsible service of **interactive wagering and betting** training is:
- (i) for an existing employee, contractor or agent, or person having the capacity to control or influence the provision of interactive wagering and betting services, as at the effective date specified in clause 3, six months after that day
 - (ii) for an employee, contractor, agent, or other person, who has the capacity to control or influence the provision of interactive wagering and betting services engaged after the effective date specified in clause 3, 30 days after the day that employee, contractor, agent or person commenced his or her employment, contract, agency or arrangement with the wagering service provider but before interacting with an account holder or prospective account holder about the provision of interactive wagering and betting services
- (b) for approved responsible service of **interactive wagering and betting** refresher training is 12 months from the day the person completed the approved responsible service of gambling training and every subsequent 12 months thereafter.

Dated: 20/5/19


Hon Marlene Kairouz MP

Minister for Consumer Affairs Gaming and Liquor Regulation