

RG301*

Gaming and Wagering Commission Act 1987

Gaming and Wagering Commission Amendment Regulations (No. 2) 2009

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Gaming and Wagering Commission Amendment Regulations (No. 2) 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Racing and Wagering Legislation Amendment Act 2009* section 21 comes into operation.

3. Regulations amended

These regulations amend the *Gaming and Wagering Commission Regulations 1988*.

4. Regulations 43 and 44 inserted

After regulation 42 insert:

43. Certain advertising prohibited

(1) In this regulation —

gambling operator means —

- (a) a person referred to in section 43A(3)(a) to (da) of the Act; or
- (b) a person or class of person prescribed under section 43A(3)(d) of the Act;

publish means to bring to the notice of the public or a section of the public by means of newspaper,

television, radio, the internet or any other form of communication.

- (2) A person must not publish, or cause to be published, an advertisement in this State that conveys, or is likely to be understood as conveying, the existence in this State or elsewhere of a gambling operator if the advertisement —
- (a) procures, incites or encourages a person to commit an offence; or
 - (b) shows a child gambling or at a place where gambling is, or is depicted as, occurring; or
 - (c) is false, misleading or deceptive; or
 - (d) suggests that every bet placed with, or placed or accepted through, the operator will be successful; or
 - (e) offers a benefit, consideration or reward in return for the person —
 - (i) participating in gambling; or
 - (ii) continuing to gamble; or
 - (iii) opening a betting account with the operator;
- or
- (f) contains an express or implied inducement for a person to contact the gambling operator; or
 - (g) offers a person free or discounted liquor, as defined in the *Liquor Control Act 1988* section 3(1), if the person participates in gambling; or
 - (h) is not in accordance with the following codes of practice —
 - (i) the Australian Press Council's *Statement of Principles* (in the case of a press media advertisement);
 - (ii) the *Commercial Radio Code of Practice* (in the case of a commercial radio advertisement);
 - (iii) the *Community Radio Broadcasting Code of Practice* (in the case of a community radio advertisement);
 - (iv) the *Commercial Television Industry Code of Practice* (in the case of a commercial television advertisement);
 - (v) the *Community Television Code of Practice* (in the case of a community television advertisement).

Penalty: a fine of \$1 000.

- (3) Subregulation (2)(e)(i) and (ii) do not apply to a trade promotion lottery conducted by a gambling operator.
- (4) A gambling operator who publishes, or causes to be published, an advertisement that conveys, or is likely to be understood as conveying, the existence in this State or elsewhere of the gambling operator must include in the advertisement —
 - (a) the telephone number of the national problem gambling helpline; and
 - (b) details of the national problem on-line counselling website.

Penalty: a fine of \$1 000.

44. Prescribed interval (section 110B(4)(b))

For the purposes of section 110B(4)(b) of the Act, the prescribed interval is one month.

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.
