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## **RACING, GAMING AND LIQUOR**

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RA301

Gaming and Wagering Commission Act 1987

### **Gaming and Wagering Commission Amendment Regulations 2019**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Gaming and Wagering Commission Amendment Regulations 2019*.

## 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 1 March 2019.

## 3. Regulations amended

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

## 4. Regulation 43 amended

- (1) In regulation 43(1) insert in alphabetical order:

***customer loyalty scheme***, in relation to a gambling operator, means a scheme conducted by the gambling operator under which a person may —

- (a) earn bonus, loyalty or reward points by purchasing food, accommodation or other non-gambling goods and services provided by the gambling operator (whether or not points may also be earned for gambling); and
- (b) redeem bonus, loyalty or reward points for food, accommodation or other non-gambling goods and services provided by the gambling operator (whether or not points may also be redeemed by participating in gambling);

***gambling advertisement*** means an advertisement that —

- (a) conveys, or is likely to be understood as conveying, the existence in this State or elsewhere of a gambling operator; and
- (b) gives publicity to, or otherwise promotes or is intended to promote, participation in gambling;

- (2) In regulation 43(2):

- (a) delete “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 —” and insert:

in this State a gambling advertisement that —

- (b) in paragraph (d) delete “the operator” and insert:

a gambling operator

- (c) in paragraph (e):
    - (i) delete “the person —” and insert:

a person —
    - (ii) in subparagraph (iii) delete “the operator;” and insert:

a gambling operator; or
    - (iii) after subparagraph (iii) insert:
      - (iv) referring another person to open a betting account with a gambling operator;
  - (d) in paragraph (f) after “contact” insert:

a gambling operator other than in relation to food, accommodation or other non-gambling goods and services provided by
  - (e) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:
- (3) Delete regulation 43(3) and (4) and insert:
- (2A) Subregulation (2)(a) to (g) does not apply to a person who publishes, or causes to be published, a gambling advertisement if the person —
    - (a) is not the gambling operator to which the advertisement relates; and
    - (b) has written approval to publish the advertisement from the gambling operator to which the advertisement relates.
  - (3) Subregulation (2)(e)(i) and (ii) does not apply to, or in relation to, a benefit, consideration or reward that —
    - (a) relates to a trade promotion lottery conducted by a gambling operator; or
    - (b) is in the form of a dividend paid by a gambling operator.

- (3A) Subregulation (2)(e)(i) and (ii) and (f) does not apply to, or in relation to, a gambling advertisement that —
- (a) is published by the gambling operator to which the advertisement relates; and
  - (b) is published only by sending it to persons who —
    - (i) are members of a customer loyalty scheme conducted by the gambling operator; and
    - (ii) have consented to the gambling operator sending gambling advertisements to them;
- and
- (c) includes instructions on how a person can withdraw their consent to, or otherwise stop, the gambling operator sending gambling advertisements to them.
- (4) A gambling operator who publishes, or causes to be published, a gambling advertisement in this State must ensure that —
- (a) if it is published in printed form — it prominently displays the telephone number of the national problem gambling helpline and details of the national problem on-line counselling website; or
  - (b) if it is published in audio or audio-visual form, it clearly and audibly includes —
    - (i) the telephone number of the national problem gambling helpline or details of the national problem on-line counselling website; and
    - (ii) the words “gamble responsibly” or a similar responsible gambling message.

Penalty for this subregulation: a fine of \$1 000.

- (5) A person must not offer or provide, or cause to be offered or provided, to another person (the **second person**) a benefit, consideration or reward in return for the second person —
- (a) participating in gambling; or
  - (b) continuing to gamble; or
  - (c) opening a betting account with a gambling operator; or
  - (d) referring another person to open a betting account with a gambling operator.

Penalty for this subregulation: a fine of \$1 000.

- (6) Subregulation (5)(a) and (b) does not apply to a benefit, consideration or reward that —
- (a) relates to a trade promotion lottery conducted by a gambling operator; or
  - (b) relates to a customer loyalty scheme conducted by a gambling operator; or
  - (c) is in the form of a dividend paid by a gambling operator.

Note: The heading to amended regulation 43 is to read:

**Certain advertisements and inducements prohibited**

N. HAGLEY, Clerk of the Executive Council.

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