

RA302

Gaming and Wagering Commission Act 1987

Gaming and Wagering Commission Amendment Regulations (No. 3) 2019

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Gaming and Wagering Commission Amendment Regulations (No. 3) 2019*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) Part 2 — on 1 June 2019;
- (c) Part 3 — on the day after gazettal day.

**Part 2 — *Gaming and Wagering Commission
Regulations 1988* amended**

3. Regulations amended

This Part amends the *Gaming and Wagering Commission Regulations 1988*.

4. Regulation 43 amended

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

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) delete “the person —” and insert:

a person —

- (d) in paragraph (e)(iii) delete “the operator;” and insert:

a gambling operator; or

- (e) after paragraph (e)(iii) insert:

- (iv) referring another person to open a betting account with a gambling operator;

(f) in paragraph (f) after “contact” insert:

a gambling operator other than in relation to food, accommodation or other non-gambling goods or services provided by

(3) In regulation 43(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

(4) Delete regulation 43(3) and (4) and insert:

(3) 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.

(4) Subregulation (2)(e)(i) and (ii) does not apply to a benefit, consideration or reward if —

- (a) it relates to a trade promotion lottery conducted by a gambling operator; or
- (b) it is in the form of a dividend paid by a gambling operator.

(5) Subregulation (2)(e)(i) and (ii) and (f) does not apply to a gambling advertisement if —

- (a) it is published by the gambling operator to which the advertisement relates; and
- (b) it is published only by sending it to persons who —
 - (i) are existing customers of the gambling operator; and
 - (ii) have consented to the gambling operator sending gambling advertisements to them;

and

- (c) it includes instructions on how a person can withdraw their consent to, or otherwise stop, the gambling operator sending gambling advertisements to them.

- (6) 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 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;
 - or
 - (b) in any other case, it prominently displays the telephone number of the national problem gambling helpline and details of the national problem on-line counselling website.

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

- (7) 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.

- (8) Subregulation (7)(a) and (b) does not apply to a benefit, consideration or reward if —
- (a) it relates to a trade promotion lottery conducted by a gambling operator; or
 - (b) it is in the form of a dividend paid by a gambling operator; or
 - (c) it is offered or provided to a person who is an existing customer of a gambling operator in return for participating in gambling, or continuing to gamble, with the gambling operator.

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

Certain advertisements and inducements prohibited

**Part 3 — *Gaming and Wagering Commission
Amendment Regulations 2019* repealed**

**5. *Gaming and Wagering Commission Amendment
Regulations 2019* repealed**

The *Gaming and Wagering Commission Amendment
Regulations 2019* are repealed.

M. INGLIS, Clerk of the Executive Council.