Western Australia

Betting Control Act 1954
Gaming and Wagering Commission Act 1987

Gambling Regulations Amendment Regulations (No. 2) 2025

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Western Australia

Gambling Regulations Amendment Regulations (No. 2) 2025

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Betting Control Act 1954
Gaming and Wagering Commission Act 1987

Gambling Regulations Amendment Regulations (No. 2) 2025

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Gambling Regulations Amendment Regulations (No. 2) 2025*.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 — on the day on which these regulations are published on the WA legislation website;

(b) the rest of the regulations — on the day after that day.

Published 05 Feb 2025 on www.legislation.wa.gov.au

Part 2 — *Betting Control Regulations 1978* amended

3. Regulations amended

This Part amends the *Betting Control Regulations 1978*.

4. Part 3A inserted

After regulation 77 insert:

Part 3A — Consumer protection

Division 1 — Preliminary

77A. Purpose of Part

The purpose of this Part is to give effect to the National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement.

77B. Application of Part

This Part applies to a bookmaker (a ***provider***) who provides interactive wagering services, in relation to their provision of those services.

77C. Terms used

In this Part —

account holder, in relation to a provider, means a person who holds a betting account with the provider;

betting account means an account established with a provider for the purposes of betting;

deposit limit, in relation to a betting account, means the maximum amount of money the account holder may deposit into the account in a particular period;

interactive wagering service means a service that enables a person to place a bet using —

(a) a telephone; or

(b) an Internet application; or

(c) a website; or

(d) a datacasting service; or

(e) a broadcasting service;

National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement means the document of that name dated 26 November 2018;

Note for this definition:

A copy of the National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement is available on the Parliament of Western Australia's website under Tabled Papers for the Legislative Council.

provider has the meaning given in regulation 77B;

transaction, in relation to a betting account, means —

(a) a deposit into the betting account; or

(b) a withdrawal from the betting account; or

(c) a bet placed using the betting account.

77D. Liability of provider

(1) In this regulation —

responsible person, of a provider, means —

(a) a person who is a director, partner, employee or contractor of the provider; or

(b) a person, other than a person referred to in paragraph (a), who is engaged in providing the provider's interactive wagering services, including being involved in decisions affecting the provision of those services.

(2) If a responsible person of a provider does an act or makes an omission that would constitute an offence under this Part if the act or omission were done or made by the provider, the provider is taken to have committed the offence and is liable to the penalty prescribed for the offence.

Division 2 — Inducements and direct marketing

77E. Inducements prohibited in relation to establishing betting accounts

The provider must not offer any credit, voucher, reward or other benefit as an inducement for a person —

(a) to establish a betting account with the provider; or

(b) to refer another person to establish a betting account with the provider.

Penalty: for an individual or a body corporate, a fine of $1 000.

77F. Complimentary betting credits and tokens

The provider must not offer or give a complimentary betting credit or token (including a thing commonly known as a bonus bet or matched bet) to an account holder unless —

(a) the holder can withdraw from their betting account winnings from a bet placed with the credit or token; and

(b) the withdrawal is not subject to a requirement that the holder continue to bet with the winnings.

Penalty: for an individual or a body corporate, a fine of $1 000.

77G. Direct marketing

(1) The provider must not send promotional or advertising material directly to an account holder unless —

(a) the holder has given the provider express consent to receive promotional or advertising material directly and has not withdrawn their consent; and

(b) if the promotional or advertising material is sent by email — the holder can withdraw their consent or opt out of receiving promotional or advertising material directly by clicking on a single link that is prominently displayed in the email; and

(c) if the promotional or advertising material is sent other than by email — the provider gives the holder a means by which the holder can easily withdraw their consent or opt out of receiving promotional or advertising material directly.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(2) For the purposes of subregulation (1)(a), an account holder is taken to have withdrawn their consent —

(a) if the holder requests the provider to close their betting account — 24 hours after the request was made; or

(b) if the holder does not access their betting account for a period of 12 months — at the end of that period.

(3) The provider must not offer any credit, voucher, reward or other benefit as an inducement for an account holder to —

(a) consent to receive promotional or advertising material directly; or

(b) not withdraw their consent to receive promotional or advertising material directly or opt out of receiving promotional or advertising material directly.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(4) The provider must not require a person to consent to receive promotional or advertising material directly in order to —

(a) establish a betting account with the provider; or

(b) if the person is an account holder —

(i) access their betting account; or

(ii) use their betting account; or

(iii) use a function associated with their betting account.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(5) In this regulation —

(a) a reference to the provider sending promotional or advertising material directly to an account holder includes a reference to the provider, by using the holder's social media platform account name in a post or comment on the platform (commonly known as tagging or mentioning), causing a notification to be sent to the holder that directs the holder to promotional or advertising material; and

(b) a reference to an account holder receiving promotional or advertising material directly includes a reference to the holder receiving a notification referred to in paragraph (a).

Division 3 — Closing betting accounts

77H. Process for closing betting accounts

(1) The provider must ensure that the process for closing a betting account is simple and easy for a reasonable person to use.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(2) The provider must ensure that the process for closing a betting account allows the holder to close the betting account by —

(a) telephone; or

(b) email; or

(c) any other means by which the holder may use the betting account to place a bet.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(3) The provider must prominently display the process for closing a betting account —

(a) if the provider maintains a website — on the website; and

(b) if an account holder is able to access their betting account using the Internet — at the location on the Internet at which the holder accesses the betting account.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(4) Subregulation (5) applies if —

(a) the provider does not maintain a website; and

(b) an account holder's betting account only allows the holder to use the betting account to place a bet using a telephone.

(5) If the account holder so requests by telephone, the provider must, by telephone, give the holder details of the process for closing the betting account.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

77I. Betting account closure

If an account holder requests that the provider close their betting account, the provider must —

(a) immediately cease to accept new bets from the holder; and

(b) close the betting account as soon as practicable after any existing bet is settled.

Penalty: for an individual or a body corporate, a fine of $1 000.

77J. Inducements and encouragement prohibited in relation to closing betting accounts

(1) If an account holder asks the provider to close their betting account, the provider must not —

(a) offer any credit, voucher, reward or other benefit as an inducement for the holder to not close their betting account; or

(b) encourage the holder to not close their betting account.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(2) The provider does not contravene subregulation (1) if the provider merely —

(a) explains to the account holder the consequences of closing the betting account; and

(b) asks if the holder wishes to proceed with closing the betting account.

Division 4 — Deposit limits

77K. Deposit limits

(1) Before the provider establishes a betting account for a person, the provider must —

(a) require the person to set a deposit limit for the betting account or indicate they do not wish to set a deposit limit for the betting account; and

(b) if the person indicates they do not wish to set a deposit limit for the betting account —

(i) give the person information about the benefits of setting a deposit limit for a betting account; and

(ii) ask the person if they wish to proceed with not setting a deposit limit for the betting account.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(2) If a person sets a deposit limit for a betting account established for the person, the provider must make the betting account subject to the deposit limit.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(3) The provider must not allow an account holder to deposit money into their betting account if the betting account is subject to a deposit limit and —

(a) the deposit limit has been reached; or

(b) the deposit limit would be exceeded if the money were deposited.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

77L. Review of deposit limits

(1) In this regulation —

relevant time, for asking an account holder, means at the time the holder places their first bet with the provider after each anniversary of the day on which the holder placed their first bet with the provider using their betting account;

relevant way, for asking an account holder, means —

(a) if the holder is placing their bet using a telephone — by telephone; or

(b) if the holder is placing their bet using another means — in writing using that other means.

(2) The provider must, at the relevant time and in the relevant way, ask an account holder whether the holder wishes to set a deposit limit or change the deposit limit (as the case may be) for the holder's betting account.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(3) Subregulation (2) does not apply if the account holder has not used their betting account to place a bet within the previous 12 months.

77M. Process for account holder to set or change deposit limit

(1) The provider must ensure that the process for an account holder to set or change the deposit limit to which their betting account is subject is simple and easy for a reasonable person to use.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(2) The provider must ensure that the process for an account holder to set or change the deposit limit to which their betting account is subject —

(a) allows the holder to choose the duration for which the deposit limit applies from at least 2 options offered by the provider, including, for example, the following —

(i) 1 day;

(ii) 1 week;

(iii) 1 fortnight;

(iv) 1 month;

and

(b) does not allow the holder to choose a duration for which the deposit limit applies of more than 1 month; and

(c) allows the holder to set or change the deposit limit themselves by any means by which the holder may use the betting account to place a bet; and

(d) allows the holder to request, in person or by telephone or email, that the provider set or change the deposit limit.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(3) The provider must prominently display the process for an account holder to set or change the deposit limit to which their betting account is subject —

(a) if the provider maintains a website — on the website; and

(b) if an account holder is able to access their betting account using the Internet — at the location on the Internet at which the holder accesses the betting account.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

77N. Provider must give effect to changed deposit limit

(1) If an account holder requests that the provider decrease the deposit limit to which their betting account is subject, the provider must give immediate effect to the request.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(2) If an account holder requests that the provider increase the deposit limit to which their betting account is subject, the provider must give effect to the request, but no earlier than 7 days after the request is made.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

77O. Provider must promote availability of deposit limits

The provider must promote the availability of deposit limits for betting accounts —

(a) on any brochure, pamphlet or other marketing material (other than an advertisement) that gives information about how to establish a betting account with the provider; and

(b) as part of any "welcome pack" (however described) given to an account holder upon the establishment of the holder's betting account; and

(c) if the provider maintains a website — on the website's home page and any point-of-sale page; and

(d) on any activity statement or transaction history for a betting account that the provider gives, or makes available to, the account holder under Division 5 or 6.

Penalty: for an individual or a body corporate, a fine of $1 000.

Division 5 — Activity statements

77P. Term used: activity statement

In this Division —

activity statement, for a betting account, for a month, means a document about the betting account that —

(a) sets out the following for the month —

(i) the amount spent;

(ii) the number of bets placed;

(iii) the wins and losses;

(iv) the overall net win/loss;

(v) the opening balance and closing balance;

(vi) the deposits and withdrawals;

and

(b) includes a column graph that illustrates —

(i) the total amount spent in the period of 6 months that is made up of the month

and the preceding 5 months (the ***6-month period***); and

(ii) the overall net win/loss for the 6-month period; and

(iii) the information referred to in subparagraphs (i) and (ii) compared to the same 6-month period in the previous year;

and

(c) if the activity statement is given by email — includes a link to a list of transactions for the betting account for the month; and

(d) only uses red text or red shading to show losses; and

(e) only uses black text to show wins; and

(f) does not use any shading to show wins; and

(g) includes information, or if the activity statement is given by email, a link to information, about support services for gambling; and

(h) includes a message that promotes consumer protection tools; and

(i) does not include any promotional or advertising material.

Examples for this definition:

For the purposes of paragraph (h), examples of consumer protection tools are —

(a) a self-exclusion register;

(b) a deposit limit on a betting account.

77Q. Provider must give activity statements

(1) The provider must give an account holder who is active in a month an activity statement for their betting account for the month —

(a) if the holder accesses their betting account using the Internet — by email within 7 days after the month ends; or

(b) otherwise — by email or post within 7 days after the month ends.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(2) The provider must not give an account holder an activity statement for their betting account for a month if the holder is not active in that month.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(3) For the purposes of subregulations (1) and (2), an account holder is active in a month if the holder has made at least 1 transaction in their betting account during the month.

77R. Provider must make available and give copies of activity statements

(1) If an account holder accesses their betting account using the Internet, the provider must make all activity statements for the betting account easily available to be viewed at any time through the betting account.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(2) For the purposes of subregulation (1), an activity statement is not easily available to be viewed if the account holder must enter a password to view the

statement once the holder has accessed the betting account.

(3) If an account holder requests a copy of an activity statement for their betting account, the provider must give the holder the copy —

(a) by email within 2 days after the request; or

(b) by post within 7 days after the request.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(4) If the provider gives the copy of the activity statement to the account holder by post, the provider may charge the holder the costs associated with the postage.

77S. Form of activity statements

The provider must ensure that an activity statement is written in a way that is simple and easy for a reasonable person to understand.

Penalty: for an individual or a body corporate, a fine of $1 000.

Division 6 — Transaction histories

77T. Provider must make transaction histories available to account holders who use Internet

(1) In this regulation —

relevant period means —

(a) if a period is specified by the account holder — that period; or

(b) otherwise — the period beginning on the day on which the betting account was established and ending at the time at which the transaction history is being viewed.

(2) If an account holder accesses their betting account using the Internet, the provider must make a list of transactions (a ***transaction history***) for the betting account for the relevant period easily available to be viewed at any time through the betting account.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(3) For the purposes of subregulation (2), a transaction history is not easily available to be viewed if the account holder must enter a password to view the history once the holder has accessed the betting account.

(4) Nothing in this regulation requires the provider to provide a transaction history for a period that begins more than 7 years before the time at which the transaction history is being viewed.

77U. Provider must give transaction histories on request to relevant persons

(1) In this regulation —

relevant period, for a betting account, means —

(a) if a period is specified by the relevant person — that period; or

(b) otherwise — the period beginning on the day on which the betting account was established and ending on the day of the request;

relevant person means —

(a) an account holder who accesses their betting account other than by using the Internet; or

(b) a person who was formerly an account holder, but whose betting account has been closed.

(2) If a relevant person so requests, the provider must give the person a list of transactions (a ***transaction history***) for their betting account for the relevant period by email or post within 14 days after the request.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(3) Nothing in this regulation requires the provider to provide a transaction history for a period that begins more than 7 years before the request.

Division 7 — Consistent gambling messaging

77V. Commission may set out and require use of consistent gambling messaging

(1) In this regulation —

consistent gambling messaging means statements about the risks of, and potential harm from, gambling.

(2) The Commission may, by notice published in the *Gazette* or on the Department's website —

(a) set out consistent gambling messaging; and

(b) specify the circumstances in which providers are required to use consistent gambling messaging.

(3) In acting under subregulation (2), the Commission must have regard to —

(a) Part 8 of the National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement; and

(b) consistent gambling messaging that other States and Territories have adopted in giving effect to that Part.

77W. Provider must comply with notice published under r. 77V

The provider must comply with any requirement that applies to the provider under a notice published by the Commission under regulation 77V(2).

Penalty: for an individual or a body corporate, a fine of $1 000.

Division 8 — Staff training

77X. Term used: relevant individual

In this Division —

relevant individual, of a provider, means —

(a) an individual who is a director, partner or employee of the provider; or

(b) an individual, other than an individual referred to in paragraph (a), who —

(i) is engaged in providing the provider's interactive wagering services; or

(ii) has the capacity to influence the provision of those services.

77Y. Provider must ensure relevant individuals receive training

(1) In this regulation —

responsible gambling training means training approved by the Commission under subregulation (4).

(2) The provider must ensure that each relevant individual of the provider receives responsible gambling training that comprises —

(a) initial training within 1 month after the individual becomes a relevant individual of the provider; and

(b) refresher training within 12 months after —

(i) the initial training; or

(ii) for an individual who has received refresher training — the previous refresher training.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(3) The provider must ensure that a relevant individual of the provider does not interact with an account holder unless the individual has received initial training under subregulation (2)(a).

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(4) The Commission may, by notice published in the *Gazette* or on the Department's website, approve training about responsible gambling for the purposes of this regulation.

77Z. Provider must make and keep records of training

(1) The provider must make a record in relation to each relevant individual of the provider that —

(a) specifies —

(i) the date the individual became a relevant individual of the provider; and

(ii) the training the individual has completed under regulation 77Y; and

(iii) the date the training was completed;

and

(b) is written; and

(c) is accurate; and

(d) as far as practicable, is up to date; and

(e) is kept in a form that can be reasonably inspected and copied by an authorised officer.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

(2) The provider must keep a record made under subregulation (1) for at least 7 years after the training to which the record relates was completed.

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

77ZA. Provider must produce records to authorised officers

(1) An authorised officer may require the provider to produce a record made under regulation 77Z(1) to the officer for inspection and copying.

(2) The provider must comply with a requirement made of the provider under subregulation (1).

Penalty for this subregulation: for an individual or a body corporate, a fine of $1 000.

Division 9 — Consumer protection plan

77ZB. Provider must have consumer protection plan

The provider must develop and maintain a plan, to be called a consumer protection plan, that includes —

(a) a statement of the provider's commitment to following the National Consumer Protection

Framework for Online Wagering in Australia — National Policy Statement; and

(b) a statement of the provider's commitment to complying with this Part; and

(c) a description of the measures and systems the provider has established to enable the provider to follow the National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement and comply with this Part.

Penalty: for an individual or a body corporate, a fine of $1 000.

Part 3 — *Gaming and Wagering Commission Regulations 1988* amended

5. Regulations amended

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

6. Part 4A inserted

After regulation 40A insert:

Part 4A — Consumer protection

Division 1 — Preliminary

40B. Purpose of Part

The purpose of this Part is to give effect to the National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement.

40C. Application of Part

This Part applies to RWWA in relation to RWWA providing interactive wagering services in carrying out its functions under the RWWA Act Part 5.

40D. Terms used

In this Part —

account means a wagering account established with RWWA under the RWWA Act section 64(1);

account holder, in relation to RWWA, means a person who holds an account with RWWA;

deposit limit, in relation to an account, means the maximum amount of money the account holder may deposit into the account in a particular period;

interactive wagering service means a wagering service that enables a person to wager using —

(a) a telephone; or

(b) an Internet application; or

(c) a website; or

(d) a datacasting service; or

(e) a broadcasting service;

National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement means the document of that name dated 26 November 2018;

Note for this definition:

A copy of the National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement is available on the Parliament of Western Australia's website under Tabled Papers for the Legislative Council.

RWWA key employee has the meaning given in the RWWA Act section 24(2);

transaction, in relation to an account, means —

(a) a deposit into the account; or

(b) a withdrawal from the account; or

(c) a wager made using the account.

40E. Liability of RWWA

(1) In this regulation —

responsible person, of RWWA, means —

(a) a person who is the CEO, a director, a RWWA key employee or other staff member, or contractor of RWWA; or

(b) a person, other than a person referred to in paragraph (a), who is engaged in providing RWWA's interactive wagering services, including being involved in decisions affecting the provision of those services.

(2) If a responsible person of RWWA does an act or makes an omission that would constitute an offence under this Part if the act or omission were done or made by RWWA, RWWA is taken to have committed the offence and is liable to the penalty prescribed for the offence.

Division 2 — Inducements and direct marketing

40F. Inducements prohibited in relation to establishing accounts

RWWA must not offer any credit, voucher, reward or other benefit as an inducement for a person —

(a) to establish an account with RWWA; or

(b) to refer another person to establish an account with RWWA.

Penalty: a fine of $1 000.

40G. Complimentary betting credits and tokens

RWWA must not offer or give a complimentary betting credit or token (including a thing commonly known as a bonus bet or matched bet) to an account holder unless —

(a) the holder can withdraw from their account winnings from a wager placed with the credit or token; and

(b) the withdrawal is not subject to a requirement that the holder continue to wager with the winnings.

Penalty: a fine of $1 000.

40H. Direct marketing

(1) RWWA must not send promotional or advertising material directly to an account holder unless —

(a) the holder has given RWWA express consent to receive promotional or advertising material directly and has not withdrawn their consent; and

(b) if the promotional or advertising material is sent by email — the holder can withdraw their consent or opt out of receiving promotional or advertising material directly by clicking on a single link that is prominently displayed in the email; and

(c) if the promotional or advertising material is sent other than by email — RWWA gives the holder a means by which the holder can easily withdraw their consent or opt out of receiving promotional or advertising material directly.

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

(2) For the purposes of subregulation (1)(a), an account holder is taken to have withdrawn their consent —

(a) if the holder requests RWWA to close their account — 24 hours after the request was made; or

(b) if the holder does not access their account for a period of 12 months — at the end of that period.

(3) RWWA must not offer any credit, voucher, reward or other benefit as an inducement for an account holder to —

(a) consent to receive promotional or advertising material directly; or

(b) not withdraw their consent to receive promotional or advertising material directly or opt out of receiving promotional or advertising material directly.

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

(4) RWWA must not require a person to consent to receive promotional or advertising material directly in order to —

(a) establish an account with RWWA; or

(b) if the person is an account holder —

(i) access their account; or

(ii) use their account; or

(iii) use a function associated with their account.

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

(5) In this regulation —

(a) a reference to RWWA sending promotional or advertising material directly to an account holder includes a reference to RWWA, by using the holder's social media platform account name in a post or comment on the platform (commonly known as tagging or mentioning), causing a notification to be sent to the holder that directs the holder to promotional or advertising material; and

(b) a reference to an account holder receiving promotional or advertising material directly

includes a reference to the holder receiving a notification referred to in paragraph (a).

Division 3 — Closing accounts

40I. Process for closing accounts

(1) RWWA must ensure that the process for closing an account is simple and easy for a reasonable person to use.

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

(2) RWWA must ensure that the process for closing an account allows the holder to close the account by —

(a) telephone; or

(b) email; or

(c) any other means by which the holder may use the account to wager.

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

(3) RWWA must prominently display the process for closing an account —

(a) on RWWA's website; and

(b) if an account holder is able to access their account using the Internet — at the location on the Internet at which the holder accesses the account.

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

(4) Subregulation (5) applies if an account holder's account only allows the holder to use the account to place a bet using a telephone.

(5) If the account holder so requests by telephone, RWWA must, by telephone, give the holder details of the process for closing the account.

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

40J. Account closure

If an account holder requests that RWWA close their account, RWWA must —

(a) immediately cease to accept new wagers from the holder; and

(b) close the account as soon as practicable after any existing wager is settled.

Penalty: a fine of $1 000.

40K. Inducements and encouragement prohibited in relation to closing accounts

(1) If an account holder asks RWWA to close their account, RWWA must not —

(a) offer any credit, voucher, reward or other benefit as an inducement for the holder to not close their account; or

(b) encourage the holder to not close their account.

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

(2) RWWA does not contravene subregulation (1) if RWWA merely —

(a) explains to the account holder the consequences of closing the account; and

(b) asks if the holder wishes to proceed with closing the account.

Division 4 — Deposit limits

40L. Deposit limits

(1) Before RWWA establishes an account for a person, RWWA must —

(a) require the person to set a deposit limit for the account or indicate they do not wish to set a deposit limit for the account; and

(b) if the person indicates they do not wish to set a deposit limit for the account —

(i) give the person information about the benefits of setting a deposit limit for an account; and

(ii) ask the person if they wish to proceed with not setting a deposit limit for the account.

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

(2) If a person sets a deposit limit for an account established for the person, RWWA must make the account subject to the deposit limit.

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

(3) RWWA must not allow an account holder to deposit money into their account if the account is subject to a deposit limit and —

(a) the deposit limit has been reached; or

(b) the deposit limit would be exceeded if the money were deposited.

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

40M. Review of deposit limits

(1) In this regulation —

relevant time, for asking an account holder, means at the time the holder makes their first wager with RWWA after each anniversary of the day on which the holder made their first wager with RWWA using their account;

relevant way, for asking an account holder, means —

(a) if the holder is making their wager using a telephone — by telephone; or

(b) if the holder is making their wager using another means — in writing using that means.

(2) RWWA must, at the relevant time and in the relevant way, ask an account holder whether the holder wishes to set a deposit limit or change the deposit limit (as the case may be) for the holder's account.

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

(3) Subregulation (2) does not apply if the account holder has not used their account to wager within the previous 12 months.

40N. Process for account holder to set or change deposit limit

(1) RWWA must ensure that the process for an account holder to set or change the deposit limit to which their account is subject is simple and easy for a reasonable person to use.

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

(2) RWWA must ensure that the process for an account holder to set or change the deposit limit to which their account is subject —

(a) allows the holder to choose the duration for which the deposit limit applies from at least 2 options offered by RWWA, including, for example, the following —

(i) 1 day;

(ii) 1 week;

(iii) 1 fortnight;

(iv) 1 month;

and

(b) does not allow the holder to choose the duration for which the deposit limit applies of more than 1 month; and

(c) allows the holder to set or change the deposit limit themselves by any means by which the holder may use the account to wager; and

(d) allows the holder to request, in person or by telephone or email, that RWWA set or change the deposit limit.

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

(3) RWWA must prominently display the process for an account holder to set or change the deposit limit to which their account is subject —

(a) on RWWA's website; and

(b) if an account holder is able to access their account using the Internet — at the location on the Internet at which the holder accesses the account.

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

40O. RWWA must give effect to changed deposit limit

(1) If an account holder requests that RWWA decrease the deposit limit to which their account is subject, RWWA must give immediate effect to the request.

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

(2) If an account holder requests that RWWA increase the deposit limit to which their account is subject, RWWA must give effect to the request, but no earlier than 7 days after the request is made.

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

40P. RWWA must promote availability of deposit limits

RWWA must promote the availability of deposit limits for accounts —

(a) on any brochure, pamphlet or other marketing material (other than an advertisement) that gives information about how to establish an account with RWWA; and

(b) as part of any "welcome pack" (however described) given to an account holder upon the establishment of the holder's account; and

(c) on RWWA's website's home page and any point-of-sale page; and

(d) on any activity statement or transaction history for an account that RWWA gives, or makes available to, the account holder under Division 5 or 6.

Penalty: a fine of $1 000.

Division 5 — Activity statements

40Q. Term used: activity statement

In this Division —

activity statement, for an account, for a month, means a document about the account that —

(a) sets out the following for the month —

(i) the amount spent;

(ii) the number of wagers made;

(iii) the wins and losses;

(iv) the overall net win/loss;

(v) the opening balance and closing balance;

(vi) the deposits and withdrawals;

and

(b) includes a column graph that illustrates —

(i) the total amount spent in the period of 6 months that is made up of the month and the preceding 5 months (the ***6-month period***); and

(ii) the overall net win/loss for the 6-month period; and

(iii) the information referred to in subparagraphs (i) and (ii) compared to the same 6-month period in the previous year;

and

(c) if the activity statement is given by email — includes a link to a list of transactions for the account for the month; and

(d) only uses red text or red shading to show losses; and

(e) only uses black text to show wins; and

(f) does not use any shading to show wins; and

(g) includes information, or if the activity statement is given by email, a link to information, about support services for gambling; and

(h) includes a message that promotes consumer protection tools; and

(i) does not include any promotional or advertising material.

Examples for this definition:

For the purposes of paragraph (h), examples of consumer protection tools are —

(a) a self-exclusion register;

(b) a deposit limit on an account.

40R. RWWA must give activity statements

(1) RWWA must give an account holder who is active in a month an activity statement for their account for the month —

(a) if the holder accesses their account using the Internet — by email within 7 days after the month ends; or

(b) otherwise — by email or post within 7 days after the month ends.

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

(2) RWWA must not give an account holder an activity statement for their account for a month if the holder is not active in that month.

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

(3) For the purposes of subregulations (1) and (2), an account holder is active in a month if the holder has

made at least 1 transaction in their account during the month.

40S. RWWA must make available and give copies of activity statements

(1) If an account holder accesses their account using the Internet, RWWA must make all activity statements for the account easily available to be viewed at any time through the account.

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

(2) For the purposes of subregulation (1), an activity statement is not easily available to be viewed if the account holder must enter a password to view the statement once the holder has accessed the account.

(3) If an account holder requests a copy of an activity statement for their account, RWWA must give the holder the copy —

(a) by email within 2 days after the request; or

(b) by post within 7 days after the request.

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

(4) If RWWA gives the copy of the activity statement to the account holder by post, RWWA may charge the holder the costs associated with the postage.

40T. Form of activity statements

RWWA must ensure that an activity statement is written in a way that is simple and easy for a reasonable person to understand.

Penalty: a fine of $1 000.

Division 6 — Transaction histories

40U. RWWA must make transaction histories available to account holders who use Internet

(1) In this regulation —

relevant period means —

(a) if a period is specified by the account holder — that period; or

(b) otherwise — the period beginning on the day the account was established and ending at the time at which the transaction history is being viewed.

(2) If an account holder accesses their account using the Internet, RWWA must make a list of transactions (a ***transaction history***) for the account for the relevant period easily available to be viewed at any time through the account.

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

(3) For the purposes of subregulation (2), a transaction history is not easily available to be viewed if the account holder must enter a password to view the history once the holder has accessed the account.

(4) Nothing in this regulation requires RWWA to provide a transaction history for a period that begins more than 7 years before the time at which the transaction history is being viewed.

40V. RWWA must give transaction histories on request to relevant persons

(1) In this regulation —

relevant period means —

(a) if a period is specified by the relevant person — that period; or

(b) otherwise — the period beginning on the day the account was established and ending on the day of the request;

relevant person means —

(a) an account holder who accesses their account other than by using the Internet; or

(b) a person who was formerly an account holder, but whose account has been closed.

(2) If a relevant person so requests, RWWA must give the person a list of transactions (a ***transaction history***) for their account for the relevant period by email or post within 14 days after the request.

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

(3) Nothing in this regulation requires RWWA to provide a transaction history for a period that begins more than 7 years before the request.

Division 7 — Consistent gambling messaging

40W. Commission may set out and require use of consistent gambling messaging

(1) In this regulation —

consistent gambling messaging means statements about the risks of, and potential harm from, gambling.

(2) The Commission may, by notice published in the *Gazette* or on the Department's website —

(a) set out consistent gambling messaging; and

(b) specify the circumstances in which RWWA is required to use consistent gambling messaging.

(3) In acting under subregulation (2), the Commission must have regard to —

(a) Part 8 of the National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement; and

(b) consistent gambling messaging that other States and Territories have adopted in giving effect to that Part.

40X. RWWA must comply with notice published under r. 40W

RWWA must comply with any requirement that applies to RWWA under a notice published by the Commission under regulation 40W(2).

Penalty: a fine of $1 000.

Division 8 — Staff training

40Y. Term used: relevant individual

In this Division —

relevant individual, of RWWA, means —

(a) an individual who is the CEO, a director, a RWWA key employee or other staff member of RWWA; or

(b) an individual, other than an individual referred to in paragraph (a), who —

(i) is engaged in providing RWWA's interactive wagering services; or

(ii) has the capacity to influence the provision of those services.

40Z. RWWA must ensure relevant individuals receive training

(1) In this regulation —

responsible gambling training means training approved by the Commission under subregulation (4).

(2) RWWA must ensure that each relevant individual of RWWA receives responsible gambling training that comprises —

(a) initial training within 1 month after the individual becomes a relevant individual of RWWA; and

(b) refresher training within 12 months after —

(i) the initial training; or

(ii) for an individual who has received refresher training — the previous refresher training.

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

(3) RWWA must ensure that a relevant individual of RWWA does not interact with an account holder unless the individual has received initial training under subregulation (2)(a).

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

(4) The Commission may, by notice published in the *Gazette* or on the Department's website, approve training about responsible gambling for the purposes of this regulation.

40ZA. RWWA must make and keep records of training

(1) RWWA must make a record in relation to each relevant individual of RWWA that —

(a) specifies —

(i) the date the individual became a relevant individual of RWWA; and

(ii) the training the individual has completed under regulation 40Z; and

(iii) the date the training was completed;

and

(b) is written; and

(c) is accurate; and

(d) as far as practicable, is up to date; and

(e) is kept in a form that can be reasonably inspected and copied by an authorised officer.

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

(2) RWWA must keep a record made under subregulation (1) for at least 7 years after the training to which the record relates was completed.

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

40ZB. RWWA must produce records to authorised officers

(1) An authorised officer may require RWWA to produce a record made under regulation 40ZA(1) to the officer for inspection and copying.

(2) RWWA must comply with a requirement made of RWWA under subregulation (1).

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

Division 9 — Consumer protection plan

40ZC. RWWA must have consumer protection plan

RWWA must develop and maintain a plan, to be called a consumer protection plan, that includes —

(a) a statement of RWWA's commitment to following the National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement; and

(b) a statement of RWWA's commitment to complying with this Part; and

(c) a description of the measures and systems RWWA has established to enable RWWA to follow the National Consumer Protection Framework for Online Wagering in Australia — National Policy Statement and comply with this Part.

Penalty: a fine of $1 000.

K. COLLERAN, Clerk of the Executive Council

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