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.