



New South Wales

Liquor Amendment (Responsible Gambling) Regulation 2000

under the

Liquor Act 1982

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

J. RICHARD FACE, M.P.,

Minister for Gaming and Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) to require hoteliers who keep approved gaming devices to display notices and provide information to patrons about:
 - (i) the availability of counselling services in a number of community languages, and
 - (ii) the use and operation of approved gaming devices, and
 - (iii) the chances of winning prizes from playing approved gaming devices, and
 - (iv) the potential for excessive gambling to cause financial, social and other problems,
- (b) to ensure that hoteliers make the time shown on clocks readily viewable by players of approved gaming devices,
- (c) to place limitations on the cashing of cheques by hoteliers,
- (d) to require money prizes over \$1,000 won from approved gaming devices to be paid by cheque and not cash to the prize-winner,
- (e) to require cash dispensing facilities (such as automatic teller machines) to be located in an area away from approved gaming devices,

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- (f) to place limitations on the advertising of gambling activities by hoteliers,
- (g) to prevent hoteliers publishing anything that identifies patrons who win a prize of more than \$1,000 and who have requested that anything disclosing their identity not be published,
- (h) to prohibit hoteliers from providing certain inducements to gamble (that is, offering free or discounted liquor as an inducement to participate in gambling activities in the hotel, or offering free credits for playing approved gaming devices),
- (i) to require hoteliers and certain employees of hotels to undertake a training course approved by the Liquor Administration Board,
- (j) to prescribe offences under the Act and regulations in respect of which courts may make remedial orders requiring corrective advertising or courses of training to be undertaken,
- (k) to prescribe the minimum requirements for schemes conducted by hoteliers under which people who misuse and abuse gambling activities can exclude themselves from hotels.

The amendments made by this Regulation will assist the implementation of the recently enacted *Gambling Legislation Amendment (Responsible Gambling) Act 1999*.

This Regulation is made under the *Liquor Act 1982*, including sections 17B, 20 (2), 125D, 150B and 156 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Liquor Amendment (Responsible Gambling) Regulation 2000*.

2 Amendment of Liquor Regulation 1996

The *Liquor Regulation 1996* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendment

Schedule 1 Amendment

(Clause 2)

Part 5 Approved gaming devices

Insert after clause 52L:

Division 4B Responsible gambling practices

Subdivision 1 Provisions relating to player information

52M Operation of this Subdivision

This Subdivision has effect on and from the day that is 2 months after the commencement of this clause.

52N Display of information concerning chances of winning prizes on approved gaming devices

- (1) A hotelier must display, in accordance with this clause, a notice providing information about the chances of winning a major prize from the use or operation of any approved gaming device in the hotel.

Maximum penalty: 50 penalty units.

- (2) The information contained in the notice must be in the following form:

The chance of winning a maximum prize up to \$10,000 on a gaming machine is generally no better than 1 in 1,000,000.

- (3) The notice must be displayed in each part of the hotel where approved gaming devices are located.
- (4) The notice must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the hotel in which the notice is displayed would be alerted to its contents.
- (5) The matter contained in the notice must be in letters and figures not less than one centimetre in height.

520 Approval of English and other community language player information brochures

(1) In this clause:

player information means the following:

- (a) information concerning the use and operation of approved gaming devices,
- (b) information concerning the chances of winning prizes from the playing of approved gaming devices,
- (c) the G-line (NSW) toll-free help line phone number operated under contractual arrangements made by the Department of Gaming and Racing.

(2) The Minister may approve one or more pamphlets or brochures containing player information in the English language (a *player information brochure*).

(3) The Minister may approve one or more pamphlets or brochures containing advice in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages that:

- (a) indicates the substance of the player information contained in a player information brochure, and
- (b) advises that the information will be supplied by the hotelier in the relevant language on request by a patron of the hotel.

(4) A pamphlet or brochure approved under subclause (3) may be combined with the player information brochure to which it relates.

(5) The Minister may approve one or more pamphlets or brochures (a *community language player information brochure*) containing player information in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages.

(6) The Minister may vary or withdraw any approval given under this clause.

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52P Provision of player information brochures

- (1) A hotelier who is authorised to keep approved gaming devices must make copies of a player information brochure approved by the Minister under clause 52O (2) available to patrons of the hotel in accordance with this clause.

Maximum penalty: 50 penalty units.

- (2) The brochures must be made available in each part of the hotel in which approved gaming devices are located.
- (3) The brochures must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the hotel in which the brochures are required to be available would be alerted to their presence.

52Q Provision of player information brochures in community languages

- (1) A patron of a hotel at which a hotelier is authorised to keep approved gaming devices may request the hotelier to supply to the patron a community language player information brochure approved under clause 52O (5) in one of the languages specified in that subclause.
- (2) A hotelier must supply a brochure in accordance with a request made under subclause (1) as soon as practicable after being requested to do so.

Maximum penalty: 50 penalty units.

52R Dangers of gambling—notice to be displayed on approved gaming devices

- (1) In this clause:
gambling warning notice means a notice containing one or more of the statements listed in subclause (5).
problem gambling notice is a notice in a form set out in subclause (6) (a) or (b).
- (2) A hotelier who is authorised to keep approved gaming devices must display in accordance with this clause:
 - (a) a gambling warning notice, and
 - (b) a problem gambling notice.

- (3) The gambling warning notice and problem gambling notice must be prominently displayed on the front or top of each approved gaming device kept in the hotel.
- (4) The wording required to appear in a gambling warning notice may appear (as a separate and distinct statement) in a problem gambling notice or with any other notice displayed on an approved gaming device, provided that the requirements of this clause in relation to the gambling warning notice and the problem gambling notice are otherwise complied with.
- (5) The statements referred to in the definition of **gambling warning notice** in subclause (1) are as follows:
 - DON'T LET GAMBLING TAKE CONTROL OF YOUR LIFE
 - GAMBLING CAN BECOME ADDICTIVE
 - EXCESSIVE GAMBLING CAN RUIN LIVES
 - EXCESSIVE GAMBLING CAN DESTROY FAMILIES AND FRIENDSHIPS
 - EXCESSIVE GAMBLING CAN LEAD TO THE LOSS OF YOUR HOME OR OTHER ASSETS
 - EXCESSIVE GAMBLING CAN AFFECT YOUR HEALTH
- (6) The notice referred to in the definition of **problem gambling notice** must be in one of the following forms:

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(a)

**Is gambling a
problem for you?**
CALL G-line (NSW)
**A confidential,
anonymous & free
counselling service**
**FREE CALL
1800 633 635**

, or

(b)

Is gambling a problem for you?
CALL G-line (NSW)
A confidential, anonymous & free counselling service
FREE CALL 1800 633 635

- (7) The matter contained in a problem gambling notice must be in letters and figures of not less than 0.2 centimetres in height.
- (8) The matter contained in a gambling warning notice must be in capital letters of not less than 0.4 centimetres in height.
- (9) The notices may be attached to, or placed on top of, an approved gaming device or may consist of a permanently visible light emitting display that forms part of the device.

52S Counselling signage—notice to be displayed

- (1) A hotelier who is authorised to keep approved gaming devices must display a notice in the following form in the vicinity of the main entrance to the hotel in accordance with this clause:

IS GAMBLING A PROBLEM FOR YOU?

Are you in control of your gambling?

Do you gamble more than you can afford?

Do you borrow money to gamble?

Do you gamble to win back losses?

Does your gambling affect your family and friends?

FOR INFORMATION, COUNSELLING AND REFERRAL

CALL G-line (NSW)

24 hours a day, 365 days a year

FREE CALL 1800 633 635

CONFIDENTIAL, ANONYMOUS AND FREE

Maximum penalty: 50 penalty units.

- (2) The notice must be at least 42 centimetres by 29.5 centimetres in size, and the matter contained in the notice must be in letters and figures of not less than 0.6 centimetres in height.
- (3) The notice must be displayed in such a manner and in such a place that it would be reasonable to expect that a person using the main entrance to the hotel in which the notice is displayed would be alerted to its contents.

52T ATM signage

- (1) A hotelier who is authorised to keep approved gaming devices must display in accordance with this clause a notice in the form set out in paragraph (a) or (b) in a prominent position on the front or on top of each automatic teller machine (ATM) installed in the hotel:

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(a)

**Is gambling a
problem for you?**
CALL G-line (NSW)
**A confidential,
anonymous & free
counselling service**
**FREE CALL
1800 633 635**

, or

(b)

Is gambling a problem for you?
CALL G-line (NSW)
A confidential, anonymous & free counselling service
FREE CALL 1800 633 635

Maximum penalty: 50 penalty units.

- (2) The matter contained in the notice must be in letters and figures of not less than 0.2 centimetres in height.
- (3) The notice may be attached to an automatic teller machine or may consist of a permanently visible light emitting display that forms part of the machine.

52U Display of clocks

A hotelier must ensure:

- (a) that a clock in good working order and that is set to, or within 10 minutes of, the correct time is kept in each part of the hotel where approved gaming devices are located, and
- (b) that the time shown on that clock can be readily viewed by any person operating an approved gaming device in that part of the hotel.

Maximum penalty: 50 penalty units.

Subdivision 2 Cheques and cash dispensing facilities

52V Prohibitions on dealings with cheques

- (1) A hotelier who is authorised to keep approved gaming devices must not do any of the following:
 - (a) exchange a cheque payable to the order of any person other than the hotelier for cash,
 - (b) exchange a cheque for a sum exceeding \$200 for cash,
 - (c) exchange more than one cheque for the same person on a single day for cash,
 - (d) exchange a cheque for cash if a cheque previously exchanged for the person who tendered the cheque has not been met on presentation (unless the amount of the cheque not met was subsequently paid to the hotelier).

Maximum penalty: 50 penalty units.

- (2) A hotelier who is authorised to keep approved gaming devices must bank a cheque that the hotelier has exchanged for cash within 2 working days after the day on which the cheque is accepted.

Maximum penalty: 50 penalty units.

- (3) In this clause:

cash includes credits that can be used to play an approved gaming device.

cheque has the same meaning as it has in the *Cheques Act 1986* of the Commonwealth, but does not include a traveller's cheque.
- (4) This clause has effect on and from the day that is 6 months after the commencement of this clause.

52W Payment of prize money by cheque

- (1) A hotelier must pay so much of the total prize money payable to a person as exceeds \$1,000 by means of a crossed cheque payable to the person.

Maximum penalty: 50 penalty units.

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(2) In this clause:

crossed cheque means a cheque crossed as referred to in section 53 of the *Cheques Act 1986* of the Commonwealth as in force on the commencement of this clause.

total prize money means the total amount of money payable to a person as a result of the person winning money on an approved gaming device, or accumulating credits on an approved gaming device, or both, on a single occasion.

(3) This clause has effect on and from the day that is 6 months after the commencement of this clause.

52X Location of cash dispensing facilities away from approved gaming devices

(1) A hotelier must not permit a facility for the withdrawal or transfer of money from a bank or authorised deposit-taking institution (such as an automatic teller machine or EFTPOS terminal) to be located in a part of the hotel in which approved gaming devices are located.

Maximum penalty: 50 penalty units.

(2) Until 12 months after the commencement of subclause (1), a hotelier does not commit an offence under that subclause in relation to a facility located at that commencement date in a part of the hotel in which approved gaming devices are located.

52Y Exemption

(1) The Board may, in accordance with guidelines approved by the Minister, exempt a hotelier in writing from the operation of clause 52V or 52X.

(2) The exemption may be limited in duration and may be subject to such conditions as may be specified in the exemption.

(3) The Board may cancel, or vary the terms of, an exemption in writing at any time.

Subdivision 3 Advertising

52Z Definitions

In this Subdivision:

gambling advertising means advertising that gives publicity to, or otherwise promotes or is intended to promote, participation in gambling activities.

publish includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the Internet or television).

52ZA Prohibitions on gambling-related advertising

- (1) A hotelier or an employee of a hotelier must not publish, or cause to be published, any gambling advertising relating to the hotel:
 - (a) that encourages a breach of the law, or
 - (b) that depicts children, or
 - (c) that is false, misleading or deceptive, or
 - (d) that suggests that winning a prize is a likely outcome of participating in gambling activities, or
 - (e) that suggests that participation in gambling activities is likely to improve a person's social standing or financial prospects, or
 - (f) that suggests that a player's skill can influence the outcome of a game that is purely a game of chance, or
 - (g) that depicts or promotes the consumption of alcohol while engaging in gambling activities, or
 - (h) that is not conducted in accordance with decency, dignity and good taste and in accordance with the Commercial Television Industry Code of Practice as in force at the time the gambling advertising is published.

Maximum penalty: 50 penalty units.

- (2) Any gambling advertising in writing published, or caused to be published, after the commencement of this clause in a newspaper, magazine, poster or other printed form by a

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hotelier must contain the following statement in capital letters:

IS GAMBLING A PROBLEM FOR YOU?

G-LINE (NSW) IS A CONFIDENTIAL, ANONYMOUS
AND FREE COUNSELLING SERVICE

FREE CALL 1800 633 635.

Maximum penalty: 50 penalty units.

- (3) A person other than a hotelier or an employee of a hotelier must not publish any advertising that does any of the things referred to in subclause (1) (a)–(h) after the commencement of this clause.

Maximum penalty: 50 penalty units.

- (4) Subclause (3) does not apply if the advertising relates to a hotel and the hotelier or employee of the hotelier approved in writing of the publication of the advertising.
- (5) A hotelier must remove any gambling advertising displayed in the hotel that does not comply with this clause within 2 months after the commencement of this clause.

Maximum penalty: 50 penalty units.

- (6) This clause does not apply to the publication of any gambling advertising under a contract or arrangement entered into before the commencement of this clause.

- (7) A hotelier must not after the commencement of this clause enter into or extend the duration of any contract or arrangement for the publication of gambling advertising that does not comply with this clause. Any such contract or arrangement is of no effect.

Maximum penalty: 50 penalty units.

52ZB Publicity for prize-winners

- (1) A hotelier or employee of a hotelier must not publish or cause to be published anything which identifies any person who:
- (a) wins a prize of more than \$1,000 in value from playing an approved gaming device located in the hotel, and

- (b) when claiming the prize, requests in writing given to the hotelier or an employee of the hotelier that anything disclosing his or her identity not be published.

Maximum penalty: 50 penalty units.

- (2) A prize-winner who makes a request referred to in subclause (1) (b) may at any time revoke the request.
- (3) Subclause (1) does not apply to:
 - (a) a request that has been revoked by the prize-winner, or
 - (b) the publication of information relating to the type or value of the prize won and the venue or geographic location where it was won.

Subdivision 4 Miscellaneous

52ZC Gambling inducements

A hotelier must not:

- (a) offer or supply any free or discounted liquor as an inducement to participate, or to participate frequently, in any gambling activity in the hotel, or
- (b) offer free credits to players, or as an inducement to persons to become players, of approved gaming devices in the hotel, by means of letter box flyers, shopper docketts, or any other means.

Maximum penalty: 50 penalty units.

52ZD Remedial orders

- (1) For the purposes of section 17B of the Act, offences against the following sections of the Act are prescribed offences against the Act:
 - (a) section 126A (Prohibition on extension of credit for gambling),
 - (b) section 126B (Misrepresentation or misdescription of credit transactions).

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- (2) For the purposes of section 17B of the Act, offences against the following provisions of the regulations are prescribed offences against the regulations:
- (a) clause 52N (Display of information concerning chances of winning prizes on approved gaming devices),
 - (b) clause 52P (Provision of player information brochures),
 - (c) clause 52Q (Provision of player information brochures in community languages),
 - (d) clause 52R (Dangers of gambling—notice to be displayed on approved gaming devices),
 - (e) clause 52S (Counselling signage—notice to be displayed),
 - (f) clause 52T (ATM signage),
 - (g) clause 52U (Display of clocks),
 - (h) clause 52V (Prohibitions on dealings with cheques),
 - (i) clauses 52W (Payment of prize money by cheque),
 - (j) clause 52X (Location of cash dispensing facilities away from approved gaming devices),
 - (k) clause 52ZA (Prohibitions on gambling-related advertising),
 - (l) clause 52ZB (Publicity for prize-winners),
 - (m) clause 52ZC (Gambling inducements).

52ZE Training of hoteliers and employees associated with gambling activities

- (1) In this clause, *relevant commencement day* means the day on which the Board, by notice published in the Gazette, first notifies its approval of a course of training for the purposes of this subclause.
- (2) The Board is to refuse any application by a hotelier under section 161 of the Act:
 - (a) to acquire or keep an approved gaming device, or

- (b) to vary an existing authority to keep an approved gaming device

made on or after the day that is 6 months after the relevant commencement day unless it is satisfied that the hotelier has satisfactorily completed the approved training course.

- (3) A condition of a hotelier's licence authorising the hotelier to keep approved gaming devices in the hotel is of no force or effect on or after the day that is 18 months after the relevant commencement day unless the hotelier has satisfactorily completed the approved training course.

- (4) Subclause (3) applies whether the condition was imposed before or after the day that is 18 months after the relevant commencement day.

- (5) A hotelier must not commence to employ a person whose duties are concerned in the conduct of gaming device activities in the hotel on or after the day that is 6 months after the relevant commencement day unless the person has satisfactorily completed the approved training course.

Maximum penalty: 50 penalty units.

- (6) A hotelier must not continue to employ a person whose duties are concerned in the conduct of gaming device activities in the hotel on or after the day that is 18 months after the relevant commencement day unless the person has satisfactorily completed the approved training course.

Maximum penalty: 50 penalty units.

- (7) In a provision of this clause, *approved training course* means a course of training approved by the Board for the purposes of the provision concerned.

- (8) The Board may, for the purposes of a provision of this clause, approve any course of training that the Board considers will promote responsible practices in the conduct of gambling activities in hotels.

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52ZF Self-exclusion schemes

- (1) For the purposes of section 150B of the Act, the prescribed requirements for the conduct of a scheme by hoteliers are that the scheme makes provision:
 - (a) preventing the hotelier (or an employee of the hotelier) from refusing a participant's request, and
 - (b) for the participant to be required to give a written and signed undertaking that he or she will not gamble at the hotel for a period specified in the undertaking, and
 - (c) for the participant to be given an opportunity to seek independent legal or other professional advice at his or her own expense as to the meaning and effect of the undertaking before it is given, and
 - (d) for a participant who enters an undertaking to be provided by the hotelier (or an employee of the hotelier) with information about the availability of gambling-related counselling and treatment services, and
 - (e) for the hotelier to ensure that responsible persons for the hotel can readily identify the participant, whether by means of access to a recent photograph of the participant or otherwise, and
 - (f) for the hotelier to publicise the availability of the scheme and information as to how it operates to patrons of the hotel, and
 - (g) preventing a participant from withdrawing from the scheme within 3 months after requesting participation in the scheme.
- (2) The requirements prescribed by this clause constitute the minimum requirements for a self-exclusion scheme.
- (3) In this clause:

participant means a person who has requested that he or she be prevented from entering or remaining on any part or parts of hotels used for gambling.

BY AUTHORITY