



New South Wales

Gambling Legislation Amendment Regulation 2021

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the following Acts—

- (a) *Betting and Racing Act 1998*,
- (b) *Casino Control Act 1992*,
- (c) *Gaming Machines Act 2001*,
- (d) *Public Lotteries Act 1996*,
- (e) *Totalizator Act 1997*.

VICTOR DOMINELLO, MP
Minister for Customer Service

Explanatory note

The object of this Regulation is to make miscellaneous amendments to the following Regulations—

- (a) *Betting and Racing Regulation 2012*,
- (b) *Casino Control Regulation 2019*,
- (c) *Gaming Machines Regulation 2019*,
- (d) *Public Lotteries Regulation 2016*,
- (e) *Totalizator Regulation 2012*.

The proposed amendments relate to—

- (a) pamphlets or brochures containing information about problem gambling in a language other than English, and
- (b) the information that must be included on notices and signs at premises at which gambling is carried out, and
- (c) the information that must be included on tickets and entry forms used for gambling, and
- (d) the information that must be included on gambling advertising, and
- (e) other minor or consequential amendments.

This Regulation is made under the following Acts—

- (a) *Betting and Racing Act 1998*, including sections 33H(4) and 37 (the general regulation-making power),

- (b) *Casino Control Act 1992*, including section 170 (the general regulation-making power) and Schedule 3,
- (c) *Gaming Machines Act 2001*, including sections 47 and 210 (the general regulation-making power),
- (d) *Public Lotteries Act 1996*, including sections 39(1)(b), 83 (the general regulation-making power) and 83A,
- (e) *Totalizator Act 1997*, including sections 80(4), 117 (the general regulation-making power) and 117A.

Gambling Legislation Amendment Regulation 2021

1 Name of Regulation

This Regulation is the *Gambling Legislation Amendment Regulation 2021*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of gambling legislation

1.1 Betting and Racing Regulation 2012

[1] Clause 4 Definitions

Omit the definition of *Authority*. Insert in alphabetical order—

Secretary means the Secretary of the Department of Customer Service.

[2] Clauses 5(1) and (5), 6(1)(a) and (2), 7(1) and (3) and 9(3)

Omit “Authority” wherever occurring. Insert instead “Secretary”.

[3] Clause 5 Approval of gambling information brochures

Omit clause 5(2)–(4). Insert instead—

- (2) The Secretary may approve one or more pamphlets or brochures in a language other than English —
 - (a) indicating the substance of the information contained in English in a problem gambling information brochure, and
 - (b) advising that, on request, the information will be supplied in the relevant language by a non-proprietary association that conducts a race meeting at a licensed racecourse.
- (3) A pamphlet or brochure approved under subclause (2) may be combined with the problem gambling information brochure to which it relates.
- (4) Without limiting subclause (2), the Secretary may approve one or more pamphlets or brochures containing problem gambling information in a language other than English (a *community language problem gambling information brochure*).

[4] Clauses 6(2), 7(3) and 9(3)

Omit “be obtained from” wherever occurring.

Insert instead “published on a website maintained by”.

[5] Clause 7 Provision of community language problem gambling information brochures

Omit “in one of the languages specified in that subclause” from clause 7(1).

[6] Clause 8

Omit the clause. Insert instead—

8 Gambling information and warnings

A licensed bookmaker must ensure that each betting ticket supplied by the bookmaker to a person contains the following—

Help is close at hand

www.gambleaware.nsw.gov.au

1800 858 858

Maximum penalty—50 penalty units.

[7] Clause 9 Counselling signage—notice to be displayed

Omit clause 9(2). Insert instead—

- (2) The notice must contain a statement about problem gambling help options approved by the Secretary.

[8] Clause 10 ATM and EFT signage

Omit clause 10(2). Insert instead—

- (2) The notice must contain a statement about problem gambling help options approved by the Secretary.

[9] Clause 10A

Omit the clause. Insert instead—

10A Advisory statement

The following advisory statement is prescribed for the purposes of section 33H(4) of the Act—

Help is close at hand

www.gambleaware.nsw.gov.au

1800 858 858

[10] Clause 25

Insert after clause 24—

25 Transitional—Gambling Legislation Amendment Regulation 2021

- (1) A person is not required to comply with the new provisions during the transition period, and does not commit an offence against the Act or this Regulation because of the non-compliance, if the person instead complies with the old provisions.

- (2) In this clause—

amending Regulation means the *Gambling Legislation Amendment Regulation 2021*.

new provisions means clauses 6–10A as in force on the commencement of the amending Regulation.

old provisions means clauses 6–10A as in force immediately before the commencement of the amending Regulation.

transition period means the period of 6 months from the commencement of the amending Regulation.

1.2 Casino Control Regulation 2019

[1] Clauses 16(2)(b), 18(2)(d), 19(3), 20(3), 21(2)(b) and 22(3)

Omit “be obtained from” wherever occurring.

Insert instead “published on a website maintained by”.

[2] Clauses 16–22 and 31

Omit “Authority” wherever occurring. Insert instead “Secretary”.

[3] Clause 19 Provision of player information in languages other than English

Omit “clause 17(3)” from clause 19(1). Insert instead “clause 17(5)”.

[4] Clause 20 Dangers of gambling—notice to be displayed on gaming machines

Omit clause 20(1). Insert instead—

- (1) A casino operator must, in accordance with this clause, display a notice containing a warning about gambling and advice for getting help with problem gambling on each gaming machine kept in the casino.
Maximum penalty—50 penalty units.

[5] Clause 20(2)

Omit “Each notice”. Insert instead “The notice”.

[6] Clause 20(4)

Omit the subclause.

[7] Clause 27 Prohibitions on gambling-related advertising

Omit clause 27(2). Insert instead—

- (2) A person must not publish, or cause to be published, any casino advertising in writing in a newspaper, magazine, poster or other printed form that does not contain a statement about problem gambling help options approved by the Secretary.
Maximum penalty—100 penalty units.

[8] Clause 53

Insert after clause 52—

53 Transitional—Gambling Legislation Amendment Regulation 2021

- (1) A person is not required to comply with the new provisions during the transition period, and does not commit an offence against the Act or this Regulation because of the non-compliance, if the person instead complies with the old provisions.
- (2) In this clause—
amending Regulation means the *Gambling Legislation Amendment Regulation 2021*.
new provisions means clauses 16, 18–22, 27 and 31 as in force on the commencement of the amending Regulation.
old provisions means clauses 16, 18–22, 27 and 31 as in force immediately before the commencement of the amending Regulation.
transition period means the period of 6 months from the commencement of the amending Regulation.

1.3 Gaming Machines Regulation 2019

[1] Clauses 18–24 and 46

Omit “Authority” wherever occurring. Insert instead “Secretary”.

[2] Clauses 18(2)(b), 20(2)(c), 21(3), 22(2)(c), 23(2)(b) and 24(2)(b)

Omit “be obtained from” wherever occurring.

Insert instead “published on a website maintained by”.

[3] Clause 22 Dangers of gambling—notices to be displayed on gaming machines

Omit clause 22(1). Insert instead—

- (1) A hotelier or registered club must, in accordance with this clause, display a notice containing a warning about gambling and advice for getting help with problem gambling on each approved gaming machine kept in the hotel or on the club premises.

Maximum penalty—50 penalty units.

[4] Clause 22(2)

Omit “Each of those notices”. Insert instead “The notice”.

[5] Clause 22(3)

Omit the subclause.

[6] Clause 23 Gambling counselling services—notice to be displayed

Omit clause 23(2)(a). Insert instead—

- (a) be displayed in each part of the hotel or club premises where approved gaming machines are located in a manner and place so that it would be reasonable to expect that a person entering the part of the hotel or club premises would be alerted to its contents, and

[7] Clause 153

Insert after clause 152—

153 Transitional—Gambling Legislation Amendment Regulation 2021

- (1) A person is not required to comply with the new provisions during the transition period, and does not commit an offence against the Act or this Regulation because of the non-compliance, if the person instead complies with the old provisions.

- (2) In this clause—

amending Regulation means the *Gambling Legislation Amendment Regulation 2021*.

new provisions means clauses 18, 20–24 and 46 as in force on the commencement of the amending Regulation.

old provisions means clauses 18, 20–24 and 46 as in force immediately before the commencement of the amending Regulation.

transition period means the period of 6 months from the commencement of the amending Regulation.

1.4 Public Lotteries Regulation 2016

[1] Clause 9 Approval of English and other community language player information brochures

Omit “in the Arabic, Chinese, Korean, Turkish and Vietnamese languages” wherever occurring.

Insert instead “in a language other than English”.

[2] Clause 9(5)

Omit “The Secretary”. Insert instead “Without limiting subclause (3), the Secretary”.

[3] Clauses 10(3), 11(3) and 13(4)

Omit “be obtained from” wherever occurring.

Insert instead “published on a website maintained by”.

[4] Clause 11 Provision of player information brochures in community languages

Omit “in one of the languages specified in that subclause” from clause 11(1).

[5] Clause 12 Gambling information and warnings

Omit clause 12(1). Insert instead—

- (1) A licensee must ensure that each printed entry form (however described) and ticket in a public lottery conducted by the licensee contains the following—

Help is close at hand

www.gambleaware.nsw.gov.au

1800 858 858

Maximum penalty—50 penalty units.

[6] Clause 12(3)(b)

Omit the paragraph. Insert instead—

- (b) a statement about gambling help options approved by the Secretary.

[7] Clause 13 Counselling signage—notice to be displayed

Omit clause 13(3). Insert instead—

- (3) The notice must contain a statement about gambling help options approved by the Secretary.

[8] Clause 14 Advertising of public lotteries

Omit clause 14(3). Insert instead—

- (3) A licensee or agent of a licensee must not publish, or cause to be published, any public lottery advertising in writing in a newspaper, magazine, poster or other printed form that does not contain a statement about gambling help options approved by the Secretary.

[9] Clause 22

Insert after clause 21—

22 Transitional—Gambling Legislation Amendment Regulation 2021

- (1) A person is not required to comply with the new provisions during the transition period, and does not commit an offence against the Act or this Regulation because of the non-compliance, if the person instead complies with the old provisions.

- (2) In this clause—

amending Regulation means the *Gambling Legislation Amendment Regulation 2021*.

new provisions means clauses 10–14 as in force on the commencement of the amending Regulation.

old provisions means clauses 10–14 as in force immediately before the commencement of the amending Regulation.

transition period means the period of 6 months from the commencement of the amending Regulation.

1.5 Totalizator Regulation 2012

[1] Clause 3 Definitions

Omit the definition of *Authority* from clause 3(1). Insert in alphabetical order—
Secretary means the Secretary of the Department of Customer Service.

[2] Clauses 5(1) and (5), 6(1)(a) and (2), 7(1) and (3) and 9(3)

Omit “Authority” wherever occurring. Insert instead “Secretary”.

[3] Clause 5 Approval of gambling information brochures

Omit clause 5(2)–(4). Insert instead—

- (2) The Secretary may approve one or more pamphlets or brochures in a language other than English—
 - (a) indicating the substance of the information contained in English in a problem gambling information brochure, and
 - (b) advising that the information will be supplied by the licensee in the relevant language on request.
- (3) A pamphlet or brochure approved under subclause (2) may be combined with the problem gambling information brochure to which it relates.
- (4) Without limiting subclause (2), the Secretary may approve one or more pamphlets or brochures containing problem gambling information in a language other than English (a *community language problem gambling information brochure*).

[4] Clauses 6(2), 7(3) and 9(3)

Omit “be obtained from” wherever occurring.
Insert instead “published on a website maintained by”.

[5] Clause 7 Provision of community language problem gambling information brochures

Omit “in one of the languages specified in that subclause” from clause 7(1).

[6] Clause 8

Omit the clause. Insert instead—

8 Gambling information and warnings

A licensee must ensure that each printed entry form (however described) and betting ticket in a totalizator conducted by the licensee contains the following—

Help is close at hand

www.gambleaware.nsw.gov.au

1800 858 858

Maximum penalty—50 penalty units.

[7] Clause 9 Counselling signage—notice to be displayed

Omit clause 9(2). Insert instead—

- (2) The notice must contain a statement about problem gambling help options approved by the Secretary.

[8] Clause 10 ATM and EFT signage

Omit clause 10(2). Insert instead—

- (2) The notice must contain a statement about problem gambling help options approved by the Secretary.

[9] Clause 10A

Omit the clause. Insert instead—

10A Advisory statement

The following advisory statement is prescribed for the purposes of section 80(4) of the Act—

Help is close at hand

www.gambleaware.nsw.gov.au

1800 858 858

[10] Clause 17

Insert after clause 16—

17 Transitional—Gambling Legislation Amendment Regulation 2021

- (1) A person is not required to comply with the new provisions during the transition period, and does not commit an offence against the Act or this Regulation because of the non-compliance, if the person instead complies with the old provisions.

- (2) In this clause—

amending Regulation means the *Gambling Legislation Amendment Regulation 2021*.

new provisions means clauses 6–10A as in force on the commencement of the amending Regulation.

old provisions means clauses 6–10A as in force immediately before the commencement of the amending Regulation.

transition period means the period of 6 months from the commencement of the amending Regulation.