



New South Wales

Betting and Racing Amendment (Advisory Statements) Regulation 2022

under the

Betting and Racing Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Betting and Racing Act 1998*.

KEVIN ANDERSON, MP
Minister for Hospitality and Racing

Explanatory note

The object of this Regulation is to amend the *Betting and Racing Regulation 2022* to prescribe new advisory statements for gambling advertisements in New South Wales in line with the National Consumer Protection Framework.

This Regulation is made under the *Betting and Racing Act 1998*, including sections 33H and 37, the general regulation-making power.

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Betting and Racing Act 1998

1 Name of Regulation

This Regulation is the *Betting and Racing Amendment (Advisory Statements) Regulation 2022*.

2 Commencement

This Regulation commences on 30 March 2023.

Schedule 1 Amendment of Betting and Racing Regulation 2022

[1] Section 15

Omit the section. Insert instead—

15 Advisory statements—the Act, s 33H

For the Act, section 33H(3), the advisory statements are prescribed in Schedule 3.

[2] Schedule 3

Insert after Schedule 2—

Schedule 3 Advisory statements—the Act, s 33H

section 15

Part 1 Gambling advertisements

1 Definitions

In this Schedule—

bsp app advertisement means a gambling advertisement published or communicated on the app of a betting service provider, including a smartphone or tablet app, but does not include—

- (a) a radio advertisement, or
- (b) a television or video advertisement.

bsp video advertisement means a television or video advertisement published or communicated on the account of a betting service provider on a social media platform.

bsp website advertisement means a gambling advertisement published or communicated on the website of a betting service provider, but does not include—

- (a) a radio advertisement, or
- (b) a television or video advertisement.

call to action means a call to action prescribed in Part 3.

digital advertisement means a visual or audiovisual gambling advertisement published or communicated in a digital display or on a website, but does not include the following—

- (a) a bsp app advertisement,
- (b) a bsp website advertisement,
- (c) a direct marketing advertisement,
- (d) a radio advertisement,
- (e) a social media advertisement,
- (f) a television or video advertisement.

direct marketing advertisement means a gambling advertisement published or communicated by email, mail, telephone or text message.

print advertisement means a gambling advertisement published or communicated in print, but does not include a direct marketing advertisement.

radio advertisement means an audio gambling advertisement published or communicated by radio broadcast or digitally, including by—

- (a) a podcast, or
- (b) a digital radio on-demand or streaming service, or
- (c) a website, social media platform or app.

social media advertisement means—

- (a) a visual, but not audiovisual, gambling advertisement published or communicated on a social media platform, or
- (b) an audiovisual gambling advertisement published or communicated on a social media platform that is not—
 - (i) a bsp video advertisement, or
 - (ii) a repost of a bsp video advertisement to the same or any other social media platform.

social media platform means any of the following—

- (a) Facebook,
- (b) Instagram,
- (c) Pinterest,
- (d) Reddit,
- (e) Snapchat,
- (f) TikTok,
- (g) Tumblr,
- (h) Twitter.

tagline means a tagline prescribed in Part 2.

television or video advertisement means an audiovisual gambling advertisement published or communicated by television broadcast or digitally, including by—

- (a) a video on-demand or streaming service, or
- (b) a website, social media platform or app.

2 Requirements for advisory statements

- (1) For the purposes of the Act, section 33H(3), an **advisory statement** for a type of gambling advertisement specified in Part 4 must consist of the tagline and call to action prescribed in Part 4 for the type of gambling advertisement.
- (2) Text that is spoken must be clearly intelligible to a person listening to the text.
- (3) Text that is displayed must be in print of a type and size that is clearly legible to a person reading the text.
- (4) A person must take reasonable steps to ensure each tagline prescribed for a type of gambling advertisement is used approximately equally for the type of gambling advertisement over a 12-month period.
- (5) The following must not be published or communicated except in spoken form—
 - (a) tagline 1,
 - (b) call to action A or B.

- (6) However, if tagline 1 is published or communicated as part of a television or video advertisement, it must be published or communicated in both visual and spoken form at the same time.
- (7) If the content of the required call to action is already included in the tagline, it is not necessary to repeat the content of the call to action.

Part 2 Taglines

Tagline	Text
1	You win some. You lose more.
2	Chances are you're about to lose.
3	What's gambling really costing you?
4	Imagine what you could be buying instead.
5	What are you really gambling with?
6	Think. Is this a bet you really want to place?
7	What are you prepared to lose today? Set a deposit limit.

Part 3 Calls to action

Call to action	Text
A	For free and confidential support visit gamblinghelponline.org.au
B	For free and confidential support, call the number on the screen or visit the website
C	Set a deposit limit
D	For free and confidential support call 1800 858 858 or visit gamblinghelponline.org.au

Part 4 Prescribed advisory statements

Gambling advertisement	Tagline	Call to action
bsp app advertisement	2, 3, 4, 5, 6, 7	C
bsp website advertisement	2, 3, 4, 5, 6, 7	D
digital advertisement	2, 3, 4, 5, 6, 7	C
direct marketing advertisement—email	2, 3, 4, 5, 6, 7	C
direct marketing advertisement—mail	2, 3, 4, 5, 6, 7	D
direct marketing advertisement—telemarketing	1, 2, 3, 4, 5	A
direct marketing advertisement—text message	2, 3, 4, 5, 6, 7	D
print advertisement	2, 3, 4, 5, 6, 7	D
radio advertisement—15 seconds or less	1, 2, 3, 4, 5	Not required
radio advertisement—more than 15 seconds	1, 2, 3, 4, 5	A

Gambling advertisement	Tagline	Call to action
social media advertisement—restricted character count of 280 characters or less	2, 3, 4, 5, 6, 7	C
social media advertisement—otherwise	2, 3, 4, 5, 6, 7	D
television or video advertisement—15 seconds or less	1, 2, 3, 4, 5	D
television or video advertisement—more than 15 seconds	1, 2, 3, 4, 5	B in spoken form together with D in visual form

Part 5 Additional advisory statement

3 Additional advisory statement

- (1) The following *additional advisory statement* is prescribed for use by TAB Limited—
Help is close at hand
www.gambleaware.nsw.gov.au
1800 858 858
- (2) TAB Limited may use the additional advisory statement, instead of the advisory statements prescribed in Part 4, for gambling advertisements displayed at premises—
 - (a) operated by TAB Limited, or
 - (b) operated on behalf of TAB Limited, or
 - (c) that have an agreement with TAB Limited for the provision of betting services.
- (3) In this section—
TAB Limited means the company of that name, ACN 081 765 308.