



Victorian Commission for Gambling and Liquor Regulation

Frequently Asked Questions

Changes to the *Gambling Regulation Act 2003* - Venue Operators (2017 and 2018)

This document provides information about amendments to the *Gambling Regulation Act 2003* (GR Act), which will mean a number of changes for gaming venue operators.

Payment of Electronic Gaming Machine winnings

From 20 December 2017:

- if a person has \$2,000 or more worth of accumulated credits on an electronic gaming machine, venue operators must pay out these credits by cheque or by Electronic Funds Transfer (EFT);
- if accumulated credits on a gaming machine is less than \$2,000, that amount may be paid out by cash, cheque or EFT;
- any payment of \$2,000 or more worth of accumulated credits made via EFT must be made in a way that means that the funds are not available to the person for at least 24 hours after the transfer; and
- if that is not possible, the payment of accumulated credits worth \$2,000 or more must be made via cheque.

1) I can't make a delayed EFT payment. Does that mean I have to pay people who have accumulated credits worth \$2,000 or more by cheque or can I make an immediate EFT payment?

Accumulated credits from a gaming machine worth \$2,000 or more must be made by either cheque or delayed EFT. If a venue does not have the facilities to make an EFT, or cannot transfer funds to a patron in a way which means the patron cannot access the funds for at least 24 hours after the transfer, then the payment must be made via a cheque.

If the amount of accumulated credits is less than \$2,000, a venue operator may make an immediate EFT (as the 24-hour delay period only applies to payments of \$2,000 or more).

Venue operators that are unsure of their EFT arrangements should discuss this directly with their financial provider.

2) Can amounts close to \$2,000 be rounded down?

No. Venue operators are not permitted to round down accumulated credits to an amount less than \$2,000 or to split payments.

Cashless gaming

From 20 December 2017, it is an offence for a venue operator to

- offer a non-cash gaming token as an inducement to gamble;
- offer to increase the value of a non-cash gaming token as an inducement to gamble;
- induce or attempt to induce a person to choose to have winnings or accumulated credits paid out as a non-cash gaming token; or
- provide or allow another person to provide, facilities by which a cash advance from a credit account can be used to obtain a non-cash gaming token or to increase the value of a non-cash gaming token.

1) Does this mean venue operators can't pay out winnings in non-cash tokens?

Winnings from an EGM can be paid as a non-cash gaming token, but a venue operator cannot induce a player to seek the payment of winnings in this way. Venue operators are also prohibited from offering a non-cash gaming token (or to increase the value of a non-cash gaming token) for free, at a discount or as part of a promotion.

Post-2022 gaming machine entitlements

Under the changes relating to post-2022 gaming machine entitlement arrangements, the Act has been changed to allow for entitlements that take effect on or after 16 August 2022 to expire midnight 15 August 2042.

More information on entitlement arrangements is available on the Department of Justice and Regulation's website, justice.vic.gov.au.

Entitlements held by club venue operators

From 22 January 2018, the limit on the maximum number of entitlements that can be held by a club venue operator increased from 420 to 840.

Standard Conditions

The Minister for Consumer Affairs, Gaming and Liquor Regulation (the Minister) is also able to make standard conditions that relate to commercial matters between venue operators and the State regarding gaming machine entitlements, and between venue operators and the monitoring licensee regarding the monitoring of gaming machines and pre-commitment services.

Under the new provisions, the Minister must consult with venue operators and the monitoring licensee prior to determining standard conditions.

Assignment of club entitlements

Once the Minister's gaming machine entitlement rules are made (assignment rules), club venue operators will be able to enter into an agreement to assign one or more entitlements to another club venue operator for a specified time period, meaning that the holder of the assigned entitlement (the assignee) is then able to conduct gaming under that entitlement. An assignment agreement must be registered with the VCGLR to have effect.

The VCGLR must refuse to register an agreement if:

- a. either party to the agreement does not hold a club venue operator's licence;
- b. the VCGLR considers that the conduct of gaming by the assignee under the assigned entitlement will contravene:
 - i. the assignee's venue operator's licence;
 - ii. the assignee's approval of premises as suitable for gaming;
 - iii. a provision of the Act;
 - iv. a geographic area or venue condition;

v. an entitlement-related agreement;

vi. an agreement referred to in sections 3.4A.11A, 3.8A.15 or 3.8A.16 (related agreements); or

vii. a regional limit or municipal limit.

- c. the agreement provides for the assignment of an entitlement that exceeds the duration of the gaming machine entitlement; or
- d. the agreement does not comply with the gaming machine entitlement assignment rules

Venue operators cannot enter into assignment agreements until assignment rules have been made. The assignment rules will provide more detail about how this process will operate.

1) Can I charge another venue operator for an assigned entitlement?

Under the amendments, a club venue operator can assign an entitlement to another club venue operator for payment including in exchange for a share of gaming revenue. However, such revenue share payments must relate to the EGM revenue earned by a venue generally and not reference to specific entitlements or EGMs.

2) Can an assignment agreement be varied?

Assignment agreements may be varied (including by agreement between the parties), however the VCGLR has the power to deregister a varied agreement if it considers that the varied agreement does not meet the original registration requirements (see above). Further details on how assignments are to operate will be available following the release of the assignment rules.

3) Can an assignment be cancelled?

Under the amendments, an assignment will also be automatically terminated if:

- a. the club venue operator receiving the entitlement (the assignee) fails to commence the conduct of gaming under the assigned entitlement within six months of the assignment taking effect;
- b. the assignee's approval for the venue associated with the assigned entitlement is revoked or removed from their licence; and
- c. either venue operator subject to the assignment agreement has their licence cancelled or suspended.

4) What if I am assigning entitlements to a venue in another geographic area?

The amendments provide the VCGLR with the power to temporarily amend the geographic area condition applying to a gaming machine entitlement (a temporary amendment) in order to allow a club venue operator to assign entitlements to an operator in a different region or municipality. The Minister also has the power to make rules regarding temporary amendments, including the circumstances and manner in which the VCGLR may make, vary or revoke a temporary amendment.

5) Can I change a venue condition?

A venue condition cannot be temporarily amended. Further, it is a requirement that both parties to an assignment agreement hold club venue operator licences, which means that entitlements cannot be assigned between club and hotel venue operators.

6) How can I register an assignment agreement?

The process to manage registration of assignment agreements will be informed by the Minister's assignment rules. Details on this process will be placed on the VCGLR website once they are available.

7) When will clubs be able to buy more entitlements?

From 22 January 2018, the limit on the maximum number of entitlements that can be held by a club venue operator increased from 420 to 840. Despite the change to the number of entitlements a club venue operator can hold, venue limits have not changed. This means no single venue operator may conduct gaming on more than 105 entitlements in any one venue, regardless of the number of entitlements the venue operator holds, and can only operate up to the maximum number of gaming machines permitted to operate in the approved venue.

Responsible Gambling Code of Conduct and Self-Exclusion Programs

From 19 September 2018, the VCGLR will no longer be required to approve Responsible Gambling Codes of Conduct (Codes) and Self Exclusion Programs (SEPs), rather, the Minister may issue a direction or make regulations and venue operators will be required to develop Codes and SEPs that comply with any requirements.

The VCGLR is no longer required to submit annual reports to the Minister on the operation and effectiveness of Codes and SEPs. The Minister will instead cause a review to be undertaken every five years.

1) How do I know when there are new or varied Ministerial directions?

Information on any new or varied Ministerial directions will be published on the VCGLR's website and promoted through the VCGLR News.

2) Do I still need to submit my report against the Responsible Gambling Code of Conduct?

The annual report from the VCGLR to the Minister about codes has been replaced by a requirement for a review every five years focused on how effectively the Responsible Gambling Codes of Conduct—

- a. ensure that gambling products are supplied in a responsible manner; and
- b. promote practices that support and encourage responsible gambling; and
- c. assist in minimising harm caused by gambling.

Relevant persons do not need to submit an annual review to the VCGLR, including for the 2017–18 period.

EFTPOS and ATM Limits and Access

From 19 September 2018, in relation to venues **not** on a racecourse, venue operators:

- must not provide, or allow another person to provide an EFTPOS facility, unless that facility prohibits a person from obtaining an amount of cash exceeding \$200 per transaction (\$200 per transaction limit), obtaining more than \$500 in cash on any one debit or credit card within a 24-hour period (the daily \$500 limit) or from obtaining a cash advance from a credit account;
- must ensure that a person is not able to obtain cash from an EFTPOS facility unless the facility is operated by an employee of, or person engaged by, the venue operator, including by entering the amount of funds to be obtained.

The \$200 per transaction limit and the daily \$500 limit will also apply to any ATM which the VCGLR has approved to be located in a gaming venue.

In relation to gaming venues **on** a racecourse, venue operators:

- must not provide a cash facility other than an EFTPOS facility within the gaming machine area of the gaming venue or each area that is less than 50 metres walking distance away from an entrance to the gaming machine area (the applicable area). The EFTPOS facility must not allow a person to obtain an amount of cash exceeding \$200 per transaction, obtain cash exceeding \$500 on any one debit or credit card within 24 hours or obtain a cash advance from a credit account;
- must ensure that a person is not able to obtain cash from an EFTPOS facility unless the facility is operated by an employee of, or person engaged by, the venue operator, including by entering the amount of funds to be obtained.

The Victorian Commission for Gambling Regulation Rules (the VCGR Rules) (as in force on 21 February 2007) provide that an EFTPOS device or ATM must not be accessible by any person within the gaming machine area of an approved venue for the purposes of withdrawing cash. This rule continues to apply.

1) Do the \$200 limit, and prohibition against cash advances from credit accounts, continue to apply?

Yes. Both the \$200 limit on a single transaction and the prohibition on cash advances from credit accounts continue to apply.

This means that venue operator must not allow a person to:

- obtain more than \$200 per transaction
- obtain more than \$500 from any one card within a 24 hour period (the daily \$500 limit)
- obtain a cash advance from a credit account
- obtain cash from an EFTPOS facility unless the facility is operated by an employee of, or person engaged by, the venue operator, including by entering the amount of funds to be obtained.

2) Will the EFTPOS changes apply at racecourses?

Yes. In the gaming machine area and areas up to 50 metres walking distance away from the entrance to the gaming machine area (the applicable area) a venue operator must not provide a cash facility within the applicable area other than an EFTPOS facility that does not allow a person to:

- obtain more than \$200 per transaction
- obtain more than \$500 from any one card within a 24 hour period (the daily \$500 limit)
- obtain a cash advance from a credit account

- obtain cash from an EFTPOS facility unless the facility is operated by an employee of, or person engaged by, the venue operator, including by entering the amount of funds to be obtained.

In areas of an approved venue on a racecourse that are outside the applicable area, i.e., more than 50 metres walking distance from the entrance to the gaming machine area, the single transaction limit of \$200 and prohibition from obtaining a cash advance from a credit account will apply to all cash facilities, including an EFTPOS facility or ATM.

The VCGR Rules prohibit an EFTPOS facility or ATM from being accessible by any person within the gaming machine area for the purposes of withdrawing cash. This applies to all approved venues, including approved venues on racecourses.

3) Can a patron withdraw \$500 on one card and subsequently withdraw more cash on a different card within 24 hours?

All Responsible Gambling Code of Conduct require venue operators to take action where they observe patrons that display signs of problematic gambling. While the \$500 limit applies to “any one debit or credit card”, using more than one card to withdraw funds exceeding \$500 may be an indicator that a patron is having trouble with their gambling, particularly if combined with other indicators.

Venue operators are required to take appropriate action when patrons display signs of problem gambling, such as approaching the customer and observing and recording incidents in a responsible gambling register. Venue operators should consider how they can demonstrate compliance with their Responsible Gambling Code of Conduct if they observe a patron using multiple cards to withdraw cash at a gaming venue.

4) How is the 24-hour period calculated in relation to the \$500 limit?

The 24-hour period is calculated as commencing from the time of the first withdrawal. That is, at no time in any 24-hour period may a venue operator permit a patron to withdraw an amount exceeding \$500 from any one card.

Cashing of Cheques

From 19 September 2018, the promotion or operation of cheque cashing services by any person in gaming venues or on gaming venue property, including the cashing of cheques by venue operators or a third party, is prohibited.

Gaming venue property may include nearby land owned or leased by the venue operator including the venue’s car park area.

Static Betting Advertising

The *Gambling Legislation Amendment Act 2018* (GLA Act) amends the *Gambling Regulation Act 2003* (GRA) to prohibit wagering service providers from displaying or causing to be displayed, static betting advertising:

- within 150 metres of the perimeter of a school
- on public transport infrastructure, including fixed infrastructure such as train stations, bus shelters and tram stops and moving infrastructure such as trams, trains, ferries, buses and taxis
- on or above public roads, road reserves and road infrastructure.

A wagering service provider is:

- a person who operates a totalisator
- a person who operates a betting exchange
- a person who carries on the business of a bookmaker or turf commission agent
- a person who gains or endeavours to gain their livelihood wholly or partly by betting or making wagers
- an employee or agent of a person mentioned above.

Note that exceptions to the static betting advertising prohibition applies. The static betting advertising prohibition commenced on 9 May 2018.

These changes will impact on wagering service providers. Venue operators that are concerned with advertising within or associated with their venue should contact the relevant wagering service provider.

1) What kind of advertising is prohibited?

A wagering service provider must not display, or cause to be displayed, gambling advertising that is static betting advertising in certain places.

Gambling advertising means advertising that gives publicity to, or otherwise promotes or is intended to promote, participation in wagering or sports betting.

Static betting advertising includes, but is not limited to:

- static advertising displays, including but not limited to billboards, banners, hoardings, signs, images or rolling static displays; and
- digital billboards and panels, including those that display moving or video images; and
- moveable billboards and displays.

Static betting advertising does not include advertising using broadcast television, radio or digital media such as websites or social media, or commercial print media such as magazines and newspapers.

2) Where is static betting advertising prohibited?

Static betting advertising is prohibited on all public transport infrastructure including fixed infrastructure such as train stations, bus shelters and tram stops and moving infrastructure such as trams, trains, ferries and buses.

Static betting advertising is also prohibited within 150 metres of a school subject to a number of exemptions that will apply for areas such as sports grounds and racecourses.

Finally, static betting advertising is prohibited on roads, road infrastructure and road reserves, including footpaths where they are part of the road infrastructure. However, the prohibition does not apply to vehicles that are on a public road.

3) Will the prohibition apply to advertising signs in office building foyers or in shopping centres that are within 150 metres of a school?

Yes, the prohibition will apply to any static betting advertising located within 150 metres of a school, even if it is indoors, unless it falls under one of the exemptions (see Question 7).

4) What does the prohibition on static betting advertising on roads and road infrastructure cover?

The prohibition on static betting advertising applies to public roads, road infrastructure and road reserves as defined by the *Road Management Act 2004*. These definitions capture main roads, arterial roads, freeways and tollways, as well as traffic control signs, embankments and noise walls. It does not apply to advertising that is displayed on persons or vehicles travelling on a public road.

5) What is a “public road”?

The responsibility for Victoria's roads is shared between VicRoads, municipal councils, Transurban (Citylink), Connect East (Eastlink), Southern Way (Peninsula Link), the Department of Environment, Land, Water and Planning and other Government Departments.

Each of these authorities has a Register of Public Roads. If there is any doubt about whether a road is captured by the definition, it would be necessary to contact the organisation responsible for that particular road. Further information is available from the 'Register of public roads' section on the VicRoads website (vicroads.vic.gov.au).

6) Are there any exemptions to the static betting advertising prohibition?

A wagering service provider does not commit an offence by:

- displaying its logo or name on a building it occupies
- displaying gambling advertising inside of a shop that stocks the wagering service provider's products or services
- displaying gambling advertising inside or on any wagering outlet
- displaying gambling advertising at a sports ground
- displaying gambling advertising at a racecourse
- displaying gambling advertising on a vehicle that is on a public road.

In addition, static betting advertising will continue to be permitted to be published under contracts entered into prior to 17 September 2017 for a period of up to two years.

7) Under what circumstances can a shop that provides a wagering service provider's products or services display static betting advertising?

If a shop provides products or services on behalf of a wagering service provider and is within 150 metres from the perimeter of a school, it may display gambling advertising providing it is only visible from inside a shop.

8) What if I have an existing contract in place for my advertising?

Transitional arrangements are in place for gambling advertising published under a contract or agreement entered into before 17 September 2017. In this case, the gambling advertising may be permitted to be published for up to two years under a contract or agreement entered into before 17 September 2017.

A wagering service provider who relies on the transitional arrangements may be asked by the Victorian Commission for Gambling and Liquor Regulation to prove that the contract or agreement for that advertising was in place prior to 17 September 2017.

9) What about incidental displays of a wagering service provider's logo or advertisement?

The prohibition applies to gambling advertising that is static betting advertising which is displayed or caused to be displayed by a wagering service provider.

Wagering service providers are encouraged to seek their own advice about the use of their name, logo or other information related to their brand or products.

The purpose of this update is to provide general information and guidance only. The information provided is not in substitution of the *Gambling Regulation Act 2003*, the Monitoring Licence and Related Agreements issued under that Act, the Entitlement Related Agreements for Venues, the Venue Services Agreement or any other regulatory requirements. Venue Operators should seek appropriate professional advice as to their obligations.