



# Victoria Government Gazette

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## Gambling Regulation Act 2003

### MINISTERIAL DIRECTION PURSUANT TO SECTION 10.6.6

#### Responsible Gambling Codes of Conduct

I, Marlene Kairouz MP, Minister for Consumer Affairs, Gaming and Liquor Regulation, pursuant to section 10.6.6(1) of the **Gambling Regulation Act 2003** (Act) as in force on 1 March 2020:

1. give the following direction, set out in clause A, in relation to the content that must be included in a Responsible Gambling Code of Conduct (code) implemented by a venue operator; and
2. vary the direction made on 10 September 2018 under section 10.6.6(1)(a) and (b) of the Act as set out in clause B below to revoke its application to a venue operator.

#### A. DIRECTION ABOUT RESPONSIBLE GAMBLING CODES OF CONDUCT FOR VENUE OPERATORS

The following direction applies to persons holding a venue operator's licence, as defined in section 1.3 of the Act.

##### Definitions

Unless the context otherwise requires or the contrary intention appears, terms defined in the Act have the same meaning.

In this direction:

**Code administrator** means an industry representative association or other person engaged by a gaming venue operator to prepare and administer the relevant person's code.

**Commission** means the Victorian Commission for Gambling and Liquor Regulation established by section 6 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011**.

**Lawful loyalty scheme** means a 'loyalty scheme' as defined in section 1.3 of the Act.

**Interaction** means measured assistance based on a case-by-case assessment by venue staff. The interaction may take the form of:

- encouraging the customer to consider food or beverage offers available at the venue which would allow a break in play from the gaming machine;
- offering the customer some refreshments (i.e. tea or coffee) in a quieter, more private part of the gaming venue where the customer has the opportunity to request appropriate support information in a confidential manner;
- assisting the customer with travel arrangements in order to depart the venue;
- providing customers with information on gambling support; and
- explaining how the self-exclusion program works and provide information on how to access the program.

**Model code** is a code prepared by a code administrator and published on the Commission's website.

#### PART 1: ADOPTING AND AMENDING A CODE

##### Copy of code to be provided to Commission

A venue operator must, except where that venue operator has adopted a model code, provide a copy of the code that will be implemented by the venue operator to the Commission for publication on the Commission's website.

A code provided by a venue operator to the Commission and published on the Commission's website will be deemed to be the code that must be implemented by the venue operator.

**SPECIAL**

**Amending a code**

A code may be amended by the venue operator or, in the case of a model code, the code administrator.

Where a code is amended the venue operator or in the case of a model code the code administrator must provide a copy of the amended code to the Commission.

**Model codes**

A venue operator can meet the standards and requirements set out in this direction by adopting a model code provided that model code complies with this direction.

Where a venue operator adopts a model code, the model code published on the Commission's website will be deemed to be the code that will be implemented by the venue operator.

A venue operator who has adopted a model code must notify the Commission:

- (a) that the venue operator has adopted a model code; and
- (b) the name of the code administrator whose code has been adopted.

**Availability of the code**

A code must be available:

- (a) to customers (and must specify how this will occur); and
- (b) where the venue operator has a website, on that website.

**Consistency with the Act**

A code implemented by a venue operator must:

- (a) meet the requirements of the Act; and
- (b) comply with this and any other relevant ministerial direction.

**Clarity of the code**

A code must be written in a manner that will enable it to be readily understood by customers. As a minimum requirement, a code must be written in plain English and be presented in such a way as to be reasonably accessible to customers, including customers from culturally and linguistically diverse backgrounds.

**PART 2: CONTENTS OF A CODE****A code must include the following provisions:****1. Responsible gambling message**

A venue operator has a duty to take all reasonable steps to prevent and minimise harm from the operation of gaming machines in the approved venue, including by monitoring the welfare of gaming machine players, discouraging intensive and prolonged gaming machine play and intervening when a person is displaying behaviour that is consistent with gambling harm.

**2. Interaction with customers – communications with gamblers**

2.1 A venue operator must ensure that communications with customers do not:

- (a) induce a person to enter or remain in the gaming machine area;
- (b) induce gaming machine play (with the exception of communication that forms part of a lawful loyalty scheme); or
- (c) reinforce or encourage fallacies or misconceptions about gaming machines, including but not limited to:
  - i. telling a person that he or she can make money playing a gaming machine;
  - ii. telling a person that a gaming machine or gaming machine jackpot has or has not paid, or that it is due to pay, winnings;

- iii. discussing luck or superstitions;
  - iv. telling a person that a ‘near miss’ means the gaming machine is about to pay winnings;
  - v. suggesting or encouraging the belief that a spin on a gaming machine is not independent of another spin on that gaming machine;
  - vi. suggesting or encouraging the belief that there are strategies that a person can use to win when playing a gaming machine (for example, increasing or decreasing the amount bet per line or number of lines on which a bet is made); or
  - vii. telling a person that he or she deserves to win.
- 2.2 A venue operator must take reasonable steps to ensure that communications with customers discourage intensive and prolonged gaming machine play.
- 2.3 With the exception of EFTPOS signage, a venue operator must not induce a person to:
- (a) withdraw money, or withdraw more money, from a cash facility; or
  - (b) leave the approved venue to obtain money, or obtain more money, to enable that person to play, or to continue to play, a gaming machine.
- 2.4 A venue operator may however direct a person to a cash facility when requested to do so by a customer.

### **3. Interaction with customers – signs of distress**

- 3.1 A venue operator must take all reasonable steps to ensure the gaming machine area and entrances to the gaming machine area are monitored at all times gaming machines are available for gaming.
- 3.2 A venue operator must take all reasonable steps to ensure that customers in the gaming machine area are regularly observed to monitor behaviour that is consistent with gambling harm.
- 3.3 A venue operator must not encourage or induce a person to engage in intensive or prolonged gaming machine play.
- 3.4 A venue operator is expected to ask a person to take a break away from the gaming machine area where an interaction has occurred and that interaction has determined that the person is angry while gaming or has requested assistance as a consequence of their gaming.
- 3.5 A venue operator is expected to interact with a person who has been observed to have been playing gaming machines for a prolonged period without a break and ask that person to take a break away from the gaming machine area.
- 3.6 A venue operator is expected to interact with a person who:
- (a) has been asked to take a break and refuses to take a break away from the gaming machine area;
  - (b) plays multiple gaming machines simultaneously; or
  - (c) reserves a gaming machine in order to play another gaming machine.

### **4. Gaming venue staff**

- 4.1 A venue operator must ensure that staff do not play a gaming machine on a rostered day of work at the venue where the staff member is employed.
- 4.2 A venue operator must provide information to staff so that they are aware of their increased risk of harm from gambling.

### **5. Interaction with problem gambling support services**

A venue operator is expected to ensure that staff who have day-to-day management of the operation of the approved venue and responsible gambling officers meet with the venue’s nominated venue support worker at least once every six months.

**6. The gambling environment**

- 6.1 A venue operator must not encourage a person to play multiple gaming machines simultaneously.
- 6.2 A venue operator must take all reasonable steps to discourage a person from reserving a gaming machine in order to play another gaming machine in the gaming machine area.
- 6.3 During the opening hours of food and beverage facilities outside the gaming machine floor, a venue operator must ensure that a person can order and be served food and beverage without having to enter the gaming machine area.
- 6.4 A venue operator may offer a person seated at or playing a gaming machine food or beverage provided it is offered as part of an interaction with that person.

**7. Responsible gambling officer**

- 7.1 A venue operator must nominate responsible gambling officers for its approved venue(s).
- 7.2 A responsible gambling officer must be available in the gaming machine area at all times gaming machines are available for gaming.
- 7.3 A venue operator must display prominently in the gaming machine area a notice advising that a responsible gambling officer is available for assistance at all times.
- 7.4 A responsible gambling officer must take all reasonable steps to:
  - (a) monitor the gaming machine area and ensure compliance with the Act, regulations and this code;
  - (b) ensure that staff record responsible gambling incidents and interventions in the responsible gambling register;
  - (c) observe customers who display behaviour that is consistent with gambling harm and provide assistance as necessary;
  - (d) provide advice to staff about gambling harm and how to respond to signs of gambling harm; and
  - (e) respond to customer enquiries and complaints about the supply of gambling in the approved venue.
- 7.5 A responsible gambling officer must complete prescribed responsible service of gambling training, if any.

**8. Responsible Gambling Register**

- 8.1 A venue operator must establish and maintain a responsible gambling register and must ensure that details of all responsible gambling incidents and interventions are recorded in this register, including:
  - (a) date and time the incident occurred;
  - (b) details of the incident;
  - (c) details of the intervention made in response to the incident;
  - (d) details of the customer's response to the intervention, if known
  - (e) date and time the entry was recorded in the responsible gambling register; and
  - (f) the name of the individual, if this is provided voluntarily by that individual.
- 8.2 A venue operator must retain the information in the responsible gambling register for not less than six months from the day it was recorded in the responsible gambling register.
- 8.3 A venue operator must provide a copy of the responsible gambling register to the Victorian Commission for Gambling and Liquor Regulation on request.
- 8.4 A venue operator may provide information in the responsible gambling register to a Venue Support Worker for training and development purposes provided that information does not include the name or identifying characteristics of any person.

**B. VARIATION OF DIRECTION**

The direction dated 10 September 2018 under section 10.6.6(1)(a) and (b) of the Act is varied as follows:

For the definition of '*Relevant person*' substitute:

*'Relevant person* means

- (a) a wagering operator;
- (b) the wagering and betting licensee;
- (c) a registered bookmaker;
- (d) a public lottery licensee or temporary public lottery licensee;
- (e) the keno licensee;
- (f) a holder of a commercial raffle organiser's licence;
- (g) a bingo centre operator;
- (h) a casino operator;
- (i) the holder of an interactive gaming licence.'

In Part 2: Contents of a Code, under the heading 'Gambling product information', omit the words 'a venue operator or'.

This direction takes effect on 1 March 2020 and remains in force until revoked.

Dated 20 February 2020

HON. MARLENE KAIROUZ MP  
Minister for Consumer Affairs, Gaming and Liquor Regulation

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