



Victoria Government Gazette

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Gambling Regulation Act 2003

MINISTERIAL DIRECTION PURSUANT TO SECTION 4.8A.2 OF THE GAMBLING REGULATION ACT 2003

I, Marlene Kairouz MP, Minister for Consumer Affairs, Gaming and Liquor Regulation, acting pursuant to section 4.8A.2 of the **Gambling Regulation Act 2003** revoke the direction dated 20 May 2019 and published in the Government Gazette on 23 May 2019, and in substitution direct that a wagering service provider, in Victoria or elsewhere, providing interactive wagering and betting services to a Victorian resident must comply with the requirements set out in this direction.

1. Definitions

Account holder means a person who has a betting account with a wagering service provider.

Active betting account means a betting account that has been used to make or settle a bet within the preceding 12 months but does not include a betting account that has been closed.

Approved information means information approved by the Minister for the purpose of clause 6, if any.

Bet includes a wager and any activity where a person stakes money or something of value for the opportunity to win a prize of money or something else of value.

Betting account means an account held with a wagering service provider into which funds are or can be deposited and used by the account holder for making a bet with that wagering service provider.

Bonus bet includes a complimentary or discounted betting credit or betting token.

Deposit limit means a limit on the amount of money that can be deposited into a betting account.

Direct marketing includes any advertising, promotion or offer made by or on behalf of a wagering service provider directly to a person by means of telephone, email, SMS, text message, post, electronic transmission, datacast or other direct means, including directly to an Internet application, website or broadcast service that can be used by an account holder to make a bet (but does not include those parts of an Internet application, website or broadcast service that can only be accessed by an existing account holder).

Interactive wagering and betting service includes a wagering and betting service that enables a person to make a bet using:

- (a) a telephone
- (b) an Internet application
- (c) a website
- (d) a datacasting service
- (e) a broadcast service.

Money includes physical currency, cheques, drafts, credit card and e-wallet payments, vouchers or credit redeemable for betting account credit, cryptocurrency and e-currency, whether in Australian currency or another currency, or any other thing of value that can be used to make a bet.

Unsubscribe means to withdraw consent to receiving direct marketing from or on behalf of a wagering service provider.

Wagering service provider means a person who:

- (a) operates a totalisator
- (b) operates a betting exchange
- (c) carries on business as a bookmaker, turf commission agent or betting aggregator
- (d) is an agent of a person mentioned in paragraph (a), (b) or (c).

Wagering services means the services provided to an account holder by a wagering service provider.

2. Interpretation

- 2.1 An approval by the Minister of anything required to be approved for the purposes of this direction may include requirements as to its content, frequency, form, size, font, colour, placement, timing and mode of delivery, which may differ according to circumstance or betting platform (for example, direct marketing material, broadcast advertising, or telephone, website, datacasting service or Internet application betting platform).

3. Commencement

- 3.1 This direction takes effect on 26 May 2020.

4. Inducements

- 4.1 A wagering service provider must not offer any credit, voucher or reward to an account holder as an inducement to refer another person to open a betting account.
- 4.2 A wagering service provider must not offer or provide a bonus bet to a person unless winnings from a bet made with that bonus bet can be withdrawn from the account holder's betting account without being subject to a requirement that the account holder continue to bet with those winnings.

5. Direct marketing

- 5.1 A wagering service provider or a person acting on behalf of a wagering service provider must not send any direct marketing to a person unless that person has provided his or her express consent to receive direct marketing.
- 5.2 A wagering service provider or person acting on behalf of a wagering service provider must not provide direct marketing to a person who has consented to receive direct marketing unless that person can unsubscribe and the process for unsubscribing is easy to access and use.
- 5.3 A wagering service provider or a person acting on behalf of a wagering service provider must not send direct marketing to a person at any time after five business days from the day it has received notification from that person that he or she has unsubscribed.
- 5.4 A wagering service provider must not provide any credit, voucher or reward or other benefit to encourage a person to consent or to continue to consent to receive direct marketing.

6. Account deposit limits

- 6.1 A wagering service provider must not open a betting account for a person or provide wagering services to an account holder unless the person or account holder has set a deposit limit.
- 6.2 Notwithstanding clause 6.1, a wagering service provider may open a betting account for a person and provide wagering services to an account holder where the person or account holder has expressly indicated that he or she does not wish to set a deposit limit (opt-out).
- 6.3 The process for setting a deposit limit must:
- (a) be clearly explained and prominently displayed on:
 - (i) the wagering service provider's website
 - (ii) where an account holder is able to place a bet using an Internet application, website or datacasting service, either on the account holder's 'My account' window or its equivalent, or via a single link from the account holder's 'My account' window or its equivalent

- (b) be simple and easy for the account holder to use to set and change a deposit limit
 - (c) allow the account holder to choose the period during which the deposit limit applies (for example, a week, fortnight, calendar month or calendar year or a combination of these)
 - (d) allow the account holder to set a deposit limit by email, telephone and, where the person is able to place a bet by using an Internet application, website or datacasting service, using that Internet application, website or datacasting service
 - (e) if the Minister has approved information for the purposes of clause 6, require a person or account holder who wants to opt-out of setting a deposit limit pursuant to clause 6.2 to do so only after being given by the required method approved information about the benefits of setting a deposit limit.
- 6.4 A wagering service provider must not allow a person to deposit money into a betting account where a deposit limit set by the account holder has been reached or would be exceeded if the money were deposited.
- 6.5 A wagering service provider must ensure that a request to lower a deposit limit set by an account holder is applied to the account holder's betting account immediately after the request is received by the wagering service provider.
- 6.6 A wagering service provider must ensure that a request to increase a deposit limit set by an account holder is not applied to the account holder's betting account until seven days after the day the request is received by the wagering service provider.
- 6.7 A wagering service provider must, within the required time and using the required method, ensure that an account holder with an active betting account is asked:
- (a) where the account holder has set a deposit limit, if he or she wishes to change his or her deposit limit
 - (b) where the account holder has not set a deposit limit, if he or she wishes to set a deposit limit.
- 6.8 For the purpose of this clause, except clause 6.3(e):
- (a) the **required time** is on or before the day that is 12 months after the day the account holder placed his or her first bet using the betting account and on or before that date each subsequent year, except where the account holder's betting account is not an active betting account on that date
 - (b) the **required method** is the method the account holder usually uses to place a bet (for example, using an Internet application, website, datacasting service, email or telephone).
- 6.9 For the purpose of clause 6.3(e), the **required method** is:
- (a) where the person can open an account or make a bet using an Internet application, website or datacasting service by navigating to an application screen, web page or datacasting page that contains the approved information and after viewing the approved information the person or account holder can provide his or her express indication that he or she wishes to opt-out of setting a deposit limit
 - (b) where the person can open an account or make a bet using the telephone, by the approved information being provided verbally to the person or account holder and after being provided with the approved information the person or account holder is expressly asked if he or she still wishes to opt-out of setting a deposit limit.
- 7. Account closure**
- 7.1 A wagering service provider must not provide wagering services to an account holder unless the process available to the account holder for closing his or her betting account with the wagering service provider:

- (a) is clearly explained and prominently displayed on:
 - (i) the wagering service provider's website
 - (ii) where an account holder is able to place a bet using an Internet application, website or datacasting service, either on the account holder's 'My account' window or its equivalent or via a single link from the account holder's 'My account' window or its equivalent
 - (b) is simple and easy for the account holder to use
 - (c) allows the account holder to make a request to close his or her betting account by telephone, email and, where the account holder is able to place a bet by using an Internet application, website or datacasting service, using that application, website or service
 - (d) results in the closure of the account holder's betting account as soon as practicable after the request is received by the wagering service provider and after all bets made using that betting account have settled.
- 7.2 A wagering service provider or a person acting on behalf of a wagering service provider must not encourage or offer any credit, voucher or reward or other benefit to induce an account holder to keep a betting account open after an account holder has made a request to close his or her betting account (a wagering service provider may however explain the consequences of closing a betting account and ask the account holder if he or she wishes to proceed).
- 7.3 A wagering service provider or a person acting on behalf of a wagering service provider must not provide any direct marketing to a person at any time after five business days from the day it has received a request from that person to close his or her betting account.

Dated 25 May 2020

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

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