

INFORMATION SHEET

Producing a TVC promoting Gambling and Gaming – applicable to interactive gambling, wagering, casinos and gaming machines

Commercials promoting gambling and gaming must comply with the *Commercial Television Industry Code of Practice* as well as Commonwealth, State or Territory legislation which relates to gambling and gaming. The Australian Consumer Law also applies in relation to misleading and deceptive conduct.

There are specific restrictions on placement of commercials relating to betting and gambling in a Live Sporting Event and these are set out in Appendix 3 of the *Commercial Television Industry Code of Practice*.

This information sheet applies to commercials promoting interactive gambling, wagering, gaming machines and casinos. The summaries below do not include regulations that apply to advertising trade promotions and lotteries as there is different legislation that applies to these types of activities and would need to be checked separately. Please refer to the “Lotteries” and “Competitions” section of the CAD Classification Handbook for more information.

The regulations applicable to a commercial will depend on the nature of the gambling or gaming being advertised, and the States and Territories in which the commercial will appear. In some instances, advertising of certain gambling or gaming services is prohibited. In other instances, advertising is permitted but it is subject to certain rules and conditions.

Disclaimer: *This Information Sheet is a general summary of the Commonwealth and State based legislation relevant to advertising by gambling service providers. It does not contain details of other relevant legislation that may also be applicable to a commercial. You should always seek your own legal advice.*

The information in this Information Sheet refers to legislation applying to Australian authorised or licensed operators. Unauthorised or unlicensed operators are not able to offer gambling services and accordingly are not able to advertise on television. It is also unlawful for authorised or licensed gambling service providers to advertise a type of gambling they are not authorised or licensed to provide. You should seek advice if you have any concerns regarding your licensing as the penalties for these offences can be significant.

Some of the regulations refer to "publishing" a commercial, this is likely to include on television. The CAD Classification Handbook sets out the appropriate time zones for the broadcast of commercials relating to betting and gambling. For more information, please refer to Appendix B: Placement Codes.

This information sheet is split into 3 parts.

1. The first part is a consideration of general restrictions that apply, regardless of where the commercial is broadcast.
2. The second part relates to interactive gambling in any state or territory in Australia.
3. The third part relates to wagering, casinos and gaming machines and contains separate information for each state and territory. Please be aware that in this section some restrictions only apply to a particular type of gambling or gaming.

General Requirements

Please consider the following general requirements of gambling advertising of any type in any state or territory:

- is the advertiser advertising a type of gambling service they are permitted to provide and if relevant, at a location they are permitted to provide the service?
- does the commercial comply with Appendix 3, Restrictions on Gambling and Betting Promotions in a Live Sporting Event of the *Commercial Television Industry Code of Practice*?
- does the Commercial contain a Responsible Gambling Message, as required by the relevant State/Territory law (or if not, an acceptable message such as “Gamble Responsibly”)?
- If the Commercial contains a representative of a gambling or betting organisation, is it at a venue used for Sporting Events?
- the Commercial must not:
 - be directed to children
 - portray children as participating in betting or gambling
 - portray betting or gambling as a family activity
 - make exaggerated claims
 - promote betting or gambling as a way to success or achievement
 - associate betting with alcohol.
- the Commercial must:
 - be socially responsible
 - not mislead or deceive the audience.
- is the advertiser subject to any additional advertising restrictions by any state or territory Gambling Authority and if so, are these being complied with?
- does the commercial comply with the Australian Consumer Law including the obligation not to mislead and deceive?

Interactive Gambling

Australia wide

Summary: It is illegal to advertise interactive gambling services in Australia. Under no circumstances can advertising for an interactive gambling service be broadcast in any state or territory in Australia.

Source of restrictions: *Interactive Gambling Act 2001 (Cth)*.

An "interactive gambling service" means a gambling service where the service is provided as part of a business to customers using either an Internet service, a broadcasting service, any other content service, or a datacasting service.

Interactive gambling services include those games that are often described as 'online casinos' and usually involve using the internet to play games of chance, or games of mixed chance and skill. Examples include poker, roulette, craps, online 'pokies' and blackjack but novel and hybrid gambling games are equally covered. Wagering on a horse race, harness race, greyhound race or

sporting event is *not* interactive gambling even when bets are placed online provided the wagering operator is licensed in Australia. However, 'in the run' online wagering (wagering that occurs after the event has begun, other than for horse or greyhound races) is prohibited.

"Gambling service" is defined broadly and means a service for placing or receiving bets, for introducing individuals who wish to make or receive bets, for the conduct of a lottery, for the conduct of a game where the game is played for money or anything else of value, where the game is of chance and/or skill and any other gambling service within the ordinary meaning of that expression.

The prohibition on advertising interactive gambling services is broad and includes any material that promotes or gives publicity to an interactive gambling service, interactive gambling services in general, the whole or part of a trade mark in respect of an interactive gambling service, a domain name or URL that relates to an interactive gambling service or any words closely associated with an interactive gambling service.

Exemptions apply where the broadcast of the commercial is an accidental or incidental accompaniment to the broadcasting of other matter and the person does not receive any direct or indirect benefit (whether financial or not) for broadcasting the commercial (in addition to any benefit the person receives for broadcasting the other matter).

Penalty: \$22,600 per offence.

Examples: The following types of television commercials would appear to be prohibited under the legislation:

- a television commercial promoting an online casino, poker website or the domain name or URL that relates to an interactive gaming service.

Please note: the ACT and Queensland restrictions are outlined below for completeness. As the Commonwealth Act outlaws all interactive gambling advertising, the reference to the ACT and Queensland Acts is to note that advertising interactive gambling is also regulated under ACT and Queensland law.

ACT Only

Source of restrictions: *Interactive Gambling Act 1998* (ACT).

Prohibited advertising: It is prohibited to advertise:

- that premises are available for playing interactive games; or
- an interactive game unless that game is an authorised game.

"Interactive game" means a game in which a prize can be won and a person enters the game through a telecommunications device and the winner of the prize is decided wholly or partly by chance or skill.

An "authorised game" is an interactive game where the Minister has approved a written application for authorisation by a licenced provider.

Penalty: \$30,000 for an individual (\$150,000 for a corporation), imprisonment for 2 years or both.

Prohibited advertising: It is also prohibited to advertise an authorised game without the approval of the relevant authorised provider.

Penalty: \$6,000 for an individual or \$30,000 for a corporation.

QLD Only

Source of restrictions: *Interactive Gambling (Player Protection) Act 1998* (QLD)

Prohibited advertising: It is prohibited to advertise:

- that premises are available for playing interactive games; or
- an interactive game in Queensland unless the game is an authorised game.

"Interactive game" means a game in which a prize is offered or can be won and a player enters the game or takes any step in the game through a telecommunications device and the winner of a prize is decided wholly or partly by chance or by a competition or other activity in which the outcome is wholly or partly dependent on the player's skill.

"Authorised game" is an interactive game that a licensed provider is authorised to conduct under the Act such as by receiving the approval of the Minister.

Penalty: Maximum \$23,560 or 2 years imprisonment.

- **Prohibited advertising:** It is also prohibited to advertise an authorised game in Queensland without the approval of the relevant authorised provider.

Penalty: Maximum \$4,712.

Requirements: If advertising an authorised game, you must take reasonable steps to ensure that the commercial:

- is not indecent or offensive;
- is based on fact; and
- is not false, deceptive or misleading in a material way.

Please note: While an interactive gambling advert may be permissible under Queensland law, it will not be permissible under the current Commonwealth law.

Wagering, Casino and Gaming Machines

Australian Capital Territory

Summary: It is permissible to advertise wagering, casinos and gaming machines in the ACT subject to the restrictions outlined below.

General restrictions for all licensees

Source of restrictions: *Gambling and Racing Control (Code of Practice) Regulation 2002* (ACT)

A "licensee" means a gaming machine licensee, a casino licensee, a licensed provider under the *Interactive Gambling Act 1998*, the holder of a bookmaking licence or ACT TAB Limited.

Prohibited advertising: The Code prohibits advertising in the ACT that:

- encourages anyone to contravene a gaming law (e.g. to participate in or arrange unlawful betting, inviting a child to bet, cheating, owning premises used for unlawful gambling,

receiving proceeds from unlawful gambling, failing to comply with condition of approval to conduct game);

- shows people under 25 years old gambling;
- encourages or targets people under 18 years old to: make a bet, enter into or take an interest in a bet or to obtain information or advice in relation to a bet;
- is false or misleading, especially about the chances of winning;
- suggests that gambling is a form of financial investment;
- suggests that skill can influence games that are games of chance;
- shows or promotes the consumption of alcohol while gambling;
- requires or encourages people to gamble for a minimum period of time to qualify for rewards;
- includes an offer of free or discounted alcohol; or
- encourages people to gamble a minimum amount to qualify for rewards (unless the licensee is the holder of a sports booking licence under the *Race and Sports Bookmaking Act 2001* or for the promotion of a commission-based player scheme under the *Casino Control Act 2006*).

Mandatory information: The Code requires a licensee to publish the name and telephone number of an approved gambling counselling service in the ACT in conjunction with any advertising material.

Penalty: The Commission may make directions in relation to an act of non-compliance and a maximum penalty of \$1,150 for an individual and \$7,750 for a corporation, per offence, applies for contravening a direction.

Gaming machines licensees only

The Code prohibits advertising in the ACT that:

- encourages people to increase their frequency of betting at the facility or the amount of each bet;
- offers cash or free or discounted gambling credits, unless the offer of cash or credits is made to all patrons of the facility all of the time as part of the facility's usual or regular prize schedule;

Please note that these restrictions are in addition to the general restrictions above.

Examples: The following types of television commercials would appear to be prohibited in the ACT:

- a television commercial promoting a venue for unlawful gaming or unlawful betting;
- a television commercial depicting a young man who appears to be under the age of 25 engaging in gaming of any kind;
- a television commercial depicting a young woman with friends at a roulette table while the voiceover states: "You'll never lose with [casino name]"; or
- a television commercial depicting cartoon characters playing poker where the nature of the cartoon will appeal to a young audience.

New South Wales

Summary: It is permissible to advertise wagering and casinos in NSW subject to the restrictions outlined below. Please pay particular attention to the restrictions around offering inducements to gamble for wagering. It is prohibited to publish any gaming machine advertising.

General restrictions for all licensees

Source of restrictions: *Racing Administration Act 1998 / Racing Administration Regulation 2012 / Totalizator Regulation 2012 / Casino Control Regulation 2009*

Advertising Requirements: Gambling advertising must not:

- encourage a breach of the law;
- depict children gambling;
- be false, misleading or deceptive;
- suggest that winning will be a definite outcome of participating in gambling activities;
- suggest that participation in gambling activities is likely to improve a person's financial prospects (and for a casino - improve a person's social standing);
- promote alcohol consumption while engaging in gambling activities;
- be published in a manner that is not in accordance with decency, dignity and good taste; or
- offer any free or discounted liquor as an inducement to participate in gambling activity.

Penalty: Various penalties up to a maximum of \$11,000.

Wagering only

Source of restrictions: *Betting and Racing Act 1998/Betting and Racing Regulation 2012/Totalizator Regulation 2012*

- offer any inducement to participate, or to participate frequently, in any gambling activity, including inducing a person to open a betting account.

Penalty: Various penalties up to a maximum of \$11,000.

Source of restrictions: *Betting and Racing Act 1998/Betting and Racing Regulation 2012/Totalizator Regulation 2012*

- publish gambling advertising during a sporting fixture where the advertising relates to that fixture and where there is a prescribed sports controlling body for the sporting event.

Penalty: Various penalties up to a maximum of \$5500

Casino only

Source of restrictions: *Casino Control Regulation 2009*

- suggest that a player's skill can influence the outcome of a game that is purely a game of chance.

Penalty: *Various penalties up to a maximum of \$11,000.*

Gaming Machines only

Source of restrictions: *Gaming Machine Act 2001*

It is prohibited to publish any gaming machine advertising.

"Gaming Machine Advertising" means any form of advertising that gives publicity to or promotes the playing of approved gaming machines in a hotel or registered club, or the supply, sale or manufacture of an approved gaming machine.

Exceptions: It is not prohibited to publish gaming machine advertising if it is:

- conducted by or on behalf of the State Government in relation to problem gambling; or
- accidentally or incidentally included in a commercial and the person publishing it does not receive any direct or indirect benefit for specifically publishing the gaming machine advertising.

Publishing the corporate name or logo of a corporation that holds a gaming machine dealer's licence, in itself, is not prohibited under the *Gaming Machine Act 2001*.

Penalty: \$11,000.

Examples: The following types of television commercials would appear to be prohibited in NSW:

- any commercial for a gaming machine;
- a commercial for a casino which suggests that a person's skill can influence a game of chance.

Northern Territory

Summary: It is permissible to advertise wagering, casinos and gaming machines in NT subject to the restrictions outlined below.

General restrictions for all licensees

Source of restrictions: *Code of Practice for Responsible Gambling 2016/Northern Territory Code of Practice for Responsible Online Gambling 2016*

The mandatory Code of Practice for Responsible Gambling 2016 applies to providers of gambling services in the Northern Territory. Under the Code, gambling providers must ensure that any advertising or promotion:

- is delivered in an honest and responsible manner with consideration given to the potential impact on people adversely affected by gambling;
- complies with the Advertiser Code of Ethics as adopted by the Australian Association of National Advertisers or The Communications Council;
- complies with the Commercial Television Industry Code of Practice (television advertising);
- is not false or deceptive;
- accurately details prizes on offer and the game results available;
- does not give the impression that gambling is a reasonable strategy for financial betterment;
- is not implicitly or explicitly directed at minors or portrays minors participating in gambling;

- does not advertise individual winnings unless done so within the gambling provider's premises;
- does not verbally urge non-gambling customers or residents to buy gambling products; and
- does not depict or promote the consumption of alcohol when engaged in gambling activities.

Penalty: \$2,120.

Examples: The following types of television commercials would appear not to comply with the Code of Practice:

- a television commercial which depicts a person who appears under the age of 18 years playing a poker machine; or
- a television commercial which depicts people winning from gambling with a voice-over that states "You'll win every time you play".

Totalisators only

Source of restrictions: *Totalisator Licensing and Regulation Act (NT)*

- A licensee must not be involved in any advertising relating to the conduct of wagering that is:
- indecent or offensive; or
- false or misleading in a material particular

Penalty \$7,650

Gaming Machines only

Source of restrictions: *Gaming Machine Regulations 1995 (NT)*

Prohibited advertising: A person who advertises shall also ensure that a commercial is factual and not indecent or offensive and does not contain an inducement to engage in gaming or any material as determined by the NT Director of Licensing to be an inducement to engage in gaming.

Prohibited advertising: A person who advertises shall ensure that a commercial:

- is not indecent or offensive;
- based on fact; and
- not false, deceptive or misleading.

An inducement to engage in gaming includes:

- an offer of transport to licensed premises, whether or not a charge applies;
- an offer of free or discounted rates for:
 - accommodation;
 - meals, refreshments, liquor or other amenities; or
- an offer of:
 - gaming tokens to play a gaming machine; or
 - an offer of jackpots or other prizes or gifts that are not available to a person in the normal course of playing a gaming machine; or
- any material which a NT Director considers to be an inducement to engage in gaming.

Exception: The prohibition relating to an inducement does not apply to gaming in a casino.

Penalty: A maximum of \$6,120.

Code of Practice for Responsible Online Gambling: The Northern Territory has recently launched a new Code of Practice for Responsible Online Gambling. The codes set out mandatory minimum requirements which will come into effect on 1 March 2016.

Source of restrictions: *Northern Territory Code of Practice for Responsible Online Gambling 2016.*

The mandatory Code of Practice for Responsible Online Gambling applies to all online gambling including web-based, app and telephone betting on any platform such as computers, tablets and smartphones. Under the Code, gambling providers must ensure that any advertising or promotion:

- is delivered in an honest and responsible manner with consideration given to the potential impact on people adversely affected by gambling;
- complies with the Advertiser Code of Ethics as adopted by the Australian Association of National Advertisers or The Communications Council;
- complies with the Commercial Television Industry Code of Practice (television advertising);
- is not false or deceptive;
- accurately represents and clearly defines the terms and conditions associated with the promotions, bonus offers, competitions etc;
- contain appropriate problem gambling warning messages in a clearly visible manner;
- does not give the impression that gambling is a reasonable strategy for financial betterment (i.e. advertisements should centre on entertainment purposes);
- must not be directed at minors or portray minors participating in gambling;
- does not depict or promote the consumption of alcohol while gambling;
- does not advertise winnings other than on the online gambling provider's own site. Generic messages such as 'Players have won more than \$1m this month' may be advertised in places other than the operator's website (but not to minors); and
- does not urge non-gambling customers to use their gambling services.

Penalty: A maximum of \$13,000.

Queensland

Summary: It is permissible to advertise wagering, casinos and gaming machines in QLD subject to the restrictions outlined below.

General restrictions for all licensees

Source of restrictions: *Wagering Act 1998, Casino Control Act 1982, Gaming Machine Act 1991*

You must ensure that advertising:

- is not indecent or offensive;
- is based on fact;
- is not false, deceptive or misleading in a material way; and
- is stopped or changed where a direction is received from the chief executive.

Penalty for wagering advertising: \$2,356

Penalty for casino and gaming machine licensees: \$23,560

Gaming Machines only

Source of restrictions: *Gaming Machine Regulation 2002*

Requirements: A licensee must ensure that gaming does not dominate a commercial for licensed premises.

Examples: The following types of television commercials would appear to be prohibited in Queensland:

- a television commercial where gaming dominates.

Queensland Responsible Gambling Code of Practice

This Code of Practice is a voluntary code which provides that the gambling industry must ensure that any advertising or promotion:

- complies with the Advertiser Code of Ethics as adopted by the Australian Association of National Advertisers;
- is not false, misleading or deceptive;
- does not implicitly or explicitly misrepresent the probability of winning a prize;
- does not give the impression that gambling is a reasonable strategy for financial betterment;
- does not include misleading statements about odds, prizes or chances of winning;
- does not offend prevailing community standards;
- does not focus exclusively on gambling where there are other activities to promote;
- is not implicitly or explicitly directed at minors or vulnerable or disadvantaged groups;
- does not involve any irresponsible trading practices by the gambling provider;
- does not depict or promote the consumption of alcohol while engaged in the activity of gambling;
- has the consent of the person prior to publishing or causing to be published anything which identifies a person who has won a prize; and
- incorporates, where appropriate, positive responsible gambling messages, such as "Keep gambling enjoyable—gamble responsibly", "Have fun and play responsibly", "Bet with your head, not over it".

Examples: The following types of conduct would appear not to comply with the Code in Queensland:

- a television commercial which depicts people winning at a gaming machine in a manner which exaggerates the chances of winning;
- a television commercial which depicts the images of previous jackpot winners without previously obtaining their consent; or
- a television commercial promoting a hotel, gaming and tourism convention which focuses on gaming machines to a degree disproportionate to the other elements of the convention.

South Australia

Summary: It is permissible to advertise wagering, casinos and gaming machines in South Australia subject to the restrictions outlined below. Please take note of the very specific prohibitions discussed below. It is a licence condition that a gambling provider must comply with the Gambling Codes of Practice Notice 2013.

Source of restrictions: *Gambling Codes of Practice Notice 2013*

General restrictions for all licensees

South Australia has the mandatory Gambling Codes of Practice Notice 2013 that applies to different categories of gambling providers:

- Bookmakers;
- SA TAB;
- Casino;
- Licensed Racing Clubs;
- Gaming Machine Venues;
- Interstate Betting Operators; and
- (for completeness - the Lotteries Commission. Please note that lotteries are not covered by this Information Sheet.)

The Codes also apply to agents of these gambling providers (for example, providers of lottery or TAB services).

For people other than gambling providers, "indirect liability" is limited to "matters within the reasonable control of the third party and in respect of which the third party has received payment or some other form of valuable consideration (including an agreement to purchase advertising)".

Gambling advertising:

- must comply with relevant industry codes of practice (whether mandatory or voluntary);
- must comply with applicable State and Federal laws;
- must not encourage a breach of the law;
- must not depict children gambling;
- must not be false, misleading or deceptive;
- must not suggest that winning will be a definite outcome of participating in gambling activities;
- must not suggest that participation in gambling activities is likely to improve a person's financial prospects;
- must not promote the consumption of alcohol while engaging in gambling activities;
- must be published in accordance with decency, dignity and good taste;
- must not offer any credit, voucher or reward as an inducement to participate, or to participate frequently, in any gambling activity (including as an inducement to open a gambling account). However, a gambling provider may draw attention to the name of the loyalty program and its availability to customers of the gambling provider, or a prize that is being offered as part of a trade promotion lottery;
- must not make claims relating to winning or the prizes that can be won which are not based on fact, unable to be proven or exaggerated;

- in relation to non-skill gambling must not suggest that a player's skill can influence the outcome of a gambling activity;
- in relation to skill gambling, must not exaggerate the extent to which skill can influence the outcome of gambling activity;
- must not include sounds of or sounds suggestive of coins landing in a tray of a gaming machine; and
- must not include "win" or "\$" (or anything analogous), except in relation to a particular prize which is payable, or a reasonable approximation or estimate of a prize which can be won.

Prize promotions

If gambling advertising refers to, or relies on, the value or nature of one of the prizes which are available to be won (whether money or not) or the frequency with which the prize might be won, the advertising:

- must include sufficient information to allow a reasonably informed person to understand the overall return to player or, if the product does not have one, the odds of winning; and
- must, if the advertising is intended to encourage a person to gamble during a particular period, include sufficient information to allow a reasonably informed person to appreciate how likely it is that the prize will be won by someone during that period.

Mandatory warning messages for gambling advertisements on television

Advertisements

- **An advertisement longer than 15 seconds** - must include the expanded gambling warning message.
- **An advertisement 15 seconds or shorter** - must include the expanded gambling warning message unless it would not be reasonable or practicable. In which case, the condensed warning message (i.e. "Gamble Responsibly.") must be included.

If the advertisement includes a plug other than celebrity commentary - must feature the superimposition, for the duration of the plug, of the condensed warning message and the national gambling helpline number 1800 858 858.

If the advertisement includes celebrity commentary - must include the person expressly or impliedly representing the gambling provider mentioning the national gambling helpline number 1800 858 858.

If the advertisement includes the presence of a logo on screen (other than as part of a television commercial which includes a mandatory warning message) - must include the placement of the condensed warning message adjacent to the logo, occupying no less space than that occupied by the logo.

For a gambling advertisement (but not a plug including celebrity commentary or presence of logo on screen (unless as part of a television commercial)), the mandatory warning message must:

1. occupy at least 25% of the screen area for at least one-sixth of the length of the advertisement; or
2. occupy the whole of the screen area for at least one-tenth of the length of the advertisement; and
3. the message must be spoken in a neutral tone at the same time as it appears on the screen.

The correct expanded warning message changes according to the table below. After 30 June 2019 repeat from the beginning at 6 month intervals.

Expanded warning message	First relevant period
Don't let the game play you. Stay in control. Gamble responsibly.	1 July 2015–31 December 2015
Stay in control. Leave before you lose it. Gamble responsibly.	1 January 2016–30 June 2016
You know the score. Stay in control. Gamble responsibly.	1 July 2016–31 December 2016
Know when to stop. Don't go over the top. Gamble responsibly.	1 January 2017-30 June 2017
Think of the people who need your support. Gamble responsibly.	1 July 2017–31 December 2017
Don't chase your losses. Walk away. Gamble responsibly.	1 January 2018–30 June 2018

The manner of inclusion of the mandatory warning message must be consistent with the message being a warning message.

Dispensations

The Independent Gambling Authority (IGA) can provide the following dispensations:

- dispensation from the television blackout (4:00pm - 7:30pm Monday to Friday) if the IGA is satisfied that the advertising will not be incompatible with family time or that the dispensation is otherwise in the public interest.
- dispensation from some of the restrictions outlined above if the IGA is satisfied that a regulatory requirement of another State or Territory in which the gambling provider advertises presents a suitable alternative.
- a time limited or transitional dispensation from the application of a new requirement or obligation.

Dispensation can be provided on the application of a gambling provider or an agent of a gambling provider, or on the initiative of the IGA. Dispensations may be sought for the benefit of a class of gambling providers or for the benefit of gambling providers generally.

Penalty:

- IGA enforcement actions and fine of up to \$100,000 where the licensee fails to observe or carry out IGA directions.

Examples: The following types of television commercials would appear to be prohibited in South Australia:

- a 30 second television commercial which does not contain the correct expanded gambling warning for the required period of time; or
- a television commercial which depicts a person winning at a gaming machine and then buying a luxury car; or
- a television commercial where the voiceover states "win almost every time" or which otherwise exaggerates the chances of winning; or
- offering deals/ specials involving both alcohol and gambling; or
- a television commercial that uses the sound of coins landing in the tray of a slot machine.

Management Plans

The requirements relating to mandatory messages for gambling advertisements of television in the Code are variable by management plan. These provisions include the 25% rule for the presentation of the mandatory warning message on television, which is regarded by the IGA as a critical feature of the regulatory regime.

The IGA has issued *Management Plans (Clause 22) Guidelines* in respect of their key expectations when gambling providers are proposing to place additional responsible gambling messaging under a management plan:

- responsible gambling advertising should represent at least 10% of the advertisement;
- where more than one gambling product is advertised in a 24 hour period, there should be at least 2 instances of responsible gambling messaging;
- responsible gambling messages should be refreshed or renewed every 6 months;
- responsible gambling messaging should be unbranded (although the gambling provider's name may be discreetly included in the end panel of the television commercial);
- the product advertising will still need to carry mandatory warning messaging meeting, at a minimum, the regulatory requirements of another jurisdiction where it is aired;
- should include the national gambling helpline number 1800 858 858 (must be legible and onscreen for a significant part of the advertisement);
- advertisers should be able to demonstrate that the content of responsible gambling messaging and its timing will be directed to the target group of the product advertising; and
- advertisers are advised to liaise with the Office for Problem gambling before filing a management plan proposing a variation and to anticipate a turnaround time of 30 days.

Wagering Only

Source of restrictions: *Authorised Betting Operations Act 2000, Gambling Codes of Practice Notice 2013*

An authorised interstate betting operator must ensure that advertising in South Australia by the operator complies with the Gambling Codes of Practice Notice 2013 (sections relevant to television advertising are set out above).

"Interstate betting operator" means a person who holds a licence or other authority issued by the Commonwealth or another State or Territory authorising the holder to conduct betting operations in that State or Territory, or a Commonwealth, State or Territory statutory body established for the purpose of conducting betting operations in that State or Territory. An "authorised interstate betting operator" is an interstate betting operator who has given to the IGA a notice of intention to conduct or cease betting operations.

Penalty: If a licensee or authorised interstate betting operator breaches the Act or a condition of its licence, the IGA may exercise powers which include issuing a compliance notice or taking disciplinary action, including financial penalties, suspension or cancellation or variation of a licence. A fine of up to \$100,000 may be imposed where the licensee fails to observe or carry out IGA directions.

Prohibition of Broadcasting Live Odds

Source of restrictions: *Gambling Codes of Practice Notice 2013*

Broadcast of commercials in South Australia containing live odds or 'in the run betting' for an event is prohibited at particular times once the relevant event has started.

These rules apply unless the advertisement is placed in a live sporting broadcast in a manner which complies with the *Free TV Commercial Television Industry Code of Practice* (the Code).

Subject to the foregoing exception, the live odds prohibition applies during specific **time periods** in relation to **specific types of advertisements**:

The types of advertisements that are prohibited are those that promote betting on:

- A contingency as to the outcome of a particular event (eg predicting the winner of a match or winning margin);
- A contingency which is dependent on the holding of a particular event (eg the leader at half-time, first try scorer, number of kicks, possessions achieved by a player);
- Betting on a contingency which is dependent on the outcomes of particular multiple related events or rounds of events (a tournament) (eg winner of a series, whether a team will make the finals series, whether a team will win an annual competition)

AND

- Quote a price; or
- Draw attention to the time period in which the form of gambling is available; or
- Draw attention in any way to the availability of the form of gambling; or
- Otherwise encourage the betting.

If an advertisement does contain this content, then placement restrictions will apply depending on the event and the nature of the promotion.

The **time period** during which these advertisements **cannot be shown** depends on the particular event or events to which the bet relates as follows:

Event which is the subject of the bet being advertised	Time period of prohibition	What is this intended to Address?
If the event is completed in a single period of 24 hours.	Any time after the commencement of the event.	Live odds on the outcome of any game cannot be advertised once play has commenced.
If the event is scheduled to be completed over more than one period of 24 hours and the contingency relates to the actual outcome of the event.	Any time after the commencement of the event during the 24 hour period in which the <u>event is scheduled to conclude</u> .	Live odds on the outcome of extended games such as a 5 day test cricket match cannot be advertised after the start of play on the fifth day.
If the event is scheduled to be completed over more than one period of 24 hours and the contingency does not relate to the actual outcome of the	Any time between the commencement of the event in a particular period of 24 hours and the end of the event in that period.	Live odds such as the identity of first scorer in an event, wickets achieved by player, whether the event will conclude early.

Event which is the subject of the bet being advertised	Time period of prohibition	What is this intended to Address?
event.		
If the event is a tournament	The commencement of the related event or round of events (as the case requires) by or in which the relevant contingency will be determined.	Live odds such as a player reaching the semi-finals of a tournament could not be advertised after the start of the player's quarter-final round match.

These restrictions are in addition to the restrictions on broadcasting gambling advertisements between 4:00pm and 7:30pm, Monday to Friday unless on a dedicated sports channel.

Tasmania

Summary: It is permissible to advertise wagering, casinos and gaming machines in Tasmania subject to the restrictions outlined below.

General restrictions for all licensees

Source of restrictions: *Responsible Gambling Mandatory Code of Practice*

The Code contains the following mandatory provisions to ensure that advertising of gambling products:

- comply with the Code of Ethics adopted by the Australian Association of National Advertisers.
- be socially responsible and consistent with the expectation that gambling will be conducted responsibly so as to minimise harm.
- not be offensive or indecent in nature, and not offend prevailing community standards.
- not be false, misleading or deceptive, including not misrepresenting the odds, the probability of winning a prize, or the prizes that can be won.
- not give the impression that gambling is a reasonable strategy for financial betterment or enhancing social situation.
- not challenge or dare a person to play.
- not suggest that skill can influence games that are games of chance.
- not encourage or target people under 18 years of age to gamble.
- not show or promote the consumption of alcohol while engaged in the activity of gambling.

Any gambling advertising that shows the incidental consumption of alcohol in a gambling venue must reflect responsible customary behaviour and must be accompanied by a message which highlights the dangers of gambling whilst intoxicated.

This does not apply to advertising that shows celebrating a win in a responsible manner outside of a gambling venue.

- not show people who are under 25 years of age in gambling advertising unless:
- their appearance is incidental as part of a natural situation; and
- they are not located in a gambling venue; and

- there is no implication that the person will participate in gambling.

This does not apply to a person engaged to advertise or promote gambling as part of a sponsorship agreement, however the person must be over 18 years of age and must not be shown participating in gambling.

- not be directed at vulnerable or disadvantaged groups, where people may not have a capacity to fully understand the information, such as refugees or people with intellectual disabilities.
- not procure, incite or encourage a person to commit an offence.
- include responsible gambling messages (licence holders are able to choose their own responsible gambling message) in all media (including internet) advertising that incorporates the name and telephone number for the Gambling Helpline, to a size and form which meets the requirements of the Tasmanian Gaming Commission Gambling Product Advertising Standards document. Please refer to the additional guidance set out below for this requirement.
- not be directed at, or provided to, excluded persons.
- not involve irresponsible trading practices.
- not violate the confidentiality of information relating to, or the privacy of, players without the consent of the player.
- not occur on television between:
 - a) 6:00 am - 8:30 am and 4:00 pm - 7:00 pm weekdays; and
 - b) 6:00 am - 8:30 am and 4:00 pm - 7:30 pm on weekends.

The following forms of advertising are exempt from the above periods:

- advertising during a racing or sports broadcast; and
- advertising that focuses specifically on entertainment or dining facilities and does not depict or refer to gambling in any way.
- sounds associated with gaming machine operation must not be included in any television advertising.

Responsible Gambling Message

The Code has also been supplemented by the *Tasmanian Gaming Commission Gambling Product Advertising Standards (TGCAS001)*.

In addition to the requirement for a television commercial to include a responsible gambling message, TGCAS001 provides that television commercials must also include the words "Gamblers Help" and the national helpline telephone number (1800 858 858). The message must be legible and onscreen for a reasonable period of time. The Fact Sheet accompanying the Standards also provides that the message must be displayed clearly and of a size that is appropriate and sufficiently prominent. Examples demonstrating the appropriate display of the responsible gambling message are provided in the Fact Sheet. A copy of the Fact Sheet is available at the Tasmanian Treasury website <http://www.treasury.tas.gov.au>. We suggest searching on the Tasmania Treasury website for *Tasmanian Gaming Commission Gambling Product Advertising Standards (TGCAS001)* as its exact URL may change.

Victoria

Summary: It is permissible to advertise wagering and casinos in Victoria subject to the restrictions outlined below. It is not permissible for a casino or anyone else to advertise gaming machines.

General restrictions for all licensees

Source of restrictions: *Gambling Regulation Act 2003 (including the changes contained in the Victorian Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014)*

This Act prohibits advertising unauthorised gambling and otherwise regulates gambling advertising in Victoria. The summary below sets out the prohibitions that apply to gambling advertising and the applicable penalties.

Prohibited advertising: The Act prohibits:

- Publishing, or causing to be published, any advertising that contains any information, term, expression, symbol or other thing associated with unauthorised gambling. The concept of unauthorised gambling is broad and includes betting that is not authorised by the Act or another act (Penalty: \$14,761.00);
- publish includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the internet or television or by means of promotional material such as club journals, brochures or flyers);
- publishing any gaming machine advertising outside the gaming machine area of an approved venue or the boundaries of a casino (Penalty: \$17,713.20);
- entering into or extending the duration of any contract or arrangement for the publication of such gaming machine advertising set out above (penalty: \$17,713.20);
- encouraging a breach of the Act; depiction of children wagering or involved in any other form of gambling; suggesting that winning will be a definite outcome of participating in wagering or sports betting activities; suggesting that participating in wagering or sports betting activities is likely to improve a person's financial prospects; promoting the consumption of alcohol while engaged in wagering or sports betting activities; or is offensive (Penalty: \$2,952.20);
- advertisements that fail to contain a prescribed statement (responsible gambling message) in relation to problem gambling (Penalty: \$2,952.20)
- a wagering service provider offering any credit, voucher or reward as an inducement to open a betting account (Penalty \$2,952.20)

Exceptions: The prohibition does not apply where the advertisement is by a licensed wagering operator and relates to:

- a horse, greyhound or harness race; or
- an event on which a betting competition has been approved by the Victorian Commission for Gambling Regulation.

A list of betting competitions which have been approved by the Victorian Commission for Gambling Regulations is available at: <http://www.vcglr.vic.gov.au/>.

Source of restrictions: *Responsible Gambling Code of Conduct* approved by the VCGLR.

Each gambling licensee must have a Responsible Gambling Code of Conduct approved by the VCGLR. A Code must include advertising restrictions. A breach of licensee's Code may result in disciplinary action including the cancellation or suspension of the licence, variation of the terms of the licence, a letter of censure or a fine.

Restrictions for venue and casino operators:

Source of restrictions: *Gambling Regulation Act 2003*

Gaming machine commercials are prohibited. A gaming machine commercial means any commercial that promotes or is intended to promote the playing of gaming machines. It does not include information about problem gambling or technical information relating to the operation of a gaming machine. Please note that the Crown Casino logo in and of itself does not make a commercial a gaming machine commercial.

Penalty: \$17,713.20

Examples: The following types of television commercials would appear to be prohibited in Victoria:

- any television commercial for gaming machines

Western Australia

Summary: It is permissible to advertise wagering, casinos and gaming machines in WA subject to the restrictions outlined below. Please pay particular attention to the restrictions around offering inducements to gamble for wagering.

General restrictions for all licensees

Source of restrictions: *Gaming and Wagering Commission Act 1987, Gaming and Wagering Commission Regulations 1988, Rules of Wagering 2005*

A commercial must not:

- procure, incite or encourage a person to commit an offence;
- show a child gambling or at a place where gambling is, or is depicted as, occurring;
- be false, misleading or deceptive;
- suggest that every bet placed with, or placed or accepted through the operator will be successful;
- offers a benefit, consideration or reward in return for the person:
 - participating in gambling;
 - continuing to gamble; or
 - opening a betting account with the operator;
- contains an express or implied inducement for a person to contact the gambling operator;
- offers a person free or discounted liquor;

If a gambling operator publishes or cause to be published, a commercial that conveys or is likely to be understood as conveying, the existence of a gambling operator, he or she must include in the commercial:

- the telephone number of the national problem gambling helpline: 1800 858 858; and
- details of the:
 - National Problem Hotline Website: <http://www.gamblinghelponline.org.au/>

Advertisers should check that those details have not changed at the time they are to broadcast a commercial.

Penalty: \$1,000.

Examples: The following types of television commercials would appear to be prohibited in Western Australia:

- a commercial for a bookmaker which provides a bonus \$50 when a person establishes a betting account.

Wagering Only

Source of restrictions: *Rules of Wagering 2005*

any racing or wagering information or advertising published in association with the internet wagering service provided by a bookmaker authorised to conduct wagering via the internet, is not to contravene the laws of any other State or Territory of Australia.

For further information please contact CAD on 02 8968 7200 or email us at cad@freetv.com.au