

## Authorised Version

# Gambling Regulation (Pre-commitment and Loyalty Scheme) and Gambling Amendment Regulations 2015

S.R. No. 139/2015

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## **Authorised Version**

STATUTORY RULES 2015

S.R. No. 139/2015

*Gambling Regulation Act 2003*

### **Gambling Regulation (Pre-commitment and Loyalty Scheme) and Gambling Amendment Regulations 2015**

The Governor in Council makes the following Regulations:

Dated: 24 November 2015

Responsible Minister:

JANE GARRETT

Minister for Consumer Affairs, Gaming and  
Liquor Regulation

ANDREW ROBINSON

Clerk of the Executive Council

## **Part 1—Preliminary**

### **1 Objectives**

The objectives of these Regulations are—

- (a) to amend the Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014—
  - (i) to prescribe further matters in relation to player cards, player information statements and loyalty schemes; and
  - (ii) to update references to other Regulations; and

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Amendment Regulations 2015

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Part 1—Preliminary

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(b) to amend the Gambling Regulations 2015 in relation to the player information standards; and

(c) to revoke the Gambling Regulation (Pre-commitment) Regulations 2012.

## **2 Authorising provision**

These Regulations are made under section 11.2.1 of the **Gambling Regulation Act 2003**.

## **3 Commencement**

These Regulations come into operation on 1 December 2015.

## **4 Principal Regulations**

In these Regulations, the Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014<sup>1</sup> are called the Principal Regulations.

## **5 Revocation**

The Gambling Regulation (Pre-commitment) Regulations 2012<sup>2</sup> are **revoked**.

## **Part 2—Amendment of Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014**

### **6 Definitions**

(1) In regulation 4(1) of the Principal Regulations, in the definition of *unique identification number*, in paragraph (b), for "system." **substitute** "system;"

(2) In regulation 4(1) of the Principal Regulations, for the definition of *player information standards* **substitute—**

*"player information standards* has the same meaning as it has in the Gambling Regulations 2015;"

(3) In regulation 4(1) of the Principal Regulations, for the definition of *pre-commitment information brochure* **substitute—**

*"pre-commitment information brochure* means a brochure, booklet, pamphlet or leaflet that—

(a) is in the form specified in the player information standards for brochures relating to the pre-commitment system; and

(b) contains, in English, the information specified in the player information standards, for brochures relating to the pre-commitment system;"

(4) In regulation 4(1) of the Principal Regulations  
**insert** the following definitions—

**"design**, in relation to the front of a player card or  
venue card, has the meaning set out in  
regulation 4A;

**logo standards** means the standards made by the  
Minister under regulation 5A(1);

**loyalty scheme application form** means a form  
that is to be used by a person in order to  
become a participant in a loyalty scheme;

**mobile loyalty application** means a software  
application that—

- (a) provides access to services, or displays  
information, relating to a loyalty  
scheme conducted at an approved  
venue or casino; and
- (b) is produced by or on behalf of the  
venue operator or casino operator; and
- (c) is distributed or made available  
(whether for a fee or otherwise) for use  
by a player of a gaming machine or  
another member of the public on a  
personal electronic device;

**venue card** means a card that—

- (a) is provided by or on behalf of a venue  
operator or casino operator; and
- (b) is not a player card; and
- (c) indicates that the person to whom the  
card is issued—
  - (i) uses or is permitted to use  
facilities at the approved venue or  
casino (as the case requires); or

- (ii) participates in a program or scheme conducted at the approved venue or casino (as the case requires) other than by participating in a loyalty scheme or using the pre-commitment system.

**Example**

A venue card may indicate that a person participates in a scheme under which the person is granted special privileges or discounts at an approved venue."

- (5) Regulation 4(2) of the Principal Regulations is **revoked**.

**7 New regulations 4A and 4B inserted**

After regulation 4 of the Principal Regulations  
**insert—**

**"4A References to *design* of front of card**

For the purposes of these Regulations, the ***design*** of the front of a player card or a venue card—

- (a) includes—
  - (i) the colour of the front of the card;  
and
  - (ii) the imagery appearing on the front of the card; and
  - (iii) the text appearing on the front of the card (other than text referred to in paragraph (b)); and
  - (iv) the colour and arrangement of the imagery and text referred to in subparagraphs (ii) and (iii); and

- (v) the size of the imagery and text referred to in subparagraphs (ii) and (iii) relative to the size of the card; and
  - (vi) the font of the text referred to in subparagraph (iii); and
- (b) does not include—
- (i) text that identifies the person to whom the card is issued; or
  - (ii) a number or other text that identifies a particular card (for example, the serial number of a card).

#### **4B Back of player cards**

For the purposes of these Regulations, the back of a player card is the side of the card that bears the magnetic stripe."

#### **8 Heading to Division 1 of Part 2 substituted**

For the heading to Division 1 of Part 2 of the Principal Regulations **substitute**—

**"Division 1—Preliminary".**

#### **9 New regulation 5A inserted**

After section 5 of the Principal Regulations **insert**—

##### **"5A Minister may specify pre-commitment logos**

- (1) The Minister may make standards that specify logos that are to be used, in relation to the pre-commitment system, for—
  - (a) player cards; and

- (b) websites referred to in regulation 22A;  
and
  - (c) mobile loyalty applications; and
  - (d) loyalty scheme application forms.
- (2) As soon as possible after making or amending the logo standards, the Minister must give the standards to the Commission.
- (3) Within 14 days of receiving the logo standards from the Minister, the Commission must—
- (a) publish the standards on its website;  
and
  - (b) provide each venue operator and casino operator with the standards.
- (4) If the logo standards are amended, the amendment takes effect on the commencement day specified in the amended logo standards.
- (5) The day specified in the amended logo standards must not be earlier than the first anniversary of the day on which the amended logo standards are made."

#### **10 Card readers on gaming machines**

In the note at the foot of regulation 6(b)(i) of the Principal Regulations, for "Schedule 1 to the Gambling Regulation Regulations 2005" **substitute** "Schedule 2 to the Gambling Regulations 2015".

#### **11 Interactive display screens on gaming machines**

In the note at the foot of regulation 7(1)(b)(iii) of the Principal Regulations, for "Schedule 1 to the Gambling Regulation Regulations 2005" **substitute** "Schedule 2 to the Gambling Regulations 2015".



## **12 New regulations 11A, 11B, 11C and 11D inserted**

After regulation 11 of the Principal Regulations  
**insert—**

### **"11A Player cards must comply with player card standards**

- (1) For the purposes of section 3.8A.11(1)(a) and (2)(a) of the Act—
  - (a) the back of a player card must bear a logo in accordance with subregulation (2); and
  - (b) a player card must not otherwise display any reference to pre-commitment.
- (2) The back of a player card bears a logo in accordance with this subregulation if—
  - (a) it bears the logo specified in the logo standards for player cards (or, if subregulation (3) applies, the logo referred to in that subregulation); and
  - (b) the logo is—
    - (i) not smaller than 13.5 mm high and 15 mm wide; and
    - (ii) not smaller than any logo for a loyalty scheme appearing on the back of the player card.
- (3) If the logo standards have been amended but the amendment has not yet come into operation, the back of the player card may bear the logo specified for player cards in the amended logo standards (instead of the logo specified for player cards in the logo standards as currently in force).

**11B Appearance of player cards if loyalty scheme is conducted**

- (1) This regulation applies to a player card that—
  - (a) is distributed or made available for use in an approved venue or casino in which a loyalty scheme is conducted; and
  - (b) is not a loyalty player card.
- (2) For the purposes of section 3.8A.11(1)(a) and (2)(a) of the Act, the design of the front of the player card must be the same as the design that, at the time the player card is printed, is most commonly used on the front of loyalty player cards that have been distributed or made available for use at the approved venue or casino.
- (3) Despite subregulation (2), the front of the player card is not required to have the name or logo of a loyalty scheme printed on it.

**11C Appearance of player cards if no loyalty scheme is conducted but venue cards are available**

- (1) This regulation applies to a player card distributed or made available for use in an approved venue or casino—
  - (a) in which no loyalty scheme is conducted; and
  - (b) in relation to which venue cards are issued.
- (2) For the purposes of section 3.8A.11(1)(a) and (2)(a) of the Act, the design of the front of the player card must be the same as the design that, at the time the player card is printed, is most commonly used on the front

of venue cards that have been distributed or made available for use at the approved venue or casino.

- (3) Despite subregulation (2), the front of the player card is not required to have printed on it the name or logo of any program or scheme to which the venue card relates.
- (4) For the purposes of this regulation, the design of the front of a player card may be the same as the design of the front of a venue card even if the dimensions of the 2 cards are different.

**11D Appearance of player cards if no loyalty scheme is conducted and no venue cards are available**

- (1) This regulation applies to a player card distributed or made available for use in an approved venue or casino—
  - (a) in which no loyalty scheme is conducted; and
  - (b) in relation to which venue cards are not issued.
- (2) For the purposes of section 3.8A.11(1)(a) and (2)(a) of the Act, the front of the player card must have the following matters printed prominently on it—
  - (a) the name of the approved venue or casino;
  - (b) if the venue operator or casino operator uses a logo to identify the approved venue or casino, any logo that is used for that purpose."

### **13 Pre-commitment information brochures**

In regulation 14(1) of the Principal Regulations—

- (a) in paragraph (c), for "collect." **substitute** "collect; and";
- (b) after paragraph (c) **insert**—
  - "(d) each other place in the approved venue or casino at which documents regarding a loyalty scheme are made available for players to collect."

### **14 Regulation 20 substituted and new regulation 20A inserted**

For regulation 20 of the Principal Regulations **substitute**—

#### **"20 Accumulation of gaming points**

- (1) A loyalty scheme provider must not provide a loyalty scheme that allows a participant to accumulate gaming points for play that—
  - (a) occurs while a time or net loss limit set by the participant under the pre-commitment system is met or exceeded; or
  - (b) is not tracked by the pre-commitment system because—
    - (i) the participant has, on 3 successive occasions, incorrectly entered the personal identification number that enables the participant to use the pre-commitment system; or
    - (ii) the period of time allowed by the pre-commitment system for the participant to enter the personal identification number after

inserting their player card has  
elapsed; or

- (iii) the period of time for which the participant can refrain from playing the gaming machine, before play will cease to be tracked, has elapsed.

Penalty: 20 penalty units.

- (2) A venue operator or casino operator must ensure that a loyalty scheme that does not comply with subregulation (1) is not provided in the approved venue or casino.

Penalty: 20 penalty units.

**20A Player must be informed if gaming points cease to accrue**

- (1) A loyalty scheme provider must not provide a loyalty scheme unless on each occasion that, in accordance with regulation 20, the scheme ceases to allow a player of a gaming machine to accumulate gaming points—
  - (a) a message is displayed on—
    - (i) the interactive display screen attached to the gaming machine; or
    - (ii) the video screen of the gaming machine; and
  - (b) the message—
    - (i) states that the player has ceased to accumulate gaming points; and
    - (ii) explains the event that has resulted in the cessation.

Penalty: 20 penalty units.

- (2) A venue operator or casino operator must ensure that a loyalty scheme that does not comply with subregulation (1) is not provided in the approved venue or casino.

Penalty: 20 penalty units."

**15 New regulations 22A, 22B, 22C and 22D inserted**

After regulation 22 of the Principal Regulations  
**insert—**

**22A Use of pre-commitment logo on website  
for approved venue or casino**

- (1) This regulation applies on and after 1 March 2016.
- (2) A venue operator who provides a website, or on whose behalf a website is provided, must ensure that—
- (a) each part of the website that includes a loyalty scheme link also includes the logo specified in the logo standards for websites (or, if subregulation (4) applies, the logo referred to in that subregulation); and
  - (b) the logo is included—
    - (i) in a prominent location; and
    - (ii) in a size that is not smaller than the size of any logo for a loyalty scheme that also appears on that part of the website; and
  - (c) the logo links to a website provided by the monitoring licensee for the purposes of pre-commitment.

Penalty: 20 penalty units.

- (3) A casino operator who provides a website, or on whose behalf a website is provided, must ensure that—
- (a) each part of the website that relates to gambling and includes a loyalty scheme link also includes the logo specified in the logo standards for websites (or, if subregulation (4) applies, the logo referred to in that subregulation); and
  - (b) the logo is included—
    - (i) in a prominent location; and
    - (ii) in a size that is not smaller than the size of any logo for a loyalty scheme that also appears on that part of the website; and
  - (c) the logo links to a website provided by the monitoring licensee for the purposes of pre-commitment.

Penalty: 20 penalty units.

- (4) If the logo standards have been amended but the amendment has not yet come into operation, the website may bear the logo specified for websites in the amended logo standards (instead of the logo specified in the logo standards as currently in force).
- (5) In this regulation—
- loyalty scheme link*** means a link to a part of a website that includes—
- (a) information about a loyalty scheme; or
  - (b) a way for a person to become a member of a loyalty scheme.

**22B Use of pre-commitment logo in mobile  
loyalty application**

- (1) This regulation applies on and after 1 September 2016.
- (2) A loyalty scheme provider in relation to whom a mobile loyalty application is distributed or made available must ensure that—
  - (a) each part of the application that includes information about responsible gambling, or information about how to become a participant in the loyalty scheme, also includes the logo specified in the logo standards for mobile loyalty applications (or, if subregulation (3) applies, the logo referred to in that subregulation); and
  - (b) the logo is included in a size that is not smaller than the size of any logo for a loyalty scheme that also appears in that part of the application; and
  - (c) the logo links to a website provided by the monitoring licensee for the purposes of pre-commitment.

Penalty: 20 penalty units.

- (3) If the logo standards have been amended but the amendment has not yet come into operation, the mobile loyalty application may bear the logo specified for mobile loyalty applications in the amended logo standards (instead of the logo specified in the logo standards as currently in force).



**22C Use of pre-commitment logo in loyalty  
scheme application form**

- (1) This regulation applies on and after 1 December 2016.
- (2) A loyalty scheme provider must ensure that each loyalty scheme application form that is distributed or made available by the provider includes, in a prominent location, the logo specified in the logo standards for loyalty scheme application forms (or, if subregulation (4) applies, the logo referred to in that subregulation).

Penalty: 20 penalty units.

- (3) For the purpose of subregulation (2), a location that is used for the terms and conditions of a loyalty scheme is not a prominent location.
- (4) If the logo standards have been amended but the amendment has not yet come into operation, the loyalty scheme application form may bear the logo specified for loyalty scheme application forms in the amended logo standards (instead of the logo specified in the logo standards as currently in force).

**22D Inclusion of pre-commitment information  
in loyalty scheme application form**

- (1) This regulation applies on and after 1 December 2016.
- (2) A loyalty scheme provider must ensure that each loyalty scheme application form that is distributed or made available by the provider includes, in a prominent location, the statement "YourPlay gives you the power to track how much money and time you are spending as you play. You can also use YourPlay to set limits on the money and time

you spend on gaming machines and to see your playing history online at any time. YourPlay can be added to your loyalty membership card and used on any gaming machine in Victoria. You can register for YourPlay at [yourplay.com.au](http://yourplay.com.au) or ask a staff member for assistance."

Penalty: 20 penalty units.

- (3) For the purpose of subregulation (2), a location that is used for the terms and conditions of a loyalty scheme is not a prominent location.'

#### **16 Information to be given to loyalty scheme participants**

For regulation 29(a) of the Principal Regulations **substitute**—

"(a) the information specified in the player information standards for brochures relating to the pre-commitment system; and"

#### **17 Information to be contained in player activity statement**

- (1) In regulation 30(1)(m) of the Principal Regulations, for "system." **substitute** "system; and".

- (2) After regulation 30(1)(m) of the Principal Regulations **insert**—

'(n) the statement "Use YourPlay to set limits and track your gaming machine play at any time from anywhere—at a venue or online. Visit [yourplay.com.au](http://yourplay.com.au) for more information or ask venue staff for details.".'

- (3) In regulation 30(4) of the Principal Regulations, for "calculated" **substitute** "rounded down".

## **Part 3—Amendment of Gambling Regulations 2015**

### **18 Minister may make player information standards**

After regulation 11(1)(a)(ii) of the Gambling  
Regulations 2015<sup>3</sup> **insert—**

"(iii) brochures relating to the pre-commitment  
system; and".

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## **Endnotes**

<sup>1</sup> Reg. 4: S.R. No. 172/2014.

<sup>2</sup> Reg. 5: S.R. No. 134/2012.

<sup>3</sup> Reg. 18: S.R. No. 55/2015.