

## **SOUTH AUSTRALIA**

### **GAMBLING CODES OF PRACTICE (COMPLIMENTARY GAMBLING PRODUCTS–INTERACTIVE WAGERING SERVICE PROVIDERS) VARIATION NOTICE 2020**

#### **NOTES ON CLAUSES**

On 26 May 2019 the Gambling Codes of Practice Notice 2013 (Principal Notice) was varied<sup>1</sup> to make the first tranche of variations to enact South Australia’s commitment towards a National Consumer Protection Framework (NCPF) for online wagering in Australia.

One of the variations made was that complimentary gambling products, which are permitted to be offered by virtue of clause 54(2)(b) of the Principal Notice, must now be both unconditional and transferable.

Prior to the variation, the provision for complimentary gambling products in the Principal Notice was general in nature. Following its initial implementation, the former Independent Gambling Authority later communicated that its position in relation to complimentary gambling products was that, in order for them to be genuinely complimentary, they must be both unconditional and transferable.

This was communicated via an “Official guidance from the Independent Gambling Authority” on 19 August 2016.<sup>2</sup>

This position was incorporated in the Principal Notice through the variations made to it in May 2019.

Since the variation was made, having considered the matter further, it is considered reasonable for some gambling providers to place certain conditions on complimentary gambling products (such as the product cannot be redeemed for cash, or can only be used once) in order to protect the gambling providers from certain types of risk.

This variation notice therefore removes the requirement for complimentary gambling products to be unconditional and transferable gazetted on 26 May 2019, however maintains a condition in respect of complimentary gambling products offered by interactive wagering service providers that winnings from a bet made with such a product can be withdrawn by an account holder without being subject to a requirement that the account holder continue to bet with those winnings. This is in accordance with the NCPF policy in relation to complimentary gambling products.

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<sup>1</sup>[https://governmentgazette.sa.gov.au/sites/default/files/public/documents/gazette/2019/May/2019\\_023.pdf](https://governmentgazette.sa.gov.au/sites/default/files/public/documents/gazette/2019/May/2019_023.pdf)

<sup>2</sup> <https://www.cbs.sa.gov.au/resources/official-guidance-advertising-and-responsible-gambling-codes-practice>

*Clause 1* sets out the title of the notice, its commencement and the statutory provisions which authorise it.

*Sub-clause (1)* provides for the citation.

*Sub-clause (2)* provides for commencement of the variations made by the notice.

*Sub-clause (3)* recites the authorising provisions.

*Clause 2* sets out the purpose of the notice.

*Clause 3* makes variations to achieve the purpose of the notice.

*Sub-clause (1)* proposes that complimentary gambling products, which are permitted to be offered by virtue of clause 54(2)(b) of the Principal Notice, by interactive wagering service providers, cannot be offered unless winnings from a bet made with such a product can be withdrawn by an account holder without being subject to a requirement that the account holder continue to bet with those winnings.

*Clause 4* rectifies a clause reference in clause 61B (Definitions) which was inserted by the *Gambling Codes of Practice (Tranche 1 – South Australian variations for the National Consumer Protection Framework for Online Wagering in Australia) Variation Notice 2019* published in the *Government Gazette* on 23 May 2019.



SOUTH AUSTRALIA

GR Notice No. 5 of 2020  
**Gambling Codes of Practice (Complimentary  
gambling products—interactive wagering service  
providers) Variation Notice 2020**

By this notice, I, Dini Soulio, Liquor and Gambling Commissioner, vary the notice prescribing advertising and responsible gambling codes of practice, as follows:

**1 Citation, commencement, authorising provisions, etc**

- (1) This notice may be cited as the Gambling Codes of Practice (Complimentary gambling products—interactive wagering service providers) Variation Notice 2020.
- (2) This notice comes into operation on 9 July 2020.
- (3) This notice is authorised by—
  - (a) section 6A of the *Authorised Betting Operations Act 2000*, in particular section 6A(9);
  - (b) section 41A of the *Casino Act 1997*, in particular section 41A(9);
  - (c) section 10A of the *Gaming Machines Act 1992*, in particular section 10A(10);
  - (d) section 13B of the *State Lotteries Act 1966*, in particular section 13B(8).

**2 Purpose**

This notice varies the Gambling Codes of Practice Notice 2013<sup>1</sup> to remove the requirement for complimentary gambling products to be

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<sup>1</sup> GR Notice No. 8 of 2013, *South Australian Government Gazette*, 18 December 2013 (No. 81 of 2013), pages 4798–4844, varied by—Gambling Codes of Practice (In-Venue Messaging) Variation Notice 2014 (GR1/2014), 20 February 2014, Gazette No. 14 of 2014, pages 1014–1024; Gambling Codes of Practice (General) Variation Notice 2015 (GR6/2015), 26 March 2015, Gazette No. 19 of 2015, pages 1266–1271; Gambling Codes of Practice (Premium Gaming) Variation Notice 2015 (GR8/2015), 7 May 2015, Gazette No. 28 of 2015, pages 1665–1666; Gambling Codes of Practice (Predictive Monitoring) Variation Notice 2015 (GR12/2015), 30 July 2015, Gazette No. 46 of 2015, page 3586; Gambling Codes of Practice (Account Gambling) Variation Notice 2016 (GR1/2016), 18 February 2016, Gazette No.10 of 2016,

unconditional and transferable, however maintains a condition in respect of complimentary gambling products offered by an interactive wagering service provider that winnings from a bet made with such a product can be withdrawn by an account holder without being subject to a requirement that the account holder continue to bet with those winnings.

This notice also rectifies a clause reference in clause 61B (Definitions) which was inserted by the *Gambling Codes of Practice (Tranche 1 – South Australian variations for the National Consumer Protection Framework for Online Wagering in Australia) Variation Notice 2019* published in the *Government Gazette* on 23 May 2019.

### **3 Complimentary gambling products—interactive wagering service providers**

- (1) In clause 54(2)(b), **delete** “which must be both unconditional and transferable;” and **substitute** “, and in respect of an interactive wagering service provider, only if winnings from a bet made with a complimentary gambling product can be withdrawn by an account holder without being subject to a requirement that the account holder continue to bet with those winnings;”

### **4 Clause 61B Definitions**

- (1) In clause 61B, **delete** “(3)” wherever occurring and **substitute** “(4)”.