
Gaming Machines Advertising Code of Practice

Version No. 002, as at 1 June 2011

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Version No. 002
Reprinted, incorporating variations, as at 1 June 2011

SOUTH AUSTRALIA

GAMING MACHINES ACT 1992

Gaming Machines Advertising Code of Practice

1. Purpose

This code provides a framework through which the holder of a gaming machine licence (“**gambling provider**”) can ensure that its advertising activities are consistent with the community’s expectations that the licensed business will be conducted in a responsible manner so as to minimise the harm caused by gambling.

2. General principle

A gambling provider must ensure that all gambling related advertising is undertaken in a manner that—

- (a) is socially responsible; and
- (b) does not mislead or deceive the customer.

2A. Intervention initiatives

- (1) During any period when a gambling provider is a party to, and is fully compliant with the terms of, a responsible gambling agreement, the following provisions of this code do not apply to the gambling provider—

*Clause 2A(1)
amended by
GM Notice
No. 8 of 2011,
cl. 3(a)*

- (a) clause 3(1B); and
- (b) clause 3(1C); and
- (c) clause 3(2)(k).

- (2) For the purposes of this code, a responsible gambling agreement is, in relation to a particular gambling provider—

- (a) an agreement made on or after the transition day—
 - (i) between the gambling provider and a body recognised for the purposes of section 10B(1)(a) of the *Gaming Machines Act 1992* (a “**recognised industry body**”);
 - (ii) in the form prescribed for the purposes of section 10A(1)(f) of the *Gaming Machines Act 1992*; and

*Sub-paragraph
(i) amended by
GM Notice
No. 8 of 2011,
cl. 3(b)*

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Clause 3

(iii) under which—

*Sub-sub-
paragraph (A)
amended by
GM Notice
No. 8 of 2011,
cl. 3(c)*

(A) the gambling provider provides the recognised industry body, its employees and its agents with free and unrestricted access to the gambling provider's premises, staff and patrons at all times the premises are open for business; and

(B) the gambling provider undertakes to its staff that they will in no way be the subject of prejudice or unfavourable treatment due to making reports of problem gambling behaviour or suspected problem gambling behaviour; and

(C) the gambling provider implements such smartcard or pre-commitment programs as are approved by the Authority and by the Minister for Gambling; and

*Sub-sub-
paragraph (D)
amended by
GM Notice
No. 8 of 2011,
cl. 3(d)*

(D) the gambling provider consents to, and facilitates, the comprehensive annual and periodic reporting to the Authority by the recognised industry body of the body's activities in respect of the gambling provider's business.

(b) an agreement made before the transition day which was an approved intervention agency agreement within the meaning of clause 2A(2) of the advertising code of practice then adopted by the gambling provider in compliance with the licence condition then applying to the gambling provider by reason of paragraphs (na) and (nc) of Schedule 1 of the *Gaming Machines Act 1992*;

(c) an agreement made on or after the transition day novating an agreement referred to in paragraph (b) in terms not inconsistent with the form prescribed for the purposes of section 10A(1)(f) of the *Gaming Machines Act 1992*.

3. Specific provisions

(1) A gambling provider must ensure that, when it advertises its gambling products, the advertising complies with—

(a) applicable Commonwealth and State laws; and

(b) relevant advertising industry codes of practice—

as in force from time to time.

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Clause 3

- (1A) A gambling provider must ensure that, when it advertises its gambling products (other than on a permitted external sign), the advertising includes either—
- (a) the relevant expanded warning message; and
 - (b) if it is not reasonable or practicable to include the relevant expanded warning message, the condensed warning message.
- (1B) A gambling provider must ensure that there is no advertising of its gambling product on the exterior of its premises or in their immediate environs.
- (1C) A gambling provider must ensure that there is no advertising of its gambling product within its premises except for—
- (a) material in gambling areas within the premises; and
 - (b) directional signage in areas of the premises other than gambling areas.
- (2) A gambling provider must ensure that, when it advertises its gambling products, the advertising—
- (a) is not directed at minors;
 - (b) does not portray minors participating in gambling activities;
 - (c) is not explicitly or exclusively directed at vulnerable or disadvantaged groups (including recovering problem gamblers);
 - (d) does not promote gambling as a means of funding routine household purchases or costs of living (including mortgage repayments and rent, or education and clothing costs) or for relieving financial or personal difficulties;
 - (e) does not promote gambling as a means of enhancing social standing or employment, social or sexual prospects;
 - * * * * *
 - (g) does not make claims related to winning or the prizes that can be won—
 - (i) that are not based on fact; or
 - (ii) that are unable to be proven; or
 - (iii) that are exaggerated;
 - (h) does not state or imply that a player's skill can influence the outcome of a gambling activity;

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Clause 4

- (i) does not associate gambling with excessive alcohol consumption;
 - (j) does not exaggerate the connection between the gambling activity and the use to which the gambling provider's profits may be put; and
 - (k) does not refer to factors that may induce a person to engage in gambling activity including, but not limited to, prizes or benefits other than those available on gaming machines.
- (3) A gambling provider must, when it advertises on radio or television, ensure that the advertising does not include sounds normally associated with the playing of gaming machines, including but not limited to—
- (a) the sound of coins landing in a coin tray;
 - (b) any sound made by a gaming machine when a prize is won.

4. Electronic media—time periods

A gambling provider must, in relation to advertising on radio or television, refrain from advertising its gambling products during the following periods:

- (a) for radio advertising, between 6.00am and 8.30am, Monday to Friday (both days inclusive);
- (b) for television advertising, between 4.00pm and 7.30pm, Monday to Friday (both days inclusive).

5. Prize advertising—specific obligations

- (1) If, when it advertises a gambling product, a gambling provider refers to, or relies on, the value or nature of one of the prizes which are available to be won (whether or not the prize is a prize of money) or the frequency with which the prize might be won, the advertising—
- (a) must include sufficient information to allow a reasonably informed person to understand the overall return to player or, if the product does not have an overall return to player, the odds of winning; and
 - (b) in addition, if the advertising is intended to encourage a person to gamble during a particular period, must 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.
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Clause 6

- (2) If, in seeking to comply with this clause, a gambling provider—
- (a) calculates the theoretical number, value and frequency of prizes to be won;
 - (b) in the advertising or promotion, suggests an outcome no less favourable to the gambling provider than that theoretical outcome; and
 - (c) obtains an actual outcome more favourable than that which was advertised—

the gambling provider will still be regarded as complying with this clause.

- (3) Sub-clause (1)(a) does not apply to advertising of a trade promotion lottery offered in conjunction with the purchase of a gambling product if the odds or chance of winning the trade promotion lottery are dependent on factors beyond the control of the gambling provider.

6. Definitions and interpretation

- (1) In this code—

“condensed warning message” means the following message—

“Gamble Responsibly.”;

“expanded warning message”—see sub-clause (4) and Schedule 1;

“gambling area” means a gaming area within the meaning of the *Gaming Machines Act 1992*;

“permitted external sign” means a sign—

- (a) affixed to the outside of a building containing a gambling area; or
- (b) affixed to the outside of a permanent structure, within the immediate environs of a building containing a gambling area, being a structure under the control of the relevant gambling provider—

which—

- (c) identifies the gambling provider; or
- (d) indicates the availability of a gambling activity inside the building;

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Clause 6

“plug” means an announcement on radio or television which includes information about the relevant gambling provider’s gambling products or which associates one of the gambling provider’s gambling products with a particular program or period of programming;

“radio or television”—

(a) means any kind of radio or television broadcasting service within the meaning given by the *Broadcasting Services Act 1992* (Commonwealth); but

(b) does not include a radio or television broadcasting service principally operated for the purpose of promoting gambling products of the nature of those provided by a gambling provider, or related events—

and **“radio”** and **“television”** have corresponding meanings;

“relevant expanded warning message”—see sub-clause (4) and Schedule 1;

“transition day” means the day on which section 57(3) of the *Gaming Machines (Miscellaneous) Amendment Act 2010* comes into operation.

(2) For the purposes of this code, a gambling provider will be regarded as advertising—

(a) if a provider of radio or television runs a plug in exchange for a payment or for some other form of valuable consideration (including an agreement to purchase advertising);

(b) if a provider of radio or television, or a publisher, includes content in exchange for a payment or for some other form of valuable consideration (including an agreement to purchase advertising).

(3) Advertising will be regarded as offending against clause 3(2)(g) if it contains material which includes one or more of the following expressions (or anything analogous to them)—

(a) “Win”; and

(b) “\$”—

and that expression is not used in relation to—

(c) a particular prize which has been determined or is payable; or

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Clause 7

- (d) a reasonable approximation or estimate of a prize which can be won.
- (4) A message listed as an expanded warning message in the table in Schedule 1 is the relevant expanded warning message during—
- (a) the period of 6 months listed beside it as the first relevant period; and
- (b) the period of 6 months commencing on every third anniversary of the commencement of the first relevant period.
- (5) For the purposes of section 47 of the *Gaming Machines Act 1992*—
- (a) a provision of this code listed in Column A of the table in Schedule 2 is designated as a mandatory provision;
- (b) if the letter “A”, “B”, “C” or “D” appears in Column B of the table in Schedule 2 next to the listing of a mandatory provision, contravention or failure to comply with the mandatory provision is declared to be an offence in the category corresponding to that letter; and
- (c) if the letter “A”, “B”, “C” or “D” appears in Column C of the table in Schedule 2 next to the listing of a mandatory provision, the offence of contravention or failure to comply with the mandatory provision is declared to be an expiable offence in the category corresponding to that letter;
- (d) the other provisions of Schedule 2 have effect in their terms.

*Sub-clause (5)
inserted by GM
Notice No. 3 of
2011, cl. 2(2)*

7. Operative dates and transitional

This code applies generally in respect of gambling operations conducted on or after the transition day.

Schedule 1

<i>Expanded warning message</i>	<i>First relevant period</i>
Know when to stop. Don't go over the top. Gamble responsibly.	1 January 2011–30 June 2011
Think of the people who need your support. Gamble responsibly.	1 July 2011–31 December 2011
Don't chase your losses. Walk away. Gamble responsibly.	1 January 2012–30 June 2012

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Schedule 2

<i>Expanded warning message</i>	<i>First relevant period</i>
Don't let the game play you. Stay in control. Gamble responsibly.	1 July 2012–31 December 2012
Stay in control. Leave before you lose it. Gamble responsibly.	1 January 2013–30 June 2013
You know the score. Stay in control. Gamble responsibly.	1 July 2013–31 December 2013

Schedule 2

*Schedule 2
inserted by GM
Notice No. 3 of
2011, cl. 2(3)*

TABLE
Mandatory Provisions, Categories of Offences and Expiations

<i>Item No.</i>	<i>Column A Clause No.</i>	<i>Column B Offence category</i>	<i>Column C Expiation category</i>	<i>Additional provisions</i>
1.	2	A	A	
2.	3(1)	A	A	
3.	3(1A)	B	B	Item 3 applies to breaches of clause 3(1A) other than breaches to which Item 4 applies.
4.	3(1A)	D	D	Item 4 applies to breaches of clause 3(1A) constituted by the use of an expanded warning message other than the relevant expanded warning message or the use of the condensed warning message when the expanded warning message should have been used.
5.	3(1B)	A	A	
6.	3(1C)	B	B	
7.	3(2)(a)	B	B	
8.	3(2)(b)	D	D	
9.	3(2)(c)	B	B	
10.	3(2)(d)	D	D	
11.	3(2)(e)	D	D	
12.	3(2)(g)	C	C	

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Schedule 2

<i>Item No.</i>	<i>Column A Clause No.</i>	<i>Column B Offence category</i>	<i>Column C Expiation category</i>	<i>Additional provisions</i>
13.	3(2)(h)	C	C	
14.	3(2)(i)	B	B	
15.	3(2)(j)	D	D	
16.	3(2)(k)	D	D	
17.	3(3)	C	C	
18.	4	B	B	
19.	5	C	C	

NOTES

1. The Gaming Machines Advertising Code of Practice was prescribed by notice published in the South Australian Government Gazette on 31 March 2011 (No. 22 of 2011) at pages 916–921—Gaming Machines Advertising Code of Practice Prescription Notice 2011, GM Notice No. 1 of 2011.
2. This code became effective on the commencement of section 57(3) of the *Gaming Machines (Miscellaneous) Amendment Act 2010*. This provision was proclaimed to come into operation on 1 June 2011 (Government Gazette, No. 33 of 2011, 26 May 2011, page 1581).
3. Clause 2A refers to a responsible gambling agreement as an agreement between the gambling provider and an industry body recognised for the purposes of section 10B(1)(a) of the *Gaming Machines Act 1992* in the form prescribed for the purposes of section 10A(1)(f) of the *Gaming Machines Act 1992*.

On 26 May 2011, Club Safe Limited and Hotels Responsible Gambling Early Intervention Agency Limited (Gaming Care) were so recognised (GM Notice No. 6, Government Gazette, No. 33 of 2011, page 1574).

On 26 May 2011, forms of responsible gambling agreement were so prescribed (GM Notice No. 7, Government Gazette, No. 33 of 2011, pages 1575–1577).
4. Clause 6(1) contains a definition of “transition day” as the day on which section 57(3) of the *Gaming Machines (Miscellaneous) Amendment Act 2010* comes into operation. That day is 1 June 2011 (see note 2).

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Note 5

5. This version incorporates variations made to the Gaming Machines Advertising Code of Practice, since 31 March 2011, by the following notices:

<i>GM Notice No.</i>	<i>Title, making and gazettal details</i>	<i>Commencement details</i>
3 of 2011	Gaming Machines Codes of Practice (Expiations) Variation Notice 2011 12 May 2011 (Government Gazette, No. 31 of 2011, 12 May 2011, pages 1353–1357)	Whole of notice on 12 May 2011 (<i>prior to commencement of code</i>).
8 of 2011	Gaming Machines Codes of Practice (Responsible Gambling Agreements) Variation Notice 2011 26 May 2011 (Government Gazette, No. 33 of 2011, 26 May 2011, pages 1578–1579)	Whole of notice on 26 May 2011 (<i>prior to commencement of code</i>).