

NT Code of Practice for Responsible Service of Online Gambling 2019

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2	14 November 2022	Northern Territory Racing Commission	Amendment to clause 5.3 Activity Statements to implement changes to National Consumer Protection Framework
3	31 March 2023	Northern Territory Racing Commission	Amendment to sections 3.1, 3.3 and 3.4, as well as the inclusion of new sections, being 3.5 and 8.1A, to implement changes to National Consumer Protection Framework in relation to consistent gambling messaging and training

Acronyms	Full form
NT	Northern Territory
This Code	Code of Practice for the Responsible Service of Online Gambling
Cth	Commonwealth

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Objective

This Code of Practice for the Responsible Service of Online Gambling (this Code) is approved by the Northern Territory Racing Commission pursuant to section 148A of the *Racing and Betting Act 1983* (NT). This Code provides guidance to online gambling providers on responsible gambling practices so as to minimise the harm that may be caused by online gambling. Online gambling providers are encouraged to implement additional strategies to further minimise harm.

All online gambling providers licensed under the *Racing and Betting Act 1983* (NT) must not contravene or fail to comply with this Code.

This Code will come into effect on and from 26 May 2019, varied on 14 November 2022 and further varied on 31 March 2023.

Reviewing this Code

This Code will be subject to regular reviews which will take into account new operating practices, effectiveness of existing measures, changes in technology, research and study of gambling in Australia and overseas, changes to the National Consumer Protection Framework and other pertinent circumstances.

Responsible service of online gambling practices

Responsible service of online gambling practices are categorised under the following harm minimisation measures:

1. Provision of information
2. Interaction with customers and community
3. Training and skills development
4. Exclusion provisions
5. Harm minimisation
6. Minors
7. Financial transactions
8. Advertising and promotions
9. Participation in gambling research and evaluation
10. Privacy protections

1. Provision of information

Online gambling providers are to make available information that will allow their customers to make informed decisions regarding their gambling. The following information is to be displayed on the online gambling provider's website or any other platform made available for betting. Online gambling providers offering telephone services must have in place suitable initiatives to achieve the same outcomes.

1.1. Responsible gambling information

The online gambling provider is to ensure that they outline their policies, procedures and commitment to responsible gambling practices including a Gamble Responsibly message on their betting platform. Information on where customers can seek help with gambling related problems must also be displayed.

While it is preferable to have a link to the responsible gambling information on each page of the betting platform, a link must, at a minimum, be located on the gambling provider's home page.

1.2. Odds and win rates

Information regarding the odds and win rates for products offered by the online gambling provider, where appropriate, must be accessible on their betting platform and displayed in a manner readily understood by a customer e.g. the chance of winning a jackpot is 1 in 500,000.

1.3. Information provided on request

An online gambling provider must provide the following types of information in relation to its responsible gambling practices on their website and also on request:

- responsible gambling policy documentation including, where appropriate, policies for addressing problem gambling issues
- the nature of the events, games, game rules, odds and returns to players for all products offered, where relevant; and
- information relating to the online gambling provider's Self-Exclusion process.

Information must be sent to the customer via a medium they have access to, such as telephone, email or post within 2 days of the request.

1.4. Terms and conditions

- a. Online gambling providers must ensure their terms and conditions are easily located on their website, with a link to them on each page. Terms and conditions must be clear with regards to how betting is managed, particularly where maximum payout limits exist. Staff should also be appropriately trained to ensure customer questions regarding terms and conditions are answered correctly, readily and clearly.
- b. Customers must be prompted to read and accept the terms and conditions prior to opening an account with the online gambling provider.

2. Interactions with customers

2.1. Responsible gambling liaison role

Online gambling providers must have an appropriate level of management available to:

- assist staff and customers during those hours where staff are available to speak to customers
- provide appropriate information and assistance to customers with gambling related problems
- support staff in providing assistance to these affected customers
- provide confidential assistance to any staff who themselves may have gambling related issues
- establish policies and procedures that allow customers to take steps to limit their gambling if desired
- have available, for customers and staff, details of appropriate gambling support services.

2.2. Gambling incident register

Online gambling providers will ensure they record all actions taken by staff in assisting customers in accordance with this Code through a Gambling Incident Register. This register will need to include, as a minimum, the following information:

- time, date and nature of problem gambling related issue or incident
- name and address of the person the incident relates to
- the name of the staff member involved
- the action they took.

This register should also list excluded customers including their personal details such as name, address, date of birth, contact details, the dates of exclusion, and any other relevant information.

2.3. Customer problem gambling incidents

Online gambling providers must establish and promote mechanisms to recognise and resolve issues relating to customer problem gambling incidents. All incidents are to be dealt with quickly and efficiently and all resolutions must be recorded in the Gambling Incident Register.

3. Training and skills

3.1. New staff

All new staff, engaged in customer interaction, must complete appropriate responsible gambling training within one (1) month of commencing employment. Training should include:

- identifying problem gambling Red Flag behaviours
- ability to provide customers with full information on provider's gambling products or direct customers to where they can find the information

- ability to provide customers with appropriate odds for a product when requested
- the provider's self-exclusion policy and processes
- answer questions regarding the provider's terms and conditions, both generally and for specific bet types.

Where the staff member may not know the answer to questions raised by the customer, they must be able to direct the call to the appropriate person or arrange for a response to be provided at a later time within a reasonable timeframe.

Problem gambling Red Flag behaviours may include, but are not limited to:

- gambling for an extended period
- changing gambling patterns
- increase in deposit frequency
- escalating sums of money deposited
- thinking they can control outcomes or believes myths
- accusing an online gambling provider of changing payouts or rigging systems
- admissions of being drunk or under the influence of other drugs
- exhibiting signs of distress such as crying or swearing
- expressing guilt or remorse for gambling
- verbally abusing staff
- threats to property or staff
- remarks that may indicate serious overspending
- repeatedly commenting about family problems
- showing concern about losses and payouts
- indicating they need a break from gambling
- repeatedly self-excluding from gambling
- disclosing problems with gambling.

The new staff training must comply with the National Consumer Protection Framework for Online Wagering and include the minimum requirements set out in the National Unit of Competency, CHCFIN005 – "Provide responsible online wagering services".

The training for a new staff member must be completed before engaging with any customer or undertaking activities that influence the provision of online gambling.

3.2. Recognising potential problem gamblers

Where appropriate, a customer who displays some, or a number, or a repetition of red flag behaviours should be monitored by an online gambling provider and appropriate customer interaction should take place to assist or protect that customer which reasonably corresponds to the circumstances. Online

gambling providers should ensure responsible gambling policies and procedures are in place to allow staff to detect and assist customers who may be experiencing problems with gambling.

3.3. On-going training

Online gambling providers are to ensure that all staff involved in the provision of gambling services or with the capacity to influence the wagering service, complete refresher training courses regularly, but at least every 12 months, to maintain optimum understanding of harm minimisation strategies and promote a responsible gambling environment.

While the use of a Registered Training Organisation is preferable, training conducted in-house is acceptable; however the provider must provide the training material upon request by the regulator.

The regular refresher training courses must comply with the National Consumer Protection Framework for Online Wagering and include the minimum requirements set out in the National Unit of Competency, CHCFIN005 – "Provide responsible online wagering services".

3.4. Record of training

A Gambling Training Register is to be maintained and kept as a part of responsible gambling records. This register should include staff name, date of training and type of training. A copy of this register must be provided to the regulator upon request.

Each entry in the Gambling Training Register must be retained for a minimum of seven years after the date the training to which the entry relates was completed.

3.5. Content and completion requirements

Online gambling providers must ensure that all employees involved in the provision of wagering services undertake responsible gambling training in accordance with the National Consumer Protection Framework for Online Wagering.

The responsible gambling training must include the minimum requirements set out in the National Unit of Competency, CHCFIN005 – "Provide responsible online wagering services".

A person who is employed by an online gambling provider on 1 April 2023 must complete the responsible gambling training before 1 October 2023.

A person who is employed by an online gambling provider after 1 April 2023 must complete the responsible gambling training before the employee engages with any customer or undertakes activities that influence the provision of online gambling.

4. Self-exclusion

Online gambling providers are to make available to any person the option of excluding themselves temporarily or permanently from the provider's gambling service and ensure information on how to self-exclude is available on their website and other platforms utilised by their customers.

The option should also be offered to the person to exclude from all Northern Territory online gambling providers.

4.1. Customer responsibility

The provider's customers will be encouraged to take responsibility for their gambling activity through the online gambling provider's provision of clearly defined terms and conditions, rules, odds and player returns and pre-commitment features.

4.2. Self-exclusion features

- a. Online gambling providers must provide self-exclusion features on their website to enable their customers the opportunity to exclude themselves from accessing the provider's gambling products either temporarily (for a specified period of time) or permanently.
- b. The provider must offer self-exclusion via an online process or a form based process, and must ensure suitable internal procedures are in place to have any self-exclusion request dealt with immediately. The option for self-exclusion from all Northern Territory online gambling providers must be included.
- c. In addition to having its own process for a customer to activate a self-exclusion, the online gambling provider must also have in place:
 - (i) procedures or a form that is available to allow non-customers who wish to self-exclude to exclude themselves; and
 - (ii) procedures that will allow it to process a self-exclusion request on a form developed by the regulator and available from the Departmental website, when lodged at the Department by a person who wishes to self-exclude.
- d. All self-exclusion actions must be recorded in the Gambling Incident Register.
- e. Where a person requests that they be permanently self-excluded for any reason or is permanently excluded by the online gambling provider due to problem-gambling concerns, the online gambling provider must not knowingly permit that person to re-open or open a new account.
- f. Where a person requests they be temporarily self-excluded, the online gambling provider must not knowingly permit that person to wager with the provider prior to the expiry of the specified self-exclusion period (whether by opening another account or reactivating or re-opening their original account).

4.3. Funds paid out

Online gambling providers will ensure all outstanding funds due or in their account are paid out to a customer who has self-excluded, subject to appropriate and necessary checks and verifications and applicable laws.

4.4. Counselling contact information

Online gambling providers will promptly offer customers who seek self-exclusion contact information for appropriate counselling agencies.

4.5. Self-exclusion from other gambling providers

Online gambling providers will ensure customers who have self-excluded are given support and encouragement to seek self-exclusions from other Australian gambling providers.

4.6. Correspondence or promotional material

Online gambling providers are to ensure they have in place suitable procedures to ensure correspondence or promotional material is not sent to any persons who are either excluded from their services, or who request that this information not be sent to them.

5. Harm minimisation measures

Online gambling providers must offer harm minimisation measures, that are at a minimum consistent with the responsible gambling practices set out in this Code.

5.1. Voluntary pre-commitment features

- a. Online gambling providers must offer pre-commitment facilities that allow a customer to set a maximum deposit limit and may at their option also provide other types of limits such as spend and time limits ("pre-commitment features") that will be binding upon the provider. Customers should be able to decrease these limits immediately, however, any increase to a limit must not take effect for at least 7 days after the request.
- b. A person must be prompted to set up a deposit limit during the process of opening an account, however, a person is not required to do so.
- c. Online gambling providers must ensure each customer is prompted to review and set a deposit limit at least once within the first 12 months of opening their account and then at least once every 12 months thereafter unless that account has not been utilised to place a bet within that preceding 12 months. The prompt must be made via the same method being used by the customer for placing bets at the time the prompt is due.
- d. Online gambling providers must ensure they offer a number of different time periods for which a deposit limit is to apply, for example, a day, week, fortnight, month or year, or a combination of these.
- e. A deposit limit must be able to be set and changed by a customer via the same method available to them to place a bet, in addition to being able to change their deposit limit in writing.
- f. Online gambling providers must ensure the pre-commitment features are simple and easy to use for a customer and are clearly explained and prominently displayed on their website or other platforms utilised by their customers and within each customer's "My Account" window or equivalent.

5.2. Self-assessment tools

Online gambling providers are to offer access to self-assessment tools (through links to appropriate gambling support sites), to assist customers to manage their gambling activities.

5.3. Activity statements

An online gambling provider must provide a monthly activity statement within 7 days of the end of each month to each customer who has made a transaction on the customer's betting account within the preceding month.

If a customer has not placed a bet in 12 months or more an activity statement must not be sent to the customer.

The activity statement must use plain English and must provide information that is clear and easily understood.

The activity statement must not include gambling advertisements or inducements.

The activity statement must include the following:

- a. segmented information clearly showing betting activity and account transactions for the month, including information about:
 - (i) amount spent
 - (ii) wins and losses
 - (iii) number of bets placed
 - (iv) overall net win/loss for the specified period of the activity statement
 - (v) opening and closing balances
 - (vi) deposits and withdrawals
 - (vii) the account balance
- b. a column graph to illustrate wagering activity comparing amount spent against net result over time for the last 6 months (cumulative), and showing a clear comparison tracking to the same time from the previous year
- c. links and information on support services and safe gambling messaging that promotes available consumer protection tools
- d. a link to an account holder's transaction list for the relevant month.

The activity statement must be given to the customer by sending it to an email or postal address nominated by the customer.

The activity statement must be provided free of charge except for postage costs if the statement is sent to a postal address.

In addition to activity statements, an online gambling provider must ensure a customer (including a person whose betting account has been closed) has access to a record of the customer's betting account transactions for at least the preceding 7 years:

- a. for customers who bet online - immediately at all times via a customer's 'My Account' window
- b. for customers who bet through other means (for example by telephone) - by email or post within 14 days of the customer's request for a copy of their account transactions.

5.4. Intoxicated customers

Online gambling providers are to take all reasonable steps to refuse a customer and prevent a customer from gambling if suspected of being drunk or under the influence of other drugs.

5.5. Inducements

- a. Online gambling providers must not offer any credit, voucher or reward to a person to open a betting account or to an account holder as an inducement to refer another person to open a betting account.

- b. Online gambling providers must not offer or provide a complimentary credit or token (“bonus bet”) to a person unless the winnings resulting from that bonus bet can be withdrawn immediately and is not subject to any requirement that the customer continue to bet with those winnings.

5.6. Account closure

- a. Online gambling providers must ensure the process for account closure is:
 - (i) prominently and clearly articulated on their website and within each customer’s “My Account” window or equivalent;
 - (ii) simple and easy for the customer to use;
 - (iii) available to the customer using the same channel available to them to place a bet, in addition to via email and telephone; and
 - (iv) undertaken immediately upon receipt of the account closure request from the customer and result in the account being closed after all bets have been settled.
- b. Online gambling providers must not encourage or induce a customer to keep their account open following a closure request, however, the provider may explain the effects of the account closure and ask the customer if they wish to proceed to close their account.
- c. Online gambling providers must not directly promote or market to a customer following an account closure.

6. Minors

Online gambling providers are to adopt appropriate strategies to ensure persons who have not yet attained the age of 18 years (“Minors”) are prevented from gambling including ensuring their website does not induce Minors to gamble.

6.1. Prohibition of minors

Minors are prohibited from gambling and online gambling providers must ensure they have appropriate processes in place to prevent Minors from accessing gambling services.

Online gambling providers must have a notification on their website that draws attention to customer’s responsibility of not allowing Minors to gamble.

6.2. Filters

Online gambling providers must ensure their websites and apps allow for filtering software to be applied. The website should also encourage the use of filtering software on customer devices to prevent access by Minors.

6.3. Activities for minors

Online gambling providers must not run any activities on their website or apps aimed at Minors whether those activities involve gambling or not.

6.4. Minors as staff members

Online gambling providers are not to allow Minors to have interaction with customers where that interaction would involve the provider's gambling products.

7. Financial transactions

Financial transactions associated with gambling are to be undertaken in a financially responsible manner.

7.1. Deposits

Online gambling providers must ensure deposit transfers are to be carried out on a webpage separate from the gambling pages.

8. Advertising and marketing

Advertising and marketing are to be delivered in an honest and responsible manner with consideration given to the potential impact on people adversely affected by gambling.

8.1. Compliance with the advertising code of ethics

Advertisements must comply with all relevant codes established by Australian Association of National Advertisers including the overarching Code of Ethics and codes established by the Communications Council. Any television advertising and promotion must also comply with the Commercial Television Industry Code of Practice established by Free TV Australia.

8.1A. Consistent gambling messaging

Online gambling providers must ensure all advertising and promotional material contains a gambling warning message.

The gambling warning message must comply with:

- a. the National Consumer Protection Framework for Online Wagering; and
- b. the following documents published by the Department of Social Services of the Commonwealth and available at the [DSS website](https://www.dss.gov.au/communities-and-vulnerable-people-programs-services-gambling-information-for-online-wagering-providers/consistent-gambling-messaging)¹.
 - (i) the National Consumer Protection Framework for Online Wagering – Consistent gambling messaging implementation plan (DSS 2824.10.22);
 - (ii) the National Consumer Protection Framework for Online Wagering – Supplementary Factsheet (DSS 2823.10.22);
 - (iii) the National Consumer Protection Framework for Online Wagering – Consistent Gambling Messaging Frequently Asked Questions (DSS 2825.11.22).

¹ <https://www.dss.gov.au/communities-and-vulnerable-people-programs-services-gambling-information-for-online-wagering-providers/consistent-gambling-messaging>

8.2. Accurate details

The provider will ensure that all terms and conditions associated with all promotions, bonus offers, competitions etc are clearly defined and accessible.

8.3. Problem gambling signage

Online gambling providers must ensure advertising and promotions contain appropriate problem gambling warning messages in a clearly visible manner.

8.4. Notices of winnings paid

The advertising of winnings paid, where the personal details of the winner are used, must be confined to the provider's website. Generic messages, such as 'Players have won more than \$1m this month' may be advertised in places other than the provider's website (except where minors gather).

8.5. False impressions

No advertising produced by an online gambling provider is to give the impression that gambling is a reasonable strategy for financial betterment, i.e. advertisements should centre on gambling as entertainment.

8.6. Urging to buy

Online gambling providers are not to call or otherwise urge non-gambling customers to use their gambling services.

8.7. Minors

Advertising displays and point of sale material for gambling services must not be directed at Minors, portray Minors participating in gambling, or be set up in an area that specifically targets Minors.

8.8. Alcohol consumption

Online gambling providers will ensure no advertising depicts or promotes the consumption of alcohol while gambling.

8.9. Direct marketing

- a. Online gambling providers must not send any direct marketing material to a person without their express consent to receive such material.
- b. Online gambling offers must offer the ability for a customer to unsubscribe from receiving direct marketing materials. Where marketing is electronic, the link to unsubscribe must be functional and easily accessible.
- c. Where a person either unsubscribes from receiving direct marketing material, self-excludes or closes their account, the online gambling provider must not send marketing material to that person at any time after 24 hours from the receipt of that request.

9. Participation in gambling research and evaluation

Online gambling providers are encouraged to participate in gambling research and activities if approached. While the Northern Territory Racing Commission cannot force the provider to participate, such participation lends credence to the harm minimisation strategies that the provider is employing.

Where the provider has concerns about the bona fides of a request for them to participate in research, they should contact the regulator in the appropriate jurisdiction to confirm the request's legitimacy.

10. Privacy protections

Where an online gambling provider is not subject to the Privacy Act 1988 (Cth), they are required to have in place suitable policies and procedures to protect customer information.

This will include appropriate security safeguards to protect customer information from unauthorised access. The provider must provide full details of their privacy policies and procedures to the regulator upon request.