

SOUTH AUSTRALIA

**[Name of venue] Advertising Code of
Practice**

As in force on 1 December 2008

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SOUTH AUSTRALIA

GAMING MACHINES ACT 1992

[Name of venue] Advertising Code of Practice
[As in force on 1 December 2008]

This is the advertising code of practice for the purposes of licence conditions (*na*) and (*nc*) set out in Schedule 1 to the *Gaming Machines Act 1992* and applying by reason of section 27(1) of that Act:

1. Purpose

This code provides a framework through which the holder of the gaming machine licence for the *[Name of venue]* premises (“**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

The gambling provider will 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 the gambling provider is a party to, and is fully compliant with the terms of, an approved intervention agency agreement, the following provisions of this code do not apply to the gambling provider—
 - (a) clause 3(1B); and
 - (b) clause 3(1C); and
 - (c) clause 3(2)(k).
- (2) For the purposes of this code, an approved intervention agency agreement is an agreement—
 - (a) between the gambling provider and a body approved for the purpose of this clause by the Authority (the “**AIA**”);
 - (b) which contains the following conditions—
 - (i) the gambling provider provides the AIA, its employees and 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

- (ii) 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
 - (iii) the gambling provider implements such smartcard or pre-commitment programs as are approved by the Authority and by the Minister for Gambling; and
 - (iv) the gambling provider consents to, and facilitates, the comprehensive annual and periodic reporting to the Authority by the AIA of the AIA's activities in respect of the gambling provider's business.
- (3) The gambling provider may comply with clause 6(4A) through the actions of its AIA under an approved intervention agency agreement.

3. Specific provisions

- (1) The gambling provider will 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.
- (1A) The gambling provider will ensure that, when it advertises its gambling products, the advertising includes either—
- (a) if it is not reasonable or practicable to include an expanded warning message, the condensed warning message; or
 - (b) an expanded warning message, rotated according to the protocol set out in clause 6(4A).
- (1B) The gambling provider will ensure that there is no advertising of its gambling product on the exterior of its premises or in their immediate environs.
- (1C) The gambling provider will ensure that there is no advertising of its gambling product within its premises with the exception of—
- (a) gambling areas within the premises; and
 - (b) directional signage in areas other than gambling areas.

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- (2) The gambling provider will 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;
 - (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) The gambling provider will, 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

The gambling provider will, 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, the 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) will 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, will 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.

(2) If, in seeking to comply with this clause, the 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**” means one of the following messages—

(a) “Don’t chase your losses. Walk away. Gamble responsibly.”;

(b) “Don’t let the game play you. Stay in control. Gamble responsibly.”;

(c) “Stay in control. Leave before you lose it. Gamble responsibly.”;

(d) “You know the score. Stay in control. Gamble responsibly.”;

(e) “Know when to stop. Don’t go over the top. Gamble responsibly.”;

(f) “Think of the people who need your support. Gamble responsibly.”;

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

“**plug**” means an announcement on radio or television which includes information about the 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 the gambling provider, or related events—

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

(2) For the purposes of this code, the 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
 - (d) a reasonable approximation or estimate of a prize which can be won.

* * * * *

- (4A) For the purposes of rotating the six expanded warning messages over 3 years, the gambling provider will—
 - (a) to the greatest extent practicable, always use the same expanded warning message at the same time;
 - (b) to the greatest extent practicable, use an expanded warning message for six months at a time;
 - (c) take reasonable steps to consult with other gambling providers required to use expanded warning message with a view to ensuring, to the greatest extent practicable, that all gambling providers are using the same expanded warning message at the same time.

7. Operative dates and transitional

For gaming machine licensees who were first licensed before 1 October 2001—

- (1) The provisions of clauses 1–7 of this code as substituted by the Code Alteration (*[Name of venue]*) (Advertising) (No. 1) 2004 apply from 30 April 2004.
- (2) The provisions of—
 - (a) clauses 2A, 3(1A), 3(1B), 3(1C), 3(2)(k) and 6(4A)—as inserted by Code Alteration (*[Name of venue]*) (Advertising) (No. 1) 2008; and

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(b) clauses 3(2)(d), 3(2)(f), 6(1), 6(3) and 6(4)—as amended by Code Alteration (*[Name of venue]*) (Advertising) (No. 1) 2008—

apply generally from 1 December 2008, subject to the following exceptions—

(c) the gambling provider may have the benefit of being a party to an approved intervention agency agreement executed prior to that date, on and from the date of execution.

For gaming machine licensees who were first licensed on or after 1 October 2001—

This code applies generally from 1 December 2008, subject to the following exceptions—

(a) the gambling provider may have the benefit of being a party to an approved intervention agency agreement executed prior to that date, on and from the date of execution.

For persons who may be licensed as gaming machine licensees on or after 1 December 2008—

This code applies generally from 1 December 2008.