

Tasmanian Liquor and Gaming Commission

Premium Player Program Code of Practice

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Premium Player Program
Code of Practice
Tasmanian Liquor and Gaming Commission

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www.treasury.tas.gov.au/liquor-and-gaming/gambling/regulatory-requirements

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Preliminary

The Tasmanian Liquor and Gaming Commission Premium Player Program Code of Practice is made in accordance with s 112L of the Gaming Control Act and applies to the conduct of a Premium Player Program (PPP) with pre-commitment functionality for electronic gaming machine (EGM) gambling in any casino operating under a General Casino Licence.

The requirements under this Code are in addition to the requirements of the Act and all standards, rules, codes of practice, licence conditions, directions, notices or other requirements issued from time to time by the Commission.

A term used in the Premium Player Program Code of Practice (the Code) has the same meaning as the same term used in the Act. Definitions specific to the Premium Player Program are also provided at the end of this Code.

For the avoidance of doubt, where any requirements of the Code conflict with another requirement, the PPP requirement will prevail in relation to PPP matters.

A casino operator and its employees (including special employees) must adhere to the Code. Failure to comply with this requirement may result in disciplinary action against the casino operator and/or special employee. Disciplinary action may include a letter of censure, a fine, and/or the suspension, cancellation or amendment of a licence.

A casino operator must ensure that a copy of the Code is available for free public inspection and must ensure that the requirements of the Code are enforced or caused to be enforced at all times.

Part A: Code of Practice

1. Staff

1.1. Responsible Gambling Manager

A casino operator must ensure that a person is employed at the casino with a dedicated role to perform the functions of a Responsible Gambling Manager. The Responsible Gambling Manager's position must not be located within the organisational structure of the gaming department or any other department involved in commercial operations of any casino.

1.2. Responsible Gambling Manager training and reporting

The casino operator must ensure that the Responsible Gambling Manager is appropriately trained in recognising and managing issues associated with responsible gambling and must report directly to the casino General Manager or a senior manager who is not associated with decision making affecting the profitability of gaming within the organisation.

1.3. PPP Host training

A casino operator must ensure that at least one PPP Host appropriately trained in recognising and managing issues associated with responsible gambling is on duty within the PPP area at all times.

2. Premium Player Program

2.1. Membership process

Any PPP in operation at a casino must comply with the following:

- a) A prospective member must not be permitted to become a member of a PPP without establishing a limit that will apply to EGMs.
- b) A prospective member must be provided with detailed information about the operation of the PPP.
- c) A prospective member who is a Tasmanian resident must not be permitted to become a member of a PPP without being a member of the Federal Rewards Club (or any replacement program) for a period of six months.
- d) The appropriate limit setting category and associated limit setting requirements are assigned to the prospective member as documented in the Part B of this Code.
- e) A prospective member must not be permitted to become a member of a PPP without first having their identity verified in accordance with the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No.1)*.
- f) A prospective member must not be permitted to become a member of a PPP if they are currently excluded under the Tasmanian Gambling Exclusion Scheme.
- g) A prospective member must be provided with a summary of their total gambling loss for each 12 months covering the most recent three years (where available).
- h) Prior to admission or renewal, a prospective member/member must confirm the following in writing:

- i) they are 18 years or over;
- ii) they have been provided with their historical average annual gambling loss (where applicable);
- iii) they have the financial capacity to sustain the stipulated level of pre-committed loss over a 12 month period;
- iv) they were not encouraged to increase their limit by the casino operator when setting a limit; and
- v) they believe that long term losses at this limit will not impact their financial security.

The prospective member/member and casino operator must complete a written declaration that the above has been considered.

Where any of the prospective member/member's written responses are not in the affirmative, the prospective member/member must not be admitted or renewed as a member of the PPP.

- i) The prospective member must be required to declare whether they have previously been excluded under the Tasmanian Gambling Exclusion Scheme or have previously been subject to a gambling exclusion for electronic gaming in any other Australian jurisdiction.
- j) The prospective member/member must be provided with copies of the above signed documents within seven days of completion.
- k) A PPP membership must be subject to an annual renewal process, completed within 60 days of the member's limit anniversary date. If a PPP membership is not renewed in this time, the casino operator must suspend the PPP membership until the renewal process has been completed.
- l) At PPP membership renewal, the casino operator must ensure any electronic gaming machine activity (ie losses/wins) incurred by the member since the member's anniversary date (under 2.1(k) above) must be included in the total gambling spend for the remainder of the limit term.
- m) A PPP member must have the ability to opt out of being a member at any time and must be notified in writing at least once a year of their right to cease participation in the PPP.
- n) A PPP member must be able to access any PPP information that the casino operator holds about them.
- o) At annual renewal, player activity statements must be provided to a PPP member and provide concise and meaningful information about the member's gambling history including, at a minimum:
 - i) the turnover amount, in dollars, for the previous 12 months;
 - ii) number of hours spent at EGMs for the previous 12 months (where applicable);
 - iii) the net amount, in dollars, won or lost during the previous 12 months;
 - iv) five year cumulative tallies of the same information above (where available); and
 - v) clearly identify and differentiate points that have been accrued from gambling and non-gambling activities (where applicable).
- p) Player activity statements must not contain gambling advertising and any information that is not related to the gambling record of the member.

- q) Responsible gambling messages, as approved and/or prescribed by the Commission, must be incorporated and prominently displayed in PPP documentation.

2.2. Limit setting - Tasmanian and Non-Tasmanian residents

At admission and renewal of a prospective member (Tasmanian or non-Tasmanian resident), the casino operator must undertake a pre-commitment limit setting process for EGM gambling which meets the requirements set out under part B of this Code.

2.3. Monitoring

The casino operator must develop, implement and keep in operation, a monitoring program for PPP members that satisfies a reasonable person test in terms of decision making to minimise gambling harm to PPP members.

2.4. Membership card

The casino operator must undertake reasonable measures to ensure that PPP members use a PPP membership card at all times when gambling in the casinos.

2.5. Limit Reached

If a PPP member reaches his/her limit before their limit term has concluded, the casino operator must deactivate the PPP membership card immediately.

2.6. Limit renewal

A barred PPP member must not be able to gamble in the PPP until the casino operator has undertaken a renewal limit setting process. The renewal limit setting process cannot occur until after the member's limit anniversary date.

2.7. Duty to meet

Within seven days of the limit being reached, the Responsible Gambling Manager must take all reasonable measures to meet with the barred PPP member.

2.8. Determination of barred PPP member

The casino operator must make a determination as to whether the barred PPP member is to be excluded from gambling at the casino(s) or whether to allow the member to continue gambling outside the PPP. This determination must be made by a person with superior accountability to the RGM and the PPP Host in the casino governance model.

2.9. Reasoning test and record

In determining the action to be taken for a barred PPP member, the casino operator must apply a reasonable person test in its decision-making and document reasons for its decision. Action includes an enhanced monitoring and reporting regime and appropriate care arrangements to ensure the member is not experiencing harm, where applicable.

2.10. Prevention of access

If the decision is made that the barred PPP member is allowed to continue gambling outside the PPP, the casino operator must prevent access to the PPP area by:

- a) restricting the PPP membership card from accessing PPP gambling related benefits;
- b) preventing the barred PPP member from accruing gambling reward points; and
- c) not directly promoting gaming or gaming activities to a barred PPP member.

2.11. Information held by licence holder

Any information held by the licence holder about a PPP member must be made available to that PPP member upon request unless:

- a) it is opinion, advice or a recommendation prepared by the licence holder for internal use;
- b) is a record of discussions or deliberations by the licence holder about the PPP member intended for internal use; or
- c) is otherwise not permitted to be disclosed by law.

2.12. PPP member training

A PPP member must be provided advice upon joining the Program and at each annual membership renewal on how to view the member's current level of spend and their limit.

2.13. Provision of player activity statements

A PPP member must be provided with a player activity statement as a part of the annual membership renewal process and must be able to request and collect a copy of their most recent player activity statement from a casino at any time.

3. Premium player area

3.1. Area to be separate

Where there is a dedicated PPP area, the casino operator must ensure that the area is physically separate from other areas of the casino.

3.2. Limited access

- a) The PPP area must only be accessible to PPP members and their guests.
- b) Notwithstanding 3.2(a) a prospective PPP member may be allowed access to the PPP area when accompanied by a Federal Group employee that holds a current Special Employee Licence.

3.3. Guest access

A PPP member is permitted to have a maximum number of three nominated guests in the PPP area at the one time. The guests are not permitted to:

- a) enter the area unless in the company of the PPP member;
- b) remain in the area for a period longer than 20 minutes without the PPP member being present; or
- c) have access to an Automatic Teller Machine (ATM) located in the PPP area.

4. Provision of cash to PPP members

4.1. ATM use

A casino operator must ensure that ATMs used by PPP members, that operate without the \$400 withdrawal cap, require the display or swipe of the member's PPP membership card prior to any cash withdrawal occurring.

4.2. ATM visibility

ATMs must be under constant video surveillance and be located within the line of sight of a casino staff member, to ensure the PPP member accessing the ATM is identified by casino staff.

4.3. ATM access

The casino operator must ensure that the person requesting access to the PPP ATM is a current PPP member before casino staff permit access to the PPP ATM.

4.4. ATM access and gambling behaviour

A casino operator must take all reasonable steps to observe the gambling behaviour of PPP members and must not provide access to ATMs operated under Rule 4.1 if a member appears to be experiencing difficulties controlling their gambling.

4.5. PPP area EFTPOS terminals

Electronic funds transfer point of sale (EFTPOS) terminals located within a PPP area must not be accessed by any person other than a PPP member, unless the transaction is for the payment of winnings.

4.6. EFTPOS cash withdrawal limits

EFTPOS cash withdrawal transactions must:

- a) be limited to a maximum amount of \$200 for any purpose; and
- b) not occur more than once, per day, per customer;

unless the person is a member of the PPP program and is in the PPP area.

4.7. Cheque cashing

Cheques must not be cashed within the PPP area, unless the patron is a member of the PPP.

4.8. Keno ticket replay

If an offer to replay a winning keno ticket is made, the PPP member must also be provided with the option of a payout, unless they are in the PPP area.

4.9. Payouts in excess of \$1 000

A cash payout may be made to a PPP member that exceeds \$1 000 provided it occurs within the PPP area.

5. Inducements, promotions and prizes for PPP members

5.1. Incentives or benefits

A casino operator must not offer or provide incentives or benefits to any other licensee and/or persons employed or working in the casino as a reward to encourage PPP members to gamble, re-invest or replay winnings. An incentive or benefit includes, but is not limited to, money, salary bonuses and gift vouchers that are designed to encourage those working in the industry to deliberately elicit members to gamble.

5.2. Direct marketing or inducements

A casino operator must not conduct direct marketing or provide any inducement to an individual PPP member that encourages the PPP member to increase their typical level of gambling expenditure in order to receive an additional reward or benefit.

5.3. Responsible gambling messaging

Any promotional material sent to a PPP member must contain a responsible gambling message.

5.4. Rewards to PPP members

A PPP member may be provided rewards which can be redeemed for use in gambling.

5.5. Gambling rewards within PPP area

Rewards for use in gambling may only be redeemed in the PPP area.

6. Reporting, monitoring and education requirements

6.1. Staff information sessions

A casino operator must ensure that conduct of gambling, harm minimisation and problem gambling information sessions are conducted for gaming, security and surveillance staff at least once every six months and that all relevant staff attend.

6.2. Annual report

A casino operator must provide to the Commission by 31 July each year, a report (in a form determined by the Commission) which provides details relating to the conduct of the PPP over the previous 12 month period.

6.3. Specific reporting where limit reached

For any PPP member who has reached their limit, the casino operator must report to the Commission under Rule 6.2 in a de-identified, non-aggregated format the following:

- a) the limit;
- b) total player loss for the PPP member limit period;
- c) period of time until next PPP membership renewal; and
- d) the PPP member's limit applied at application or renewal.

6.4. Information and reports to Inspectors

A casino operator must provide an Inspector appointed under the Act with access to PPP information and to produce reports as requested.

6.5. Retention of member documentation

The casino operator must keep all PPP member documentation for seven years.

7. External audit

7.1. Compliance audit

A casino operator must ensure an external compliance audit of the pre-commitment PPP is conducted for the 12 month period (audit period) immediately following the commencement of the pre-commitment PPP.

7.2. Terms and auditor to be endorsed

The Commission must endorse:

- a) the terms of reference of the external audit; and
- b) the external auditor selected by the casino operator.

7.3. Provision of audit report

The audit report must be provided to the Commission within three months of the audit period expiring.

7.4. Subsequent audits

Following the initial audit, future audit(s) must be completed within three years and thereafter as determined by the Commission.

7.5. Issues to be rectified

Issues identified through an external audit must be rectified in the manner instructed by the Commission.

Part B: (Pre-commitment) Limit Setting

8. Limit setting categories for Tasmanian residents

8.1. At application and renewal, a prospective member who is a Tasmanian resident must be allocated a limit setting category based on the limit requested by the prospective member and an assessment process undertaken by the casino operator. The casino operator must then follow the limit setting process and approval requirements according to the category.

8.2. The limit setting categories for prospective members are:

Category	Initial limit requested
1	<p>a) A limit that is less than; equal to; or up to \$10 000 above a prospective member's AAGL amount.</p> <p>A prospective member seeking a limit that falls within this category cannot have had a Tasmanian Gambling Exclusion Scheme (TGES) exclusion (or have self-reported a relevant exclusion in another Australian jurisdiction); have responsible gambling concerns or have an abnormal loss increase.</p>
2	<p>a) A prospective member who has not had a TGES exclusion (or a self-reported relevant exclusion in another Australian jurisdiction); does not have a responsible gambling concern; has not had an abnormal loss increase; and seeks a limit that is between \$10 001 and \$30 000 more than the prospective member's AAGL amount; or</p> <p>b) A prospective member has had a TGES exclusion (or a self-reported relevant exclusion in another Australian jurisdiction) and/or has responsible gambling concerns; and/or an abnormal loss increase; and seeks a limit that is less than, equal to or up to \$10 000 above their AAGL amount.</p>
3	<p>a) A prospective member who has not had a TGES exclusion (or a self-reported relevant exclusion in another Australian jurisdiction); does not have responsible gambling concerns; has not had an abnormal loss increase; and seeks a limit that is more than \$30 000 above the patron's AAGL amount; or</p> <p>b) A prospective member has had a TGES exclusion (or a self-reported relevant exclusion in another Australian jurisdiction) and/or* has responsible gambling concerns and seeks a limit that is between \$10 001 and \$30 000 more than the prospective member's AAGL amount.</p> <p>*A prospective member with an abnormal loss increase cannot seek a limit above \$10 001 of their AAGL amount.</p>

8.3. The limit setting categories for renewing members are:

Category	Renewing limit sought
1	<p>a) A limit that is less than or equal to the current limit; or</p> <p>b) A limit that is up to \$10 000 above the current limit or a limit that is not more than double the member's AAGL amount (whichever is lower).</p> <p>A member seeking a limit in this category cannot have had a TGES exclusion (or a self-reported relevant exclusion in another Australian jurisdiction); or have responsible gambling concerns; or have reached their limit in the previous year.</p>
2	<p>a) A member has not had a TGES exclusion (or a self-reported relevant exclusion in another Australian jurisdiction); does not have a responsible gambling concern; has operated within their current limit in the previous year; and seeks a limit that is between \$10 001 and \$30 000 above their current limit or seeks a limit that is more than double the member's AAGL amount (whichever is lower); or</p> <p>b) A member that has had a TGES exclusion (or a self-reported relevant exclusion in another Australian jurisdiction); and/or reached their limit in the previous year; and/or has a responsible gambling concern; and seeks a limit that is up to \$10 000 above their current limit or a limit that is not more than double the member's AAGL amount (whichever is lower).</p>
3	<p>a) A member has not had a TGES exclusion (or a self-reported relevant exclusion in another Australian jurisdiction); does not have a responsible gambling concern; has operated within their current limit in the previous year; and seeks a limit that is above the Category 2(a) limit; or</p> <p>b) A member has had a TGES exclusion (or a self-reported relevant exclusion in another Australian jurisdiction); and/or reached their limit in the previous year; and/or has a responsible gambling concern; and seeks a limit that is between \$10 001 and \$30 000 above their current limit; or a limit that is more than double the member's AAGL amount (whichever is lower).</p>

9. Calculating average annual gambling loss

- 9.1. A prospective member's/member's AAGL is to be calculated by dividing the total amount of money lost by a prospective member/member on EGMs over the immediate preceding three year period (or lesser period, to be used where a full three year period of data is unavailable) by a divisor of three.
- 9.2. For the initial limit setting, calculation of the AAGL and expected AAGL will use a fixed period (up to 31 March 2021) for any new PPP members. This arrangement ceased on 1 August 2022.

10. Calculating expected average annual gambling loss

- 10.1. The AAGL may be replaced with the expected AAGL only where the prospective member/member:
- has a return to player ratio of 94 per cent or higher (over the preceding three year period, or lesser period); and
 - has a limit setting category of Category 3.

- 10.2. A prospective member's/member's expected AAGL is to be calculated as nine per cent of the prospective member's/member's annual turnover over the immediately preceding three year period (or lesser period) and dividing by a divisor of three.

11. Limit setting process for Tasmanian residents

- 11.1. At admission or renewal, the Responsible Gambling Manager or PPP Host must meet with a Category 1 prospective member/member to discuss the requested limit.
- 11.2. At admission or renewal, the Responsible Gambling Manager must meet with a Category 2 and Category 3 prospective member/member to discuss the requested limit.
- 11.3. A limit for Category 1 prospective members/members must be approved by the Responsible Gambling Manager or PPP Host.
- 11.4. A limit for Category 2 and 3 prospective members/members must be recommended by the Responsible Gambling Manager and then approved by a more senior authorised person independent of the gaming operations.
- 11.5. In determining an approval of a limit for Category 2 prospective members/members, the casino operator must apply the reasonable person test to its decision making and document the reasons for its decision.
- 11.6. An approval of a limit for Category 3 must include the collection of hard financial data or third party certification from a suitably qualified professional to verify that the requested limit amount is financially sustainable for the prospective or renewing member.
- 11.7. In determining an approval of a limit for Category 3 prospective members/members, the casino operator must apply the reasonable person test to its decision making and document the reasons for its decision.
- 11.8. A Tasmanian PPP member must not increase their limit unless it is in conjunction with an annual renewal process.
- 11.9. If a PPP member has not reached their limit and requests a limit reduction, the casino operator must undertake the limit reduction change within 24 hours of the request.

12. Limit setting process for non-Tasmanian residents

- 12.1. At admission or renewal, the Responsible Gambling Manager or a PPP Host must meet with a non-Tasmanian prospective member/member to discuss the requested limit.
- 12.2. In determining an approval of a limit, the casino operator must apply the reasonable person test to its decision making and document its reasons for its decision.
- 12.3. If a non-Tasmanian PPP member has not reached their limit and requests a limit increase, following the seven day cooling off period referred to in 12.6 below, the casino operator must apply the reasonable person test to its decision to allow the limit increase. Changes to the limit amount will not alter the Limit Anniversary Date.
- 12.4. The casino operator must complete the appropriate financial and sustainability declaration requirements (refer to Rule 2.1(h)) when undertaking a limit increase for a non-Tasmanian PPP member when not part of a membership renewal process.

- 12.5. If a non-Tasmanian PPP member has not reached their limit and requests a limit reduction, the casino operator must undertake the limit reduction change within 24 hours of the request.
- 12.6. A request for an increase in the limit amount will not be effective until after the period of seven days following the submission of the request to the casino operator.

Definitions

For the purposes of this Code the following definitions apply.

Abnormal loss increase: where a prospective member/member (with the immediate preceding three years of gambling loss data) shows an increase of 100 per cent or more in their annual gambling loss in the most current (third) year compared to the average gambling loss of the first and second year¹.

Average annual gambling loss (AAGL): a member/prospective member's most recent three year's gambling loss total divided by a divisor of three (from a Tasmanian or interstate casino).

Barred PPP member: a PPP member who has reached their limit.

Inducement: includes a voucher, ticket, token or any other form of reward which can be exchanged or used for gambling purposes.

Limit: a pre-committed annual loss limit that applies to gambling on EGMs.

Limit Anniversary Date: the date of annual recurrence when the patron became a member of the PPP (pre-commitment) and set their first limit.

Limit term: a period of 12 months commencing from the Limit Anniversary Date.

Non-Tasmanian resident: a patron who has produced reliable and independent evidence indicating that they reside outside of Tasmania.

Pre-commitment: refers to establishment of mandatory annual loss limit setting and was implemented from 1 November 2020. **Relevant exclusion:** a gambling exclusion that applies to electronic gaming machines.

Responsible gambling concerns: issues of concern that the player has experienced difficulties controlling their gambling (concerns including but not limited to behavioural, feedback and player pattern) over the past three years that have been identified from any source (including but not limited to: the casinos, the Liquor and Gaming Branch or the Tasmanian Liquor and Gaming Commission).

Return to player: the ratio of total EGM wins (including progressives and other features) to the total turnover in a game cycle (note gamble bets do not affect turnover and total wins is only affected by the final gamble outcome).

Tasmanian Gambling Exclusion Scheme: a scheme that provides a means for people to be excluded from gambling venues or from participating in gambling in Tasmania.

Tasmanian resident: a patron who has produced reliable and independent evidence indicating that they reside within Tasmania.

Turnover: the total amount gambled on EGMs, including any re-gambled winnings.

¹ Where the prospective member has an annual gambling win for the first or second year, the third year must only be compared to a year in which an annual loss occurred, and a winning year ignored.