

# **National Self-Exclusion Register – draft Register Rules**

## Stakeholder engagement guide

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# Introduction

The Australian Communications and Media Authority (ACMA) is conducting targeted stakeholder engagement on the draft Register Rules for the National Self-Exclusion Register (the Register), a legislative instrument that the ACMA is required to make under subsection 61QH(1) of the *Interactive Gambling Act 2001* (Cth) (IGA) to support the operation this new national safeguard when it goes live in mid-2022.

The ACMA is engaging stakeholders on the draft Register Rules now to request your views and input on provisions of the legislative instrument that will set obligations and technical requirements for the Register. This will allow us to consider and incorporate early feedback ahead of widespread public consultation on the Register Rules next year.

# Context

The ACMA has engaged Engine Australia as the Register operator and is implementing the Register by mid-2022.

The Register is a key measure of the [National Consumer Protection Framework for Online Wagering](#) that will enable consumers to self-exclude from all licensed interactive wagering in Australia. Individuals will be able to self-exclude for a minimum of three months, up to a lifetime period.

Interactive wagering providers will be prohibited from providing interactive wagering services and directly marketing to self-excluded individuals.

Frequently asked questions about the Register are at **Appendix A**.

## Background

Key obligations relating to the Register are prescribed in the IGA, including:

- > minimum period a consumer may exclude for
- > how and when a consumer may choose to deregister
- > offences committed if an interactive wagering provider provides services or directly markets to a self-excluded individual
- > what an interactive wagering provider must do if one of their customers is self-excluded.

The Register Rules is a legislative instrument that the ACMA will make under subsection 61QH(1) of the IGA and will take effect once the Register goes live.

The Register Rules will set technical, operational and administrative detail for the Register. While these details largely relate to the Register Operator's management of the Register, the Rules will place certain obligations on interactive wagering providers—namely, how interactive wagering providers engage with the Register and how they must promote the Register.

## Structure of the Register Rules

The draft Register Rules is structured in the following parts:

- > Part 1 – Preliminary arrangements for the instrument
- > Part 2 – Applications to the Register Operator by individuals
- > Part 3 – Register Operator processes for making entries in the Register
- > Part 4 – Access to the Register by registered individuals and nominated support persons
- > Part 5 – Complaints management
- > Part 6 – Obligations on interactive wagering providers for checking the Register and communicating the Register to customers
- > Part 7 – Collection of the cost recovery levy.

# Industry Obligations

Parts 6 and 7 of the Register Rules will place obligations on interactive wagering providers.

## Part 6

### Data Matching Requests

It is noted that the IGA makes it an offence to:

- > open an account for a self-excluded individual (section 61MA of the IGA)
- > provide gambling services to a self-excluded individual (section 61KA of the IGA)
- > send direct marketing materials to a self-excluded individual (sections 61LA – 61LC of the IGA).

To avoid committing an offence, an interactive wagering provider can submit requests to the Register Operator to check if one or more of its customers are self-excluded on the Register.

A provider will submit these requests through an application programming interface that is operated by the Register Operator. Interactive wagering providers will be provided with technical requirements and guidance by the Register operator on how to connect to the Register.

Subsection 21(2) of the draft Register Rules specifies that an interactive wagering provider should make a data matching request:

- > immediately prior to opening an interactive wagering service account for an individual
- > prior to allowing an individual to place a bet with the provider
- > prior to sending a direct marketing material to an individual
- > at any other time at the discretion of the provider. For example, providers may choose to check their customer database overnight to identify any customers that have self-excluded but have not been otherwise identified as self-excluded because they have not attempted to log-in or place a bet.

Section 21(2) is not a new obligation on industry. Rather it is aimed at providing practical guidance to interactive wagering providers on how to use the Register to avoid committing the offences listed above.

### Customer Information Required to Submit a Data Matching Request

Subsection 21(1) of the draft Register Rules specifies that the following information about a customer be included in a data matching request:

- > first and last name
- > mobile phone number
- > email address
- > date of birth
- > residential postcode.

Requests that do not contain all this information will not be able to be submitted. Providers should ensure that their customer database includes the required information so that they are able to submit valid requests once the Register commences.

## **Timeframe for the Register Operator to Respond to a Data Matching Request**

The Register Operator must respond to a data matching request from an interactive wagering provider within the period set by the Register Rules. While the Register is being designed to respond to requests within a fraction of a second, the Rules must prescribe a period that can be achieved in all circumstances.

Subsection 22(1) of the Register Rules specifies that the Register Operator:

- > must take reasonable steps to respond to a data matching request within one second
- > may in some circumstances take up to five seconds to respond, and will in any case respond as soon as practicable.

## **Interactions with Self-excluded Customers**

Consistent messaging about the Register is essential. We propose that the Register Rules will place requirements on interactive wagering providers about how they are to interact with a current or prospective customer who is on the Register. Section 23 of the Register Rules specifies that a provider should:

- > Inform the individual that they are on the Register.
- > Let the individual know what action the interactive wagering provider is taking in response, such as:
  - not taking their bet and closing their account if they are a current customer
  - not letting them open an account if they are a prospective customer.
- > Provide the individual with information about appropriate support services.

We are interested to know whether this proposal aligns with industry's expectations of how it would engage with customers who have self-excluded.

## **Promotion of the Register**

It is important that the Register is effectively promoted so that consumers are aware of the program.

The Register Rules specify actions that an interactive wagering provider must take for the purposes of promoting the Register to its customers. Section 24 details the proposed requirements for that interactive wagering providers to promote the Register via the following channels:

- > on their websites and apps
- > through their contact centres, for example, where a provider receives a call or electronic message from a customer to discuss placing limits or controls on their gambling
- > commercial electronic messages
- > activity statements.

Where the promotion occurs through a website or app, the ACMA proposes that specific messaging must be used. This messaging will be developed and tested with the target audience and be included in subsequent versions of the Rules. We will engage with stakeholders on the messaging at the appropriate time.

We are interested in views on how the Register should be communicated to consumers, including the channels available to communicate and considerations about effective messaging.

## **Part 7**

### **Cost Recovery**

A policy principle of the National Framework is that the cost of the Register is to be fully recovered from industry. The cost recovery arrangements will be set by a separate legislative instrument on which we will consult publicly through a separate process later this year.

Section 25 of the Register Rules specifies that the cost recovery levy will be due and payable 30 days after an invoice is issued.

# Invitation to comment

## Providing comments

We invite comments on the draft Register Rules.

Please send any feedback, requests for further discussion or other enquiries to [nationalsexclusionregister@acma.gov.au](mailto:nationalsexclusionregister@acma.gov.au)

The closing date for submissions is COB **Friday 10 December 2021**.

The ACMA does not intend to publish submissions received as a part of this stakeholder engagement process.

Where submissions are claimed as confidential information they will not be disclosed unless required or authorised by law.

### **Privacy**

View information about our policy on the [publication of submissions here](#), including our collection of personal information during consultations and how we handle that information.

Information on the *Privacy Act 1988*, how to access or correct personal information, how to make a privacy complaint and how we will deal with any complaints, is available in our [privacy policy](#).

# Appendix A – Frequently Asked Questions

## **Registration Process**

### **What will the Register do?**

The Register will allow individuals to self-exclude from approximately 140 [licensed interactive wagering providers](#) in one simple process.

They will be able to self-exclude for a minimum of 3 months, up to a lifetime period. The Register will be a free service, and personal details will be protected.

Once self-excluded, individuals will not be able to place a bet or open a new account with an interactive wagering provider. These providers will also be restricted from sending those individuals marketing messages.

Individuals will also be able to nominate up to 5 support persons to help them manage their self-exclusion.

### **What is the period of self-exclusion?**

Individuals will be able to self-exclude for a minimum of 3 months, up to a lifetime period.

### **Will a cooling off period be offered after someone self-excludes if they change their mind?**

No.

### **Can individuals select to exclude from certain providers?**

No. If an individual self-excludes, they will be excluded from all licensed interactive wagering providers in Australia.

### **Can a third-party register someone onto the Register?**

No. The individual must exclude themselves. The Register Operator is not permitted to accept third-party registrations.

### **Can a person nominate someone to support them with their self-exclusion?**

Yes, individuals can nominate up to 5 support persons to help them manage their self-exclusion. Individuals can add and remove support persons during their registration.

### **What is the role of a support person and what do they need to do?**

A support person is there to support the individual through their self-exclusion. A support person can be anyone—a family member, a friend, or a professional that the individual is seeing to assist them.

Once nominated, the support person will be invited to create an account. This will allow them to receive information about the individual's self-exclusion, including the self-exclusion period, be notified of any changes, and access support materials.

## **Being on the Register**

### **When does a person's self-exclusion start?**

A person will be added to the Register shortly after they have completed their registration. They will receive a notification from the Register Operator to confirm the commencement of their self-exclusion.

**Can a person extend their self-exclusion period?**

Yes, individuals can extend the duration of their self-exclusion at any time.

**Can a person reduce their self-exclusion period?**

No.

**Can an individual be removed from the Register?**

Yes, an individual may apply to be removed from the Register. However, they cannot apply to be removed in the first 3 months of their self-exclusion period.

An application to be removed from the Register must be accompanied by a statutory declaration, completed by the individual, that confirms that they have obtained counselling or advice on their decision to end their self-exclusion from a qualified counsellor, psychologist or general practitioner.

If the application for removal is not withdrawn within 7 days, the entry will be removed from the register.

**Will individuals be told before their registration expires?**

Yes, the individual will be notified at least 14 days before their registration expires and they will be provided with the option to extend their self-exclusion period. Any nominated support persons will also be notified.

**Will data and personal information be safe?**

Yes, personal information will be safe and secure. The Australian Government is requiring the Register Operator, Engine, to implement strong data security and privacy protections.

**Will personal information be shared with anyone?**

There will be strict prohibitions on the disclosure of personal information. Personal information will only be shared where the individual has provided consent or where the ACMA or the Register Operator is permitted to do so to perform its role in relation to the Register. For example, if the individual is a customer of an interactive wagering provider, the interactive wagering provider may query the Register to determine if that person is self-excluded. If they are self-excluded, the Register Operator will advise the interactive wagering provider accordingly.

**Can an individual check with the Register Operator whether a family member or friend is self-excluded?**

A third party, regardless of the relationship, can only check whether someone is self-excluded if they have been nominated as a support person.

**Coming off the Register**

**Can an individual re-register after their self-exclusion has ended?**

Yes, an individual can register to self-exclude again at any time.

**Will an individual's wagering accounts be reactivated at the end of self-exclusion?**

No. Customers will need to open new wagering accounts if they wish to start betting again.

**Will an individual be offered an extension at the end of the self-exclusion period?**

Yes. Individuals will have the option to extend their self-exclusion period at any time.

## **How will the Register work?**

### **How complicated will it be to connect to the Register?**

We expect that the onboarding process for industry will be quick and simple. This is being validated through early trials with some interactive wagering providers. However, we cannot comment on the changes that you will need to make to your systems and processes to connect to the Register. It will also be a matter for you to determine and then take appropriate action when you are notified about the self-exclusion status of your customers to comply with the *Interactive Gambling Act 2001* (IGA).

We encourage you to start thinking about the changes that you need to make to your system. If you have any questions or concerns, please contact us.

As part of onboarding in 2022, interactive wagering providers will be provided with comprehensive instructions and guides. We will also host a webinar to talk through the process and you will be able to contact Engine for support at any time.

### **How will interactive wagering providers know whether new customers are self-excluded?**

An interactive wagering provider will commit an offence if it opens a new account for a self-excluded individual. As such, interactive wagering providers will need to check the self-exclusion status of new customers prior to allowing them to open an account.

Section 61NC of the IGA allows an interactive wagering provider to submit a data matching request to the Register Operator about one or more of its customers to confirm whether they are self-excluded.

Section 21 of the Register Rules details how an interactive wagering provider will make a request, including the information about the relevant individual that must be included in the request.

### **Who is liable if there is an outage or if the Register can't cope in busy periods, for example, on Melbourne Cup Day?**

The ACMA has robust contractual mechanisms in place so that Engine delivers and operates a system that is highly performant and scalable. Testing and trialling prior to launch will enable testing for high-demand days such as the Melbourne Cup Day.

Once operational, if there are technical issues with the Register which mean that interactive wagering providers are unable to submit requests to the Register Operator, interactive wagering providers should appropriately log this information so that they are able to demonstrate that they took all reasonable precautions and exercised due diligence to avoid committing an offence.

## **Industry Compliance Requirements**

### **What are my obligations once the Register commences?**

The IGA sets-out the obligations on interactive wagering providers. These include that interactive wagering providers must:

- > not provide wagering services to self-excluded individuals
- > not market to self-excluded individuals
- > not open new accounts for self-excluded individuals
- > close accounts of self-excluded individuals
- > not disclose information about self-excluded individuals unless authorised.

Significant penalties may apply under the IGA where an interactive wagering provider does not comply with these requirements.

The ACMA is engaging with industry to help providers understand their obligations under the IGA. Interactive wagering providers will be expected to be ready to comply from the day the Register is operational.

### **What do I need to do?**

Before the Register is operational, you will need to connect to the Register to make sure you do not contravene the IGA. The ACMA and Engine will work with you so that you understand the technical requirements to connect to the Register.

All interactive wagering providers are required to have a system that can connect to the Register. If you do not manage your systems in-house, you should talk to your betting system provider about how they can help you comply with your obligations.

### **I am a small bookmaker. How will the Register apply to me?**

The Register will apply to all bookmakers, regardless of size, who offer telephone and/or internet betting (interactive wagering services). All interactive wagering providers are required to have a system that can connect to the Register.

We note that many interactive wagering providers do not manage their own IT systems. We expect that approved betting system providers will adjust their systems so that interactive wagering providers can connect to the Register. We are engaging with providers as we develop the technical solution for the Register.

You should talk to your betting system provider about how they can help you comply with your obligations.

### **When do I need to connect to the Register?**

The Register will commence in mid-2022, subject to trialling and testing. You must be connected to the Register prior to the launch to comply with your requirements under the IGA.

### **Does the Register apply to approved wagering systems / platform providers?**

The Register obligations in the IGA, generally, do not directly apply to betting system providers. However, providers should understand their obligations under the IGA as they are 'contracted service providers' as defined by the legislation.

We expect that betting system providers will make changes to their systems so that their interactive wagering provider customers can comply with their obligations once the Register is operational.

## **The Data Matching Process**

### **When do providers need to check the Register?**

The IGA does not prescribe when an interactive wagering provider must check the Register. Rather, it prohibits interactive wagering providers from:

- > opening an account for a self-excluded individual
- > providing interactive wagering services to a self-excluded individual (placing a bet)
- > marketing to a self-excluded individual.

To avoid committing an offence, an interactive wagering provider can submit requests to the Register Operator to check if one or more of its customers are self-excluded on the Register.

Subsection 21(2) of the draft Register Rules details when an interactive wagering provider should make a data matching request.

### **How much of the process will be automated?**

Once the connection to the Register is established, the entire data matching process will be automated—an interactive wagering provider will submit a request to the Register Operator in the approved format and the Register Operator will respond in the timeframes specified in the Register Rules.

### **Managing my customers**

#### **How will an interactive wagering provider add customers to the Register?**

Interactive wagering providers cannot add customers to the Register. An individual must choose to register themselves. If a customer seeks to self-exclude from your services directly through you, you should make them aware of the Register as another option to assist them in accordance with section 24 of the draft Register Rules.

#### **Will a customer be able to sign up to the Register via an interactive wagering provider's website/app?**

No. Registration can only be done through the Register website noting that the Register Operator will need to undertake identity verification procedures and the individual must create an account.

Section 24 of the draft Register Rules specifies how interactive wagering providers must promote the Register, including providing links and information on their websites and through their apps.

#### **Can a customer choose to not withdraw any money from their account when they self-exclude?**

No. You must close the accounts of any self-excluded customers and refund any money in the account (see section 61MB of the IGA).

#### **How do I manage a self-excluded customer who has pending bets?**

If a self-excluded customer has pending bets, you will not be required to close their account until all pending bets are resolved (see section 61MC of the IGA). However, you must take steps to prevent the customer placing bets.

Once the pending bets are resolved, you should refund any money and close the account.

#### **What do I tell my customer if they attempt to log-in or place a bet while self-excluded?**

Consistent messaging about the Register is essential. Section 23 of the draft Register Rules details what interactive wagering providers should do if they are advised that their current or prospective customers have self-excluded.

### **Regulatory and Compliance**

#### **What happens if a customer changes details (for example, changes address or contact details) and are subsequently allowed to place a bet?**

Self-excluded individuals will be reminded that they should keep their details on the Register up to date.

If an interactive wagering provider allows a registered individual to open an account or place a bet, it would need to demonstrate that it undertook reasonable precautions and exercised due diligence to avoid being found to have committed an offence.

**What happens if a customer creates a new account with fake details to deliberately to avoid system?**

The Register will have identity verification requirements which will aim to prevent incorrect or fake details being used for registration. Interactive wagering providers should also have robust processes to ensure that accurate customer information is captured during the registration and verification process.

If a wagering provider allows a customer to open an account or place a bet, it would need to demonstrate that it undertook reasonable precautions and exercised due diligence to avoid being found to have committed an offence.

**What will happen if someone accidentally self-excludes?**

It is unlikely that a consumer will self-exclude by accident noting that, before they become a registered individual, they will need to:

- > read and accept the terms of use
- > enter their personal information
- > have their identity verified
- > create an account.

**Existing Self-Exclusion Programs**

**Will individuals be transitioned to the Register from existing a state/territory self-exclusion program?**

The Register will operate as a separate program and will not integrate with existing state and territory programs. Individuals will be required to register with the Register separately.

We will work with states and territories to communicate this to users of existing self-exclusion programs.

**What will happen to existing state and territory self-exclusion programs?**

We are working closely with states and territories to deliver the Register, however, it will be a matter for the individual states and territories to determine if they continue with these programs once the Register is introduced.

**Does the Register replace the self-exclusion programs managed by interactive wagering providers?**

The Register does not replace existing obligations on interactive wagering providers, including providing customers with the option to self-exclude. Where relevant, interactive wagering providers should continue to comply with state and territory licensing and regulatory requirements.