

Ref: DOC23/040009

The Consistent Gambling Messaging measure of the National Consumer Protection Framework

NSW, along with all other states and territories, is implementing the Consistent Gambling Messaging (CGM) measure of the National Consumer Protection Framework for Online Wagering (NCPF). The CGM measure will replace existing taglines in all instances where these are currently required or displayed, with one exception, as described below.

The CGM measure prescribes messaging requirements for gambling advertisements that are nationally consistent, evidence-informed and platform-specific. These requirements are expected to contribute to gambling harm minimisation.

In NSW, the NCPF is implemented via the *Betting and Racing Act 1998* (the Act). In some cases, the Act allows for the making of regulations or ministerial orders to further define NCPF requirements.

The Betting and Racing Regulation 2022 prescribes the basic requirements of the CGM measure. These requirements take effect on 30 March 2023. This includes the message, known in NSW legislation as the 'advisory statement', to be included in different types of gambling advertisements.

While the regulation sets out the basic requirements of the measure, further detailed guidance is useful to support industry compliance. As a national initiative, the CGM measure is intended to be consistent across jurisdictions. The Commonwealth Government has released national guidance on this measure which is attached to this letter. This guidance is consistent with the NSW Government's policy position.

The guidance materials include:

- an Implementation Plan
- a Supplementary Definitions factsheet
- a Frequently Asked Questions document.

Minor differences in terminology exist between the NSW Regulation and the guidance materials. These are largely due to legislative drafting conventions in NSW.

The below table serves as a guide to easily navigate between the terminology in the NSW Regulation and the equivalent and corresponding terms in the Commonwealth materials.

The Commonwealth materials, the below table, and the Regulation should be read together to understand:

- the advisory statement requirements for gambling advertisements that may be accessible to a person in NSW
- how the CGM measure should be implemented to meet the policy intent
- what is required to comply with the CGM measure.

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Advertisement category (NSW Regulation)	Advertisement category (Commonwealth materials)
Television or video advertisement	TV and video advertising
Radio advertisement	Radio advertising
BSP app advertisement	In-app
Digital advertisement	Digital advertising
Print advertisement	Print advertising
Social media advertisement	Social media advertising
BSP website advertisement	Websites
Direct marketing advertisement	Other – Direct marketing materials
No separate category in the NSW Regulation. Refer to other categories in the NSW Regulation, especially ‘digital advertisement’ and ‘print advertisement’.	Other – Sponsorship, promotional, outdoor advertising and in-stadium advertising
No separate category in the NSW Regulation. Refer to other categories in the NSW Regulation.	Other – Horse, harness or greyhound racing programming

As per the Regulation, the NCPF is applicable to online wagering only. It does not apply to signage in land-based retail wagering venues. Messages in these locations were only recently changed. However, this exemption does not apply to any marketing materials relating to online wagering products in a venue.

While this correspondence is provided for your information and a response is not required, any such response or further query in respect of these matters may be directed to Mr Dion Jackomas, Manager, Policy and Legislation, on (02) 9995 0341 or by email at Dion.Jackomas@liquorandgaming.nsw.gov.au.

Yours sincerely



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Date: 24 February 2023

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