

2007

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

UNLAWFUL GAMES REGULATION 2007

Subordinate Law No SL2007 –5

EXPLANATORY STATEMENT

Circulated by the authority of
Jon Stanhope MLA
Treasurer

Outline

The *Unlawful Games Act 1984* (the Act) provides for the control of unlawful games.

The purpose of the regulation is to make the game of poker an unlawful game as provided for by section 3 of the Act, paragraph (e) of the definition of *unlawful game*.

Revenue/Cost Implications

The Gambling and Racing Commission will absorb any costs associated with the introduction and implementation of the regulation by way of disseminating information that will assist with compliance with the regulation.

Notes on Specific Provisions

Section 1 Name of Regulation

This section provides that the name of this regulation is the *Unlawful Games Regulation 2007*.

Section 2 Commencement

This section provides that this regulation commences on the day after the day it is notified on the Legislation Register.

Section 3 Unlawful game – Act, section 3, definition of *unlawful game*, paragraph (e)

(1) This subsection provides that the game of poker is prescribed. As a consequence, the game of poker is unlawful.

(2) This subsection provides that subsection (1) does not apply to poker played in a private home with fewer than 9 people. Thus, the playing of poker in a private home with fewer than 9 people is not unlawful. However, games of poker in a private home in which money or other valuable thing is staked or risked could be unlawful in accordance with paragraph (f) of the definition of *unlawful game*.

The term ‘private home’ would include a house or other shelter that is the fixed residence of a person, a family or a household. It would not include a temporary residence of a non-private nature such as a hotel or motel room.

The purpose of this subsection is to provide clarity to the unlawfulness of playing the game of poker outside of the casino. The one exception is poker played in a private home where there is fewer than 9 people and money or some other valuable thing is not staked or risked on the outcome of the game.

The slight distinction between what is permissible in terms of venues is provided for by section 48 of the *Legislation Act 2001*. It provides that the power to make a statutory instrument includes power to make different provisions in relation to different matters or different classes of matters or to make an instrument that applies differently by reference to stated exceptions or factors.

(3) This subsection provides that the term “poker” means the game commonly known as poker and includes any version or variation of the game of poker, by whatever name or description the game may be given.

Therefore, all games that are similar to the commonly known game or games of poker, including the numerous variations and versions, are covered by this description. In this context, poker includes, but is not limited to, Stud Poker, Draw Poker, Hold-em Poker, Manila Poker, Faro Poker and Caribbean Poker.

The name of the game is not a critical factor, it is whether the game is commonly known or identified as a version or variety of poker.