

2010

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

UNLAWFUL GAMBLING REGULATION 2010

Subordinate Law No SL2010 – 6

EXPLANATORY STATEMENT

**Presented by
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Minister for Gaming and Racing**

Outline

The *Unlawful Gambling Act 2009* provides for the control of unlawful gambling. This regulation replaces the *Unlawful Games Regulation 2007*.

The purpose of this regulation is to require charitable organisations (that have been approved to conduct games under the Act) to keep certain records and use only “play money” for the games. It also requires persons who use two-up on Anzac Day as a means to raise funds for a charitable purpose to keep basic records about how much was raised and who received the funds.

Financial implications

The Gambling and Racing Commission (the 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.

The record keeping requirements being imposed only require organisations to retain records that they would otherwise be retaining for financial reporting purposes or which are very basic and easily to hand. As such, they are not considered to impose an appreciable cost and accordingly a Regulatory Impact Statement has not been prepared.

Notes on Specific Provisions

1. Name of Regulation

This section provides that the name of this regulation is the *Unlawful Gambling Regulation 2010*.

2. Commencement

This section provides that this regulation commences on the day the *Unlawful Gambling Act 2009* commences.

3. Notes

This clause confirms that an explanatory note in the regulation does not form part of the Act.

4. Conditions of approval – Act, s 15(l)

Subclause 4(1) ensures that only play money is used for betting purposes at charitable gaming events, that participants in the games are only given one allocation of play money and that play money is not exchanged for real money. Subclause 4(3) defines play money as something other than real money that identifies on it the amount that it represents.

The intention of these provisions is to clearly distinguish between charitable gaming and commercial gambling. The conduct of charitable gaming is permitted on the basis that participants may experience the concept of gaming in an environment that has minimal financial risk. The dissociation of betting with real money is deliberate in order to minimise the risks of potential financial harm and problem gambling. In this context, the restriction of only one allocation of play money ensures that persons do not purchase additional play money through the event and inadvertently spend more than they planned or intended at the commencement of the activity.

Subclause 4(2) requires a charitable organisation that has an approval to conduct a game to keep certain records relating to the fundraising event. These records will allow the Commission to check that charitable organisations are complying with their conditions of approval such as the requirement for some of the funds raised to be given to the specified entity for the stated charitable purpose.

5. Exempt two-up game – conditions of imposing charge etc – Act, s 22(d)

This clause requires a person who is raising funds when conducting two-up on Anzac Day to keep records about how much was raised, who received the funds, how much the recipient was given and when the recipient was provided the funds. These records will enable the Commission to check that persons have complied with the requirements in the Act relating to imposing a charge, commission or fee. In particular, they enable the Commission to audit whether the person has passed on the funds to an entity for a charitable purpose as required.