



ACT
Government

REGULATORY IMPACT STATEMENT

Gambling and Racing Control (Code of Practice) Amendment Regulation 2022 (No 1)

SL2022-17

Shane Rattenbury MLA

Minister for Gaming

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Executive Summary

This Regulatory Impact Statement (RIS) was prepared in accordance with Part 5.2 of the *Legislation Act 2001* and provides an analysis of the regulatory impact of amendments to the *Gambling and Racing Control (Code of Practice) Regulation 2002* to (the Regulation), proposed through the *Gambling and Racing Control (Code of Practice) Amendment Regulation 2022 (No 1)* (the Amendment Regulation).

The objective of the Amendment Regulation is to implement the activity statements measure of the National Consumer Protection Framework for Online Wagering (the National Framework.)

This RIS outlines the relevant policy issue, considers the need for and objectives of government action and alternative options for addressing the policy problem, and the costs and benefits of the preferred option.

Gambling and Racing Control (Code of Practice) Amendment Regulation 2022 (No 1)

The Amendment Regulation seeks to implement the activity statements measure of the National Framework.

In addition, the Amendment Regulation updates the Code of Practice to provide that the National Framework applies to race bookmakers who have an online, phone or other form of remote telecommunication betting method. This amendment ensures that the ACT's application of the National Framework is consistent with other State and Territory jurisdictions, such as NSW, and increases consumer protections in the ACT.

The amendments will commence on 14 November 2022.

Policy objective

The activity statement measure ensures customers receive meaningful statements on their wagering activity from each online wagering service provider (WSP). An interactive wagering service provider must provide an activity statement to the customer via email, on a monthly basis whilst the customer has an active betting account. A customer is deemed to have an active betting account if the customer has made a transaction on their betting account within the statement period.

Consideration of Alternative Measures

Three options have been considered for achieving the policy objectives:

Option 1: No regulation

This does not meet the ACT Government's commitment to the implementation of the National Consumer Protection Framework for Online Wagering.

Option 2: Guidelines

This is not considered to be feasible due to the agreed commitment to the National Framework and requirement for consistency across jurisdictions to ensure effective consumer protections and reduce gambling harm.

Option 3: Amend the Regulation

The Amendment Regulation aligns with a nationally consistent framework and represents the most effective option to ensure consumer protection for consumers of online wagering.

The Authorising Law

This Amendment Regulation is made under the *Gambling and Racing Control Act 1999*.

Policy Implementation

The primary purpose of the National Framework is to provide safeguards and protections for consumers. State and territory governments will enact this measure through existing laws, regulations, and licenses. The Minister for Gaming approved the implementation of the activity statements measure in the ACT. Under this measure, online WSP are required to send their customers an activity statement to track their betting activity. The activity statement is required to outline the customer's spending, wins and losses.

On 9 November 2021 the Special Minister of State agreed to the Justice and Community Safety Directorate (JACS) consulting with race bookmakers on the extension of the National Framework to race bookmakers who use a telecommunication service to take bets. Currently no race bookmakers licenced in the ACT use a telecommunication service.

JACS consulted with Tabcorp ACT and race bookmakers on the activity statement measure. Race bookmakers did not express concern about the activity statement measure or the extension of the National Framework to race bookmakers who use a telecommunication service.

Tabcorp is currently the only WSP in the ACT who is bound by the activity statement measure. The Amendment Regulation has a commencement date of 14 November 2022, no extensions will be provided.

Inconsistent state and territory regulation of the activity statement measure would mean a risk to ACT online wagering consumers. This could arise if the regulation in place is inconsistent with the evidence-based measures that have been developed by the Commonwealth in consultation with States and Territories. Therefore, national harmonisation is important to ensure a consistent approach to consumer protection for online wagering.

Overview of the Amendment Regulation

Objectives

The objective of the [National Framework](#) is to minimise gambling harm related to online wagering activity. This to be achieved by removing inconsistencies and associated compliance burden between Commonwealth, state and territory-based regulations, and ensuring strong protections are made available to consumers of interactive wagering services or maintained where they are already in place, in jurisdictions across Australia.

This Amendment Regulation implements the activity statement measure of the national regulatory framework to enact it within the ACT. The Regulation updates the Code of Practice to provide that the National Framework applies to race bookmakers who have an online, phone or other form of remote telecommunication betting method. This update will mean that the ACT application of the National Framework is consistent with other State and Territory jurisdictions, such as NSW, and will increase consumer protections in the Territory.

The activity statement must outline the customer's betting activity and account transactions, including:

- a. Amount spent
- b. Wins and losses
- c. Overall net win/loss for the specified period of the activity statement
- d. Opening and closing balances
- e. Deposits and withdrawals
- f. The account balance
- g. A column graph to illustrate wagering activity comparing amount spent against net result over time for the last six months (cumulative) and shows a clear comparison tracking to the same time last year
- h. Links and information on support services and a safe gambling messaging that promotes available consumer protection tools

Consistency of the Amendment Regulation with the Act

A RIS was prepared in 2019 when amendments were made to the Gambling and Racing Control (Code of Practice) Regulation to implement the first tranche of the National Framework measures.

Cost and Benefits of Implementing the Amendment Regulation

The Amendment Regulation will place additional obligations on online wagering service providers licensed in the ACT to reduce harm in the community from online gambling. Tabcorp ACT is currently the sole online wagering service provider licensed in the ACT. There are currently no ACT licenced bookmakers operating online.

In 2019, a RIS was prepared which contained a comprehensive cost assessment. The RIS is located [here](#) and includes the Regulatory cost impact for each measure and preferred option from page 8. The RIS provided a regulatory cost impact of -\$18.98 million a year (saving) for the Consistent Gambling Messaging measure and a regulatory cost impact of \$1.14 million a year for the Staff Training measure.

Consultation

The commencement of this Amendment Regulation aligns with the commencement of the activity statement measure across all Australian State and Territory jurisdictions and recognises the reciprocal arrangements under the National Framework.

JACS has consulted with Tabcorp ACT and race bookmakers on the activity statement measure. The race bookmakers did not express concern about the activity statement measure or the extension of the National Framework to race bookmakers who use a telecommunication service.

JACS has continued to engage and consult with the Implementation Governance Committee (IGC), including with other senior officials, during the development of the activity statements measure. Furthermore, JACS consulted with Access Canberra and the Parliamentary Counsel Office on this Amendment Regulation.

Consistency with scrutiny principles

The Amendment Regulation is consistent with principles of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role), as the Amendment Regulation:

1. is in accordance with the general objects of the Act;
2. does not unduly trespass on rights established by law; and
3. does not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions.

In relation to consideration of human rights, it is noted that the Amendment Regulation does not impact human rights outside of increasing consumer protection.