

# REGULATORY IMPACT STATEMENT

## *Unlawful Games Regulation 2007*

The following information is provided in order to satisfy the requirements of section 35 of the *Legislation Act 2001* that relates to regulatory impact statements for subordinate laws and disallowable instruments.

**(a) *Authorising law***

*Unlawful Games Act 1984*

**(b) *Policy objectives of the proposed law and the reasons for them***

The purpose of the *Unlawful Games Regulation 2007* is to ensure that there is no doubt that poker is an unlawful game and therefore that poker (including poker tournaments) is not played outside of the casino. This will ensure that the current situation continues with these games not being conducted outside of the casino. The policy objective is that this situation should remain until a full review of the *Unlawful Games Act 1984* is conducted with public consultation and this issue is comprehensively addressed. The review of the Act has already commenced and is expected to be finalised around mid-2007.

**(c) *Method of achieving policy objectives and justification of method used***

Poker will be prescribed as an unlawful game removing any doubt about its inclusion. This is the only way of achieving the objective of preventing poker from being conducted outside of the casino.

**(d) *Consistency with authorising law policy objectives***

The *Unlawful Games Act 1984* prevents certain games from being played unless specific approval is provided under some other legislation, such as the *Gaming Machine Act 2004* or the *Casino Control Act 2006*. Varieties of poker are lawfully available at the casino.

**(e) *Consistency with policy objectives of other laws***

The *Unlawful Games Regulation 2007* is consistent with other laws, particularly the *Casino Control Act 2006*.

**(f) *Any alternate ways of achieving policy objectives***

This Regulation is the only way of achieving this regulatory objective.

**(g) *Brief assessment of costs and benefits of the proposed law and any reasonable alternative***

There will be minimal additional costs of implementing the Regulation; any additional compliance costs will be absorbed by the Gambling and Racing Commission within existing resources. There will be no additional burdens or disadvantages as the Regulation maintains the current situation.

The benefits will include that clarity and consistency will be achieved while the review of the Act is being conducted. The current situation where poker is not conducted outside of the casino will continue with certainty. The casino will have the knowledge that its poker activities can continue under the

existing legislative and regulatory regime without any unexpected change where it did not have an opportunity to express its views.

**(h) *Brief assessment of the consistency of the proposed law with Scrutiny Committee principles***

The Regulation is consistent with Scrutiny Committee principles (terms of reference) by being consistent with the general objects of the Act, does not trespass on any previous law, does not rely on non-reviewable decisions for its implementation and is consistent with the powers of making a subordinate law in this context. It is considered that there are no human rights issues (as confirmed by the Human Rights Unit of the Department of Justice and Community Safety) as the existing situation is maintained while a comprehensive review of the Act is undertaken with public and stakeholder consultation.