



**ACT**  
Government

## **REGULATORY IMPACT STATEMENT**

**Gambling and Racing Control (Code of Practice) Amendment Regulation 2023  
(No 1)**

***SL2023-8***

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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 2023 (No 1)* (the Amendment Regulation).

The objective of the Amendment Regulation is to implement the consistent gambling messaging measure and the staff training 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 2023 (No 1)

The Amendment Regulation seeks to implement the consistent gambling messaging measure and the staff training measure of the National Framework.

The Amendment Regulation ensures that the ACT's application of the National Framework is consistent with other State and Territory jurisdictions and increases consumer protections in the ACT. This Amendment Regulation will commence on the day after its notification.

### Policy objective

The consistent gambling messaging measure requires online wagering service providers to use specified evidence-based gambling messaging taglines and calls to actions. The requirements for which taglines and calls to action are to be used are platform specific and are therefore dependant on which platform the gambling advertisement is on.

The platform messaging requirements are set out in the Amendment Regulation.

### 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 Framework.

#### *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.

### *Option 3: Amend the Regulation*

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

## **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 from gambling harm. State and territory governments will enact this measure through existing laws, regulations, and licenses. The Minister for Gaming approved the implementation of the consistent gambling messaging measure and the staff training measure in the ACT.

The consistent messaging measure requires online wagering providers to use the specified evidence-based gambling messaging taglines and calls to actions.

Additionally, the Amendment Regulation provides that online wagering service providers must train all staff involved in the provision of wagering services, or with the capacity to influence the wagering service, in line with the minimum requirements set out in the *National Unit of Competency CHCFIN005 – Provide responsible online wagering services (UoC)*, in order to create a culture on responsible gambling within the organisation.

JACS consulted with Tabcorp ACT on the consistent gambling messaging measure and the staff activity measure.

## **Overview of the Amendment Regulation**

### Objectives

The objective of the National Framework is to minimise gambling harm related to online wagering activity. This is 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 consistent gambling messaging measure and the staff training measure of the national regulatory framework to enact it within the ACT. This update will mean that the ACT application of the National Framework is consistent with other State and Territory jurisdictions and will increase consumer protections in the Territory.

### Consistent gambling messaging measure

The taglines must be used by online wagering service providers, including:

- Chances are you're about to lose.
- Think. Is this a bet you really want to place?
- What's gambling really costing you?
- What are you prepared to lose today? Set a deposit limit.
- Imagine what you could be buying instead.
- You win some. You lose more.
- What are you really gambling with?

Based on the platform the taglines are applied to, there are different versions of the call to action that must be used:

- The standard call to action is:
  - For free and confidential support call 1800 858 858 or visit [gamblinghelponline.org.au](http://gamblinghelponline.org.au)
- The modified call to action for TV and Video advertising is:
  - For free and confidential support, call the number on the screen or visit the website.
- The modified call to action for Radio advertising is:
  - For free and confidential support visit [gamblinghelponline.org.au](http://gamblinghelponline.org.au).
- The shortened call to action is:
  - Set a deposit limit.

### Staff training measure

The online wagering service provider must train all staff involved in the provision of wagering services, or with the capacity to influence the wagering service, in line with the minimum requirements set out in the *National Unit of Competency CHCFIN005 – Provide responsible online wagering services (UoC)*, in order to create a culture on responsible gambling within the organisation.

### **Consistency of the Amendment Regulation with the Act**

A RIS has been prepared for the *Gambling and Racing Control (Code of Practice) Amendment Regulation 2023 (No 1)*. In 2019 a RIS was prepared when amendments were made to introduce the first tranche of the National Framework measures. A RIS was prepared in 2022 when amendments were made to the *Gambling and Racing Control (Code of Practice) Regulation* to implement the activity statements measure.

## **Cost and Benefits of Implementing the Amendment Regulation**

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

The RIS prepared in 2019 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 Amendment Regulation aligns with the consistent gambling messaging measure and staff training measure put in place across all Australian State and Territory jurisdictions and recognises the reciprocal arrangements under the National Framework.

JACS has consulted with Tabcorp ACT on the consistent gambling messaging measure and the staff training measure.

JACS has continued to engage and consult with the Implementation Governance Committee (IGC), including with senior officials from other States and Territories, during the development of the consistent gambling messaging measure and the staff training measure. Furthermore, JACS consulted with Access Canberra on the 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 accord 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.