

GAMING AND WAGERING LEGISLATION AMENDMENT BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Mr P. Papalia (Minister for Racing and Gaming)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR P. PAPALIA (Warnbro — Minister for Racing and Gaming) [12.19 pm]: I move —

That the bill be now read a second time.

The Gaming and Wagering Legislation Amendment Bill 2018 will amend the Betting Control Act 1954 and the Gaming and Wagering Commission Act 1987 to implement the McGowan Labor government's policy of supporting a strong and sustainable racing industry and responsible gambling practices in Western Australia. This government acknowledges the economic benefit that the Western Australian racing industry provides to the state. To support the continual growth of a sustainable racing industry, the bill will amend the racing bets levy scheme in relation to the treatment of bet backs and betting exchange operations to provide consistency with other Australian jurisdictions, and to ensure Western Australia remains competitive for the industry. With respect to responsible gambling practices, the McGowan government continues to support initiatives that will minimise harm caused to people through gambling and in this regard the amendments will address concerns relating to undesirable betting products and remote gambling facilities being available in the public domain and the advertising of live odds during events. Additionally, the bill will make a number of minor technical amendments. Foremost, the bill will remove the prohibition on raffles from other states and territories being sold in Western Australia, to support national lotteries, such as Surf Life Saving, Lord's Taverners, the paralympic committee and others. The bill will also remove redundant provisions.

The federal Parliament recently amended the Interactive Gambling Act 2001 to prohibit betting on the outcome or a contingency of Australian and overseas lottery draws. Ultimately, those betting operators throughout Australia who offer betting on the outcome of Lotto will no longer be able to offer that wagering product and associated contingencies once the amendments come fully into operation. To complement the approach of the commonwealth and enable an immediate response to future undesirable betting products entering the public domain, the bill will amend the Betting Control Act 1954 by making provision for the Gaming and Wagering Commission to prescribe prohibited events and contingencies that can be bet on. In this regard, an offence will be committed if a person bets on, or offers betting on, a prohibited event or contingency. A person betting on a prohibited event or contingency may attract a fine of up to \$2 500 whereas a person who offers such betting may attract a fine of up to \$5 000 and one year in prison. This provision futureproofs our state against undesirable products or wagering activities so that these can be managed more easily in the future, without the need to amend legislation.

Aspects of the racing bets levy scheme, in particular with the treatment of bet backs and the operations of betting exchanges, are currently out of step with those in other Australian jurisdictions. Currently, when calculating the racing bets levy, both the original customer bet and the bet back placed by the wagering operator are treated as two separate transactions. To establish consistency for wagering operators throughout the country so only the value of the customer's original bet is considered, the bill will amend the Betting Control Act 1954 so that any bet back placed by a wagering operator with another wagering operator to offset their liability is deducted from their total amount of racing bets received. This is a long-awaited and overdue amendment for all wagering operators, including our Western Australian bookmakers, who struggle to compete in an ever-changing wagering environment.

Additionally, to address the inconsistency amongst jurisdictions in calculating the racing bets levy in relation to betting exchange operations, the bill will amend the definition of "turnover" to specifically provide that in relation to a betting exchange, that turnover is the net winnings of racing bets placed with the betting exchange, instead of the overall turnover of a customer's bets. This will mean that the payable levy will not act as a disincentive for the betting exchange to facilitate the bet in Western Australia.

The Gaming and Wagering Commission of Western Australia has the legislative ability to prohibit Racing and Wagering Western Australia from establishing or operating a TAB agency where the commission considers it detrimental to the public interest. However, no equivalent legislative provisions exist for the commission to prevent licensed operators in other jurisdictions from establishing facilities in Western Australia that are directly linked to operations in respective licensed jurisdictions. This bill seeks to overcome this anomaly by amending the Gaming and Wagering Commission Act 1987 to prohibit remote gambling facilities that are specifically built and made available in public places that connect directly to licensed operators in another jurisdiction. These amendments are not intended to favour intrastate operators over interstate operators, nor to prevent consumers accessing gambling products available from a range of operators throughout the country. Consumers will continue to have the ability to access such services through their personal devices or via internet cafes where

broader internet services are provided. However, the McGowan Labor government is concerned about the potential overexposure and access of gambling products to at-risk consumers, especially juveniles. It is this government's intention to protect juveniles from harm wherever possible.

The promotion of sporting odds during live sporting events has the propensity to influence vulnerable and young people in normalising gambling behaviour. In an effort to curb consumer exposure to an already saturated gambling advertising market, the bill will amend the Gaming and Wagering Commission Act 1987 to enable regulations to be prescribed prohibiting live betting odds being broadcast during sporting events at prescribed sporting arenas and stadiums. However, the prohibition will not apply to the advertising of live betting odds by bookmakers and wagering operators at licensed racecourses during a race meeting in relation to horse and dog racing, or advertising that provides sponsorship support to local community sporting grounds.

Finally, this bill will make the following minor amendments. It will remove the prohibition on raffles conducted in other states and territories being offered in Western Australia. This will enable national charitable and sporting organisations to conduct raffles in Western Australia, provided the raffle is not for private gain or commercial undertaking. The bill will repeal the spent provision relating to the playing of the game of two-up in accordance with the Police (Kalgoorlie Two-up Gaming) Regulations 1983, and it will enable continued representation of the casino licensee on the gaming community trust in the event of a name change of the licensee without requiring future legislative amendment.

This bill, I believe, provides a good balance of supporting the racing and wagering industries while also implementing consumer protection measures to minimise harm that may be caused to people through gambling. I would like to thank the key stakeholders in the industry for their comments and representations on these issues to the government of the day over a number of years and am delighted to be able to deliver on these long-awaited amendments. I commend the bill to the house.

Debate adjourned, on motion by **Mr A. Krsticevic**.