

Gambling (Anti-Greed) Advertising Prohibition Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to discourage the proliferation of all forms of gambling:

- (a) by prohibiting advertising of existing forms of gambling and gambling facilities, and
- (b) by prohibiting advertising and other promotional activities aimed at publicising new forms of gambling and new gambling facilities, and
- (c) by prohibiting the use of any form of gambling to support the sponsorship of any government or community activities, including (but not limited to) sporting activities, and
- (d) by requiring studies and assessments to be made of the impact of existing gambling legislation on families and the community.

The Bill also aims to create increased public awareness of the problems associated with gambling and to promote government support for community and other services that assist those adversely affected by gambling.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 sets out in greater detail the objectives and aim of the proposed Act described above.

Clause 4 declares that the proposed Act binds the Crown.

Clause 5 defines certain terms for the purposes of the proposed Act.

Part 2 Prohibitions on gambling promotion

Clause 6 prohibits the display of gambling advertisements that can be seen or heard from a public place, the broadcasting or transmission of gambling advertisements and the distribution of objects that constitute or contain a gambling advertisement, except in certain circumstances.

Clause 7 requires the odds of winning to be displayed if a gambling advertisement is displayed at a gambling facility (such as a casino) or at a place where gambling facilities are made available if any gambling advertisement is displayed there.

Clause 8 prohibits the giving of benefits under sponsorships promoting gambling.

Clause 9 prohibits the giving of free samples or the providing of free services for the purpose of promoting gambling.

Clause 10 prohibits a person from promoting gambling in return for a sponsorship.

Clause 11 allows the Minister to grant exemptions from the prohibitions created by clauses 6 and 10.

Clause 12 prohibits the owner or manager of, or a person who is employed at, a gambling facility from requesting others to engage in gambling.

Clause 13 provides for the removal of advertisements promoting gambling if they are displayed illegally.

Clause 14 authorises persons prescribed by the regulations made under the proposed Act to enter premises (other than dwellings) to remove advertisements promoting gambling under the power conferred by proposed section 13.

Part 3 Family Impact Assessments

Clause 15 requires the Minister administering the *Children (Care and Protection) Act 1987* to prepare a Family Impact Study for current and proposed legislation relating to gambling.

Clause 16 requires a member of either House of Parliament who introduces a Bill relating to gambling to table a copy of a Family Impact Assessment for the Bill.

Clause 17 sets out what a Family Impact Study is to contain.

Clause 18 sets out what a Family Impact Assessment is to address.

Clause 19 describes matters a Minister is to consider when preparing a Family Impact Study.

Clause 20 requires an application for a Family Impact Study and Assessment to be in the form set out in Schedule 1.

Part 4 Miscellaneous

Clause 21 sets maximum penalties for offences against the proposed Act.

Clause 22 requires proceedings for any such offence to be brought in a Local Court comprised of a Magistrate sitting alone.

Clause 23 provides that officers of a body corporate (such as a company) will generally be liable for offences committed by the body corporate.

Clause 24 declares that anything done or omitted to be done by a person in compliance with a mandatory requirement made by the proposed Act will not make the person liable for actions at law or in equity.

Clause 25 allows for regulations to be made for the purposes of the proposed Act by the Governor.

Clause 26 requires the Minister to review the operation of the proposed Act during the fourth year of its operation.

Schedule 1 sets out the form for an application for a Family Impact Study and Assessment.