

GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL

Statement of compatibility

Mr ANDREWS (Minister for Gaming) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007.

In my opinion, the Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill has two objectives:

To strengthen public confidence in the integrity of sport from a betting perspective.

To ensure that sporting bodies receive a share of the proceeds from betting that takes place on their respective sports.

Legislation is required to meet these objectives because market forces have failed to deliver satisfactory outcomes in these two respects.

Under the proposed legislation, it is an offence for a sports betting provider to offer bets on events held in Victoria without having a betting agreement in place with the relevant sports controlling body or else a determination of the Victorian Commission for Gambling Regulation (commission). The betting agreement is to cover the payment of fees (if any) and the sharing of information.

Human rights issues

Human rights protected by the charter that are relevant to the bill

Section 13: Privacy and reputation

A person has the right:

(a) Not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(b) Not to have his or her reputation unlawfully attacked.

The following proposed new sections of the Gambling Regulation Act 2003 being inserted by clause 3 of the bill will have an impact on that human right:

4.5.14 Matters to be considered in determining applications

In determining whether to approve a sporting body as the sports controlling body for a sporting event, the commission must have regard to whether the body has clear policies on the provision of information that may be relevant to the betting market.

The commission must also have regard to whether the sporting body has clear policies on the sharing of information with sports betting providers for the purpose of investigating suspicious betting activity.

4.5.23 Agreement of sports controlling body

A betting agreement between a sports controlling body and a betting provider must provide for the sharing of information between the parties for the purposes of protecting and supporting integrity in sports and sports betting.

4.5.26 Determination of commission

In resolving a dispute between a sports controlling body and a betting provider over the terms of their betting agreement, the commission must make a decision on the sharing of information between the parties for the purposes of protecting and supporting integrity in sports and sports betting.

In making this decision, the commission must have regard to the existing legislative rights and liabilities of the parties with respect to the use and provision of information.

Each of these new sections may have implications for the privacy of gamblers, sports players and officials. However, none of the sections unlawfully or arbitrarily interfere with their right to privacy.

In developing information policies and information-sharing arrangements, sporting bodies and sports betting providers must still comply with their obligations under privacy legislation. The new sections in no way limit or interfere with these obligations.

Consequently, the bill is compatible with the right to privacy.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it raises human rights issues but does not limit human rights.

HON. DANIEL ANDREWS, MP

Minister for Gaming