

# TREASURY LEGISLATION AMENDMENT BILL 1997

## EXPLANATORY NOTES

### GENERAL OUTLINE

#### **Objectives of the legislation**

The objective of the Bill is to make a number of minor amendments to five Acts in the portfolio of the Deputy Premier, Treasurer and Minister for The Arts.

#### **Reasons for the Bill**

##### *Art Unions Act 1992*

To correct a minor drafting inconsistency in the wording of section 95.

##### *Casino Control Act 1982*

To ensure sums received by a casino licensee from the conduct of Keno in the casino under a keno licence will be included in the casino gross revenue of the casino for the purposes of the *Casino Control Act*.

To enable the Minister to delegate the Minister's powers to an appropriately qualified person.

To bring the provisions regarding Police providing information on criminal history of casino licensees and employees into line with the provisions of other gaming legislation.

To provide for the destruction of finger and palm prints of people who are refused a licence or cease to hold a licence.

To provide for the chief executive, rather than supervising inspectors, to approve temporary variations to the closed-circuit television systems .

To change the restrictions on operation of casinos on Anzac Day to be

consistent with those for clubs and hotels.

To give the chief executive power to approve the use of gaming equipment outside a casino but within a casino-hotel complex.

To provide clarity regarding the status of unclaimed keno tickets.

To provide for the chief executive to determine the form of a report to be lodged rather than be prescribed by regulation.

To provide for casino exclusion notices to be given in relation to dishonest acts involving gaming.

To make it clear that playing keno under the *Keno Act 1996* and using gaming machines in a casino do not amount to a contravention of the Act.

#### *Keno Act 1996*

To provide for the destruction of finger and palm prints of people who are refused a licence or cease to hold a licence.

#### *Motor Accident Insurance Act 1994*

To clarify the position of the Nominal Defendant under the *Law Reform Act 1995*.

To clarify the position of claims arising from accidents occurring before the commencement of the 1994 Act and other transitional provisions.

#### *Statutory Bodies Financial Arrangements Act 1982*

To clarify provisions regarding the use of overdraft facilities by statutory bodies.

To clarify provisions providing for guarantees.

### **Estimated costs for government implementation**

No additional costs are anticipated.

**Consistency with fundamental legislative principles**

The provisions of the Bill are consistent with fundamental legislative principles as set out in the *Legislative Standards Act 1992*.

**Consultation**

Consultation was held specifically with the Anzac Day Trust, the Returned Services League of Australia (Queensland Branch) and the Department of Training and Industrial Relations on the proposed change to the hours of operation on Anzac Day.

**Results of consultation**

The proposed change in the operating hours is supported.

**NOTES ON PROVISIONS****PART 1—PRELIMINARY**

*Clause 1* states the short title of the Bill.

*Clause 2* provides for a retrospective application (1 September 1994) of clause 30 relating to the *Motor Accident Insurance Act 1994*. Section 20A of the *Acts Interpretation Act 1954* ensures continuing application of the particular provision but retrospectively addressing the minor drafting error makes for ease of reading. This action will not impinge on the rights and liberties of individuals and therefore the Bill will not breach fundamental legislative principles.

**PART 2—AMENDMENT OF ART UNIONS ACT 1992**

*Clause 3* provides that the part amends the *Art Unions Act*.

*Clause 4* replaces “require “ with “direct”.

### **PART 3—AMENDMENT OF CASINO CONTROL ACT 1982**

*Clause 5* provides that the part amends the *Casino Control Act*.

*Clause 6* inserts new definitions of “agency related keno game”, “approved keno game” and “casino based keno game” to ensure sums received by a casino licensee from the conduct of Keno in the casino under a keno licence will be included in the “casino gross revenue” of the casino for the purposes of the *Casino Control Act*.

*Clause 7* replaces existing section 15 to provide for the Minister to delegate the Minister’s powers to an appropriately qualified person. This will enable the Minister to delegate relatively minor administrative matters, such as the grant of a casino employees licence, to an appropriately qualified officer whilst maintaining ministerial control over the more important issues such as the integrity and probity requirements of the Act.

*Clause 8* amends section 20 to bring the provisions regarding Police providing information on criminal history of casino licensees and employees into line with the provisions of other gaming legislation.

*Clause 9* amends section 30 to bring the provisions regarding Police providing information on criminal history of casino licensees and employees into line with the provisions of other gaming legislation.

*Clause 10* amends section 36 (4) to make it consistent with section 38.

*Clause 11* amends section 37 to bring the provisions regarding Police providing information on criminal history of casino licensees and employees into line with the provisions of other gaming legislation.

*Clause 12* amends section 38 to provide for the destruction of finger and palm prints of people who are refused a licence.

*Clause 13* amends section 43A to provide for the destruction of finger and palm prints of people who are refused a licence or cease to hold a licence.

*Clause 14* insert a new section 47A to provide for the destruction of finger and palm prints of people who cease to hold a licence.

*Clause 15* amends section 60 to provide for the chief executive to approve temporary variations to the closed-circuit television systems without the submission of written plans and diagrams.

*Clause 16* amends section 61 to change the restrictions on the hours of operation of casinos on Anzac Day to be consistent with those for clubs and hotels.

*Clause 17* amends section 62A to give the chief executive power to approve the use of gaming equipment outside a casino but within a casino-hotel complex.

*Clause 18* inserts new section 64AA to provide clarity regarding the status of unclaimed keno tickets.

*Clause 19* amends section 81 to provide for the chief executive to determine the form of a report to be lodged rather than be prescribed by regulation.

*Clause 20* amends section 92 to clarify the persons in the casino who can authorise the exclusion of persons in relation to dishonest acts involving gaming and to provide for such exclusion notices to be in writing.

*Clause 21* amends section 102 to provide for the chief executive to determine the form of a report to be lodged rather than be prescribed by regulation.

*Clause 22* amends section 108 to make it clear that playing keno under the *Keno Act 1996* and using gaming machines in a casino do not amount to contravention of the Act.

*Clause 23* inserts new sections 130 and 131. Section 130 makes transitional arrangements for the claiming of keno game prizes. Section 131 provides for transitional arrangements with regard to the change from prescribed forms to those approved by the chief executive. The current prescribed form will continue to apply until a form is approved by the chief executive.

## **PART 4—AMENDMENT OF *KENO ACT 1996***

*Clause 24* provides that the part amends the *Keno Act*.

*Clause 25* amends section 53 to provide for the destruction of finger and palm prints of people who are refused a licence.

*Clause 26* inserts a new section 74A to provide for the destruction of finger and palm prints of people who cease to hold a licence.

## **PART 5—AMENDMENT OF *MOTOR ACCIDENT INSURANCE ACT 1994***

*Clause 27* provides that the part amends the *Motor Accident Insurance Act*.

*Clause 28* inserts a new section 52A to clarify the position of the Nominal Defendant under the *Law Reform Act 1995*. The Nominal Defendant is established as a body corporate but it is not given the status of a tortfeasor for the purpose of recovery of contribution between defendants. This has created a legal barrier for insurers and the Nominal Defendant with respect to recovery of contribution. Under the Industry Deed, forming part of the legislation, there is a mechanism for contribution between insurers but this mechanism is not applicable to all circumstances and claims outside the scope of the Deed will need to be determined by the courts. At present, there is no power in the courts to apportion liability between the Nominal Defendant and involved insurers.

The amending provision adopts a similar provision to that which applied under the former legislation (*Motor Vehicles Insurance Act 1936*).

*Clause 29* inserts new section 104 which essentially reinstates the transitional provision which expired on 31 December 1995. Although section 20A of the *Acts Interpretation Act 1954* ensures the continuing application, reinstatement is necessary to remove any confusion that the positions of claims under the former Act are not affected by the introduction of the *Motor Accident Insurance Act 1994*.

*Clause 30* amends section 106 to correct a minor drafting error. Section 106(3) ceased to operate on 31 December 1994 leaving the provision not

clear to the reader. Section 20A of the *Acts Interpretation Act 1954* ensures the continuing effect of the provision but, to facilitate ease of reading, it is intended to remove , retrospectively to 1 September 1994, the expiry clause of subsection (5).

## **PART 6—AMENDMENT OF *STATUTORY BODIES FINANCIAL ARRANGEMENTS ACT 1982***

*Clause 31* provides that the part amends the *Statutory Bodies Financial Arrangements Act*.

*Clause 32* inserts a section 8 to clarify the general banking powers of a statutory body. In particular the provision makes it clear that a statutory body can only operate an overdraft facility that has been approved by the Treasurer under the Act or in accordance with an express power in its own Act or some other Act.

*Clauses 33, 34, 35 and 36* amend sections 20, 22, 29 and 30 respectively to refer to a “guarantee section” which is now defined.

*Clause 37* amends the Schedule to insert a definition of “a guarantee section” and inserts this reference in other definitions.