

GAMBLING LEGISLATION AMENDMENT BILL 2004

EXPLANATORY NOTES

FOR

AMENDMENTS TO BE MOVED IN COMMITTEE BY THE HONOURABLE TERRY MACKENROTH MP

Title of the Bill

Gambling Legislation Amendment Bill 2004

Objectives of the Amendments

To ensure that the clarity of the legislation remains unaffected by commercial arrangements between Tabcorp Limited and BI Gaming Corporation regarding management control at Jupiters Casino and Treasury Casino.

Achievement of the Objectives

The proposed amendments will ensure that the legislated duties and liabilities of the casino operator apply to the appropriate person who is responsible for the operation of the casino under the Casino Management Agreement.

Alternative Ways of Achieving Policy Objectives

The only means of ensuring continuing clarity regarding the roles and responsibilities of the casino operator for each of Queensland's four casinos is via minor legislative amendments.

Estimated Cost for Government Implementation

There is not expected to be any financial impacts for Government arising from the implementation of these arrangements.

Consistency with Fundamental Legislative Principles

The proposed amendments have been drafted by the Office of the Queensland Parliamentary Counsel and are consistent with Fundamental Legislative Principles.

Consultation

Consultation has taken place with all relevant stakeholders including Tabcorp Limited, BI Gaming Corporation and the casino operator at The Reef Hotel Casino in Cairns. The proposed amendments were unanimously supported.

NOTES ON PROVISIONS

Amendment 1 provides for the commencement of the Act by Proclamation other than sections 4A, 4B, 5A and 18(4) to (7), which will commence upon assent.

This amendment ensures continuing clarity in the event of early implementation of commercial arrangements between Tabcorp Limited and BI Gaming Corporation for Tabcorp Limited to assume management control of both Jupiters Casino and Treasury Casino.

Amendment 2 inserts a new section 29A which provides that the casino licensee or the casino lessee, as the case may be, must advise the chief executive at least 60 days before there is a change of casino operator at a casino under an existing Casino Management Agreement.

The insertion of new section 29A will ensure that sufficient notice is given to the chief executive to allow for the approval of any transitional arrangements that may be necessary prior to a change of casino operator at a casino. A penalty of 40 penalty units is provided for failure to provide such notice.

Also, this amendment will change section 31 to clarify that the casino operator whose actions could lead to suspension or cancellation of a casino licence is the person who is responsible at that time under the Casino Management Agreement.

Amendment 3 amends section 57 to ensure that the payment of fees, taxes and levies can continue to be demanded from all the appropriate parties irrespective of any commercial arrangement in place regarding the operation of the casino at the particular time.

Also, this amendment makes a very minor change to reflect current drafting style by the omission of the word 'where' and the insertion of the word 'if' in section 57(2).

Amendment 4 amends the definitions of 'casino management agreement' and 'casino operator' in the Schedule (dictionary) to ensure absolute clarity as to who is the casino operator at a casino at any given time.

Also, this amendment makes a very minor change to reflect current drafting style by the omission of the word 'where' and the insertion of the word 'if'.